

SENATE FILE NO. SF0104

Wyoming chancery court.

Sponsored by: Senator(s) Perkins, Driskill, Nethercott and
Rothfuss and Representative(s) Greear,
Harshman, Lindholm and Olsen

A BILL

for

1 AN ACT relating to courts; creating a chancery court;
2 providing for jurisdiction; providing for funding of the
3 chancery court; providing for adoption of rules for the
4 chancery court; providing for the terms and appointment of
5 chancery court judges; providing for the salary and expenses
6 of chancery court judges; providing an appropriation; and
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 5-13-101 through 5-13-116 and 5-13-201
12 through 5-13-203 are created to read:

13

14

CHAPTER 13

15

CHANCERY COURTS

1

2

ARTICLE 1

3

GENERAL PROVISIONS

4

5 **5-13-101. Chancery court established.**

6

7 Pursuant to the provisions of article 5, section 10 of the
8 Wyoming Constitution, the chancery court of the state of
9 Wyoming is hereby established for the state of Wyoming.

10

11 **5-13-102. Chancery court fund account created;**
12 **purposes.**

13

14 (a) There is created an account entitled "the chancery
15 court account". The account shall receive all filing fees
16 received by the chancery court. Any interest accruing to the
17 account shall be retained in the account and may be expended
18 for the purposes provided in this section. No funds shall be
19 expended from the account until the legislature appropriates
20 the funds. Funds within the account shall be used for the
21 purpose of funding operation of the chancery courts,
22 including judicial salaries, staff salaries, supplies,
23 operating costs and other expenses of the chancery court.

1

2 (b) The judicial salaries, staff salaries, supplies,
3 operating costs and other expenses of the chancery court may
4 be appropriated by the legislature from the general fund, or
5 other fund, to the extent sufficient funds are not available
6 in the chancery court account.

7

8 **5-13-103. Number of judges; location of chambers;**
9 **concurrent jurisdiction.**

10

11 (a) The chancery court of the state of Wyoming shall
12 consist of no more than three (3) judges. The location of
13 chambers and assignment of cases shall be prescribed by rules
14 promulgated by the supreme court based on caseload studies.

15

16 (b) All chancery court judges in the state shall have
17 concurrent jurisdiction throughout the state as provided in
18 W.S. 5-13-115(d).

19

20 **5-13-104. Supreme court to adopt rules; fees and court**
21 **costs; rules of procedure to govern courts; place for holding**
22 **court; inherent powers; appeals.**

23

1 (a) The Wyoming supreme court is hereby vested with
2 management and supervisory powers, including financial
3 auditing authority, over the chancery court of the state of
4 Wyoming. The Wyoming supreme court shall establish procedures
5 and regulations for the effective and expeditious resolution
6 of disputes between parties and the administration of the
7 business of the chancery court, including the Wyoming Rules
8 of Civil Procedure for the Chancery Courts and procedures
9 for:

10

11 (i) The filing of an action with the chancery
12 court;

13

14 (ii) The removal of an existing case from another
15 court to the chancery court;

16

17 (iii) The removal, by the non-filing party, of a
18 case filed with the chancery court to another court;

19

20 (iv) Trial without a jury;

21

22 (v) The ordering of mediation;

23

1 (vi) Referrals to a special master.

2

3 (b) The Wyoming supreme court shall establish fees and
4 charges for the chancery court, provided:

5

6 (i) The fees and charges are established to, as
7 nearly as practicable, fund the operation of the chancery
8 court; and

9

10 (ii) The original filing fee is set at not less
11 than one thousand dollars (\$1,000.00). The fee shall apply to
12 original actions commenced, actions removed or transferred to
13 the chancery court from another court and to actions that are
14 reopened after a final decree previously has been entered.

15

16 (c) The Wyoming Rules of Civil Procedure for Chancery
17 Courts and the Wyoming Rules of Evidence, as amended or
18 supplemented from time to time, shall govern the chancery
19 court.

20

21 (d) The judges of the chancery court may hold court for
22 each other and shall do so when required by law. A judge of

1 the chancery court may hold court in any county where venue
2 is appropriate.

3

4 (e) When no special provision is otherwise made by law,
5 the chancery court shall be vested with all inherent powers
6 that are possessed by courts of record in this state.

7

8 (f) Opinions of the chancery court shall be published
9 by the clerk of the chancery court in a searchable electronic
10 database.

11

12 (g) An appeal from a judgment or other appealable order
13 of the chancery court shall be to the Wyoming supreme court
14 in accordance with the Wyoming Rules of Appellate Procedure.

15

16 **5-13-105. Name of court; presider.**

17

18 The chancery court shall be called the "Chancery Court of the
19 State of Wyoming" which shall be a court of record with a
20 seal and the judge and clerk thereof have power to administer
21 oaths and affirmations. The chancery court shall be presided
22 over by a chancery court judge.

23

1 **5-13-106. Term of chancery court judges.**

2

3 The terms of chancery court judges shall be six (6) years.
4 Each chancery court judge selected under the provisions of
5 article 5, section 4 of the Wyoming Constitution shall serve
6 for one (1) year after his appointment and until the first
7 Monday in January following the next general election after
8 the expiration of such year. He shall, at such general
9 election, stand for retention in office throughout the state
10 as provided in article 5, section 4 of the Wyoming
11 Constitution.

12

13 **5-13-107. Judges to be nonpartisan; nomination and**
14 **appointment.**

15

16 Judges of the chancery court shall be nonpartisan, shall be
17 nominated and appointed and retained as provided by article
18 5, section 4 of the Wyoming Constitution.

19

20 **5-13-108. Qualifications for appointment.**

21

22 (a) To be eligible for appointment to the office of
23 judge of the chancery court, a person shall be:

1

2

(i) A qualified elector of the state;

3

4

(ii) Authorized to practice law in Wyoming; and

5

6

7

(iii) Experienced or knowledgeable in the subject matter jurisdiction of the chancery court.

8

9

5-13-109. Appointment to fill vacancies in office.

10

Vacancies occurring in the office of judge of the chancery court shall be filled as provided by article 5, section 4, of the Wyoming Constitution.

14

15

5-13-110. Delivery of official records and papers to successor in office.

17

If the office of judge of the chancery court becomes vacant by reason of death, removal from office or otherwise, the senior chancery court judge, or if there is none, the clerk of the chancery court, shall take charge of the official records and papers of the judge and deliver them to the successor in office of that judge.

1

2 **5-13-111. Jurisdiction of successor is same as that of**
3 **predecessor in office.**

4

5 A judge of the chancery court with whom the records of his
6 predecessor have been deposited has the same jurisdiction
7 over all actions and proceedings entered in such records as
8 if they were originally commenced before him.

9

10 **5-13-112. Salaries of judges; traveling expenses.**

11

12 Chancery court judges shall receive the annual salary
13 provided by W.S. 5-1-110(a)(iv). When a new salary is
14 effective for any judge of the chancery court upon new
15 appointment or the commencement of a new term, it shall be
16 effective for all judges of the chancery court. In addition
17 to salary, a judge of the chancery court shall be reimbursed
18 for traveling expenses actually incurred when the business of
19 the chancery court requires his attendance more than five (5)
20 miles from the place where he regularly holds court.

21

22 **5-13-113. Oath.**

23

1 Before assuming the duties of his office, a judge of the
2 chancery court shall take and subscribe before a supreme court
3 justice the oath of office prescribed by the constitution of
4 Wyoming.

5

6 **5-13-114. Process extends throughout state.**

7

8 The process of the chancery court shall extend throughout the
9 state.

10

11 **5-13-115. Purpose and jurisdiction.**

12

13 (a) The chancery court shall be a court of limited
14 jurisdiction established for the expeditious resolution of
15 disputes involving commercial, business, trust and similar
16 issues. The chancery court shall employ nonjury trials,
17 alternative dispute resolution methods and limited motions
18 practice and shall have broad authority to shape and expedite
19 discovery as provided in the rules adopted by the supreme
20 court to govern chancery courts.

21

22 (b) The chancery court shall have jurisdiction to hear
23 and decide actions for equitable or declaratory relief and

1 for actions where the prayer for money recovery is an amount
2 exceeding fifty thousand dollars (\$50,000.00), exclusive of
3 claims for punitive or exemplary damages, prejudgment or post
4 judgment interest, costs and attorney fees provided the cause
5 of action arises from at least one (1) of the following:

6

7 (i) Breach of contract;

8

9 (ii) Breach of fiduciary duty;

10

11 (iii) Fraud;

12

13 (iv) Misrepresentation;

14

15 (v) A statutory or common law violation involving:

16

17 (A) The sale of assets or securities;

18

19 (B) A corporate restructuring;

20

21 (C) A partnership, shareholder, joint
22 venture or other business agreement;

23

1 (D) Trade secrets;

2

3 (E) Restrictive covenants; or

4

5 (F) Employment agreements not including
6 claims that principally involve alleged discriminatory
7 practices.

8

9 (vi) Transactions governed by the Uniform
10 Commercial Code;

11

12 (vii) Shareholder derivative actions. The
13 monetary threshold in subsection (b) of this section shall
14 not apply to action brought under this paragraph;

15

16 (viii) Commercial class actions;

17

18 (ix) Business transactions involving or arising
19 out of dealings with commercial banks and other financial
20 institutions;

21

22 (x) A dispute concerning the internal affairs of
23 business organizations;

1

2 (xi) Malpractice by accountants or actuaries;

3

4 (xii) Legal malpractice arising out of
5 representation in commercial matters;

6

7 (xiii) A dispute concerning environmental
8 insurance coverage;

9

10 (xiv) A dispute concerning commercial insurance
11 coverage;

12

13 (xv) Dissolution of corporations, partnerships,
14 limited liability companies, limited liability partnerships,
15 joint ventures, banks and trust companies. The monetary
16 threshold of subsection (b) of this section shall not apply
17 to action brought under this paragraph;

18

19 (xvi) Transactions governed by the Uniform Trust
20 Code; or

21

22 (xvii) Applications to stay or compel arbitration
23 and affirm or disaffirm arbitration awards and related

1 injunctive relief or appeals pursuant to W.S. 1-21-801
2 through 1-21-804 or 1-36-101 through 1-36-119, involving any
3 of the foregoing enumerated issues. Where any applicable
4 arbitration agreement provides for an arbitration to be heard
5 outside the United States, the monetary threshold set forth
6 in this subsection shall not apply.

7

8 (c) The chancery court shall have no supplemental
9 ancillary jurisdiction over any cause of action not listed in
10 subsection (b) of this section.

11

12 (d) All chancery court judges throughout the state
13 shall have concurrent jurisdiction with all district court
14 judges throughout the state only as to the causes of action
15 enumerated in subsection (b) of this section.

16

17 (e) A chancery judge may submit to arbitration any
18 matter pending in chancery court, upon agreement of the
19 parties as provided by W.S. 1-21-801 through 1-21-804, or
20 upon application of either party showing an arbitration
21 agreement and refusal of the opposing party to arbitrate as
22 provided by W.S. 1-36-101 through 1-36-119.

23

1 (f) A chancery judge may order mediation in any matter
2 pending in chancery court.

3

4 **5-13-116. Powers generally.**

5

6 (a) In exercising the jurisdiction granted under W.S.
7 5-13-115, the chancery court may:

8

9 (i) Preserve and enforce order in its immediate
10 presence and in the proceedings before it according to the
11 Wyoming Rules of Civil Procedure for Chancery Courts;

12

13 (ii) Compel obedience to its judgments, orders and
14 processes;

15

16 (iii) Except as otherwise provided, control the
17 conduct of its ministerial officers and of all other persons
18 in any manner connected with judicial proceedings before it;

19

20 (iv) Issue summonses, subpoenas or other process
21 in chancery court cases;

22

1 (v) Administer oaths and affirmations and take
2 acknowledgments, affidavits and depositions;

3
4 (vi) Amend and control its process and orders to
5 make them conformable to law and justice;

6
7 (vii) Proceed to nonjury trial, render judgment
8 and grant writs of execution to carry into effect any order
9 or judgment of the court; and

10
11 (viii) Punish for contempt in the same manner as
12 district court.

13
14 ARTICLE 2

15 CLERK

16
17 **5-13-201. Office created; salary; deputies.**

18
19 (a) There shall be a clerk of the chancery court for
20 the state of Wyoming. The clerk shall be selected by a
21 majority of justices of the supreme court and shall be an
22 employee of the supreme court. The clerk shall receive an
23 annual salary to be determined by the supreme court which

1 shall be paid in monthly installments in the same manner as
2 other state salaries are paid. The clerk shall perform the
3 duties prescribed by law and the rules adopted by the supreme
4 court.

5
6 (b) The clerk of the chancery court may, with the
7 consent of a majority of the justices of the supreme court,
8 appoint a deputy clerk. The deputy may perform all the duties
9 of the office in the name of the clerk and the attestation of
10 the deputy to all decrees, orders and processes, shall have
11 the same effect and force as if issued by the clerk. The
12 deputy clerk shall receive an annual salary to be determined
13 by the supreme court which shall be paid in monthly
14 installments in the same manner as other state salaries are
15 paid.

16

17 **5-13-202. Collection of fees.**

18

19 The clerk of the chancery court shall collect all fees and
20 charges as required and set by the supreme court under W.S.
21 5-13-104(b). At the time of the original filing, the clerk
22 also shall collect a court automation fee in the amount of
23 twenty-five dollars (\$25.00) which shall be deposited into

1 the judicial systems automation account established by W.S.
2 5-2-120, and an indigent civil legal services fee in the
3 amount of ten dollars (\$10.00) which shall be deposited into
4 the indigent civil legal services account established by W.S.
5 5-2-121.

6

7 **5-13-203. Duties generally.**

8

9 The clerk shall receive all cases filed with the court and
10 maintain the records of the court. The clerk shall receive,
11 account for and pay over all money that may come into the
12 possession of the court according to law or by rule or order
13 of court. The clerk shall be responsible for publishing the
14 opinions of the court as provided in W.S. 5-13-104(f) and as
15 may be provided for by rule.

16

17 **Section 2.** W.S. 4-10-203, 5-1-110(a) by creating a new
18 paragraph (iv), 5-2-120(d)(ii), 9-3-702(a)(v) and (vi) and
19 9-3-706(a)(intro) are amended to read:

20

21 **4-10-203. Subject matter jurisdiction.**

22

1 (a) The district court ~~has~~ and the chancery court, to
2 the extent not inconsistent with W.S. 5-13-115, have
3 exclusive jurisdiction of proceedings in this state brought
4 by a trustee, trust protector, trust advisor or beneficiary
5 concerning the administration of a trust.

6
7 (b) The district court ~~has~~ and the chancery court, to
8 the extent not inconsistent with W.S. 5-13-115, have
9 concurrent jurisdiction with other courts of this state in
10 other proceedings involving a trust.

11
12 **5-1-110. Salaries of judges.**

13
14 (a) Subject to constitutional and statutory provisions
15 concerning when salaries can become effective, judges of the
16 supreme court, district courts and circuit courts shall
17 receive the following annual salaries which shall be paid in
18 equal monthly installments on the last working day of the
19 month:

20
21 (iv) Chancery court judges shall receive an annual
22 salary of one hundred fifty thousand dollars (\$150,000.00).

23

1 **5-2-120. Judicial systems automation account created;**
2 **purposes; court information technology equipment.**

3
4 (d) As used in this section:

5
6 (ii) "State court facility" includes circuit, chancery
7 chancery and district courtrooms, circuit and district court
8 jury rooms, circuit, chancery and district court judges'
9 chambers and the offices of circuit and chancery court clerks.

10
11 **9-3-702. Definitions.**

12
13 (a) As used in this act:

14
15 (v) "Employee" means any justice of the supreme
16 court, district judge, ~~appointed~~ chancery court judge or
17 circuit court judge appointed to any of those offices on or
18 after July 1, 1998, and with no prior service as a justice of
19 the supreme court or district judge at the time of the
20 appointment. "Employee" also includes any justice or judge
21 who elects to participate in the judicial retirement program
22 under this act in accordance with W.S. 9-3-713;

23

1 (vi) "Employer" means the Wyoming supreme court,
2 ~~both~~ for justices, chancery court judges and circuit court
3 judges, or a district court;
4

5 **9-3-706. Age of retirement.**
6

7 (a) An employee is eligible for retirement under this
8 act when he has served as a judge of the supreme court, a
9 district court, a chancery court judge, a circuit court or
10 service in any combination of those positions after July 1,
11 1998, if:
12

13 **Section 3.** The supreme court shall promulgate rules and
14 regulations necessary to implement this act by September 1,
15 2019.
16

17 **Section 4.**
18

19 (a) There is appropriated six hundred thousand dollars
20 (\$600,000.00) from the general fund to the supreme court for
21 the period beginning with the effective date of this act and
22 ending June 30, 2020. This appropriation shall only be
23 expended for salaries, benefits, necessary travel expenses,

1 chambers, courtroom, office equipment, computer hardware and
2 software, supplies and fees necessary to implement and
3 maintain the office of the chancery court authorized in
4 section 1 of this act. Notwithstanding any other provision of
5 law, this appropriation shall not be transferred or expended
6 for any other purpose. Any unexpended, unobligated funds
7 remaining from this appropriation shall revert as provided by
8 law on June 30, 2020. A similar appropriation shall be
9 included in the supreme court's 2021-2022 standard biennial
10 budget request.

11

12 (b) To implement the purposes of this act, there are
13 authorized five (5) full-time equivalent positions, including
14 one (1) judge, one (1) clerk of the chancery court and three
15 (3) chancery court personnel to staff and support the chancery
16 court judge authorized by this act for the period beginning
17 immediately and ending June 30, 2020.

18

19 **Section 5.** This act is effective immediately upon
20 completion of all acts necessary for a bill to become law as
21 provided by Article 4, Section 8 of the Wyoming Constitution.

22

23

(END)