

ENROLLED ACT NO. 76, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to courts; creating a chancery court; providing for jurisdiction; providing for funding of the chancery court; providing for adoption of rules for the chancery court; providing for the terms and appointment of chancery court judges; providing for the salary and expenses of chancery court personnel; authorizing positions; providing appropriations; and providing for an effective date.

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

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

CHAPTER 13
CHANCERY COURTS

ARTICLE 1
GENERAL PROVISIONS

5-13-101. Chancery court established.

Pursuant to the provisions of article 5, section 1 of the Wyoming Constitution, the chancery court of the state of Wyoming is hereby established for the state of Wyoming.

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

(a) There is created an account entitled "the chancery court account". The account shall receive all filing fees received by the chancery court. Any interest accruing to the account shall be retained in the account and may be expended for the purposes provided in this section. No funds shall be expended from the account until the legislature appropriates the funds. Funds within the account shall be used for the

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purpose of funding operation of the chancery courts, including judicial salaries, staff salaries, supplies, operating costs and other expenses of the chancery court.

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

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

(a) The chancery court of the state of Wyoming shall consist of no more than three (3) judges. The location of chambers and assignment of cases shall be prescribed by rules promulgated by the supreme court.

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

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

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

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

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

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

(iv) Trial without a jury;

(v) The ordering of mediation;

(vi) Referrals to a special master;

(vii) The streamlined and expeditious completion of discovery.

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

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

(ii) The original filing fee is set at not less than five hundred dollars (\$500.00). The fee shall apply to original actions commenced, actions removed or transferred to the chancery court from another court and to actions that are reopened after a final decree previously has been entered.

(c) The Wyoming Rules of Civil Procedure for Chancery Courts and the Wyoming Rules of Evidence, as amended or

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supplemented from time to time, shall govern the chancery court.

(d) The judges of the chancery court may hold court for each other and shall do so when required by law. A judge of the chancery court may hold court in any county where venue is appropriate.

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

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

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

(h) As used in subsection (a) of this section, "effective and expeditious resolution of disputes between parties" means the resolution of a majority of the actions filed in the chancery court within one hundred fifty (150) days of the filing of the action.

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

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

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

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

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

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

5-13-108. Qualifications for appointment.

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

- (i) A qualified elector of the state;
- (ii) Authorized to practice law in Wyoming; and
- (iii) Experienced or knowledgeable in the subject matter jurisdiction of the chancery court.

5-13-109. Temporary assignment to fill vacancies; appointments to fill vacancies in office.

(a) Prior to the appointment of a chancery court judge under subsection (b) of this section or in the event a chancery court judge appointed under W.S. 5-13-107 dies,

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becomes unable or unwilling to perform the duties of his office, the supreme court may temporarily assign the duties of chancery court judge to be performed by a person who meets the qualifications set forth in W.S. 5-13-108. Any assignment shall be made to:

(i) A retired supreme court justice;

(ii) A retired district court justice; or

(iii) A member of a panel of up to five (5) active district court judges selected by the supreme court to serve as chancery court judge on ad hoc basis.

(b) Beginning March 1, 2022, the office of judge of the chancery court and any vacancies therein shall be filled as provided by W.S. 5-13-107.

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

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.

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

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

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

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

5-13-113. Oath.

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

5-13-114. Process extends throughout state.

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

5-13-115. Purpose and jurisdiction.

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

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(b) The chancery court shall have jurisdiction to hear and decide actions for equitable or declaratory relief and for actions where the prayer for money recovery is an amount exceeding fifty thousand dollars (\$50,000.00), exclusive of claims for punitive or exemplary damages, prejudgment or post judgment interest, costs and attorney fees provided the cause of action arises from at least one (1) of the following:

- (i) Breach of contract;
- (ii) Breach of fiduciary duty;
- (iii) Fraud;
- (iv) Misrepresentation;
- (v) A statutory or common law violation involving:
 - (A) The sale of assets or securities;
 - (B) A corporate restructuring;
 - (C) A partnership, shareholder, joint venture or other business agreement;
 - (D) Trade secrets; or
 - (E) Employment agreements not including claims that principally involve alleged discriminatory practices.
- (vi) Transactions governed by the Uniform Commercial Code;

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

(viii) Commercial class actions;

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

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

(xi) A dispute concerning environmental insurance coverage;

(xii) A dispute concerning commercial insurance coverage;

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

(xiv) Transactions governed by the Wyoming Uniform Trust Code; or

(xv) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief or appeals pursuant to W.S. 1-21-801 through 1-21-804 or 1-36-101 through 1-36-119, involving any of the foregoing enumerated issues. Where any applicable arbitration agreement provides for an arbitration to be heard

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outside the United States, the monetary threshold set forth in this subsection shall not apply.

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

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

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

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

5-13-116. Powers generally.

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

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

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

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

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

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

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

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

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

ARTICLE 2
CLERK

5-13-201. Office created; salary; deputies.

(a) There shall be a clerk of the chancery court for the state of Wyoming. The clerk shall be selected by a majority of justices of the supreme court and shall be an employee of the supreme court. The clerk shall receive an annual salary to be determined by the supreme court which shall be paid in monthly installments in the same manner as other state salaries are paid. The clerk shall perform the duties prescribed by law and the rules adopted by the supreme court.

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

5-13-202. Collection of fees.

The clerk of the chancery court shall collect all fees and charges as required and set by the supreme court under W.S. 5-13-104(b). At the time of the original filing, the clerk also shall collect a court automation fee in the amount of twenty-five dollars (\$25.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120, and an indigent civil legal services fee in the amount of ten dollars (\$10.00) which shall be deposited into the indigent civil legal services account established by W.S. 5-2-121.

5-13-203. Duties generally.

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

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

4-10-203. Subject matter jurisdiction.

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

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

5-1-110. Salaries of judges.

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

(iv) Chancery court judges shall receive an annual salary equal to the judges of the district courts.

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

(d) As used in this section:

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

9-3-702. Definitions.

(a) As used in this act:

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

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

9-3-706. Age of retirement.

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

Section 3. The supreme court shall promulgate rules and regulations necessary to implement this act by January 1, 2020.

Section 4.

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(a) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the general fund to the supreme court for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for salaries, benefits, necessary travel expenses, chambers, courtroom, office equipment, computer hardware and software, supplies and fees necessary to implement and maintain the office of the chancery court authorized in section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

(b) Two (2) at-will employee contract positions are authorized to the supreme court for chancery court personnel to implement this act. These positions shall be authorized for the period beginning with the effective date of this act and ending June 30, 2020.

(c) To enable the initiation of the chancery court, three (3) full-time equivalent positions are authorized to the supreme court for information technology and other positions as determined by the court necessary to implement the provisions of this act. These positions are authorized beginning with the effective date of this act and ending June 30, 2020.

(d) From the funds appropriated in subsection (a) of this section, not more than seven hundred thousand dollars (\$700,000.00) shall be expended for salaries and benefits for the positions authorized in this section.

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(e) The positions authorized in this section and the funding provided in this section shall be included in the supreme court's standard 2021-2022 biennial budget. The supreme court may include in an exception budget request for the 2021-2022 biennium such funds and positions as it determines necessary to support the chancery court provided by this act.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk