

**IN THE DISTRICT COURT FOR
THE FIFTH JUDICIAL DISTRICT OF WYOMING**

GENERAL ORDER

FOR THE DISTRICT COURT

FOR BIG HORN, HOT SPRINGS, PARK,

AND WASHAKIE COUNTIES

2020-01

**GENERAL ORDER TEMPORARILY
RESTRICTING PUBLIC ACCESS TO THE COURTROOMS**

THIS MATTER came upon the Court' own motion. The President of the United States has declared a national emergency. The Governor of the State of Wyoming has declared a statewide emergency. The Wyoming Supreme Court implemented the Judicial Branch: Respiratory Disease Pandemic Plan. All of these actions are in response to the worldwide pandemic involving COVID-19, a corona virus that has killed thousands.

The Centers for Disease Control (CDC) have implemented best practices to avoid further transmission of COVID-19. Those best practices include, but are not limited to:

- Minimizing/Eliminating all person-to-person contact
- Maintaining a minimum distance of six (6) feet between persons
- Avoiding gatherings of more than 50 people
- Practicing proper hygiene (washing hands, cover when coughing, disinfecting).

While the trial courts of Wyoming must remain open, they must take into consideration the global health crisis caused by COVID-19 when determining the manner in which hearings will be conducted and scheduled. Under Wyo. Const. Art. 1, §8, Wyoming courts are generally open to the public. "[A]ccess to court proceedings should be limited only in exceptional circumstances." *Williams v. Stafford*, 589 P.2d 322, 325 (Wyo. 1979), abrogated on other grounds by *Vaughn v. State*, 962 P.2d 149 (Wyo. 1998).

The Court concludes that the current global pandemic constitutes extraordinary circumstances that justify excluding all persons, other than the participants, and their attorneys, from all further hearings until such time as the President of the United States and Governor of Wyoming have declared that there is no longer a national and state emergency.

First, the CDC has recommended that all persons avoid groups of fifty or more people. Some governmental officials have recommended that that people avoid groups of ten or more people. The District Court cannot meet this best practice by allowing spectators to attend hearings while the pandemic conditions continue.

Second, the District Court cannot ensure compliance with the best practice that persons remain at least six feet away from one another. Although the courtrooms may be able to accommodate some spectators, they cannot accommodate all those who wish to attend any given hearing. Additionally, the District Courts do not have security personnel available to enforce the “six-foot rule” during hearings.

Finally, the District Courts cannot ensure that high-risk persons and persons exhibiting symptoms of COVID-19 will not intermingle during court proceedings. The District Courts do not have sufficient staff to screen persons seeking to attend a court proceeding to determine if the person is exhibiting symptoms that he/she may already be infected with COVID-19. In light of the significant risk to the public health, this constitutes an extraordinary circumstance that warrants limiting access to court hearings. *See* In the Matter of Administrative Rule 17 Emergency Relief for Indiana Trial Courts Relating to the 2019 Novel Coronavirus (COVID-19), No. 20S-CB-00123, 2020 WL 1239846 (Ind. Mar. 16, 2020).

IT IS THEREFORE ORDERED that access to proceedings shall be limited to the participants and their attorneys (if any), together with any court personnel deemed necessary by the Court. Witnesses may enter the courtroom to testify when called upon to do so, but shall be required to leave the courtroom after finishing testifying.

IT IS FURTHER ORDERED that any person scheduled to appear at any hearing shall notify the Court before coming to the Courthouse if that the person has been in contact with any persons testing positive for COVID-19, or any person having symptoms, or if they themselves are experiencing any flu-like symptoms, has a fever, or is coughing or sneezing. Upon notice, the Court may order such person either party, counsel or witness, to appear by telephone or videoconferencing at the Court's discretion.

BY THE COURT this 24th day of March, 2020.



Honorable Bill Simpson
DISTRICT COURT JUDGE
FIFTH JUDICIAL DISTRICT



Honorable Bobbi Overfield
DISTRICT COURT JUDGE
FIFTH JUDICIAL DISTRICT