

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)

2020-02

**GENERAL ORDER REQUIRING
TELEPHONIC OR VIDEOCONFERENCE APPEARANCE**

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.

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 10 people
- Practicing proper hygiene (washing hands, cover when coughing, disinfecting).

With regard to in-person appearances, there are some types of hearings that require a party and/or their attorney's presence. For example, if a defendant wants to plead guilty, the defendant and his/her attorney need to be present so that (a) the court can ensure that the defendant is competent to change his/her plea, and (b) so the defendant can talk with his/her attorney during the proceeding. There are other hearings where the presence of a litigant is preferred. For example, in divorce proceeding or a protection order hearing the court may want parties present

when testifying to assess credibility. There are other hearings where it may not be necessary that a party or an attorney appear in person, i.e., scheduling matters.

Under Wyo. R. Civ. P. 43 and Wyo. R. Crim. P. 43.1, the Court concludes that the current global pandemic constitutes compelling circumstances that warrant a preference for telephonic or videoconference appearance in all civil matters (except certain juvenile court proceedings), and most criminal proceedings not otherwise addressed by the United States Constitution, the Wyoming Constitution, criminal rule, or case law. The CDC's best practices require persons remain at least six feet away from one another. The CDC also recommends limiting person-to-person contact.

Having the parties and attorneys appear in-person for hearings is not consistent with these best practices. By requiring remote appearance at hearings which do not require in-person testimony, whether by rule, statute, or constitution, the Court can limit person-to-person interaction. This is consistent with the CDC's best practices.

Additionally, having in-person appearances will limit the interaction between high-risk persons and persons exhibiting symptoms of COVID-19. By preferring remote appearances when otherwise permitted by law, the Courts will minimize the chance that someone carrying the virus will come into a courtroom and expose several persons to COVID-19.

Finally, such a rule is consistent with the Judicial Branch: Respiratory Disease Pandemic Plan and Order Adopting Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic. By using technology, the Courts can minimize personal interaction thereby continuing with non-critical court functions while still prioritizing and protecting public health. *See* Judicial Branch Pandemic Plan at Sections XII(c)(2) & (4).

IT IS THEREFORE 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 to appear by telephone or videoconferencing at the Court's discretion;

IT IS FURTHER ORDERED that except for Title 25 proceedings, shelter care hearings, and juvenile court trials, all parties and attorneys appearing in any civil proceeding shall appear via telephone or videoconferencing unless otherwise ordered by the Court;

IT IS FURTHER ORDERED that except for probation revocation hearings, criminal trials, sentencings and as otherwise provided in Wyo. R. Crim. P. 43.1, and as is consistent with the United States Constitution, the Wyoming Constitution, and Wyoming statutes, parties and their attorneys shall appear at all other criminal hearings via telephone or videoconferencing;

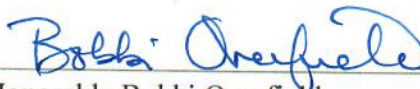
IT IS FURTHER ORDERED that all participants and attorneys shall coordinate with court personnel to arrange for such appearance.

FINALLY, IT IS ORDERED that any person seeking relief from this General Order may seek relief therefrom by showing good cause why the particular facts of their case do not constitute extraordinary circumstances in light of the current COVID-19 pandemic.

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