

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
WITHIN AND FOR UINTA COUNTY, WYOMING**

IN RE: CONTINUANCES DUE TO)
NOVEL CORONAVIRUS AND)
COVID-19 DISEASE.)
)

GENERAL ORDER NO. 2020-02
FILED IN THE DISTRICT COURT
OF UINTA COUNTY, WYOMING

MAR 24 2020

ORDER REQUIRING ALL HEARINGS TO BE CONDUCTED
BY VIDEO AND/OR TELEPHONE

Kerrt Wright
KERRT WRIGHT DEPUTY
CLERK OF DISTRICT COURT

Public Health safety issues have evolved and further concerns have developed in Uinta County in the brief time since entry of GENERAL ORDER NO. 2020-01 on March 18, 2020. Recognizing the need to promote the general welfare and public health in Wyoming while providing for continuing court functions, the Wyoming Supreme Court, entered an *Order Adopting Temporary Plan to Address Health Risks Posed By the Covid-19 Pandemic*. That order suspended in-person court proceedings and found good cause to continue proceedings, except critical court functions, unless those proceedings can be heard using teleconferencing or video conferencing technology.

Through the support of the Wyoming Legislature and the Uinta County Commissioners, this Court has the ability to conduct some business remotely, and many Court operations can and will continue unimpeded. Due to the declarations of emergency by the President, the Governor, public health officials, and the Order of the Wyoming Supreme Court, this Court must consider the heightened risk for contact and spreading of the virus if any in-person hearings continue to be held. While balancing the fact that remote proceedings will not be of the quality or character of in-person hearings with the fact that in-person hearings will endanger the health of the parties, their attorneys, witnesses, the court staff, and the families, friends and people each of those individuals will have contact with, this Court finds it necessary to conduct all hearings by video and/or telephone. No litigant, party, attorney, or witness will be allowed to appear in court unless specifically allowed. This Court further maintains its prior findings that jury proceedings are inadvisable at this time. That will allow this trial court to remain open while minimizing the risk to litigants, attorneys, staff, their families, and their communities. Accordingly,

IT IS ORDERED:

1. Any provision ordered in General Order No. 2020-01 that is not changed or modified will remain in place.
2. Until further order, all hearings in this Court will occur by video and/or teleconference, even if they have previously been set as in-person hearings. **Until further notice all participants must attend all hearings by video conference or teleconference. No one may attend any hearing in person unless specifically ordered by the Court for extraordinary circumstances.** The protocol to attend a hearing by video conference or teleconference is set forth below and in Attachment A.
3. All hearings, whether identified as critical or non-critical hereinbelow, shall remain as scheduled unless vacated or continued by the District Judge.
 - a. If in doubt whether a hearing has been vacated or continued, please call the Clerk of the District Court at 307-783-0456 or Chambers at 307-789-7002.
 - b. Do not come to the courthouse for any hearing unless specifically directed to do so by separate order issued by the District Judge after the date of this order.
 - c. Under no circumstances should any person who is symptomatic of COVID-19 come to the Courthouse nor will any such person be transported to court facilities.
4. Critical court proceedings are those that require timely hearings in order to protect Liberty and Constitutional Rights. Those include:
 - a. Criminal matters such as arraignments of defendants who have not made bond and any proceeding with a right to have a speedy hearing or determination;
 - b. Involuntary hospitalization proceedings;
 - c. Juvenile matters such as shelter care, adjudication, disposition, and revocation hearings.
5. All other court proceedings are identified as non-critical so long as the national and statewide emergency caused by COVID-19 continues.
6. **Criminal Cases:**
 - a. Being mindful of Rule 43.1, W.R.Cr.P. and the Wyoming Supreme Court *Order Adopting Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic*, all criminal hearings will be held by video conference unless otherwise ordered. See Attachment A for additional video conference and teleconference protocols.
 - b. All parties, counsel, and witnesses in the video conference will need to be using a device with a camera and a microphone, such as a laptop computer, desktop computer with those features, an iPad or other tablet, a smart phone, or other

similarly equipped device. An email address is required to obtain the video conference invitation.

- i. ***Except the Defendant or counsel***, a person without video conference capability, may participate telephonically, on a case-by-case basis with permission from the Court.
- c. Counsel must be present at the client's location unless counsel has consulted with the client in advance and the client is prepared to consent on the record to appearing without counsel physically present at the client's location.
- d. The Uinta County and Prosecuting Attorney's office and defense counsel if any, shall confer and must provide in **one email** to dahansen@courts.state.wy.us and ybarrett@courts.state.wy.us the telephone numbers and email addresses of **all participants or attendees of the hearing, including witnesses and spectators.** That email shall be sent by 12 p.m. (noon) the day before the hearing.
 - i. No one will be added to the conference thereafter.
- e. *For any evidentiary hearing:*
 - i. At least 5 days before the hearing, counsel and any unrepresented parties must provide copies (in PDF format), by email, of any exhibits which may be used at the hearing to all lawyers and any unrepresented parties; to any witness who may testify about those exhibits; and to the Court at dahansen@courts.state.wy.us and ybarrett@courts.state.wy.us. **No exhibit which has not been timely provided by email will be allowed or considered at the hearing. This includes rebuttal exhibits, except, true rebuttal exhibits that will be considered on a case-by-case basis if a party shows good cause for not disclosing and providing that exhibit in advance.**

7. Juvenile Cases:

- a. Considering the Wyoming Supreme Court *Order Adopting Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic*, all juvenile hearings will be held by video conference unless otherwise ordered.
- b. All parties, counsel, and witnesses in the video conference will need to be using a device with a camera and a microphone, such as a laptop computer, desktop computer with those features, an iPad or other tablet, a smart phone, or other similarly equipped device. An email address is required to obtain the video conference invitation.
 - i. A participant without video conference capability, may participate telephonically, on a case-by-case basis with permission from the Court.

- ii. See Attachment A for additional video conference and teleconference protocols.
- c. Counsel must be present at the client's location unless counsel has consulted with the client in advance and the client is prepared to consent on the record to appearing without counsel physically present at the client's location.
- d. The Uinta County and Prosecuting Attorney's office, defense counsel if any, the Guardian Ad Litem if any, and the DFS caseworker or Juvenile Probation officer shall confer and must provide in **one email** to dahansen@courts.state.wy.us and ybarrett@courts.state.wy.us the telephone numbers and email addresses of **all participants or attendees of the hearing, including witnesses and spectators.** That email shall be sent by 12 p.m. (noon) the day before the hearing.
 - i. No one will be added to the conference thereafter.
- e. *For any evidentiary hearing:*
 - i. At least 5 days before the hearing, counsel and any unrepresented parties must provide copies (in PDF format), by email, of any exhibits which may be used at the hearing to all lawyers and any unrepresented parties; to any witness who may testify about those exhibits; and to the Court at dahansen@courts.state.wy.us and ybarrett@courts.state.wy.us. **No exhibit which has not been timely provided by email will be allowed or considered at the hearing. This includes rebuttal exhibits, except, true rebuttal exhibits that will be considered on a case-by-case basis if a party shows good cause for not disclosing and providing that exhibit in advance.**
- f. All MDT meetings shall no longer take place in person and shall be held via video and/or telephone conference.

8. Involuntary Hospitalization Cases:

- a. Involuntary Hospitalization proceedings shall occur by video conference or teleconference if such can be arranged with the necessary facility.

9. Civil Cases:

- a. Considering the Wyoming Supreme Court *Order Adopting Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic*, all civil hearings will be held by telephone or video conference unless otherwise ordered. The protocols to attend a hearing by video conference or teleconference are set forth below and in Attachment A.
- b. Telephone conferences:
 - i. Said conferences will continue to be held as prior to the entry of this General Order.

ii. The Court has only one line available for incoming calls. The call may be made to 307-789-7002. If two or more parties are calling in for the scheduling conference, those parties shall confer in advance, set up the conference call so all parties call the Court on one line

c. Video Conferences:

- i. All parties, counsel, and witnesses in the video conference will need to be using a device with a camera and a microphone, such as a laptop computer, desktop computer with those features, an iPad or other tablet, a smart phone, or other similarly equipped device.
- ii. An email address is required to obtain the video conference invitation.
- iii. For a video conference to be held, counsel and any unrepresented parties (pro se litigants) shall confer with each other and must provide in **one email** to dahansen@courts.state.wy.us and ybarrett@courts.state.wy.us the telephone numbers and email addresses of **all participants or attendees of the hearing, including witnesses and spectators.**
- iv. That email shall be sent by 12 p.m. (noon) **two days** before the hearing.
- v. No one will be added to the conference thereafter.

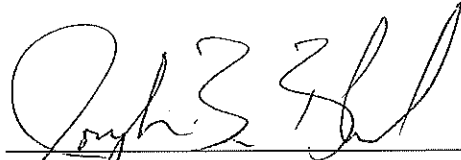
d. *For any evidentiary hearing:*

- i. At least **7 days (one week)** before the hearing, counsel and any unrepresented parties must provide copies (in PDF format), by email, of any exhibits which may be used at the hearing to all lawyers and any unrepresented parties; to any witness who may testify about those exhibits; and to the Court at dahansen@courts.state.wy.us and ybarrett@courts.state.wy.us. **No exhibit which has not been timely provided by email will be allowed or considered at the hearing. This includes rebuttal exhibits, except, true rebuttal exhibits that will be considered on a case-by-case basis if a party shows good cause for not disclosing and providing that exhibit in advance.**

10. **Filing:** The Clerk of District Court will temporarily allow email and fax filings, including in non-emergent circumstances. **Such filing is strongly encouraged.** The Wyoming Supreme Court has waived or modified the Rules of Civil Procedure and Rules for Fees and Costs of the District Court to allow filing documents which exceed ten (10) pages by electronic mail and waive the \$1.00 per page charge to transmit or receive a facsimile or email filing. For filings that require a filing fee (e.g., complaint or notice of appeal), the Wyoming Supreme Court has ordered that the collection of fees may be delayed. Please contact the Clerk of the District Court at 307-783-0456 prior to email or fax filing for detail instructions on how to file.

11. Court will vacate, extend, or amend this General Order no later than April 30, 2020.

DATED this 24th day March, 2020.



JOSEPH B. BLUEMEL
District Court Judge

Appendix A

- (1) Appearing through Microsoft Teams. Wyoming courtrooms are equipped with a Microsoft HUB which allows for, among other things, appearances by video conference. The video conferencing platform used by the Wyoming courts is Microsoft Teams.
- (2) After receiving the list of participants to attend a hearing as set forth in General Order 2020-02, the Court will then send counsel, the parties, the witnesses and other attendees a Teams invite to facilitate their appearance at the hearing. The invite will arrive by email.
- (3) That invite includes a link to click on a few minutes before the hearing begins. The link will connect the participant to the conference. Note that the invite will identify a period of time longer than the hearing. That does not indicate the hearing has been extended.
- (4) All parties, counsel, and witnesses shall use the video feature for appearance at the hearing (not the audio-only feature). Note that the Court's Staff Attorney may appear as a conference participant on your screen with or without video.
- (5) Everyone should mute their microphone, through the mute icon on the Teams screen, until they need to speak.
- (6) Everyone must observe ordinary courtroom decorum while appearing by video. Failure to observe ordinary courtroom decorum will be deemed waiver of attendance at the hearing. The Court will remove from the video conference anyone who fails to observe ordinary courtroom decorum as directed by the Court.

- (7) *Technical Requirements.* All parties, counsel, and witnesses in the conference will need to be using a device with a camera and a microphone, such as a laptop computer, desktop computer with those features, an iPad or other tablet, a smart phone, or other similarly equipped device. A participant without video conference capability may participate telephonically on a case-by-case basis with permission from the Court. An internet connection will be required. We recommend using an internet connection as opposed to wireless data. Some jurisdictions have identified connectivity issues when using cellular data for the connection. An email address is also required to obtain the Team invitation.
- (8) Conference participants should be indoors in a quiet location, preferably without others present. If that is not possible, others in that location may not speak or coach or otherwise assist a witness or party in their testimony.
- (9) Attendees who are not parties, counsel, or witnesses may attend by dialing the call-in number and using the Conference ID in the Teams invite email. They must mute the microphone on their telephone or computer.
- (10) By ORDER of the Court, video or teleconference attendees are prohibited from using any audio or video recording equipment to record proceedings. Violation of this is subject to contempt of court actions which could result in a criminal charge with penalties of jail time, fines, or both.
- (11) Exhibits. Prior to the hearing, any exhibits that counsel wish to introduce at the hearing shall be furnished (in PDF Format) to (1) the witness to be used for that evidence, (2) opposing counsel, and (3) to the Court. Each exhibit shall be clearly marked according to an exhibit list that is to be provided prior to the hearing as set forth in General Order 2020-02. Failure to so provide exhibits pursuant to these guidelines and the General Order will result in the preclusion of the exhibits. This includes rebuttal exhibits.
- (12) Exhibits sent to the Court must be sent by email to the Court's Judicial Assistant at dahansen@courts.state.wy.us, and when being reported, the Court's Official Reporter at ybarrett@courts.state.wy.us.
- (13) The exhibits that were provided to the Court, if admitted into evidence, shall be considered the original exhibits when video hearings are held, unless a substitution is required and approved by the Court such as for certified copies, maps, high quality photographs, or similar documents where an electronic copy is not appropriate. In the event such originals are to be provided to the Court, counsel should contact the Court's Judicial Assistant or Official Court Reporter for appropriate protocols. Witnesses shall not alter or amend exhibits during their testimony without Court permission.