

THE STATE OF WYOMING
NINTH JUDICIAL DISTRICT



JASON M. CONDER
DISTRICT JUDGE

450 NORTH 2ND STREET
FREMONT COUNTY COURTHOUSE
LANDER, WYOMING
82520
307 332-4592

March 27, 2020

Re: Supplement to letter dated March 17, 2020

Dear Fremont County Bar Association Members & Local Attorneys,

During these unprecedented times the District Court remains committed to protecting the health and safety of our community, while ensuring that the Constitutional guarantee of access to the court is afforded to all citizens by keeping the court "as open" as possible. To do this, the court will be as flexible and responsive as possible to address issues as they arise or are otherwise necessary.

As previously noted, certain types of proceedings will take priority and should, to the greatest extent practical consistent with protecting public health, continue to take place within existing timeframes. These include certain criminal matters, Title 25 proceedings, and certain child protection/juvenile proceedings. When Constitutionally permissible or otherwise acceptable to the parties, the court will conduct such hearings via video conference. If you are involved in any these proceedings please inform the court of your preference for the manner of conducting the hearing. In determining how the hearing will be conducted the court will consider the wishes of the parties, the current recommendations from public health officials, Constitutional principles and the feasibility of utilizing technology. It should be noted that several of these hearings have been held recently - some in person and some via video, all have gone fairly well. Each case and circumstance are different so thanks to all of you who have helped make that work so smoothly.

As a reminder, at any hearing held in person no one will be allowed entry if they: i) are diagnosed with COVID 19; ii) if they have had contact with anyone who has been diagnosed with COVID 19; iii) if they have apparent symptoms of COVID 19; or iv) if they have been directed to quarantine, isolate, or self-monitor. Furthermore, any party or person who believes they are unable to appear in court due to any health concern should notify the court as soon as possible and arrangements will be made to address each unique situation.

As long as a state of emergency exists, all other court proceedings (civil and criminal) will be considered non-critical. Accordingly, the District Court will, to the greatest extent practical,

utilize video or telephone conferencing for hearings (U.R.D.C. 802); decide motions on the briefs without oral hearings; or continue non-critical matters consistent with the due administration of justice and updated health information. Any party that has such a hearing scheduled before the District Court within the next three weeks should file: 1) a notice of intent to proceed as scheduled via video or telephone; or 2) a motion indicating the parties position regarding whether or not the court should address the matter solely on the briefs, without hearing; or 3) if the parties deem it appropriate, a motion to continue with a proposed order.

It should be noted that hearings conducted through video or telephone conferencing will use Microsoft Teams. These hearings will be set up by the court sending counsel, and when notified to do so, the parties, witnesses or other participants, a "Teams invite" to facilitate their appearance at the hearing. The invite will arrive by email. That invite includes a link that should be clicked on a few minutes before the hearing begins. That link will connect the participant to the conference, and it will identify a period of time longer than the hearing. That does not indicate the hearing has been extended. If possible, all participants should use the video feature, however, if the audio-only feature is the only feature available that should be used. Conference participants will need to use a device with a camera and a microphone, such as a laptop or desktop computer, an iPad, tablet, smart phone, or similarly equipped device. Participants should observe ordinary courtroom decorum (turn off cell phones office phones).

If counsel wish to introduce exhibits at the video or telephone hearing, they must furnish those exhibits to: (1) the witness to be used for that evidence (witnesses shall not alter or amend exhibits during their testimony without court permission); (2) opposing counsel, and; (3) to the court. Each exhibit shall be clearly marked according to an exhibit list that is to be provided to opposing counsel and the court not later than 10:00 a.m. the day before the hearing, and the failure to provide any such exhibits may result in the preclusion of the exhibits - exhibits should be emailed to soler@courts.state.wy.us and rfontaine@courts.state.wy.us. The exhibits provided to the court, if admitted, shall be considered the original exhibits when video hearings are held, unless a substitution is required and approved by the court when the nature of exhibit makes an electronic copy inappropriate. In the event such originals are to be provided to the court, counsel should contact the court to determine the appropriate method for delivery of the original exhibit.

As previously noted, in all matters before the District Court, while a state of emergency exists, parties may file pleadings via fax (Clerk of District Court (307) 332- 1143) or email with a PDF attachment sent to **opposing counsel** and ALL OF THE FOLLOWING individuals:

Kristi Green kristi.green@fremontcountywy.gov

Cora Gist cora.gist@fremontcountywy.gov

Sherry Oler soler@courts.state.wy.us

Rachelle Fontaine rfontaine@courts.state.wy.us

Jason Conder jmc@courts.state.wy.us

The court will not accept a simple email message as a filing. An actual PDF pleading must be attached to the email, so do not send an email message with a request that should otherwise be put into an actual PDF pleading. Parties are not required to fax or email their filings. A party may make an appointment with the Clerk of District Court to file pleadings in person or may mail them to the Clerk of District Court. If a party files pleadings in person and through the mail, and they are not time sensitive, there is no need to also email or fax file.

Finally, the District Court is fully staffed and working. In order protect the health and safety of staff, recognizing the courthouse is closed to the public, and in an effort to accommodate the Governor's request to work from home, the District Court staff will be working from home when possible. Staff members are set up to work from home with computers that are fully connected to the court's computer system and they are capable of doing nearly everything from home that they can do from their offices. There will be times when staff will be required to be in the courthouse to address certain issues, yet, that will be limited and only as necessary. However, during this time I will be in chambers each business day during business hours. If you need assistance, please call (307) 332-4592 (if your call is not immediately answered please call the number listed in the voicemail - this will directly connect you with a staff member) or email Sherry, Rachelle or me at the email addresses listed above. We will respond to you as soon as possible.

Please be safe. Take care of yourself and your families and thank you all for working together and cooperatively during this time. Thank you!!!

A handwritten signature in blue ink, appearing to read "Jonathan Cook". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.