

Court Covid-19 Reopening Guidelines for Court Employees and Public Proceedings

The primary objective of court reopening is to maintain the safety of court personnel and the public, while achieving timely judicial work to the extent possible. Each court and district should develop a plan specific to their circumstances, in consultation with local health officials. These guidelines are intended to assist in local plan formulation, and to encourage careful planning to minimize risk to court personnel and to the public as courts begin to resume operations. These guidelines should be read in conjunction with the Court's Order Adopting Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic as amended from time to time.

Part I, Guidelines for court employees, will likely be implemented first.

Part II, Guidelines for public proceedings (not including jury trials), is to be implemented only after an Operating Plan has been adopted by the judges of the particular courthouse and submitted to the Wyoming Supreme Court.

Part III, Guidelines for jury trials, is still being developed. No court should proceed with a jury trial until a jury trial operating plan has been adopted by the judges of the particular courthouse and submitted to the Wyoming Supreme Court, and in any case, not before August 3, 2020.

I. Guidelines for court employees

A. Social distance

1. To the extent possible, and considering the individual's job functions, health circumstances, and other specific factors, remote work should continue.
 - a. Staggering of staff is encouraged.
 - b. Social distancing in the courthouse and courtrooms should be maintained at all times. A minimum of six feet between individuals should be maintained with group size limited to existing State and national standards.
 - c. Physical changes may be necessary, such as installation of plexiglass shields, rearranging seating, etc.

B. Screening and self-screening

1. Notice should be posted advising individuals experiencing COVID-19 related symptoms, or who have had recent exposure to an individual that has tested positive for COVID-19, not to enter the courthouse. This notice should be posted in highly visible areas (e.g. courthouse doors, clerk's office door, chambers door, and courtroom doors). The best way to prevent illness is to avoid being exposed to the virus.
2. Court personnel should avoid coming to work if any of these factors apply to them.

C. Continue hygiene vigilance

1. Wash hands often.
 - a. Wash hands with soap and water for at least 20 seconds, especially after being in a public place, blowing your nose, coughing, or sneezing.
 - b. If soap and water are not readily available, **use a hand sanitizer that contains at least 60% alcohol**. Cover all surfaces of your hands and rub them together until dry.
 - c. **Avoid touching your eyes, nose, and mouth.**
2. Hand sanitizer should be widely available in public spaces, courtrooms, and in all office settings.
3. Courts are strongly encouraged to require the use of face coverings or masks. The CDC has indicated masks can assist in stopping the transmission of the illness by an asymptomatic individual and may be helpful in slowing the spread of COVID-19. Courts may require anyone participating in court proceedings to wear face coverings in accordance with Public Health directives under the courts' inherent authority regarding courtroom attire.
 - a. The cloth face cover is meant to protect other people in case you are infected.
 - b. Do NOT use a facemask meant for a healthcare worker.
 - c. Continue to keep about 6 feet between yourself and others. The cloth face cover is not a substitute for social distancing.
 - d. **Face coverings are to protect others and not yourself.**
4. Clean and disinfect frequently touched surfaces periodically throughout the day.
 - a. This includes tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.
 - b. **If surfaces are dirty, clean them. Then, use a household disinfectant.**
5. Cover coughs and sneezes.
 - a. Courts are encouraged to provide Antiviral Kleenex.
 - b. **If you are not wearing a cloth face covering, remember to always cover your mouth and nose** with a tissue when you cough or sneeze or to use the inside of your elbow.

- c. **Throw used tissues** in the trash.
- d. Immediately **wash your hands** with soap and water for at least 20 seconds. If soap and water are not readily available, clean your hands with a hand sanitizer that contains at least 60% alcohol.

II. Guidelines for public proceedings

A. Social distance

1. **Courts should use all reasonable efforts to continue to conduct proceedings remotely.** All proceedings, both essential and non-essential, should occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Courts may need to conduct hybrid hearings in certain proceedings.
2. Continue to use remote-hearings or telephonic hearings for most cases. This allows the courts to limit the number of people in a courthouse and in a courtroom. **Attorneys or litigants who are considered to be at high-risk if exposed to COVID-19 should be allowed to appear remotely if requesting to do so.** Limit in-court spectators to only those spectators that can be accommodated while maintaining proper social distancing consistent with State and local Public Health directives. If spectators cannot be accommodated under those directives, arrangements should be made for the public to attend remotely.
3. Remote check-in before in-person proceedings are highly encouraged. All participants should be notified to arrive only 5 minutes prior to a proceeding. This allows for immediate seating of participants and limits exposure.

B. **Operating plan should be in place prior to any court holding in-person proceedings,*** other than essential hearings that cannot be conducted remotely because doing so is not possible or practicable. The judges in each courthouse location should file their operating plan with the Wyoming Supreme Court for informational purposes only. The Supreme Court will post each operating plan on the Supreme Court's website.

1. All judges within a courthouse should confer and attempt to coordinate plans to ensure public safety.
2. In developing the operating plan, the judges in each courthouse location must consult State and local Public Health directives. Courts should document their consultation of State and local Public Health Directives in the plan.
3. **Jury Trials and Enhanced Operating Plans.** No jury trials should be held prior to August 3, 2020, pursuant to the Wyoming Supreme Court's Order. Before conducting any jury trials,

the presiding judges should submit an operating plan. Any operating plan shall be in accordance with State and local Public Health directives. Due to the unique nature of these proceedings, special attention must be provided to ensure the safety of jurors and others in these large group gatherings. Specific guidance to assist jurisdictions in planning resumption of jury proceedings will be issued soon.

C. Operating Plan components

1. In addition to the social distancing, screening, and hygiene standards above, the Operating Plan should include:
 - a. **Scheduling** – how the court building(s) covered by the plan will coordinate scheduling to reduce occupancy in the courthouse to the lowest degree possible.
 - (1) **In-person proceedings should be scheduled to reduce the number of people entering or in the courthouse at any one time.** Court buildings that house multiple judges should coordinate scheduling of any in-person proceedings among all judges to reduce the number of people in common areas at one time.
 - b. **Vulnerable populations** – how the court will notify and accommodate vulnerable individuals and those who live with or are caregivers for vulnerable individuals to reduce the appearance of those individuals at the courthouse.
 - (1) Vulnerable individuals are those over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those with compromised immune systems, such as those undergoing chemotherapy.
 - (2) Judges should consider including information on orders setting hearings, docket notices, and in other communications notifying vulnerable individuals of the ability to contact the court to identify themselves as vulnerable and receive accommodations.
 - (3) The court may also post such notice on court websites and in conspicuous locations around the courthouse.
 - c. **Social Distancing** – how the court will ensure adequate social distancing in the courthouse among all individuals who do not reside within the same household.
 - (1) Social distancing measures should be implemented in public common areas, galleries of courtrooms, courtroom wells, hallways, elevators, restrooms, or other locations where the public might gather.
 - (2) The court may determine and post a maximum number of persons permitted in the gallery of the courtroom. The maximum capacity of the courtroom should be monitored and enforced by court staff.

- (3) It may be appropriate to limit gallery seating to every other row.
 - (4) The courtroom well should be reorganized to facilitate 6' of distance between counsel tables, the witness stand, the judge's bench, the clerk, the court reporter, and the bailiff
 - (5) Buildings with multiple courtrooms require special attention to social distancing measures, as common areas such as waiting areas, halls and elevators may impede appropriate social distancing. Courts should use markings in courtrooms, front-counter, and lobby locations to designate six-foot distances, place chairs six feet apart for litigants and attorneys, and direct one-way traffic flow where possible.
 - (6) The court should limit the amount of people not from the same household permitted in an elevator at one time.
- d. **Hygiene** – how the court will ensure access to supplies to maintain high levels of hygiene.
- (1) Courts should consider having hand sanitizer available at various locations around the courthouse, including at the entry and exits from the building and courtrooms. Courts should ensure that tissues are available for public use in courtrooms and other public areas. Courts should post readily visible signage reminding individuals of best hygiene protocols.
- e. **Screening** – how the court will ensure screening of all individuals entering the courthouse or courtroom areas.
- (1) Entry should be denied to individuals feeling feverish or with measured temperatures equal to or greater than 100.0°F, or with new or worsening signs or symptoms of COVID-19 such as: cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19.
 - (2) Special attention should be given to screening of inmates or detainees from jail and juvenile facilities transported to a courtroom. A lower threshold temperature of 99.6°F may be an appropriate indicator of symptoms.
 - (3) Screeners should be provided appropriate face protection and gloves. Screeners should be stationed at court building entrances and ask individuals if they are feeling feverish, have a cough, shortness of breath, etc.
- f. **Face coverings** – how the court will ensure that individuals wear face coverings over the nose and mouth.

- (1) Cloth or non-medical grade face coverings or masks should be required of individuals while in public spaces of the courthouse or office, at a minimum. Face coverings in all areas of the courthouse may be appropriate. **Face covering are to protect others and not yourself.**
 - g. **Cleaning** – how the court will ensure frequent and appropriate cleaning of surfaces in and around courtrooms and common areas.
 - (1) Sanitizing should be routinely and more regularly performed, including when a transition of participants occurs within a courtroom between hearings and after recesses.
- **A Covid-19 Operating Plan Template is available at <http://www.courts.state.wy.us/wp-content/uploads/2020/05/Covid-19-Operating-Plan-Template-05.15.2020.pdf> .**

May 15, 2020

Resources

CDC. *Get Your Mass Gathering or Large Community Events Ready.* <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>

CDC. *How to Protect Yourself & Others.* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

CDC. *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19).* https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html.

CDC. *People who are at Higher Risk for Severe Illness.* <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>

CDC. *Personal Protective Equipment: Questions and Answers.* <https://www.cdc.gov/coronavirus/2019-ncov/hcp/respirator-use-faq.html>

CDC. *Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes.* <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

CDC. *Social Distancing, Quarantine, and Isolation.* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

CDC. *Symptoms of Coronavirus.* <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

CDC. *Use of Cloth Face Coverings to Help Slow the Spread of COVID-19.* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

CDC. *What Can You Do.* <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/what-you-can-do.html>

National Association for Court Management. *Weekly Podcast May 7. Preparing to Reopen.* <https://nacmnet.org/resources/podcasts/weekly-coronavirus-podcasts/>

National Center for State Courts. *May 1. Developing Plans for Resuming Court Operations.* <https://vimeo.com/414071907>

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National Center for State Courts. *Considerations in Resuming Court Operations.* <https://www.ncsc.org/~media/Files/PDF/Newsroom/Coronavirus%20Webinars/Considerations-in-Resuming-Court-Operations.ashx>

OSHA. *Guidance on Preparing Workplaces for COVID-19.* <https://www.osha.gov/Publications/OSHA3990.pdf>

White House, CDC. See pp. 10 and 14 in the *Guidelines for Opening up America Again.* <https://www.whitehouse.gov/wp-content/uploads/2020/04/Guidelines-for-Opening-Up-America-Again.pdf>