

**PROPOSED OPERATING PLAN FOR JURY TRIALS PRESIDED OVER BY  
DISTRICT JUDGE MICHAEL N. “NICK” DEEGAN IN COURTROOM 2  
OF THE CAMPBELL COUNTY COURTHOUSE  
SIXTH JUDICIAL DISTRICT OF WYOMING**

Due to the COVID-19 pandemic, much of our Nation, and our State, have been brought to a near standstill. COVID-19 has affected everyone and nearly every aspect of our lives, including the Wyoming Court system, especially jury trials. Generally, the Wyoming Supreme Court has recommended that no courts conduct jury trials until August 3, 2020. *See* Fourth Order Amending March 18, 2020 Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic (the “Order”) at ¶ 1.a. Regardless of when a trial is held, it is incumbent on the trial court to have a plan to best ensure the health and safety of our jurors while still providing a fair trial. *Id* at ¶1.i.

Although no person or government agency can guarantee that any of us will not be exposed to COVID-19, this Court can, and must, take all reasonable precautions to ensure the safety of our citizens who serve on our juries. Each courthouse, and each courtroom, faces different challenges. Additionally, each community may be affected differently by COVID-19. Recognizing these unique characteristics of each courtroom and each community, and drawing on guidance from the Centers for Disease Control (CDC), the State Public Health Officer, and various courts throughout the country, following is the operating plan for Courtroom 2 in the Campbell County Courthouse.

<b>PRE-COURTHOUSE SCREENING</b>		
Courts should take efforts to ensure that vulnerable populations are not compelled to come to the courthouse and to educate potential jurors on the precautions each courtroom is taking to protect jurors health and safety		
	<b>Supplemental juror questionnaires</b>	
		<p>The Court will send supplemental juror questionnaires four to five weeks in advance of trial. (See Attachment A).</p> <p>It is important to have this questionnaire sent early to allow response time so as to pre-screen persons with health conditions that may excuse them due to COVID-19.</p> <p>The Court will share responses with the parties. The Court will have an on-the-record discussion, which shall include the defendant in a criminal case.</p> <p>If both parties agree, dismiss the potential juror for cause before trial date.</p> <p>If the parties do not agree, if possible, the Court will decide whether the potential juror is excused. The Court will have the Clerk of District Court notify the person immediately to avoid having the at-risk person appear at the courthouse</p> <p>If a potential juror brings the supplemental questionnaire to the courthouse the day of trial, court screening personnel will notify the Court, the Court will immediately confer with the parties on the record and make a decision whether to excuse the potential juror.</p>
	<b>Safety Precaution Information</b>	<p>The Court will send an informational letter with the supplemental juror questionnaire, which explains the safety precautions the Court has taken, in advance of trial, and will take during the trial.</p> <p>The Court's informational letter attached as Attachment B.</p>

		In addition, the court will post these precautions at the front door of the Campbell County Courthouse.
<b>COURTHOUSE PROTECTIONS</b>		
Social distancing, barriers, personal protective equipment (PPE), health screenings, and changes in facilities and operations can all help protect potential jurors and minimize the risk of exposure while at the courthouse. There are things within the courthouse/rooms that courts may adjust to help the facility itself protect juror health and safety		
	Facilities (Ventilation)	Research indicates that proper air flow can help limit the spread of COVID-19. Courts should consider trying to improve air quality within the courtroom by:
		<p>Increasing ventilation rates.</p> <p>Ensuring ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space.</p> <p>Increasing outdoor air ventilation, using caution in highly polluted areas.</p> <p>Disabling demand-controlled ventilation (DCV).</p> <p>Opening minimum outdoor air dampers (as high as 100%) to reduce or eliminate recirculation.</p> <p>Improving central air filtration to the MERV-13 or the highest compatible with the filter rack.</p> <p>Sealing edges of the filter to limit bypass.</p> <p>Checking air filters to ensure they are within service life and appropriately installed.</p>

		Keeping systems running longer hours, 24/7 if possible, to enhance air exchanges in the building space.
	Facilities (Doors)	<p>To the extent possible, the Court will leave the courtroom doors open. This will help with air circulation and avoid persons involved in the trial process from having to touch additional surfaces (i.e., door handles).</p> <p>When doors must be opened and closed, only bailiffs or court screening personnel, equipped with gloves and face coverings, will open and close doors.</p>
<b><i>VOIR DIRE</i></b>		
<p><i>Voir dire</i> poses special problems due to the number of people who will be congregating at the courthouse. In addition, <i>voir dire</i> is the first time potential jurors will interact with court personnel so neither group may know what to expect</p>		
	<b>Court Procedures Information</b>	<p>The Court will notify venire members in advance to report to the Cottonwood Room, west end, main floor of GAMB (George Amos Building just north of the courthouse) for venire member screening. This notice will let potential jurors know that they will:</p> <p>Have their temperature taken;</p> <p>Have to answer some health questions, and</p> <p>Be provided a mask and may also have sterile gloves if they request them.</p>
	<b>Social Distancing</b>	
		<p>Only 14 venire members at a time will be notified to report to GAMB. After preliminary screening they will be escorted (wearing mask and maintaining social distancing at all times) to the courtroom.</p> <p>Courtroom 2 cannot seat 45-65 venire members and maintain social distancing. The gallery of the courtroom allows for only 14 persons to be seated at proper social distance.</p>

		<p>Therefore, the Court will select jurors from the venire in “flights” i.e. summon 14 venire members at a time to be seated in the Courtroom.</p> <p><b>A first flight</b> of 14 venire members will be summoned to GAMB at 8:30 a.m. It is anticipated pre-screening will consume one-half (½) hour. The first flight will then be escorted to the Courtroom.</p> <p>The Court will qualify the venire. Counsel will then conduct <i>vire dire</i> and exercise challenges for cause. This exercise is expected to take one and one-half (1 ½) hours, thus concluding at approximately 10:30 a.m.</p> <p>Therefore, the total engagement for a flight of venire members is expected to consume two (2) hours.</p> <p><b>A second flight</b> of 14 venire members will be summoned to GAMB at 10:00 a.m. Procedures thereafter for the second flight will be identical to those described for the first flight. Cause examination for the second flight is expected to conclude at approximately 12:00 p.m.</p> <p><b>A third flight</b> of 14 venire members will be summoned to GAMB at 1:00 p.m. Procedures thereafter for the third flight will be identical to those described for the previous flights.</p> <p><b>A fourth flight</b> of 14 venire members will be summoned to GAMB at 2:30 p.m. They will be utilized only if cause challenges by counsel have not yet resulted in a post-cause panel of 31 venire members (the number necessary to accommodate peremptory challenges and result in a jury of 12 and 1 alternate).</p>
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		<p>Between panels, county staff will use disinfecting spray on all common surfaces including, but not limited to, gallery, counsel tables, podium (if used), and microphones.</p> <p>Between panels, bailiff staff will use disinfecting spray on all common surfaces in the Cottonwood Room in GAMB.</p> <p>When the Court excuses each flight, the Court will notify the excused venire members that the Court will call them, after all flights are concluded and peremptory challenges have been exercised in open court (without presence of venire members) to let them know whether they have been selected for jury service.</p>
	<b>Health (Screening)</b>	
		<p>The Court will conduct health screenings when venire members arrive at GAMB. Court security has agreed to provide Court screening personnel for when venire members arrive at GAMB. Court screening personnel will:</p> <p>Take the temperature of each venire member before allowing the person to proceed to the courtroom.</p> <p>If a venire member has a temperature over 100°F, he/she will not be admitted to the courtroom.</p> <p>The person will be instructed to remain at the courthouse in their vehicle.</p> <p>The person will be instructed to report their condition to a health care provider or local public health official immediately and follow instructions from the health care provider or local public health official (including local and State guidance on quarantine).</p> <p>Court screening personnel will ask COVID-19 screening questions. Complete Health</p>

		<p>screening form for each flight of venire members (Attachment C).</p> <p>If a venire member answers in the affirmative to any health screening question, he/she will not be admitted to the courtroom.</p> <p>The person will be instructed to remain at the courthouse in their vehicle.</p> <p>The person will be instructed to report their condition to a health care provider or local public health official immediately and follow instructions from the health care provider or local public health official (including local and State guidance on quarantine).</p> <p>The Court will remind venire members to notify a bailiff or the Court of any changes in their health condition</p> <p>If there is a change in health condition that relates to COVID-19 symptoms, the Court must be prepared to implement its Infectious Event Outline (below)</p>
	<b>Hygiene/Personal Protective Equipment (Screening)</b>	
		<p>The Court will ensure each venire member sanitizes his/her hands before entering the Cottonwood Room at GAMB or the courtroom.</p> <p>After hands are sanitized at GAMB, court screening personnel will provide each venireperson a mask and gloves (if requested).</p> <p>Court screening personnel must also instruct venire members how to put on, and take off, face coverings and disposable gloves.</p> <p>Court screening personnel and bailiffs will wear face coverings (i.e., masks) and gloves throughout the <i>voir dire</i> process.</p> <p>The Court will train court screening personnel and bailiffs on proper</p>

		<p>procedure for putting on/taking off PPE (masks and gloves).</p> <p>The Court's informational letter instructs potential jurors to leave water bottles at home.</p> <p>As an accommodation, a cooler of bottled water will be available inside the Cottonwood Room at GAMB where venire members may obtain a bottle of water after sanitizing their hands.</p>
	<b>Social Distancing GAMB/Courtroom</b>	
	Once in the Cottonwood Room at GAMB or the courtroom, courts must ensure social distancing, masks, or a combination of both. At a minimum, either social distancing or a protective barrier must be used.	
		<p>The Court will only allow as many venire members in the courtroom as may maintain social distancing (minimum six feet apart) in the gallery.</p> <p>The Court has marked the gallery in Courtroom 2 with six feet spacing (accommodating 14 venire members).</p> <p>Public access during <i>voir dire</i> will be accomplished by permitting members of the public to be seated in the thirteen (13) plexiglass-divided jury box chairs, so long as upon entry into the courtroom to take their seat and upon exit therefrom each member of the public wears a mask and observes social distancing.</p> <p>Court screening personnel will maintain information on all members of the public entering the courtroom for contact tracing purposes.</p> <p>Includes name, address and telephone number.</p> <p>All members of the public will be screened like venire members (temperature checks and health screening forms).</p>

	<b>Health Screening in the Courtroom</b>	
		<p>The Court will instruct bailiffs to monitor venire flights for signs of COVID-19 symptoms</p> <p style="padding-left: 40px;">This will require some training on spotting symptoms</p> <p>Court screening personnel or bailiffs will ask COVID-19 screening questions and take temperatures at the beginning of each day when public, venire and/or jury members are in the courtroom.</p>
	<b>Hygiene/ Personal Protective Equipment in the Courtroom</b>	
		<p>Bailiffs will be wearing masks and gloves when using a microphone for venire members to respond to questions.</p> <p>Venire members will be encouraged to wear their court-provided mask while in the courtroom.</p> <p>If it becomes necessary for a venire member to address the Court, the Court will:</p> <p style="padding-left: 40px;">First, ask venire member to “speak up” and avoid use of microphone to avoid another surface vector</p> <p style="padding-left: 40px;">If it becomes necessary to use the microphone, the Court and bailiffs will instruct (and require) that each venire member wear a mask when responding to questions during <i>voir dire</i> if using a microphone.</p> <p style="padding-left: 40px;">Bailiffs will sanitize the handheld microphone with Purell (EPA Reg No. 84368-1).</p> <p style="padding-left: 40px;">Purell is on List N of disinfectants approved by the EPA to address corona virus. Purell has a one (1) minute wet time, which bailiffs will use.</p>

		<p>All persons entering and leaving the courtroom must sanitize their hands each time they re-enter the courtroom.</p> <p>Court/courthouse staff will clean the courtroom between venire flights..</p> <p>The Court currently has the following disinfectants from List N available for morning and afternoon cleaning:</p> <table border="1"> <thead> <tr> <th>Name</th><th>EPA Reg. No.</th><th>Wet Time (min)</th></tr> </thead> <tbody> <tr> <td>Purell</td><td>84368-1</td><td>1</td></tr> <tr> <td>Clorox Cleaner</td><td>67619-17</td><td>5</td></tr> <tr> <td>Perk Wipes</td><td>6836-340</td><td>10</td></tr> <tr> <td>Rediquat</td><td>10324-85</td><td>10</td></tr> <tr> <td>Cidequat</td><td>1839-83</td><td>10</td></tr> </tbody> </table> <p>All cleaning must be done by persons wearing masks and gloves.</p> <p>Cleaning personnel must first clean with soap and water or equivalent (i.e., bleach wipes).</p> <p>After initial cleaning, surfaces must be disinfected with List N disinfectant.</p>	Name	EPA Reg. No.	Wet Time (min)	Purell	84368-1	1	Clorox Cleaner	67619-17	5	Perk Wipes	6836-340	10	Rediquat	10324-85	10	Cidequat	1839-83	10
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	<b>Sidebars</b>																			
	<p>Were it not for updated technology in the courtroom, social distancing at sidebars would present substantial problems. With new technology in place effective August 25, 2020, the following will constitute the protocol for sidebars.</p>																			
		<p>During <i>voir dire</i>, if a venire member wishes to address the court in a private sidebar, he/she shall position himself/herself at the podium with access to a private channel microphone. The attorneys will have access to the private channel with their own microphones at counsel table. The court's microphone will also access the private channel. All participants in sidebars, including the court reporter and law clerk, will wear a designated headset for the private channel.</p>																		

		<p>The headset used by a venire member during a sidebar shall be disinfected after use in preparation for the next user..</p> <p>Sidebars during the trial, including only the attorneys and, conceivably, the defendant, shall be conducted in like fashion with the exception that no individual need be present at the podium.</p> <p>Bailiffs may encourage venire members and/or jurors to go outside (weather permitting) during any breaks in order to take in fresh air so long as the person is wearing a mask and social distances. Furthermore, any persons outside shall be supervised by a bailiff at all times.</p>
	<b>Breaks</b>	
		<p>At all times when a venire member or a juror is in transit from one location to another, they must wear a mask.</p>
	<b>Calling the jury</b>	
		<p>The Clerk will call the jurors chosen to serve and ask them to report to the Cottonwood Room in GAMB.</p> <p>Court screening personnel or bailiffs will repeat temperature checks and health screening with each selected juror as they return.</p> <p>Clerk of Court will notify the remainder of the venire members that are free to go about their business as they have not been selected to serve on the jury</p>
<b><u>TRIAL</u></b>		
	<b>Seating the Jury</b>	
		<p>Once the court has completed the <i>voir dire</i> process, the Court must determine how to safely seat the jury. Transit to and from the jury box to any location will bear a requirement that jurors wear masks. In transit to the jury box, and once seated, the jurors may remove their masks.</p>
	<b>Social Distancing</b>	
		<p>The Court will socially distance the jury during the trial by means of plexiglass dividers (60" in height) isolating all juror chairs horizontally.</p>

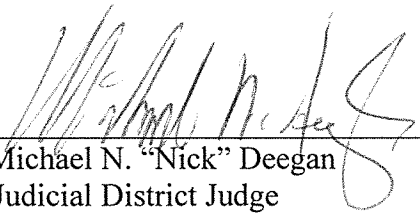
		The Court will further enable social distancing by seating seven (7) jurors in the rear row of the jury box, skip the front row of the jury box, and then seat six (6) jurors in chairs lined up in front of the jury box – thus acquiring vertical social distancing of at least six (6) feet.
	<b>Recesses.</b> The Cottonwood Room in GAMB is large enough to serve as a jury room (recesses and deliberation) while still providing adequate means for social distancing.	
	<b>Hygiene</b>	
		<p>The Cottonwood Room in GAMB will be marked for social distancing and has bathrooms adjacent thereto.</p> <p>The Court will ensure the Cottonwood Room and adjoining bathrooms are cleaned and disinfected between <i>voir dire</i> flights and after all recess breaks.</p> <p>The Court will ensure that courtrooms are disinfected with an EPA approved disinfectant (List N), which is used according to EPA guidance.</p> <p>Each juror will be provided a 2 oz. bottle of hand sanitizer to carry with him/her and use at will. The bottle will be marked with the juror number so that jurors don't mistakenly use another's bottle of sanitizer.</p> <p>As well, social distancing will be observed in GAMB at all times by means of marked seats.</p>
	<p><b>Public Access.</b></p> <p>State and Federal Constitutions require public access to trial proceedings.</p> <p>In light of the limited space within Courtroom No. 2, public access will be provided in the fourteen marked, socially distanced, locations in the gallery. All persons entering the Courtroom will undergo health screening (temperature checks and health questions) and debriefing for contact tracing purposes (name, address, phone).</p> <p>Members of the public attending trial proceedings will be encouraged to wear masks in addition to social distancing. Masks will be available upon request from the office of the Clerk of District Court across the hallway from Courtroom No. 2.</p>	


<b>CONDUCTING THE TRIAL</b>		
	<p><b>Trial.</b> Conducting a trial necessarily requires close, personal interaction between the participants of the trial. Not only will lawyers need to talk to their client, but attorneys in the well may need to converse regarding issues that arise during the trial. In addition, the court must ensure that common areas are disinfected during the trial to protect the health and safety of all participants.</p>	
	<b>Social Distancing</b>	
		<p>Generally, all participants, including attorneys and client, must maintain social distancing.</p> <p><u>Attorneys/Clients</u> - if they need to communicate closer than six feet apart, must wear a face covering. This type of communication may be necessary to facilitate a fair trial.</p> <p>To facilitate confidential communication, lawyers and clients may use their cell phones, tablets, or other electronic device at counsel's table to communicate with one another.</p> <p>Still no recording.</p> <p>Attorneys and their clients may only use electronic devices for communicating with one another about the current case.</p>
	<b>Hygiene</b>	
		<p>The Court will ensure that Courtroom 2 is cleaned and disinfected following morning session and afternoon session.</p> <p>The Court will ensure that courtrooms are disinfected with an EPA approved disinfectant (List N), which is used according to EPA guidance.</p> <p>Common usage areas, such as a podium and witness microphones, must be disinfected after each use</p>

		Purell will be used by bailiffs to clean these surfaces during trial
	<b>Scheduling</b>	
		<p>The Court typically takes a morning and afternoon break of fifteen (15) minutes. However, in light of the pandemic, the Court will extend these breaks to one-half (1/2) hour to enable passage of the jury from the jury box to the Cottonwood Room in GAMB. This passage entails walking outside for a bit, which will facilitate the need of jurors for fresh air.</p> <p>Jurors who wish to smoke during breaks will be able to do so in the small garden situate between the north end of the Courthouse and GAMB. They will be monitored by a bailiff and must mask (except when inhaling and exhaling smoke) and socially distance.</p>
	<b>Exhibits and Documents</b>	
		<p>Although there is not much evidence supporting surface transmission of COVID-19. Still, the Courts will use the following procedures for admitting and publishing documents and physical evidence:</p> <p>Any person handling exhibits during trial must sanitize their hands and wear gloves when handling exhibits.</p> <p>When a party seeks to admit an exhibit, the party will retrieve the exhibit and display it to opposing counsel without allowing the jurors in the gallery to see the document.</p> <p>Counsel shall follow normal procedures for seeking admission of the exhibit, except:</p> <p>The proponent of the exhibit shall utilize available technology to display the exhibit to only the witness, or;</p> <p>Ask a bailiff (who will be wearing gloves and a face covering) to hand the exhibit to the witness (no approaching the witness).</p>

		<p>If a party seeks to have exhibit published, the party may use available technology to publish the exhibit</p> <p>Actual exhibits will be placed in the exhibit bin situate in front of the court reporter station. They will be collected by the court reporter or clerk at the end of session in which the exhibit was admitted.</p> <p>At the conclusion of the trial, all admitted exhibits will be provided to the jurors in the jury room by a court bailiff wearing a face mask and wearing gloves.</p>
<b>INFECTIOUS EVENT PROTOCOL</b>		
	<b>Trial Participant Ill (In-person Screening)</b>	
		<p>If any person has a temperature, answers any health screening question in the affirmative, or indicates a condition identified on the supplemental questionnaire before entering the courtroom:</p> <p>Obtain mobile telephone number.</p> <p>Instruct the person to remain at the courthouse in their vehicle.</p> <p>Instruct the person to report their condition to a health care provider or local public health official immediately and follow instructions from the health care provider or local public health official (including local and State guidance on quarantine).</p>
	<b>Trial Participant Ill in the Courtroom</b>	
		<p><b>Ill Person</b> Require the person to wear a face covering and maintain social distance from all others in the courtroom.</p> <p>Keep all trial participants in the courtroom maintaining social distance and a barrier (face covering or otherwise)</p>

		Contact local public health and follow recommendations and protocol as to ill person and remaining persons in the courtroom.
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 Hon. Michael N. "Nick" Deegan  
 Sixth Judicial District Judge

 7.22.20 3pm  
 Dr. Kirtikumar L. Patel, M.D.  
 Chief Public Health Officer for Campbell County, Wyoming

## OPTIONAL SUPPLEMENTAL JUROR QUESTIONNAIRE

In light of COVID-19, there are special considerations that the Court may consider when asking people to perform their civic duty by serving as jurors in trials. You **may** fill out this **optional** supplemental questionnaire to identify factors if you are seeking to be excused from jury service due to COVID-19.

If you want to provide this additional information, please answer the following questions and sign this form under penalty of perjury and return it to the Clerk of Court. The judges will meet with lawyers on the case and make a decision regarding excusing you from jury duty for cause before you must appear at the Courthouse.

		YES	NO
1.	Are you currently experiencing any flu-like symptoms, have a fever, or are coughing or sneezing?		
	<b>Explanation:</b>		
2.	Do you have, or have you recently had, a health condition that compromised or suppressed your immune system?		
	<b>Explanation:</b>		
3.	Do you suffer from any chronic illness including, but not limited to, high blood pressure, cancer, diabetes, heart disease, or lung disease?		
	<b>Explanation:</b>		
4.	Have you recently travelled, or been exposed to another who has recently travelled, to an area that has experienced a COVID 19 outbreak?		
	<b>Explanation:</b>		
5.	If you have answered "yes" to any of these questions, are you requesting that you be excused from jury duty? In your explanation, please describe how long (i.e., a few weeks, the whole term, etc.) you seek to be excused from jury duty.		
	<b>Explanation:</b>		

I hereby swear or affirm, under the penalty of perjury, that the foregoing information is true and accurate. I consent to the Court sharing this information with the attorneys and persons involved in the trial.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Juror Number

\_\_\_\_\_  
(Printed Name)

*ATTACHMENT A*

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John R. Perry  
District Judge

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Michael N. "Nick" Deegan  
District Judge

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Thomas W. Rumpke  
District Judge



STATE OF WYOMING

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SIXTH JUDICIAL DISTRICT

Dear Potential Jurors:

First, from all of us, thank you for contributing to our justice system by being potential jurors. Our system depends upon you and we thank you!

Second, in light the COVID-19 pandemic, our courts have taken precautions to ensure your safety when we ask you to do your civic duty and serve as jurors. These measures include:

**Supplemental questionnaires to screen individuals with underlying health conditions or other concerns**

**Health screenings for all potential jurors before entering the courtrooms**

**Social distancing before entering and within all courtrooms**

**Personal protective equipment (masks, gloves, and hand sanitizer) provided by the courts**

**Thoroughly cleaning and disinfecting courtrooms twice a day**

Finally, please leave your water containers at home. The Court will provide bottles of water when you are seated in the courtroom. Remember to leave home early as parking in, and around, the courthouse garage is limited.

No one can guarantee that any of us will not be exposed to corona virus. However, we have developed these protective measures, in accordance with State and County public health guidance, to minimize any risk to your health and give you comfort that we are looking out for your safety when you come to our courtrooms.

If you have any questions, concerns, or suggestions for us to make your experience at the courthouse better, please let us know.

*ATTACHMENT B*

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John R. Perry  
District Judge

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Michael N. "Nick" Deegan  
District Judge

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Thomas W. Rumpke  
District Judge

CASE NAME:

JUDGE:

ATTORNEYS:

BAILIFFS:

COURT SECURITY:

START TIME:

END TIME:

				ARE YOU EXPERIENCING, OR HAVE YOU EXPERIENCED IN THE LAST TWO WEEKS, ANY OF THE FOLLOWING (Check Mark Indicates No Symptom Reported)											
		Juror	Temp.	Fever or chills	Cough	Shortness of breath or difficulty breathing	Fatigue	Muscle/ body aches	Headache	New loss of taste or smell	Sore throat	Congestion or runny nose	Nausea or vomiting	Diarrhea	
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Completed By:

Signature:

Date:

ATTACHMENT C