

**OPERATING PLAN FOR JURY TRIALS DURING THE COVID-19 PANDEMIC  
OF THE THIRD JUDICIAL DISTRICT COURTS,  
UINTA COUNTY, 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. In connection with the Wyoming Supreme Court, and local public health officials, the Third Judicial District Court intends to begin conducting jury trials on August 11, 2020. Those jury trials will be held at the Roundhouse, 1500 Main Street, Evanston, Wyoming.

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 as well as the litigants, their counsel, and Court personnel while still providing a fair trial. 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, as well as other necessary to conduct a jury trial. Each County with the facilities available face different challenges. Additionally, each community may be affected differently by COVID-19, including the number of cases and severity of infections.

Recognizing the unique characteristics of each courtroom, available facilities, and community, and drawing on guidance from the Centers for Disease Control (CDC), the State Public Health Officer local Public Health Officers, and various courts throughout the country, following is the operating plan for the Third Judicial District Court, Uinta County, Wyoming proposed by and for Judge Joseph B. Bluemel at the Roundhouse.

<b>PRE-SCREENING</b>		
<p>Courts should take efforts to ensure that vulnerable populations are not compelled to come to the Roundhouse. The Courts should take steps to educate potential jurors on the precautions the Court is taking to protect jurors health and safety</p>		
	<b>Supplemental juror questionnaires</b>	
		<p>The Court will send supplemental juror questionnaires three to four weeks in advance of trial. (<i>See Attachment A</i>).</p> <p>It is important to have this questionnaire sent as early as possible to allow response time so as to pre-screen persons with health conditions that may excuse them due to COVID-19. The Clerk will make telephone calls to assure responses are timely provided.</p> <p>The Court will share responses with the parties.</p> <p>If both parties agree, dismiss the potential juror for cause before trial date.</p> <p>If the parties do not agree, 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 confer with the parties, if that is possible, and decide 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>Attachment B is the Court's informational letter</p> <p>In addition, the Court will post these precautions at the front door of the Roundhouse (the location where all 12 person jury trials will be held).</p>

<b>ROUNDHOUSE FACILITY 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 Roundhouse for the trial proceedings. There are things within the Roundhouse that will be adjusted to help the facility itself protect juror health and safety.		
	<b>Facilities (Ventilation)</b>	
		Research indicates that proper air flow can help limit the spread of COVID-19.
		<p>The Roundhouse has high air flow rates because it is designed to accommodate large groups that will not be in attendance during jury trials held there during the COVID-19 pandemic.</p> <p>The entry door to the Roundhouse will be open when Court is not in session to reduce or 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> <p>There will be a separate door used for exiting the Roundhouse that can be opened without being touched or it will be open when people are leaving the facility.</p>
<b>VOIR DIRE</b>		
<i>Voir dire</i> poses special problems due to the number of people that will be congregating at the Roundhouse. 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.		
	<b>Court Procedures Information</b>	
		<p>Besides the Court's informational letter that will be sent to all prospective jurors, the Court will post signs at the Roundhouse entrance that 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 face covering, if they do not already have their own, and may also have sterile gloves if they request them.</p>

	<b>Social Distancing</b>	
		<p>The Roundhouse has a capacity of 900 people and can provide for social distancing while seating up to 75 prospective jurors, all parties for the proceeding, Court personnel and members of the public who wish to observe.</p> <p>Therefore, the Court will summon all potential jurors for each trial to arrive at one time.</p> <p>The potential jurors will be summoned no earlier than 8:00 a.m.</p> <p>The Court will qualify jurors and conduct basic, preliminary <i>voir dire</i> from approximately 8:15 – 9:15.</p> <p>Each side will be given 30 minutes to conduct <i>voir dire</i>. (9:15 – 10:15)</p> <p>Generally there will be no sidebars or discussions with a single juror during <i>voir dire</i>. All questions, discussions, and challenges for cause will occur in open court before the entire panel. All peremptory challenges will be made in the presence of the jury.</p> <p>A jury will be selected by approximately 10:30.</p> <p>If a sidebar or discussion with a single juror is necessary due to the type of case being tried, it will be conducted as described below.</p>
	<b>Health (Screening)</b>	
		<p>The Court will conduct health screenings when jurors arrive at the Roundhouse. Court security has agreed to provide Court screening personnel for when jurors arrive at the courthouse. Court screening personnel will:</p> <p>Take the temperature of each potential juror and person before allowing entry to the Roundhouse.</p> <p>If a potential juror or any other person has a temperature over 100°F, that person will not be admitted to the Roundhouse and will be asked to return to their vehicle, contact their medical provider and seek directions and await further instruction from the Court.</p> <p>Court screening personnel will ask COVID-19 screening questions. Complete Health screening form for all jurors and people entering the Roundhouse (Attachment C).</p> <p>If a potential juror or individual answers in the affirmative to any health screening question, the potential juror or individual will not be admitted to the Roundhouse and will be asked to return to their vehicle, contact their medical provider and seek directions and await further instruction from the Court.</p>

		<p>The Court will remind venire members and all attending the trial 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>
	<p><b>Hygiene/Personal Protective Equipment (Screening)</b></p>	
		<p>The Court will ensure that each venire member and all people sanitize their hands before entering the Roundhouse.</p> <p>After hands are sanitized, court screening personnel will provide each venire member and individual a face covering (mask) (if they do not already have their own) and gloves (if requested).</p> <p>Court and 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 or bailiffs will wear face coverings (i.e., masks) and gloves throughout <i>voir dire</i> process and the trial.</p> <p>The Court will train court screening personnel and bailiffs on proper procedure for putting on/taking off PPE (masks and gloves) (see below).</p> <p>The Courts 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 courtroom door where venire members may obtain a bottle of water after sanitizing their hands.</p>
	<p><b>Social Distancing Within the Roundhouse</b></p>	
	<p>Once in the Roundhouse, the court must ensure social distancing and face coverings.</p>	
		<p>The Court will only allow as many venire members in the Roundhouse as may maintain social distancing (minimum six feet apart) in the gallery.</p> <p>The Court has seating in the Roundhouse with spacing of six feet between seats.</p> <p>Court screening personnel will maintain information on all members of the public entering courtroom for contact tracing purposes</p> <p>Includes name, address, telephone number, and date and time of entry.</p>

		All members of the public, parties, attorneys, and Court personnel will be screened like potential jurors (temperature checks and health screening forms).
	<b>Health Screening in the Roundhouse</b>	
		<p>The Court will instruct bailiffs to monitor the jury venire for signs of COVID-19 symptoms and the Court and staff will assist.</p> <p>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 prior to anyone entering the Roundhouse.</p>
	<b>Hygiene/ Personal Protective Equipment in the Roundhouse</b>	
		<p>Bailiffs will be wearing masks and gloves when providing a microphone for venire members to respond to questions, if a microphone is necessary.</p> <p>All people in the Roundhouse for the trial will be required to wear their face covering or the face covering provided by the Court while in the Roundhouse.</p> <p>If it becomes necessary for a potential juror to address the Court, the Court will:</p> <p>First, ask venire members to “speak up” and avoid use of microphone to avoid transmission vector.</p> <p>If it becomes necessary to use the microphone, the Court and bailiffs will instruct (and require) that each venire member wear a face covering when responding to questions during <i>voir dire</i> if using a microphone.</p> <p>Bailiffs will either:</p> <p>Remove a disposable microphone cover from the handheld microphone after each, and/or;</p> <p>Sanitize microphones with Purell or disinfectants approved by the EPA to address coronavirus. Purell has a one (1) minute wet time.</p> <p>All persons entering and leaving the courtroom must sanitize their hands each time they re-enter the courtroom.</p> <p>Court/Courthouse/Roundhouse staff will clean the Roundhouse at the end of each day.</p> <p>All cleaning must be done by persons wearing face coverings 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>
	<b>Sidebars</b>	
	<p>Social distancing at sidebars presents substantial problems. The following are the procedures the Court will use to allow for safe, but effective sidebars. Sidebars will be discouraged and will only occur if absolutely necessary.</p>	
		<p>First, the Court will invite the potential juror, attorneys, and Defendant into the well to attempt to have a conversation outside the hearing of the remaining venire members.</p> <p>If that does not work, since it is a smaller group of venire members, the Court will invite those necessary for the sidebar to a separate room where six feet social distancing will be maintained.</p> <p>Court will ensure that <i>only</i> bailiffs, who wear masks and gloves, open and close all doors when escorting venire members in, and out, of the separate room for sidebar process</p> <p>Bailiffs may encourage venire members to go outside (weather permitting) during any breaks if time allows.</p>
<b>TRIAL</b>		
	<b>Seating the Jury</b>	
	<p>Upon completion of the <i>voir dire</i> process, each juror will have an assigned seat and each seat will be at least six feet from anyone else. The Court will socially distance the jury during the trial.</p>	
	<b>Social Distancing</b>	
		<p>The Court will:</p> <p>Have disposable microphone covers, which a bailiff will remove from the microphone after each use, and/or;</p> <p>Clean the microphone using the cleaning protocol described above after each witness and wipe down the chair and witness stand before the next witness is called to the stand.</p>

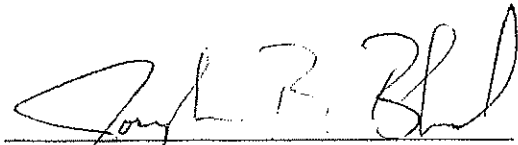
	<b>Recesses</b>	
	The jury will have the Portland Rose Room or a combination of board rooms within the Portland Rose Room in the Roundhouse to serve as the jury room during recesses and deliberations. The jury will have exclusive use of the upstairs bathrooms during the trial. This arrangement will assure that jurors will be able to maintain at least six feet of distance during recesses and deliberations.	
	<b>Social Distancing</b>	
	Seating in the jury room will be arranged so the jury will be able to maintain appropriate social distancing of at least six feet.	
	<b>Public Access</b>	
	State and Federal Constitutions require public access to the trial proceedings. Having jury trials in the Roundhouse gallery area has a capacity of 900 people. That large area allows for seating to maintain six feet of social distance and provide for public access when seating a jury.	
	<b>Social distancing</b>	
	There will be a typical courtroom setup with a jury box where seats are at least six feet apart, all court seating will be socially distance and the rear portion of the gallery area will be for public seating.  All persons entering the courtroom will undergo health screening (temperature checks and health questions).	
<b>CONDUCTING THE 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.	
	<b>Social Distancing</b>	
	Generally, all participants, including attorneys and client, must maintain social distancing and wear a face covering (mask).  <u>Attorneys/Clients</u> – They are encouraged to communicate in writing if possible to provide for social distancing. If they need to communicate by being closer than six feet apart, they must continue to wear a face covering and minimize that contact as much as possible. This type of communication may be necessary to facilitate a fair trial	



		<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>All are prohibited from recording or videoing anything inside the Roundhouse. The official record will be provided by the Court Reporter.</p> <p>Attorneys and their clients may only use electronic devices for communicating with one another about the current case.</p> <p>Jurors will be required, to use face coverings during trial and deliberations.</p>
	<b>Hygiene</b>	
		The Court will ensure that the Roundhouse gallery areas used are cleaned and disinfected following use.
	<b>Scheduling</b>	
		The Court will try to limit all sessions to no more than 90 but no more than 120 minutes.
	<b>Exhibits and Documents</b>	
		<p>Although there is not much evidence supporting surface transmission of COVID-19. The Courts will use the following procedures for admitting and publishing documents and physical evidence:</p> <p>All exhibits are expected to be prepared, marked, and shared with opposing counsel before the pretrial conference.</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 jury box to see the document.</p> <p>Counsel shall follow normal procedures for seeking admission of the exhibit, except:</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. Only upon showing good cause at the pretrial conference, why the exhibit is of such importance that it should be published, and with arrangements made for such publication that reduces risk of transmission of COVID-19 may other publication occur.</p>

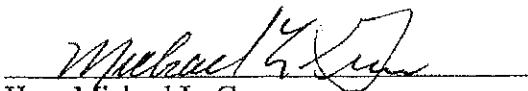
		<p>Actual exhibits will be placed on the exhibit table managed by the Court Reporter. They will be collected by the court reporter or clerk at the end of session in which the exhibit was admitted</p> <p>All documents provided to jurors for deliberation shall be provided by a single person assigned by the Court.</p> <p>The person assigned by the Court to pass documents to the jury shall</p> <p>Wear a face covering when providing documents</p> <p>Only handle documents with gloved hands following proper glove protocol that requires them to first</p> <p>Sanitize hands; Inspect glove; then Put hand in glove.</p>
	<p><b>Sidebars During Trial</b></p>	
		<p>Sidebars are strongly discouraged. If necessary, the Court may excuse the jury to conduct sidebar arguments in open court or the Court and necessary parties may move to an area of the Roundhouse that will be out of hearing of the Jury. No matter how a sidebar is conducted:</p> <p>Judge and Attorneys must maintain social distancing;</p> <p>Judge and Attorneys will wear a face covering, and;</p> <p>Judge and Attorneys May wear adequate eye protection.</p>
	<p><b>INFECTIOUS EVENT PROTOCOL</b></p>	
	<p><b>Trial Participant Ill (In-person Screening)</b></p>	
		<p>If a 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 return to their vehicle, and;</p> <p>To remain at the courthouse in their vehicle until they are contacted by the presiding judge.</p> <p>Notify their medical provider and follow local and State guidance on quarantine</p>

	<b>Trial Participant Ill in the Roundhouse</b>	
		<b>Ill Person</b> Any person who becomes ill in the Roundhouse will be provided appropriate assistance and the local public health office will be contacted and their requests or directives will be followed.




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Hon. Joseph B. Bluemel  
Third Judicial District Court




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Hon. Michael L. Greer  
Third Judicial Circuit Court




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Uinta County Public Health Officer

# THE STATE OF WYOMING THIRD JUDICIAL DISTRICT

**JOSEPH B. BLUEMEL**  
DISTRICT JUDGE

**PATRICIA GOEDKEN**  
OFFICIAL COURT REPORTER

**DEBRA A. HANSEN**  
JUDICIAL ASSISTANT



LINCOLN COUNTY COURTHOUSE  
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KEMMERER, WY 83101-0047

(307) 877-2055 (KEMMERER)  
(307) 789-7002 (EVANSTON)

July 16, 2020

Dear Potential Juror:

First, thank you for contributing to our justice system by being a potential juror for the Uinta County District Court. Our judicial system depends upon you to provide one of the rights guaranteed by our Constitution, which is for a jury to decide the case.

Second, in light of the COVID-19 pandemic, this Court has taken many precautions to ensure your safety when you do your civic duty and serve as a juror. These precautions include:

- **Supplemental questionnaires to screen individuals with underlying health conditions or other concerns.**
- **Moving jury trials to the Roundhouse in Evanston so there is enough room to maintain social distancing.**
- **Health screenings for all potential jurors before entering the Roundhouse.**
- **Requiring all who are in the Roundhouse to wear a face covering, whether it is yours or one provided by the Court.**
- **Personal protective equipment (masks, gloves, and hand sanitizer) will be provided by the Court.**
- **Thorough cleaning and disinfecting of areas in use.**

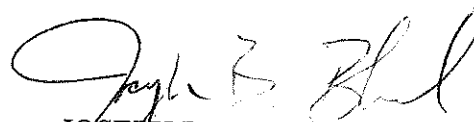
Finally, please leave your water containers at home. The Court will provide bottles of water when you are seated in the courtroom.

No one can guarantee that any of us will not be exposed to the corona virus. However, I have developed these protective measures, with State and County public health guidance, to minimize risks to your health, those you come into contact with, and to give you ease of mind that I am looking out for your safety when you serve as a juror.

Juror  
Page Two  
July 16, 2020

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

Sincerely,



JOSEPH B. BLUEMEL  
District Court Judge

JBB/dah

## 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. Judge Bluemel and the lawyers on the case will consider any supplement 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)

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)												
	Name	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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