

**ORDER ADOPTING OPERATING PLAN FOR JURY TRIALS
IN MUNICIPAL COURT
LARAMIE, WYOMING
JUDGE DONA PLAYTON**

The City of Laramie is closely monitoring the coronavirus disease 2019 (COVID-19) pandemic. Consistent with the Center for Disease Control and Prevention (CDC) Interim Guidance for Businesses and Employers, the Laramie Municipal Court has implemented mitigation protocols to reduce potential community exposure and transmission of this virus. Given the significant number of identified and projected cases of COVID-19 in the surrounding states and communities, and the severity of the risk posed to the public should local widespread community transmission occur, it is hereby ORDERED, effective, September 15, 2020, that persons may not enter the Laramie Municipal Courtroom:

1. If they have traveled to, reside with, or have had close contact with someone who has been to any of these countries within the last 14 days:
 - Iran, China, South Korea, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, Monaco, San Marino, Vatican City, and
 - Any other country for which the CDC has issued a Level 3 travel health notice.
2. If they have been asked to self-quarantine by any physician, hospital, or healthcare agency.
3. If they have been diagnosed with or have had close contact with anyone who has been diagnosed with COVID-19.
4. If they are experiencing signs of a fever, a cough, or shortness of breath.

If any of the above apply to you, DO NOT ENTER City Hall or the Courtroom or other area where court proceedings may be held. Instead, please contact the appropriate person or agency to discuss your situation:

- If you are a juror or prospective juror, please call the Municipal Court at 307-721-5205 or municourt@cityoflaramie.org
- If an attorney represents you, please call your attorney.
- If you are an attorney and scheduled to appear in court, please call the Municipal Court at 307-721-5205

Generally, the Wyoming Supreme Court has recommended that, where possible to protect defendants' constitutional rights, no courts conduct jury trials until October 5, 2020. *See* Fifth 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 and other trial participants, including witnesses, attorneys, and city employees 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 is committed to taking all reasonable precautions to protect the safety of our citizens who serve on our juries. Recognizing the unique characteristics of our Court and our community, and drawing on guidance from the Centers for Disease Control (CDC), the State Public Health Officer, and various courts throughout the country, the following is the operating plan for the Laramie Municipal Court in Laramie, Wyoming.

PRE-COURTHOUSE SCREENING	
Court clerks should take efforts to ensure that vulnerable populations are not compelled to come to the courthouse and to provide information to potential jurors on the precautions the court is taking to protect jurors' health and safety	
Supplemental juror questionnaires	<p>The Court will contact the jurors via telephone and/or email. The court clerks will ask the following additional questions to each juror:</p> <p>Are you currently experiencing any COVID-19 symptoms: Fever, chills, cough, shortness of breath or difficulty breathing, new loss of taste or smell, muscle or body aches?</p> <p>In the last 14 days, have you traveled outside Albany County? If so, when and where?</p> <p>Do you have any reason to believe you may have been exposed to the novel coronavirus?</p> <p>Are you planning to travel prior to your jury service date? When and where?</p> <p>If between now and the jury service date, any juror experiences any symptoms or has reason to believe the juror may have been exposed, the juror will be asked to notify the Court immediately.</p>

	<p>Jurors will be advised that by checking into court for jury duty, they are verifying they have no symptoms, have not knowingly been exposed, or recently been tested for COVID-19.</p> <p>The Court will maintain the confidentiality of all responses unless the Judge determines it is necessary to share responses with the parties.</p> <p>If there is a concern, and both parties agree, the Court will dismiss the potential juror for cause before the jury trial date.</p> <p>If the parties do not agree, if possible, the Court will decide before the trial date whether the potential juror is excused. The Court will have a court clerk notify the potential juror immediately to avoid having the at-risk person appear at the temporary courthouse.</p> <p>Jurors will be asked to complete a temperature scan upon arrival at the temporary courthouse. If juror has a fever of 100.4, they will be dismissed.</p> <p>If a potential juror answers the supplemental questionnaire with any concerning answer on the day of trial, court clerks will notify the Judge; the Judge will immediately confer with the parties, either on or off the record, and decide whether to excuse the potential juror.</p>
Safety Precaution Information	The Court will post information on the city website and throughout City Hall detailing the precautions taken by the Court.
CITY HALL PROTECTIONS¹	
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 City Hall or attending court sessions, including hearings or trials. The following are adjustments within City Hall and the temporary courtroom/rooms the court is prepared to do to protect juror health and safety.	
Facilities (Ventilation)	<p>Research indicates that proper airflow can help limit the spread of COVID-19. Courts have been advised to consider ways to improve air quality within the courtroom by:</p> <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>

¹ Precautions also apply to temporary facilities for court proceedings

	<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> <p>Keeping systems running longer hours, 24/7 if possible, to enhance air exchanges in the building space</p>
Facilities (Doors)	<p>Courtroom doors will remain open, when possible, to promote 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 face coverings, and potentially gloves, will open and close doors.</p>
<i>VOIR DIRE</i>	
<p><i>Voir dire</i> poses special problems due to the number of people who will be congregating in the court space, including a temporary courtroom. 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>	
Court Procedures Information	<p>The Court has obtained permission to hold jury trials at the Masonic Temple located directly across Ivinson Avenue from City Hall. The room is larger than the regular courtroom and will allow for greater social distancing.</p> <p>The Court will post signs at City Hall that instruct potential jurors to report to the juror screening area on the first floor of the Masonic Temple. This notice will let potential jurors know that they will:</p> <ul style="list-style-type: none"> Have their temperature taken; Must answer some health questions, and Be provided a face covering
Social Distancing	<p>The planned gallery of the temporary courtroom will allow the 22 potential jurors to be seated at proper social distance.</p>

	<p>Therefore, the Court will summon all 22 potential jurors at a time. Upon check in, the 14 jurors selected for voir dire will be given numerical assigned seating and be directed to enter the temporary courtroom. The remaining 8 juror alternates will be given a letter assigned seat and be directed to enter the temporary courtroom.</p> <p>The Court will conduct voir dire as usual.</p> <p>The Court will excuse the first sub-panel.</p> <p>Between panels, court staff will use disinfecting spray on all common surfaces including, but not limited to, gallery, counsel tables, podium (if used), and microphones.</p> <p>Arrange for additional court screening personnel in common areas to direct each subpanel to maintain social distance in common areas.</p> <p>Arrange for proper spacing of chairs in hallways and sufficiently large meeting rooms where <i>voir dire</i> may take place.</p>
Health (Screening)	<p>The Court will conduct health screenings when jurors arrive at the temporary courtroom. Court clerks have agreed to provide Court screening for when jurors arrive at the temporary courtroom. Court clerks screening will:</p> <p>Take the temperature of each potential juror before allowing the juror to enter the courtroom.</p> <p>If a potential juror has a temperature over 100.4°F, the potential juror will not be admitted to the courtroom and will be asked to wait outside for ten minutes for another scan. If the second scan shows a temperature of 100.4 or higher, the juror will be asked to return to their vehicle and await further instruction from the Court.</p> <p>If a potential juror answers notified the court of any symptoms or potential exposure, the potential juror will not be admitted to the courtroom and will be asked to return to their vehicle and await further instruction from the Court.</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>
Hygiene/Personal Protective Equipment	<p>The Court will ensure that each venire member sanitizes their hands before entering the courtroom.</p>

(Screening)	<p>After hands are sanitized, court clerks will provide each venire member a face covering (and may also include a face shield).</p> <p>Court clerks must also instruct venire members how to put on, and take off, face coverings via a CDC handout.</p> <p>Court clerks will wear face coverings (i.e., face coverings) throughout <i>voir dire</i> process.</p> <p>The Court will train court clerks on proper procedure for putting on/taking off PPE (face coverings) (see below).</p>
Social Distancing Within the Courtroom	<p>Once in the courtroom, courts must ensure social distancing, face coverings, or a combination of both. At a minimum, either social distancing or a protective barrier must be used.</p> <p>The Court will only allow the venire members in the courtroom as may maintain social distancing (minimum six feet apart) in the gallery.</p> <p>The Court set up chairs in the gallery in six feet spacing.</p> <p>The Court will only permit members from the public to enter the courtroom so long as have filed a written request, completed the same safety precautions as the potential jurors, wear a face covering, and can be safely seated while still maintaining the required social distancing of six feet.</p> <p>The court clerks will maintain information on all members of the public entering courtroom for contact tracing purposes, to include:</p> <p style="padding-left: 40px;">Name and telephone number.</p> <p>All members of the public will be screened like potential jurors (temperature checks and health screening forms).</p>
Health Screening in the Courtroom	<p>The Court will instruct bailiffs to monitor venire for signs of COVID-19 symptoms</p> <p style="padding-left: 40px;">This will require some training on spotting symptoms.</p>
Hygiene/ Personal Protective Equipment in the Courtroom	<p>Potential jurors shall wear face coverings while entering and leaving the courtroom. Jurors may also be provided with a face shield to wear with a face covering for added protection.</p> <p>If it becomes necessary for a potential juror to address the Court, the Court will:</p> <p style="padding-left: 40px;">First, ask venire members 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 face</p>

covering when responding to questions during *voir dire* if using a microphone.

Bailiffs will use a disposable microphone cover on the handheld microphone and sanitize the handheld microphone with Hand sanitizer with appropriate alcohol content after use.

The hand sanitizer should, if possible, be included on List N of disinfectants approved by the EPA to address coronavirus.

All persons entering and leaving the courtroom must sanitize their hands each time they re-enter the courtroom.

Facilities maintenance will clean the courtroom after *voir dire* is completed.

The Court currently has the following disinfectants from List N available for morning and afternoon cleaning:

Name	EPA Reg. No.	Wet Time (min)
Purell	84368-1	1
Clorox Cleaner	67619-17	5

All cleaning must be done by persons wearing face coverings and gloves.

If visibly dirty, cleaning personnel must first clean with soap and water or equivalent (i.e., bleach wipes).

After initial cleaning, surfaces must be disinfected with List N disinfectant.

Private *Voir Dire*

Any panel member who request to have a private *voir dire* will have his name recorded. After the panel of jury selection is completed, the court will call jurors who request private *voir dire* back into the courtroom one at a time to be examined by the parties. The potential juror will return to his designated seat.

The Bailiffs will instruct any potential jurors who want private *voir dire* to wait in the designated location and maintain socially distance from other panel members.

Court will ensure that *only* bailiffs who wear face coverings, and potentially gloves, open and close all doors when escorting venire members in and out of the courtroom.

Bailiffs may return all venire members to the assigned seating in the hallway/alternative meeting rooms where bailiffs assembled venire members before entering the courtroom.

	Bailiffs may encourage venire members to go outside (weather permitting) during any breaks.
TRIAL	
Seating the Jury	<p>Once the court has completed the <i>voir dire</i> process, the Court must determine how to safely seat the jury. The Court will utilize the open area to the north of the temporary courtroom to seat the jury during trial. The Jurors will be socially distanced at least six feet and required to wear a face covering throughout the trial. Each juror will have an assigned seat for the duration of the trial.</p> <p>Jurors will be provided with disposable notebooks for notetaking throughout trial. The jurors will leave their covered notes at their assigned seat throughout trial. The Bailiffs and court security will ensure no one has access to the jurors' materials.</p>
Social Distancing	<p>Bailiffs will sit near the jury but still maintaining six feet between each person.</p> <p>Any member of the public, not of the same household, will be seated in the back rows of the temporary courtroom at least six feet apart.</p> <p>To orient the courtroom toward the gallery and provide a line of sight between the jury and witnesses, the Court will have witnesses testify from a designated witness stand using a microphone.</p> <p>If the witness uses a wireless microphone, the Court will:</p> <ul style="list-style-type: none"> Have disposable microphone covers, which court staff will remove from the microphone after each use, and/or; Clean the microphone using the cleaning protocol described above after each witness.
	<p>Recesses. The temporary jury room is not large enough to accommodate social distancing. Therefore, the Court will utilize both the jury room and attached rooms. The Court will provide an assigned chair to each juror with proper social distance within these two rooms. Jurors will also be allowed to go outside or to their vehicles during recesses. All jurors will wear badges identifying them as jurors.</p>
	<p>Public Access. State and Federal Constitutions require public access to the trial proceedings. In light of the limited space within the temporary courtrooms, the Court will only permit the public until the same procedures and health screenings as the jurors. All persons entering the courtroom will undergo health screening (temperature checks and health questions). Anyone refusing to comply will be denied entrance.</p>

CONDUCTING THE TRIAL

Trial. 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.

Social Distancing

Generally, all participants, including attorneys and client, must maintain social distancing.

Attorneys/Clients – All parties will wear face covering, this may also include a face shield.

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.

Recording the proceedings in any manner is expressly prohibited.

Attorneys and their clients may only use electronic devices for communicating with one another about the current case or researching issues involved in the case.

Hygiene

The Court will ensure that Courtroom is cleaned and disinfected following morning session and afternoon session.

The Court will ensure that courtrooms are disinfected with an EPA approved disinfectant (List N), which is used according to EPA guidance.

The Court will also ensure that the temporary jury room and all other utilized rooms are cleaned and disinfected after morning session and afternoon session.

There will be one podium and microphone. The microphone will have disposable covers that will be changed daily and the podium will be sanitized daily.

Scheduling

The Court will limit all sessions to no more than 90 minutes with frequent recesses.

Before recessing, the Court will set specific return times to allow the bailiffs to permit jurors to go outdoors during court recesses to get out of a confined area.

Exhibits and Documents	<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 before handling exhibits.</p> <p>Each party shall file pursuant to standard procedures their Pretrial Memorandum with all proposed exhibits and jury instructions on the Tuesday prior to trial. Each party shall also have copies of all exhibits for witness use. The exhibits in the Court's file will become the official exhibits.</p> <p>When a party seeks to admit an exhibit, the party shall identify the pre-disclosed exhibit number to the Court and opposing counsel.</p> <p>Counsel shall follow normal procedures for seeking admission of the exhibit.</p> <p>If a party seeks to have an exhibit published, the party may use available technology to publish the exhibit.</p> <p>Actual exhibits will be placed on the exhibit table. They will be collected by the court reporter or clerk at the end of the 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>If the parties have exhibits that require each juror to have a hard copy, the party shall furnish copies to the Court at least 24 hours prior to trial.</p>
Jury Deliberation	<p>Jury deliberation will occur in the temporary courtroom.</p> <p>The parties shall remove all their materials from the temporary courtroom.</p> <p>The Court will ensure that the microphones and cameras are turned off during deliberations to ensure total privacy.</p> <p>The jury will be instructed that the foreperson they elect will be responsible for enforcing the Court's face covering and social distancing rules.</p>

 10/7/20

Hon. Dona Playton, Laramie Municipal Court Judge



Dr. Jean Allais, Albany County Public Health Officer
Allais