

**OPERATING PLAN FOR JURY TRIALS
EIGHTH JUDICIAL DISTRICT, STATE OF WYOMING
GOSHEN COUNTY, WYOMING COURTHOUSE**

The Wyoming Courts have continued to operate and function during the COVID-19 pandemic. The courts have used video technology to help ensure the timely administration of most cases. However, the courts suspended jury trials out of necessity to protect the public who may be called to serve and to protect personnel, litigants, and witnesses who may participate in such trials. The courts across this state, and indeed across the nation, continue to balance these protections with the requirements for timely disposition of cases which may be required by rule, statute or through constitutional guarantees.

Regardless of when a trial is held, it is incumbent on the trial court to have a plan to best consider the health and safety of our jurors 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 courthouse, and each courtroom faces 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 and community, and drawing on guidance from the Center 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 Courtroom in the Goshen County Courthouse, proposed by Honorable Patrick W. Korell, 8th Judicial District Court Judge, Torrington, Wyoming. The Court developed this operating plan in coordination with State and local Public Health directives and guidance including the use of social distancing and barriers (including face coverings), as well as proper hygiene, both personal and for ensuring that facilities remain properly cleaned and disinfected. This plan is consistent with directives and guidance as evidenced by the approval of the plan by the Goshen County Public Health Officer.

PRE-COURTHOUSE SCREENING	
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 juror's health and safety.	
	Supplemental Juror Questionnaires
	The Court will send supplemental juror questionnaires three to five weeks in advance of trial. (see attachment A)

	<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 – potential juror be dismissed for cause before trial date.</p> <p>If the parties do not agree – the Court will necessarily 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, and the Court will immediately confer with the parties on the record, and decide whether to excuse the potential juror.</p>
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	Safety Precaution Information
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	<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 Northeast door of the Goshen County Courthouse.</p>
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COURTHOUSE PROTECTIONS	
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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.

	Facilities (Ventilation)
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	<p>Research indicates that proper air flow can help limit the spread of COVID-19</p> <p>The Court will have air purifiers operating at all times. The Court will open the Courtroom doors, if practicable, given other courthouse activities.</p>
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	Coordination/Scheduling
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	<p>The Court will coordinate with Circuit Court regarding trial calendaring. The Courts share the same jury room, so it is highly unlikely that a jury trial would be set on the same day.</p>
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<i>VOIR DIRE</i>	
<p><i>Voir dire</i> poses special problems due to the number of people that will be congregating at the courthouse. In addition, <i>voir dire</i> is a time potential jurors may interact with court personnel, and either group may know what to expect.</p>	
Court Procedures Information	
	<p>The Court will screen potential jurors prior to entry into the Courthouse. This will be conducted on the Northeast side of the Courthouse. Signage will be posted to instruct potential jurors where to report. The notice will let potential jurors know that they will:</p> <ul style="list-style-type: none"> • Have their temperature taken; • Have to answer some health questions; and • Be provided a face covering; they will be provided sterile gloves upon request.
Social Distancing	
	<p>The District Courtroom can seat approximately 43 prospective jurors while maintaining proper social distance. If the Court calls more than 40 prospective jurors, the remaining prospective jurors will be placed either in the Circuit Courtroom (if available) or in the EOC room in the basement and they will appear via the HUB.</p> <p>The Court will advise the attorneys the time allowed to each of them for conducting <i>voir dire</i>. The time allowed should be used efficiently to avoid long periods in which the venire will be seated in proximity to each other.</p>
Health (Screening)	
	<p>As stated above, the Court will conduct health screenings when jurors arrive, outside the courthouse at the Northeast door facing the main parking lot. Court screening personnel will:</p> <ul style="list-style-type: none"> • Take the temperature of each potential juror before allowing the juror to enter the courthouse. <p style="margin-left: 40px;">If a potential juror has a temperature of 100°F, the potential juror will not be admitted to the courthouse and will be asked to return to their vehicle and await further instruction of the Court</p> • Court screening personnel will ask COVID-19 screening questions. Complete Health screening form for each panel of jurors is attached as Attachment C. <p style="margin-left: 40px;">If a potential juror answers in the affirmative to any health screening question, the potential juror will not be admitted to the Courthouse and will be asked to return to their vehicle and await further instruction from the Court.</p>

	<ul style="list-style-type: none"> The Court will remind venire members to notify a bailiff or the Court of any changes in their health condition. <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>Hygiene/Personal Protective Equipment (Screening)</p>
	<p>The Court will ensure that each venire member sanitizes their hands before entering the Courtroom. Hand sanitizer is available right outside the courtroom door.</p> <p>Each venire member will be provided a face covering (mask) and gloves (if requested). We will also have face shields available during <i>voir dire</i>.</p> <p>Court screening personnel and bailiffs will wear face coverings (i.e., masks).</p> <p>The Court will not allow outside liquid in the courtroom. (i.e. water bottles, to-go coffee mugs)</p>
	<p>Social Distancing within the Courtroom</p>
	<p>Once in the courtroom, courts must ensure social distancing, face coverings, or a combination of both.</p> <p>The Court will mark the chairs in the gallery for proper six feet spacing.</p> <p>The Court screening personnel will maintain information on all members of the public entering the courtroom for contact tracing purposes. Including, name, address, telephone number and date and time of entry.</p> <p>All members of the public will be screened in the same manner as potential jurors (temperature checks and health screening forms).</p>
	<p>Hygiene/Personal Protective Equipment in the Courtroom</p>
	<p>Bailiffs will be wearing masks at all times.</p> <p>Everyone will be required to wear their court-provided face covering while in the courtroom, until instructed by the Judge to remove the same.</p> <p>If it becomes necessary for a potential juror to address the Court, the Court will:</p> <ul style="list-style-type: none"> First, ask venire members to “speak up” and avoid the use of the microphone to avoid transmission vector. 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. Bailiffs will be wearing masks and gloves

	<p>when using a microphone for venire members to respond to questions.</p> <p>Bailiffs will either remove a disposable microphone cover from the handheld microphone after each use or use the microphone disinfectant spray.</p> <p>All persons entering and leaving the courtroom must sanitize their hands each time they re-enter the courtroom.</p> <p>All cleaning must be done by persons wearing face coverings and gloves.</p> <p>Cleaning personnel shall first clean with soap and water or equivalent (i.e., bleach wipes)</p> <p>After each cleaning, surfaces must be disinfected.</p>
	<p>Sidebars during Voir Dire</p>
	<p>Social distancing at sidebars presents substantial problems. The following are the procedures the Court will use to allow for safe, but effective sidebars.</p> <p>The Court Reporter will relocate to the jury room in the courthouse. If a potential juror wishes to have a private conversation, the judge, attorneys and the potential juror (and the Defendant, if they request) will go to the jury room outside the hearing of the rest of the venire.</p> <p>All parties will wear face coverings until instructed to remove the same by the Judge.</p> <p>Only the Court personnel will open and close all doors when escorting venire members in and out of the courtroom for sidebar process.</p>
<p>SEATING THE JURY</p>	
<p>Once the Court has completed the <i>voir dire</i> process, the Court will safely seat the jury. The District Courtroom can easily accommodate a twelve-person jury plus alternates on the southeast side of the courtroom. The Court will have chairs marked where each juror shall sit.</p>	
	<p>Social Distancing</p>
	<p>The Court will seat the jury in the gallery maintaining social distancing.</p>

	<p>To orient the courtroom toward the gallery and provide a line of sight between the jury and the witnesses, the Court will have witnesses testify at a place designated near the jury box, using a wireless microphone.</p> <p>The Court will clean the microphone using the cleaning protocol described above after each witness.</p>
	Recesses
	<p>The Court will encourage efficient voir dire to minimize the need for recesses. During all recesses, the Court will require masks and social distancing. Jurors will be reseated from the front of their seating area to the back of their seating area to ensure proper distancing at all times.</p>
	Public Access
	<p>State and Federal Constitutions require public access to the trial proceedings. In light of the limited space within the District Court Courtroom, the court may consider marking off areas for public access when using the gallery to seat a jury. The Court may use a room in the basement of the Courthouse for the public to watch voir dire. After a jury is selected, the Court will reconsider allowing the public in the gallery. The Court will maintain a considerable amount of space between the jury and the public. The Court will provide an audio and video feed of its proceedings.</p> <p>All persons entering the courtroom will undergo health screening (temperature checks and health questions).</p> <p>In addition, persons attending the trial shall maintain social distance from others</p>
RECESSES DURING JURY TRIAL	
<p>The jury room will accommodate a jury (whether 6 or 12) and maintain social distancing. However, if a juror voices concern over the available spacing, the Court will use the community room in the basement of the Courthouse for jury recesses; the Court may also clear the courtroom allowing jurors to remain in their seated area. The Court will provide access to the jury room for restrooms. Jurors will be required to wear masks when leaving their assigned seating.</p>	
	Social Distancing
	<p>Jury members will be required to wear face coverings whenever moving in the courtroom and jury room. It is not feasible to maintain strict social distancing when the jury members are moving about the areas.</p>
CONDUCTING THE JURY TRIAL	

Conducting a jury trial necessarily requires close, personal interaction between the participants of the trial. Not only will attorneys need to talk to their clients and witnesses, but attorneys may need to converse regarding issues that arise during the trial.

Social Distancing

All participants, including attorneys and clients, must maintain social distancing. When unable to social distance, all participants must wear a face covering (mask).

Attorneys/Clients – if they need to communicate closer than six feet apart, it is recommended that they wear face coverings. This type of communication may be necessary to facilitate a fair trial. If counsel and clients cannot / will not maintain social distance, then face coverings must be worn

Face coverings may be removed during the jury trial, but will need to be worn when moving in or leaving the Courtroom or the jury room.

Hygiene

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

The Court will ensure that the courtroom is disinfected with an EPA approved disinfectant.

The Court will also ensure that the jury room is cleaned and disinfected after morning session and afternoon session.

Common usage areas, such as the podium and witness microphones, if used, will be disinfected after each use.

Scheduling

The Court will set a scheduling at the beginning of each day to allow recesses. The Court will set specific times to allow the bailiffs to permit jurors to go outdoors (weather permitting), or another designated area, during court recesses to get out a confined area.

Exhibits and Documents

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 exhibits.

- Any person handling exhibits during trial must sanitize their hands and/or wear gloves when handling exhibits.

	<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 that document.</p> <ul style="list-style-type: none"> • Counsel shall follow normal procedures for seeking admission of the exhibit, except: <ul style="list-style-type: none"> ▪ The proponent of the exhibit shall utilize available technology to display the exhibit to <u>only</u> the witness, or; ▪ Ask a bailiff (who will be wearing a face covering and having sanitized their hands or wearing gloves) to hand the exhibit to the witness (no approaching the witness). • If a party seeks to have an exhibit published, the party may request the Judge to use available technology to publish the exhibit. The Court will encourage the use of technology for exhibits. • Actual exhibits will be placed on the Court Reporter’s table. Any admitted exhibit will be collected by the Court Reporter at the end of each session. • All admitted exhibits will be provided by the Court Reporter for deliberations. (The Court may assign a person to do this also). This person shall wear face coverings and sanitize their hands or wear gloves. (if wearing gloves – 1st sanitize hands, 2nd inspect gloves, and 3rd put hand in glove).
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	Sidebars During Trial
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	<p>Counsel and the Judge will utilize the new sound system sidebar equipment. Each table will be provided a microphone that is solely for the sidebar. The Judge has the control for the operation of the sidebar microphone.</p> <p>The Judge also has a barrier on the bench when sidebar conferences will need to be away from the jury or the clients. Attorneys shall maintain social distancing and wear face coverings.</p> <p>The Judge may adjourn to chambers and conduct the sidebar in chambers. If the Court does, social distancing should be maintained, and face coverings will be worn.</p>
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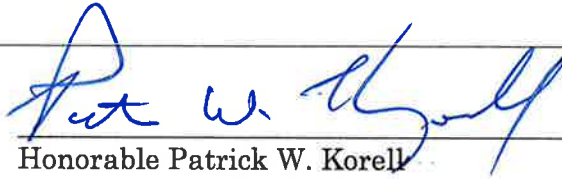
INFECTIOUS EVENT PROTOCOL	
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<p>If a participant has a temperature, answers any health screening questions in the affirmative, or indicates a condition identified on the supplemental questionnaire before entering the Courtroom, the reporting party shall:</p> <ul style="list-style-type: none"> • Obtain the participant’s mobile telephone number;

- Instruct the participant to return to their vehicle, and;
- Remain at the Courthouse in their vehicle until they are contacted by the presiding Judge.

If a participant becomes ill during the trial, the ill participant shall:

- Maintain social distance from all other in the Courtroom and have a face covering on;
- Keep all other trial participants at a safe social distance; and
- Contact the local public health and following recommendations and protocol as to the ill participant and the remaining Court participants.


Honorable Patrick W. Korell

APPROVED:


Goshen County Public Health

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?		
	Explanation:		
2.	Do you have, or have you recently had, a health condition that compromised or suppressed your immune system?		
	Explanation:		
3.	Do you suffer from any chronic illness including, but not limited to, high blood pressure, cancer, diabetes, heart disease, or lung disease?		
	Explanation:		
4.	Have you recently travelled, or been exposed to another who has recently travelled, to an area that has experienced a COVID 19 outbreak?		
	Explanation:		
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.		
	Explanation:		

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

THE STATE OF WYOMING
EIGHTH JUDICIAL DISTRICT

PATRICK W. KORELL
DISTRICT JUDGE

MICHAEL S. LUCERO
COURT REPORTER

GAIL L. BABBITT
JUDICIAL ASSISTANT



GOSHEN COUNTY COURTHOUSE

P.O. BOX 1055
TORRINGTON, WYOMING 82240

(307) 532-3004
FAX (307) 532-2563

Dear Juror,

I earnestly submit this letter to you in advance of your jury service. It may be needless to say, but a trial by jury of one's peers is a fundamental right we steadfastly protect in our system of democracy. We are one of the few nations who entrust and empower its people to make such important decisions. With this in mind, I respectfully request your sincere participation in your upcoming jury service; your individual contribution will be collectively added with others to help ensure the sanctity and fairness of the judicial process for all of us.

My staff and I have been doing everything possible to continue the regular business of the Court during the difficult times caused by the spread of COVID-19. We have changed the procedure of the Court by conducting video hearings and by holding limited in-person hearings for the last several months. We remain extremely busy.

The Wyoming Supreme Court has also allowed the temporary suspension of jury trials. This permitted all of the courts meaningful time and careful thought to implement appropriate safety measures for jurors, litigants, attorneys and personnel. We now have these protections in place as we begin to once again hold jury trials.

I am very aware we may have different perceptions and degrees of apprehension about the spread of COVID-19 and the impact on our community. Some of us may believe that we should open up our communities while others of us may urge for its shutdown. This issue has unfortunately become politicized and has led to polarizing viewpoints. I am hopeful to be seen by you as taking no particular side, but instead asking you to understand the obligations we all have to guarantee and preserve a fair trial to those who come before the court.

Part of my job is to provide a safe and proper venue for the administration of justice. With this upcoming jury trial, the Court has taken significant steps to protect you as you fulfill your service as a juror. These include the following:

- You will be provided a mask to help protect you and others from airborne transmission of COVID-19;
- You will be provided protective gloves upon your request;

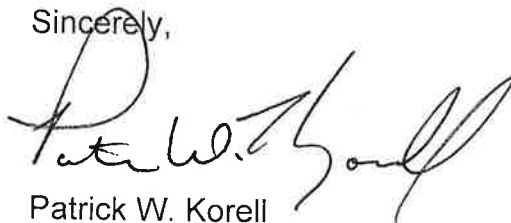
- You will have access to hand sanitizer at all times;
- All jurors, witnesses, litigants and court personnel will answer screening questions on a daily basis. These questions are required by Wyoming's public health system and are used to help identify the presence of any physical symptoms related to COVID-19;
- Any juror, witness, court personnel, attorney, bailiff, or person entering the courtroom will be tested twice daily for any signs of fever using a non-contact thermometer;
- The court will provide sufficient space between jurors allowing you to maintain proper distancing and separation of at least six (6) feet;
- The courtroom will be sanitized daily and during any breaks;
- The court will strictly adhere to the recommendations of our local health officials;
- The court will require those present in the courtroom to wear masks to protect others during the trial process;
- The court will only allow masks to be removed during times when there is significant distancing as determined by the court in consultation with public health officials; and
- The court will seek approval from public health of the court's intended protections prior to each trial.

Again, I realize there are challenges and fears for many, if not all, of us. However, the courts must continue to operate when it can do so in a safe manner. These measures are designed to protect your safety in your service to the people of Goshen County and to the state of Wyoming while addressing the need to have our justice system continue to move forward to the extent it is safely able to do so.

If there are valid reasons you cannot serve as a juror, you should immediately contact the Clerk of District Court in person at 2125 East A, Torrington, or by telephone (307-532-2155). You will be asked to submit, in writing, your reasons and your request to be excused. I am not attempting to unnecessarily gather personal information about you. However, please understand that I must be able to make an informed decision before I can excuse you as a potential juror in this case, and, unless you are excused, you are required to attend court. I am respectfully requesting you do your best to fully participate in this important obligation and duty, and that you only request to be excused when absolutely necessary.

I am grateful for your participation.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick W. Korell". The signature is fluid and cursive, with a large initial "P" and "K".

Patrick W. Korell
District Judge

cc: Court file

COVID-19 Screening Questions
Jury Service – Goshen County

Have you had any of these symptoms that is not attributable to another condition?

- Fever (*100.4 Fahrenheit or higher*) or feeling feverish? **Temperature today:**
_____ °F
- Chills
- New or worsening Cough
- Shortness of breath or difficulty breathing
- New or worsening muscle aches
- New or worsening headache
- New loss of taste or smell
- Fever
- Nausea or vomiting
- Diarrhea

In the last two weeks, have you had close contact (*within 6 feet for at least 10 minutes*) with anyone who has been diagnosed with COVID-19?

Anyone answering yes to any of these questions will be sent home.

Name _____

Signature _____ Date _____
