

**REVISED OPERATING PLAN FOR JURY TRIALS
EIGHTH JUDICIAL DISTRICT, STATE OF WYOMING
CONVERSE 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 Converse County Courthouse, proposed by Honorable F. Scott Peasley, 8th Judicial District Court Judge, Douglas, 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 Converse 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 a letter to all jurors with the summons. (see attachment A)

	<p>The Court will share responses with the parties. The Court will have an on-or-off-the-record discussion with counsel from both sides.</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 as soon as possible 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>
<p>Safety Precaution Information</p>	
	<p>The Court will send an informational letter with the juror questionnaire, which explains the safety precautions the Court has taken, in advance of trial, and will take during the trial.</p> <p>Attachment A is the Court's informational letter.</p> <p>In addition, the Court will post these precautions at the Southwest door of the Converse County Courthouse.</p>
<p>COURTHOUSE PROTECTIONS</p>	
<p>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.</p>	
<p>Facilities (Ventilation)</p>	
	<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>
<p>Coordination/Scheduling</p>	
	<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>

VOIR DIRE

Voir dire poses special problems due to the number of people that will be congregating at the courthouse. In addition, *voir dire* is a time potential jurors may interact with court personnel, and either group may know what to expect.

Court Procedures Information

The Court will screen potential jurors prior to entry into the Courthouse. This will be conducted on the Southwest 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:

- Have to answer some health questions; and
- Be provided a face covering; they will be provided gloves upon request.

Social Distancing

The District Courtroom can seat approximately 25 prospective jurors while maintaining proper social distance. If the Court calls more than 25 prospective jurors, the *voir dire* will be conducted in separate waives.

The Court will advise the attorneys the time allowed to each of them for conducting *voir dire*. The time allowed should be used efficiently to avoid long periods in which the venire will be seated in proximity to each other.

Health (Screening)

As stated above, the Court will conduct health screenings when jurors arrive, outside the courthouse at the Southwest door facing the street. Court screening personnel will:

- Ask jurors if they have a temperature greater than or equal to 100.4°F. Also, they will be screened on the second floor for temperature.

If a potential juror has a temperature greater than 100.4°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.

- Court screening personnel will ask COVID-19 screening questions. Complete Health screening form for each panel of jurors is attached as Attachment B.

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.

- 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).</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 seats 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 when using a microphone for venire members to respond to questions.

	<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>
Sidebars during Voir Dire	
	<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 style="text-align: center;">The Court Reporter will relocate to the judge's chambers 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 judge's chambers 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>
SEATING THE JURY	
<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 in the gallery. The Court will have seats marked where each juror shall sit.</p>	
Social Distancing	
	<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 from the witness box.</p> <p>The Court will clean the microphone using the cleaning protocol described above after each witness.</p>

	Recesses
	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.
	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 provide an audio and video feed of its proceedings. Because there is not enough space for the public and the jury, the Court will stream the entire trial and provide email instructions to join the trial to the Defendant and the State.</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 not accommodate a jury (whether 6 or 12) to maintain social distancing. Therefore, the community room in the basement of the courthouse will be utilized for all jury recesses and deliberation. 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
	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.
CONDUCTING THE JURY TRIAL	
<p>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.</p>	
	Social Distancing

	<p>All participants, including attorneys and clients, must maintain social distancing. When unable to social distance, all participants must wear a face covering (mask).</p> <p><u>Attorneys/Clients</u> – 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</p> <p>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.</p>
	<p>Hygiene</p>
	<p>The Court will ensure that the Courtroom is cleaned and disinfected following morning session and afternoon session.</p> <p>The Court will ensure that the courtroom is disinfected with an EPA approved disinfectant.</p> <p>The Court will also ensure that the community room is cleaned and disinfected after morning session and afternoon session.</p> <p>Common usage areas, such as the podium and witness microphones, if used, will be disinfected after each use. Attorneys will be encouraged to use the microphones on their tables.</p>
	<p>Scheduling</p>
	<p>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 of a confined area.</p>
	<p>Exhibits and Documents</p>
	<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 exhibits.</p> <ul style="list-style-type: none"> • 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). <ul style="list-style-type: none"> • 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

	<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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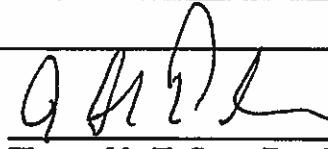
INFECTIOUS EVENT PROTOCOL

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:

- 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 F. Scott Peasley

APPROVED:



Converse County Public Health