

**SECOND AMENDED**  
**FIRST JUDICIAL DISTRICT**  
**DISTRICT COURTS' CORONAVIRUS PANDEMIC**  
**JURY TRIAL OPERATIONAL PLAN**  
**EFFECTIVE July 1, 2021**

I. **INTRODUCTION -- Jury Trials are an essential and guaranteed part of our Judicial System. The First Judicial District Courts must, when the time is appropriate and it is determined to be safe, reconvene jury trials. The Wyoming Supreme Court's Covid-19 Pandemic Orders and Guidelines require all Wyoming District Courts to adopt and file a Jury Trial Operational Plan before reconvening jury trials. Therefore, the First Judicial District Court Judges adopt the following Second Amended Jury Trial Operational Plan.**

II. **DISSEMINATION OF INFORMATION TO PUBLIC**

A. **Informational Letter.** A letter, attached as Exhibit A, will be mailed to each potential juror explaining the precautions the District Courts are taking to protect the jury trial participants from the coronavirus.

B. **Updating Websites:** The Clerk of District Court will upload important documents and information onto her website, including the Second Amended First Judicial District Court's Jury Trial Operational Plan and the screening form jurors will be required to complete upon arrival at the courthouse for jury service.

III. **SCREENING OF POTENTIAL JURORS PRIOR TO DAY OF TRIAL**

A. **High Risk Individuals:** Potential Jurors who satisfy the CDC's criteria of high risk for severe illness from Covid-19 will, upon request, be excused from juror service during the ongoing pandemic.

1. All potential jurors will be notified prior to coming to the courthouse that they may request to be excused from jury service during the pandemic if they qualify under the CDC guidelines as high risk for severe illness from Covid-19.

B. **Additional Jurors:** The Clerk of District Court will summon additional jurors for each trial in anticipation of more disqualifications for cause.

#### IV. PREPARATION OF THE COURTHOUSE FOR JURY TRIALS

A. **Proper Ventilation:** Research indicates that proper air flow can help limit the spread of Covid-19. The District Courts have investigated the Courthouse air ventilation system and have been informed as follows:

1. Laramie County recently installed a new ventilation control system with all new equipment and each area has been recently balanced.

2. The air turnover rate is approximately every two hours, and the ventilation system runs seven days a week from 4:00 a.m. until 10:00 p.m. The system was recently balanced to assure the proper percentage of outside air flow.

3. The ventilation system includes all recommended seals and filters. There are filters located at each VAV-box, which filters air being dispersed through zoned air drops. Filters are replaced quarterly.

B. As often as possible and in compliance with legal requirements and mandates, the Courtroom doors will remain open to increase ventilation

C. **Increased Cleaning:** The courtrooms and jury rooms will be thoroughly cleaned and disinfected every evening and during the lunch break. The witness stand area will be cleaned with disinfectant between witnesses. The disinfectants used will be applied in accordance with the disinfectant's label.

**D. Circuit Court Coordination:** The District Courts will coordinate the scheduling of jury trials in District Court with the Circuit Court schedules.

## **V. REQUIRED PERSONAL PROTECTIVE EQUIPMENT**

### **A. Facial Coverings:**

1. All in-person participants in a jury trial will be required to wear a facial covering while inside the courthouse and for all trial proceedings. Witnesses while testifying and the Judge will be permitted to remove facial coverings while seated in their plexiglass enclosed areas.

2. Facial coverings must cover the mouth and nose and be worn properly. Facial coverings shall be made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face.

3. The Clerk of District Court will provide facial coverings to those potential jurors who do not bring their own. Facial coverings worn during a jury trial shall not include any recognizable written words, symbols, or convey any message.

4. (Intentionally omitted)

5. A participant who is unable to wear the required facial covering because of a valid medical or mental health related condition will not be able to participate in the jury trial.

### **B. Gloves:**

1. Disposable and sterile gloves will be provided to participants upon request. Disposable and sterile gloves will be worn by bailiffs throughout the proceedings.

## **VI. CONTACT TRACING**

A. All persons and participants attending any portion of a public jury trial shall be required to provide the court with their current name, address, phone number, and email address for

purposes of contact tracing in the event of potential exposure during the proceedings.

## VII. ARRIVAL OF JURORS AT COURTHOUSE

A. **Signage**: Posters will be prominently posted outside the courthouse and outside the District Court courtroom listing Covid-19 symptoms and directing individuals with symptoms to not enter the courthouse or courtroom, if they are experiencing any Covid-19 symptoms.

1. Signs will also be posted which direct potential jurors to the health screening area and remind all persons to maintain proper social distancing.

B. **Security Screening**: As with all persons coming to the District Courts, potential jurors will first be required to pass through the security screening entrance. No potential juror will be permitted to pass through security without a proper facial covering. If a potential juror does not have a proper facial covering, that potential juror will not be permitted to pass through security. If necessary, potential jurors will be provided with facial coverings.

C. **Health Screening**: A check-in table will be set up on the second floor or third floor depending on the courtroom location of the trial. At the check-in table potential jurors will be appropriately socially distanced with clear markings on the floor or in designated socially distanced seating. Each juror will have his or her temperature taken at security or at the check-in table and will be required to complete a health screening form, which is attached as **Exhibit B**. Seating will be arranged in the common area for potential jurors, who are awaiting health screening, to assure proper social distancing.

1. If a potential juror's temperature is 100.4° or greater, they will be asked to return to their vehicle and await further telephonic contact from the Clerk of District Court.

2. If a potential juror's answers on the health screening reflect that the potential juror has an increased risk of infection from the coronavirus, they will be asked to return to their vehicle

and await further telephonic contact from the Clerk of District Court.

D. **Seating after Screenings:** Once a potential juror has successfully passed through the security and health screenings, a member of the Clerk of District Court's staff or a bailiff will escort the juror into the courtroom to sit in a designated seat which is properly socially distanced from all other participants. Jurors will be required to use hand sanitizer before entering the courtroom. Both the gallery area and the jury box will be utilized. (Numerous hand sanitizer dispensers will be located throughout the courtroom to allow the jurors frequent access)

E. Bottled water will be provided for the jurors. No outside water bottles will be permitted.

F. All participants in the trial will be required to comply with the security and health screening process.

#### VIII. *VOIR DIRE*

A. **Generally:** *Voir dire* will be conducted in subpanels because an entire panel cannot be properly socially distanced in the courtroom. If more than two jury trials are scheduled to be started on the same day, the Judges presiding over the trials will confer and make necessary arrangements to prevent overcrowding in the courthouse.

B. **Specific Process:** A maximum of 30 potential jurors will be summoned at a time. The first subpanel of potential jurors will be summoned for 8:00 a.m. and the second subpanel at 1:00 p.m.

1. Following the security and health screening process, the Clerk of District Court will provide a brief orientation to the potential jurors about jury service and the coronavirus precautions.

2. The Judge will qualify jurors and, if requested by the parties, ask the jury preliminary questions.

3. Each side will then be given one hour to conduct *voir dire*. Counsels' *voir dire* shall be conducted from counsel tables, not from the podium.

4. During *voir dire*, the Judge will encourage members of the subpanel to speak up when responding, to avoid having to circulate and clean the hand-held microphone. If necessary, the court will allow use of the hand-held microphone but will require the microphone to be properly disinfected between each use.

5. If necessary, the Judge will conduct private *voir dire* arising during jury selection after each side's questioning. Private *voir dire* will be conducted in a separate room in the courthouse which will allow for proper social distancing. The room where private *voir dire* occurs will be cleaned after each interview.

6. After the first subpanel is passed for cause, the Judge will then excuse the first sub-panel. Before excusing the potential jurors, the Judge will inform the potential jurors in the first subpanel that the Clerk of District Court will call the jurors who have been selected for jury service and inform the selected jurors when to report to the courthouse.

7. Between subpanels, county cleaning staff will use disinfecting spray on all common surfaces including, but not limited to, gallery, counsel tables, podium (if used), and microphones.

8. *Voir dire* of the second subpanel shall be conducted in the same manner as the that of the first subpanel.

9. After the second subpanel has been passed for cause, the Court will then excuse the second sub-panel. Before excusing the potential jurors, the Judge will inform the potential jurors in the second subpanel that the Clerk of District Court will call the jurors who have been selected for jury service and inform the selected jurors when to report to the courthouse.

10. Following the release of the second subpanel, peremptory challenges will then be conducted by counsel and the Judge.

11. Depending on the nature and expected length of the jury trial, the Judge will consider keeping two alternate jurors.

## **IX. SEATING THE JURY**

A. All jurors must wear approved and proper fitting facial coverings throughout the proceedings. A selected juror who is unable to wear a proper facial covering because of a valid medical or mental health related condition will not be permitted to serve on the jury. If requested, jurors will also be provided sterile disposable gloves.

B. When the jury enters and exits the courtroom, the bailiffs will open and shut all doors. Bailiffs will escort the jury to and from the designated jury room.

C. Use of Jury Rooms. During the trial (breaks, assembling in the morning and after lunch, etc.), seating in the jury room will be spread out around the room and jurors will be instructed to sit in a specific seat, not move the chairs, and to avoid congregating or assembling around the table. The jury will deliberate in the courtroom so they can spread out and not feel compelled to congregate around the table. (Numerous hand sanitizer dispensers will be located throughout courtrooms and jury rooms to allow the jurors frequent access. Disposable sterile gloves will also be provided. In addition, signs will be posted to remind jurors to practice recommended pandemic hygiene guidelines.)

## **X. CONDUCTING THE TRIAL**

A. Generally: All participants in the jury trial including judges, attorneys, parties, witnesses, bailiffs, clerks, and jurors, will be required to wear proper facial coverings and appropriate distancing throughout the proceedings. At the discretion of the Judge, facial coverings may not be required for those participants seated in areas enclosed with plexiglass dividers. Hand sanitizer will be located at each entrance to the courtroom for participants and observers to use when entering the courtroom.

**B. Health Screening:** Each day, all participants in the trial and members of the public and press will have his or her temperature taken and will be required to complete the health screening form.

**C. Number of Attorneys:** Unless good cause is demonstrated, each side will be allowed no more than two attorneys in the courtroom at one time. Staff or investigators will be permitted in the courtroom only with the consent of the court and only if proper social distancing can be maintained.

**D. Use of the Podium:** Attorneys will conduct opening statements, closing arguments, and witness examination from the attorney tables and not use the podium, to avoid the need for repetitive cleaning.

**E. Sidebars:** Sidebars will be conducted in another room, which will allow for proper social distancing and be outside the jury's presence. In the alternative, a remote and separate communication system, if available, may be used during sidebars.

**F. Witness Stand:** The witness stand will be cleaned and disinfected between each witness, allowing sufficient time for the applied disinfectant to activate. Witnesses will be permitted to remove their facial coverings to testify once they are seated behind the plexiglass dividers or at the Judge's discretion.

**G. Exhibits:** All exhibits shall be presented electronically, unless an exhibit cannot be electronically displayed. Physical or hard copies of electronic exhibits shall not be used. The courtrooms are equipped with numerous large screen monitors and inputs for electronic and digital display of exhibits. If a party seeks to have an exhibit published, the party may use available technology to publish the exhibit. Each party is expected to bring a laptop that can display exhibits on the available monitors. Attorneys should familiarize themselves with each Courtroom's digital equipment before trial begins if they plan to use it.

1. To the extent physical exhibits are necessary, any person handling exhibits during the trial must sanitize their hands and wear gloves when handling exhibits.



2. All exhibits provided to jurors for deliberation shall be provided by a single person assigned by the Court. That person shall handle the documents only with sterile disposable gloves and wear a facial covering while handling the exhibits.

H. Attorney-Party Communication: Attorneys and clients will be permitted to use cellphones, tablets, or other electronic devices at counsel table to communicate with each other privately. RECORDING THE PROCEEDINGS IS, HOWEVER, EXPRESSLY PROHIBITED. See Rule 803 of the U.R.D.C., and Rule 53, W.R.Cr.P.

I. Recesses: The court will take recesses of greater length to allow all participants to go outside the courthouse for fresh air and to allow the courtroom's ventilation system to circulate new air.

j. Public and Press Access: The Judge will provide a designated area for members of the public to observe public trials. Members of the press will be allowed to use the designated press room for each courtroom. Any member of the public or the press attending a public trial shall be required to comply with each of the protective measures imposed on the participants, including all health screenings, facial coverings, social distancing, and contact tracing. Public and press access to the trial may be limited due to the requirement of social distancing. If available and approved by the Judge, audio and video streaming of the trial may be permitted.

## XI. JURY INSTRUCTIONS

A. The Judge will conduct the instruction conference either in the courtroom with the jury excused or in another room which allows for proper social distancing.

B. Copies of instructions provided to jurors for deliberation shall be provided by a single person assigned by the Judge. That person shall handle the instructions only with sterile disposable gloves and wear a facial covering while handling the instructions.

C. Juror notebooks provided to jurors shall be provided by a single person assigned by the Judge. That person shall handle the

notebooks only with sterile disposable gloves and wear a facial covering while handling the notebooks.

## XII. JURY DELIBERATIONS

A. Deliberations will be conducted in the courtroom. The Court will ensure that microphones and cameras are disabled during deliberations. The jury will be instructed that the chosen foreperson is responsible for assuring compliance with the facial coverings and social distancing requirements during deliberations.

## XIII. TRIAL PARTICIPANT BECOMES SICK OR INFECTED

A. In the event a trial participant becomes ill with Covid-19 symptoms during or within 72 hours after the trial, the Judge will immediately contact state and local public health officials to determine the proper protocols to follow.

  
\_\_\_\_\_  
District Court Judge

5/16/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
District Court Judge


5/14/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
District Court Judge

5/19/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
District Court Judge

5/14/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stan Hartman, M.D.  
County Public Health Officer

5/14/2021  
\_\_\_\_\_  
Date

JUDGE: \_\_\_\_\_

CASE NAME: \_\_\_\_\_

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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Completed By: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_



STATE OF WYOMING

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FIRST 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 where possible in all courtrooms and jury rooms**

**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.

No one can guarantee that any of us will not be exposed to coronavirus. 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.

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Thomas T. C. Campbell

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Steven K. Sharpe

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Catherine R. Rogers

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Peter H. Froelicher