

JUDGE TYLER'S COURTROOM
Amended Operating Plan (Non-Jury Trial Proceedings)
Ninth Judicial District Court
Lander, Fremont County Wyoming
450 North 2nd Street Lander, WY 82520
July 1, 2021

TO THE EXTENT POSSIBLE, THE PRIMARY OBJECTIVE OF REOPENING AND HOLDING IN-PERSON HEARINGS AND NON-JURY TRIALS IS TO PROMOTE AND MAINTAIN THE HEALTH AND SAFETY OF THE PUBLIC, LITIGANTS, ATTORNEYS, WITNESSES, AND DISTRICT COURT PERSONNEL, WHILE CONDUCTING NECESSARY, ESSENTIAL, AND TIMELY JUDICIAL FUNCTIONS.

1. Judge Tyler's court personnel, counsel, parties, witnesses and members of the public having business before Judge Tyler's Court must make all reasonable and necessary efforts to comply with the current Orders by the Wyoming Supreme Court, and guidance provided the Wyoming Department of Health and the United States Centers for Disease Control and Prevention.
2. Judge Tyler's court personnel will make all reasonable efforts **to continue scheduling and conducting hearings and non-jury trials using video conferencing and/or telephone conferencing via Microsoft Teams** (when permitted by law/rule and/or consent).
3. **Any party and/or counsel for any party may file and serve a written request seeking to change in the manner that the hearing will be conducted** (*e.g.*, request an in-person instead of video conferencing and/or telephone conferencing hearing or trial, or *vice-versa*). Any such motion should state the position(s) of any other party in the case.

In-Person Hearings and Non-Jury Trials

4. When setting in-person hearings and trials, and in advance of conducting in-person hearings and non-jury trials, individuals over age 65, and individuals with serious underlying health conditions (such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, auto-immune disease, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy) should inform Judge Tyler's court personnel so that the Court may make reasonable accommodations, which the Court will endeavor to provide.
5. Individuals experiencing COVID-19 related symptoms, or who have had recent exposure (*i.e.*, within 14 days) to an individual that has tested positive for COVID-19 are not to enter the Court Security screening area. Such persons should inform the Court so that the Court may make reasonable accommodations, and immediately consult with appropriate medical care providers.

6. The timing and duration of in-person hearings and non-jury trials will deviate from traditional scheduling patterns to help accommodate for the changes set forth in this amended operating plan, and to assure available scheduling to hold hearings and non-jury trials.
7. Anyone entering the District Court courtroom or the Auxiliary courtroom to attend in-person court hearings or trials assigned to Judge Tyler must enter through the Court Security screening area and be screened by Court Security officers prior to entry.
8. All persons intending to enter the District Court courtroom or the Auxiliary courtroom to attend in-person court hearings or trials assigned to Judge Tyler **must comply with the following:**
 - a. Those NOT from the same household **MUST MAINTAIN SOCIAL DISTANCE – at least six feet apart.** Consistent with social distancing guidelines, public access to in-person court hearings and non-jury trials may be limited to counsel, parties, witnesses and select members of the public. Those not permitted to attend in person may be allowed to attend via video/telephone conferencing.
 - b. **MUST WEAR FACE COVERINGS.**¹ Those persons participating in or attending an in-person court hearing or a non-jury trial should bring their own face covering. In the event that a person is prevented or prohibited for legitimate reasons from wearing a face covering, he/she must contact the Court to receive reasonable accommodations, which the Court will endeavor to provide. There is a general exception for individuals who have a medical condition, mental health condition, or disability that prevents wearing a face covering. The Court may, in the Judge's discretion, accommodate such general exceptions by requiring the use of a face shield. The Court may, in the Judge's discretion, not require witnesses to wear a face covering only while testifying; however, the Court may, in the Judge's discretion, require witnesses to use clear face shields in lieu of face coverings. The Court may, in the Judge's discretion, permit attorneys to use face shields for certain specified purposes during a hearing or trial.

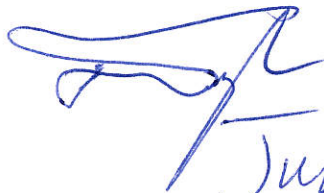
IF ANY PERSON REFUSES TO WEAR A FACE COVERING (WITHOUT HAVING FIRST CONTACTED THE COURT FOR ACCOMMODATION IN ADVANCE OF THEIR APPEARANCE AT THE COURT SECURITY SCREENING AREA), THEN COURT SECURITY OFFICERS MUST IMMEDIATELY NOTIFY JUDGE TYLER TO OBTAIN INSTRUCTIONS AS TO HOW TO PROCEED.

THE WILLFUL FAILURE OR REFUSAL TO WEAR A FACE COVERING WITHOUT A MEDICAL CONDITION, MENTAL

¹ A "face covering" means a covering 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.

HEALTH CONDITION, OR DISABILITY THAT PREVENTS THAT PERSON FROM WEARING A FACE COVERING MAY RESULT IN THE OFFENDER BEING FOUND IN DIRECT CONTEMPT OF COURT, AND SUCH PERSON MAY BE IMMEDIATELY SANCTIONED OR PUNISHED, INCLUDING SERVING A JAIL TERM, PAYING MONETARY SANCTIONS, OR OTHER PENALTY. (W.R.Cr.P. 42(a)(1)(A)/(B)).

9. Witnesses should wait outside the courthouse until they are called by counsel or a party to testify in court. To accommodate this requirement, the Court will allow counsel or a party to use the text/email function of their cellphones/tablets/laptops to communicate to the witness when it is time to enter the courthouse. If waiting outside the courthouse is not feasible, the Court may make arrangements (consistent with social distancing and this plan) to allow witnesses to wait at a designated location within the courthouse.
10. All counsel, parties, witnesses, and select members of the public must leave the courtroom and courthouse as soon as possible after their hearing or trial is complete, and they should avoid congregating in the courthouse.



Judge