

**OPERATING PLAN FOR JURY TRIALS DURING THE COVID-19 PANDEMIC
OF THE THIRD JUDICIAL DISTRICT COURT,
LINCOLN COUNTY, WYOMING**

Due to the COVID-19 pandemic, much of our Nation, and our State, have changed their operating procedures to address the health risks presented. COVID-19 has affected everyone and nearly every aspect of our lives, including the Wyoming Court system, especially jury trials. Generally, the Wyoming Supreme Court has recommended that no courts conduct jury trials unless there is a trial operating plan in place and the presiding judge has determined, after considering the conditions of the courthouse, the projected length of the trial, and the current health of the community are such that the court can safely conduct that jury trial. In connection with the Wyoming Supreme Court, and local public health officials, the Third Judicial District Court intends to begin conducting jury trials on October 19, 2020. Those jury trials will be held at the Training and Events Center, 215 WY 233, Kemmerer, Wyoming until there are sufficient safeguards in place and distancing available for jury trials to return to the Lincoln County Courthouse.

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 as well as the litigants, their counsel, and Court personnel 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 County with the facilities available face 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, available facilities, and community, and drawing on guidance from the Centers 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 Third Judicial District Court, Lincoln County, Wyoming proposed by and for Judge Joseph B. Bluemel at the Training and Events Center.

[REST OF THE PAGE INTENTIONALLY LEFT BLANK]

PRE-SCREENING		
<p>Courts should take efforts to ensure that vulnerable populations are not compelled to come to the Training and Events Center. The Courts should take steps to educate potential jurors on the precautions the Court is taking to protect jurors health and safety.</p>		
	Supplemental juror questionnaires	
		<p>The Court will send supplemental juror questionnaires two weeks in advance of trial. (<i>See Attachment A</i>).</p> <p>It is important to have this questionnaire sent as early as possible to allow response time so as to pre-screen persons with health conditions that may excuse them due to COVID-19. The Clerk will make telephone calls to assure responses are timely provided.</p> <p>The Court will share responses with the parties.</p> <p>If both parties agree, dismiss the potential juror for cause before trial date.</p> <p>If the parties do not agree, the Court will 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 Training and Events Center.</p> <p>If a potential juror brings the supplemental questionnaire to the Training and Events Center the day of trial, Court screening personnel will notify the Court, the Court will confer with the parties, if that is possible, and decide whether to excuse the potential juror.</p>
	Safety Precaution Information	
		<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 front door of the Training and Events Center (the location where all 12 person jury trials will be held).</p>

TRAINING AND EVENTS CENTER FACILITY PROTECTIONS		
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 Training and Events Center for the trial proceedings. There are things within the Training and Events Center that will be adjusted to help the facility itself protect juror health and safety.		
	Facilities (Ventilation)	
		Research indicates that proper air flow can help limit the spread of COVID-19.
		<p>The Training and Events Center has high air flow rates because it is designed to accommodate large groups that will not be in attendance during jury trials held there during the COVID-19 pandemic.</p> <p>The entry door to the Training and Events Center will be open when Court is not in session to reduce or 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 gloves and face coverings, will open and close doors.</p> <p>There will be a separate door used for exiting the Training and Events Center that can be opened without being touched or it will be open when people are leaving the facility.</p>
VOIR DIRE		
<i>Voir dire</i> poses special problems due to the number of people that will be congregating at the Training and Events Center. 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.		
	Court Procedures Information	
		<p>Besides the Court's informational letter that will be sent to all prospective jurors, the Court will post signs at the Training and Events Center entrance that 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, if they do not already have their own.

	Social Distancing	
		<p>The Training and Events Center has a capacity of 469 people and can provide for social distancing while seating up to 70 prospective jurors, all parties for the proceeding, Court personnel and members of the public who wish to observe.</p> <p>Therefore, the Court will summon all potential jurors for each trial to arrive at one time.</p> <p>The potential jurors will be summoned no earlier than 8:00 a.m.</p> <p>The Court will qualify jurors and conduct basic, preliminary <i>voir dire</i> from approximately 9:15 – 10:15.</p> <p>Each side will be given 30 minutes to conduct <i>voir dire</i>. (10:15 – 11:15)</p> <p>Generally, there will be no sidebars or discussions with a single juror during <i>voir dire</i>. All questions, discussions, and challenges for cause will occur in open court before the entire panel. All peremptory challenges will be made in the presence of the jury.</p> <p>A jury will be selected by approximately noon.</p> <p>If a sidebar or discussion with a single juror is necessary due to the type of case being tried, it will be conducted in a separate room with adequate room for all in the room to be at least 6 feet apart and all will be required to wear face coverings at all times.</p>
	Health (Screening)	
		<p>The Court will conduct health screenings when jurors arrive at the Training and Events Center. Court security has agreed to provide Court screening personnel for when jurors arrive at the Training and Events Center. Court screening personnel will:</p> <p>Take the temperature of each potential juror and person before allowing entry to the Training and Events Center.</p> <p>If a potential juror or any other person has a temperature over 100°F, that person will not be admitted to the Training and Events Center and will be asked to return to their vehicle, contact their medical provider and seek directions and await further instruction from the Court.</p> <p>Court screening personnel will ask COVID-19 screening questions. Complete Health screening form for all jurors and people entering the Training and Events Center (Attachment C).</p> <p>If a potential juror or individual answers in the affirmative to any health screening question, the potential juror or individual will not be</p>

		<p>admitted to the Training and Events Center and will be asked to return to their vehicle, contact their medical provider and seek directions and await further instruction from the Court.</p> <p>The Court will remind venire members and all attending the trial 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>
	<p>Hygiene/Personal Protective Equipment (Screening)</p>	
		<p>The Court will ensure that each venire member and all people sanitize their hands before entering the Training and Events Center.</p> <p>After hands are sanitized, court screening personnel will provide each venire member and individual a face covering (mask) (if they do not already have their own).</p> <p>Court and court screening personnel must also instruct venire members how to properly wear face coverings over both the nose and mouth.</p> <p>Court screening personnel or bailiffs will wear face coverings (i.e., masks) throughout <i>voir dire</i> process and the trial.</p> <p>The Court will train court screening personnel and bailiffs on proper procedure for putting on/taking off PPE (masks and gloves) (see below).</p>
	<p>Social Distancing Within the Events Center</p>	
	<p>Once in the Training and Events Center, the court must ensure social distancing and face coverings.</p>	
		<p>The Court will only allow as many venire members in the Training and Events Center as may maintain social distancing (minimum six feet apart) in the gallery.</p> <p>The Court has seating in the Training and Events Center with spacing of six feet between seats.</p> <p>Court screening personnel will maintain information on all members of the public entering courtroom for contact tracing purposes.</p> <p>Includes name, address, telephone number, and date and time of entry.</p>

		All members of the public, parties, attorneys, and Court personnel will be screened like potential jurors (temperature checks and health screening forms).
	Health Screening in the Training and Events Center	
		<p>The Court will instruct bailiffs to monitor the jury venire for signs of COVID-19 symptoms and the Court and staff will assist.</p> <p>This will require some training on spotting symptoms.</p> <p>Court screening personnel or bailiffs will ask COVID-19 screening questions and take temperatures at the beginning of each day prior to anyone entering the Training and Events Center.</p>
	Hygiene/ Personal Protective Equipment in the Training and Events Center	
		<p>Bailiffs and court personnel will be wearing masks when providing a microphone for venire members to respond to questions, if a microphone is necessary.</p> <p>All people in the Training and Events Center for the trial will be required to wear their face covering or the face covering provided by the Court while in the Training and Events Center except as otherwise provided.</p> <p>If it becomes necessary for a potential juror to address the Court, the Court will:</p> <p>First, ask venire members to “speak up” and avoid use of microphone to avoid transmission vector.</p> <p>If it becomes necessary to use the microphone, the Court and bailiffs will instruct (and require) that each venire member speak into a microphone that has a sanitary microphone cover. They will be allowed to remove their face covering and speak into the microphone. After speaking, they will remove the microphone cover and keep it in case they need to speak into a microphone again, at which time they will use that same microphone cover. After speaking into the microphone, the venire member will be required to replace his/her face cover. The microphone will be at least 6 feet from anyone else.</p> <p>Bailiffs will assist by assuring that a fresh disposable microphone cover is placed on any microphone before and after each use.</p> <p>All persons entering and leaving the Training and Events Center must sanitize their hands each time they re-enter the Training and Events Center.</p>

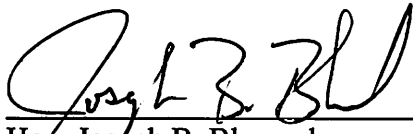
		<p>Court/Courthouse/Training and Events Center staff will clean the Training and Events Center at the end of each day.</p> <p>All cleaning must be done by persons wearing face coverings and gloves.</p> <p>Cleaning personnel must first clean with soap and water or equivalent (i.e., bleach wipes).</p> <p>After initial cleaning, surfaces must be disinfected with List N disinfectant.</p>
	Sidebars	
	<p>Social distancing at sidebars presents substantial problems. The following are the procedures the Court will use to allow for safe, but effective sidebars. Sidebars will be discouraged and will only occur if absolutely necessary.</p>	
		<p>The Court will invite the potential juror, attorneys, and Defendant into a separate room where six feet social distancing will be maintained.</p> <p>Court will ensure that <i>only</i> bailiffs, who wear masks and gloves, open and close all doors when escorting venire members in, and out, of the separate room for sidebar process.</p> <p>Bailiffs may encourage venire members to go outside (weather permitting) during any breaks if time allows.</p>
TRIAL		
	Seating the Jury	
	<p>Upon completion of the <i>voir dire</i> process, each juror will have an assigned seat and each seat will be at least six feet from anyone else. The Court will socially distance the jury during the trial.</p>	
	Social Distancing	
		<p>The Court will:</p> <p>Have disposable microphone covers, which a bailiff, witness, or attorney will remove from the microphone after each use, and/or;</p>

		Clean the microphone using the cleaning protocol described above after each witness and wipe down the chair and witness stand before the next witness is called to the stand.
	Recesses	
		The jury will have the room marked “Jury Room” in the Training and Events Center to serve as the jury room during recesses and deliberations (Attachment D). The jury will have exclusive use of the bathrooms on the south end of the building during the trial. This arrangement will assure that jurors will be able to maintain at least six feet of distance during recesses and deliberations.
	Social Distancing	
		Seating in the jury room will be arranged so the jury will be able to maintain appropriate social distancing of at least six feet.
	Public Access	
		State and Federal Constitutions require public access to the trial proceedings. Having jury trials in the Training and Events Center gallery area has a capacity of 469 people. That large area allows for seating to maintain six feet of social distance and provide for public access when seating a jury.
	Social distancing	
		There will be a typical courtroom setup with a jury box where seats are at least six feet apart, all court seating will be socially distance and the rear portion of the gallery area will be for public seating. All persons entering the courtroom will undergo health screening (temperature checks and health questions).
CONDUCTING THE 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	

		<p>Generally, all participants, including attorneys and client, must maintain social distancing and wear a face covering (mask).</p> <p><u>Attorneys/Clients</u> – They are encouraged to communicate in writing if possible to provide for social distancing. If they need to communicate by being closer than six feet apart, they must continue to wear a face covering and minimize that contact as much as possible. This type of communication may be necessary to facilitate a fair trial.</p> <p>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.</p> <p>All are prohibited from recording or videoing anything inside the Training and Events Center. The official record will be provided by the Court Reporter.</p> <p>Attorneys and their clients may only use electronic devices for communicating with one another about the current case.</p> <p>Jurors will be required, to use face coverings during trial and deliberations.</p>
	Hygiene	
		<p>The Court will ensure that the Training and Events Center gallery areas used are cleaned and disinfected following use.</p>
	Scheduling	
		<p>The Court will try to limit all sessions to no more than 90 but no more than 120 minutes.</p>
	Exhibits and Documents	
		<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 evidence:</p> <p>All exhibits are expected to be prepared, marked, and shared with opposing counsel before the pretrial conference.</p> <p>Any person handling exhibits during trial must sanitize their hands and wear gloves when handling exhibits.</p> <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 jury box to see the document.</p> <p>Counsel shall follow normal procedures for seeking admission of the exhibit, except:</p>

		<p>Ask a bailiff (who will be wearing gloves and a face covering) to hand the exhibit to the witness (no approaching the witness).</p> <p>If a party seeks to have exhibit published, the party may use available technology to publish the exhibit. Only upon showing good cause at the pretrial conference, why the exhibit is of such importance that it should be published, and with arrangements made for such publication that reduces risk of transmission of COVID-19 may other publication occur.</p> <p>Actual exhibits will be placed on the exhibit table managed by the Court Reporter. They will be collected by the Court Reporter or clerk at the end of 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>The person assigned by the Court to pass documents to the jury shall:</p> <p>Wear a face covering when providing documents.</p>
	<p>Sidebars During Trial</p>	
		<p>Sidebars are strongly discouraged. If necessary, the Court may excuse the jury to conduct sidebar arguments in open court or the Court and necessary parties may move to an area of the Training and Events Center that will be out of hearing of the Jury. No matter how a sidebar is conducted:</p> <p>Judge and Attorneys must maintain social distancing and</p> <p>Judge and Attorneys will wear a face covering.</p>
<p>INFECTIOUS EVENT PROTOCOL</p>		
	<p>Trial Participant Ill (In-person Screening)</p>	
		<p>If a person has a temperature, answers any health screening question in the affirmative, or indicates a condition identified on the supplemental questionnaire before entering the courtroom:</p> <p>Obtain mobile telephone number;</p> <p>Instruct the person to return to their vehicle, and;</p> <p>To remain at the Training and Events Center in their vehicle until they are contacted by the presiding judge.</p>

		Notify their medical provider and follow local and State guidance on quarantine
	Trial Participant Ill in the Training and Events Center	
	Ill Person	Any person who becomes ill in the Training and Events Center will be provided appropriate assistance and the local public health office will be contacted and their requests or directives will be followed.



 Hon. Joseph B. Bluemel
 Third Judicial District Court



 Lincoln County Public Health Officer

**THE STATE OF WYOMING
THIRD JUDICIAL DISTRICT**

Joseph B. Bluemel
District Court Judge
925 Sage Avenue
P. O. Box 47
Kemmerer, WY 83101
Phone: (307) 877-2055 - Kemmerer
(307) 789-7002 - Evanston

Chris Lym
Judicial Assistant

Jennifer Moio
Official Court Reporter

January 12, 2022

Dear Potential Juror:

First, thank you for contributing to our justice system by being a potential juror for the Lincoln County District Court. Our judicial system depends upon you to provide one of the rights guaranteed by our Constitution, which is for a jury to decide the case. Matters before the Court involve liberty and property interests. Litigants, witnesses, and jurors are required to appear. Because people are required to appear, the Court will continue taking precautions to try to protect you, your family, and others in these proceedings from COVID-19 transmission.

The Court recognizes that some in our community have had COVID, others have chosen to be vaccinated, and others have chosen not to be vaccinated. Whatever your situation, the Court needs you to serve and be as safe as reasonably possible. For those reasons, in light of the COVID-19 pandemic, this Court has taken many precautions to ensure your safety when you do your civic duty and serve as a juror. These precautions include:

- **Supplemental questionnaires to screen individuals with underlying health conditions or other concerns.**
- **Moving jury trials to the Training and Events Center, Kemmerer, Wyoming so there is enough room to maintain social distancing with a large group of people.**
- **Health screenings for all potential jurors, the parties, and Court staff before entering the Training and Events Center.**
- **Requiring all who are in the Training and Events Center and jury room to wear a face covering, whether it is yours or one provided by the Court.**
- **Personal protective equipment (masks and hand sanitizer) will be provided by the Court.**
- **Thorough cleaning and disinfecting of areas in use.**

Juror
Page Two
January 12, 2022

No one can guarantee that any of us will not be exposed to the corona virus. However, I have developed these protective measures to minimize risks to your health, those you come into contact with, and to give you ease of mind that I am looking out for your safety when you serve as a juror.

If you have any questions, concerns, or suggestions for me to make your experience at the upcoming trial better, please let me know.

Sincerely,

JOSEPH B. BLUEMEL
District Court Judge

JBB/cl

CASE NAME: _____

JUDGE: _____

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)

	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
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
18													

Completed By: _____

Signature: _____

Date: _____