

Wyoming Circuit Court Judges' Benchbook

Name: **Jefferson Coombs**

Judicial District: **9th**

County of Circuit Court: **Fremont County – Lander**

GENERAL COURTROOM PRACTICE TIPS

Motions Practice

Q. Do you require submitted motions include a proposed order?

A. **Yes, I do.**

Q. Do you appreciate courtesy copies of briefs being delivered to you prior to hearing a motion?

A. **No, this is not necessary.**

Scheduling Conferences

Q. Do you have scheduling conferences? If so, how are scheduling conferences set and used in your court? Are they conducted by you? When done by telephone, are the attorneys responsible for setting up a conference call or does your office have enough lines to allow attorneys to call in?

A. **Yes, they are held in criminal cases. They are set at the time of a not guilty plea 45-60 days out. They are used to determine if the defendant wants a trial. They are conducted in court, on the record, and the defendant is required to appear.**

Q. What do you expect from the attorney at the scheduling conference?

A. **I expect for discovery to have been exchanged and reviewed prior to the scheduling conference. I expect that the defense attorney has discussed the case with their client. I also expect that plea negotiations have taken place.**

Pretrials

Q. Do you have final pretrial conferences?

A. **Yes, in criminal cases.**

- Q. In your view, what is the purpose of the pretrial conference?
- A. **The pretrial is used to determine if there are any unique issues in the case. It is also used to discuss witnesses, exhibits, jury instructions, and the verdict form.**
- Q. Do you have a specific format for pretrial memorandums?
- A. **Yes, the specifics are laid out in a case management order.**

JURY TRIAL PRACTICE

Jury Selection

- Q. How is voir dire conducted in your courtroom?
- A. **The court conducts general questioning regarding qualifications. This is followed by the attorneys conducting their questioning.**
- Q. Do you allow or encourage the use of jury questionnaires? If so, what is the due date for questionnaires?
- A. **Jury questionnaires are not generally used but could be, upon specific request by a party.**

Jury Instructions

- Q. When do you require requested jury instructions to be submitted?
- A. **Jury instructions should be submitted prior to the pretrial conference.**
- Q. What form do you prefer requested jury instructions to take (e.g. do you prefer jury instructions accompanied by supporting cases, in electronic form, etc.)?
- A. **Jury instructions should be submitted in writing with supporting authority. They should also be submitted electronically.**
- Q. What is your view of the Wyoming Pattern Jury Instructions?
- A. **The court will generally use the pattern instruction.**
- Q. Do you have a set of stock jury instructions that you use?
- A. **The only stock instructions I use are the general pattern instructions.**

Trial Procedure

- Q. What is your preferred trial schedule (e.g. 9 a.m. – 5 p.m. with an hour for lunch, 8 a.m. – 2 p.m. with no lunch, etc.)?
- A. **Jury trial are conducted between 9 and 5 with approximately an hour for lunch.**
- Q. What are your preferences with respect to motions in Limine and other trial related motions?
- A. **Motions in Limine should be filed as early as possible in order for the court to make a ruling before the trial begins.**
- Q. What are your preferences and/or procedures related to witness scheduling?
- A. **Specific scheduling is not required, but the attorneys should communicate with the court regarding witnesses so that there may be an efficient use of time.**
- Q. What are your preferences with respect to trial exhibits? Do you allow/require the use of exhibit notebooks for the court and jurors?
- A. **Exhibit notebooks are not required but may be used. Any exhibit that is going to be published to the jury during trial should be electronic if possible.**
- Q. Do you allow “speaking objections” in jury trials?
- A. **Yes, as long as they are respectful.**
- Q. Do you allow or encourage the use of jury instructions?
- A. **Jury instructions should be used.**

Bench Trial Practice

- Q. What are the major differences in procedures in your courtroom between bench trials and jury trials?
- A. **A bench trial case will not have a scheduling conference or a pretrial conference. A pretrial memorandum is not required.**

CRIMINAL MATTERS

- Q. Do you allow initial appearance to be entered by written filing?

A. **Yes, they can be filed.**

Q. How do you handle requests for continuance on preliminary hearings, arraignments and trials?

A. **Preliminary hearings are not usually continued without a waiver of speedy preliminary hearing. If one is filed continuances are usually granted.**

Other criminal hearings can usually be continued for about 30 days. If more than that is requested a waiver of speedy trial will need to be filed.

Q. Do you allow attorneys to file written agreements on bond conditions?

A. **Yes, I allow this.**

Q. Do you have video arraignments of jail inmates? If so, where do you want counsel during the video appearance?

A. **Arraignments for in-custody defendants are done by video. Counsel may appear by video or in person.**

Q. What special considerations occur at sentencing (participation in a deferral program, supervised probation, treatment, etc.)?

A. **The court will generally follow plea agreements. If there is not a plea agreement the court will consider any relevant information provided by both parties in determining probation, treatment, and possible deferrals.**

Q. Do you allow plea agreements in writing? If so, under what circumstances or types of cases?

A. **Plea agreements may be submitted in writing for cases that do not require a jail sentence.**

Citations

Q. Do you appoint the Public Defender if there is a possibility of jail sentence?

A. **I will appoint the Public Defender, if the defendant qualifies.**

Q. Do you accept credit card payments?

A. **Credit card payments are not accepted at the window. They can be used to pay online.**

Juveniles

Q. Do juveniles appear at a separate time than adults?

A. **Yes, Thursday afternoon is set aside for juveniles.**

Q. Do you insist juveniles appear with a parent/guardian?

A. **I do require that all juveniles be accompanied by a parent/guardian.**

CIVIL MATTERS

Q. Does the court prepare the orders, or should the attorney prepare the order?

A. **The attorneys should prepare the orders.**

Family Violence/Stalking Protection Hearing

Q. Do you encourage attorneys in these matters?

A. **Whether or not an attorney is a part of these matters is up to the individual party.**

Small Claims

Q. Do you think it is effective for attorneys to appear in small claims matters?

A. **Whether or not an attorney is a part of these matters is up to the individual party.**

THOUGHTS ON COURTROOM PROTOCOL

Q. Is lack of civility a recurring problem in your courtroom? What steps do you take to improve civility in your courtroom?

A. **Civility is not a problem.**

Q. What do you expect of lawyers (and their staff) in your courtroom? Clients? Witnesses?

A. **I expect that lawyers will be prepared. I expect them to conduct themselves as professionals.**

I expect clients and witnesses to be respectful.

Q. Do you impose limitations on courtroom movement (approaching witness, podium, etc.)?

A. **Yes, attorneys must ask for permission to approach the witness or the bench.**

Q. What kind of lawyer conduct is unacceptable in your courtroom?

A. **All disrespectful conduct is unacceptable.**

OTHER MISCELLANEOUS ISSUES

Q. What are your opinions regarding courtroom attire?

A. **Attorneys should dress in business attire (tie and jacket for men and the equivalent for women).**

Parties, witnesses, and others should dress respectfully and modestly.

Q. Do you allow children in your courtroom?

A. **I do allow children, as long as they are quiet.**

Q. Do you allow cell phones in your courtroom?

A. **Attorneys are allowed cell phones. No other persons are allowed to have them.**

Q. What, if anything, do you do to enforce promptness in your courtroom?

A. **I attempt to start all hearings on time and expect attorneys and parties to be present at the set time.**

Specialty Courts

Q. Do you have a specialty court (drug court, DUI court, juvenile court)? If so, please describe.

A. **I am the participating judge in the adult court assisted supervised treatment program.**

Q. What are the criteria for entrance in the program?

A. **Potential participants must be approved by the judge in their case. There is also an application and acceptance process by the CAST team.**

Q. What is the judge's role in the program?

A. **My role as the judge is to encourage all participants. As appropriate I will provide rewards and sanctions.**

Q. Can an attorney petition for his/her client to participate in the program?

A. **This is usually done as part of plea negotiations and before the judge who has the case.**

Q. Must there be an adjudication or can there be participation from a form of deferral?

A. **Yes, the program requires that the participant be adjudicated or on a deferral before entry.**