



Wyoming Supreme Court's Emergency COVID-19 Order Frequently Asked Questions

On March 18, 2020, Chief Justice Michael K. Davis issued an Emergency Order implementing measures to protect the health of the public and court personnel throughout Wyoming, while still permitting essential functions to proceed in a timely manner.

The Order advises all District and Circuit Courts to suspend in-person proceedings, except in certain specified circumstances where required by law and the constitution. Judges are encouraged to use video or telephone conferencing to the extent possible, all civil trials should be rescheduled, and reasonable attempts should be made to reschedule all criminal trials, "subject to the requirement that defendants be provided speedy trials as required by law."

To view a full copy of the Order as well as the various coronavirus orders that have been issued by courts throughout the state, visit <https://www.courts.state.wy.us/coronavirus-covid-19-updates/>.

Q. *Is compliance with the order mandatory?*

A. The order is largely advisory. Attorneys should check with their Circuit and District Court for specific guidance or restrictions. The order's provisions are couched in terms of how ongoing matters "should" proceed. It provides guidance to the Circuit and District Courts, stating, "All civil trials, hearings, and motions should be postponed and rescheduled for a later date unless the assigned judge finds the proceedings can be held through telephonic or video means and an adequate record can be made by a court reporter or electronic recording. Any civil trial or hearing currently in progress may be continued or completed at the discretion of the presiding judge."

Q. *Does the scope of the order extend to all in-person court proceedings?*

A: No. Speedy trial requirements must still be met. In addition, the following proceedings are expressly exempted:

- a. Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters for incarcerated individuals;
- b. Civil and criminal jury trials that are in progress as of March 18, 2020;
- c. Proceedings related to relief from abuse, including but not limited to orders of protection;
- d. Proceedings related to emergency child custody orders;
- e. Proceedings related to emergency child protection;
- f. Proceedings related to petitions for temporary injunctive relief;
- g. Proceedings related to emergency protection of elderly or vulnerable persons;
- h. Proceedings directly related to the COVID-19 public health emergency; and
- i. Other exceptions as approved by the Chief Justice or deemed necessary by a district or circuit judge.

Q: *Does the order override scheduling orders in my ongoing cases?*

A: No. The order is advisory and provides guidance to the Circuit and District Courts as to how ongoing matters should proceed. It will be up to the Circuit and District Court Judges to decide what should be done in individual cases. The order does not affect speedy trial requirements.

Q. *What about matters in which hearings are statutorily or constitutionally required?*

A. The order encourages trial courts to use telephonic or video technology for all matters within its scope, "including arraignments and Title 25 hearings."

Q. *Does the order affect how pleadings and other documents are filed?*

A. The order encourages clerks of court to consider using drop boxes "for conventionally filed documents if possible." "Litigants and attorneys in both criminal and civil cases are encouraged to file documents with clerks of court by electronic mail if possible, in accordance with Rule 5(e) of the Wyoming Rules of Civil Procedure and Rule 301 of the Uniform Rules for the District Courts." The order expands Rule 5(e) to allow filing of documents which exceed ten (10) pages in length by electronic mail.

Regarding filings with the Supreme Court, on March 20, 2020, the Court issued an order providing, "The rules requiring paper copies of documents that can be filed electronically are suspended. See W.R.A.P. 1.01(c)."

Q. *In matters requiring an in-person proceeding, will access to the courtroom be restricted?*

A. The order provides that in those instances in which an in-person proceeding is held, "courtroom attendance should be limited to attorneys, parties, necessary witnesses, victims, and essential court personnel. Jurors may also attend if the jury trial is in progress at the time this order is entered, or if necessary to comply with speedy trial requirements."

Q. *Will access to the clerk's office be restricted?*

A. The order suggests that signage be posted at all public entry points advising individuals not to enter courtrooms or clerks' offices if they have:

- a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
- b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
- c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
- d. Been asked to self-quarantine by any doctor, hospital, or health agency;
- e. Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or
- f. A fever, cough or shortness of breath.

The order further provides, "Individuals attempting to enter restricted areas in violation of this order should be denied entrance by courthouse security officers or other authorized individuals."

Q. *What about existing orders of protection and temporary injunctions scheduled to expire after March 18, 2020?*

A. The rule provides, "Orders of protection and temporary injunctions that would otherwise expire between March 18, 2020 and April 13, 2020 are hereby extended until April 13, 2020."

Q. *Does the order affect any other court rules?*

A. The order provides, "The Wyoming Supreme Court hereby suspends any court rule that is contrary to or in conflict with this order for the time period during which the order is in effect." The order does not specify which court rules may be contrary to or are in conflict with the order.

Q. *How long will the order remain in place?*

A. The order is effective from March 18, 2020, to April 10, 2020, "unless modified by further order of this Court."