

**IN THE DISTRICT COURT OF TETON COUNTY, WYOMING
NINTH JUDICIAL DISTRICT**

*,)	
	Plaintiff,)	
)	
v.)	Civil Action No.1*
)	
*,)	
	Defendant.)	

**ORDER ESTABLISHING PROTOCOLS FOR
IN-PERSON HEARING DURING COVID-19 PANDEMIC**

A ____-day hearing is set to occur in this matter on *, 2021. Due to the COVID-19 pandemic, the states of emergency declared by federal, state, and local governments, the importance of physical distancing measures, and the importance of face coverings to prevent transmission of the COVID-19 virus by asymptomatic and presymptomatic individuals, the Court established special pandemic protocols for in-person hearings. As the pandemic progresses and federal, state, and local guidance have changed, this Order provides the current protocols that will apply to the upcoming hearing. These protocols are subject to change in response to local conditions.

1. Overview. Courts have a responsibility to endeavor to provide safe facilities to those required to attend court in person. Those who are required to attend court in-person are ordered to be present by subpoena, by court order, or, in criminal matters, because they are in custody. Unlike private businesses where a person may choose to enter or not, persons in the courthouse are required by law to be present.
2. The Court has adopted an in-person operating plan that is designed in three sections: (1) elimination controls (reducing the volume of the virus that enters the building); (2) engineering controls (reducing the risk of transmission within the building); (3) procedural controls during

proceedings. The Courthouse current operating plan is available on the Wyoming Supreme Court website on the COVID-19 resources page which includes dropdown menus for each county. In response to the *Tenth Order Amending March 18, 2020 Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic*, entered by the Wyoming Supreme Court on September 16, 2021, this Court's in-person operating plan is presently being updated and will also be posted on the Supreme Court website.

3. This in-person protocol order summarizes some of the elimination controls via courthouse screening and the procedural protocols that apply during hearings. Individuals who choose not to comply with these in-person protocols shall continue to have all public services provided remotely and without entering the building. Counsel shall contact the Court as soon as possible to make arrangements for remote proceedings if necessary.
4. Screenings at Courthouse Entry. In addition to courthouse security screening, all counsel, parties, witnesses, and members of the public shall be subject to special screening upon entry to the courthouse. Screening may include temperature checks and various questions. The parties and counsel are directed to comply with the requirements of Court Security upon arrival at the courthouse. Any individual may elect to wear a face covering even if not required.
5. Those persons who refuse to answer the screening questions, or submit to the temperature screening, or a face covering restriction (if in effect) shall be denied access to the courthouse. At the time of denial, they will be referred to alternative means to conduct their courthouse business.
6. Those denied access who have a scheduled in-person court appearance will be provided the court tablet or phone to appear remotely from the front of the courthouse using the free Wifi

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access. The tablet/phone shall be sanitized with disinfecting wipes before and after each use. Exchange of that device is contact-free.

7. Court security will notify the Court of any denied access to the courthouse and the need to setup remote access to the court hearing.

8. Conduct of Hearings.

- a. *Face Coverings: Common Spaces.* If the Teton County resolution requiring face coverings in the courthouse is in place on the day of the hearing, then face coverings must be worn by all individuals when in common spaces of the courthouse such as lobbies and stairwells. The Courthouse operating plan includes exemptions from this requirement for medical conditions, mental conditions, or disability, or if approved by the Court on an ad hoc basis.
- b. *Face Coverings: District Courtroom.* At present, all individuals, regardless of vaccination status, are required to wear face coverings in the District Courtroom pursuant to CDC guidance. However, witnesses will be permitted to speak without a face covering from behind a tempered glass enclosure in the Court's modified witness box. Counsel will be permitted, when speaking, to remove their face coverings. The Courthouse operating plan includes exemptions from this requirement for medical conditions, mental conditions, or disability, or if approved by the Court on an ad hoc basis.
- c. Face covering requirements are subject to change at any time in response to new directives or guidance from the local public health department and the Center for Disease Control.
- d. *Physical Distancing.* Regardless of vaccination status, physical distancing is required in the District Courtroom. However, at counsel table the parties and counsel may elect to sit closer. Such consent should be voluntary. If counsel or a party prefer to maintain physical distancing, they are directed to use physical distancing at counsel table. Because litigants are ordered to be present in court, and are unable to choose not to attend, the Court discourages circumstances where a litigant may feel coerced or pressured to sit next to counsel without physical distancing due to the pressures and solemnity of a court proceeding, particularly if that litigant or counsel would ordinarily maintain strict physical distancing outside the courtroom.
- e. *Witnesses.* Only one witness shall be permitted in the courtroom at one time. Counsel shall be prepared to call or text their next witness from the courtroom. Witnesses shall wait outside the courthouse unless the bailiff at the entrance to the courthouse can

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accommodate them in the lobby or one of the Circuit Court anterooms. Once called, they can proceed through court security and to the District Courtroom.

- f. Witnesses may observe or listen to court proceedings through remote means before or after being called, unless a sequestration order is in place. Counsel shall contact the Court before the hearing for instructions on how witnesses or others may observe the proceedings remotely.
- g. The witness box has been fitted with a tempered glass screen. An air purifier will operate in that space. In this area, the witness may speak without a face covering regardless of vaccination status.
- h. *Sanitation.* Disposable gloves are available in the courtroom if participants would like to use them.
- i. Hand sanitizer is available at several locations in the courtroom for participants.
- j. Counsel tables, chairs, microphones, and other high-touch surfaces are disinfected between hearings. Court staff have been trained in the amount of time needed for various disinfectants to be effective.
- k. The podium is available if counsel would like to use it. Counsel may choose instead to present from counsel table. If the podium is used, microphone covers are available at the podium. Counsel shall open a new cover when arriving at the podium and when finished, shall remove the cover and dispose of it.
- l. *Other Matters.* Due to space and physical distancing limitations, counsel shall not move about the courtroom.
- m. All exhibits shall be presented electronically, using the Microsoft HUB available at counsel table, which projects to a monitor on the north wall of the courtroom. The Elmo may also be used. Counsel in need of technical assistance are directed to work with the Court Reporter several days before an in-person hearing.
- n. Documentary exhibits will be provided to the Court by email and in hard copy in advance of any hearing. Exceptions may be made on a case-by-case basis where original or certified documents are material and for non-paper exhibits.
- o. Whether to require in-person appearances by attorneys, witnesses, and parties who are in high-risk categories for COVID-19 may need to be considered. Requests for remote appearances, and objections to video appearances and video testimony, by high-risk individuals will need to be addressed prior to any hearing.

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- p. Pursuant to Paragraphs 7 and 14 of the *Tenth Order Amending March 18, 2020 Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic*, entered by the Wyoming Supreme Court on September 16, 2021, proceedings involving (1) an ill, symptomatic, or high-risk individual, or (2) a person who cares for an ill, symptomatic, or high-risk individual, may require rescheduling.
 - q. Water pitchers and cups will not be available. Counsel and litigants should bring their own water containers and use the free water station on the first floor of the courthouse.
 - r. The Court will keep a simple log of who was present at a hearing (counsel, parties, witnesses, and any others). If after a hearing the Court is notified of a positive COVID-19 case in the building, the Court may provide contact information to the Teton County Health Department. Parties, witnesses, or other individuals may be contacted by the Health Department.
9. Media and Public Access. Members of the public, support staff, and members of the press may attend in-person proceedings using the physically distanced seating the courthouse gallery, depending on the available space. All seating in the gallery of the District Courtroom has been modified to maintain physical distancing. No additional seating or observation space is available once all seats are occupied.
10. To limit public use of the courthouse, the press and the public will continue to have free access to all public proceedings by phone or video conference. Closed captioning is available on the video conference platform. The Court’s schedule is posted weekly on the Clerk of District Court’s website with instructions for how to attend.
11. Non-Compliance. Individuals who refuse to physically distance and wear face coverings (if still required by the date of this hearing) during court proceedings may be removed from the courthouse. However, such individuals will continue to have access to all courthouse services without requiring in-person contact.
12. Subject to Amendment. Protocols for in-person hearings during the COVID-19 pandemic may

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be updated from time to time.

IT IS SO ORDERED.

DATED this ____ day of September 2021.

Timothy C. Day
District Judge

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