

NEWS RELEASE
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WYOMING COURTS ADAPT, CONTINUE THEIR WORK
Access to justice is maintained

Wyoming courts have continued to function throughout the pandemic, although in a somewhat different form than pre-Covid. Dedicated court staff and judges have held hearings and bench trials almost continuously since the beginning of the pandemic. “We were able to keep doing the bulk of our work thanks to good technology that allowed us to conduct many proceedings remotely, and to court staff and county health personnel who made it possible for us to adopt the necessary precautions for in-person proceedings,” said Seventh District Court Judge Catherine Wilking.

Jury trials have been more of a challenge. For a jury of 12, typically 45 to 60 potential jurors are called and asked to go through the process of jury selection. They must watch the trial in a courtroom with enough space to allow for appropriate distancing, and then they must deliberate together in a private room. Wyoming Supreme Court Chief Justice Michael Davis stressed that “citizen participation in jury trials is a critical component of our democracy.” However, he recognized that jury duty differs from other types of gatherings. “Individuals may choose whether to go to a restaurant or engage in other activities that increase their exposure. They do not have a choice whether to appear when summoned for jury duty or subpoenaed to testify at trial; therefore, the Wyoming judiciary takes very seriously its responsibility to provide safe courthouses.” For several months before the recent spike, a number of Wyoming trial courts did conduct jury trials, pursuant to operating plans that included the Covid-19 precautions of social distancing, masking, and monitoring health.

District Courts, which handle civil cases over \$50,000, criminal felonies, divorces, juvenile cases, and probates and guardianships, conducted approximately two dozen jury trials during the three months that restrictions were relaxed. “Pretty impressive when you consider all the logistical challenges of conducting a jury trial during a pandemic,” Judge Wilking, who is President of the District Court Judges Conference, said. “It’s also an impressive showing by Wyoming citizens who fulfilled their civic duty,” she added.

Circuit courts handle misdemeanor criminal cases, civil cases under \$50,000, small claims, evictions, lien foreclosures, orders of protection, preliminary hearings in felony cases, and issue warrants. Circuit courts have also conducted approximately 16 jury trials in recent months, an impressive number of jury trials during the pandemic.

The Wyoming Supreme Court suspended its monthly oral arguments in March and April, but then quickly resumed them, by video. “We were fortunate to have the necessary equipment, and our staff has worked extra hard to help the attorneys with the technology so that oral arguments could continue without much of a hitch,” Davis said. “The Court has been hearing cases and issuing opinions at our usual rate,” and we hear from many attorneys that they appreciate saving their clients the expense of travelling to Cheyenne for Court,” he added.

Although jury trials have largely ceased since the recent Covid19 spike, other business continues at a remarkable pace. CARES Act funds will be put to good use to upgrade audio/video capabilities in 65 courtrooms around the State by the end of the year. In addition, 53 Surface Hubs have been deployed, bringing the total to 100 around the State, to enhance the courts’ video conferencing capabilities, and to “expand” the courtroom walls. The hubs, which are essentially a large, portable monitor, have been used in lobbies or conference rooms for self-represented litigants, for public viewing, to “virtually connect” courtrooms, and to facilitate oral arguments and ceremonies in the Supreme Court. District and Circuit courts continue to conduct all sorts of civil and criminal hearings either virtually or in person with social distancing. Pretrial hearings, sentencings, divorces, custody disputes, guardianships, small claims, and civil hearings of all types continue to be decided. Many types of hearings in a number of courts can now be available to the public by audio stream. <https://www.courts.state.wy.us/live-broadcast/> The Orders entered by the Wyoming Supreme Court and the Operating Plans adopted by the individual districts to adapt the courts’ work to the pandemic can be found on the Court’s website. <https://www.courts.state.wy.us/coronavirus-covid-19-updates/>

“The Wyoming judiciary is committed to providing the just, speedy, and inexpensive determination of every action, in accordance with the law,” Davis said. “It can do so because of the work of a very small corps of dedicated judges and court personnel, and with the critical assistance of the public.”



Photo attached: Hon. Timothy C. Day, Ninth Judicial District Court Judge, conducts a remote hearing with attorneys appearing on the hub.