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**Revised Circuit Court Operating Plan**

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WHEREAS: On May 21, 2021, the Wisconsin Supreme Court terminated the following orders: (1) In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); (2) In re the Matter of Filing of Court Documents in Circuit and Appellate Courts (Temporary Mailbox Rule) (S. Ct. Order issued April 13, 2020); (3) Interim Rule 20-02; and In re the Matter of the Extension of Orders and the Interim Rule Concerning Continuation of Jury Trials, Suspension of Statutory Deadlines for Non-Criminal Jury Trials, and Remote Hearings During the COVID-19 Pandemic (Amended Order) (S. Ct. Order issued October 1, 2020);

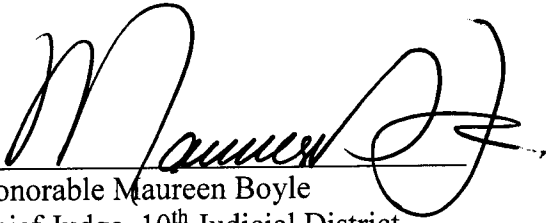
WHEREAS: The Wisconsin Supreme Court “no longer requires that personal masking, social distancing, and sanitizing court facilities be part of any plan for circuit court and municipal court proceedings approved by the chief judge of the applicable judicial district. Instead, circuit courts and municipal courts, with the approval of the applicable chief judge, shall make county-wide decisions about what is in the best interest of circuit court and municipal court operations, respectively. This includes deciding whether or not to continue to require masking, social distancing, and sanitizing court facilities on a county by county basis.”;

WHEREAS: On June 15, 2021, pursuant to the order of the Wisconsin Supreme Court dated May 21, 2021, the presiding Judge of Ashland County has requested approval to revise the Ashland County operational plan dated May 28, 2020 and the Addendum Jury trial plan dated July 8, 2020;

THEREFORE: The Covid-19 Circuit Court Operating Plan for Ashland County is revised effective June 15, 2021.

Date: \_\_\_\_\_

6-15-2021

  
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Honorable Maureen Boyle  
Chief Judge, 10<sup>th</sup> Judicial District

# **Amended COVID-19 Circuit Court Operating Plan for Ashland County**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of Ashland County will implement the following protective measures:

## **General**

1. The county judiciary has established a stakeholder committee to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report. The committee includes:
  - a. County Administrator;
  - b. District Attorney;
  - c. Family Court Commissioner;
  - d. County Health Officer;
  - e. Emergency Management;
  - f. Corporation Counsel;
  - g. Sheriff;
  - h. Clerk of Court;
  - i. Public Defender;
  - j. Bar Association President.
2. The stakeholder committee will continue to meet as needed as long as the operating plan remains in place. The committee will maintain communication with the local health authority and the county office of risk management, and will adjust this operating plan as necessary with any changes in the public health conditions in the county.
3. The courtrooms are open to the public for in person hearings consistent with the provisions of this Operational Plan. However, participants will be affirmatively offered the option of appearing remotely, when appropriate, and encouraged to do so.

## **Judge and Court Staff Health**

1. Sanitizing spray and wipes will be located throughout court facilities accessible to court staff.
2. To the extent allowable considering ambient conditions and privacy, court facility doors and windows will remain open to achieve the maximum amount of fresh air exchange in court facilities.

## **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building:
  - a. Circuit Court and Court Commissioner calendars will be monitored and modified to avoid overlap during high in-person turnout events;
  - b. Scheduled jury trials will not overlap with any other scheduled court activity. On dates when jury trials are scheduled no other hearings will be scheduled in any courtroom when jury trial related court is occurring in either courtroom;
  - c. Out of county judge calendars will be monitored to avoid overlap during high in-person turnout events involving the Presiding Judge, other out of county judges or the Court Commissioner.

## **Vulnerable Populations**

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Information will be included on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations.
3. Vulnerable populations who are scheduled for court will be accommodated by:
  - a. Offering remote hearings as a first option;
  - b. Offering hearings early in the morning and at times that other cases are not scheduled.

### **Hygiene**

1. Hand sanitizer dispensers will be placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms and throughout courtrooms and other court facilities.
2. Disinfectant wipes or spray will be placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. Signs outlining appropriate hygiene, social distancing, or public safety will be posted in multiple locations on each floor of the court building.
4. Notices regarding the availability of hand sanitizer and disinfecting spray in court-related areas of the courthouse will be posted at the entrance of each courtroom, jury room and court-related confined space.

### **Screening**

1. When individuals attempt to enter the courtrooms, a designated employee will ask the individuals if they have a cough, shortness of breath, or difficulty breathing; have tested positive for COVID-19 in the last 14 days; or have been in close contact with a person who is confirmed to have COVID-19 within the last 14 days. Individuals who indicate yes to any of these questions will be refused admittance to the courtroom. If required to appear in court, the appropriate court official will be immediately notified.
2. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms will not be transported to the court building.
3. Staff who are screening individuals entering the courtrooms will be provided personal protective equipment, including face covering options and gloves.
4. Staff who are doing the screening will have a listing of court official phone numbers in order to notify the courts of individuals who may have been denied entrance.

### **Face Coverings**

1. All individuals entering confined court facilities will be required to wear face coverings at all times unless:
  - a. The individual is a witness in a proceeding testifying under oath or affirmation;
  - b. The individual is a fully vaccinated judge or court staff member who is not sharing a confined court facility or working in contact with a member of the

public. Fully vaccinated judges and court staff are not required to wear a face covering in confined court facilities if no members of the public are present.

Notices regarding the requirement for face coverings will be posted at the entrance of each courtroom, the jury room and court-related confined spaces.

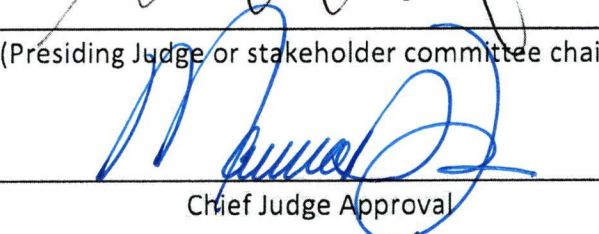
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals refusing to wear a face covering when entering a courtroom or confined facility open to the public will be denied entry. If the individual is attempting to attend or participate in a court proceeding they will be provided information on how to access the proceeding remotely.

I consulted with the stakeholder committee. A list of members on the committee and the frequency in which they will continue to meet is included in this plan. I will ensure that the all judges and court commissioners who hold court hearings in the courthouse covered by this Operating Plan will conduct proceedings consistent with the plan.

Date: 6/15/2021

  
\_\_\_\_\_  
(Presiding Judge or stakeholder committee chair)

Date: 6/15/2021

  
\_\_\_\_\_  
Chief Judge Approval

# Amended COVID-19 Circuit Court Operating Plan for Ashland County

## Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on June 15, 2021, this plan is developed to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals participating in jury trials. The courts of Ashland County will implement the following additional protective measures related to jury trials:

### Recovery Planning and General Education

1. A recovery planning, jury committee including the following stakeholders, has been established:
  - a. County Administrator;
  - b. District Attorney;
  - c. Family Court Commissioner;
  - d. County Health Officer;
  - e. Emergency Management;
  - f. Corporation Counsel;
  - g. Sheriff;
  - h. Clerk of Court;
  - i. Public Defender;
  - j. Bar Association President.

### Summoning Jurors

1. Considerations have been made for the safety and well-being of jurors. The attached letter was developed and will be sent with the juror summons to each juror.
2. When assessing juror requests to be excused from service or to defer service due to the COVID-19 Public Health Emergency the following policies are adopted:
  - a. Requests for excusals/deferral from jurors in the following groups will be given special consideration and afforded greater latitude:
    - i. Elderly or other medically vulnerable populations;
    - ii. Healthcare workers;
    - iii. Essential workers;
    - iv. Caregivers for vulnerable populations;
    - v. Individuals with school aged children in their home.
  - b. Jurors who indicate they are experiencing COVID-19 like symptoms or those who within the last 14 days have tested positive for COVID-19 or have been subject to symptomatic COVID-19 testing within 5 days and have not received a negative result will be excluded from service. Jurors may also otherwise be excluded at the discretion of an approved health care provider.
3. The following protective measures are in place for jurors who report for duty:
  - a. Juror report times will be staggered so that no more than 15 jurors report in any 15-minute period;
4. When jurors report for duty, they will submit to health screening intended to determine whether an individual is at risk for exposure to COVID-19. If an individual demonstrates risk for exposure to COVID-19 they will be denied jury service. Jurors may otherwise be excluded at the discretion of an approved health care provider.

5. Jurors who pass health care screening will be escorted to a seat by a bailiff or other court staff.

### **Juror Attendance and Safe Participation**

1. Personal protective equipment will be available to the jurors, including masks, gloves and hand sanitizer in courtrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies:
  - a. Jury selection will occur off-site in an approved and appropriate location, such as a gymnasium or conference center, that allows for maintaining 6 ft. of social distancing among jurors, litigants, court staff and member of the public;
  - b. During jury selection seats for jurors will be spaced at 6 ft. intervals and 6 ft. of distance will be maintained among jurors, counsel tables, court staff and members of the public;
  - c. For proceedings occurring in the courtroom, access to the courtroom will be limited to jurors, court staff, litigants and witnesses. The courtroom will be arranged to allow for social distancing of all occupants. The courtroom will be clearly marked to limit capacity and direct occupants where to sit to achieve proper social distancing. Where appropriate and necessary, Plexiglass shields will be installed to protect courtroom occupants.
3. After the jury has been empaneled, the following efforts have been made to accommodate social distancing, but ensure that each juror has adequate sight lines to the witness stand and can hear and see all proceedings:
  - a. Due to an inability to effectively implement social distancing using the jury box and typical arrangement of the courtroom jurors will be spaced at 6 ft. intervals in the courtroom gallery rather than in the jury box;
  - b. Additional speakers have been added to the area of the courtroom gallery to enhance the sound quality for jurors;
  - c. The courtroom will be reconfigured to allow the trial to occur facing the courtroom gallery where the jury is located. The witness stand will be relocated to an area closer to the jury allowing for better sight lines to witnesses for jurors;
  - d. To the extent possible, exhibits will be published to jurors by video and a rolling cart with a video screen will be used to enhance the visibility of video exhibits for jurors;
  - e. Plexiglass will be installed in the area of the witness stand to allow witnesses to testify without face coverings, while still providing protection for courtroom occupants, to the extent necessary for jurors to assess the credibility of witnesses.
4. Social distancing consideration during trial breaks and deliberations include:
  - a. Members for the public will be excluded from the courtroom during the entire trial process including breaks and deliberations.
  - b. Jurors will remain in the area of the courtroom gallery used by jurors as the jury box and jury room during hearings required outside of the presence of the jury. Court staff and litigants will conduct such hearings in the 2<sup>nd</sup> courtroom in the courthouse;
  - c. Hand sanitizer stations will be spaced throughout the area of the courtroom gallery used by jurors as the jury box and jury room;
  - d. Jurors will be provided access to a non-public bathroom in the traditional jury room.

5. Due to capacity issues within the courtroom and due to the need to use the gallery in the courtroom as the jury box and jury room the general public will be excluded from the courtroom. To ensure public access to trial a separate location will be made available in the courthouse for public viewing of the trial via live video feed. Off-site public access to trial will also be available via Zoom.

## Other

### 1. **Ambient Conditions:**

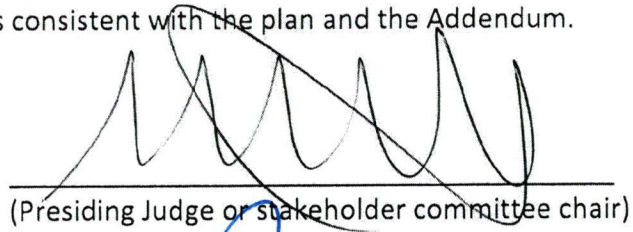
- a. Due to ambient conditions there are challenges unique to Ashland County for holding a jury trial where all occupants of the courtroom are required to wear face coverings. The jury courtroom for Ashland County is on the 3<sup>rd</sup> floor of a 100-plus year old building, facing south, without air conditioning or any type of built in air exchanging system. Summer courtroom temperatures regularly exceed 80 degrees, sometimes by a large margin. It would pose both a potential health hazard to require courtroom occupants, particularly those who may be over age 65 or have pre-existing health conditions, to wear face coverings in these conditions. Additionally, the potential discomfort caused to juror by being required to wear face coverings in such conditions could affect their ability to listen to evidence and decide a case fairly;
- b. Ashland County has explored multiple options for holding summer jury trials off-site with no options being found consistently acceptable;
- c. Summer trials will be held in the courtroom in Ashland County. All possible efforts to remediate the ambient conditions while facilitating adequate air exchange in the courtroom will be made including opening doors and windows and installing window fans;
- d. Due to ambient conditions in the courtroom some scheduled trials may need to be cancelled and rescheduled. No less than 48 hours prior to the commencement of a scheduled trial, the judge responsible for the case will determine whether ambient conditions will allow for a trial to proceed as scheduled. In determining whether ambient conditions will allow a jury trial to proceed the judge responsible for the case will consider the current ambient conditions in the courtroom as well as a summary of the best available information regarding forecasts for outside air temperature, humidity and other atmospheric conditions. In addition to consideration of ambient conditions the judge responsible for the case will consider the wishes of the parties, the wishes of any alleged victim, the custody status of a criminal defendant and whether there has been a speedy trial demand made and, if the judge responsible for the case is a visiting judge, will consult with the presiding judge;
- e. As an alternative to holding jury trials in the Ashland County Courtroom it may be possible to utilize facilities in the Bayfield County. Ashland County jury trials may be held off- site at the Bayfield County Courthouse with the consent of the parties and with the acquiescence of the judge responsible for the case and the presiding judge in Bayfield County. In the event and Ashland County jury trial is held off-site in the Bayfield County Courthouse the Ashland County operational plan will control activities through jury selection. The operational plan in Bayfield County will control all activities occurring on the premises of the Bayfield County Courthouse. Court staff from both counties will coordinate

implementation of the Bayfield County operational plan at the Bayfield County Courthouse.

2. **Juror numbers:** It is anticipated that it will be necessary to summons more jurors than normal to account for jurors who are unable so serve due to COVID-19. The presiding judge and

I will ensure that all judges holding jury trials in the courthouse covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 6/15/2021



(Presiding Judge or stakeholder committee chair)

Date: 6/15/2021



Chief Judge Approval