
Revised Circuit Court Operating Plan

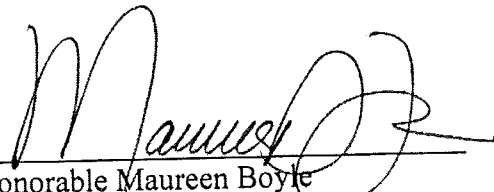
WHEREAS: On May 21, 2021, the Wisconsin Supreme Court terminated the following orders: (1) In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); (2) In re the Matter of Filing of Court Documents in Circuit and Appellate Courts (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 May 25, 2021, pursuant to the order of the Wisconsin Supreme Court dated May 21, 2021, the Judges of Douglas County have requested approval to revise the Douglas County operational plan dated June 25, 2020;

THEREFORE: The Covid-19 Court Operating Plan for Douglas County is revised effective May 25, 2021, and a true and correct copy of the revised order is attached and incorporated herein by reference.

Date: _____

5-25-2021

Honorable Maureen Boyle
Chief Judge, 10th Judicial District

COVID-19 Circuit Court Operating Plan for Douglas 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 Douglas 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 met in a Zoom meeting to discuss, consider, and generate this Operating Plan.
2. The following are the members of the Stakeholder Committee:
 - a) Circuit Court Judges Thimm and Glonek
 - b) Circuit Court Commissioner Lovejoy
 - c) Douglas County Health Department – Kathy Ronchi
 - d) Emergency Management Director – Dave Sletten
 - e) Clerk of Circuit Court – Michele Wick
 - f) District Court Administrator – Christopher Channing
 - g) Douglas County Sheriff Thomas Dalbec
 - h) Probation and Parole/E.S. Supervisor Aaron Lenmark
 - i) Douglas County Administrator – Ann Doucette
 - j) Douglas County Corporation Counsel – Carolyn Pierce
 - k) District Attorney Mark Fruehauf
 - l) Assistant Public Defender Fritz Anderson
 - m) Douglas County Bar Association President Boad Swanson
3. All judges will use reasonable efforts to conduct proceedings remotely when deemed appropriate by the Judge.
4. For all in-person hearings, the Court will ensure adequate staffing needs and will have sufficient personal protective equipment and sanitation supplies available as needed.
5. The Court will continue to maintain regular communication with the Douglas County Health Department Officer and the Douglas County Office of Emergency Management. This Operating Plan will be modified as necessary in order to meet any future changes in the local public health conditions. The entire stakeholder committee members will continue to meet as necessary.
6. Judges will begin holding non-essential in-person proceedings no sooner than June 5, 2020.
7. Because of its large size (as well as having direct access to the Douglas County Jail when presiding over cases involving in-custody defendant), Judges may decide to temporarily occupy and utilize Room 270 of the Government Center (commonly referred to as “the Doug Finn Conference Room”) for in-person proceedings. The Government Center is attached to the Courthouse by way of a skywalk. Because of its size, the Doug Finn Conference Room can safely socially distance up to 35 persons at one time. All provisions of this Operating Plan shall apply equally to “the Doug Finn Conference Room” when being utilized as a courtroom.
8. In this Operating Plan, the term “Judge” shall be defined to include the Douglas County Court Commissioner.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely may continue to do so, as deemed appropriate and necessary.
2. The following protective procedures have been implemented to monitor the health of Judges and Court Staff: (a) employees who have symptoms of COVID-19 shall notify their supervisor and stay home; (b) employees who exhibit symptoms of COVID-19 shall be asked to leave work and test negative before being able to return to work; (c) employees shall follow public health directives about staying home as much as reasonably possible, and continuing basic preventative measures; (d) if an employee tests positive for COVID-19 (or if a person with whom the employee resides or cares for tests positive for COVID-19), the positive result shall be immediately reported to a supervisor. Any positive result shall result in the employee not being able to return to work until cleared by a medical professional, 14 days from the date of the test or exposure, or 72 hours symptom free; (e) employees shall practice proper hygiene including cleaning hands frequently with soap and water for at least 20 seconds or with at least 60% alcohol. Key times for employees to clean hands include before and after work shifts, after blowing their nose, after sneezing or using the bathroom, before eating or preparing food, and after putting on, touching or removing face coverings; (f) employees shall avoid touching their eyes, nose and mouth; and using other employees' phones, desks, offices, supplies, or equipment; (g) employees shall practice routine cleaning and disinfection of frequently touched objects and surfaces (including work stations, keyboards, telephones, handrails and door knobs); and (g) employees shall be required to answer any health care screening questions truthfully.
3. Other protective measures include having doors that do not affect staff security being propped open; having hand sanitizer available outside the courtrooms, office doors, and restrooms located on the 3rd floor of the Courthouse building; and providing face coverings to persons as needed to comply with this Operating Plan.
4. Judicial assistants as well as staff located in Clerk of Courts Office and the Probate Office are shielded from direct contact with non-staff persons by way of glass windows.

Scheduling

1. The courts will continue to allow and encourage telephone and audiovisual appearances pursuant to the provisions of Douglas County Local Rule 216.
2. The courts will also stagger court appearances in a way to limit the number of people in the courtroom (as well as in the courthouse) at any one time. (For example, criminal status conference appearances will be staggered by scheduling every half hour.)

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. Each judge will include information on future court notices that individuals who are in vulnerable populations shall be permitted to contact the court and identify themselves as vulnerable persons and to receive appropriate accommodations.

3. Vulnerable populations who are scheduled for court will be accommodated by allowing them to appear telephonically or by other audiovisual means.

Hygiene

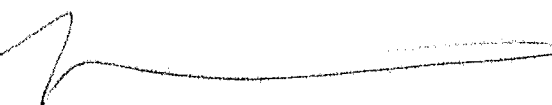
1. Hand sanitizer dispensers and notices have been placed at strategic locations throughout the entire courthouse to allow for ease of use. Dispensers are located outside every courtroom, court-related office, restroom, and elevator entrance on the 3rd floor of the Courthouse (which is where the courtrooms, Probate Office and Clerk of Courts Offices are located).
2. Disinfectant wipes or spray shall be placed in each courtroom at counsel tables, the witness stand, and on the judges' benches to allow for easy disinfecting.
3. CDC flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the court building.

Face Coverings

1. All persons present in courtrooms, jury rooms, and other court-related confined spaces who have not been fully vaccinated shall be required to wear face coverings. All others will be encouraged to wear face coverings. Face coverings will be provided to anyone, upon request
2. Lawyers, litigants, witnesses and members of the public will be encouraged to bring their own face covering with them, but a face covering shall be provided to persons who do not have one unless arrangements are made for the person to appear by an alternate method (such as by telephone or zoom).

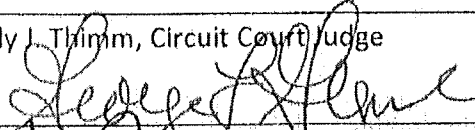
I have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the stakeholder committee. A list of members on the committee is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan will conduct proceedings consistent with the plan.

Date: 5-25-2021



Kelly J. Thimm, Circuit Court Judge

Date: 5-25-21



George L. Glonek, Circuit Court Judge

Date: 5-25-21



Chief Judge Approval

COVID-19 Circuit Court Operating Plan for Douglas

Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District, 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. This plan will be in effect until the COVID-19 pandemic emergency has ended or until further order of the court. In addition to the safeguards set forth in the Douglas County general Operating Plan, the courts of Douglas 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: Circuit Court Judges Kelly Thimm and George Glonek; Circuit Court Commissioner Rebecca Lovejoy; Kathy Ronchi – Douglas County Health Department; Dave Sletten – Emergency Management Director; Clerk of Courts Michele Wick; District Court Administrator Christopher Channing; Douglas County Sheriff Tom Dalbec; Probation and Parole/ E.S. Supervisor Aaron Lenmark; Douglas County Administrator Ann Doucette; Douglas County Corporation Counsel Carolyn Pierce; District Attorney Mark Fruehauf; Assistant Public Defender Fritz Anderson; and Douglas County Bar Association President Boad Swanson.
2. The following efforts have been undertaken to educate the general public on the importance of jury service and the specific precautions taken in the County with respect to public safety and ensuring the safety of jurors during the pandemic: Notice sent with juror summons outlining safety procedures; the local newspaper has been contacted and provided information regarding the safety procedures; the plan will be posted on the Douglas County website; group jury orientation will be eliminated; prospective jurors will be advised not to bring smartphones, iPads or similar electronic devices into the courthouse building; individual pads of paper and pens will be distributed for jurors to keep; no communal food or drink; individual lunches (and other meals, if necessary) will be provided to jurors; using as many courtrooms and large conference rooms as necessary to ensure safe social distancing among prospective jurors; using a large conference room (which can safely social distance up to 35 people) for jurors to use as a jury room once the jury is chosen; and disinfecting the courtroom, jury room and bathrooms throughout the trial

Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The attached letter was developed and will be sent with the juror summons to each juror.
2. The attached policy has been developed regarding deferral and excusal of jurors due to the pandemic. This information has been clearly outlined so court staff and jurors are aware of these policies for consistent application.
3. The following protective measures, including expedited entrance into the courthouse, check-in that minimizes physical contact with documents, posting notices regarding hygiene and distancing practices, are in place for jurors who report to court.

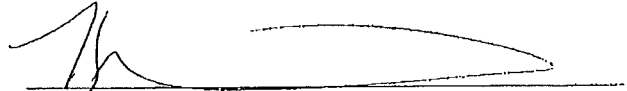
4. When a juror reports for jury duty, a trained employee will ask the individual if the person is feeling feverish; has a cough, shortness of breath, or difficulty breathing; or has been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate "yes" to any of these questions will be sent home and the appropriate court official will be immediately notified.
5. When a juror reports for jury duty, a trained employee will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.

Juror Attendance and Safe Participation

1. The following personal protective equipment will be available to the jurors, including face coverings, gloves, and hand sanitizer in courtrooms, bathrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, marking off spaces 6 ft. apart within the courtroom and jury box, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, and using an alternate room for additional capacity.
3. The following strategies will be used to reduce the number of people required to report for jury selection: conduct voir dire in sessions based on the capacity of the court room that will allow appropriate social distancing, utilize in-person and virtual voir dire simultaneously, limit or eliminate spectators in the courtroom, utilize 6-person juries upon stipulation of the parties, give priority to "strikes for cause" based on juror health and safety concerns.
4. 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. Examples of such accommodations include: use of technology and video monitors to increase sight lines, and handling of exhibits. Documented efforts include reconfiguration of the courtroom with the jury socially distanced in the gallery and the witness sitting in the jury box or some other raised place where they can be seen while using a wireless microphone.
5. Social distancing consideration during trial breaks and deliberations include reconfiguration of the deliberation room, using an alternate room for deliberations, hand sanitizing and limiting bathroom capacity. The county will provide lunch (and supper if necessary) to limit jurors leaving the facility once they are chosen. Bottled water will also be provided.
6. Judges will prioritize jury trials as they deem appropriate in order to limit the number of trials and stagger trials to avoid excessive people in the courthouse facilities. The judges will not hold 2 separate jury trials on any given day. Considerations for prioritizing jury trials will include the nature of the cases, the extent to which the cases involve liberty interests, cases with time limitations, victim's rights and a victim's input, and the length of time that a case has been pending.
7. Due to capacity issues within the courtroom, the following accommodations will be given for public view of the proceedings. If adequate accommodations cannot be made for safe public viewing of any trial, the court shall broadcast the trial via their YouTube channel or other like platforms.

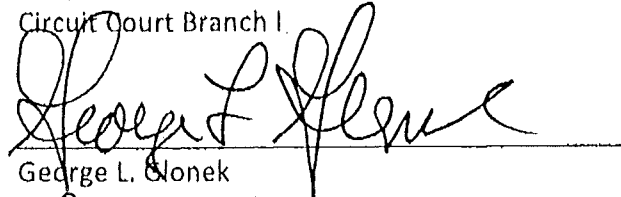
I have conferred with all judges of courts with courtrooms in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than July 14, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 6-25-2020



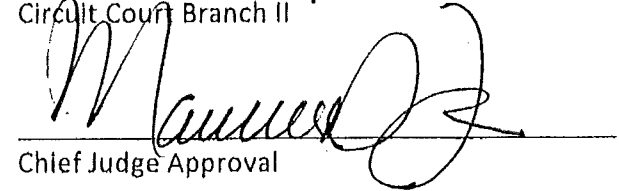
Kelly J. Thimm
Circuit Court Branch I

Date: 6-25-20



George L. Slonek
Circuit Court Branch II

Date: 6-25-20



Chief Judge Approval

COVID-19 JUROR EXCUSAL OR DEFERRAL

The Douglas County Court System values its employees' and citizens' safety and is therefore instituting the following temporary policy until the Covid-19 pandemic has ended regarding the excusal or deferral of jurors:

- 1) Any juror with underlying health concerns making them more likely to be adversely affected by Covid-19 shall be excused or deferred from jury service upon request.
- 2) Any juror who is caring for or has been exposed to Covid-19 shall be excused or deferred from jury service.
- 3) Any juror with a temperature above 100.0 degrees Fahrenheit shall be excused or deferred from jury service.
- 4) Any perspective juror who requests deferment based upon health and safety concerns involving covid-19 shall be reasonably accommodated.

CIRCUIT COURT BRANCH II
JUDGE GEORGE L. GLONEK

Douglas County Courthouse, Room 307
1313 Belknap Street, Superior, WI 54880
715-395-1207

Adam Graupe
Court Reporter

Carol Lindegren
Judicial Assistant

To All Prospective Jurors
Summoned to Appear for
Jury Selection at the Douglas
County Courthouse

RE: Your Upcoming Jury Service in the Era of Coronavirus

Dear Prospective Jurors:

This letter is attached to the Summons directing you to appear for Jury Service. The purpose of this letter is to assure you that every reasonable precaution will be taken to enhance the health and safety of the jury, the parties, the lawyers and the Court staff during jury selection and the jury trial to follow.

Please be aware of the following:

1. Once you arrive for jury duty, you will be asked some screening questions. Depending on your answers to the

questions, you may be excused from jury duty that day or you may be moved to another month to serve jury duty.

2. Everyone appearing as a prospective juror will be required to wear a face covering during the jury selection process and during the trial. Please wear your own face covering (if you have one) when you report for jury duty. If you do not have a face covering, we will provide you with one. Face coverings are also required to be worn by the judge, court staff, lawyers, parties, witnesses and spectators.
3. Gloves will be available for those who wish to wear them, but gloves are not required. If you would like gloves, ask the Court staff for them when you arrive for jury duty.
4. Smartphones, iPads or similar electronic devices should be left outside the Courthouse. You may certainly leave them in your vehicle rather than at home if you choose, but please do not bring them into the Courthouse.
5. Hand sanitizer will be available to you at multiple locations inside the Courthouse, and you may ask the jury bailiffs to make it available to you.
6. We have modified our usual procedures for jury selection and service so that social distancing is enforced. Jury selection may occur in multiple rooms within the Courthouse and Government Center in order to assure appropriate social distancing. When you arrive for jury duty, you will be directed to a specific seat; please sit and remain in your seat until directed otherwise. (All seats will have been wiped down with sanitizer prior to your arrival.) Those persons ultimately selected to serve on the jury should also know that the jurors will be spaced in the courtroom to achieve appropriate social distancing between jurors during the trial.
7. The courtroom, jury rooms and bathrooms will be regularly disinfected throughout the trial.
8. Individual lunches (and dinners, if necessary) will be provided to the persons selected to serve on the jury in order to minimize any travel in and out of the Courthouse and to minimize a juror's interaction at local restaurants.

9. Beverages (besides water) are NOT allowed in the courtroom, and a communal coffee pot will NOT be available for jurors. Bottled water and cans of soda WILL be provided.

If you:

- Have been diagnosed by a licensed physician as having Coronavirus anytime with the past 30 days;
- Are actively caring for a family member or loved one who has tested positive for the Coronavirus; or
- Are now in self-quarantine status;

Then, in any of these situations, you should immediately advise my judicial assistant (Carol) who can be reached at 715-395-1207. (She may ask you to furnish any documentation you may have from your physician.) Under such situations, you may be deferred to serve jury duty during another month in the future.

Please be aware that the right to trial by jury is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and trying times. It is my personal conviction that jury service is one of highest forms of public service that any American can perform. The right to trial by jury has been enshrined within the Seventh Amendment to our U.S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence which fueled our struggle to become an independent nation.

For these reasons, it is vital that you appear and present yourself for jury trials as scheduled. However, the Court wants you to know that we are mindful of these challenging times and we will take every reasonable precaution to maintain your health as well as that of the parties, lawyers and Court staff during these upcoming trials.

I hope this letter is helpful and informative. I look forward to seeing you soon.