

**IN THE MATTER OF OPERATIONAL PLAN  
FOR RESUMPTION OF JURY TRIALS  
- SAUK COUNTY CIRCUIT COURT**

**ORDER**

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WHEREAS, the Wisconsin Supreme Court has entered certain orders related to the operation of the circuit courts regarding in-person proceedings during the COVID-19 pandemic.

WHEREAS, on March 22, 2020, the Wisconsin Supreme Court ordered that although the courts of the State of Wisconsin remain open, all civil and criminal jury trials scheduled to begin before May 22, 2020 were continued and rescheduled to a date after May 22, 2020.

WHEREAS, on March 22, 2020, and as amended on April 15, 2020, the Wisconsin Supreme Court suspended, until further order of the court, most in-person proceedings, subject to exceptions for certain matters, if remote technology is not practicable or adequate to protect the constitutional rights of the citizens of Wisconsin.

WHEREAS, on March 31, 2020, the Wisconsin Supreme Court issued Interim Rule 20-02, which suspended statutory deadlines conducting non-criminal jury trials until further order of the court.

WHEREAS, on May 22, 2020, the Wisconsin Supreme Court ordered the March 22, 2020 order regarding the suspension of jury trials, Interim Rule 20-02 regarding the suspension of deadlines for non-criminal jury trials, and April 15, 2020 order regarding remote hearings, are extended until each circuit court submitted an operational plan for the safe resumption of in-person proceedings and jury trials and the chief judge of the applicable judicial administrative district approved the plans.

WHEREAS, on May 22, 2020, Wisconsin Supreme Court outlined the criteria required in each circuit court operational plan as to how that circuit court will conduct in-person proceedings and jury trial so as to reduce to the greatest extent possible, the risk of transmission of the virus that causes COVID-19 and that promotes the health and safety of all of those present in the courtrooms, jury rooms and other court-related confined spaces of the circuit court.

WHEREAS, on October 1, 2020, the Wisconsin Supreme Court amended its May 22, 2020 order to allow a chief judge to withdraw approval of previously approved operational plans to respond to circumstances.

WHEREAS, on June 18, 2020, Chief Judge Vale approved the Sauk County Circuit Court operation plan for the resumption of in-person proceedings. The plan verifies the court has communicated with the appropriate stakeholders regarding protective measures for jury trials and includes the criteria set forth by the Wisconsin Supreme Court.

WHEREAS, on January 21, 2021, the Sauk County Circuit Court submitted an operational plan addendum for the resumption of jury trials after February 28, 2021.

IT IS ORDERED the operational plan for the resumption of jury trials in Sauk County Circuit Court is approved with an effective date of March 1, 2021, and the court shall continue to follow its plans until further order of the court.

IT IS FURTHER ORDERED all previous orders identified in the Wisconsin Supreme Court's May 22, 2020 cease to apply to the Sauk County Circuit Court on March 1, 2021.

IT IS FURTHER ORDERED the provisions of this order shall be subject to modification or termination by future orders.

Dated this 25 day of January, 2021.



Honorable Thomas Vale  
Chief Judge, Fifth Judicial Administrative District

**SAUK COUNTY CIRCUIT COURT REOPENING PLAN**  
**COVID-19 Circuit Court Operating Plan**  
**June 16, 2020**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals participating in court proceedings, the Sauk County Circuit Court will implement the following protective measures for the safe resumption of in-person proceedings:

**Background and Overview**

The Sauk County circuit judges began meeting in early-May 2020 to develop a framework for reopening the courtrooms to in-person proceedings. The judges then reached out to the clerk of circuit court, court commissioner, and register in probate to assist in the early planning phases. Finally, the Court established a stakeholders' group to discuss and provide input on the Sauk County framework, taking into account the recommendations outlined in the Wisconsin COVID- 19 Task Force report and requirements of the Wisconsin Supreme Court's May 22, 2020 Order.

The Stakeholders' Group included the following members:

Judge Michael Screnock – Branch 1	Judge Wendy Klicko – Branch 2
Judge Patricia Barrett – Branch 3	Leo Grill – Court Commissioner
Carrie Wastlick – Clerk of Circuit Court	Jim Daniels – Register in Probate
Michael Albrecht – District Attorney	Chip Meister – Sheriff
Mark Gumz – State Public Defender	Jeff Spencer – Chief Deputy Sheriff
Leonie Dolch – State Public Defender	Lewis Lange – Jail Captain
Sandy Gorsuch – GAL & Municipal Judge	James Hodges – Field Services Capt.
Jama Graves – Sauk County Bar Assn.	Mark Rabata – Court Security Sgt.
Blake Duren – Sauk County Bar Assn.	Tori Vesely – Asst. Corp. Counsel
Stefanie Wagner – DHS Contract Counsel	Jenna Greenwood – DHS
Mindy Mattson – DHS	Sandy Harrison – Judicial Assistant
Ian Crammond – Building Facilities	David Grant – MIS
Jeff Jelinek – Emergency Management	Theresa Owens – Dist. Court Admin.

Sauk County's planning effort sought to achieve and balance three primary goals:

- 1) Health and Safety – The Circuit Court seeks to maximize both the actual and the perceived safety of everyone who enters the courtroom. Some of the practices and procedures will be geared towards actual safety, and some will be to allay people's fears.
- 2) Certainty – All participants in the court process need certainty in knowing when and in what manner their matters will be held. Many participants in the justice system operated during March, April, and May in triage mode, trying to keep things afloat until the courts could be back to normal. It is now clear that a true back-to-normal state of affairs will not come for a very long time, and possibly not this calendar year. This plan is intended to provide a measure of certainty and stability for parties, attorneys, victims, witnesses, and court personnel.
- 3) Practicality – The Circuit Court recognizes that certain procedures will be necessary to account for certain practical limitations on staff, space, and funding for personal protective equipment, as well as outside restrictions on the movement of various court participants.

The Sauk County Circuit Court will implement a four-phase approach to transition from the current state (Phase 1) to the true back-to-normal state (Phase 4). The four phases are:

- Phase 1 – Remote-only Proceedings – During Phase 1 the court will operate pursuant to the various Wisconsin Supreme Court orders issued between mid-March and mid-May 2020. Phase 1 will continue through June 19, 2020, with the exception of jury trials.
- Phase 2 – Limited In-person Proceedings – During Phase 2 the default will be to conduct all matters using remote technology; parties may request in-person appearances. The public will be excluded from the gallery and will need to observe court remotely. Phase 2 will commence on June 22, 2020 and continue through September 11, 2020, with the exception of jury trials.

- Phase 3 – Limited Remote Proceedings – During Phase 3 the default will be to conduct all matters in-person; parties may request remote appearances on a case-by-case basis. The public will be permitted in the gallery, subject to capacity limitations in order to provide sufficient social distancing. Phase 3 will commence on September 14, 2020, with the exception of jury trials.
- Phase 4 – Normal Operations – During Phase 4 the court will resume operations free of COVID-19-related restrictions. Phase 4 will commence at a time to be determined by the circuit judges collectively.

The ability to safely and effectively conduct a jury trial presents the greatest challenge for court systems throughout the country at this time. This plan will address jury trials specifically through a separate addendum to be prepared, submitted for approval by the Chief Judge, and implemented separate from the balance of this Reopening Plan. This will allow the court to implement the balance of this plan while jury trial planning continues.

**General Policies:**

1. Continued use of remote technology:
  - a. During Phase 2, all judges will continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance. During Phase 3, all judges will liberally grant requests for remote appearances.
  - b. Individuals identified by the State as victims will be permitted to observe proceedings in-person during Phase 2 and Phase 3, subject to courtroom capacity limitations.
  - c. In order to facilitate public access to court proceedings, each judge will provide live streaming of all open court proceedings. The live streams will be made available on Youtube or other open platform. The public will also be permitted to observe the live stream in a remote viewing room in the courthouse. Treatment Court proceedings will only be available in the remote viewing room.
  - d. Any individual that is unable to appear via Zoom video will be permitted to appear in-person and the Court will arrange for his or her connection with the other remote participants.

## 2. Scheduling:

- a. The judges and court commissioner will communicate regularly regarding the scheduling of individual matters that are expected to draw larger numbers of individuals to the courthouse, in order to reduce the strain on support staff and to minimize social distancing problems within the hallways and conference rooms.
- b. In-person intake-type proceedings that previously involved the simultaneous scheduling of ten or more separate matters will be scheduled in smaller groups and shorter time blocks.
- c. The judges will continue to confer with the Sheriff regarding the availability of inmate transfers between and among county jails, Department of Corrections facilities, and health-related facilities and institutions.
- d. The judges will allow the liberal use of the Zoom breakout room function to facilitate attorney-client meetings and inter-party settlement discussions.

## 3. Phase advancement and regression:

- a. The Presiding Judge, in coordination with the other circuit judges and after consultation with members of the stakeholders' group, will determine any changes to the phase advancement schedule.
- b. The Presiding Judge, in coordination with the other circuit judges and after consultation with members of the stakeholders' group, may determine that it is necessary and appropriate to regress from Phase 3 to Phase 2 in response to community-wide health conditions or system-wide staffing or funding limitations. Depending on local circumstances, such as a sudden increase in COVID-19 cases, this may become necessary.
- c. The Presiding Judge will review staffing, public health, and facility conditions at least every fourteen days to determine whether a change in phase is warranted.

## **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 individuals.

2. Any vulnerable individual will be allowed to appear remotely during Phase 2 and Phase 3, subject to the constitutional rights of any party.

### **Social Distancing Policies:**

#### *Courthouse Common Areas*

1. All persons not from the same household who are present in the courthouse will be expected to maintain adequate social distancing of at least six feet.
2. The use of public elevators by more than two individuals not from the same household is discouraged.
3. Public common areas have been evaluated to determine appropriate social distancing and use of those spaces. Floors and seating spaces have been marked with blue masking tape to assist the public in maintaining appropriate spacing.

#### *Courtroom Gallery*

4. The maximum number of persons permitted in the gallery of each courtroom will be determined by available seating positions and the number of individuals present from separate households.
5. Each courtroom gallery has been evaluated to determine appropriate social distancing between seating positions. The gallery seating has been marked with blue masking tape to identify available positions.
6. The maximum capacity of the courtroom will be monitored and enforced by court staff.

#### *Courtroom Well*

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way to maximize social distancing between each space.
8. It is not expected that party representatives will maintain social distancing at their respective counsel table, but they are encouraged to do so.

### **Hygiene Policies:**

1. Notices regarding the availability of hand sanitizer and disinfecting wipes/spray in court-related areas of the courthouse will be posted at the entrance of each courtroom, jury room, and court-related confined space.
2. Hand sanitizer dispensers have been placed outside of elevators on each floor and in other strategic locations in the common areas. Hand sanitizer dispensers have been placed in the courtroom for use by attorneys, parties, and court personnel.
3. Disinfectant spray and paper towels have been placed in each courtroom. Court personnel will utilize these supplies to disinfect counsel tables, counsel seating, and gallery seating between each scheduled in-person proceeding.
4. Disinfectant spray and paper towels have been placed in each jury room, publicly available conference room, and the jury assembly room. Court personnel will utilize these supplies to disinfect these confined spaces twice each day that these spaces are used by the public.
5. Each courtroom will be supplied with a HEPA air purifier, to be placed in the courtroom well between the counsel tables and the bench.
6. Judges will implement practices to minimize the exchange of paper documents during court proceedings.
7. All court personnel shall practice good hygiene, to include: regularly washing hands with soap and water or using hand sanitizer, especially after touching frequently used items or surfaces; avoid touching face; sneezing or coughing into a tissue or the inside of the elbow; and frequently disinfecting used items and surfaces.

### **Screening Policies:**

1. The Sauk County Health Department began screening all entrants to the Historic Courthouse and the West Square Building in April 2020. This screening currently includes a temperature check (to confirm temperature is below 100.4 degrees) and questions regarding the presence of COVID-19 symptoms. Screening of all individuals attempting to enter the courthouse will continue as determined by the

Health Department and Sauk County Emergency Management, and will be discontinued at their discretion.

2. Screening of individuals associated with a jury trial will be as set forth in the Jury Trial addendum to this plan.
3. Inmates being transported from the jail or another facility to the courthouse will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 100.4 degrees will not be transported to the court building.

### **Face Coverings Policies:**

1. All individuals entering the courthouse are encouraged to wear face coverings at all times.
2. Individuals are 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. All persons who are present in courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, unless a judge specifically determines on the record that it is necessary for a witness not to wear a face covering during the witness's testimony in order for the judge or jury to weigh the witness's credibility. This requirement will be enforced by the judges of the circuit court. Notices regarding this requirement will be posted at the entrance of each courtroom, jury room, and court-related confined space.
4. Judges and court staff shall be required to practice social distancing within the courtroom and shall wear face coverings at all times when litigants, attorneys, victims, law enforcement, or any member of the public is present in the courtroom.
5. The court may be faced with known or disclosed medical/mental conditions that may necessitate addressing American with Disabilities Act compliance through the use of reasonable accommodations. Such issues will be addressed on a case-by-case basis, implementing the use of alternative strategies as discussed in the Task Force Report, including: a remote appearance for the impacted individual, additional spatial distancing, HEPA filtration, and strategically placed moveable plexiglass barriers.

### **Cleaning Policies:**

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least twice each day.
2. Court personnel will disinfect counsel tables and seating in the courtrooms between every in-person proceeding.
3. Court building cleaning staff will clean each courtroom, jury room, and conference room every evening.
4. Court building cleaning staff and court personnel have been provided appropriate cleaning supplies, have been trained on proper cleaning techniques, and have been provided appropriate personal protective equipment.
5. An appropriate deep cleaning of potentially affected areas will be conducted if it is determined that a courthouse visitor or staff tests positive for COVID-19. The court will coordinate such activity with the building facilities, emergency management, and public health officials.

### **Judges and Court Staff Health Policies:**

1. All employees who are feeling sick, regardless of the symptoms, should stay home.
2. Employees who feel feverish or develop a fever greater than 100.4 degrees should not come to work.
3. Employees who observe sick co-workers should inform their supervisor.
4. Supervisors will send sick employees home, regardless of the symptoms.
5. Employees with COVID-19 symptoms should follow up with their medical provider and remain in communication with their supervisor about their diagnosis.
6. All employees are expected to monitor themselves for fever and remain alert for symptoms such as cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, and new loss of taste or smell. The list of symptoms is not all-inclusive; other less common symptoms include nausea, vomiting, or diarrhea.
7. Judges should train staff on provisions of this plan.

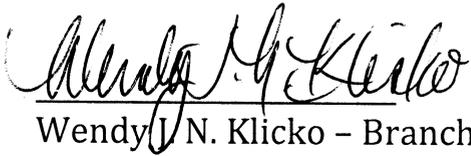
In developing this plan, the presiding judge confirms he has consulted with the stakeholders identified above. The presiding judge will ensure that the judges and court commissioner with courtrooms in the Sauk County Historic Courthouse will conduct proceedings consistent with the plan.

Date: June 16, 2020



Michael P. Screnock - Branch 1, Presiding Judge

All judges of the Sauk County Circuit Court have read and approve the operating plan and will continue to follow until further order of the court.



Wendy N. Klicko - Branch 2  
June 16, 2020



Patricia Barrett - Branch 3  
June 16, 2020

Date:

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(Chief Judge Approval)

**SAUK COUNTY CIRCUIT COURT REOPENING PLAN**  
**COVID-19 Circuit Court Operating Plan**  
**ADDENDUM – Jury Trial Plan**  
**January 19, 2021**

On June 16, 2020, the Sauk County Circuit Court approved its COVID-19 Circuit Court Operating Plan (the “Reopening Plan”). That plan specifically provides that jury trials are to be addressed through a separate addendum to be prepared, submitted for approval by the Chief Judge, and implemented separate from the balance of the court’s Reopening Plan. This addendum sets forth the overarching principles and procedures that will guide jury trials during Phase 3. All jury trials will be continued in the event the court reverts to either Phase 2 or Phase 1 of the Reopening Plan.

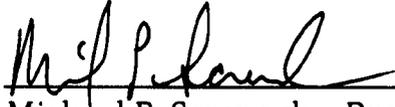
The Reopening Plan includes policies related to Social Distancing, Hygiene, Screening, Face Coverings, and Cleaning, all of which apply to any jury trial proceeding. In addition, the Sauk County Circuit Court will conduct jury trials in accordance with the following guidelines:

1. No jury trials will be conducted until after February 28, 2021.
2. Social distancing will be of the utmost concern when dealing with jurors.
3. Jury Selection will occur in rooms B24/B30 in the West Square Building, converted in such a manner so as to ensure proper social distancing of jurors, litigants, attorneys and staff. Each Branch will conduct any six-person jury trial in their respective courtrooms. All other jury trials will be conducted in either the Branch 2 courtroom or in a remote courtroom configured in rooms B24/B30 in the West Square Building.
4. Each Branch’s courtroom and the remote courtroom shall be converted in such a manner so as to ensure proper social distancing of jurors, litigants, attorneys and staff.
5. Courtroom conversion will entail, but not be limited to, the following:
  - a. expansion of the jury box;

- b. modification of bench style gallery seating to allow social-distanced seating;
  - c. Plexiglas shields will be installed to shield court staff, jurors and the judiciary from witnesses;
  - d. jury deliberation room shall be reconfigured to allow social distancing during deliberations;
  - e. HEPA filtration shall be utilized in the courtroom and jury deliberation room.
6. Jurors will be required to undergo daily health screening.
  7. Jurors will be required to wear masks at all times during jury service. One will be provided for them if they do not provide their own.
  8. Jurors will be assigned a seating position for the duration of the trial.
  9. While in the Sauk County Courthouse and/or West Square Building, jurors will be supervised by court staff/bailiffs at all times other than during deliberations to insure proper social distancing, safe routes of travel, and access to hygiene materials.
  10. Any food provided during jury service shall be individually packaged.
  11. Twelve sets of jury instructions will be provided during deliberations.
  12. Courtrooms will be cleaned during lunch break of trial.
  13. Jury deliberation rooms will be cleaned every evening during trial.
  14. Overflow seating for spectators will be provided with a video feed to reduce numbers in the courtroom.
  15. Media to be provided a designated area for A/V equipment and outlets shall share one video feed.

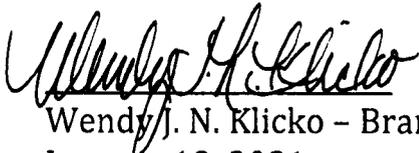
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Date: January 19, 2021

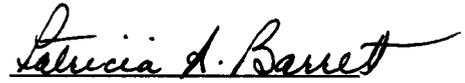


Michael P. Screnock - Branch 1, Presiding Judge

All judges of the Sauk County Circuit Court have read and approve this Addendum to the Court's Reopening Plan and will continue to follow until further order of the court.



Wendy J. N. Klicko - Branch 2  
January 19, 2021



Patricia Barrett - Branch 3  
January 19, 2021

Date:



(Chief Judge Approval)