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**ORDER APPROVING OPERATIONAL PLAN INCLUDING JURY TRIALS  
IN VILAS COUNTY**

WHEREAS: The Wisconsin Supreme Court, in light of the COVID-19 Statewide and National states of emergency, has entered certain orders related to the operations of the Circuit Court regarding in-person appearances and jury trials;

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 are to be continued and rescheduled by the assigned judge 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 hearings in the circuit courts, subject to exceptions for certain matters, including those approved by the chief judge of each district;

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

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court ordered the adoption of the Task Force's Final Report and it's recommendations for consideration by the Circuit Courts;

WHEREAS: The Task Force's Final Report at pages thirteen (13) and fourteen (14) recommends a four-phased approach to the resumption of in-person hearings and jury trials to protect the health and safety of the public and litigants. The phased approach indicates that jury trials should begin in Phase 3;

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court ordered that the March 22, 2020 order regarding the suspension of jury trials, that Interim Rule 20-02 regarding suspensions of deadlines for non-criminal jury trials, and the April 15, 2020 amended order regarding remote hearings are extended for each circuit court until that circuit court shall have prepared an operational plan for the safe resumption of in-person proceedings and jury trials and the plan shall have been approved by the chief judge of the applicable administrative district;

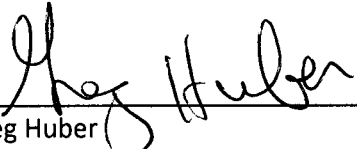
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health and safety of all those present in the courtrooms, jury rooms, and other court-related confined spaces;"

WHEREAS: The judge of Vilas County has filed with the chief judge of the 9<sup>th</sup> Administrative District an operational plan (attached) incorporating the requirements of the May 22, 2020 order and considering the Task Force's final report;

WHEREAS: This operational plan will allow the resumption of in-person hearings and jury trials consistent with phases one, two and three of the Task Force Final Report. The judge along with the local health officials will continue to monitor the local health conditions;

THEREFORE: Pursuant to Wisconsin Supreme Court Rules 70.19(3)(f), 70.20(1), and the Supreme Court Orders of March 22, 2020, and as amended on April 15, 2020, Vilas County may resume in-person hearings and jury trials in accordance with the operational plan attached, as designated in the Task Force's final report for phases one, two, and three.

Dated this 10<sup>th</sup> day of May, 2021

  
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Hon. Greg Huber  
Chief Judge, 9<sup>th</sup> Judicial District

## COVID-19 Circuit Court Safety Plan for Vilas County

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering that portion of the Vilas County Courthouse premises housing the court, the Vilas County Circuit Court will implement the following protective measures:

### General

1. The court has established a stakeholder's committee to discuss and consider the recommendations outlined in the Wisconsin COVID-19 Task Force report.
2. All judges and court commissioners will use all reasonable efforts to conduct proceedings remotely to the degree possible.
3. Before calendaring in-person hearings, the court has addressed staffing needs and has procured any equipment and supplies deemed necessary.
4. The stakeholder's committee will continue to meet as necessary, maintain communication with the local health authority and the county office of risk management, and will adjust this operating plan as necessary based upon changes in the public health conditions in the county.
5. Judges will begin setting non-essential in-person proceedings on a case by case basis to be determined by the judge.

### Judge and Court Staff Health

1. Judges, commissioners and court staff who can perform the essential functions of their job remotely will continue to do so, whenever possible.
2. The following procedures have been implemented to monitor the health of Judge and Court Staff: The judges, commissioners and court staff will follow any protocols implemented by Vilas County which are consistent with Vilas County's public health guidelines. They shall self-report any symptoms of illness which could be associated with COVID-19, including but not limited to fever, cough, shortness of breath, unusual fatigue or loss of taste or smell.
3. Judges, commissioners and court staff will be required to wear face coverings in the courtrooms and any confined court related spaces, practice social distancing, and practice appropriate hand hygiene as recommended by the CDC.
4. Protective Measures: PPE and hand sanitizer are provided to judges, commissioners and court staff and cleaning of courtrooms and clerk of court offices are completed several times throughout the day.

### Scheduling

1. The following court schedules are established to reduce occupancy in the court building: Court officials, at their discretion, will continue to use remote means to conduct hearings to reduce courtroom occupancy, and hearings will be scheduled further apart to reduce the number of people in the courtroom at one time, and allow for cleaning and disinfecting between hearings. Public access to open hearings is provided by broadcast to YouTube.

### 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 by chemotherapy for cancer or other conditions are considered to be vulnerable populations.
2. Vulnerable populations will be accommodated, upon request, by using zoom video or telephone on a case by case basis.

### Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has signage to ensure social distancing and will be cleaned regularly.

### *Gallery*

4. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
5. The gallery of the courtroom has been marked to identify appropriate social distancing in seating.

### *Well*

6. 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 so that there is social distancing of at least 6 feet between each space.

### Hygiene

1. Hand sanitizer dispensers have been placed at strategic locations throughout the courthouse.
2. Disinfectant wipes or spray and toweling have been placed at a cleaning station in each courtroom.
3. CDC flyers outlining appropriate hygiene and social distancing have been posted in multiple locations on each floor of the Vilas County Courthouse.

### Screening

1. When individuals enter the Vilas County Courthouse they will be subject to Vilas County public health guidelines.

Face Coverings

1. All members of the public entering the Vilas County Courthouse are strongly encouraged to wear face masks at all times.
2. All persons present in the courtroom and court-related confined spaces of the Courthouse shall wear face coverings. Individuals should bring face coverings with them, but disposable face masks will be provided by court staff upon request.
3. Any witness may be exempted from the masking requirement if the court determines on the record that it is necessary that the witness not wear a face covering during the witness' testimony in order to evaluate the witness' credibility.
4. Notices regarding this requirement will be posted at the entrance of each courtroom and any other court-related confined space.

Cleaning

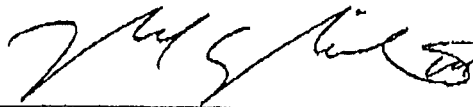
1. Court building cleaning staff will clean the common areas of the court building at least every day.
2. Counsel table and common areas in the courtrooms will be cleaned and disinfected following each in-court appearance. If any party feels that additional cleaning or disinfecting is necessary, cleaning materials will be available at the cleaning station in the courtrooms for that purpose. It is recognized that, depending upon the level of use, the cleaning and disinfecting may need to be done more often.
3. Vilas County continuously runs the HVAC system.

Other

It is understood that public awareness of these measures is necessary. This information will be shared through press releases, county websites, social media, state and local bar associations, and any other appropriate public sources of information.

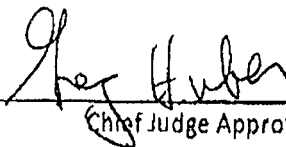
In developing the plan, I consulted with the stakeholder's committee. The committee members are listed on the attachment.

Date: 8/31/2020



Neal A. Nielsen III

Date: 9/1/2020



Chief Judge Approval

## VILAS COUNTY STAKEHOLDER GROUP

Honorable Neal A. Nielsen III – Circuit Court Judge

Beth Soltow – Clerk of Court

Martha Milanowski – District Attorney

Courtney Jolin – State Public Defender

Deborah Hatfield – Family Court Commissioner

Steve Garbowicz – Court Commissioner

Ronald DeBruyne – County Board Chairman

Dave Alleman – County Clerk

Joe Fath - Sheriff

William Weiss – Jail Administrator

Sherri Congleton – Emergency Management Director

Jack Albert – Corporation Counsel

Laurel Dreger – Public Health Department Director

Ashley Droxler – Department of Corrections Field Supervisor

Russ Szuta – Maintenance Coordinator

Susan Byrnes – District Court Administrator

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**ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN-PERSON PROCEEDINGS  
IN VILAS COUNTY**

WHEREAS: The Wisconsin Supreme Court, in light of the COVID-19 Statewide and National states of emergency, has entered certain orders related to the operations of the Circuit Court regarding in-person appearances and jury trials;

WHEREAS: Vilas County is experiencing an increase in COVID-19 cases and currently working with its stakeholders to modify its court facilities and to change jury trial procedures so as to enable safe jury trials and has not yet been able to complete those modifications and changes; therefore, it is not safe at this time to resume jury trials;

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 are to be continued and rescheduled by the assigned judge 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 hearings in the circuit courts, subject to exceptions for certain matters, including those approved by the chief judge of each district;

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

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court ordered the adoption of the Task Force's Final Report and its recommendations for consideration by the Circuit Courts;

WHEREAS: The Task Force's Final Report at pages thirteen (13) and fourteen (14) recommends a four-phased approach to the resumption of in-person hearings and jury trials to protect the health and safety of the public and litigants. The phased approach indicates that jury trials should begin in Phase 3;

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court ordered that the March 22, 2020 order regarding the suspension of jury trials, that Interim Rule 20-02 regarding suspensions of deadlines for non-criminal jury trials, and the April 15, 2020 amended order regarding remote hearings are extended for each circuit court until that circuit court shall have prepared an operational plan for the safe resumption of in-person proceedings and jury trials and the plan shall have been approved by the chief judge of the applicable administrative district;

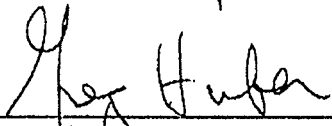
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health and safety of all those present in the courtrooms, jury rooms, and other court-related confined spaces;"

WHEREAS: The judge of Vilas County has filed with the chief judge of the 9<sup>th</sup> Administrative District a safety plan incorporating the requirements of the May 22, 2020 order and considering the Task Force's final report. See attached safety plan;

WHEREAS: This safety plan will allow the resumption of in-person hearings consistent with phases one and two of the Task Force Final Report. The Judge along with the local health officials continues to monitor the local situation to determine when the resumption of jury trials would be advisable considering the local health conditions;

THEREFORE: Pursuant to Wisconsin Supreme Court Rules 70.19(3)(f), 70.20(1), and the Supreme Court Orders of March 22, 2020, and as amended on April 15, 2020, Vilas County may resume in-person hearings in accordance with the safety plan attached, as designated in the Task Force's final report for phases one and two. No jury trials may be held until there is a complete operational plan that covers jury trials.

Dated this 1<sup>st</sup> day of Sept, 2020

  
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Hon. Greg Huber  
Chief Judge, 9<sup>th</sup> Judicial District



STATE OF WISCONSIN  
9<sup>TH</sup> JUDICIAL DISTRICT  
VILAS COUNTY, WISCONSIN

THE ATTACHED  
COVID-19 CIRCUIT COURT SAFETY PLAN FOR VILAS COUNTY  
DATED SEPTEMBER 1, 2020  
WHEN COMBINED WITH THE ATTACHED  
COVID-19 CIRCUIT COURT OPERATING PLAN FOR VILAS COUNTY  
ADDENDUM: JURY TRIAL PLAN  
DATED MAY 5, 2021  
SHALL CONSTITUTE THE

OPERATIONAL PLAN FOR THE SAFE RESUMPTION  
OF IN PERSON PROCEEDINGS AND JURY TRIALS IN  
VILAS COUNTY, WISCONSIN

## COVID-19 Circuit Court Operating Plan for Vilas County Addendum: Jury Trial Plan

As an addendum to the Safety Plan filed with the Chief Judge of the Judicial District on September 1, 2020, 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 Vilas County Circuit Court will implement the following additional protective measures related to jury trials:

### Effective Date

This Operating Plan Addendum for Jury Trials will be effective immediately upon Chief Judge approval.

### Recovery Planning and General Education

1. A Stakeholder Committee was established and the members are listed in the Vilas County Safety Plan dated September 1, 2020. In addition, a subcommittee was established consisting of Honorable Neal A. Nielsen III, Judge, Beth Soltow, Clerk of Circuit Court, Kim McCallum, Judicial Assistant, District Attorney Martha Milanowski and Public Defender Courtney Jolin to determine resumption of jury trials.
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: The Safety Plan has been posted. The Addendum regarding jury trials will also be posted accordingly.

### 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. In addition, the Vilas County Safety Plan has been posted on the Vilas County Website. The Addendum regarding jury trials will also be posted on the Vilas County Website.
2. The policy regarding deferral and excusal of jurors is unchanged due to the pandemic. Health concerns and family situations which may affect the jurors' ability to serve will be considered on an individual basis.
3. The following protective measures, including check-in that minimizes physical contact with documents, posting notices regarding hygiene and distancing practices, are in place for jurors who report to court.

### Jury Selection and Voir Dire


1. For a 12 person jury, both jury selection and trial will be conducted in the County Boardroom. For a 6 person jury, the County Boardroom will be utilized for jury selection and the trial will be conducted in the jury courtroom.
2. Jurors are instructed in the letter sent with their summons to maintain appropriate social distancing of six (6') feet and to wear a mask as they proceed through security screening. Compliance will be monitored by court staff.
3. Prior to entry into the voir dire room, the most current questions deemed appropriate for screening for COVID-19 risks will be asked. In addition, the temperature of potential jurors may be taken using a non-intrusive thermometer by court staff or other individual as designated by the Judge.
4. In the event a prospective juror answers in the affirmative to the COVID-19 risk questions or is determined to have a fever of 100.4 or greater, that juror will be refused admittance to the building. The Clerk of Court and Judge will be immediately notified.
5. As the jurors are checked in and screened, the bailiff will direct each juror to the appropriate seat for voir dire purposes.
6. Additional protective measures by the Clerk and bailiffs will minimize physical contact with potential jurors. If a potential juror does not have a mask, a mask will be provided.
7. Any pads of paper or pencils provided to jurors will be retained by jurors.
8. No communal food or drinks will be served. Lunches and snacks will be provided by the County and delivered in individual containers.
9. For trials conducted in the County Boardroom, each juror selected will be assigned to a separate table and chair. The juror will remain at that same table for the duration of the trial. For trials conducted in the courtroom (6 person jury), following selection, jurors will be directed to specified seats in the jury box or gallery and will remain in those seats for the duration of the trial.

### Juror Attendance and Safe Participation

1. Jurors will be provided masks and hand sanitizer for use in courtrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies:

- A. The jury, witnesses, counsel and all others attending a jury trial will be seated compliant with social distancing guidelines. Once seated, the same seats will be utilized for the entire trial.
  - B. All persons attending the jury trial will wear masks excepting witnesses as allowed by the trial judge.
  - C. Barriers have been placed between the witness and the bench, court reporter and the Clerk of Courts when social distancing cannot be maintained. Parties approaching the Clerk's station with documents shall maintain distance to the degree possible.
3. After the jury has been empaneled, the following efforts will be implemented:
- A. The jury will sit at assigned tables in the County Boardroom, or as directed in the jury box and gallery area of the courtroom, with socially distanced seating.
  - B. The jury will deliberate in the County Boardroom/courtroom itself with socially distanced seating.
4. During breaks and deliberations, the bailiffs shall ensure that social distancing is practiced by assisting jurors two at a time to the adjoining bathrooms to allow safe distancing. Lunch will be provided, individual bottles of water and soda will be provided. The jurors will remain in the courtroom during the lunch break. Accommodations will be made by the bailiffs if any juror needs to go outside during the lunch break.
5. Side bars and any matters that need to be heard outside the jury will occur in Chambers or separate conference room.
6. Due to limited capacities within the courtrooms, any trial may be streamed via Zoom to another room in the courthouse and may be streamed to the internet for public access purposes if necessary.
7. This plan may be revised or rescinded at any time if safety concerns require.

Date: May 5, 2021

  
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 Neal A. Nielsen III  
 Circuit Court Judge, Vilas County

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

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