
**IN THE MATTER OF
OPERATIONAL PLAN FOR
ADAMS COUNTY CIRCUIT COURT****AMENDED ORDER**

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, the Wisconsin Supreme Court ordered each circuit court to submit an operational plan to the chief judge of the applicable judicial administrative district. The operational plan was to include the requirements set forth in the order, and reduce to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promote the health and safety of all those present in the courtrooms and other court-related confined spaces. Supreme Court Orders, *In Re the Matter of the Extension of Orders and Interim rule concerning Continuation of Jury Trials, Suspension of Statutory Deadlines for Non-Criminal Jury Trials, and Remote Hearings during the COVID-19 Pandemic (05/22/20)* and *In Re the matter of the Final Report of the Wisconsin Courts COVID-19 Task Force (05/22/20)*.

WHEREAS, on May 29, 2020, the Adams County Circuit Court submitted an operational plan to resume in-person court proceedings and on July 1, 2020, a plan to resume jury trials pursuant to the Wisconsin Supreme Court's May 22, 2020, order. The plan verifies that the court has communicated with the appropriate stakeholders regarding the protective measures. It also requires face coverings for all individuals present in the courtroom, appropriate social distancing, sanitation/hygiene practices, and appropriate signage.

IT IS ORDERED the operational plan for the Adams County Circuit Court is approved for the resumption of in-person court proceedings and jury trials.

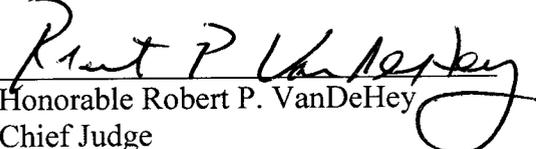
IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Remote Hearings During the COVID-19 Pandemic (04/15/20)*, ceases to apply to the Adams County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Jury Trials During the COVID-19 Pandemic (03/22/20)*, ceases to apply to the Adams County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's Interim Rule 20-02 *In Re the Matter of an Interim Rule re Suspension of Deadlines for Non-Criminal Jury Trials Due to the COVID-19 Pandemic*, ceases to apply to the Adams County Circuit Court:

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

Dated this 14th day of July, 2020


Honorable Robert P. VanDeHey
Chief Judge
Seventh Judicial Administrative District

Operational Plan for Resumption of In-Person Hearings:

Communication: I have communicated with the offices enumerated in the first bullet point on page 5 of the Wisconsin Supreme Court's May 22 order extending the remote hearings. Specifically, the existing security and facilities committee, along with the emergency management director and representatives from public health, met on May 22 to discuss the recommendations in the report of the task force appointed by the supreme court. Three subcommittees were then created to plan for the reopening; one to address facilities, one to identify hearings to prioritize and one focused on jury trials. Those committees have reviewed and commented on this plan. Because planning for jury trials will likely involve use of an off-site facility given the impending relocation of the court system for the courthouse remodeling/expansion project, this plan does not include jury trials; a separate plan is being developed for jury trials.

Face Coverings: As required in the May 22 order, the wearing of face coverings in confined court-related spaces by all persons is mandated. Such spaces will include the courtrooms, courtroom waiting areas and the clerk of court's counter/window. An exception may be granted for a witness during testimony if the court official determines that removal of the face mask is necessary to determine credibility. Individuals with an articulated respiratory or other health condition that prevents the individual from wearing a mask will be advised to use a face shield. Every effort will be made to have face coverings available for distribution to persons arriving without one. In the event of shortages, face coverings will be prioritized for those required to be in court; spectators may be turned away and advised not to return until they have secured face coverings.

Notice of the face covering requirement has been posted at both of the public entrances to the courthouse complex and at the entry points to the first and second floors of the courthouse. The notices state as follows: "**FACE COVERING REQUIRED FOR COURT ACCESS:** Pursuant to order of the Wisconsin Supreme Court, all persons must wear face coverings while in a courtroom, courtroom waiting area and when at the counter/window at the clerk of court's office. The face covering must cover the person's mouth and nose. This order will be enforced by the circuit court judge. A limited supply of face coverings is available. In the event of insufficient inventory, provision of coverings to those required to be in court will be prioritized and spectators may be denied entry until they secure a covering."

Hand Sanitizer: Stations with hand sanitizer have been placed outside of both courtrooms and near the public entrances to the building. Hand sanitizer will also be available inside the courtroom. Given the prominent location of such stations, it is believed that the posting of notices regarding availability is not necessary.

Cleaning/Sanitization of Facilities: The county has adopted a cleaning policy that calls for a deep cleaning of the courtrooms and waiting areas prior to the commencement of court and at noon each day. Related facilities including restrooms, stairwells and elevators will be cleaned and sanitized daily, and more often as needed. The courtroom bailiff will sanitize courtroom door handles, tables and chairs

between hearings. The bailiff will be trained by the maintenance department on the proper cleaning procedure.

Social Distancing: The two large counsel tables in each courtroom have been removed and replaced with four smaller tables that are at least six feet apart. One vinyl or wooden chair has been placed at each table. The benches in the galleries of both courtrooms and in the waiting areas have been replaced with wooden chairs that are spaced six feet apart. The court security officer and bailiff will monitor and enforce compliance with social distancing. A plexiglass barrier has been installed at the clerk's counter and social distance markings have been established for forming a queue there. Signs encouraging social distancing have been placed at the building entrances and in areas of frequent congregation, including the courtrooms and waiting areas.

Prioritization of In-Person Hearings:

Phase 1 (Commencing upon approval of reopening plan): Remote hearings will continue to be used for high volume hearings such as criminal and small claims intake, as well as for other hearings of a routine nature. Subject to the discretion of the assigned court official regarding an individual case, in-person hearings will be prioritized for the following: plea and sentencing hearings, preliminary hearings, court trials, evidentiary hearings, contempt hearings, injunction hearings and other hearings where the court official determines an in-person hearing is necessary. If any party objects to a hearing being held in-person, a written *request* may be filed to convert it to a remote hearing. Such request must be filed at least 96 hours before the hearing, specify a basis and report on whether the other party objects. Conversely, a party may request that a remote hearing be held in person by following the same procedure.

Phase 2 (Commencing approximately 90 days after approval of the reopening plan, subject to safe and successful implementation of Phase 1 and to then-existing public health condition): The court will return to in-person hearings for most other hearings, other than those traditionally held via telephone or by video (i.e. scheduling conferences, jury status hearings, bail hearings, etc.). Remote hearings will continue to be utilized when deemed appropriate by the court official. Objections to in-person or remote hearings may still be filed as outlined above.

Notice: Notice of the nature of the appearance for a hearing will be sent by the clerk via a notice of hearing. The notice will include the option of requesting the court to approve a different format by utilizing the procedure outlined above and will include the face covering requirement.

East Stairwell: This stairwell will be reserved for use by employees only, since the entrance at the ground level has been closed to the public. This will allow employees to maintain separation from the public when traveling between floors. Floor-mounted white boards have been placed noting that access to the stairwell is closed to the public except in the event of an emergency.

Elevator Usage: Frequently touched surfaces, including elevator buttons, door handles and hand rails will be disinfected frequently. Signs have been erected at the elevators stating: "In order to protect the

health of the public, it is requested that only one person at a time use the elevator. If they reside in the same household, two or more persons may use it at the same time.”

Daniel G. Wood

Adams County Circuit Court Judge

Operational Plan for Resumption of Jury Trials:

Background: Prior to the pandemic, the Adams County Board of Supervisors approved the remodeling and expansion of the existing court and court-related facilities. The project will require the temporary relocation of the court system to the administrative wing of the complex; the main courtroom will be in the county board room, the secondary courtroom will be a committee meeting room and the judge, register in probate and court reporter will use the current offices of the corporation counsel and staff. The county board and corporation counsel will temporarily be relocated outside the building.

The partial operational plan of Adams County for the return of in-person hearings was approved by Chief Judge Robert VanDeHey on June 5, 2020. This plan is intended to supplement that plan and incorporates by reference all of the relevant provisions of the plan including, but not limited to, the requirement of face coverings, the provision of hand sanitization and cleaning of facilities.

Subcommittee: A jury trial subcommittee was organized consisting of the clerk of circuit court, the district attorney, state public defender, sheriff, court security officer, county maintenance director, county manager and representatives from public health. Potential venues for conducting trials were viewed and discussed by the subcommittee and this plan was developed.

Timeframe: In order to accommodate the impending relocation of the court system to the temporary quarters and in order to allow adequate time to implement the provisions of this plan, jury trials currently scheduled for the month of July will be rescheduled. Jury trials will resume in August; the first scheduled jury trial is on August 6.

Notice to Jurors: The attached letter will be sent to all prospective jurors who have been summoned for service. The clerk of circuit court and judge have agreed to grant either excusal requests or deferments for any prospective juror who is in one or more of the following categories: elderly/at-risk population, those caring for such person(s), and those in professions/occupations deemed essential and for which service at this time would create a substantial risk of hardship.

Facilities: In order to have adequate space to accommodate social distancing throughout a trial, jury selection will be held off-site and jury trials will be held in the temporary courtroom.

Jury Selection:

Location: Jury selection will take place in the large meeting room at the Adams County Community Center in Adams. Potential jurors will be directed to report to the main entrance.

Screening: Security screening will occur in the lobby/hallway followed by COVID-19 screening; the former will be conducted by the sheriff's office, the latter by bailiffs trained by public health nurses. **ALL** participants in the jury trial, including the judge, court staff, law enforcement, attorneys, parties, witnesses, prospective jurors and spectators will be subject to the COVID-19 screening, which will include inquiry of questions recommended by the CDC and the taking of the temperature of each person. Any person with a temperature at or above 100.4°F (37.8°C) or otherwise determined to be at

high risk of COVID-19 will be denied entry/excused. A public health nurse will be available by phone to answer questions.

Post-screening: After screening of everyone has been accomplished, jury voir dire will take place in the meeting room. Social distancing will be provided for everyone. Spectators will be socially distanced and restricted to a designated area separate from the jurors. Wooden or vinyl chairs will be used for everyone. When a prospective juror “in the box” is excused for cause, the bailiffs will replace that person’s chair with a sanitized one while the next prospective juror is being called forward.

Traffic: In order to limit cross-traffic and exposure, the building will otherwise be closed to the public until noon on days in which jury selection is scheduled to occur.

Breaks: During any break, release from the room will occur in stages to minimize contact and access to the restrooms at one time. First released will be prospective jurors in the box, then the remaining prospective jurors and then everyone else.

Final Pool: Upon selection of the jury, the jurors will be sworn and then directed to drive directly to the courthouse, approximately one mile away.

Jury Trial:

Arrival/Screening: Upon arrival at the courthouse, jurors will be directed to a portion of the public parking lot that has been reserved for them. They will then be escorted, with efforts made to ensure social distancing, to the hallway outside the courtroom, where security screening of the jurors and parties will take place. In multi-day trials, COVID-19 screening will be conducted in that area prior to entry into the courtroom at the start of each day.

Arrangement of Courtroom: The bench in the courtroom faces north. The courtroom will be arranged so that the prosecution tables face west, the defense tables face east and the jurors will face south. Adequate separation between the counsel tables and the first row of jurors will be provided to avoid any risk of influence. Social distancing will also be provided for everyone. Chairs will be assigned, and labeled, for each juror and will be cleaned/sanitized twice a day. The witness box will be located directly in front of the bench and the video conference equipment will be utilized to display the witness on the monitors in order to aid the viewing of the witness by jurors in the back rows.

Public Access: Because of the unique configuration of the courtroom to accommodate social distancing, it will not be possible to designate an area for the public. Therefore, the courtroom will be closed to the public and a closed-circuit audio-video feed will be provided to a designated viewing area at the community center. Notice of such public access to the trial will be posted on the exterior doors of the courthouse and court security will be instructed to orally advise the public of the same if they come to the courtroom. Limited space in the courtroom will be made available to victims.

Breaks: When a recess occurs, the jurors will leave first and will be escorted by the bailiffs through the northeast door, down the hall and to the jury room. After the jury has been moved out, everyone else will be permitted to leave. The restrooms serving the courtroom will be within the

secured area and will be reserved for jurors. Everyone else will need to use restrooms elsewhere in the building.

Exhibits: Whenever possible, exhibits that need to be published to the jury will be displayed using the ELMO system.

Jury Room: The jury room will be room A260, a medium-sized meeting room which is large enough to accommodate the jurors with social distancing observed. Chairs will be placed adjacent to the walls in order to increase capacity and encourage social distancing. Chairs will be assigned, and labeled, for each juror and will be cleaned/sanitized each day.

Meals: Jurors will be served individual meals in the jury room at lunch and, when deliberating, at supper. Jurors will be able to order their meals from the menu available through the jail kitchen. Individual drinks and prepackaged snacks will be available to the jurors.

Materials: Small containers of hand sanitizer will be provided to each juror. After opening statements and preliminary instructions, each juror will be provided with an unused pen and pad of paper in a plastic bag that is labeled with the juror's name.

Instructions: The judge will remind the jurors throughout the trial as follows:

- If they are ever unable to see or hear a witness, attorney or the judge while the trial is in session, they should raise their hand and notify the court immediately.
- For the safety of everyone, they should observe social distancing and frequently sanitize their hands.

Community Notice: The *Adams-Friendship Times Reporter* has agreed to interview the judge and clerk of court and then publish an article noting the efforts to balance the right of all citizens to a trial by a jury of their peers with the right of jurors to be safe.

Respectfully submitted,

Daniel G. Wood

Adams County Circuit Court Judge

Dear Prospective Juror-

You have been summoned for service as a juror in Adams County. In light of the COVID-19 pandemic, I understand that you may be concerned about reporting for service. I write to you on behalf of the court system and Adams County government to explain the steps we have taken to protect both your safety and the constitutional right of citizens to trial by a jury of their peers.

As you may know, the Adams County Courthouse will be undergoing a remodeling and expansion project. That project requires the temporary relocation of the court system to the county administration building; the county board chambers will serve as the courtroom during the construction project. Jury trials will be held there, however **the jury selection process will take place in the Adams County Community Center located at 569 North Cedar Street in the city of Adams.** It is a large facility and will allow us to provide social distancing.

At the date and time set forth in the attached summons, please report to the community center. You will enter the building at the main entrance, which is on the east side of the building. **The wearing of a face covering by everyone is required.** If you do not have a covering, one will be provided to you. Upon entry, you will go through a security screening, which will include a magnetic sweep of you and a search of any personal belongings you bring. Purses, bags, etc. will be hand-searched. For everyone's convenience, **please don't bring any bags or other items that are not absolutely necessary.** It will be necessary to collect and hold mobile phones when court is in session, so **please consider leaving your phone in your vehicle.**

After you have completed the security screening, a brief COVID-19 screening will take place including the taking of your temperature using a non-invasive, infrared thermometer. To help ensure safety, **everyone participating in the trial, including me and court staff, will undergo a COVID-19 screening.** Anyone with a temperature at or above 100.4°F (37.8°C) or otherwise considered to be at high risk for COVID will be denied entry/excused.

Jurors will then be directed into the large meeting room, where chairs will be arranged consistent with social distancing recommendations. After everyone has reported and completed screening, the process of jury selection will commence. The jurors selected for the final panel will be given instructions for reporting to the courthouse for the remainder of the jury trial; those who are not selected will be free to leave.

Your safety is important to us. Throughout the trial, social distancing will be facilitated, face coverings will be worn, opportunity for frequent hand sanitization will be provided, interaction of the jurors with others will be limited, facilities will be cleaned frequently by county staff and all other reasonable precautions will be taken to protect your safety, and the safety of others.

If you have any concerns about serving, please contact the clerk of court's office at (608) 339-4208. Jury service for those at heightened risk can be excused or delayed. **If you have been diagnosed as having COVID-19 within the past 30 days, are living with or actively caring for someone who has been**

diagnosed with COVID-19 or will be subject to quarantine at the time of service, please promptly contact the clerk's office at the number provided.

Jury service is a civic duty and an important form of public service. The right to a jury trial is enshrined in the Sixth and Seventh Amendments to the U.S. Constitution and it is one of the principles highlighted in the Declaration of Independence. Your willingness to serve is always appreciated, and is especially appreciated now.

I hope this letter is helpful, informative and reassuring. I look forward to seeing you at the community center.

As judge, and on behalf of county government and the parties to the case to be tried, I extend a sincere thank you for your service.

Daniel G. Wood

Adams County Circuit Court Judge