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STATE OF WISCONSIN

TENTH JUDICIAL DISTRICT

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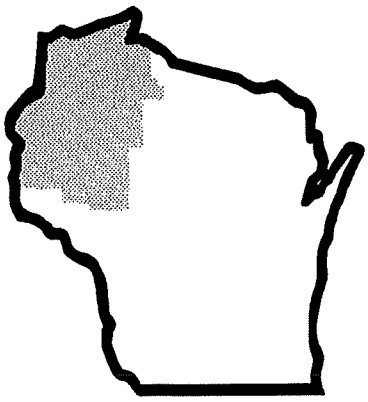


June 30, 2020

Chief Justice Patience Roggensack

Director of State Courts Randy Koschnick

BY EMAIL

Dear Chief Justice Roggensack and Director Koschnick:

Pursuant to the Wisconsin Supreme Court's order dated May 22, 2020, attached please find copies of Chippewa County's operating plans to resume in person hearings and jury trials, as well my order approving same. The effective date of both plans is July 8, 2020, which is when the Ashland County Circuit Court may conduct its first trial.

Please do not hesitate to contact me with any questions or concerns. Thank you for your time and attention to this matter.

Sincerely,

Maureen D. Boyle
Chief Judge District 10

CC: The Honorable Kelly McKnight, Ashland County Circuit Court
Christopher Channing, District 10 Court Administrator

STATE OF WISCONSIN 10th JUDICIAL DISTRICT

ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF IN PERSON PROCEEDINGS AND JURY TRIALS IN ASHLAND 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 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 judges of each district, if remote technology is not practicable or adequate to protect 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 for conducting non-criminal jury trials until further order of the court:

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court ordered that March 22, 2020 order regarding the suspension of jury trials, that Interim Rule 20-02 regarding suspension 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 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: On May 22, 2020, the Wisconsin Supreme Court outlined the specific criteria required in each circuit court operational plan as to how that circuit court will conduct in-person proceedings and jury trials so as to reduce to the greatest extent possible the risk of transmission of the virus causes COVID-19 and that promotes the health and safety of all those present in the courtrooms, jury rooms, and other court-related confined spaces of that circuit court;

WHEREAS: On June 29, 2020, the Honorable Kelly McKnight, Circuit Judge of Ashland County, submitted final operational plans regarding resumption of jury trials and resumption of in-person proceedings, both of which contain a statement regarding

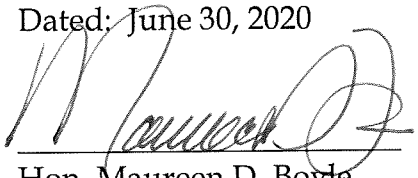
communication with local justice partners regarding the safe resumption of in-person proceedings and jury trials in that circuit court; a requirement that all persons who are present in the courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, except as authorized on the record by said judge; outlines practices for appropriate sanitation/hygiene of frequently touched surfaces and the hands of participants; specify that notices regarding face coverings and availability of hand sanitizer and disinfecting wipes/sprays in court-related areas will be appropriately posted and noticed; and incorporate many recommendations made in the Final Report of the Chief Justice's Task Force;

THEREFORE IT IS ORDERED:

The operational plans of the Circuit Court of Ashland County regarding procedures and practices for conducting jury trials and other in-person proceedings during the 2020 public health emergency and pandemic-COVID 19 are hereby approved and are effective May 28, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Circuit Court of Ashland County and that circuit court must continue to follow its operational plans as approved by the chief judge until further notice of the Wisconsin Supreme Court.

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

Dated: June 30, 2020



Hon. Maureen D. Boyle,
Chief Judge 10th Judicial District

COVID-19 Circuit Court Operating Plan for Ashland County

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

General

1. The county judiciary has established a stakeholder committee to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report. The committee includes:
    a. County Administrator;
    b. District Attorney;
    c. Family Court Commissioner;
    d. County Health Officer;
    e. Emergency Management;
    f. Corporation Counsel;
    g. Sheriff;
    h. Clerk of Court;
    i. Public Defender;
    j. Bar Association President.
2. The stakeholder committee will continue to meet monthly as long as the operating plan remains in place.
3. All judges will use all reasonable efforts to conduct proceedings remotely. Participants will be affirmatively offered the option of appearing remotely, when appropriate, and encouraged to do so.
4. Before calendaring in-person hearings, the stakeholder committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.
5. The stakeholder subcommittee will continue to meet regularly, maintain communication with the local health authority and the county office of risk management, and will adjust this operating plan as necessary with any changes in the public health conditions in the county.
6. Judges will begin setting non-essential in-person proceedings no sooner than July 8, 2020.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will continue to do so, whenever possible.
2. Prior to entering any court facilities open to the public, all judges and court staff will submit to daily health self-screening to determine if they have health related risk factors for COVID-19, have been exposed to someone exhibiting symptoms of COVID-19 or have a fever. Judges and employees who have health related risk factors for COVID-19, have been exposed to someone exhibiting COVID-19 related symptoms or have a fever of greater than 99.6°F will not be allowed to enter court related facilities.
3. Judges and court staff will be required to practice social distancing, and practice appropriate hand hygiene recommendations at all times.
4. Protective Measures:
    a. Clerk of Court staff will be limited to 4 employees in the Clerk of Court office at any time;
    b. Clerk of Court staff will work remotely whenever possible;

c. Clerk of Court staff working on-location will utilize work stations outside of the Clerk of Courts office when possible to minimize the number of employees working in the office.

5. Sanitizing spray and wipes will be located throughout court facilities accessible to court staff. Shared work stations will be sanitized before and after use by the court staff employee at the conclusion of using a works station and prior to beginning work at a work station.
6. To the extent allowable considering ambient conditions and privacy, court facility doors and windows will remain open to achieve the maximum amount of fresh air exchange in court facilities.

Scheduling

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

Vulnerable Populations

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

Social Distancing

1. All persons not from the same household who are permitted in the courthouse 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 been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.

Gallery

4. The maximum number of persons, including litigants and court staff, permitted in 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 the seating.

Well

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

Screening

1. When individuals attempt to enter the courtrooms, a designated employee will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have 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 refused admittance to the courtroom. If required to appear in court, the appropriate court office will be immediately notified.
2. When individuals attempt to enter the courtrooms, an employee will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the courtrooms will be provided personal protective equipment, including face covering options and gloves.
5. Staff who are doing the screening will have a listing of court official phone numbers in order to notify the courts of individuals who may have been denied entrance.

Face Coverings

1. All individuals entering court facilities open to the public will be required to wear face coverings at all times 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. Notices regarding the requirement for face coverings will be posted at the entrance of each courtroom, the jury room and court-related confined spaces.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals refusing to wear a face covering when entering a courtroom or confined facility open to the public will be denied entry. If the individual is attempting to attend

or participate in a court proceeding they will be provided information on how to access the proceeding remotely.

Cleaning

1. Courthouse cleaning staff will clean the common areas of court facilities so that common spaces are cleaned at least every hours.
2. Courthouse cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Courthouse cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Courthouse cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

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

Date: 6/29/2020

(Presiding Judge or stakeholder committee chair)

Date: 6/29/2020

Chief Judge Approval

COVID-19 Circuit Court Operating Plan for Ashland County

Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on June 22, 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 courts of Ashland County will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

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

2. The following efforts have been undertaken to education 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:
    a. The jury committee has developed a press release for distribution to local media outlets and for posting on the county website informing the public of the need for continuation of jury trials during the COVID-19 Public Health Emergency and the efforts made to address safety concerns.

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. When assessing juror requests to be excused from service or to defer service due to the COVID-19 Public Health Emergency the following policies are adopted:
    a. Requests for excusals/deferral from jurors in the following groups will be given special consideration and afforded greater latitude:
        i. Elderly or other medically vulnerable populations;
        ii. Healthcare workers;
        iii. Essential workers;
        iv. Caregivers for vulnerable populations;
        v. Individuals with school aged children in their home.

    b. Jurors who indicate they are experiencing COVID-19 like symptoms or those who within the last 14 days have tested positive for COVID-19, have travelled by air or have been on a cruise ship or have been subject to symptomatic COVID-19 testing within 5 days and have not received a negative result will be excluded

from service. Jurors may also otherwise be excluded at the discretion of an approved health care provider.

   c. Jurors who are sheltering in place and cannot or will not comply with a summons will be given a deferral to a later date but will be reminded of their civic duty regarding jury service.

3. The following protective measures are in place for jurors who report for duty:
   a. Juror report times will be staggered so that no more than 15 jurors report in any 15-minute period;
   b. Juror check-in will be conducted using proper social distancing and personal protective equipment;
   c. The off-site jury selection location will be signed to remind jurors to observe social distancing and utilize hand sanitizer stations.
4. When jurors report for duty, an approved health care provider will conduct a health screening intended to determine whether an individual is at risk for exposure to COVID-19. The health screening will include the use of an infrared thermometer to determine the temperature of jurors. If an individual demonstrates risk for exposure to COVID-19 or exhibits a fever they will be denied jury service. Jurors may otherwise be excluded at the discretion of an approved health care provider.
5. Jurors who pass health care screening will be escorted to a seat by a bailiff or other court staff.

<u>Juror Attendance and Safe Participation</u>

1. Personal protective equipment will be available to the jurors, including masks, gloves and hand sanitizer in courtrooms and jury deliberation rooms.

2. Social distancing of jurors will be enforced through the following strategies:
   a. Jury selection will occur off-site in an approved and appropriate location, such as a gymnasium or conference center, that allows for maintaining 6 ft. of social distancing among jurors, litigants, court staff and member of the public;
   b. During jury selection seats for jurors will be spaced at 6 ft. intervals and 6 ft. of distance will be maintained among jurors, counsel tables, court staff and members of the public;
   c. For proceedings occurring in the courtroom, access to the courtroom will be limited to jurors, court staff, litigants and witnesses. The courtroom will be arranged to allow for social distancing of all occupants. The courtroom will be clearly marked to limit capacity and direct occupants where to sit to achieve proper social distancing. Where appropriate and necessary, Plexiglass shields will be installed to protect courtroom occupants.
3. After the jury has been empaneled, the following efforts have been made to accommodate social distancing, but ensure that each juror has adequate sight lines to the witness stand and can hear and see all proceedings:
   a. Due to an inability to effectively implement social distancing using the jury box and typical arrangement of the courtroom jurors will be spaced at 6 ft. intervals in the courtroom gallery rather than in the jury box;
   b. Additional speakers have been added to the area of the courtroom gallery to enhance the sound quality for jurors;
   c. The courtroom will be reconfigured to allow the trial to occur facing the courtroom gallery where the jury is located. The witness stand will be relocated to an area closer to the jury allowing for better sight lines to witnesses for jurors;

d. To the extent possible, exhibits will be published to jurors by video and a rolling cart with a video screen will be used to enhance the visibility of video exhibits for jurors;
e. Plexiglass will be installed in the area of the witness stand to allow witnesses to testify without face coverings, while still providing protection for courtroom occupants, to the extent necessary for jurors to assess the credibility of witnesses.

4. Social distancing consideration during trial breaks and deliberations include:
   a. Deliberation and breaks will occur in the courtroom. Members for the public will be excluded from the courtroom during the entire trial process including breaks and deliberations. The same social distancing accommodation for jurors made during trial will continue during deliberations reconfiguration of the deliberation room, using an alternate room for deliberations;
   b. Jurors will remain in the area of the courtroom gallery used by jurors as the jury box and jury room during hearings required outside of the presence of the jury. Court staff and litigants will conduct such hearings in the 2nd courtroom in the courthouse;
   c. Hand sanitizer stations will be spaced throughout the area of the courtroom gallery used by jurors as the jury box and jury room;
   d. The area of the courtroom used as the jury box and jury room will be signed to remind jurors where to sit and to follow social distancing practices;
   e. Jurors will be provided access to a non-public bathroom in the traditional jury room.

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

<u>Other</u>

1. **Ambient Conditions:**
   a. Due to ambient conditions there are challenges unique to Ashland County for holding a jury trial where all occupants of the courtroom are required to wear face coverings. The jury courtroom for Ashland County is on the 3rd floor of a 100-plus year old building, facing south, without air conditioning or any type of built in air exchanging system. Summer courtroom temperatures regularly exceed 80 degrees, sometimes by a large margin. It would pose both a potential health hazard to require courtroom occupants, particularly those who may be over age 65 or have pre-existing health conditions, to wear face coverings in these conditions. Additionally, the potential discomfort caused to juror by being required to wear face coverings in such conditions could affect their ability to listen to evidence and decide a case fairly;
   b. Ashland County has explored multiple options for holding summer jury trials off-site with no options being found consistently acceptable;
   c. Summer trials will be held in the courtroom in Ashland County. All possible efforts to remediate the ambient conditions while facilitating adequate air exchange in the courtroom will be made including opening doors and windows and installing window fans;

d. Due to ambient conditions in the courtroom some scheduled trials may need to be cancelled and rescheduled. No less then 48 hours prior to the commencement of a scheduled trial, the judge responsible for the case will determine whether ambient conditions will allow for a trial to proceed as scheduled. In determining whether ambient conditions will allow a jury trial to proceed the judge responsible for the case will consider the current ambient conditions in the courtroom as well as a summary of the best available information regarding forecasts for outside air temperature, humidity and other atmospheric conditions. In addition to consideration of ambient conditions the judge responsible for the case will consider the wishes of the parties, the wishes of any alleged victim, the custody status of a criminal defendant and whether there has been a speedy trial demand made and, if the judge responsible for the case is a visiting judge, will consult with the presiding judge;

e. As an alternative to holding jury trials in the Ashland County Courtroom it may be possible to utilize facilities in the Bayfield County. Ashland County jury trials may be held off- site at the Bayfield County Courthouse with the consent of the parties and with the acquiescence of the judge responsible for the case and the presiding judge in Bayfield County. In the event and Ashland County jury trial is held off-site in the Bayfield County Courthouse the Ashland County operational plan will control activities through jury selection. The operational plan in Bayfield County will control all activities occurring on the premises of the Bayfield County Courthouse. Court staff from both counties will coordinate implementation of the Bayfield County operational plan at the Bayfield County Courthouse.

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

Judges will begin setting jury trials no sooner than July 8, 2020. I will ensure that all judges holding jury trials in the courthouse covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 6/29/2020

(Presiding Judge or stakeholder committee chair)

Date: 6/29/2020

Chief Judge Approval

KELLY MCKNIGHT
JUDGE
715-682-7013

SANDRA PAITL
CLERK OF COURT
715-682-7016
715-682-7919

OFFICES OF

CIRCUIT COURT

ASHLAND COUNTY COURTHOUSE
201 MAIN STREET W.
ASHLAND, WISCONSIN
54806

JULIE BROWN
COURT REPORTER
715-685-2005

SANDRA PAITL
REGISTER IN PROBATE
JUVENILE COURT CLERK
715-682-7009
FAX 715-685-9977

«JURORFULLNAMEF»«JURORNAMEL»
«JURORPRIMADDR»
«JURORCITY»,«JURORSTATE»«JURORZIP»

Re: Your upcoming jury service in the era of COVID-19

Dear Mr./Ms. «JURORNAMEL»:

You have previously received a summons directing you to appear for jury service at 8:00 a.m. on «ADDITIONALFIELD4», at the Bretting Community Center, 400 4th Ave W, Ashland, WI. We need to use the Brettting Center gymnasium for jury selection, the first phase of a jury trial, to accommodate a larger crowd, considering the need for social distancing.

I want 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 itself.

So that you will not be surprised when you arrive, please be aware of the following:

1. Prior to entering the building, each prospective juror will have their temperature taken via a handheld thermometer and asked a series of COVID-19 related questions, to ensure that no one with an elevated temperature or other symptoms is admitted. Staff from Northlakes Community Clinic will be assisting court staff with juror health screening.

2. Once you enter the building and pass through the initial security screening, you will be separately escorted by court staff to be seated in a space that is sufficiently distant from another juror to avoid close proximity with one another, at least six feet apart.

3. Masks will be distributed and everyone appearing as a prospective juror will be required to wear a mask at all times during jury selection. Jurors chosen to serve will be required to wear a mask at all times during trial and deliberations. Jurors will be required to wear the mask provided by the Court.

4. Nitrile gloves will be available for those who wish to wear them, but gloves are not required.

5. If you bring your cell phone, iPad or similar electronic device with you, it should at all times be turned off during jury selection. If you are selected as a juror to hear the case, such devices should not be brought with you into the courthouse; otherwise, you will be asked to surrender them during the course of the trial.

6. Hand sanitizer will be available to you at multiple locations, and you may ask a court officer to make it available at your seat if you wish.

7. Those selected for this jury trial should know that the jurors will be spaced throughout the gallery area of the courtroom to achieve social distancing. The general public will be excluded from the courtroom during trial and deliberations.

8. The gallery area of the courtroom used by the jury and jury room bathroom will be deep cleaned each evening throughout the course of the trial.

9. Individual lunches will be provided to the selected jurors during each day of the trial, in order to minimize any travel in and out of the courthouse and to minimize jurors' interaction with others outside of the courthouse.

If you:

a. Have been diagnosed by a licensed physician as having COVID-19 any time within the last 30 days;

b. Are actively caring for a family member or loved one who has tested positive for COVID-19;

c. Are now in self-quarantine status and that status will continue on «ADDITIONALFIELD4»; or

d. Are a health care professional presently working in an environment where exposure to COVID-19 is more likely or your services are required due to the pandemic,

Then, in any of these circumstances, you should immediately notify the Clerk of Court, Sandra Paitl, at 715-682-7016. She may ask you to furnish documentation from your health care provider.

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 the 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. Only those with extreme hardships should seek to be excused.

It is vital that you appear and present yourself for jury service on «ADDITIONALFIELD4». 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 this upcoming trial.

I hope this personal letter is helpful and informative. I look forward to seeing you in Ashland on «ADDITIONALFIELD4».

Sincerely,

Kelly J. McKnight
Circuit Judge