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IN THE MATTER OF OPERATIONAL PLAN FOR  
IN-PERSON COURT PROCEEDINGS ONLY  
- COLUMBIA COUNTY CIRCUIT COURT

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## ORDER

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, 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 May 22, 2020, Wisconsin Supreme Court ordered each circuit court shall submit an operational plan to the chief judge of the applicable judicial administrative district. The operational plan shall include the requirements set forth in the order, 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, jury rooms, and other court-related confined spaces. Supreme Court Order, *In 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* and *In the matter of the Final Report of the Wisconsin Courts COVID-19 Task Force*.

WHEREAS, on August 17, 2020, the Columbia County Circuit Court submitted an amended operational plan to resume in-person proceedings pursuant to the Wisconsin Supreme Court's May 22, 2020 order. The plan verifies the court has communicated with the appropriate stakeholders regarding protective measures for in-person proceedings. The amended plan requires face coverings for all individuals in publicly-accessible areas of the courthouse with limited exceptions that are on the record, appropriate social distancing, sanitation/hygiene practices, and appropriate signage.

IT IS ORDERED all individuals present in the Columbia County Circuit Court courtrooms shall wear face coverings subject to the limited exceptions noted in this order.


IT IS FURTHER ORDERED the operational plan for the Columbia County Circuit Court to resume in-person proceedings is approved, and the court shall continue to follow its operational plan until further order of the court.

IT IS FURTHER ORDERED the Wisconsin Supreme Court's April 15, 2020 amended order *In Re The Matter of Remote Hearings During the COVID-19 Pandemic*, ceases to apply to the Columbia County Circuit Court.

IT IS FURTHER ORDERED this order does not impact the part of the Supreme Court order that extended the ban on jury trials and tolling of time limits for civil trials. Prior to resuming jury trials, the Columbia County Circuit Court will need to submit an operational plan for jury trials.

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

Dated this 1st day of September, 2020.

  
Honorable Thomas Vale  
Chief Judge, Fifth Judicial Administrative District

**COLUMBIA COUNTY COVID-19 CIRCUIT COURT AMENDED  
REOPENING/OPERATING PLAN  
AUGUST 17, 2020**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering our courthouse, the courts of Columbia County will implement the following protective measures for the safe resumption of in-person proceedings:

The Columbia County Circuit Court established a stakeholder's committee that discussed and considered the recommendations outlined in the Wisconsin COVID- 19 Task Force report and requirements of the Supreme Court's May 22, 2020 Order. That committee consisted of the following:

Roger Brandner, Sheriff  
Troy Cross, Circuit Court, Branch 3  
Katie Day, acting Director of Health & Human Services  
David Drews, Management Information Services Department head  
Vern Gove, County Board of Supervisors Chair  
Todd Hepler, Circuit Court, Branch 1  
Selina Hooker, Director of Child Support Agency  
Max Jenatscheck, Deputy Sheriff & Sgt. for Court Security  
Kathy Johnson, Emergency Management Director  
Julie Kayartz, Register in Probate  
Susan Lorenz, Public Health Administrator  
Peter Middleton, Office Manager, State Public Defender's Office  
Theresa Owens, 5<sup>th</sup> Judicial District Court Administrator  
Gretchen Powell, Facilities Management Supervisor  
Susan Raimer, Clerk of Courts  
Amanda Riek, County Bar President & State Public Defender  
Bethany Ross, Wisconsin Department of Community Corrections  
Joseph Ruf, Corporation Counsel and Human Resources Director  
James Stilson, Jail Captain  
W. Andrew Voigt, Circuit Court, Br 2  
Cory Wiegel, Facilities Management Director  
Alan White, Circuit Court, Branch 3 (Retired)  
Brenda Yaskal, District Attorney

The stakeholder's committee developed the following plan:

- A. Policies
- B. Safety Criteria
- C. Phases

**General Policies:**

1. Continued use of remote technology
  - a. All judges will use all reasonable efforts to conduct proceedings remotely.
  - b. Public access to the courtrooms will be necessarily limited by social distancing rules and sanitation requirements. To the extent possible, hearings conducted in full or in part remotely that would otherwise be open to the public will be live streamed on YouTube.
  - c. When appropriately requested, victims will be provided direct access to any hearing conducted remotely that they are entitled to participate in.
2. Before calendaring in-person hearings, the stakeholder's committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.
3. The stakeholder's subcommittee will continue to meet regularly, maintain communication with the local health authority and the county emergency management office, and will adjust this operating plan as necessary.
4. Judges will begin setting non-essential in-person proceedings no sooner than all Safety Criteria are in place and the judges, in consultation with stakeholder's committee, confirm that all criteria have been met to move to Phase 1.

**Judge and Court Staff Health**

1. The following procedures have been implemented to monitor the health of Judges and court staff:
  - a. Court staff required to use the main entrance are subject to the passive health screening and security screening that occurs there.
  - b. Individuals who are permitted to access the courthouse from the secure parking lot certify by their presence that they would answer all health screening questions in the negative prior to entry.

2. Confirmed test in the courthouse:

- a. Judges and court staff will consult with, and seek recommendations from, the Columbia County Public Health Administrator (or her staff) if there is confirmation that an individual who tests positive has entered the courthouse.
- b. The County will conduct a CDC compliant deep cleaning of all affected areas of the courthouse before the public or court staff may return to those areas of the building.
- c. The judges will consult the County Board Chair and the Director of State Court's Office to determine if it is possible or practical to keep the building open and functional during this time.

**Scheduling**

1. The following procedures are established to reduce occupancy in the court building:
  - a. Hearings that would have historically been scheduled in blocks of time shall include no more than 3 hearings to begin at the same time in any branch.
  - b. The Judicial Assistants shall monitor the calendars of each branch and the Commissioner's calendar and take that information into account when scheduling to limit the potential for overcrowding in the building as much as possible.
  - c. The judges, as advised by stakeholder's subcommittee, will give as much advance notice as practical to staff, attorneys, litigants and the public of any change in Phase or change in presumption of in-person or remote hearings.

**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 or other treatments are considered to be vulnerable populations.
2. Information will be included on notices and orders setting hearings, docket notices and in other communications advising individuals who are

in vulnerable populations of the ability to contact the court and request accommodations.

3. To the extent possible, vulnerable individuals will be allowed to appear by telephone or videoconferencing or have matters rescheduled in Phases 1 through 3.

### **Social Distancing Policies**

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 been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including conference rooms, have been closed to the public.

### *Courtroom Gallery*

5. 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.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating.

### *Courtroom Well*

7. In each courtroom, the counsel tables and other seating have been arranged in such a way so that there is social distancing of at least 6 feet, or appropriate physical barrier, between each space.

### **Hygiene Policies:**

1. For appropriate sanitation/hygiene of frequently touched surfaces and hands of court participants, hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, and outside of each courtroom.

2. Disinfectant wipes and/or spray have been placed at counsel tables, at the witness stand and on the judges' benches.
3. Signage outlining appropriate hygiene, social distancing, and/or public safety has been posted in multiple locations on each floor of the courthouse.

**Screening Policies:**

1. Signage has been placed at the main entrance to the building listing COVID-19 related symptoms. Individuals who have a COVID-19 are risk are hereby asked NOT to enter the courthouse. Anyone entering the building certifies that they are symptom free.
2. Inmates being transported from any jail or prison 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 100.0°F will not be transported and the appropriate branch immediately notified.

**Mask Policies:**

1. All persons who are present in the courthouse shall wear a mask. There are two exceptions to this requirement: 1) A judge may specifically determine, on the record, that it is necessary for a witness not to wear a mask during the witness's testimony in order for the judge or jury to weigh the witness's credibility. See Supreme Court Order dated May 22, 2020; or 2) If courthouse staff are located in an area of the building where they can not be seen by anyone in a public area of the building, they may remove their mask for the purpose of consuming a meal.
2. Individuals who seek to enter the courthouse are encouraged to bring their own court-appropriate masks. Those who do not bring their own masks, or those bringing a mask determined inappropriate by courthouse staff will be provided with a mask.
3. In the event there is a dispute about a particular mask, the judge presiding over the hearing that brings the individual to the courthouse or the Presiding Judge, in the event that it is not clear why the individual seeks admittance to the courthouse, shall make the final determination.
4. Refusal to follow the mask policy will result in exclusion from the courthouse and may result in the issuance of a warrant (criminal cases),

default judgment (civil or quasi-criminal cases), or a finding of contempt of court.

5. This requirement will be enforced by the judges of the circuit court.

### **Cleaning Policies**

1. Courthouse cleaning staff will continue to thoroughly clean the building each evening.
2. Each day that a courtroom is in use, courthouse cleaning staff will clean those courtrooms and other public locations between morning and afternoon proceedings.
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.
5. Court staff and users of each courtroom have been provided with necessary cleaning supplies (at workstations and counsel tables) to provide for basic sanitation between each hearing.

## **COLUMBIA COUNTY CIRCUIT COURT OPERATIONAL PLAN BY PHASES**

After consultation with the Columbia County stakeholders, the Columbia County Circuit Court has adopted a phased approach to returning to full in-person court operations in a safe, responsible manner.

The judges, after consultation with the stakeholder's subcommittee, will review staffing, public health, and facility conditions on a regular basis to determine whether a change in Phase is warranted. As much notice as possible of any Phase change will be provided. Depending on local circumstances, such as a sudden increase in COVID-19 cases, it may be necessary to revert to a previous Phase until such time as expanded operations are once again warranted.

### **SAFETY CRITERIA:**

Before any in-person hearings can be held, the following safety criteria and physical requirements shall be in place:

#### **1. Signage and floor markings**

- Signage shall state all persons shall wear masks in the courthouse at all times. These notices shall be posted at the entrances for the building and at each courtroom. See Supreme Court Order dated May 22, 2020.
- Signage is posted at the front entrance and the entrances of each courtroom and jury room regarding the availability of hand sanitizer and disinfecting wipes/spray in the courthouse. See Supreme Court Order dated May 22, 2020.
- Signage should be posted around the courthouse to remind individuals to maintain proper social distancing. Signage will be placed to ensure social distancing in the courtrooms, galleries elevators and restrooms.
- Floor markings in queuing areas should indicate where individuals should stand in order to maintain physical distancing.
- Signage shall indicate that any one experiencing symptoms of sickness should not enter and instead call the clerk of courts to inform them of their illness.

#### **2. Enhanced barriers**

Facilities Management will erect plexiglass (or similar material) dividers between the public and court staff, where acceptable social



distancing cannot be maintained. This includes at the security screening area at the front door, reception counter in the District Attorneys Office and the witness stands and counsel tables in the courtrooms as necessary.

**3. Air purifying equipment**

Columbia County has considered and rejected the use of additional air purification equipment in the courthouse. Public Health experts have opined that while these individual units are more effective than building HVAC units, the masking requirement is a far more effective way to prevent the spread of COVID-19. As such, the difficulty and expense of obtaining such equipment, plus the challenges associated with the noise and maintenance of the units outweighs the potential benefits of use of the same.

**4. Entrance health screening**

Columbia County has determined that a mandatory mask requirement in all locations in the courthouse is a more effective way to limit the spread of COVID-19 than entrance screening. Such screening has been eliminated from this Plan.

**5. Personal Protective Equipment**

As provided in the mask policies, anyone entering the courthouse shall wear a mask at all times subject to the exceptions listed above. Court staff and court officials will be provided with masks if they decline to provide their own.

**6. Cleaning/sanitizing agents**

Court officials and staff will have sufficient hand and surface sanitization products to ensure that their hands are clean and that surfaces that have been touched during one transaction or proceeding can be wiped down before the next.

The emphasis between hearings should be to quickly wipe down surfaces that are likely to have been touched during the proceeding (e.g., counsel tables, the witness stand, etc.). A deeper cleaning of courtrooms will be performed after hours. Additional hand sanitizing dispensers are located throughout the courthouse for use by the public.

**7. CCAP-provided touchscreen kiosk**

This device will be deactivated until Phase 4.

**8. Keyboard disinfectant**

Public access computers are necessary for records inspection. Staff will ensure they are disinfected between uses (either by spray or anti-viral wipes).

**9. Drop box**

Columbia County considered and rejected the use of a drop box for in-person court filings some time ago. This Plan does not require the reconsideration of that decision.

**10. Elevator protocols**

No more than 2 individuals will be allowed to be in the elevator at any one time unless they are all members of one family unit that resides together. Staff will be assigned to frequently disinfect button panels.

**11. Seating**

Because fabric-upholstered chairs are difficult to clean and disinfect, they have been removed from all public spaces where possible.

**12. Doors**

To minimize the need for sanitizing frequently-touched door handles, some doors will be propped open during regular business hours. Those doors include the doors at the north stairwell on the first and second floors and at least one of the glass doors at the Clerk of Courts/Register in Probate office.

## **PHASE ONE: RESUMPTION OF LIMITED IN-PERSON PROCEEDINGS**

Confirm **Safety Criteria for In-Person Appearances** as well as Policies in place.

The court should continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance. Judges will have the option, if necessary, to hold in-person hearings in the following cases:

In-person appearances may take place in the following cases during this phase:

1. All criminal matters, except jury trials
2. Mental commitment and guardianship hearings with time limits
3. Juvenile proceedings in juvenile delinquency (JV), juvenile CHIPS (JC), juvenile guardianship (JG) cases and termination of parental rights cases with time limits
4. Civil matters as follows:
  - Restraining order proceedings under Ch. 813
  - Family - Temporary order hearings if placement is at issue under Wis. Stat. 767.225(1)(am)
  - Family - Enforcement of physical placement orders under Wis. Stat. 767.471(5)
  - Family - Relocation motions under Wis. Stat. 767.481(2)
  - Family - Contested final placement hearings
  - Time-sensitive small claims proceedings (eg, evictions)
5. Any Treatment Court proceedings.

All hearings other than the ones listed above will continue to be held remotely. To the extent the same can be accommodated, hearings listed above shall be held remotely in part and in-person in part utilizing phone, zoom and video capabilities.

## **PHASE TWO: IN-PERSON PROCESSING OF ALL CASES, EXCEPT JURY TRIALS**

Phase Two includes all case categories from Phase One and add all other proceedings, except jury trials.

- All of the **Safety Criteria for In-Person Appearances** will continue to be utilized.
- The court should continue to favor remote appearances to the greatest extent possible and encourage the broad use of waivers of appearance.

Judges will have the option to schedule additional in-person hearings in all case types except jury trials. However, remote hearings and/or blended hearings (if possible) will continued to be encouraged.

### **PHASE THREE: IN-PERSON PROCESSING OF ALL CASES, INCLUDING JURY TRIALS**

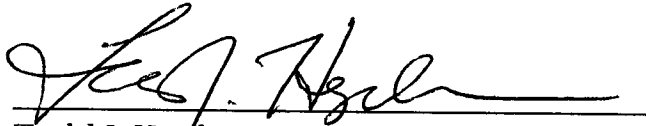
Jury trials present the greatest challenge for all court systems returning to safe and effective operation. A separate Jury Trial Plan will be created and approved as an addendum to this document. This permits Columbia County Courts to resume some operations while the difficult task of planning for jury trials continues.

### **PHASE FOUR: RESUMPTION OF ALL CASES ON IN-PERSON BASIS WITH NO RESTRICTIONS.**

If a public health announcement is made determining that COVID-19 has been suppressed in the state, the processing of all cases may be resumed on an in-person basis without reliance on this plan when such is confirmed by further order of the Wisconsin Supreme Court.

In developing this plan, the judges confirm that they have consulted with the stakeholders committee. A list of members on the committee and the frequency in which they will continue to meet is attached to this plan. All judges of the Columbia County Circuit Court have read and approve the operating plan and will continue to follow until further order of the court.

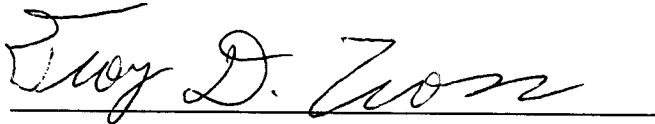
Date: 8/18/2020



Todd J. Hepler, Circuit Court Branch 1



W. Andrew Voigt, Circuit Court Branch 2



Troy D. Cross, Circuit Court Branch 3

\_\_\_\_\_  
(Chief Judge Approval)

Date: