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**CHIEF JUDGE DIRECTIVE 20-11 REGARDING EMERGENCY TEMPORARY MEASURES**

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On March 22, 2020, the Wisconsin Supreme Court issued two Administrative Orders, one postponing all civil and criminal jury trials through May 22, 2020, and the second suspending most in-person proceedings and provides that, subject to certain exceptions, all proceedings in the courts of this state are to be conducted via remote audio-video technology if practicable. On April 15, 2020, the Wisconsin Supreme Court extended the suspension of in-person proceedings, subject to certain exceptions, until further order of the court and requiring all judges, commissioners and clerks to utilize available technologies in lieu of in-person appearances.

We are committed to open access to our courts and service to the public, but also believe we are obligated to protect the health and safety of everyone who comes into our courthouses and our community as well. Our system of justice is only credible if individuals who must work or participate in that system feel safe while fulfilling their duties and responsibilities. We engender public trust and confidence in our courts when we can make our courthouses as safe as we possibly can.

The Milwaukee County Circuit Court issues the attached procedures and directions. **These Emergency and Temporary Measures issued herein are ONLY effective from May 1, 2020 until further Order of the Court.** These guidelines are in place to ensure the continuous performance of the court's essential functions and operations and yet seek to mitigate the exposure to and further spread of the virus. The guidelines incorporate use of videoconferencing and teleconferencing to minimize contact, when appropriate; follow social distancing practices; and temporarily suspend some non-essential court functions.

The Milwaukee County courthouse remains open, although its operations are extremely limited, and any change in status will be noticed on the Milwaukee County Circuit Court website at <https://county.milwaukee.gov/EN/Courts> and the Wisconsin Court system website, [www.wicourts.gov](http://www.wicourts.gov).

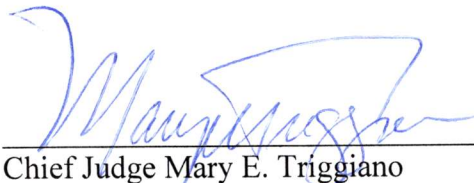
For specific information on a particular case, please call the Branch to which the case is assigned.

A link to Branch contact information can be found at

<https://county.milwaukee.gov/EN/Courts/Chief-Judge/List-of-Court-Officials>

For information related to jury service please call Jury Management. The contact information can be found at <https://county.milwaukee.gov/EN/Courts/Jury-Duty>

Dated this 1st day of May, 2020.



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Chief Judge Mary E. Triggiano  
1<sup>st</sup> Judicial District of Wisconsin

## **BASIS FOR THIS ORDER, PROCEDURES AND DIRECTIONS**

1. On March 12, 2020, Wisconsin Governor Tony Evers declared a public health emergency and signed Executive Order #72 directing the State Department of Health Services to “take all necessary and appropriate measures to prevent and respond to incidents of COVID-19 in the State.”
2. The World Health Organization has identified COVID-19 as a novel coronavirus first identified in December of 2019, which has spread throughout the world creating a global pandemic.
3. In Executive Order #72 Governor Evers directed “all state agencies to assist as appropriate in the State’s ongoing response to the public health emergency, “ and proclaimed “that a period of abnormal economic disruption, as defined in Section 100.305 of the Wisconsin Statutes, exists in the State of Wisconsin.”
4. On March 13, 2020, Governor Evers directed the Department of Health Services to issue an order mandating statewide closure of all public and private schools because of the spreading COVID-19 infection;
5. On March 13, 2020, Donald J. Trump, President of the United States, declared a National Emergency in response to COVID-19.
6. On March 13, 2020 Milwaukee County Executive Chris Abele issued a proclamation declaring a local public health emergency due to COVID-19.
7. On March 14, 2020, Milwaukee County Chief Judge Mary E. Triggiano entered an Order Regarding Emergency Temporary Measures “to ensure the continuous performance of the court’s essential functions and operations yet seek to mitigate the risk that our employees, lawyers, litigants, and jurors will be exposed” during the COVID-19 pandemic.
8. On March 17, 2020, Governor Evers announced new orders that limit public gatherings to under 10 people, closing all bars and restaurants, allowing food establishments to provide carry-out or delivery service only; this order further established that where fewer than 10 people gather in a single room or confined or enclosed space at the same time, the space must provide sufficient room to “[p]reserve social distancing of 6 feet between people.”
9. On April 16, 2020, Governor Evers directed the Safer at Home Order be extended through May 26, 2020. While some of the Safer at Home Orders are being lifted, physical distancing and proper hygiene requirements are still being mandated.
10. The Safer at Home Order exempts essential governmental functions from the order. Essential governmental functions include court personnel, jurors and others working for or to support essential operations. While these persons are essential, they are not expendable and every precaution needs to be taken to protect them.
11. The Milwaukee County Circuit Courts serve the largest population in Wisconsin with nearly 950,000 residents. The 47 Milwaukee County Circuit Court Branches handle a high

volume of cases including on average more than 100,000 cases opened each year in a variety of legal matters involving criminal, civil, family, juvenile, traffic, small claims and probate cases; on average more than 12,000 criminal cases are filed each year.

12. Every year more than 14,000 citizens of Milwaukee County report for jury duty for criminal and civil trials.
13. The Milwaukee County Courthouse has multiple, high volume public entrances and the Vel R. Phillips Juvenile Justice Center has one entrance where the judges, employees, attorneys, public, litigants, jurors, media, students and visitors enter and many must proceed through a weapons screening procedure. On average, 4,600 people enter these buildings every day. Screening station space is limited and several regularly have lines backed up into narrow hallway areas. There are eight floors in the Milwaukee County Courthouse and the public elevators simply are not large enough to provide for any measure of social distancing. In the Courthouse, elevators are frequently filled to capacity first thing in the morning and immediately after the lunch hour.
14. Many Milwaukee County courtrooms are not large enough to implement safe social distancing measures especially during criminal jury trials which require the simultaneous presence of court staff, bailiffs and security staff, jurors, attorneys, litigation support staff such as investigators and victim/witness advocates, defendants, witnesses, family members of litigants and witnesses, the general public and in some cases members of the media.
15. Juries consist of at least 13 or 14 jurors during a trial, reduced to 12 during deliberations. Milwaukee County jury rooms, where jurors assemble, where jurors stay when it is necessary for the court to confer with the parties outside the presence of the jury, and where jurors deliberate on their verdicts, are relatively small and not large enough to safely implement mandated social distancing protocols.
16. Materials for necessary, proper hygiene, cleaning and sanitation are not readily available in sufficient quantity, especially while local and national suppliers and retailers are experiencing supply chain disruption and dramatic shortages of these same supplies.
17. At the present time, in some jurisdictions of the United States where criminal jury trials have continued during the expanding COVID-19 health emergency, there are growing numbers of media reports where defense counsel have asked for delays and postponements out of concern that jurors would be hesitant or even angry about serving, that jurors would not be in a state of mind to concentrate and focus on factual details or sometimes complicated instructions of law, and that jurors would feel excessive pressure to rush to reach a verdict in order to get out of a small, confined jury room and back to their families. *See, e.g.,* <https://www.courant.com/coronavirus/hc-news-state-courts-shutting-down-20200312-62ioe3yw3rckpla3pgeyrc53be-story.html> (“Defense Attorney Hubert J. Santos, who is in the midst of jury selection for the Richard Dabate murder trial in Superior Court in Rockville, [Connecticut], asked a judge two weeks ago to delay the trial because of the coronavirus. He expressed concern jurors would be hesitant to serve, or be in a rush to reach a verdict, out of fear of being in a small room with several people.”)

18. The Wisconsin Supreme Court in its Order dated March 22, 2020 found “there is a substantial risk that jurors compelled to report for jury duty would not be able to examine the evidence with care and caution,” and to “[a]ct with judgment, reason, and prudence,” as instructed by Wis. JI-Crim 140, or to “be very careful and deliberate in weighing the evidence” as instructed by Wis. JI-Crim 460.
19. Likewise, if required to come to the courthouse where social distancing protocols and hygiene protections are inadequate, both State and defense witnesses would be compelled to decide between their own health and safety versus the consequences of not appearing as required by subpoena.
20. Given the totality of circumstances of the present health emergency caused by COVID-19 in our community, while the crisis continues and may even worsen, it is simply not possible for the Milwaukee County Circuit Court to reopen the courts until further order of the court.

## **RECOVERY PLANNING**

The Milwaukee County Courts' response to the COVID 19 pandemic was swift, informed and responsible. The Courts' response to return to operations will follow the same model but will not compromise the safety and health of those who do business in the Courts. The statements in the current order - "until further order of the court" and "no jury trials" are seemingly daunting messages to many who want more certainty and access to justice in a timely fashion. Access to justice is of fundamental importance. However, the Courts are still facing an unprecedented crisis which requires a methodical, deliberate, and stepwise approach in returning to the courthouse with physical distancing restrictions remaining for quite a few months.

Wisconsin Supreme Court Chief Justice Patience Drake Roggensack has established a State-wide Wisconsin Courts COVID-19 Task Force to recommend a framework of criteria under which Wisconsin courts throughout the state can safely continue court proceedings, including jury trials.

The Milwaukee County Courts, in collaboration with the County's Emergency Operations Center and Facilities Management, the District Attorney's Office, Public Defenders' Office, Clerk of Courts, Milwaukee Bar Association, private attorneys, Milwaukee County Sheriff's Office, Child Support Office, Corporation Counsel and other stakeholders formed a robust Recovery Planning Committee ("RPC") to begin the reopening process. The RPC's goal is to discern when and how to reopen the courthouses given the volume of people who come to the courts to do business each day. Appropriately, the RPC is working with the Wisconsin Courts COVID-19 Task Force and public health experts to make thoughtful and careful decisions about that return.

The RPC will review and make decisions about reopening including but not limited to, operational readiness, employee readiness, facility readiness, public readiness and administrative readiness. Facility readiness includes such things as signage and postings supporting social distancing, front door screening systems, disinfection protocols and staffing. The RPC will define the essential court operations, and safeguards that will be likely with us for quite some time and provide protections while allowing essential functions to continue. On-going modifications and adaptations to the reopening plan will occur as new information comes available.

The Courts want litigants and the public to know that the health and welfare of every person entering court facilities are of the utmost importance in establishing the policies and procedures contained in this order.

## **JURY TRIALS**

### **NO JURY TRIALS WILL BE CONDUCTED BETWEEN NOW AND JUNE 15, 2020 OR UNTIL FURTHER ORDER OF THE COURT**

#### **THIRD TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR CHILDREN'S COURT CASES**

1. Pursuant to the Supreme Court Rule issued March 22, 2020 and amended April 15, 2020, all in-person proceedings are suspended until further order of the court.
2. All cases, other than jury trials, currently on the court calendar will proceed remotely when feasible utilizing available technologies – including e-mail, teleconferencing, and video conferencing in lieu of in-person courtroom appearances.
3. Juveniles intending to admit to the facts of a delinquency petition may do so by teleconference or video conference after waiving their right to personally appear before the court. Practitioners are reminded that certain hearings under Chapters 48 and 938 (e.g., temporary physical custody hearings and emergency in-home to out-of-home change in placement hearings) still need to be held timely under federal law and federal Title IV-E funding requirements.
4. The following procedures shall apply to all hearings conducted at the VPYFJC:
  - A) Courts shall accept verbal or written consent to act obtained by an attorney on behalf of their respective client(s).
  - B) Courts shall be mindful of the current Public Health Emergency when issuing and/or issuing and staying capiases, bench warrants, and default judgments.
5. Cases involving emergency or special circumstances shall be brought to the attention of the

court and will be handled at the discretion of the individual judge considering the needs of the case, the needs of the parties, and the interest of the public.

**THIRD TEMPORARY AND EMERGENCY GUIDELINES FOR  
PROCEEDINGS FOR CIVIL, PROBATE & SMALL CLAIMS CASES**

Large Claim Civil and Probate

1. All trials or complex evidentiary hearings where testimony via telephone or Zoom are not practical are suspended through June 12, 2020, or until further order of the court. Any such matters currently set for a date on or prior to June 12, 2020, will be rescheduled by the Clerk.
2. Between now and June 12, 2020, or until further order of the Court, all other matters (other than those specifically prohibited by Governor Evers' Emergency Order #15 – Temporary Ban on Evictions and Foreclosures) shall be conducted via telephone or Zoom, at the discretion of the Judge assigned to such matter, unless the Judge specifically finds that an in-person appearance must be required; if the Judge so finds, such matter shall be rescheduled by the Clerk to a date after June 12, 2020.
3. No one may appear in person for hearings between now and June 12, 2020, or until further order of the court; routine duty judge matters, including but not limited to requests for amendments to birth, marriage and death certificates, shall be submitted in writing, either via e-filing or mail.

Small Claims

1. Beginning on May 4, 2020, all matters (other than those specifically prohibited by Governor Evers' Emergency Order #15 – Temporary Ban on Evictions and Foreclosures) shall resume and be conducted via telephone or Zoom utilizing procedures established by the court.
2. No one may appear in person for hearings between now and June 12, 2020, or until further order of the court.



### Civil Judge On-Call

1. The Chief Judge or her designee shall establish a rotating schedule where at least one judge shall be the Civil Judge(s) On-Call each business day while these temporary and emergency guidelines are in effect to handle emergency Civil and Probate emergency matters via telephone or Zoom.
2. This will temporarily supersede/replace the Daytime Duty Judge Schedule utilized by the Civil/Family Divisions; the Family Division will also be designating a Family Judge On-Call each business day during this period as well who shall handle the de novo review of TRO's denied by the Family Court Commissioner's office, which is normally one of the tasks performed by the Daytime Duty Judge.

### Weddings

1. No weddings will take place either in or immediately outside the Courthouse Complex through June 12, 2020, or until further order of the court.
2. Any wedding party unable to make alternative wedding arrangements should contact the Milwaukee County Clerk's Office at 414/278-4067 for either an extension of the time to marry under their existing license or a refund of the officiant fee which they paid for a wedding at the Courthouse.

### Guardianship/Protective Placement and Mental Commitment Hearings

1. Mental Commitments Hearings – Probable Cause Hearings shall be via telephone conference between now and June 12, 2020 or until further order of the court as follows:
  - a. Probable Cause Hearings will be held on Mondays, Tuesdays and Thursdays

- b. Final and Extension hearings shall take place via telephone conference hearings on Fridays where no in person testimony will occur.
2. Watts Hearings are suspended through June 12, 2020 or until further order of the court. Any such matters currently set for a date prior to this order and until June 12, 2020 will be rescheduled by the Clerk.
3. Guardianships and Protective Placements pending hearings and new filings are suspended through June 12, 2020 or until further order of the court, unless it is an emergency matter and with the express advance approval of the Judge or Court Officer assigned to the matter. To obtain an express advance approval, call 278-4516 for new matters and the assigned Court Official's Clerk for matters with pending court dates.
4. Individual At Risk Injunctions – All petitions for Individual at Risk temporary injunctions and final injunctions shall be heard as scheduled by the assigned Judge's Deputy Court Clerk whether in person or by telephone conference.

**THIRD TEMPORARY AND EMERGENCY GUIDELINES FOR  
PROCEEDINGS FOR FAMILY CASES**

1. Petitions for Temporary Restraining Orders shall be filed electronically. Sojourner Family Peace Center is available to assist. Please call 414-278-5079. There is a 24 hour hot line available at 414-933-2722.
2. Injunction hearings (Domestic Violence, Harassment) will be held in person by the FCC in room 712. Child abuse injunctions assigned to the Family Division will be heard by the assigned judge, and may be held in person with the permission of the Chief Judge.
3. All other hearings before the Family Court Commissioner will be held either by Zoom or telephone until further order of the court.
4. All hearings scheduled before the Judge will be held either by Zoom or telephone until further order of the court. The court will continue to grant divorce judgments by affidavit if both parties are represented by counsel, or if the parties utilize a lawyer mediator. The court will approve stipulated divorces in all other cases by Zoom or telephone.
5. Contested hearings before the Judge may be heard either by Zoom or telephone. The court will determine if a matter is appropriate for a remote hearing on a case by case basis. Some trials may be adjourned until they can be safely held in person.
6. Guardians ad litem and custody evaluators are to avoid face-to-face interviews to the extent necessary given COVID19, which may necessitate extension of deadlines in some cases.

Family Judge and Court Commissioner On-Call

1. Upon the order of the Chief Judge, it may become necessary for judges, court commissioners, clerks and/or court reporters to appear via telephone or video for hearings during the period

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covered by these temporary and emergency guidelines. This is acceptable under these special circumstances.

2. The Chief Judge or her designee shall establish a rotating schedule where at least one judge and one family court commissioner shall be the Family Judge and Court Commissioner On-Call each business day while these temporary and emergency guidelines are in effect to handle emergency Family emergency matters either in-person or via telephone or video as necessary. This will temporarily supersede/replace the Daytime Duty Judge Schedule utilized by the Civil/Family Divisions; the Civil Division will also be designating a Civil Judge On-Call each business day during this period as well who will coordinate efforts with the Family Judge(s) On-Call.

**THIRD TEMPORARY AND EMERGENCY GUIDELINES FOR  
PROCEEDINGS FOR CRIMINAL CASES**

1. Effective March 23, 2020, the 14 Felony, 7 Misdemeanor, In-Custody Intake and Preliminary Hearing Courtrooms and their court calendars were consolidated into three courtrooms in the Criminal Justice Facility (CJF). Felony, Misdemeanor and contested in custody Preliminary hearings will be heard by Judges in two courtrooms, G55A-CJF and the Preliminary hearing courtroom, 146A-CJF. Initial appearances and waived preliminary hearings will be combined and heard in the In-Custody Intake courtroom, 137A-CJF, and these cases will continue to be heard by Court Commissioners. The Chief Judge designates the judicial officers that preside in these three courts. The Consolidated Court will continue to operate through June 12, 2020, or until further order of the court.
2. All jury trials are suspended until June 15, 2020 or until further order of the court.
3. All trials or complex motion and evidentiary hearings where testimony via telephone or Zoom is not practical are suspended through June 12, 2020, or until further order of the court. All other hearings involving out-of-custody defendants shall be heard as scheduled.
4. All matters requiring in-person appearances including court trials, or other contested or potentially contested hearings where evidence will be taken by telephonic or video conferencing means are encouraged when accompanied by an appropriate waiver.
5. Any non-evidentiary hearing that can be done by telephone or video conference should proceed, including but not limited to scheduling conferences, status conferences, pretrial conferences, motion hearings and oral decisions. However, any matter may be rescheduled at the discretion of the Judge assigned to such matter if the Judge believes that an in-person appearance should be required.

6. All Orders-to-Produce for inmates in the Wisconsin State Prison System are canceled through June 12, 2020, or until further order of this court. No new Orders-to-Produce will be issued until on or after June 15, 2020, or until further order of the court.
7. Traffic Court (Room 221-Safety Building) is closed until further order of the court. Effective June 1, 2020, all traffic and forfeiture cases scheduled in Traffic Court will be heard via Zoom/telephone conference. Defendants who have cases scheduled will receive a Notice of Hearing along with instructions on how to join the hearing via Zoom/teleconference. Defendants who do not receive such notice should call 414-278-4538 for further instructions.
8. Out-of-Custody Intake Court is closed until further order of the court. Effective May 18, 2020, all out-of-custody criminal cases shall be heard via Zoom/teleconference. Attorneys and defendants who have cases scheduled will receive a notice of hearing along with instructions on how to join the hearing via Zoom/teleconference. Defendants who do not receive such notice should call 414-278-4538 for further instructions.
9. Initial appearances for in-custody defendants shall continue to be heard in room 137A of the Criminal Justice Facility unless otherwise ordered by the court.
10. All preliminary hearings for out-of-custody defendants shall be adjourned through June 12, 2020. All preliminary hearings for in-custody defendants shall proceed as scheduled.
11. All bail forfeiture hearings are canceled until further order of the court.
12. Courts shall be mindful of the current Public Health Emergency in issuing and/or issuing and staying bench warrants.

**THIRD TEMPORARY AND EMERGENCY GUIDELINES FOR  
FOR PRETRIAL SUPERVISION, EARLY INTERVENTIONS &  
ADULT DRUG TREATMENT COURT**

1. All face-to-face supervision with JusticePoint programs is canceled until further order of the court. Defendants/participants shall be supervised by telephone contact except as indicated below. Drug testing and PBTs for all defendants under JusticePoint supervision are suspended until further order of the court except as indicated below.
2. All Drug Treatment Court (DTC) staffings are being conducted via Zoom. Court hearings shall be conducted via Zoom starting the week of May 4<sup>th</sup>. Face-to-face supervision contacts for all DTC participants are suspended until further order of the court. All DTC participants shall be supervised by telephone contact. DTC participants shall call the Drug Testing Line, 414-223-1926, and if selected for testing, shall report to Wisconsin Community Services at 3732 W. Wisconsin Avenue, Door #3.
3. Except as directed in Paragraph 1, all diversion, deferred prosecution and treatment alternatives and diversions (EI) staffings shall be conducted via Zoom starting the week of May 4<sup>th</sup>. Non-compliance hearings will be held on the record via Zoom. Face-to-face supervision for all EI participants is suspended until further order of the court. All EI participants shall be supervised by telephone contact. Drug testing and PBTs for all EI participants under JusticePoint supervision is suspended until further order of the court.
4. All Veteran's Treatment Court staffings are currently held via WebEx. Starting the week of May 4<sup>th</sup> all hearings will be held via Zoom. All Veteran's Treatment Court participants shall be supervised by telephone contact.
5. Mental Health Court staffings will be held via Zoom starting the week of May 4<sup>th</sup>.
6. Individuals monitored by Secure Continuous Remote Alcohol Monitoring (SCRAM) who have not established the ability to download SCRAM device information remotely shall continue to report only for the purpose of downloading SCRAM device information.

7. Individuals monitored by GPS who need to have device maintenance shall report in as directed by the case manager.
  
8. Early Intervention Screening is accepting referrals. Screening interviews will be scheduled via telephone or Zoom for defendants out of custody. Screens for defendants in custody at the House of Correction may be completed via telephone.