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**ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN-PERSON PROCEEDINGS  
IN FLORENCE 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: Florence County is experiencing an increase in COVID-19 cases and currently working with its stakeholders to modify its court facilities and to change jury trial procedures so as to enable safe jury trials and has not yet been able to complete those modifications and changes; therefore, it is not safe at this time to resume jury trials;

WHEREAS: On March 22, 2020, the Wisconsin Supreme Court ordered that although the courts of the State of Wisconsin remain open, all civil and criminal jury trials scheduled to begin before May 22, 2020 are to be continued and rescheduled by the assigned judge to a date after May 22, 2020;

WHEREAS: On March 22, 2020, and as amended on April 15, 2020, the Wisconsin Supreme Court suspended, until further order of the court, most in-person hearings in the circuit courts, subject to exceptions for certain matters, including those approved by the chief judge of each district;

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

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

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

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

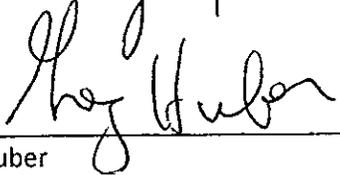
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health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

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

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

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

Dated this 21<sup>st</sup> day of July, 2020



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

**FLORENCE COUNTY**  
**“SAFETY PLAN” FOR LIMITED IN-PERSON**  
**COURT APPEARANCES**

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WHEREAS, the Supreme Court has issued a number of orders intended to minimize in-person proceedings in the circuit courts of this state during the COVID-19 pandemic, including:

- March 22, 2020 order, as amended April 15, 2020, "In Re The Matter of Remote Hearings During the COVID-19 Pandemic," which suspended, until further order of the Supreme Court, most in-person hearings in the circuit courts of this state, subject to limited exceptions for certain matters if remote technology is not practicable or adequate to address the matter;
- March 22, 2020 order "In Re The Matter of Jury Trials During the COVID-19 Pandemic," which continued all criminal and civil jury trials scheduled to occur prior to May 22, 2020, to a date after May 22, 2020, to be scheduled by the circuit court judge presiding over the case;
- March 31, 2020 Interim Rule 20-02 "In the Matter of an Interim Rule re Suspension of Deadlines for Non-Criminal Jury Trials Due to the COVID-19 Pandemic," which suspended statutory deadlines for conducting non-criminal jury trials until further order of the court; and
- May 22, 2020 "In re Matter of the Extension of Orders and Interim Rule Concerning Continuation of Jury Trials, Suspension of Statutory Deadlines fro Non-Criminal Jury Trials, and Remote Hearings During the Covid-19 Pandemic"

WHEREAS, The Supreme Court Orders suspending in-person proceedings were subject to exceptions if remote technology was not practicable or adequate; including, but not limited to, the following:"

"Other exceptions approved by the Chief Judge of the Judicial District, the Chief Judge of the Court of Appeals, or the Chief Justice of the Wisconsin Supreme Court, for the respective proceeding, as applicable. "

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"The presiding judge of each circuit court, subject to the approval of the Chief Judge of the Judicial District; the Chief Judge of the Court of Appeals; and the Chief Justice of the Supreme Court are authorized to determine the manner in which the in-person emergency exceptions are to be conducted in their courts, with remote participation being required when practicable."

WHEREAS, the Court system has a responsibility during this time of Coronavirus concern and public health emergency, to prioritize the well-being of those who appear in the courtroom and to take reasonable steps necessary to keep them safe,

WHEREAS, in issuing this order, the Court has considered:

1. The conversations and meetings held with the members of the Forest and Florence Counties Stakeholders group identified in the "Chief Justices' Wisconsin COVID-19 Task Force final report of May 2020" as were available.
2. The policies and best practices recommended by the County, State and National health organizations, governmental agencies and governing bodies to protect the public and court staff from exposure to the COVID-19 virus.

NOW THEREFORE, IT IS HEREBY ORDERED, AS FOLLOWS:

1. This order shall be designated as a "Safety Plan" and is not meant to be the "Operational Plan" contemplated in the May 22, 2020 Supreme Court Order "In re Matter of the Extension of Orders and Interim Rule Concerning Continuation of Jury Trials, Suspension of Statutory Deadlines fro Non-Criminal Jury Trials, and Remote Hearings During the Covid-19 Pandemic";
2. This Order is for in-person court appearances and does not pertain to nor authorize jury trials;
3. All prior Supreme Court rules and orders including the suspension of deadlines and jury trials continue to be in effect;
4. The Court will continue to use available technologies, including Zoom, Video conference, phone etc., as the primary means to conduct proceedings in the Circuit Court;
5. If remote technology is not practicable, adequate or available for a particular hearing, the Court will authorize in-person appearances before the court under the conditions set forth herein. An example of when in-person appearances will be authorized include, but is not limited to:
  - a. Evidentiary hearings if video appearance is not available to all parties;
  - b. Plea and sentencing hearings if video appearance is not available to all parties or the defendant wishes to appear in person before the court;
  - c. Court trials if trial is expected to be of short durations or there are significant evidentiary issues;
  - d. Consideration of Constitutional or statutory requirements;
  - e. Agreement of the litigants.
6. The CONDITIONS FOR IN-PERSON APPEARANCES are as follows:
  - A. CLEANING
    1. Florence County Maintenance Department will clean and sanitize the courtrooms each day in-person hearings are held. The cleaning to be done in the morning prior to the case being called.

2. Counsel table and witness box, if used, shall be disinfected following each hearing by court staff. Disinfectant and cleaning materials will be available to any litigant or attorney if they desire to additionally clean counsel table prior to the hearing.

#### **B. HEALTH AND HYGIENE**

1. No one will be admitted into the courtroom if they are exhibiting or have any Covid-19 symptoms recognized by the CDC.
2. Individuals who have been diagnosed as being infected with the Covid-19 virus will not be allowed in the courtroom.
3. Individuals who have had direct contact with a person diagnosed with Covid-19 within 14 days will not be allowed in the courtroom.
4. Hand sanitizing products will be made available outside the courtroom and court staff offices on the second floor of the Courthouse. All those who enter the courtroom, jury room and staff offices will be required to use said products before entering said locations.

#### **C. MASKS AND FACE COVERINGS**

1. All individuals, including court staff, will be required to wear face masks or appropriate court approved face coverings while in the courtroom.
2. Individuals are strongly encouraged to bring face masks with them.
3. Disposable face masks will be provided by the court upon request.
4. Attorneys should bring their own masks.
5. The face mask and face coverings must be worn in a manner that completely covers the mouth and nose at all times.
6. Individuals who do not comply with this requirement will not be permitted in the courtroom.
7. If the Judge determines that the wearing of a mask or face covering by a witness will unreasonably have an adverse impact on the witness' testimony or the ability to weigh the witness's credibility, the Judge may allow the witness to testify without wearing a mask. Attorneys and litigants will be required to use the microphones located on counsel table to amplify their voices through the mask. If the microphones are not adequate to accommodate for courtroom noises or those hard of hearing, the Court may allow argument to be made without wearing a mask.

#### **D. SOCIAL DISTANCING**

1. The Court will make all reasonable efforts to follow the recommended social distancing by litigants, attorneys, staff, and all others while in the courtroom. However, all courtroom activities and the physical limitations of the courtroom do not lend themselves to strict adherence to the recommended guidelines.

2. Family members and members of the same household may have contact with each other while in the courtroom irrespective of the social distancing requirements.

#### **E. PUBLIC ACCESS**

1. Public access will continue to be provided through a live feed on YouTube.
2. If YouTube is not available or individuals have no ability to view court proceedings on YouTube or participate in the Zoom hearing, they will be allowed to observe the proceedings in-person in the courtroom, subject to the conditions set forth herein.
3. The court will limit the number of people allowed in the courtroom to observe proceedings to the extent necessary to comply with appropriate social distancing. To maintain the appropriate social distancing, estimated capacity of the courtroom gallery is approximately twenty-five (25) persons.
4. Seating in the gallery shall be marked to identify the appropriate social distancing in the seating.

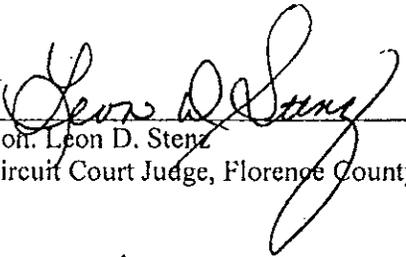
#### **F. COURT STAFF**

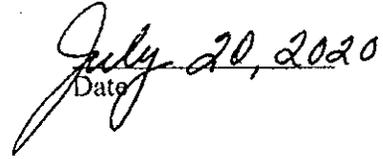
1. The Judge and court staff who can perform the essential functions of their job remotely, will, in conjunction with County policies, be allowed to do so.
2. The public will not be allowed in the offices of the Judge or Clerk of Court.
3. A glass window barrier has been installed in the Clerk of Court office. Entry into this office will be for legitimate court business only. Individuals entering the office should wear a mask or face covering and use hand sanitizer.

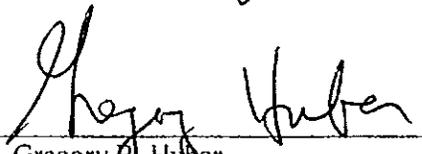
#### **G. SCHEDULING**

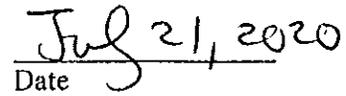
1. Court proceedings, where in-person appearances have been allowed, shall staggered to reduce the number of individuals in the courtroom at one time.
7. Notices advising of the conditions and requirements set forth herein shall be posted outside the courtroom and jury room on the second floor of the courthouse.
8. Signage of the best practices recommended to protect against Covid-19 shall be posted on the second floor of the courthouse.

9. The Judge will have the authority to order the removal of any individual from the courtroom who does not comply with the conditions and requirements for in-person court appearances as set forth herein.

  
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Hon. Leon D. Stenz  
Circuit Court Judge, Florence County

  
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Date

  
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Hon. Gregory B. Huber  
Chief Judge, 9<sup>th</sup> Judicial District  
Accomplices

  
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Date