
**IN THE MATTER OF OPERATIONAL PLAN
FOR RESUMPTION OF JURY TRIALS
- GREEN COUNTY CIRCUIT COURT**

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, 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 continued and rescheduled 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 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, on March 31, 2020, the Wisconsin Supreme Court issued Interim Rule 20-02, which suspended statutory deadlines conducting non-criminal jury trials until further order of the court.

WHEREAS, on May 22, 2020, the Wisconsin Supreme Court ordered the March 22, 2020 order regarding the suspension of jury trials, Interim Rule 20-02 regarding the suspension of deadlines for non-criminal jury trials, and April 15, 2020 order regarding remote hearings, are extended until each circuit court submitted an operational plan for the safe resumption of in-person proceedings and jury trials and the chief judge of the applicable judicial administrative district approved the plan.

WHEREAS, on May 22, 2020, Wisconsin Supreme Court outlined the criteria required in each circuit court operational plan as to how that circuit court will conduct in-person proceedings and jury trial so as to reduce to the greatest extent possible, the risk of transmission of the virus that causes COVID-19 and that promotes the health and safety of all of those present in the courtrooms, jury rooms and other court-related confined spaces of the circuit court.


WHEREAS, on September 10, 2020, the Green County Circuit Court submitted an operational plan addendum for the resumption of jury trials pursuant to the Wisconsin Supreme Court's May 22, 2020 order. The plan and addendum verifies the court has communicated with the appropriate stakeholders regarding protective measures for jury trials and includes the criteria set forth by the Wisconsin Supreme Court.

IT IS ORDERED the operational plan for the resumption of jury trials in Green County Circuit Court is approved, and the court shall continue to follow its plan until further order of the court.

IT IS FURTHER ORDERED all previous orders identified in the Wisconsin Supreme Court's May 22, 2020 cease to apply to the Green County Circuit Court.

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

Dated this 11th day of September, 2020.



Honorable Thomas Vale
Chief Judge, Fifth Judicial Administrative District

GREEN COUNTY REOPENING PLAN
COVID-19 Circuit Court Operating Plan
June 23rd, 2020

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals participating in court proceedings, the Green County Circuit Court will implement protective measures for the safe resumption of in-person proceedings.

The Green County Circuit Court established a Stakeholders 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. A list of members is attached.

General Policies:

1. Continued use of remote technology:

The Task Force report recommends that all courts continue to favor remote appearances wherever possible and Green County courts will continue to use remote appearances wherever possible and will encourage the broad use of waivers of appearance. The courts will continue to use Zoom video conferencing along with YouTube live streaming to give the public and victims access to remote hearings.

2. Judges will begin setting limited in person appearances on July 1, 2020 if all safety procedures and practices are in place and this plan has been approved.
3. The Stakeholder's Committee will continue to meet regularly, maintain communication with the local health authority and will adjust this operating plan as necessary with any changes in the public health conditions in the county.

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. Any staff who are experiencing possible symptoms of the Covid-19 virus, or know that they have been exposed to someone with the virus, should inform their supervisor and consult with their health care provider before

returning to work. Symptoms include, fever, shortness of breath, cough, chills, aching muscles, fatigue and a sore throat.

3. Judges and court staff will be required to:
 - a. wear face coverings in the courtroom at all times when litigants, attorneys, victims, law enforcement, and any other person, or member of the public is present in the courtroom, and in court-related confined spaces in the courthouse where social distancing cannot be maintained,
 - b. practice social distancing, and
 - c. practice appropriate hand hygiene recommendations at all times.

Scheduling

The Justice Center doors will be open to the public from 9:00 am to 12 noon unless necessary to remain open longer to accommodate an in person hearing.

The Circuit Court office and Clerk of Courts office will remain open during all regular hours to conduct business electronically. A drop box will be maintained by the Clerk of Court for persons who wish to leave documents at the Justice Center.

Proceedings with multiple participants; criminal initial appearances, pre-trial conferences, traffic return dates and small claims return dates will continue to be held remotely by video or phone conference.

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. Each judge will include information 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. If there are vulnerable individuals, they will be allowed to appear by zoom or by phone in phases one through three.

Social Distancing Policies:

1. All persons not from the same household who are permitted in the Justice Center will maintain 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.

Courtroom Gallery

1. 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.
2. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Courtroom Well

3. 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 Policies:

1. For appropriate sanitation/hygiene of frequently touched surfaces and hands of court participants, hand sanitizer dispensers have been placed at the entrance to the building, and outside of each courtroom. Hand sanitizer dispensers have also been placed in the courtroom for use by attorneys, parties, and court personnel.
2. Disinfectant wipes or spray have been placed near the door of the courtroom, and in the courtroom.

Screening Policies:

When individuals attempt to enter the court building, the Bailiff and/or screener will ask the individuals if they are feeling feverish; have a cough, sore throat, shortness of breath, sore throat; 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 court building. If required to appear in court, the appropriate court office will be immediately notified.

1. When individuals attempt to enter the Justice Center, Screeners and/or the stationed Bailiff will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
2. Inmates being transported from the jail to the Justice Center 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 to the court building.
3. Staff who are screening individuals entering the Justice Center will be provided personal protective equipment, including masks, gloves and appropriate materials to clean their stations frequently.
4. 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 Policies:

1. All persons who are present in courtrooms and other court-related confined spaces must wear face coverings, 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 to weigh the witness's credibility.
2. All persons entering the Justice Center are encouraged to wear face coverings at all times.
3. Individuals may bring a cloth face covering or their own disposable surgical mask with them. If the individual does not have their own face covering or mask, a disposable surgical mask will be provided.

Cleaning Policies

Justice Center cleaning staff will clean the common areas of the court building so that common spaces are cleaned every night.

1. Court staff will wipe down frequently touched surfaces in the courtroom with anti-viral wipes between every hearing, and after the final hearing of the day each day the courtroom is used.
2. Justice Center cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
3. Justice Center cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Signage and floor markings

1. Signage shall state all persons shall wear face coverings in the courthouse at all times. These notices shall be posted at the entrance of each courtroom, jury room, and court-related confined space.
2. Signage will be posted at the entrance of each courtroom and confined space regarding the availability of hand sanitizer and disinfecting wipes/spray in the courthouse.
3. Signage will be posted around the courthouse to remind individuals to maintain proper social distancing.

Confirmed test in the courthouse

1. Judges and court staff will follow all directives from the County Public Health Administrator (or her staff) if there is confirmation that an individual who tests positive has entered the courthouse; and
2. 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; and
3. 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.

OPERATIONAL PLAN BY PHASES

After consultation with the Green County Stakeholder's Committee, the Green County Circuit Court has adopted a four-phase approach to returning to full in-person court operations in a safe, responsible manner pursuant to the Covid-19 Task Force Report.

The committee will monitor Covid-19 case statistics for Green County as well as surrounding counties (Dane, Rock and Lafayette) to confirm the date at which Green County may begin resuming in person operations. If Green County's new cases and active cases are stable or dropping for the most recent 14-day period and the safety plan is in place, Phase One will start on July 1, 2020.

PHASE ONE: RESUMPTION OF LIMITED IN PERSON PROCEEDINGS

The courts will continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance. Judges may 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 initial appearances which will continue to be held remotely and jury trials which will be held when the courts transition to Phase Three.
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. Injunctions

5. 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

6. Time-sensitive small claims proceedings, with special consideration given to social distancing and limited attendance guidelines as outlined below.

All hearings other than the ones listed above will be held remotely. To the extent requested, hearings listed above may be held remotely in part and in person in part utilizing phone, zoom and video capabilities.

The judges will review staffing, public health, and facility conditions at least every fourteen (14) days to determine whether a change in phase is warranted. 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.

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

Subject to successful implementation of Phase One and then existing health conditions, the courts will commence with Phase Two August 1, 2020. In person hearings may be used for all case categories from Phase One and will add all civil proceedings other than jury trials. Remote appearances will continue to be used to the greatest extent possible.

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

A separate, detailed plan of how jury trials will be conducted will be developed and submitted to the Chief Judge of the District for approval. Subject to approval and all safety criteria being met, Phase Three will begin on August 24, 2020. All of the safety criteria for in person appearances will continue to be utilized in addition to precautions specifically for jury trials. Remote appearances will continue to be used wherever possible.

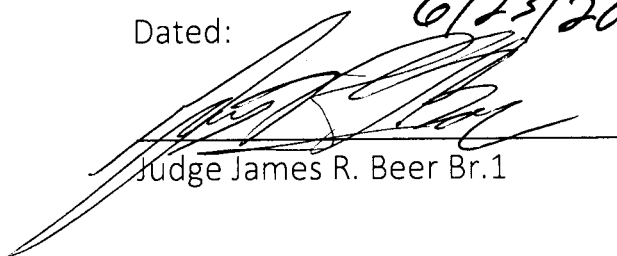
PHASE FOUR: RESUMPTION OF ALL CASES ON IN PERSON BASIS WITH NO RESTRICTIONS

If a public health announcement is made determining that COVID-19 has been suppressed in the state, and the judges agree, the processing of all cases may be resumed on an in-person basis without reliance upon the safety criteria for in person appearances.

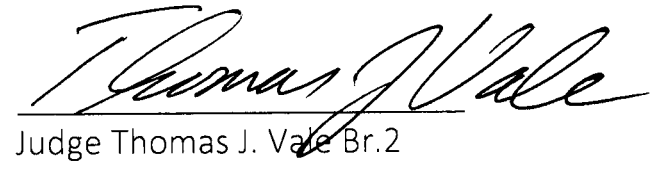
In developing the plan, the judges confirm they have consulted with the Stakeholders Committee.

The Green County Circuit Court Judges have read and approve the operating plan and will continue to follow it until further order of the court.

Dated: 6/23/2020

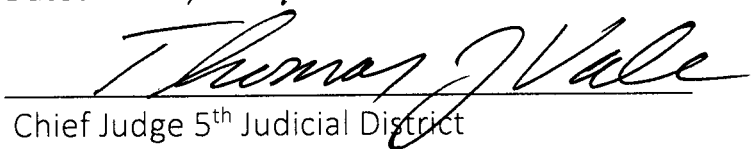


Judge James R. Beer Br.1



Judge Thomas J. Vale Br.2

Dated: 6/23/2020



Chief Judge 5th Judicial District

The Green County Circuit Court Stakeholders Committee Members:

James Beer – Court Branch 1

Thomas Vale – Court Branch 2

Timm Burns – Family Court Commissioner

Brian Bucholtz – Corporation Counsel

Craig Nolen – District Attorney

Teffanie Duffy – Victim/Witness Coordinator

Barbara Miller – Clerk of Courts

Guy Taylor – Public Defender

Kim Wilhite – Child Support

Jeff Skatrud – Green County Sheriff

Adam Onkels – Green County Bar President

Robert Duxstad – Green County Bar Representative

Peter Kelly – Court Commissioner

Gloria Baertschi – Register in Probate

Art Carter – Green County Board Chair

RoAnn Warden – Health Department Director

Arianna Voegeli – Interim County Clerk

Richard Marti – Maintenance

Theresa Owens – 5th Judicial District Administrator

COVID-19 Circuit Court Operating Plan for Green County,

Jury Trial Plan Addendum

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on June 23, 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. Green County will implement the following additional protective measures related to jury trials:

Recovery Planning

1. A jury trial planning committee was established and has been consulted, those members are: Laura Kohl, Assistant DA, Barb Miller, Clerk of Courts, Jean Cook, Jury Clerk, Jane Bucher, Public Defender, Robert Duxstad, Green County Bar, Bernie Roidt, Green County Sheriff's Department and Judge Tom Vale, Green County Circuit Court Branch 2.
2. Except as otherwise provided in the Jury Trial Plan, all jury trials conducted in Green County will comply with the provisions of the Green County Reopening Plan.

Summoning Jurors

1. Considerations have been made for the safety and well being of jurors. The attached letter was developed and will be sent with the juror summons to each juror. The court will consider any reasonable request for jurors to be excused based on juror health and safety concerns.

Juror Screening/Selection

1. Protective measures and protocols as set forth in the Green County Reopening Plan and as set forth herein, are in place for prospective jurors who report to court. All persons in courtrooms, including jurors, are required to wear masks. Jurors will be screened at the front door of the Justice Center. The bailiff and or a clerk will ask 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 courthouse.
2. When jurors enter the Justice Center, the bailiff and or clerk will also use an infrared thermometer to determine the temperature of individuals. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building. The judge will be notified if any juror is turned away.

3. Both courtrooms will be used during jury selection. Clerks will meet jurors at the courtroom doors. Because there is insufficient room in the jury box to allow six feet of social distancing, plexi-glass barriers have been installed in the Branch 2 jury box between jurors for additional protection. Additional chairs will be used to expand juror seating near the jury box to allow as much distancing as possible.
4. The initial panel of jurors selected will be seated in the Branch 2 jury box to begin voir dire. The remaining jurors in the jury pool will be seated in the Branch 1 courtroom in order to practice social distancing. Attorneys and parties will be in Branch 2 and the proceedings will be displayed on the Branch 1 video projection screen so all jurors can hear and see the proceedings. There will be a bailiff in each courtroom. Jurors will be brought from Branch 1 to Branch 2 as needed as strikes are exercised.

Trial

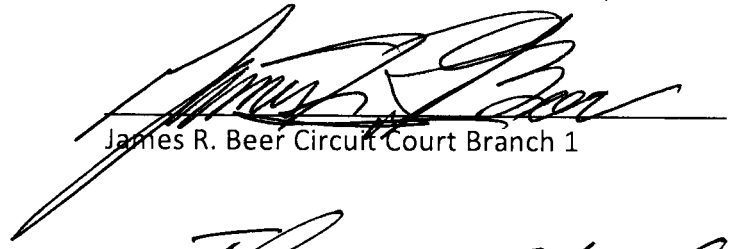
1. Once the jury is selected, the case will be tried in the Branch 2 courtroom.
2. The Branch 1 courtroom will be used for jury deliberations. The Branch 1 courtroom is large enough to allow social distancing while the regular jury deliberation room is not. The restrooms in the regular jury deliberation room for Branch 1 can still be used by the jury during breaks with the jurors keeping an appropriate distance.

Safe Participation

1. Jurors will be provided with masks. Hand sanitizer will be available. HEPA air purifiers will be used in both courtrooms.
2. Social distancing will be enforced for spectators. Seating in the gallery has been marked, with 6 feet between seats. Only 12 persons can be seated in the gallery and two in the media room.
3. Counsel, witnesses and clerks will wear gloves when handling exhibits. Gloves will be provided by the court. To the extent possible, exhibits will be pre-marked and maintained by the clerk, while copies or digital images will be displayed in court.
4. Counsel tables have been fitted with plexi-glass barriers between attorneys and parties.
5. Sanitary cleaning wipes will be provided in the bathroom for anyone who wishes to clean bathroom surfaces between uses during the day. Cleaning personnel will clean the bathrooms, courtroom and hearing room every night during any trial.
6. Branch 2 has been equipped with physical barriers and will be the only courtroom used for jury trials while this order is in effect.

Both Judges have conferred and the jury planning committee has been consulted regarding this Jury trial addendum. The plan will become effective upon signing and approval by the Chief Judge and will begin Phase Three of the Green County Reopening plan. All cases may be held in person subject to following safety protocol. The courts will continue to favor remote hearings whenever possible.

Date: 9/10/2020

A handwritten signature in black ink, appearing to read "James R. Beer", written over a horizontal line.

James R. Beer Circuit Court Branch 1

Date: 9/10/2020

A handwritten signature in black ink, appearing to read "Thomas J. Vale", written over a horizontal line.

Thomas J. Vale Circuit Court Branch 2 and
Chief Judge, 5th Judicial District