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**IN THE MATTER OF  
OPERATIONAL PLAN FOR  
IOWA COUNTY CIRCUIT COURT**

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**ORDER**

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 Wisconsin Supreme Court ordered each circuit court to submit an operational plan to the chief judge of the applicable judicial administrative district. The operational plan was to include the requirements set forth in the order, and 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 and other court-related confined spaces. Supreme Court Orders, *In Re 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 (05/22/20)* and *In Re the matter of the Final Report of the Wisconsin Courts COVID-19 Task Force (05/22/20)*.

WHEREAS, on June 23, 2020, the Iowa County Circuit Court submitted an operational plan to resume in-person court proceedings and jury trials pursuant to the Wisconsin Supreme Court's May 22, 2020 order. The plan verifies that the court has communicated with the appropriate stakeholders regarding the protective measures. It also requires face coverings for all individuals present in the courtroom, appropriate social distancing, sanitation/hygiene practices, and appropriate signage.

IT IS ORDERED the operational plan for the Iowa County Circuit Court is approved for the resumption of in-person court proceedings and jury trials.

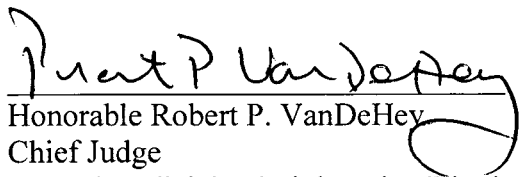
IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Remote Hearings During the COVID-19 Pandemic (04/15/20)*, ceases to apply to the Iowa County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Jury Trials During the COVID-19 Pandemic (03/22/20)*, ceases to apply to the Iowa County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's Interim Rule 20-02 *In Re the Matter of an Interim Rule re Suspension of Deadlines for Non-Criminal Jury Trials Due to the COVID-19 Pandemic*, ceases to apply to the Iowa County Circuit Court:

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

Dated this 30th day of June, 2020

  
Honorable Robert P. VanDeHey  
Chief Judge  
Seventh Judicial Administrative District

## **COVID-19 Circuit Court Operating Plan for Iowa 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 Iowa 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.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. Before calendaring in-person hearings, the stakeholder committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.
4. 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.
5. The judge will begin setting non-essential in-person proceedings no sooner than July 1, 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. The following procedures have been implemented to monitor the health of Judge and Court Staff:
  - Social distancing of jurors, parties, attorneys and staff in the courtroom;
  - A requirement that all persons who are present in courtrooms, jury rooms and other court-related confined spaces shall wear face masks, 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 and/or jury to weigh the witness's credibility. Notices regarding this requirement will be posted at the entrance of each courtroom, jury room and court-related confined space and that this requirement shall be enforced by the judge of the Circuit Court.
  - By social distancing in the courtroom, the capacity of the public in the actual courtroom will be reduced;
  - Livestreaming all court proceedings except for those proceedings which are closed to the public;
  - Cleaning of the lawyer's table's area after each hearing.
  - A deep cleaning of the courtroom and waiting areas every evening during

- the work week. Related facilities including restrooms, stairwells and elevators will be cleaned and sanitized daily and more often as needed.
- The Courtroom Bailiff will sanitize courtroom door handles, tables and chairs between hearings. The maintenance department will train the bailiff on proper cleaning procedures.
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3. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hand hygiene recommendations at all time.
  4. Protective Measures:
    - Social distancing in the courtroom: The Courtroom will continue to be served by two large counsel tables. The tables can accommodate the parties being 6 feet apart from each other. The benches in the galleries have been marked with painter's tape to indicate that all seating between persons in the gallery are spaced six feet apart. The Court Security Officer and bailiff will monitor and enforce compliance with social distancing. Plexiglas has been installed at the witness stand as well as the stand for the court reporter.
    - Use of masks in the courtroom;
    - Live streaming courtroom proceedings which should reduce the number of persons in the courtroom;
    - The use of "ZOOM" and telephonic scheduling/status conference whenever possible;
    - Hand sanitizers in the hallways and jury room;
    - Social distancing in the jury room;
    - Signs encouraging social distancing have been placed in the building areas and in areas of frequent congregation including the courtrooms and the waiting areas;
    - Air purifiers in the jury rooms.

### **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. Vulnerable populations who are scheduled for Court will be accommodated by:
  - Escorts from the entrance to the courtroom;
  - Use of ZOOM/telephonic appearances.

## **Social Distancing**

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 breakrooms and snack rooms, have been closed to the public.

### *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. Seating is limited to every other row.

### *Well*

7. 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 stations have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Disinfectant wipes or spray have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. Post flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the court building.
4. Signage for sanitizer stations have been posted.
5. Use of the drop box shall continue.
6. Notices posted of the requirement of face masks.

## **Face Coverings**

1. All individuals entering the court building will be required to wear face coverings at all times. The exception to this requirement is outlined under "Judge and Court Staff

Health” (2) (point 2) of this plan.

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 who will be required to be in the courthouse for a judicial proceeding will be provided face masks and are required to wear them while in the courtroom; the exception is testifying witnesses with Court approval.

### Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 24 hours.
2. Court building cleaning staff will clean the courtrooms at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.
5. Court personnel shall disinfect the Court tables after each hearing.

### Other

#### Prioritization of In-Person Hearings:

Phase I: Commencing upon approval of re-opening plan: Remote hearings will continue to be used for high volume hearings such as criminal and small claims intake, as well as for other status conferences in both criminal and civil matters, and other hearing of a routine nature. Subject to the discretion of the assigned court official regarding an individual case, in person hearings will be prioritized for the following:

- Plea and sentencing hearings;
- Preliminary Hearings;
- Court trials;
- Evidentiary Hearings;
- Contempt hearings;
- Injunction hearings;

And other hearings where the court official determines an in-person hearing is necessary.

If any party objects to a hearing being held in-person, a written request may be filed to convert it to a remote hearing. Such request must be filed at least 96 hours before the hearing, specify a basis and report on whether the other party objects. Conversely, a party may request that a remote hearing be held in person by following the same procedures.

Phase 2 (Commencing by approximately August 1, 2020 after approval of the reopening plan and subject to safe and successful implementation of Phase 1 and to then-existing public health condition): The court will return to in-person hearings for most other hearings, other than those

traditionally held via telephone or by video (i.e. scheduling conferences, jury status hearing, bail hearings, etc.). Remote hearings will continue to be utilized when deemed appropriate by the court official. Objections to in-person or remote hearings may still be filed as outlined above.

Notice: Notice of the nature of the appearance for a hearing will be sent by the clerk via a notice of hearing. The notice will include the option of requesting the court to approve a different format by utilizing the procedure outlined above and will include the face-to-face covering requirement.

West Stairwell (from ground level to the area of the second courtroom): This stairwell will be reserved for use by the public who need access to the courtroom, since the employees will be using the main entrance. This will allow the courts to maintain separation from the public when traveling between floors. Floor-mounted white boards have been placed noting that access to those of the public needing to use the courtroom except in the event of an emergency.

Elevator Usage: Frequently touched surfaces, including elevator buttons, door handles and handrails will be disinfected frequently. Signs have been erected at the elevators stating: "In order to protect the health of the public, it is requested that only one person at a time use the elevator. If they reside in the same household, two or more persons may use the elevator at the same time"

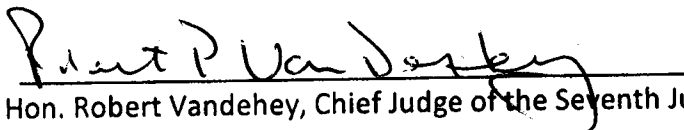
I have conferred with all courtroom personnel in the court building regarding this Operating Plan. In developing the plan, I consulted with the stakeholder committee. A list of members on the committee and the frequency in which they will continue to meet is recited in the Operating Plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan will conduct proceedings consistent with the plan.

Date: June 23, 2020



Hon. Margaret M. Koehler  
Circuit Court Judge for Iowa County

Date:



Hon. Robert Vandehey, Chief Judge of the Seventh Judicial District

# **COVID-19 Circuit Court Operating Plan for Iowa County**

## **Addendum: Jury Trial Plan**

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on the 23rd day of June, 2020, this plan is developed to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals participating in trials. It is anticipated that jury trials will commence on August 10, 2020, or after approval of a suitable plan. The courts of Iowa 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: Judge Koehler; Lia Leahy; Mike Peterson; Tari Engels; Attorney Timothy B. McKinley; Attorney Gayle Jebbia; Attorney Ted Frank; IT Designee; Assistant District Attorney Curtis Johnson; District Attorney Matthew Allen; Environmental Services Designee; Stephanie Anderson and Debra Rosenthal.
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: an education committee has been established to write news articles and update the Iowa County website; Also, attached to each juror summons is an informative notice on the efforts taken in the courthouse and courtroom to keep the jury safe.

### **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. The attached policy has been developed regarding deferral and excusal of jurors due to the pandemic. This information has been clearly outlined so court staff and jurors are aware of these policies for consistent application.
3. Protective measures, including expedited entrance into the courthouse, check- in that minimizes physical contact with documents, posting notice regarding hygiene and distancing practices, are in place for jurors who report to court.

### **Juror Attendance and Safe Participation**

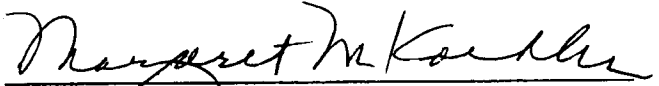
1. The following personal protective equipment will be available to the jurors: Masks, hand sanitizer stations, and the use of HEPA air purifiers in courtrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, marking off spaces 6 ft. apart within the courtroom and jury box, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, using an alternate courtroom for additional capacity, and installing Plexiglas shields between participants.
3. The following strategies will be used to reduce the number of people required to report for jury selection: Conduct voir dire in an area off campus from the courthouse that will allow appropriate social distancing sessions based on the capacity of the court room that will

allow appropriate social distancing, conduct voir dire virtually in full or in part, utilize in-person and virtual voir dire simultaneously, broadcast jury selection and limit or eliminate spectators in the courtroom, give priority to “strikes for cause” based on juror health and safety concerns.

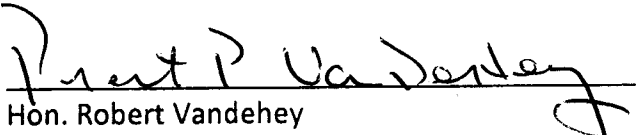
4. After the jury has been empaneled, efforts have been made to accommodate social distancing, but ensure that each juror has adequate sight lines to the witness stand and can hear and see all proceedings. Examples of such accommodations include: use of technology and video monitors to increase site lines, and handling of exhibits. Documented efforts.
5. Social distancing consideration during trial breaks and deliberations include reconfiguration of the deliberation room, using an alternate room for deliberations, hand sanitizing and bathroom capacity, availability of refreshments.
6. The courtroom has a gallery capacity of 30 people. Due to capacity issues within the courtroom, livestreaming will be conducted for public view of the proceedings.
7. There is a requirement that all persons who are present in courtrooms, jury rooms and other court-related confined spaces shall wear face masks, 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 and/or jury to weigh the witness’s credibility. Notices regarding this requirement will be posted at the entrance of each courtroom, jury room and court-related confined space and that this requirement shall be enforced by the judge of the Circuit Court.

I have conferred with all courtroom personnel in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than August 1, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: June 23, 2020

  
Hon. Margaret M. Koehler  
Iowa County Circuit Court Judge

Date:

  
Hon. Robert Vandehey  
Chief Judge of the Seventh Judicial District



# Iowa County Circuit Court

222 N. Iowa St., Suite 206  
Dodgeville, WI 53533-1593  
935-0347 & 935-0395



**Margaret M. Koehler**  
Circuit Judge

**Tari M. Engels**  
Register in Probate/  
Judicial Assistant

**Stephanie Anderson**  
Circuit Court Reporter

DATE

To All Prospective Jurors Summoned to Appear  
For Jury Selection at the Iowa County Circuit  
Court in Dodgeville, Wisconsin on the \_\_\_ day  
of \_\_\_, 2020.

RE : Your Upcoming Jury Service in the Era of COVID-19

Dear Prospective Jurors:

This letter is attached to a Summons directing you to appear for Jury Duty at 8:45 a.m. on the \_\_\_ day of \_\_\_, 2020 at the Iowa County Circuit Courthouse. The Courthouse is located at 222 N. Iowa St., Dodgeville, WI 53533. You are to appear in the Iowa County Courtroom, which is on the second floor.

In light of the Coronavirus Pandemic, I want to assure each and every juror that every reasonable precaution will be taken to enhance the health and safety of the jury, the parties, the attorneys and the Court staff during jury selection and the jury trial to follow.

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

1. Once you enter the building and pass through the initial security screening, you will be separately escorted by Court Staff to the Courtroom and seated to achieve the maximum distancing possible;
2. Masks will be distributed, or you may wear your own when you enter the Courtroom. Until the twelve (12), or in some cases 13, person jury is actually selected, seated and sworn, everyone appearing as a prospective juror will be required to wear a mask;
3. Latex gloves will be available for those who wish to wear them, but gloves are not required. If you would like gloves, ask the Court staff for them when you are seated in the Courtroom;

TO  
DATE  
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4. Smartphones, iPads or similar electronic devices should be left outside the Courthouse. You may certainly leave them in your vehicle rather than at home, if you choose, but do not bring them into the Courthouse;
5. Hand sanitizer (alcohol based) will be available to you at multiple locations inside the Courthouse, and you may ask Court Security Officers to make it available at your seat, once you are seated in the Courtroom;
6. Those selected for the is jury should know that there will be social distancing spacing within the jury box;
7. The jury box, jury room and jury room bathrooms will be cleaned each evening when the Court recesses, and this will continue throughout the trial;
8. Individual lunches will be provided to the twelve or thirteen selected jurors during each day of the trial, to minimize any travel in and out of the Courthouse and to minimize juror's interaction at local restaurants.

If you:

- a) have been diagnosed by a licensed physician as having Coronavirus anytime within the past 30 days;
- b) are actively caring for a family member or loved one who has tested positive for the Coronavirus, or
- c) are now in self-quarantine status and that status will continue in \_\_\_\_\_,

then, in any of these situations: you should immediately advise the Clerk of Circuit Courts office at 608/935-0395. The Clerk may ask you to furnish documentation regarding such from your physician, for the Court.

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 the second highest form of public service that any American can perform (second only to service in the Armed Forces). 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 based on pre-existing obligations.

It is vital that you appear and present yourself for jury service on the \_\_\_ day

TO  
DATE  
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of \_\_\_\_\_, 2020; 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, attorneys and Court staff during this upcoming trial.

I hope this personal letter is helpful and informative. I look forward to seeing you in Dodgeville, on the \_\_\_ day of \_\_\_\_\_, 2020.

Respectfully submitted,

Margaret M. Koehler  
Circuit Court Judge

cc: Mrs. Lia Leahy  
Clerk of Circuit  
Court  
Phone: 608/935-  
0395

IOWA COUNTY POLICY REGARDING DEFERRAL AND  
EXCUSAL OF JURORS DUE TO THE COVID-19 PANDEMIC

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**ORDER**

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WHEREAS the COVID-19 Pandemic continues to require certain mitigation procedures, including social distancing measures, meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19; and

WHEREAS, the Iowa County judge and courtrooms staff are cognizant of the fact that the jury pool in Iowa County will contain individuals who can be considered part of the “vulnerable population” such as:

Individuals who are over the age of 65;

Individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, and asthma;

Persons whose immune systems are compromised such as by chemotherapy for cancer; or other conditions requiring therapy; and

WHEREAS in choosing a jury for Iowa County Circuit Court jury trials, the Circuit Court, in the interest of safety to the vulnerable individuals, needs to implement a policy regarding deferral and excusal of jurors due to this pandemic; and

WHEREAS, most of the vulnerable population, those currently experiencing COVID-19 symptoms, and those persons currently testing positive for COVID-19, have a genuine concern for their safety during the COVID-19 Pandemic and may request to be deferred from jury selection until after the pandemic passes; and

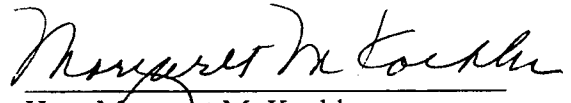
WHEREAS the Iowa County Circuit Court recognizes that the public health emergency caused by COVID-19 is ongoing which requires a policy to be established by the Court to allow for deferral/excusals of potential jurors due to the pandemic.

NOW, THEREFORE, and subject to approval by the Chief Judge of District Seven, State of Wisconsin, whose approval shall be evidenced by signature below, the following is adopted as a policy regarding deferral and excusal of jurors due to the COVID-19 Pandemic:

IT IS HEREBY ORDERED:

1. The following persons shall be granted a deferral and/or excusal from jury duty to be rescheduled when their health condition improves:
  - a. Those persons testing positive for the COVID-19 virus, so as to require a quarantine;
  - b. Those persons undergoing a medical procedure such as chemotherapy or other medical procedure at the time the summons for the jury duty is received;
  - c. Individuals over the age of 65 who are suffering from chronic health conditions such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, cancer and other like health conditions which compromise one's immune system.
  
2. Special consideration for deferrals:
  - a. Individuals who have a genuine concern for their safety in the courtroom and who are requesting not to be considered for jury duty during the pandemic.

Dated this 23rd day of June, 2020.

  
\_\_\_\_\_  
Hon. Margaret M. Koehler  
Iowa County Circuit Court Judge

**LOCAL COURT RULE**

**RE: REQUIREMENT OF WEARING OF FACE MASKS IN THE  
COURTROOM**

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WHEREAS , it is necessary to establish a Local Court Rule in the Iowa County Circuit Court requiring all persons who are in the courtroom, with the exception of testifying witnesses, to wear face masks per the Wisconsin Supreme Court orders;

AND WHEREAS, this requirement is due to the current COVID-19 Coronavirus Pandemic.

Now, therefore,

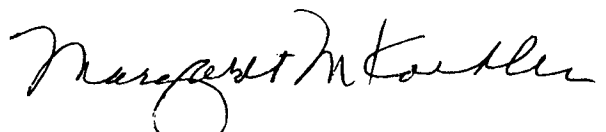
IT IS HERBY ORDERED: that all persons entering into the Iowa County courtroom, jury room and other court-related rooms with the exception of testifying witnesses, are required to wear a face mask to ensure the health and safety of all persons in the courtroom.

IT IS FURTHER ORDERED that anyone, with the exception of testifying witnesses, who fail to wear a face mask while in the Iowa County Circuit Courtroom shall be held in contempt of court, with a minimum jail sentence of 10 days, which may be purged by the wearing of a fact mask in the Courtroom.

This order shall be in effect until further order of the Court, or until the Wisconsin Supreme Court terminates its requirement for face masks in Wisconsin Circuit Court Courtrooms, whichever occurs last.

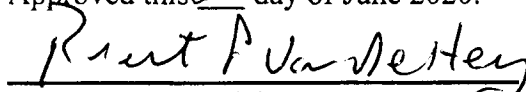
Dated this 23rd day of June 2020.

BY THE COURT:



Margaret M. Koehler  
Circuit Court Judge

Approved this 23rd day of June 2020.



Hon. Robert Vandehey  
Chief Judge of the Seventh Judicial District, State of Wisconsin

**LOCAL COURT RULE**

**RE: LIVESTREAMING OF COURT PROCEEDINGS**

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WHEREAS, The Iowa County Circuit Court is open to the public during its regular business hours;

AND WHEREAS, due to the COVID-19 Coronavirus Pandemic, seating capacity in the Iowa County Circuit Court Courtroom is currently limited to 30 people in the gallery;

AND WHEREAS, this necessitates a local court rule to allow for livestreaming of courtroom proceedings when the seating capacity has been reached.

Now, therefore,

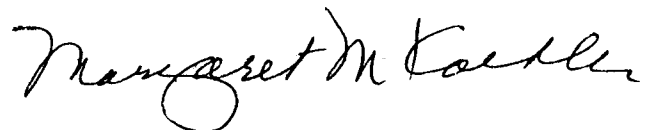
IT IS HERBY ORDERED:

1. The Iowa County Circuit Courtroom is open to the public during its regular business hours.
2. Seating capacity in the Iowa County Circuit Court Courtroom, and until further order of the Court, is limited to 30 persons.
3. When the seating capacity in the Iowa County Circuit Courtroom has been reached, the Clerk of Courts shall livestream all courtroom proceedings during regular business hours.

This order shall be in effect until further order of the Court.

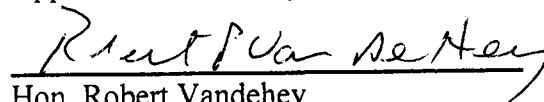
Dated this 23rd day of June 2020.

BY THE COURT:



Margaret M. Koehler  
Circuit Court Judge

Approved this 23<sup>rd</sup> day of June 2020.



Hon. Robert Vandehey  
Chief Judge of the Seventh Judicial District, State of Wisconsin