

ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF IN
PERSON PROCEEDINGS AND JURY TRIALS IN KENOSHA 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: 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 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 judges 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 it's recommendations for consideration by the Circuit Courts.

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court ordered that March 22, 2020 order regarding the suspension of jury trials, that Interim Rule 20-02 regarding suspension 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 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: On June 23rd, 2020 the Kenosha County safety plan incorporating the requirements of the May 22, 2020 order was approved by the chief judge. The safety plan allowed the resumption of in person hearings consistent with phase one (1) of the Task Force Final Report.

WHEREAS: The judges of Kenosha County have approved a Phase 3 operational plan on July 23, 2020. The operational plan incorporates the prior safety plan and establishes procedures for the safe resumption of jury trials and other in person appearances.

WHEREAS: The safety and operation plans have been developed with the input of the stakeholders including county government and the county health officer.

THEREFORE Pursuant to Wisconsin Supreme Court Orders of March 22, 2020, and as amended on April 15, 2020, the Kenosha County Operational Plan for Phase 3 and Jury Trials which incorporates the prior safety plan is approved and attached hereto.

FURTHERMORE Kenosha County will resume jury trials on September 14, 2020. Jury selection may occur prior to that date pursuant to the approved operational plan.

FURTHERMORE Pursuant to Wisconsin Supreme Court Rule 68.03(4) I approve the use of the Kenosha County Center Large Meeting room located at Hwy 45 and 50 as a Courtroom for the purposes of this order.

FURTHERMORE: This order shall remain in effect until further order by the Supreme Court or the chief judge of this administrative district.

Dated this 11th day of September, 2020



Hon. Jason A. Rossell
Chief Judge
2nd District



COVID-19 Circuit Court Operational Plan for Kenosha County 2020

For Phase 3 and resumption of Jury Trials REBECCA MATOSKA-MENTINK
CLERK OF CIRCUIT COURT

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals and to provide for the constitutionally protected rights of the citizens to jury trials, the Kenosha County Courts implement the following protective measures:

A. General

1. Incorporated by reference and attached is the COVID-19 Circuit Court Safety Plan for Kenosha County Phases One and Two. All provisions of that order not in conflict with this Operational Plan remain in effect until further order of the Circuit Court.

B. Remote Hearings

1. It is still the intent of the Kenosha County judiciary to provide remote video conferenced hearings for all hearings until the public health emergency is ended.
2. Pursuant to Wisconsin Statute 885.50 et seq, the Circuit Court shall continue to notice hearings for video or phone conferencing. Parties objecting to video conferencing shall notify the Court to which the matter is assigned as soon as possible. The Court will decide the objection pursuant to the standards set forth in statute.
3. Juveniles, Parties at Chips hearings, and Criminal Defendants shall notify the Court at the plea hearing if they wish to be present in person for disposition/sentencing hearings. If a request for in person hearing is made, the Clerk may schedule the matter in such a way to limit the number of in person hearings at one time slot.

C. Jury Trials:

1. In order to maintain social distancing between litigants, court staff, and jurors during jury trials, the Circuit Court has determined the following Court Rooms and areas shall be used for the following purposes:
 - Br 3, 4, 6, and 8 Courtrooms can be used for a 12/14 person jury trial with sufficient room for a public gallery.

- The other Courtrooms can be used for 6 person jury trials
 - The Kenosha County Center large meeting room located at 19600 75th Street can accommodate large trial voir dire and 12/14 person jury trials.
 - Br 3 Courtroom gallery is sufficiently large enough to conduct voir dire with the jury spaced between the gallery and the jury box.
2. The Kenosha County Circuit Court Judiciary shall meet in closed conference on Monday at noon to assign locations for jury trials three weeks later.
- In order to protect the Constitutional Rights of the Citizens of Kenosha County the following preference shall be used in assigning jury trial space
 - In Custody Felony Defendants
 - In Custody Misdemeanor Defendants
 - Mental Commitment and Guardianship 6 person jury trials
 - Termination of Parental Rights Cases
 - Children in Need of Protect
 - Medical Malpractice Cases
 - Other Large Claim Civil Cases
3. The Jury trial assignment plan shall be as follows:
- Judge A picks a jury Friday morning (8:30 a.m.) in the Br 3 Courtroom. Jury Trial starts Monday in Courtroom A
 - Judge B picks a jury Friday afternoon (1:30 p.m.) in the Br 3 Courtroom. Jury Trial starts Monday in Courtroom B
 - Judge C picks a jury Monday morning (8:30 a.m.) at the Kenosha County Center and goes straight to trial at the Kenosha County Center.
 - Judge D picks a jury Monday morning (8:30 a.m.) in the Br 3 Courtroom. Jury trial then moves to Courtroom C
 - Judge Schroeder picks a jury Monday (1:30 p.m.) in the Br 3 Courtroom and goes straight to trial in the Br 3 Courtroom.

- 6 Person juries shall be picked on Tuesday Morning at (8:30 a.m) and will proceeding to trial in the courtroom not otherwise assigned for jury trials.

4. Jury Summons: The Circuit Court of Kenosha County recognizes the inherent risk of bringing in jurors for jury duty during the outbreak of COVID-19 but must weigh the risk against the Constitutional Rights of the Citizens. In order to mitigate those risks and provide reassurances to the citizens who are summoned to jury duty the Courts will do the following:

- Provide the Attached letter to each jury summon informing the prospective juror of the mask requirement, the ability to seek deferment if in a vulnerable population, and the need to seek deferment if quarantined or recently diagnosed.
- Prospective jurors arriving at the Courthouse or County Center will be screened and have their temperature checked by hands free means prior to being directed to the area where voir dire will occur.
- The screener shall be provided with personal protective equipment and will turn away any jurors who do not meet the screening criteria as listed in Paragraph 1 of the Screening section of the COVID-19 Circuit Court Safety Plan for Kenosha County Phases One and Two
- Only the minimum number of prospective jurors will be summoned in for each time and location slot as needed. This will limit the number of people in the Courthouse at any one time.

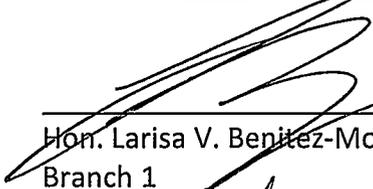
5. In recognition of the risks, the Circuit Courts will conduct trials expeditiously and shall require the litigants to be prepared to finish trials with minimal delays. Additionally, lunches shall be provided to jurors during their jury trial service to limit travel in and out of the Courthouse and reduce the number of breaks in trial.

6. In light of the need for social distancing, Jurors shall be provided the Courtroom space for deliberations unless another large location which allows for social distancing is available on site. Br 3 jurors shall deliberate in LL41 to provide the Courtroom for use in voir dire proceedings.

7. Requests for Remote viewing and public broadcasting of trials by litigants shall be made in writing to the Judge assigned to hear the Jury trial and to the Chief Judge of the District no later than 14 days prior to trial. Supreme Court Rule 61 et seq. shall apply to any broadcasts. Any members of the news media should make their requests pursuant to Supreme Court Rule 61.02 to the Media Coordinator.

Dated this 23 Day of July, 2020

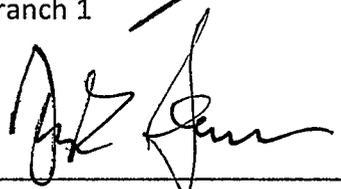




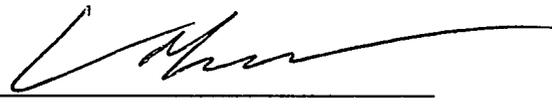
Hon. Larisa V. Benitez-Morgan
Branch 1



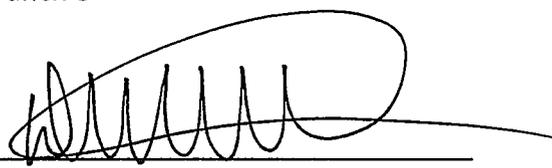
Hon. Jason A. Rossell
Branch 2



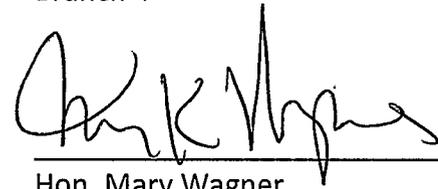
Hon. Bruce E. Schroeder
Branch 3



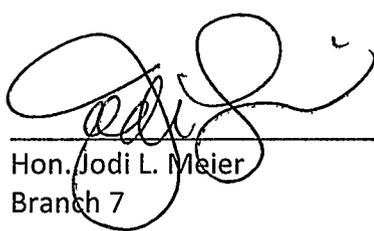
Hon. Anthony Milisauskas
Branch 4



Hon. David P. Wilk
Branch 5



Hon. Mary Wagner
Branch 6



Hon. Jodi L. Meier
Branch 7



Hon. Chad G. Kerkman
Branch 8

ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN PERSON PROCEEDINGS IN KENOSHA 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: Kenosha County is still experiencing significant person to person transmission of COVID 19. Local conditions make it currently unsafe for all proceedings and jury trials to resume in these counties.

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 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 judges 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 it's 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 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 March 22, 2020 order regarding the suspension of jury trials, that Interim Rule 20-02 regarding suspension 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 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 judges of Kenosha County have filed with the chief judge of the 2nd 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 phase one (1) of the Task Force Final Report. The Judges along with the local health officials continue to monitor the local situation to determine when a move to further phases and 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, Kenosha County may resume in person hearings in accordance with the safety plan attached, as designated in the Task Force’s final report for phase one as indicated below on June 24, 2020:

1. All criminal matters, except jury trials
2. Mental commitment and guardianship hearings with time limits
3. Juvenile proceedings in juvenile delinquency (JV), juvenile CHIPS (JC), juvenile guardianship (JG) cases and termination of parental rights cases with time limits
4. Civil matters as follows:
 - Restraining order proceedings under Ch. 813
 - Family - Temporary order hearings if placement is at issue under Wis. Stat. 767.225(1)(am)
 - Family - Enforcement of physical placement orders under Wis. Stat. 767.471(5)
 - Family - Relocation motions under Wis. Stat. 767.481(2) • Stipulated final divorce hearings
 - Time-sensitive small claims proceedings, with special consideration given to the social distancing and limited attendance guidelines as outlined below

Dated this 23th day of June 2020

Jason A. Rossell

Hon. Jason A. Rossell
Chief Judge
2nd District



COVID-19 Circuit Court Safety Plan for Kenosha County Phases One and Two

2nd Judicial District

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals, the Kenosha County Courts will implement the following protective measures:

General

1. The county judiciary has established a stakeholder's committee including the Judiciary/Commissioners, County Executive, Corporation Counsel, District Attorney, Public Defender, County Sheriff, Clerk of Court, Buildings & Facilities Director, Human Services Director, County Health Officer, Department of Corrections and the County Bar President or their representatives. The committee has met regularly to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report. The procedures and practices that follow were developed with the intent to be proactive, recognizing the need to provide all constitutional and statutory protections to the litigants and interested parties, as well as the public's right to access. It is understood that it is not possible to ensure absolute safety, but expected to take reasonable and necessary precautions to protect the health of all participants within the physical limitations of the facilities and resources of the courts and county.
2. In order to limit the number of persons in the courtrooms, it is the intent of the judiciary that every judge will use best efforts to continue to conduct all appropriate proceedings remotely.
3. Before calendaring in-person hearings, the stakeholder's committee has addressed staffing needs and has procured equipment and supplies deemed necessary. It is understood that the availability of equipment and supplies is fluid given ongoing supply and demand issues. The stakeholders will use best efforts to secure that which is necessary to satisfy the requirements of this plan.
4. The stakeholder's committee 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.

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. In accordance with the Supreme Court Order dated May 22, 2020, judges and court staff and all individuals in the courtroom will be required to wear face coverings as specified therein, practice social distancing, and practice appropriate hygiene recommendations. Signage incorporating these requirements will be posted in appropriate locations to ensure notice and compliance. Signage shall be in both English and Spanish.

3. Judges will use best efforts to handle cases remotely and will only schedule in person proceedings as determined by the Judge taking into consideration constitutional and statutory requirements, the nature of the proceeding and requests of the attorneys and litigants. The Court will use best efforts to stagger scheduling of all in person proceedings.

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, or 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. Judges will use best efforts to accommodate vulnerable populations who are scheduled for court by offering remote access via Zoom video and phone conferencing, staggering scheduling to limit the number of individuals in the courtroom and sequestering of individuals from the courtroom as appropriate. If such accommodations cannot be met, reasonable adjournments will be made.

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. Signage reminders will be displayed throughout the facilities in appropriate locations to ensure notice and compliance.
2. No more than 2 people or a household will be allowed on the elevator at the same time. Prisoner Transports are exempt from this rule.
3. Public common areas including breakrooms, snack rooms and rest rooms, social distancing should be maintained.

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 the judge and court staff.
2. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited.
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

1. Hand sanitizer dispensers have been placed at strategic locations throughout the court buildings.

2. Hand sanitizer, disinfectant wipes, disinfectant spray and paper towels will be placed in a "cleaning station" set up in the courtroom. Signage will be posted outside of the courtroom as to the availability of these items in the courtroom.
3. Post CDC flyers outlining appropriate hygiene, social distancing, or public safety will be posted throughout the court buildings.

Screening

1. Signage posted at public entrances of the court buildings will encourage individuals to wear a mask and give notice that they are to immediately exit the building if they have any of the following (per CDC guidelines): Fever of 100.4 degrees F or higher, shortness of breath, cough, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, contact with ill COVID-19 patient and travelled by plane in the last 14 days. County staff will confirm that individuals have read and addressed the notice. If an individual must leave and was required to appear in court, the judge will grant a reasonable adjournment upon being notified and after consideration of the circumstances. A copy of the signage is attached hereto and incorporated herein for reference.
2. In accordance with the Supreme Court Order dated May 22, 2020, judges and court staff and all individuals in the courtroom will be required to wear face coverings as specified therein, practice social distancing, and practice appropriate hygiene recommendations. Signage incorporating these requirements will be posted in appropriate locations to ensure notice and compliance. Noncompliance will be enforced by the judge. However, in the event an individual does not have a face covering, one will be provided by the county as set forth herein under Face Coverings.
3. Inmates being transported from the jail to the court building 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 99.6°F will not be transported to the court building.

Face Coverings

1. In accordance with the Supreme Court Order dated May 22, 2020, judges and court staff and all individuals in the courtroom will be required to wear face coverings as specified therein. Signage incorporating these requirements will be displayed in appropriate locations to ensure notice and compliance. Noncompliance will be enforced by the judge.
2. Individuals coming to court will be strongly encouraged to bring their own face covering with them. For individuals required to appear in court, orders to appear and docket notices will include the notice of the requirement of face coverings in accordance with the Supreme Court Order dated May 22, 2020. In the event an individual required to appear in court and whose matter can only be heard in person fails to bring or have a face covering, one will be provided by the county. Signage will be posted as to the availability of a face covering.

Cleaning

1. County cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 24 hours.

2. Each courtroom will have a "cleaning station" supplied with hand sanitizer, disinfectant wipes, disinfectant spray, paper towels and disposable gloves. Participants will spray and wipe the counsel tables with disinfectant before and after every hearing.
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.

Other

1. It is understand that public awareness of these measures is necessary. This information will be shared through press releases, county websites, social media, state and local bar associations and any other appropriate public sources of information.

I have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the stakeholders committee. 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.

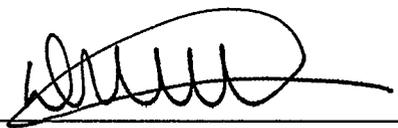
Dated this 10th Day of June, 2020



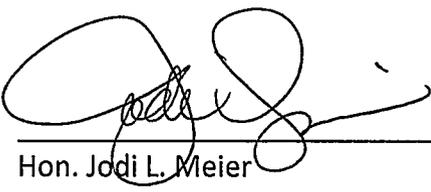
Hon. Larisa V. Benitez-Morgan
Branch 1



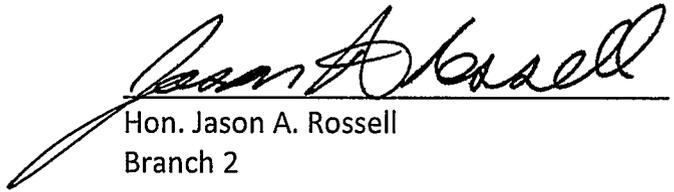
Hon. Bruce E. Schroeder
Branch 3



Hon. David P. Wilk
Branch 5



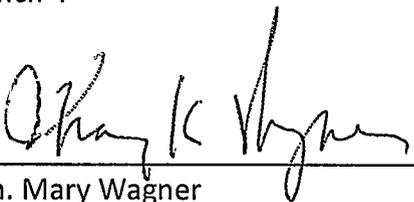
Hon. Jodi L. Meier
Branch 7



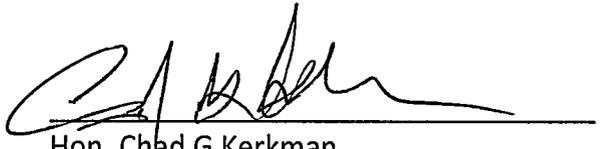
Hon. Jason A. Rossell
Branch 2



Hon. Anthony Milisauskas
Branch 4



Hon. Mary Wagner
Branch 6



Hon. Chad G. Kerkman
Branch 8