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ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF  
IN-PERSON PROCEEDINGS IN KEWAUNEE COUNTY CIRCUIT COURT

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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, if remote technology is not practicable or adequate to protect 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 for conducting non-criminal jury trials until further order of the court;

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

WHEREAS on June 05, 2020, the Honorable Keith A. Mehn, Presiding Circuit Judge of Kewaunee County, submitted an operational plan which contains a statement

regarding communication with local justice partners regarding the safe resumption of in-person proceedings in that circuit court; a requirement that all persons who are present in the courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, except as authorized on the record by said judge; outlines practices for appropriate sanitation/ hygiene of frequently touched surfaces and the hands of participants; specifies that notices regarding face coverings and availability of hand sanitizer and disinfecting wipes/ sprays in court-related areas will be appropriately posted and noticed; and incorporates many recommendations made in the Final Report of the Chief Justice's Task Force;

WHEREAS all jury trials remain suspended until further order of the court;

WHEREAS a separate plan will address the resumption of jury trials;

THEREFORE IT IS ORDERED:

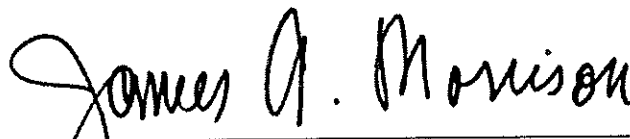
The operational plan for Kewaunee County Circuit Court regarding procedures and practices for conducting in-person proceedings during the 2020 public health emergency and COVID-19 pandemic is hereby approved and is effective July 13, 2020. Kewaunee County Circuit Court must continue to follow its operational plan as approved by the chief judge until further notice of the Wisconsin Supreme Court.

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 Kewaunee County Circuit Court.

IT IS FURTHER ORDERED that all Orders of the Supreme Court regarding the suspension of jury trials in all matters are not affected by this Order and those Orders and limitations remain in full force and effect.

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

Dated this 2<sup>nd</sup> day of July, 2020.

  
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Hon. James A. Morrison  
Chief Judge, Eighth Judicial District

# **OPERATING PLAN, PROCEDURES, AND PRACTICES FOR THE RESUMPTION OF IN-PERSON PROCEEDINGS IN KEWAUNEE COUNTY CIRCUIT COURT**

## **Addendum: Jury Trial Plan**

As an addendum to the Operating Plan for the Resumption of In-Person Proceedings in Kewaunee County Circuit Court approved by the Chief Judge of the 8<sup>th</sup> Judicial District on June 9, 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. The Circuit Court of Kewaunee County will implement the following additional protective measures related to jury trials:

### **I**

#### **Recovery Planning and General Information**

1. The Kewaunee County COVID-19 Stakeholder Committee Members have reviewed the recommendations of this addendum.
2. Jury trials will resume in February of 2021.
3. Due to social distancing requirements only one jury trial will be heard on any day.
4. All jury trials will be held in Courtroom 1.

### **II**

#### **Summoning Jurors**

1. With considerations being made for the safety and well-being of jurors, the attached informational bulletin will be mailed with the juror summons to each juror.
2. Health concerns and family situations which may affect the juror's ability to serve will be considered. Deferral and excusal of jurors will be determined by the Clerk of Court and the Jury Judge.

### III

#### Juror Attendance and Safe Participation

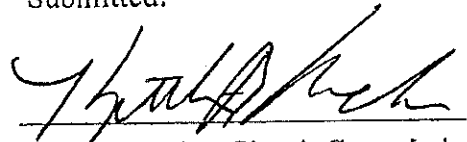
1. Masks and hand sanitizer will be made available to jurors, social distancing practices will be in place, and items shared will be sanitized.
2. Juror check-in will be conducted in Courtroom 2.
3. Once checked-in the juror will be taken by court staff to Courtroom 1 or directed to remain in Courtroom 2. Both Courtrooms will have socially distanced seating for the jurors to await voir dire.
  - a. Voir dire will be held in Courtroom 1 and Courtroom 2. The courtrooms will be in communication by electronic means so that all members of the jury panel can visually and audibly observe all proceedings. Jurors excused or otherwise required to move from one location to another will be accompanied by court staff.
  - b. Trial: The jurors will be separated by Plexiglas or socially distanced.
  - c. Recess and Deliberations:
    - i. 12 person jury trial: Courtroom 2 will be utilized for jurors during these times.  
6 person jury trial: The Jury Deliberations area of Courtroom 1 will be utilized for jurors during these times.
    - ii. Court will order that audio and visual devices be unplugged/turned off.
    - iii. Restrooms:
      1. 12 Person jury trial: Restrooms located in the Jury Deliberations area of Courtroom 2 will be utilized by the jurors.
      2. 6 person jury trial: Restrooms located in the Jury Deliberations area of Courtroom 1 will be utilized by the jurors.
  - d. Jurors, at the direction of the bailiff, will continue to use the secure hallway in the back of the courtrooms when traversing between the deliberations areas and the courtrooms.

4. Meals:

- a. Sealed bottles of water and bottles/cans of soda will be provided for jurors.
- b. Sealed bottles of water will be provided to Plaintiff and Defendant tables.
- c. Lunch and snacks may be brought in by jurors, or jurors may leave the Courthouse during lunch break.
- d. Dinner meals, if necessary, will be ordered for carry-out and individually packaged from a local restaurant.

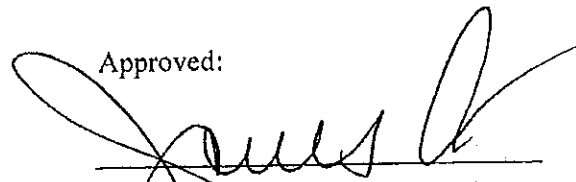
Date: 11/16/20, 2020

Submitted:

  
Keith A. Mehn, Circuit Court Judge

Date: 11/17/20, 2020

Approved:

  
James A. Morrison, Chief Judge  
Wisconsin 8<sup>th</sup> Judicial District

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## We Care About Juror Safety

We anticipate jury trials will begin after February 1, 2021. Safety measures have been implemented to keep you safe during your jury service.

- Masks or face coverings are required to be worn by everyone entering the Courthouse.
- Please bring your own mask or face covering with you. If you do not have one, we will provide you with one.
- We encourage frequent hand sanitation. Hand sanitizer will be available to you throughout the trial.
- Courtrooms and public spaces are regularly disinfected.
- We have modified our usual procedures for jury selection and service so that social distancing is enforced. Jurors will be spaced apart throughout the courtroom.
- A communal coffee pot will NOT be available. Bottles of water and bottles/cans of soda WILL be provided.
- You may bring snacks and/or lunch with you. You will be able to leave the Courthouse at the lunch break.

# **OPERATING PLAN, PROCEDURES, AND PRACTICES FOR THE RESUMPTION OF IN-PERSON PROCEEDINGS IN KEWAUNEE COUNTY CIRCUIT COURT.**

Effective Date: July 13, 2020

Kewaunee County Circuit Court

Kewaunee County Courthouse

613 Dodge Street

Kewaunee, WI 54216

Honorable Keith A. Mehn

## **I**

### **The Purpose**

To develop reasonable practices to ensure the rights of all parties and the public who come before the Court, while recognizing the extraordinary public health concerns regarding a contagious virus commonly referred to as COVID-19. The Court must accommodate practices designed to attempt to avoid exposure and infection of litigants, attorneys, witnesses, and Court staff through interpersonal contact in a Court setting. These procedures and practices are developed with the intent to be proactive, recognizing we must provide all constitutional and statutory protections to the litigants and interested parties as well as the public's right to access. In so doing, we understand it is not possible to ensure absolute safety, but we can be expected to take reasonable and necessary steps to protect the health of all participants within the physical limitations of our building and resource allocation available to the Court and County. These procedures are also intended to instill public confidence in the Kewaunee County Court system and that we are providing for the public's safety. Furthermore, if necessary, these policies will be strictly enforced by the Circuit Court to the full extent of its authority.

## **II**

### **Planning Committee**

On May 27, 2020, and again on June 3, 2020, the Kewaunee County Circuit Court Judge met with other individuals within Kewaunee County Government to begin planning to reopen the Courts and the Courthouse for in-person proceedings. Specifically, Judge Keith A. Mehn met with the District Attorney, the Kewaunee County Administrator, the District Court Administrator, Kewaunee County Maintenance, the Judicial Assistant, the

Kewaunee County Security Officer, representatives of the Kewaunee County Sheriff's Department, the Kewaunee County Clerk of Court, a member of the State Public Defender's Office, the Kewaunee County Corporation Counsel, Kewaunee County Emergency Management, and the Kewaunee County Public Health Nurse.

At the present time, Kewaunee County Circuit Court will not be conducting jury trials until such time as it is comfortable that the procedures it is implementing with respect to in-person procedures are effective.

### III

#### Face Coverings

The Kewaunee County Circuit Court will require that all persons who are present in Courtrooms or jury rooms, of the Courthouse, shall wear face coverings unless a judge specifically determines on the record that is necessary for a witness not to wear a face-covering during the witness' testimony in order for the Judge to weigh the witness' credibility. Notices regarding this requirement will be posted at the entrance of each Courtroom. This requirement will be enforced by the Judge. Any member of the public who refuses to comply with this procedure may be excluded from the Courtroom.

### IV

#### Courtroom Cleaning and Disinfection

The Kewaunee County Maintenance Department will clean and disinfect the Courtroom and, if used, the alternate Courtroom, after every business day in which Court was in session. In between Court sessions, disinfectant spray and disposable toweling will be made available to participants to use to clean Courtroom tables, chairs, benches, microphones, and equipment used in a Court session.

Notices regarding the availability of hand sanitizer will be posted at the entrance of each Courtroom.

### V

#### Social Distancing in the Courtroom

The Court will make all reasonable efforts to practice social distancing. Social distancing will be observed in the hallways and meeting rooms immediately outside of the Courtrooms. Signage advising of social distancing will be posted throughout the Courthouse. However, Courtroom activities do not lend themselves to strict adherence to such principles when considering the need for attorney-client confidential discussions, adequate view and sightlines for conducting witness examination, rights of due process, victim rights, and the public's



right to access. The Kewaunee County Courtrooms have limited space, and there is no guarantee that participants in the Courtroom will, at all times, be at least six (6) feet away from each other. Furthermore, there is no guarantee litigants, witnesses, parties, and public will at all times avoid coming within six (6) feet of another person within the confines of the Court facilities.

## VI

### Public Access

The public still has a right to view open public Court proceedings that are not otherwise closed or confidential according to law. All Courtrooms have space limitations, and the public does not have the right to enter the Courtroom if the number of people in the Courtroom exceeds safety limits, fire codes, or other legal restrictions. Similar safety concerns regarding the number of people who can safely enter a Courtroom during a contagious disease public health emergency also apply, and it may be necessary to limit the number of people who can enter the Courtroom to view proceedings. However, the Court will take steps necessary to allow the public to view Courtroom proceedings via live video stream to another large room or by Zoom video through an internet connection or by YouTube. Any public access by livestream shall be controlled by the Court, and reasonable public access to hear and see will be allowed during all on-the-record proceedings. The public will have no right to participate verbally, as all audio access will be muted to avoid unintended interruptions.

## VII

### Resumption of In-Person Proceedings

#### A. General

The Wisconsin Supreme Court issued orders on May 22, 2020, affecting the ability of the Circuit Courts to begin to schedule in-person proceedings and jury trials. To safely and cautiously reengage personal appearances in Court proceedings, the Kewaunee County Circuit Court will promote and enforce these policies to the full extent of its authority.

The Circuit Court for Kewaunee County has, in the last several weeks, adopted video conference and audio/phone proceedings via Zoom to almost entirely eliminate in-person appearances. The use and incorporation of this technology has allowed the Court to continue functioning while providing access and equal justice under the law. It will be the policy of this Court to continue to use videoconference, phone, and other means to allow people to gain access to the Courts if personal appearances are not otherwise necessary, requested, or needed. Recognition is always given that certain important matters flowing across multiple case types will certainly require personal appearances.

Provisions I-VI above will be incorporated and followed once in-person proceedings are allowed, in addition, the Kewaunee County Circuit Court will:

1. Schedule Court proceedings that allow in-person appearances; however, the Court will continue to allow and encourage appearances by Zoom phone and video conference, as requested and as necessary to avoid having large groups in the Courtroom at one time. All statutory and constitutional requirements for in-person proceedings will be honored unless duly waived by the parties.
2. Review staffing needs. Staffing requirements will be determined by the Clerk of Court and Judge, as necessary. Remote job functions will be considered, as necessary to help reduce the number of court staff in the Courtroom at one time.
3. Utilize a modified block scheduling format to reduce the number of individuals in the Courtroom at a particular time.
4. Require all who enter the Courtroom to wear a face covering, either their own or one provided by the Court, and to practice social distancing and appropriate hand hygiene. Any one member of the public who refuses to comply with these procedures may be excluded from the Courtroom but will be given information regarding how to access public court proceedings via Zoom or other means.
5. Judges and Court staff shall be required to wear face coverings, practice social distancing and appropriate hand sanitization at all times when litigants, attorneys, victims, law enforcement or any other person or member of the public is present in the Courtroom.

The Court recognizes that attorney-client confidentiality and trial strategy may be hindered in the Courtroom if strict compliance to social distancing is required at all times. The Court will make exceptions to allow attorneys and clients to deviate from social distance protocols to consult with each other in the Courtroom when necessary.

**B. Vulnerable Individuals**

1. Individuals who are over the age of 65 and individuals with serious underlying health conditions are considered vulnerable individuals.
2. The Court, to the full extent of its authority to reduce risk and promote the safety of all those who access the Court system, will give vulnerable individuals any accommodation they may require.

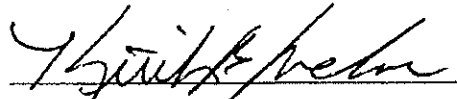
C. Hygiene

1. Hand sanitizer dispensers have been placed at the entrance to the building and outside of each Courtroom. The Court will post signs outside of Courtrooms notifying the public and all persons entering the Courtrooms of availability of hand sanitizers.
2. Disinfectant spray and disposable toweling have been placed at counsel tables and the witness stand.

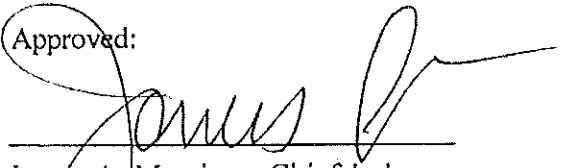
In developing this plan, I, the Honorable Keith A. Mehn, Circuit Court Judge, Kewaunee County, Wisconsin, have consulted with the committee members aforementioned. This final version of our plan is strictly for in-person appearances and does not address the resumption of jury trials at this time. This plan will be modified by the planning committee should the circumstances of the COVID – 19 public health emergency requires modifications to address changing conditions and safety issues and to ultimately address the resumption of jury trials.

Submitted:

Date: 6/5, 2020

  
\_\_\_\_\_  
Keith A. Mehn, Circuit Court Judge

Date: 6/9/, 2020

Approved:  
  
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James A. Morrison, Chief Judge  
Wisconsin 8<sup>th</sup> Judicial District

**Kewaunee County COVID-19 Stakeholder Committee Members**

Keith A. Mehn, Circuit Court Judge  
Scott Feldt, County Administrator  
Thomas Schappa, District Court Administrator  
Andrew P. Naze, District Attorney  
Jeffrey R. Wisnicky, Corporation Counsel  
Rebecca A. Deterville, Clerk of Court  
Amanda J. Toonen, State Public Defender  
Mark Jandrin, Court Security Officer  
Greg Gabriel, Maintenance  
Cindy Kinnard, Public Health Nurse  
Tracy Nollenberg, Emergency Management  
David Cornelius, Chief Deputy Kewaunee County Sheriff's Department  
Chris Van Erem, Lieutenant Kewaunee County Sheriff's Department  
Deb Van Ess, Judicial Assistant