

**IN THE MATTER OF OPERATIONAL PLAN FOR
IN-PERSON COURT PROCEEDINGS ONLY
-LAFAYETTE 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, 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 May 22, 2020, Wisconsin Supreme Court ordered each circuit court shall submit an operational plan to the chief judge of the applicable judicial administrative district. The operational plan shall include the requirements set forth in the order, 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, jury rooms, and other court-related confined spaces Supreme Court Order, *In the Matter of the Extension of Orders and Interim rule concerning Continuation of Jury Trials, Suspension of Statutory Deadlines for Non-Criminal Jury Trial, and Remote Hearings During the COVID-19 Pandemic and In the matter of the Final Report of the Wisconsin Courts COVID-19 Task Force*.

WHEREAS, on June 29, 2020, the Lafayette County Circuit Court submitted an operational plan to resume in-person proceedings pursuant to the Wisconsin Supreme Court's May 22, 2020 order. The plan verifies the court has communicated with the appropriate stakeholders regarding protective measures for in-person proceedings. The plan also requires face coverings for all individuals present in the courtroom and court related confined spaces of that circuit court with limited exceptions that are on the record, appropriate social distancing, sanitation/hygiene practices, and appropriate signage.

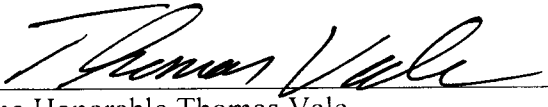
IT IS ORDERED the operational plan for the Lafayette County Circuit Court to resume in-person proceedings is approved and the court shall continue to follow its operational plan until further order of the court.

IT IS FURTHER ORDERED the Wisconsin Supreme Court's April 15, 2020 amended order *In Re the Matter of Remote Hearings During the COVID-19 Pandemic*, ceases to apply to the Lafayette County Circuit Court.

IT IS FURTHER ORDERED this order does not impact the part of the Supreme Court order extended the ban on jury trials and tolling of time limits for civil trials. Prior to resuming jury trials, the Lafayette County Circuit Court will need to submit an operational plan for jury trials.

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

Dated this 30th day of June, 2020.


The Honorable Thomas Vale
Chief Judge, Fifth Judicial Administrative District

**LAFAYETTE COUNTY TRANSITION REOPENING PLAN
FOR NON-JURY MATTERS
COVID-19 Circuit Court Operating Plan
JULY 1, 2020**

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 court of Lafayette County will implement the following protective measures for the safe resumption of in-person proceedings, the resumption of jury trials shall be set forth separately at a later date, this plan is an interim plan as Lafayette County is developing its plan for reopening consistent with the Orders of the Wisconsin Supreme Court:

The Lafayette County Circuit Court established a stakeholder's 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.

List of members:

Duane M. Jorgenson, Judge

William K. McDaniel, Court Commissioner and Attorney

Jack Sauer, Lafayette County Board Chair

Guy Taylor, Public Defender

Reg Gill, Lafayette County Sheriff

Tony Wiegel, Head of Maintenance

Troy Loeffelholz, Chief Deputy, Lafayette County Sheriff's Office

Robert Canfield, Court Officer

Theresa Burgess, Director Emergency Management

Jenna Gill, Lafayette County District Attorney

James Poss, Court Officer

Trisha Rowe, Lafayette County Clerk of Courts

Teresa Siegenthaler, Judicial Assistant and Register of Probate

The stakeholder's committee developed the following parts of its plan for Phases 1, 2 and 3; the committee has not completed the plan for the resumption of jury trials, or Phase 4:

- A. Policies
- B. Gating criteria for phases
- C. Safety Criteria
- D. Phases

General Policies:

1. Continued use of remote technology
 - a. All judges will use all reasonable efforts to conduct proceedings remotely. The court will continue to favor remote appearances whenever possible and encourage the broad use of waivers of appearance.
 - b. Public access will be maintained, as all remote proceedings will be live streamed using You Tube.
 - c. Victims will be granted the same access to Court as the criminal defendant. The Court recognizes that victims of crimes may wish to have access to the hearing in differing ways. The Court will be open for in person appearances for the victims of crime at any plea and sentencing hearing and as other in-person hearings as this interim plan may permit. The victims shall be provided ZOOM access information to facilitate their appearance at all hearings, if victims choose they may appear remotely and have the opportunity to participate in the hearings consistent with recently adopted amendment to the State Constitution regarding victim rights. Victims will also be provided information regarding accessing hearings by way of You Tube, and advised You Tube allows for observation and it is not interactive.
2. Before calendaring in-person hearings, the stakeholder's committee will have addressed staffing needs and have procured any equipment and supplies deemed necessary.
3. The stakeholder's 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 may be necessary with any changes in the public health conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than:
 - a. All Safety Criteria are in place.
 - b. Presiding Judge, in consultation with stakeholder's committee, confirms all criteria to move to next phase has been met, consistent with the phased re-engagement plan as set forth herein.
 - c. The Chief Judge of the District approves this interim plan for phased re-engagement for non-jury matters.

Judge and Court Staff Health Policies:

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 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. The following procedures have been implemented to monitor the health of Judge and Court Staff: Lafayette County is a one judge and one District Attorney County with a small Clerk of Court staff, making the rotating of staff unrealistic. The Judge and Court staff are aware that if illness occurs or if exposure to anyone testing positive for Covid-19 occurs, any individual so exposed or stricken, must self-quarantine for a minimum of 14 days, or until such time as it can be confirmed that said individual did not contract or is free of the Covid-19 virus, which ever is longer. Court staff are advised to wear masks, use proper hygiene and comply with social distancing standards when outside of the Courthouse on personal or court business. All court staff shall monitor their own health carefully and anyone feeling ill or showing a temperature in excess of 100.4 degrees shall not come to work or alternatively work remotely from home.
4. Judges and court staff will be required to:
 - A. Wear face coverings in the courtroom at all times when litigants, attorneys, victims, law enforcement are present. Face covering are required in court-related confined space in the courthouse where social distancing cannot be maintained,
 - B. Practice social distancing, and
 - C. Practice appropriate hand hygiene recommendations at all times.
5. Anyone entering the Courthouse for the purpose attending a court proceeding will be required to undergo screening when entering the Courthouse, and for in-person hearings:
 - a. wear face masks in the courtroom
 - b. wear face masks while in court-related confined spaces in the courthouse where social distancing cannot be maintained,

- c. practice social distancing, and
 - d. practice appropriate hand hygiene recommendations at all time.
6. Protective Measures:
- a. During Phase 1, only plea and sentencing hearings may be held in-person, and other special proceeding referenced herein. Those individuals who wish to enter pleas and have sentencing hearings remotely via ZOOM will be permitted to do so, provided the freely, knowingly, intelligently waive their right to be in court in-person on the record. (See Phase 2 and 3 for incremental increases in types of in-person hearings that may be conducted.)
 - b. All hearings not specifically referenced in each specific Phase shall continue to be conducted by way of Zoom.

ENTRANCE TO THE COURTHOUSE

Currently the doors to the Lafayette County Courthouse are locked, but the courthouse is not closed, access for those attending court proceedings shall be limited as set forth herein, for those attending court in-person, all will be subject to the following:

- a. Entrance to the Lafayette County Courthouse for the purpose of attending court proceedings for members of the public shall be limited to the Washington Street entrance on the west side of the Courthouse.
- b. Everyone entering the Courthouse, for the purpose of attending court, shall be screened by a member of the Lafayette County Sheriff's Office. Anyone entering the Courthouse, for the purpose of participating or attending Court such screening shall include the following:
 - 1. Their temperature will be checked at the door. Anyone having a temperature of 100.4 degrees Fahrenheit will be directed to leave the Courthouse.
 - 2. They will be asked if they are feeling well today.
 - 3. persons shall be asked to disclose if they have tested positive or if they have had contact with anyone who has tested positive for Covid-19, and if so when and where.
 - 4. Anyone entering the Courthouse for the purpose of attending Court or doing business on the Third (3rd) Floor will be required to wear a mask,

upon entering, the Courthouse.

5. Hand sanitizer will be available at the Courthouse entrance and at the entrances of the Court Room, and everyone entering will be required to sanitize their hands on entering the Courthouse.
6. Anyone declining to cooperate the screening process, refusing to wear a mask, indicating feeling ill, having a temperature in excess of 100.4 degrees Fahrenheit, and or refusing to sanitize their hands shall be directed to leave the Courthouse.
 - a. the inability of any individual to attend the court proceeding will conveyed to the presiding Judge by screening personnel of the Lafayette County Sheriff's Office.
 - b. Congregating in the Courthouse hallway is prohibited; the Courthouse library and jury rooms are closed to the public, and may be used only by permission of the presiding judge.
 - c. Social distancing (maintaining a distance of 6 feet) shall be practiced. (Anyone who resides together in the same home will be exempt from social distancing between themselves. Seating in the Court Room will be directed by the presiding judge or the court officer.
 - d. Seating shall be limited to designated seats in the Court Room.
 - e. The witness stand will be separated from other court personnel by Plexiglas barriers.
 - f. The gallery area shall have a Plexiglas barrier between the public seating and the Court well area, where attorneys and litigants are seated.
 - g. The witness stand will be sanitized after each witness; counsel table will be sanitized between each hearing where there is a change in litigant and/or attorney.
 - h. Air purifiers shall be located at strategic locations in the Court Room.
 - i. Hand sanitizer dispensers shall be located through out the Courthouse and the entrance to the Court Room.
 - j. Signs displaying the rules to be observed in the Courthouse will be displaying throughout the Courthouse.
 - k. Use of the Courthouse elevator shall be monitored to assure social distancing requirements, and shall be sanitized after every use.

- l. Courthouse maintenance shall do ongoing sanitizing during those times when the public is present.
- m. The Court Room will be sanitized at the conclusion of each day.
- n. The DAR court recorder or stenographic reported may record the proceeding remotely either from her office or from home.

Scheduling Policies:

1. The following court schedules are established to reduce occupancy in the court building:
During Phase 1 all hearings, except criminal plea and sentencing hearings, and a limited number of children's and juvenile hearings, shall continue to be scheduled using the ZOOM platform.
In-person hearings will be scheduled at one-hour intervals, and litigants shall be encouraged to conference prior to entering the Courthouse.
ZOOM Hearings shall be scheduled at 15-minute intervals. Any litigant requesting additional time for their proceeding must make that request at the time of scheduling.

Vulnerable Populations Policies:

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 being permitted to appear remotely, using the ZOOM platform, and shall be granted waiver of appearances liberally.
4. If there are vulnerable individuals, they will be allowed to appear by zoom or by phone. 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.

Social Distancing Policies

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.

1. 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.
2. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing, and the maximum capacity for each restroom is one.
3. Public common areas, including breakrooms and snack rooms, are closed to the public.
4. The Court calendar will be available to the Court Officer and custodial staff on a weekly and daily basis.
5. For all in-person hearings held in Courtroom, there may be limited attendance in the Court Room. Anyone attending court must be seated prior to the commencement of any hearing. Seating shall be in designated seating, seating has been marked, or as the Court Officer or presiding judge directs. Priority for limited seating shall be given to attorneys, litigants, crime victims, and the media. Overflow shall be directed to observe court using You-Tube.
6. Anyone exiting the Court Room during a proceeding must wait until the conclusion of a hearing and before the next hearing begins, or during a court recess before re-entering the Court Room. If there is testimony being taken, re-entry may be allowed at the conclusion of a witness's testimony, but before the next witness is sworn.

Courtroom Gallery

7. The maximum number of persons permitted in the gallery of each courtroom has been determined. The maximum capacity of the courtroom will be monitored and enforced by court staff.

8. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row and a minimum of six feet apart.
9. The gallery will be separated from the Courtroom Well by a Plexiglas barrier.

Courtroom Well

10. 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. There will be at least one air purifier located centrally in the Courtroom Well.
11. The gallery will be separated from the Courtroom Well by a Plexiglas barrier.

Drop box For Clerk of Courts

Use of a drop box will continue to be used. The use of the drop box is to minimize the number of people who need to physically enter the courthouse. A drop box shall be at the Sheriff's Office lobby, or if the Courthouse is open to the public a drop box shall be located in close proximity to the Clerk of Courts Office. The Clerk of Courts Office door shall remain locked, until the presiding Judge of the County determines it may safely be opened to the public. The Clerk of Courts Office may be accessed by the public by appointment, on a case-by-case basis. A Plexiglas barrier shall be located at the Clerk of Courts counter, separating the Clerk and the public. All documents shall be filed using electronic filing, (including exhibits) and those unable to file documents electronically may use the drop box to file documents. Anyone using the drop box will be strongly encouraged to contact the Clerk of Courts just prior or just after depositing documents at the drop box.

Hygiene Policies:

1. For appropriate sanitation/hygiene of frequently touched surfaces and hands of court participants, hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor,

outside of each courtroom, and outside of bathrooms. Hand sanitizer dispensers have 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, at counsel tables, at the witness stand, on the judges' benches, and in the hallways. Disinfection materials shall be maintained by the Court Officer.

Screening Policies: Entrance for the public to the Courthouse shall be at the Washington Street entrance. Screening shall be done by Lafayette County Sheriff's Office staff.

1. When individuals attempt to enter the court building, designate screeners will ask the 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 court building. If required to appear in court, the appropriate court office will be immediately notified.
2. When individuals attempt to enter the court building, designated screeners will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.4°F will be refused admittance to the court building.
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 100.4°F will not be permitted in the Courthouse.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including masks, gloves and appropriate materials to clean their stations frequently.
5. 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 shall 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. See Supreme Court Order dated May 22, 2020.

2. All individuals entering the courthouse for attending court proceedings are required to wear face coverings at all times.
3. Individuals are encouraged to bring cloth facemasks with them, but if the individual does not have a facemask, a disposable facemask will be provided.
4. Individuals who will be required to be in the court building for a judicial proceeding will be provided masks.

Cleaning Policies

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every four hours.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and 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.

CONFIRMED TEST IN COURTHOUSE

1. Judges and court staff shall follow all directives from the County Public Health Department if there is confirmation that an individual who test positive for the coronavirus 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 presiding judge 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.

LAFAYETTE COUNTY CIRCUIT COURT OPERATIONAL PLAN BY PHASES- EXCLUDING RESUMPTION OF JURY TRIALS

After consultation with Lafayette County Reengagement Committee, the Lafayette County Circuit Court has adopted a four-phased approach to returning to full in-person court operations in a safe, responsible manner.

The committee will monitor Covid-19 case statistics for Lafayette County as well as surrounding counties (Green, Grant, Iowa County, Jo Davies County in Illinois and Dane County) to confirm the date at which to begin resuming in person operations. If Lafayette County and surrounding counties new cases and active cases are stable or dropping for the recent 14-day period. (No more than 4 new cases per day over a 14 day period) and the safety plan is in place, Phase One will start on July 1, 2020 or as soon thereafter as conditions permit.

GATING CRITERIA for moving between phases:

If new cases remain no higher than four cases/day) over 14 day period, and if the number of new cases and active cases remain stable for a 14 day period, and Lafayette County continues to reported no deaths exceed over that same 14-day period within Lafayette County, in consultation with the Lafayette County Task Force, and it is determined the Court may safely move to the next Phase, the Court will move to the next Phase until it reaches Phase 3.

Supplies-The committee shall monitor the availability of masks, sanitizer and cleaning supplies so as to meet the demands of maintaining the articulated safety criteria set forth in this plan.

The presiding judge in consultation with the Lafayette County Stakeholder Committee 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 expanded operations are once again warranted.

SAFETY CRITERIA:

Before any in person hearings can be held, the following safety criteria and physical requirements shall be in place:

1. Signage

Signs shall be placed throughout the Courthouse by courthouse maintenance or the Lafayette County Sheriff's Office.

- Signage shall state all persons entering the Courthouse for the purpose of attending court proceedings shall wear face coverings in the courthouse at all times. These notices shall be posted at the entrance of the courtroom, and court-related confined space. See Supreme Court Order dated May 22, 2020.
- Signage is posted at the entrance of the courtroom and court-related confined space regarding the availability of hand sanitizer and disinfecting wipes/spray in the courthouse. See Supreme Court Order dated May 22, 2020.
- Signage should be posted around the courthouse to remind individuals to maintain proper social distancing. Signage will be placed to ensure social distancing in the courtrooms and galleries.
- Signage shall indicate that any one experiencing symptoms of sickness should not enter and instead call the clerk of courts to inform them of their illness. Signage will be placed to ensure social distancing in the courtroom and galleries.
- Children not directly involved in the proceeding are prohibited. All others are encouraged to view the proceedings from YouTube (with directions on accessing YouTube).

2. Enhanced barriers Courthouses will erect Plexiglas (or similar material) dividers between the public and court staff, as well as between individuals participating in in-person courtroom proceedings, where acceptable social distancing cannot be maintained. This includes customer service counters in the clerk's office, as well as throughout the courtrooms/hearing rooms to protect judges/commissioners, court clerks, testifying witnesses, court reporters, parties at counsel tables, and jurors as necessary. Plexiglas will be located between the witness stand and the Judge's bench and between the witness stand and the Court Reporter/Recorder location. The DAR court recorder may record the proceeding remotely either from her office or from home. A Plexiglas barrier shall be across the bar rail that separates the gallery from the court well.

3. Air purifying equipment –A minimum of 4 air purifiers shall be

placed in the Court Room.

In consultation with local public health officials and building facilities staff, portable air purifiers (HEPA grade) shall be placed in the courtroom, the size and number of units shall be based upon the placement and location to divert air away from people.

Attendant to this will be the procurement of replacement filters; as such, filters typically last between six to eighteen months, depending upon the size of the space and the overall air quality. Some courthouses report having HVAC systems that incorporate ultraviolet light air treatment systems. Although this may be helpful, public health experts consulting the Task Force indicated that localized (in-room) air filtration/purification to be more effective.

PHASE FOUR-RESUMPTION OF JURY TRIALS

The committee and the Court have not yet fully developed the plan for Phase 4, and Phase 4 will be addressed by a separate plan at a later date.

If a public health announcement is made determining that COVID-19 has been suppressed in the State, and the presiding judge agrees, 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 presiding judge confirms he has consulted with the stakeholders committee. A list of members on the committee and the frequency in which they will continue to meet is attached to this plan. The presiding judge 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.

Duane M. Jorgenson, Circuit Court Judge of Lafayette County Circuit Court has read and approve the operating plan and will continue to follow until further order of the court.

Duane M. Jorgenson
Lafayette County Circuit Court Judge

Date: 6/29/2020

Thomas Vale
Chief Judge of District 5
(Chief Judge Approval)