
**ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN-PERSON PROCEEDINGS
IN LINCOLN 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: Lincoln County is experiencing an increase in COVID-19 cases and currently working with its stakeholders to modify its court facilities and to change jury trial procedures so as to enable safe jury trials and has not yet been able to complete those modifications and changes; therefore, it is not safe at this time to resume 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 be 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 judge 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 its 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 the 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 the March 22, 2020 order regarding the suspension of jury trials, that interim Rule 20-02 regarding suspensions 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 court 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;

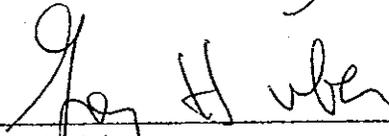
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health and safety of all those present in the courtrooms, jury rooms, and other court-related confined spaces;"

WHEREAS: The judges of Lincoln County have filed with the chief judge of the 9th 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 phases one and two of the Task Force Final Report. The Judges along with the local health officials continue to monitor the local situation to determine when 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; Lincoln County may resume in-person hearings in accordance with the safety plan attached, as designated in the Task Force's final report for phases one and two. No jury trials may be held until there is a complete operational plan that covers jury trials.

Dated this 20th day of July, 2020



Hon. Greg Huber
Chief Judge, 9th Judicial District

COVID-19 Circuit Court Safety Plan for Lincoln County

Phases One and Two – 9th Judicial District

(Does not include Jury Trials)

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

General

1. The county judiciary has established a stakeholder's group, with sub groups, to discuss and consider the recommendations outlined in the Wisconsin Courts COVID- 19 Task Force Report (May, 2020). The group and sub groups of it have met to discuss and consider the recommendations outlined in the Wisconsin Courts COVID-19 Task Force Report and will continue to meet. 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 the 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, with input from the stakeholder's group, the circuit courts for Lincoln County have addressed staffing needs and have procured any equipment and supplies deemed necessary. It is understood that the availability of equipment and supplies is fluid given ongoing supply and demand issues. The circuit courts for Lincoln County, in cooperation with Lincoln County, will use best efforts to secure that which is necessary to satisfy the requirements of this plan.
4. The stakeholder's group and its sub groups will meet regularly, and will adjust this safety plan as necessary.
5. Judges will begin setting in-person proceedings no sooner than July 20, 2020.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely may continue to do so, whenever possible subject to Lincoln County Personnel Policy (where applicable) and state court policies (where applicable).
2. In accordance with the Supreme Court Order dated May 22, 2020, judges and court staff and all individuals in the courtrooms or downstairs conference rooms will be required to wear face coverings as specified therein, practice social distancing, and practice hygiene recommendations. Signage incorporating these requirements will be posted in appropriate locations to ensure notice and compliance.

Scheduling

1. Judges will use best efforts to conduct proceedings remotely and will only schedule in person proceedings as determined by the Judge taking into consideration constitutional and statutory requirements, the nature of the proceedings and requests of the attorneys and litigants.
2. Court staff will use staggered scheduling of in person proceedings and other appropriate methods to reduce the number of individuals in a courtroom at one time.

Vulnerable Populations

1. Upon advance notice, Judges will use best efforts to accommodate vulnerable persons who are scheduled for court by offering remote access via Zoom video and phone conferencing and staggering scheduling to limit the number of individuals in the courtroom. If such accommodations cannot be met, reasonable adjournments may be made.
2. For purposes of this section, vulnerable persons are individuals identified by the CDC (or anyone cohabitating or working with vulnerable populations).

Social Distancing

1. All persons not from the same household who are permitted in the Courthouse 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. Posted signage will direct that no more than one person will be allowed on the elevator at the same time unless they are from the same household.
3. 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 by the court staff and enforced by court security or judge:
4. The gallery of each courtroom has been marked to identify appropriate social distancing in the seating.
5. In each courtroom, the counsel tables, witness stand, judge's bench, clerk, and court reporter seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space where possible.

Hygiene

1. Hand sanitizer has been placed at strategic locations throughout the courthouse.
2. Hand sanitizer, disinfectant wipes or spray, and toweling have been placed in a disinfectant cleaning station set up in each courtroom. Signage will be posted in each courtroom as to availability of these items in the courtroom.
3. Posters outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the courthouse.

Screening

1. Signage posted at public entrances of the courthouse will encourage individuals to wear a face covering when not in the courtroom, and give notice that they are to immediately exit the building and be available by phone if they have any of the following (per CDC guidelines): Fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. If an individual must leave and was required to appear in court, the Judge may grant a reasonable adjournment upon being notified and after consideration of the individual's circumstances.
2. Inmates being transported to the courthouse will be screened by law enforcement for symptoms of COVID-19, and will not be transported to the courthouse if they exhibit any COVID-19 symptoms.

Face Coverings

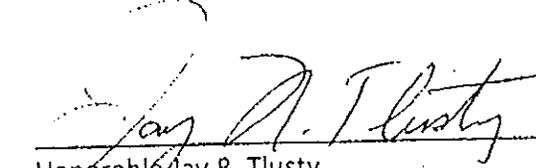
1. In accordance with the Supreme Court Order dated May 22, 2020, judges and court staff and all individuals in the courtrooms or downstairs conference rooms will be required to wear face coverings as specified therein. Signage incorporating these requirements will be displayed in appropriate locations to ensure notice and compliance. Noncompliance will be enforced by the courts contempt powers.
2. Individuals coming to court will be strongly encouraged to bring their own face coverings 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. Each branch has received 2000 face masks from the State for the public, as well as reusable masks for court personnel. Signage will be posted as to the availability of a face covering.

Other

1. Additional measures that have been implemented:
 - a. In addition to the courtrooms, sanitation stations have been placed in the jury rooms and office areas by the Lincoln County Maintenance Department.
 - b. Plexiglas has been placed in all three courtrooms.
 - c. Soft surface chairs and chair cushions have been removed from public access
 - d. The number of chairs in each courtroom have been limited.
 - e. All pleadings, including but not limited to Plea Questionnaires, Statements of Negotiated Plea, Waiver of Preliminary Hearing, and Waiver of Right to an Attorney, shall be filed before the hearing.
 - f. Clerks will be responsible for sanitation of chairs, tables, and microphones utilized by attorneys and litigants at the end of each hearing, if not done by the litigants and attorneys.
 - g. Microphone coverings have been obtained and will be changed after each hearing by the clerk.
 - h. Face shields may be used when appropriate.

- i. Doors to each courtroom will remain open when appropriate and feasible given the type of hearing, individuals in the hallways of the courthouse, and court security considerations.
2. This safety plan is not applicable to jury trials. An operational plan will be prepared for subsequent approval and implementation.
3. It is understood that public awareness of these measures is necessary. This information will be shared on state and county websites and through state and local bar associations.
4. In developing the Safety Plan, we have consulted with each other and with the Stakeholders Group. A list of members in the Stakeholders Group and the Sub Groups is attached to this plan.

Date: 7/14/2020



Honorable Jay R. Tlusty
Circuit Court Judge, Branch I

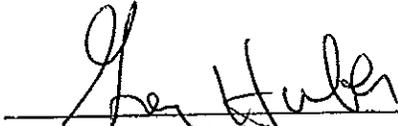
Date: 7/14/2020



Honorable Robert R. Russell
Circuit Court Judge, Branch II

CHIEF JUDGE APPROVAL:

Date: 7/17/2020



Honorable Greg Huber
Chief Judge 9th Judicial District

Lincoln County Stakeholder's Group Members

Becky Byer, Lincoln County Register in Probate/Clerk of Juvenile Court
Bonnie Wachsmuth, Family Court Commissioner
Brian Haffemann, Court Security Officer
Charlotte Krause, Judicial Assistant, Branch I
Dave Manninen, Lincoln County Jail Administrator
Galen Bayne-Allison, Lincoln County District Attorney
Gerald Hersil, Court Commissioner & President of Lincoln County Bar Association
James Koppelman, Court Commissioner
Jason Hake, Lincoln County Administrative Coordinator
Jay R. Tlusty, Circuit Court Judge, Branch I
Jessica Fehrenbach, State Public Defender
John Van Lieshout, Lincoln County IT Department Representative
Ken Schneider, Lincoln County Sheriff
Marie Peterson, Lincoln County Clerk of Court
Michael Hamann, Bailiff
Michelle Hubbard, Supervisor, Division of Community Corrections
Nancy Bergstrom, Lincoln County Corporation Counsel
Natalie Wegner, Judicial Assistant, Branch II
Nate Walrath, Lincoln County Chief Deputy
Patrick Gierl, Lincoln County Maintenance Director
Robert R. Russell, Circuit Court Judge, Branch II
September Murphy, Director, Lincoln County Emergency Management
Shelley Hersil, Director, Lincoln County Health Department
Susan Byrnes, 9th Judicial District Court Administrator
Wright Laufenberg, Court Commissioner

Staffing Sub Group

Marie Peterson, Chairperson
Becky Byer
Jason Hake

Facilities and Equipment Sub Group

Patrick Gierl, Chairperson
Brian Haffemann
Shelley Hersil
September Murphy
Ken Schneider or his designee

In-Person Re-Engagement Sub Group

Becky Byer, Chairperson
Natalie Wegner
Charlotte Krause
Jessica Fehrenbach
Gerald Hersil
Galen Bayne-Allison
Marie Peterson
Michelle Hubbard
Bonnie Wachsmuth

Jury Trials Sub Group

Wright Laufenberg, Chairperson
Nancy Bergstrom
Galen Bayne-Allison
James Koppelman
Mike Hamann
Jessica Fehrenbach
Dawn Dunbar
John Van Lieshout