

**ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN-PERSON PROCEEDINGS
IN MARATHON 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: Marathon 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;

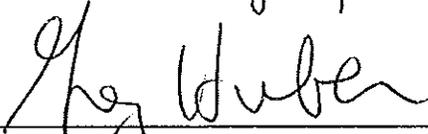
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health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

WHEREAS: The judges of Marathon 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, Marathon 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 16th day of July, 2020



Hon. Greg Huber
Chief Judge, 9th Judicial District

COVID-19 Circuit Court Safety Plan for Marathon County

9th Judicial District

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

General

1. The county judiciary has established a stakeholder's committee including representatives of the Office of the Judiciary/Commissioners, County Administrator, Corporation Counsel, District Attorney, Public Defender, County Sheriff, Clerk of Court, Buildings & Facilities Director, County Health Officer, Department of Corrections and the County Bar President. 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 the available 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 proceedings remotely, if appropriate and practicable.
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 safety plan as necessary with any changes in the public health conditions in the county.

Judge and Court Staff Health

1. Judges, commissioners 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 English, Spanish and Hmong.

3. Judges and commissioners will use best efforts to handle cases remotely and will only schedule in person proceedings as determined necessary by the Judge. Requests to appear in person shall be made at the time that the hearing is scheduled or in writing. The court shall take into consideration constitutional and statutory requirements, the availability of remote appearance, and the nature of the proceeding and requests of the attorneys, litigants and victims if applicable. The Court will use best efforts to stagger the scheduling of all in person proceedings to maximize social distancing and allow court staff to take necessary additional protective measures.

Scheduling

1. Judges and commissioners 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 availability of remote appearance, and the nature of the proceeding and requests of the attorneys and litigants and victims if applicable.
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 and to allow for cleaning the courtroom after in person appearances.

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. Anyone cohabitating with vulnerable populations should also be identified.
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 and the court will provide accommodations.
3. Judges will use best efforts to accommodate vulnerable populations and those cohabitating with vulnerable individuals 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 may be made.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be requested 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 support compliance.

2. Signage has been posted outside of each elevator indicating that no more than one person, or one family, should utilize the elevator at any time.
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 and enforced by the judge and court staff. Numbers will be strictly enforced with preferences given for the family of defendants and victims. In determining who will be allowed to remain if the number exceeds capacity of the gallery, the last individuals to enter will be the first individuals to be asked to exit, unless a member of the defendant's or victim's family.
4. In those situations where there are several appearances scheduled at one time, the judge or commissioner has authority to limit the number of persons permitted in the gallery to the litigants and their attorneys if the number exceeds a the maximum capacity of the courtroom and instructions are provided for non-litigants to appear remotely.
5. The gallery of the courtroom has been marked to support appropriate social distancing in the seating. Seating is limited to every other row.
6. 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.
7. The court recognizes that attorney-client privilege may be hindered if strict compliance to social distancing is required at all times. The court will make exceptions to allow attorneys and clients to deviate from the social distancing protocols to consult with each other in the courtroom when necessary.

Courtrooms

1. Air handling practices have been modified to provide for increased air circulation within each courtroom. Facility staff will continue to evaluate additional options for improved air cleaning.
2. Every courtroom has hard surfaced chairs at each counsel table and witness stand to ensure that they can be cleaned regularly after in-person appearances.

Hygiene

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

2. Hand sanitizer, 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. CDC flyers outlining appropriate hygiene, social distancing, and public safety have been 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, shortness of breath, cough, body or muscle aches, headache, fatigue, sore throat, loss of taste or smell, diarrhea, and fatigue. This signage also states that your temperature should be less than 100.5 to enter. The signage is visible at the entrance of the courthouse and is written in English, Spanish, and Hmong. 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.
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 has been posted in appropriate locations to ensure notice and compliance. Compliance will be enforced by the judge. However, in the event an individual does not have a face covering, one will be provided within the courtroom, 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 100.1 °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 has been displayed in appropriate locations to provide notice and support 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 within the courtroom. 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 spray and paper towels. Disinfectant spray and paper towels will be available at counsel table for cleaning before and after each in personal appearance.
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 understood that public awareness of these measures is necessary. This information will be shared through press releases, county websites, social media, local bar association and any other appropriate public sources of information.
2. The Safety Plan may be amended if the current situation changes or the Supreme Court issues new orders.

Effective Date

This Safety Plan shall go into effect on Monday, July 6, 2020.

I have conferred with all judges and commissioners of courts with courtrooms in the court building regarding this Safety Plan. In developing the plan, I consulted with the stakeholders committee. I will ensure that the judges and commissioners of courts with courtrooms in the court building covered by this Safety Plan will conduct proceedings consistent with the plan.

Dated this 2nd day of July, 2020

Michael K. Moran
Presiding Judge

Dated this 2nd day of July, 2020

Ray Huber
Chief Judge Approval

ADDENDUM TO MARATHON COUNTY SAFETY PLAN:

This plan does not apply to jury trials at this time, and will be supplemented to do so at a later date.

A handwritten signature in black ink, reading "Michael K. Moran", written over a horizontal dashed line.

MICHAEL K. MORAN

Presiding Judge, Marathon County