

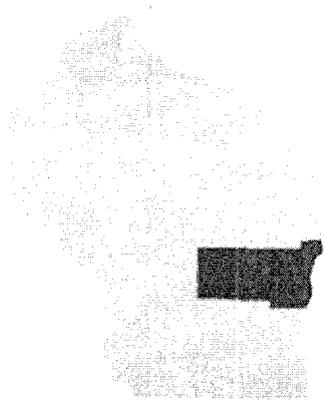
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STATE OF WISCONSIN
FOURTH JUDICIAL DISTRICT

415 JACKSON STREET
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(920) 424-0027



July 20, 2020

Chief Justice Roggensack

Director of State Courts Randy Koschnick

BY EMAIL

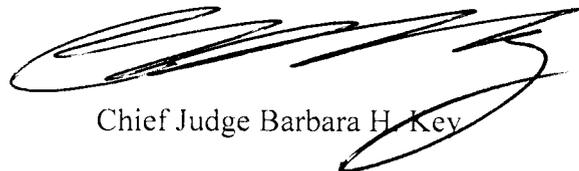
Dear Chief Justice Roggensack and Director Koschnick:

Please find attached an Order Approving Operational Plan, COVID-19 Circuit Court Operating Plan, and Jury Trial Plan Addendum with prospective juror letter for Marquette County.

If there is anything else you need or questions you may have, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,



Chief Judge Barbara H. Key

BHK/vmb

cc: Jon Bellows
Hon. Chad Hendee-Marquette Co. Circuit Court Judge

ORDER APPROVING OPERATIONAL PLAN FOR THE RESUMPTION OF IN-PERSON
PROCEEDINGS AND JURY TRIALS IN MARQUETTE COUNTY

WHEREAS: The Wisconsin Supreme Court in light of the COVID 19 pandemic 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 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 the 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 that 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 July 17, 2020 the Circuit Judge of Marquette County, submitted an operational plan which contains a statement regarding communication with local justice

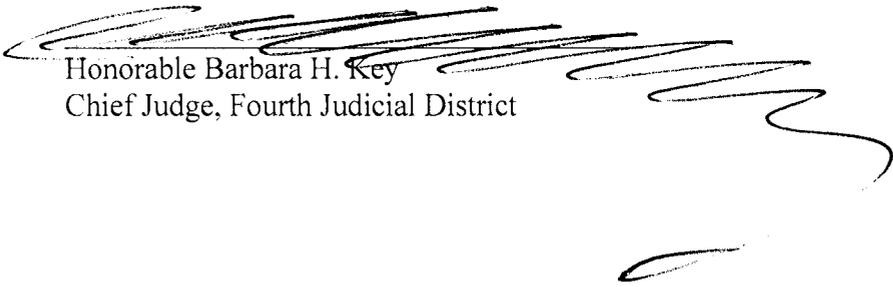
partners regarding the safe resumption of in-person proceedings and jury trials in that circuit court; a requirement that all persons who are present in the courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, except as authorized on the record by said judge; outlines 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;

THEREFORE IT IS ORDERED:

The operational plan of the Circuit Court of Marquette County regarding procedures and practices for conducting jury trials and other in-person proceedings during the 2020 public health emergency and pandemic-COVID 19 is hereby approved and is effective July 20, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Circuit Court of Marquette County and that 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 that the provisions of this order shall be subject to further modification or termination by future orders.

Dated this 20 day of July, 2020.



Honorable Barbara H. Key
Chief Judge, Fourth Judicial District

Marquette County Circuit Court

P.O. Box 749
MONTELLO, WISCONSIN 53949
(608) 297-3009

CHAD A. HENDEE
Circuit Judge

MARIAH J. GOODWIN
Register in Probate
Judicial Assistant

JILL M. BARTOL
Court Reporter

July 17, 2020

You have been selected as a prospective juror for an upcoming jury trial. I am writing this message because we recognize that these are uncertain and scary times given the COVID-19 pandemic and the ongoing fluid nature of reported cases in our area. Courthouses throughout the state have been opening back up for in person appearances and Marquette County will be as well as of July 20, 2020. We want you to know that precautions are being taken to ensure that you are safe during your service as a juror. These safety measures include:

1. There will be a series of questions that you are asked upon entering the courthouse on the day you report for service.
2. All individuals will be required to wear a mask at all times while serving as a juror. In addition, all individuals, parties and court staff will be wearing masks while in the courtroom.
3. There will be multiple locations where you will have access to hand sanitizer throughout the area you will be serving in.
4. The court will be using air purification in the courtroom.

We also recognize that there is a larger risk for a certain population of our citizens when it comes to COVID-19. If you are over age 65 or have serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, or if your immune system is compromised because of things such as chemotherapy for cancer or other conditions requiring such therapy, you are at a higher risk.

If you fit into the high risk population or have other concerns about serving on a jury during these times, please call the Marquette County Clerk of Courts Office at 608-297-3005 immediately. We wish to accommodate you by excusing your service or deferring it to a later time but we also need to be able to have enough people to comprise a jury for our trial. Therefore, it is essential that you call right away if you have concerns about serving on a jury.

We appreciate that many people would rather not serve on a jury because of the time it takes from one's life. However, this service by people like you is a cornerstone of how our justice system functions and we thank you ahead of time for your service.

Thank you.

Very truly yours,

Chad A. Hendee
Marquette County Circuit Court Judge

COVID-19 Circuit Court Operating Plan for Marquette County

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 courts of Marquette County will implement the following protective measures:

General

1. The county judiciary has established a stakeholder's committee to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report.
2. The judge will use all reasonable efforts to conduct proceedings remotely.
3. Before calendaring in-person hearings, the stakeholder's committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.
4. 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 necessary with any changes in the public health conditions in the county.
5. Judges will begin setting non-essential in-person proceedings no sooner than July 20, 2020
6. There will be signage posted on the courtroom doors providing notice that there are masks required and regarding the availability of sanitizing materials.

Judge and Court Staff Health

1. The Judge and court staff who can perform the essential functions of their job remotely will continue to do so, whenever possible.
2. Judges and court staff will be required to wear face coverings when in court or in contact with the public, practice social distancing, and practice appropriate hand hygiene recommendations at all time.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
 - (a) There will be a large preference to continue all possible hearings by zoom or other audio/visual means. The court will encourage parties to continue appearing for court remotely when possible.
 - (b) When there are cases that need or want to appear in person, they will be spaced out to minimize the number of people in the courthouse and courtroom at any one time.

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. The court 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 either appearing remotely through the use of zoom or telephone or resetting of their hearing date.

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.
2. All other social distancing requirements in the building will be as determined by the Marquette County Board.

Gallery

3. The gallery of the courtroom has been altered to replace the benches with wooden chairs that are spaced apart 6 feet. Court staff will monitor the number of people in the courtroom and direct any overflow individuals to wait in the hallway which has been set up for social distancing as well.

Well

4. In the 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 other than the defendant and defense counsel if they need to discuss specific questions.

Hygiene

1. Hand sanitizer dispensers will be placed throughout the courthouse including outside of the courtroom and clerk of court's office.
2. Disinfectant wipes or spray will be placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.

Screening

1. When individuals attempt to enter the court building, the Welcome Center Deputy 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. 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

1. All individuals entering the court building will be required to wear face coverings at all times.

2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals who will be required to be in the court building for a judicial proceeding will be provided surgical masks and required to wear them while in the court 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 or jury to weigh the witness's credibility.
4. Between a combination of sources, the county will provide an ongoing supply of masks for the time period they are required.

Cleaning

1. Court building cleaning staff and other court personnel will clean the common areas of the court area so that common spaces are cleaned at least every two hours.
2. Court Officers or other court staff will clean the seating area of counsel tables between every hearing, and additional cleaning will be completed as possible during the day and at the end of each day the courtroom is used.

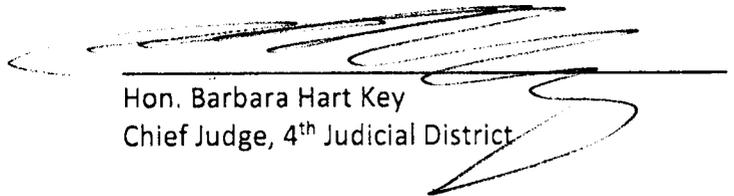
The circuit court will continue to follow its operational plan as approved by the chief judge until further order of this court. In developing the plan, I consulted with the stakeholders committee. A list of members on the committee and the frequency in which they will continue to meet is attached to this plan.

Date: 7/19/2020



Hon. Chad A. Hendee
Marquette County Circuit Court

Date: 7/29/2020



Hon. Barbara Hart Key
Chief Judge, 4th Judicial District

I have communicated with local Stakeholder's Committee regarding the safe resumption of in-person proceedings and jury trials. This group has included the following individuals:

- Jon Bellows - District Court Administrator for the 4th Judicial District,
- Charles Church, Family Court Commissioner,
- Natalie Bussan and Dan Sondalle, Corporation Counsel
- Brian Juech, District Attorney,
- Mark Gumz, State Public Defender,
- Shari Rudolph, Clerk of Circuit Court,
- Gary Sorenson, Administrative Coordinator
- Robert Miller, Chairperson of the County Board,
- Jayme Sopha, Director of the Public Health Department,
- Joseph Konrath, Sheriff
- Aaron Williams, Courthouse Security/Emergency Management Director,
- Mandy Stanley, Human Services Director
- Mariah Goodwin, Judicial Assistant/Register in Probate
- Jill Bartol, Court Reporter
- Daniel Buchholz, IT Director

COVID-19 Circuit Court Operating Plan for Marquette County

Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on July 20, 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 court of Marquette County will implement the following additional protective measures related to jury trials:

Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The attached letter was developed and will be sent with the juror summons to each juror.
2. The court will practice liberal excusal or deferral of jurors due to the pandemic.
3. When jurors first enter the court building, the Welcome Center Deputy or other staff member 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.

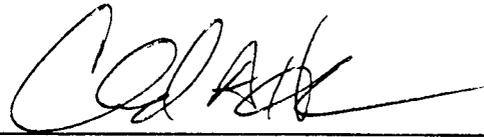
Juror Attendance and Safe Participation

1. The following personal protective equipment will be available to the jurors, including masks, gloves, hand sanitizer, the use of HEPA air purifiers in the courtroom.
2. Jury Check In - Upon entry to the Welcome Center, jurors will be identified and a randomly preselected group will be sent to the courtroom. The remaining prospective jurors will be directed into the Public Safety Room to allow for social distancing. This will allow for social distancing.
3. Voir Dire – During voir dire, the overflow prospective jurors will be in the public safety room and be able to observe the courtroom by video and audio means. If there is a need for additional prospective jurors, they will be escorted to the courtroom and a colloquy will be done with that juror about any previous questions.
4. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, spacing of chairs in the courtroom to allow for 6 foot spacing unless not possible and the installation of a Plexiglas barrier between the witness stand and court reporter.
5. After the jury has been empaneled, the following efforts have been made to accommodate social distancing, but ensure that each juror has adequate sight lines to the witness stand and can hear and see all proceedings. Examples of such accommodations include: use of technology and video monitors to increase site lines, and handling of exhibits. Documented efforts: Jurors will be positioned in the jury box and back into the gallery seating to maintain social distancing. To allow for each jury to see every witness the same, a camera will be placed on the witness so the witness will be broadcast onto the video screens so all jurors can see them clearly.

6. Social distancing consideration during trial breaks and deliberations: During breaks or deliberation, the jury will either stay in the courtroom or go into the small courtroom where social distancing can be maintained.
7. Due to capacity issues within the courtroom, the following accommodations will be given for public view of the proceedings if there is not enough seating capacity. The jury trial will be broadcast either via zoom or YouTube so the public may view it. Additionally, accommodations will be made to provide for seating in the courtroom for victims as coordinated with the Victim Witness Coordinator.

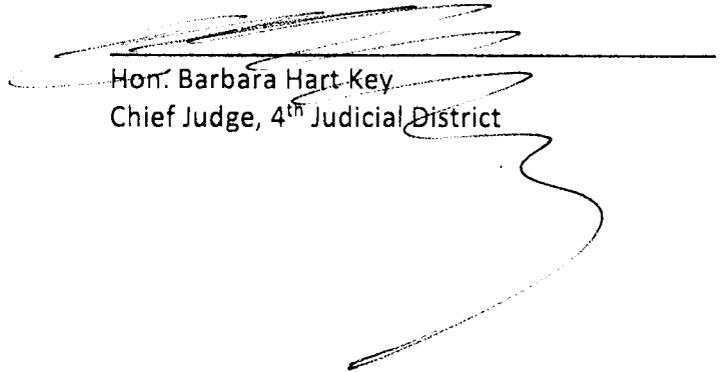
Judges will begin setting jury trials no sooner than July 20, 2020. The circuit court will continue to follow its operational plan as approved by the chief judge until further order of this court.

Date: 7/19/2020



Hon. Chad A. Hendee
Marquette County Circuit Court

Date: 7/20/2020



Hon. Barbara Hart Key
Chief Judge, 4th Judicial District