

1st JUDICIAL DISTRICT OF WISCONSIN COVID-19 COURTS OPERATING POLICIES, PROCEDURES AND PLAN FOR RESUMING JURY TRIALS CJ-20-18 (AMENDED)

PHASE I EFFECTIVE JULY 20, 2020 PHASE II EFFECTIVE SEPTEMBER 28, 2020

CHIEF JUDGE MARY E. TRIGGIANO

Circuit Court of Milwaukee County

Milwaukee County Courthouse Complex

Vel R. Phillips Youth and Family Justice Center

Milwaukee, Wisconsin

I. Purpose of Plan

The health and welfare of citizens who enter the 1st Judicial District courts is paramount in the decisions made as these guidelines have been developed and implemented. The court will continue to adhere to guidance issued by the Center for Disease Control (CDC), Wisconsin Department of Health Services (DHS), World Health Organization (WHO), local public health experts and Milwaukee County in developing and implementing a phased approach to resuming in-person hearings. In addition, the court will continue to monitor local COVID-19 case data and make operational adjustments, if necessary. The policies, procedures and guidelines provided in this plan are intended to avoid exposure and infection of jurors, litigants, attorneys, witnesses, court staff and other members of the public visiting the courts. These procedures and practices are intended 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. We understand it is not possible to ensure absolute safety, but we take reasonable and necessary steps to protect the health of all participants within the physical limitations of the Milwaukee County Courthouse Complex and Vel R. Phillips Youth and Family Justice Center and resources available to the court and county.

II. Planning Committee & County Team

On April 15th 2020, the Chief Judge convened the 1st Judicial District COVID-19 Recovery Committee (formerly the Jury Trial Committee). The Chief Judge also created a variety of other committees¹ to help with efforts to recover. We are very grateful for the hard work of these committees and their focus on access to justice. These committees included representatives from the Clerk of Circuit Court, criminal justice stakeholders, civil justice stakeholders, local bar, the District Attorney, the Milwaukee County Sheriff, public health experts, courthouse facilities managers, county administration, the District Court Administrator, Court Operations, county emergency management and others to address safety issues involving jury trials and other in-person court related gatherings. The committees will continue to meet regularly during the current public health emergency and remain in contact with local public health authorities to remain informed should this operating plan require modifications. This document serves as the framework to safely re-engage jury trials and is intended to provide guidance to resume operations taking all *reasonable* measures of safety into consideration.

We also are extremely grateful to County Executive David Crowley in providing the courts with a team of individuals dedicated to the reopening of the courts. Under the leadership of Kelly McKone, Director of Organizational Performance, we are able to safely open a limited number of courtrooms during the pandemic and provide further access to justice. We will continue to work with the county team to create a shared strategy and safely open other courtrooms. Thank you Kelly, Claire Miller, Katie West, Sean Hayes, Lynn Banovez, Stu Carron, Andy Carrion, Kerry Williams and everyone from the County who worked countless hours bringing the courts back into operation at the courthouses.

¹ See pages 10-13 for committee membership rosters

III. General

The Wisconsin Supreme Court issued orders May 22nd, 2020 effecting the ability of the circuit courts to begin to schedule in person proceedings and jury trials. In an effort to safely and cautiously resume jury trials, the 1st Judicial District will promote and enforce these policies as well as those provided in the following order and plan to the full extent of its authority:

- 1. Chief Judge Directive 20-16, Approving the Phased Resumption of In-Person Hearings; and
- 2. 1st Judicial District of Wisconsin COVID-19 Courts Operating Policies Procedures and Plan for Resuming In-Person Hearings

(See https://county.milwaukee.gov/EN/Courts/Chief-Judge/Judge-Directives)

Since March, judges and commissioners have adopted video conference and audio/phone proceedings via Zoom to eliminate most in-person appearances. It will be the policy of the district to continue to use video conference, phone and other means to allow people to access the courts if personal appearances are not otherwise necessary, requested or needed. In each division and case type, there are critical hearings that will require in-person appearances.

IV. Phased Recovery Approach

The 1st Judicial District's jury trial recovery plan will follow a multi-phased approach. During each recovery phase, a limited number of courts will resume jury trials. Prior to advancing to the next recovery phase, the court will review and consider current CDC, DHS and local public health authorities guidance as well as current local COVID-19 case data. Additionally, during each recovery phase, the policies and procedures included in this plan as well as juror processes, courtroom configurations and activities of each court, will be reviewed and assessed in consultation with the Recovery Committee and system partners. Changes to this plan that are necessary to protect and/or enhance the health and safety of employees, litigants and the public will be made as progression through each phase occurs. The County has also engaged the assistance of a risk management team to include public health officials to review court processes and procedures to ensure best practices and safety measures are in place to protect all those who come to court facilities.

V. Jury Trial Recovery Plan

Public Education

It is critical that potential jurors be reminded that the right to trial by jury is enshrined in our Constitution. Equally important is the information that we provide to jurors. Jurors have a right to have information regarding the efforts and precautions taken by the courts and the county to protect their health and safety while fulfilling their jury service. The following are public information and education efforts undertaken with prospective jurors.

- A supplemental letter will be included with all jury summons.
 (https://county.milwaukee.gov/files/county/courts/Documents/Courts/ProspectiveJurorsSummone dtoAppear.PDF)
 The letter outlines the health and safety precautions and screening processes for jurors.
- 2. The Chief Judge will issue a press release and it will be posted on both the Chief Judge and Milwaukee County Jury Duty web pages.
- 3. The Jury Duty web page will be updated regularly to include informational links and reporting instructions for prospective jurors.
- 4. A public service video showing the juror safety precautions that have been put in place has been posted on the Jury Duty web page.

General Guidance

- 1. Only courtrooms approved by the Chief Judge shall be used for jury trials.
- 2. Phase I jury trial courtrooms effective July 20, 2020:
 - Courthouse Room 608-Criminal Division (using 500-Courthouse for voir dire and 608-Courthouse deliberation room)
 - Safety Building 620-Criminal Division (using 620-Safety Building gallery for voir dire and 506-Safety Building deliberation room)
- 3. Phase II jury trial courtrooms effective September 28, 2020:
 - Courthouse 404-Civil Division (using 400-Courthouse for voir dire and 408(D)-Courthouse for deliberation)

Phase II jury trial courtrooms effective October 5, 2020:

- Courthouse 501-Criminal Division (Domestic Violence calendars) (using 500-Courthouse for voir dire and 511(I)-Courthouse for deliberation)
- Milwaukee County Zoofari Courtroom-Children's Division TPR cases. (voir dire and deliberation on site)

Phase II jury trial courtrooms effective October 19, 2020:

- Courthouse 629-Criminal Division (Gun, Drug and HIDTA calendars) (using 400-Courthouse for voir dire and 624-Courthouse for deliberation)
- Milwaukee County Zoofari Courtroom-Civil Division (voir dire for Utah Model)
- Vel R. Phillips Youth and Family Justice Center (VPYFJC) 1407-Children's Division CHIPS cases. (using Zoofari for voir dire and 1044 VPYFJC for deliberation)
- 4. Before calendaring jury trials, the court will have adequate staff and will have procured personal protective equipment and necessary sanitation supplies.

Judge and Court Staff Health

Judges and court staff will be required to wear face masks at all times in court buildings, courtrooms, jury rooms and any court-related spaces. The requirement for the wearing of face masks in the courtroom can be modified by the judge but only after the judge makes a record of the reasons for the decision. Judges and court staff will practice physical distancing and appropriate hand hygiene as recommended by the CDC.

- 1. Court employees have been provided instructional material on how to wear face masks properly.
- 2. Judges and court staff who are experiencing any symptoms associated with COVID-19 shall stay home.
- 3. Judges and court staff shall follow any County self-quarantine policy in place at the time of travel. As of June 15, 2020, quarantining for employees following travel is no longer mandated unless:
 - a) The individual is notified of exposure to COVID-19 or become symptomatic;
 - b) The individual travels to countries or on cruise ships identified as Level 3 risk by the CDC. (https://wwwnc.cdc.gov/travel/destinations/list)

Scheduling

- 1. Cases will be scheduled for jury trial on Monday each week.
- 2. Trials shall be scheduled at 8:30 a.m. or 1:30 p.m. using the following voir dire space schedule:

	VOIR DIRE LOCATION			
Days/Time	CH 400 Capacity-30 Jurors	CH 500 Capacity-30 Jurors	SB 620 Capacity-30 Jurors	ZOOFARI Capacity-55 Jurors
Monday @ 8:30 am	Civil CH 404	General Felony, Homicide/Sexual Assault CH 608	General Felony, Homicide/Sexual Assault SB 620	-Children's CHIPS Jury Trials -Civil Jury Trial (if no CHIPS)
Monday @ 1:30 pm	Gun, Drug, HIDTA CH 629	Domestic Violence CH 501		Children's TPR

- 3. In the Criminal Division, jury trials involving defendants who are in-custody and have made a demand for a speedy trial or prompt disposition shall be given priority in scheduling.
- 4. The Children's Court Division, Civil Division, Criminal Division and Family Division shall create and distribute a set of policies and procedures to guide litigants concerning jury trials and other in-court proceedings.

Summoning Jurors

- The summoning process has been modified to mitigate risk and support the health and safety of
 jurors and court staff. Included with the summons is information regarding public health
 recommendations, court process information, and individual guidelines for jurors who report for
 service.
- 2. Jurors shall be notified of their a.m. or p.m. report time via a website update, and/or text or email.
- 3. There are two Courthouse Complex locations for jury assembly, Rooms 106 and 307 of the Courthouse. Room 307 is a new space and can accommodate 99 potential jurors and still maintain 6' physical distancing. Room 106 can accommodate 61 jurors and still maintain 6' physical distancing. Room 307 was selected through the recommendation of professional space planners and project team.
- 4. There is one jury assembly area at the Zoofari Conference Center. This is a newly renovated space that can accommodate up to 55 potential jurors.
- 5. Potential jurors have been summoned in reserve status. Reserve jurors are instructed they may have to report for jury duty Monday and Tuesday. Attached to the summons is a juror qualification questionnaire that must be completed either on-line or returned by mail. Jurors will be encouraged to respond electronically to reduce document handling and improve communication channels.
- 6. A sufficient number of potential jurors is necessary to support the trial court. In consultation with the court, jury management will summons enough jurors to report for service. Jurors who must report Monday morning will be identified and notified the Friday before the scheduled trial date.
- 7. Potential jurors selected to report for jury service who have provided their cell phone number are sent a text message reminder to complete the health assessment prior to reporting.

Excuse and Deferral Policy

Full participation is required of all citizens who are qualified to serve as a juror. In circumstances where an accommodation is needed, jurors can make that request on the questionnaire returned to jury management or online. Individuals notified to report for jury service will be required to complete a health screening questionnaire (See page 14) the morning they are scheduled to report for service. The questionnaire must be completed prior to presenting for jury service at the courthouse. https://www.cognitoforms.com/MilwaukeeCountyClerkOfCourts/JurorDailyHealthScreening. A juror who responds "yes" to any questions on the health screening questionnaire is not to report, and should instead, immediately contact jury management at (414) 278-4469 or

CTIJury-Milwaukee@WIcourts.gov.

Prospective jurors will be granted a deferral if one of the following COVID-19 situation applies:

- Individuals who have contact with COVID-19 positive individuals are not to report for service.
 Contact jury management at (414) 278-4469 or CTIJury-Milwaukee@Wlcourts.gov.
- 2. Individuals who are considered at greater risk of contracting COVID-19. Contact jury management at (414) 278-4469 or CTIJury-Milwaukee@WIcourts.gov.
- Individuals who are experiencing symptoms of COVID-19, are COVID-19 positive, are selfquarantining due to exposure, or feel sick on the date they are called to report for service are not to report for service. Immediately contact jury management at (414) 278-4469 or CTIJury-Milwaukee@WIcourts.gov.

Building Entrance

- 1. Entry self-screening. There are signs posted informing the public that anyone with a fever, cough or other COVID-19 related symptoms is not to enter the building.
- 2. Mandatory Face Masks. All employees and visitors are required to wear a face to prevent the spread of COVID-19. There are limited health-related exceptions to this mandate. Masks and a hand sanitation station are available upon entry to the building.
- 3. Physical distancing. Appropriate 6' physical distancing is required at all times in the Courthouse complex. Waiting areas and elevator queuing areas are marked. Elevator capacity is limited to two non-family visitors. The stairways are available for use.

Juror Check-In & Assembly

- 1. Reserve jurors who provide their e-mail and/or phone number will be notified by email and/or text when they are to report for jury service.
- Reserve jurors who did not provide an e-mail or phone number must call the jury information line, (414) 984-6000 or (414) 985-6200 or check the Jury Duty website, https://county.milwaukee.gov/EN/Courts/Jury-Duty to determine if they are to report for service.

To reduce the time jurors spend in jury assembly, prior to reporting to the Courthouse, jurors will be advised to:

- a) Complete the health screening questionnaire online.
 https://www.cognitoforms.com/MilwaukeeCountyClerkOfCourts/JurorDailyHealthScreening
- b) View the Jury Orientation Video.
- 3. Juror check-in will be a no-contact process. Jurors will check-in by having the bar code on their summons scanned. Plexiglass has been placed in the check-in area to create a physical barrier between jurors and jury management personnel.
- 4. To maintain proper physical distancing during the check-in process, juror check-in times may be

- staggered.
- 5. Jury management will verify that each juror has completed the health screening questionnaire prior to check-in.
- 6. Jurors who have not completed the health screening questionnaire will be provided with an iPad to do so. The iPad will be disinfected after each use.
- 7. Jurors may be subject to having their temperature taken at check-in.
- 8. Juror badges will be provided to each juror when they check-in.
- 9. Jury assembly seating has been configured to provide for 6' physical distancing. Jurors will be asked to remain in the same seat for their time in the jury assembly area.
- 10. The jury assembly area will be cleaned and disinfected daily, between jury panels, and high-touch areas will be disinfected throughout the day. Hand sanitizer is available for jurors at checkin and throughout the jury assembly area.
- 11. To reduce the passing of documents and maintain proper physical distancing, juror completion letters will be mailed to the juror upon completion of service.

Juror Provisions

- 1. Face masks will be provided to jurors. The masks must be worn properly and must cover both the mouth and nose. Signs will be placed throughout the jury assembly area instructing on the proper wearing of face masks. Masks must be worn in the courtroom, however, a judge may in his or her discretion allow mask removal but only after making a record of the reasons for the decision.
- 2. Water will be provided to jurors.
- Jurors are advised to bring non-perishable food items or an insulated lunch box. Due to COVID-19 concerns, there are no vending machine options. The Courthouse Cafeteria is open for limited service.

Voir Dire & Empaneled Jurors

1. Jury panels sent to voir dire will be limited to the capacity of the voir dire spaces as follows:

400-Courthouse 30 Jurors
 500-Courthouse 30 Jurors
 620-Safety Building 30 Jurors
 Zoofari Courtroom 36 Jurors

- 2. Panels will be announced and assembled maintaining proper 6' physical distancing. Floor markings have been placed to indicate proper distancing.
- 3. Once selected to serve on a jury, jurors will report directly to the courtroom each day as directed by the judge.

- 4. Jurors will be instructed to monitor their health daily and to not report for service if they feel ill.
- 5. Before reporting for service each day, jurors must complete the health screening questionnaire.
- 6. Jurors who feel ill or answer "yes" to any health screening questions must immediately contact the court.
- 7. Jury deliberation rooms have been configured to provide 6' physical distancing.
- 8. Once a juror selects their seat in the deliberation room, it shall remain that juror's seat until the jury panel is released by the judge at the conclusion of the trial.
- 9. Judges should remind jurors that masks must be worn at all times in the deliberation room.
- 10. Upon completion of service, jurors will be released and sent home.

Disinfecting Protocols

- The judge, lawyers and all court staff shall follow the cleaning and disinfecting protocols for their respective work areas as directed in Chief Judge Directive 20-16 and accompanying 1st Judicial District of Wisconsin COVID-19 Courts Operating Policies and Procedures and Plan for Resuming In-Person Hearings. https://county.milwaukee.gov/files/county/courts/Chief-Judge/Directives/RecoveryPlan.pdf
- 2. Prior to commencement of the trial, the judge and attorneys shall establish an agreed upon protocol for disinfecting the witness stand after the testimony of every witness. Disinfecting must include the bench surface, chair, laptop and microphone.
- 3. Jury boxes, jury deliberation rooms and restrooms will be cleaned and disinfected during the lunch break and nightly.
- 4. The gallery in the courtrooms will be disinfected during the lunch break and nightly.

Procedures for COVID-19 Positive Test in Court Setting

Local public health experts have provided guidance to the courts in responding to confirmed COVID-19 cases or symptomatic individuals, and their close contacts. Also, where appropriate, the Milwaukee County *Public Health Emergency Procedures for Responding to Confirmed COVID-19Cases or Symptomatic Individuals, and Their Close Contacts* will be followed.

https://countyconnect.milwaukeecountywi.gov/files/county/county-executive/RespondingtoConfirmedCOVID-19CasesorSymptomaticIndividualsandTheirCloseContacts20-7v11.pdf

1st JUDICIAL DISTRICT COVID-19 RECOVERY COMMITTEE

NAME TITLE

Mary Triggiano Chief Judge

Carl Ashley Deputy Chief Judge William Pocan Deputy Chief Judge

Jeffrey Wagner Presiding Judge-Felony Division

Timothy Witkowiak Circuit Court Judge

David Feiss Presiding Judge-Misdemeanor Division

Glenn Yamahiro Judge-Felony Division
Mark Sanders Judge-Children's Division
Holly Szablewski District Court Administrator

Anthony Staskunas Milwaukee County Board Supervisor-17th District

Kent Lovern Chief Deputy District Attorney

Matt Torbenson Deputy District Attorney
Tom Reed Regional Attorney Manager
Jeff Schwarz Local Attorney Manager

Doug Holton Captain, Milwaukee County Sheriff's Office
Ana Berrios Presiding Family Court Commissioner
David Pruhs Deputy Family Court Commissioner

John Barrett Clerk of Circuit Court

Anna Hodges Chief Deputy Clerk of Circuit Court

Tyler Brandt Circuit Court Policy & Procedure Advisor

Mary Jo Swider Felony Court Coordinator

Brenda Ottesen Admin of Employee Relations/Jury Management

Stephanie Garbo Judicial Operations Manager

Benjamin Wagner Attorney

Jessica Fredrickson Assistant Corporation Counsel
Stuart Carron MC Emergency Operations
Kathleen Murphy Legal Counsel Administrator
Patrick Brummond District Court Administrator

Dr. Geoffrey R. Swain Founding Director, Wisconsin Center for Health Equity

Molly Zillig Chief Legal & Compliance Officer MCSO

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Andrew Carrion Public Safety Business Analyst, IMSD

Peter Nilles Director of Facilities Planning & Development

Melissa Ugland MPH, Ugland Associates
Ruthie Weatherly Riverside Consulting, LLC
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Kerry Williams Facilities Management Specialist

Steve Hinkens Energy Program Manager

CRIMINAL JURY REOPENING SUBCOMMITTEE

Name Title

Carl Ashley Deputy Chief Judge

Frederick Rosa Presiding Judge-Domestic Violence Division

Jeffrey Wagner Presiding Judge-General Misdemeanor Division

Stephanie Rothstein Presiding Judge-Felony Division

David Feiss Judge-Gun Court
Glenn Yamahiro Judge-Felony Division
David Borowski Judge-Felony Division
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Tom Reed Regional Attorney Manager, State Public Defender Jeffrey Schwarz Local Attorney Manager, State Public Defender

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Rebecca Coffee Partner, Mastantuono & Coffee, S.C.

Raymond Dall'Osto Partner, Gimbel, Reilly, Guerin & Brown, LLP

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Stephanie Garbo Judicial Operations Manager, Pretrial Services

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Geoff Swain MD and Public Health Advisor

James Wilson Assist Chief Deputy Clerk of Circuit Court - Criminal Division Admin

Samotria Matthews Deputy Division Administrator – Criminal Division

Karen Palis Court Reporter

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Laura Gramling-Perez Judge-Civil Division
John DiMotto Retired Judge

Benjamin Wagner Habusch & Rottier, S.C.
Jacqueline Nuckels Jacobs Injury Law, S.C.
Nathaniel Cade, Jr. Cade Law Group, LLC

Melissa Papaleo Halling & Cayo, S.C.

Laura Brenner Reinhart Boerner Van Dueren, S.C.

Jake Manian Fox, O'Neill & Shannon, S.C.

Maria Schneider Gutglass Erickson Larson & Schneider, LLC
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William Pocan Deputy Chief Judge

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John Barrett Clerk of Circuit Court

Anna Hodges Chief Deputy Clerk of Circuit Court

Tammy Kruczynski Senior Administrator, Clerk of Circuit Court

Brenda Ottesen Administrator of Employee Relations/Jury Management

Trinette Smith Jury Services Manager

ZOOFARI COURTROOM SUBCOMMITTEE

Name Title/Agency/Department

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Laura Crivello Presiding Judge, Children's Division

Mark Sanders Judge-Children's Division

Elizabeth Finn-Gorski Judicial Operations Manager-Children's Court

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Tammy Kruczynski Senior Administrator, Clerk of Circuit Court

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Vera Westphal Milwaukee County Zoo, Deputy Director/Administration and Finance

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Lisa Witkowiak Senior Space Planner, Milwaukee County

Andy Carrion Public Safety Business Analyst, Milwaukee County IMSD William Banach Principle Architect, Milwaukee County DAS-FM-AE&ES

Arnold Freeman Milwaukee County DAS-FM

Chris Hau Quorum Architects
Natalie Strohm Quorum Architects

Screening & Information for Milwaukee County Jurors

The COVID-19 risk mitigation steps being implemented at the courthouse are meant to reduce the likelihood of transmitting COVID-19. Everyone must work together to continue to follow all CDC and Milwaukee County guidelines and policies as they relate to safety measures. Facemasks, frequent handwashing and maintaining physical distancing are all imperative to reduce transmission. Please keep these guidelines in mind as you are in the building and on county grounds.

You will be screened daily with the questions below.

YES	NO	Symptoms	
		Fever (100.4° F/37.8° C or greater) or chills	
		Cough	
		Shortness of breath or difficulty breathing	
		Fatigue	
		Muscle or body aches	
		Headache	
		New loss of taste or smell	
		Sore throat	
		Congestion or runny nose	
		Nausea or vomiting	
		Diarrhea	

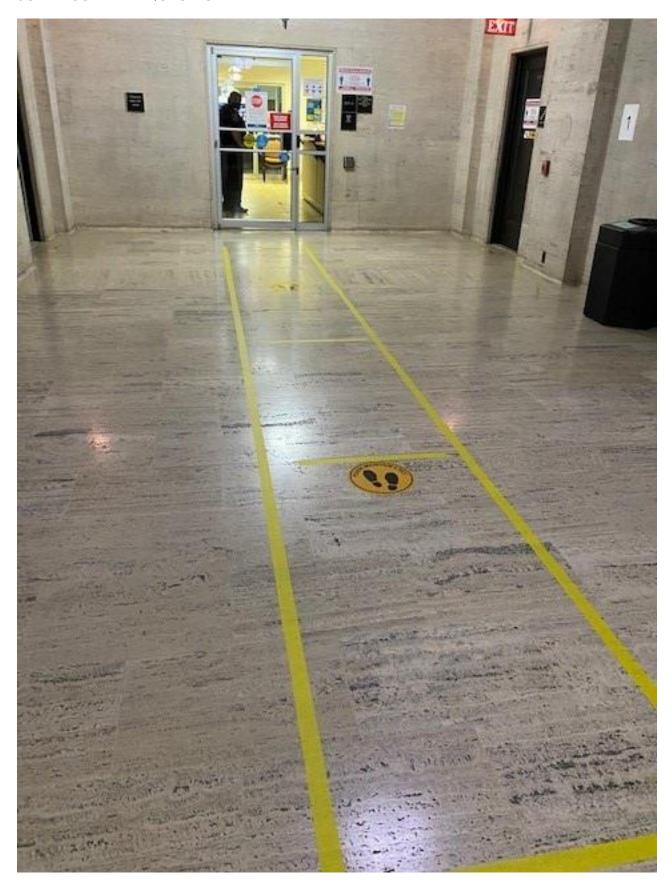
- 1. In the past 14 days, have you been in close proximity to (within 6 feet for 15 minutes or longer) or live with anyone who was experiencing any of the above symptoms or has experienced any of the above symptoms since your contact?
- 2. In the past 14 days, have you been in close proximity to (within 6 feet for 15 minutes or longer) or live in the same house with anyone who has tested positive for COVID-19?
- 3. Have you been tested for COVID-19 based on symptoms or are you presumptively positive for COVID-19 based on your health care provider's assessment or your symptoms?
- If you feel ill before or during your service, have been in close contact with or live with someone who tests positive for COVDID19 please contact ______at _____at _____.
- You are expected to maintain good hand hygiene practices, physical distancing of 6' or more when possible and wear a mask. Masks must cover your mouth and nose at all times.
- If you test positive for COVID-19 during your jury duty, you are asked to notify ______ at ______.

Here is a resource for community-based testing programs if you are interested in testing:

https://www.impactinc.org/impact-2-1-1/testing/

CDC information on COVID-19: https://www.cdc.gov/coronavirus/2019-ncov/index.html

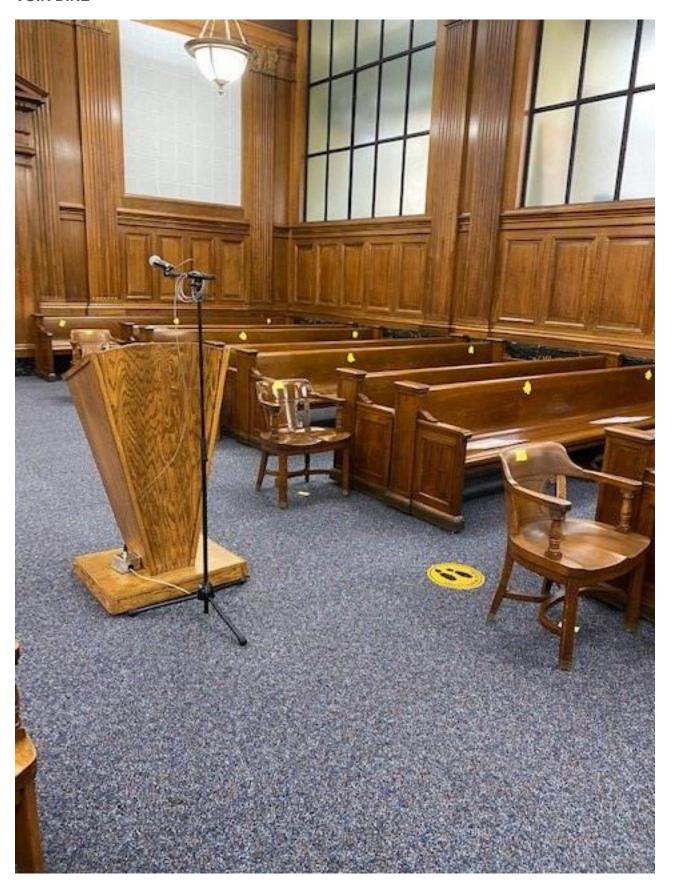
JURY ASSEMBLY QUEUING



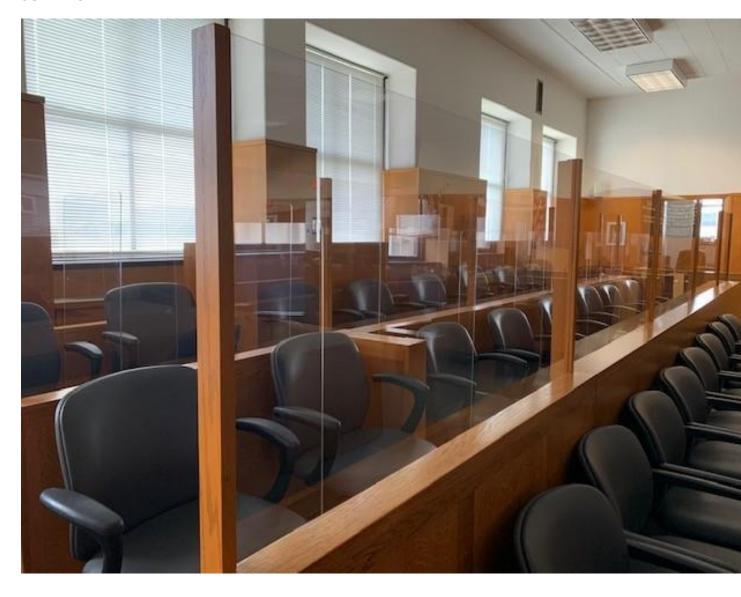


JURY ASSEMBLY

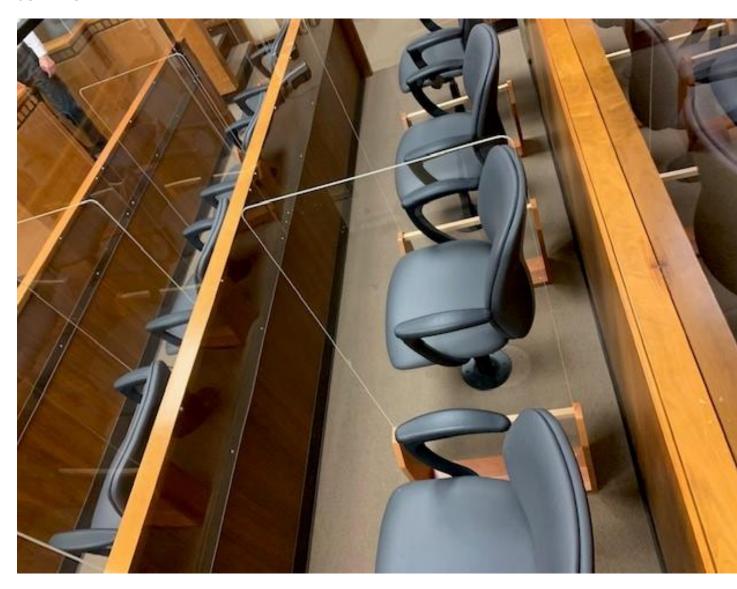




JURY BOX



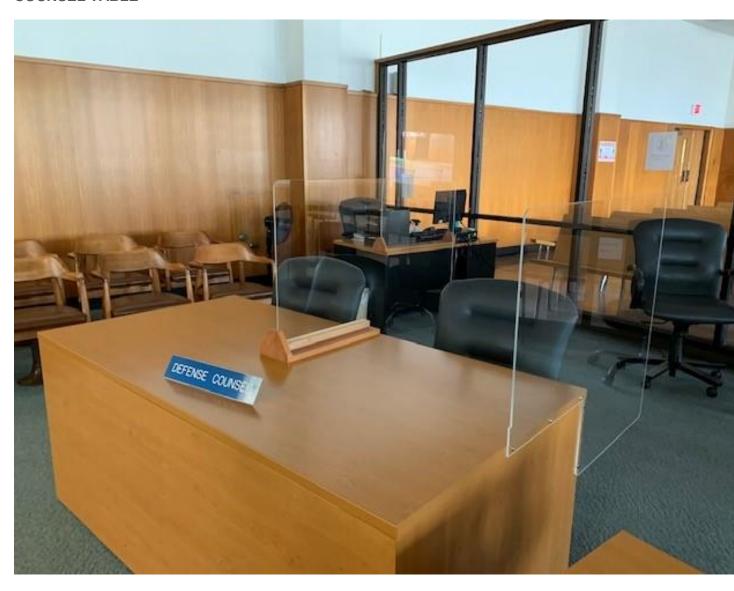
JURY BOX



BENCH/WITNESS STAND



COUNSEL TABLE



JURY DELIBERATION ROOM

