
**IN THE MATTER OF
OPERATIONAL PLAN FOR
MONROE COUNTY CIRCUIT COURT****ORDER**

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 Wisconsin Supreme Court ordered each circuit court to submit an operational plan to the chief judge of the applicable judicial administrative district. The operational plan was to include the requirements set forth in the order, and 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 and other court-related confined spaces. Supreme Court Orders, *In Re the Matter of the Extension of Orders and Interim rule concerning Continuation of Jury Trials, Suspension of Statutory Deadlines for Non-Criminal Jury Trials, and Remote Hearings during the COVID-19 Pandemic (05/22/20)* and *In Re the matter of the Final Report of the Wisconsin Courts COVID-19 Task Force (05/22/20)*.

WHEREAS, on August 3, 2020, the Monroe County Circuit Court submitted an operational plan to resume in-person court proceedings and jury trials pursuant to the Wisconsin Supreme Court's May 22, 2020, order. The plan verifies that the court has communicated with the appropriate stakeholders regarding the protective measures. It also requires face coverings for all individuals present in the courtroom, appropriate social distancing, sanitation/hygiene practices, and appropriate signage.

IT IS ORDERED the operational plan for the Monroe County Circuit Court is approved for the resumption of in-person court proceedings and jury trials.

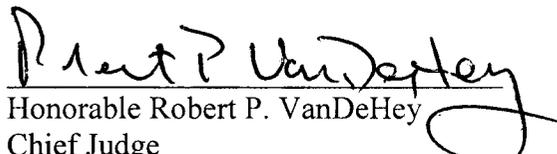
IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Remote Hearings During the COVID-19 Pandemic (04/15/20)*, ceases to apply to the Monroe County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Jury Trials During the COVID-19 Pandemic (03/22/20)*, ceases to apply to the Monroe County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's Interim Rule 20-02 *In Re the Matter of an Interim Rule re Suspension of Deadlines for Non-Criminal Jury Trials Due to the COVID-19 Pandemic*, ceases to apply to the Monroe County Circuit Court:

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

Dated this 5th day of August, 2020


Honorable Robert P. VanDeHey
Chief Judge
Seventh Judicial Administrative District

COVID-19 Circuit Court Operating Plan for Monroe County

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

General

1. The circuit court judges met with a stakeholder committee that included all individuals required pursuant to the Wisconsin Supreme Court Order filed May 22, 2020.
2. The stakeholder committee has considered the recommendations outlined in the Wisconsin COVID- 19 Task Force report.
3. The stakeholder committee has addressed needs for equipment and supplies deemed necessary.
4. All judges will continue to conduct hearings by other than in-person appearances for those matters where the quality of the hearing is not materially impacted by remote appearance and waivers and consents are given when appropriate. At the discretion of the judge, this applies even to proceedings that are approved for in-person proceedings pursuant to the phasing schedule below.
5. The judges will begin setting non-essential in-person proceedings no sooner than August 10, 2020, unless an exception is obtained.

Health and Safety

1. All persons present in courtrooms, jury rooms, and other court-related confined spaces for hearings or trials not being conducted strictly by Zoom or conference call shall wear face coverings unless the judge determines on the record that it is necessary for a witness not to wear a face covering in order for the judge or jury to weigh the witness's credibility. "Face covering" is defined as a fabric covering over the nose and mouth sufficient to impede the emission of vapor from the wearer. Individuals are encouraged to provide their own face

covering provided it complies with the requirement above. The court will provide face coverings to those who need them. Face shields may be considered adequate face coverings at the discretion of the presiding court official except when social distancing cannot be honored. An order signed by the Presiding Judge, Sheriff and County Health Department reflecting this is attached. This order clarifies that a face covering is required upon entering the Justice Center and is required in all areas of the Justice Center. Justice Center staff are provided an exception to this requirement only when in their own office areas.

2. Temperature checks of all individuals shall be completed by Per Mar as part of the screening process entering the Justice Center. Per Mar will also ask standardized questions of those individuals regarding potential symptoms of or exposure to COVID-19. Any individual with a temperature of 100.4 degrees Fahrenheit or higher, or that does not pass the screening questions will not be allowed to enter. Per Mar shall advise the Clerk of Court's office of anyone who is not allowed to enter and is required to be in court.
3. Each day court is in session, cleaning of each courtroom shall be done before court starts and between noon and 1:00 p.m. Cleaning shall include disinfecting all hard surfaces individuals may come in contact with in the courtroom, including tables, railings, work stations and door handles.
4. Signage shall be placed at the entrance to each courtroom advising that individuals entering must keep their hands off all fabric surfaces and use the tables and other non-fabric surfaces for their hands. Signage shall also be placed at the entrance of each courtroom, jury room and court-related confined space providing information regarding face covering requirements, availability of hand sanitizer and disinfecting products, and proper social distancing requirements of at least 6 feet unless residing in the same household.
5. Individuals in the courtroom shall be limited to provide for social distancing. Priority will be given to victims, support people for both victims and defendants over the general public. If seating is an issue, the courtroom bailiff shall be in charge of asking if there is a victim who would like to be present and then determining others with priority. Individuals in the gallery shall social distance and every other row of benches will be left empty to accomplish this. The Branch 4 courtroom will be used as an overflow room for cases that have a large number of people appearing. The video conferencing system

will be used to project from the courtrooms' video conferencing system to the Branch 4 courtroom video conferencing and the other courtrooms if needed. Additional seats may be added to the Branch 4 courtroom by using chairs from the County Board Room. An additional bailiff will monitor the Branch 4 courtroom when it is used for this purpose. Each Branch will communicate with the other Branches about the need to use the Branch 4 courtroom for this purpose including jury trials so in-person hearings are not scheduled with the family court commissioner during these times.

6. Judges will enforce face covering requirements. Bailiffs will disinfect tables and other hard surfaces that would have been touched in between court cases. Judges should attempt to schedule cases, alternating between in person and zoom appearances to make sanitizing between cases easier.
7. Hand sanitizer is located throughout the Justice Center and at the entry of each courtroom. Hand sanitizer shall be available at counsel tables. Attorneys are not required to social distance from their clients as it may be necessary for them to consult privately during hearings. Face coverings and hand sanitizer are intended to reduce safety concerns in those situations.
8. Only two individuals will be permitted in the elevator at one time except additional individuals can be in the elevator at the same time provided they are all from the same household.
9. Interpreters shall use the headsets with the cords attached to the system and individuals needing interpretation shall use the mobile headsets to listen, complying with proper social distancing.
10. Plexiglass shall be erected around the witness stand in each courtroom in a manner designed to impede vapor transmission to and from a witness and to permit removal of face masks by the witness. The witness stand shall be sanitized by the bailiff after the witness testifies and before another witness comes to the witness stand.

Vulnerable Populations

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.

Each judge will include information on orders setting hearings, 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. Vulnerable individuals may be accommodated by the use of Zoom or telephonic appearances.

Prioritization of In-Person Hearings:

A. Phase 1

1. Felony Plea and Sentencings
2. Other criminal evidentiary hearings including motion hearings and court trials
3. Delinquency TPC, first appearances, sanction hearings, dispositional hearings, change of placement and fact finding hearings
4. CHIPS TPC, first appearances, change of placement hearings and trials
5. Final Hearings on mental commitments
6. Injunction/Restraining Order hearings
7. TPR initial appearances and trials
8. Custody/placement evidentiary hearings
9. Treatment Court
10. Criminal jury trials starting August 26, 2020, only when sufficient precautions are in place as determined by the judge
11. Other hearings/trials upon request or at discretion of the court

B. Phase 2

1. CHIPS dispositional hearings, plea hearings and other hearings if children are placed out of home
2. Final Guardianship Hearings
3. Small claims and other civil trials
4. Civil motion hearings and other evidentiary hearings
5. Other contested family law hearings including child support
6. Civil jury trials only when sufficient precautions are in place as determined by the judge
7. Preliminary Hearings
8. Other hearings/trials upon request or at discretion of court

C. Phase 3

1. Paternity 1st appearances
2. Probate hearings
3. Bond hearings
4. Civil non-evidentiary hearings
5. Stipulated divorces
6. Intake calendars
7. Mental commitment probable cause hearings
8. Guardianship temporary hearings
9. Temporary hearings with Court Commissioner
10. Other hearings not addressed previously

D. Additional Provisions

1. Some of the hearings listed in Phase 3 may be hearings that are completed by Zoom indefinitely at the discretion of the court including intake calendars.
2. If any party objects to a hearing being held in-person, a written request may be filed to convert it to a remote hearing. Such request must be filed at least 96 hours before the hearing, specify a basis, and report on whether the other party objects. Conversely, a party may request that a remote hearing be held in person by following the same procedures.

Duration

This operational plan is effective August 10, 2020, and shall remain in effect pending the court approving an amended operational plan or the issuance of a Wisconsin Supreme Court Order that modifies or extinguishes the indefinite duration of the Order it issued on May 22, 2020.

Dated this 3rd day of August, 2020.



Todd L. Ziegler
Circuit Court Judge
Branch 1



Mark L. Goodman
Circuit Court Judge
Branch 2



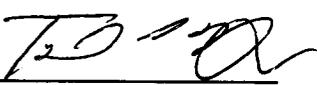
Richard A. Radcliffe
Circuit Court Judge
Branch 3

MONROE COUNTY ORDER REGARDING FACE COVERINGS IN
COURT FACILITIES

A face covering is required upon entering the Justice Center and is required in all areas of the Justice Center. Justice Center staff are provided an exception from this requirement only when they are in their own office area. All persons present in courtrooms, jury rooms, and other court-related confined spaces for hearings or trials not being conducted strictly by Zoom or conference call shall wear face coverings unless the judge determines on the record that it is necessary for a witness not to wear a face covering in order for the judge or jury to weigh the witness's credibility. "Face covering" is defined as a fabric covering over the nose and mouth sufficient to impede the emission of vapor from the wearer. Individuals are encouraged to provide their own face covering provided it complies with the requirement above. The court will provide face coverings to those who need them. Face shields may be considered adequate face coverings at the discretion of the presiding court official except when social distancing cannot be honored.

This order shall remain in place until amended or withdrawn.

Dated this 31st day of July 2020.



Todd L. Ziegler
Presiding Judge



Wesley D. Revels
Sheriff



Sharon Nelson
Health Dept Director

COVID-19 Circuit Court Operating Plan for Monroe County

Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District, 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 courts of **Monroe County** will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

1. A jury committee including the following stakeholders, has been established: Judge Rick Radcliffe, DA Kevin Croninger, ADA Sarah Skiles, SPD Attorney Russ Hammer, SPD Attorney Craig Gehrke, Clerk of Courts Shirley Chapiewsky, IT Director Rick Folkedahl, Facilities Manager Garry Spohn, HR Director Ed Smudde, District 7 Court Administrator Pat Brummond, Captain Stan Hendrickson, Attorney John Matousek and Attorney Jack Buswell.
2. The following efforts have been undertaken to educate the general public on the importance of jury service and the specific precautions taken in the county with respect to public safety and ensuring the safety of jurors during the pandemic: Monroe County Courts and Clerk of Courts office will issue a joint Press Release to local media regarding safety measures to be implemented for in-person Court proceedings and jury trials. The Courts will also reach out to the Monroe County Bar Association and other local attorneys to provide guidance on these rules in the future. Prior to each Jury Trial, the Court will provide notice to the parties as to the safety measures, jury selection and voir dire process to be used by the Courts during the term of this Operational Plan.

Jury Size

1. Courts will encourage the parties to stipulate to a 6 person jury pursuant to Section 756.06, Stats.

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 following policy has been developed regarding deferral and excusal of jurors due to the pandemic. This information has been clearly outlined so court staff and jurors are aware of these policies for consistent application.
 - The Monroe County Clerk of Courts is hereby authorized pursuant to Section 756.03, Stats. to grant deferrals from jury service for a period of 6 months upon application by a prospective juror.

- Deferral shall be granted if the juror provides a written request from the juror's physician indicating that jury service would create an unreasonable health risk to the prospective juror.
 - Deferral shall be granted if the prospective juror has been diagnosed with Covid-19, can verify that they have been recently exposed to a Covid-19 positive individual or are experiencing symptoms consistent with Covid-19 infection.
 - Deferral shall be granted if the prospective juror refuses to wear a mask.
 - Consideration will be given to other requests not meeting the above definition, and those requests will be forwarded to the Intake Judge for action.
 - The Intake Judge will make a final decision on any deferral request if Clerk is unable to determine whether to grant deferral.
 - Excusing jurors from jury duty will continue to be exercised by the Court on a case by case basis.
3. The following protective measures, including expedited entrance into the courthouse, check-in that minimizes physical contact with documents, posting notice regarding hygiene and distancing practices, are in place for jurors who report to court.
 4. When jurors attempt to enter the court building, Per Mar Security staff will ask the individuals standardized questions related to COVID-19. Individuals who indicate yes to any of these questions will be denied admittance to the court building. If required to appear in court, the appropriate court office will be immediately notified.
 5. When jurors attempt to enter the court building, Per Mar Security staff 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.
 6. To minimize juror numbers where more than one jury may be scheduled in any one week, the jury pool will be served a summons for multiple days of jury service and may be required to report for jury duty twice in one week.

Juror Attendance and Safe Participation

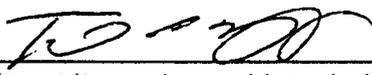
1. The following personal protective equipment will be available to the jurors: masks, face shields, gloves and sanitizer. Masks will be mandatory for each juror.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, using an alternate courtroom for additional capacity, installing Plexiglas shields between the witness and surrounding persons. A minimum of two Jury Bailiffs will be used for each jury trial.
3. Jurors will be provided with bottled water and individually packaged snacks.

4. The following strategies will be used to reduce the number of people required to report for jury selection: Utilize preselection questionnaires, conduct voir dire in sessions based on the capacity of the court room that will allow appropriate social distancing, conduct voir dire virtually in full or in part, utilize in-person and virtual voir dire simultaneously, broadcast jury selection and limit spectators in the courtroom, utilize 6-person juries upon stipulation, give priority to “strikes for cause” based on juror health and safety concerns. The Court will impanel the number of jurors necessary prior to strikes in the Courtroom, and all remaining potential jurors will be assembled in Branch 4 to be called upon as necessary. The Court will simultaneously broadcast the voir dire selection process to the alternate jurors in Branch 4.
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 sight lines, and handling of exhibits.
6. Social distancing consideration during trial breaks and deliberations include reconfiguration of the deliberation room, using an alternate room for deliberations, hand sanitizing and bathroom capacity and availability of refreshments.
7. After consultation with all of the judges in the county, the following policy has been developed to prioritize jury trials.
 - There shall be only one jury trial at a time being conducted in Monroe County.
 - A minimum of 60 jurors will be served a jury duty summons at least 3 weeks prior to jury duty. The summons will include the attached letter addressing safety precautions and a Jury Questionnaire to be returned one week prior to jury duty.
 - The Court will conduct a preliminary voir dire hearing with the parties at least 2 days prior to the jury trial to address any motions to strike for cause based on the results of the Jury Questionnaires.
 - The 3 Branches will jointly prioritize the primary case for jury trial each week. The factors to be considered include: whether the defendant is in custody or criminal charges, age of case, severity of charges or seriousness of subject matter, whether jury trial was previously adjourned by the Court, any speedy trial demands or statutory deadlines, and any other relevant factor in the Court’s discretion. The parties will be advised of which trial will be proceeding at least 2 weeks prior to start of jury trial.
8. After consultation with all of the judges in the county, the attached order has been entered in regard to scheduling.
9. Due to capacity issues within the courtroom, the following accommodations will be given for public view of the proceedings. Courtroom capacity will be limited with priority given to victims and victim’s families. The media will be required to use the media room. The public will be allowed access. First, Courtroom 4 will be used for public viewing of the proceedings.

If necessary, other Courtrooms may be used during voir dire to accommodate the public. After jury selection, Courtroom 4 will be the primary room for public viewing. If the Courtrooms are not sufficient to accommodate the public interest, the jury trial will be broadcast from the Courtroom audio-visual system using Zoom to connect and then simultaneously broadcast to YouTube.

I have conferred with all judges of courts with courtrooms in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than August 26, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 8/3/2020



(Presiding Judge Todd Ziegler)

Date: August 6th, 2020



Chief Judge Approval

Dear Prospective Juror:

This letter is attached to the Summons directing you to appear for Jury Service at 8:30 am on _____ at the Monroe County Justice Center.

I am writing to provide you with the specific procedures and precautions undertaken to ensure the health and safety of the jury, parties, lawyers, and Court personnel during jury selection and the jury trial to follow.

Since there will be no group orientation, we strongly encourage you to visit the *Wisconsin Court System* web page (www.wicourts.gov). At the blue banner on the top of the home page, click on “**services**”, “**for jurors**”, and then use the right-hand “**Navigate this section**”, click on “**General information**” to navigate to the “**Handbooks and orientation video**”.

So that you won't be surprised when you arrive, please be aware of the following:

1. Please report to the Main Entrance. Jurors will have a staggered report time, five (5) minutes apart. Please maintain proper social distancing (weather permitting). Each prospective juror will be screened by security staff prior to entering the building. This screening will consist of screening questions and having your temperature taken using a hand-held thermometer. If your temperature exceeds 100.4°F (37.8°C) you will be excused from jury service and will not be admitted to the Justice Center.
2. You will be required to wear a face mask during screening and entry to the building. If you do not have your own face mask, one will be provided to you. The following personal protective equipment will be available: masks, face shields, gloves, and hand sanitizers. **The wearing of face masks is required** but the use of gloves is not.
3. After screening, please report to the jury bailiff on the second floor. If you need a hearing assist device, please advise the bailiff as soon as you are seated.
4. Once jury selection has been completed and the final panel is selected, those who were not selected will be allowed to leave the building. If you were provided a mask, you will take it with you.
5. Please do not bring personal items such as food or drink, books, etc. with you to the courthouse. The only exception to this is that you may bring a phone to enable you to make necessary notifications if you are selected for jury service.
6. Bottled water and an individually packaged snack will be provided to the selected jurors each day of trial.

7. Alcohol-based sanitizer will be available at multiple locations. Courtrooms, jury rooms, elevator, and bathrooms will be cleaned and sanitized twice each day. Social distancing practices will be observed in the courtrooms, jury rooms, elevators, and bathrooms.

The court will grant any request for deferral of jury service by individuals who present a letter or note from your physician that states jury service creates an unreasonable health risk. The Court will take into consideration the requests of other individuals who do not fall into the above definition, but express health concerns regarding jury service at this time.

It is vital that you appear and present yourself for jury duty. The right to trial is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and difficult times. The right to trial by jury has been enshrined within the Seventh Amendment to our U.S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence and was adopted by the great state of Wisconsin in its Constitution. We have taken extensive measures to ensure the health and safety of all the participants while balancing these important constitutional rights.

If you have any further questions, please contact the Clerk of Court Office.

Sincerely,

Shirley Chapiewsky
Clerk of Circuit Court