

Amending COVID-19 Circuit Court Operating Plan

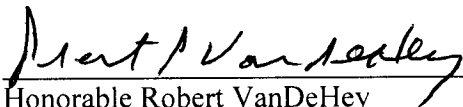
WHEREAS: On May 21, 2021, the Wisconsin Supreme Court terminated the following orders: (1) In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); (2) In re the Matter of Filing of Court Documents in Circuit and Appellate Courts (Temporary Mailbox Rule) (S. Ct. Order issued April 13, 2020); (3) Interim Rule 20-02; and In re the Matter of the Extension of Orders and the Interim Rule Concerning Continuation of Jury Trials, Suspension of Statutory Deadlines for Non-Criminal Jury Trials, and Remote Hearings During the COVID-19 Pandemic (Amended Order) (S. Ct. Order issued October 1, 2020).

WHEREAS: The Wisconsin Supreme Court “no longer requires that personal masking, social distancing, and sanitizing court facilities be part of any plan for circuit court and municipal court proceedings approved by the chief judge of the applicable judicial district. Instead, circuit courts and municipal courts, with the approval of the applicable chief judge, shall make county-wide decisions about what is in the best interest of circuit court and municipal court operations, respectively. This includes deciding whether or not to continue to require masking, social distancing, and sanitizing court facilities on a county by county basis.”

WHEREAS: The circuit court judge have determined that it is in the best interest of the circuit court operations for Monroe County to amend its existing COVID-19 Court Operational Plan, dated August 19, 2021.

THEREFORE: The COVID-19 Court Operational Plan for Monroe County is hereby amended.

Date: October 5, 2021


Honorable Robert VanDeHey
Chief Judge
Seventh Judicial Administrative District

3rd Amended Operating Plan for Monroe County

1. All persons, regardless of vaccination status, present in courtrooms, jury rooms, and other court-related confined spaces in the Justice Center are required to wear face coverings except when testifying at the witness stand. Court-related confined spaces include the main entrance area to the Justice Center, the first and second floor common areas and hallways open to the public, the public elevator and stairwell and the conference rooms connected to the courtrooms. Court related confined spaces do not include office areas except public waiting and service areas, the jail, or the Assembly Room. "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 requirements 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. Changes to this paragraph that are less restrictive may be made by separate order considering CDC guidelines and COVID transmission levels in Monroe County.
2. Temperature checks of all individuals shall be completed at the front entrance of the Justice Center prior to entry. Any individual with a temperature of 100.4 degrees Fahrenheit or higher, or that does not pass COVID-19 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. Signage shall 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 encouraging social distancing
4. Individuals in the courtroom may 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. 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. An additional bailiff will monitor the Branch 4 courtroom when it is used for this purpose.

5. Hand sanitizer is located throughout the Justice Center including at the entry of each courtroom and at counsel tables in the courtrooms.

Vulnerable Populations

Individuals who consider themselves or their family vulnerable and are unable to be vaccinated against COVID-19 are encouraged to contact the court to ask for accommodations if they feel they cannot appear in person.

In-Person and ZOOM Hearings:

Each judge and court commissioner shall have discretion in scheduling court hearings either in-person or by Zoom. If any party objects to a hearing that has been scheduled to be in-person or by Zoom, a written request may be filed to convert it to the other. Such requests must be filed at least 96 hours before the hearing, specify a basis, and report on whether the other party objects.

Jury Trials

1. As long as deemed appropriate by the judges, no more than one 12 person jury trial shall be proceeding at one time. At a minimum one 12 person jury trial and one 6 person jury trial may proceed at the same time.
2. As long as deemed appropriate by the judge presiding over a jury trial, the Court, for 12 person juries 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.
3. As long as deemed appropriate by the judge presiding over a jury trial, the Branch 4 courtroom shall be used by 12 person juries for their breaks and deliberations.
4. If the court limits capacity in the courtroom for a jury trial, the following accommodations will be given for public view of the proceedings:
Priority will be given to victims and victim's families.

The media will be required to use the media room.
Courtroom 4 will be used for public viewing of the proceedings.
Other Courtrooms may be used as needed.

The jury trial may be broadcast from the Courtroom to Branch 4

5. Jurors will be provided with bottled water and individually packaged snacks. This may be modified by the court as circumstances warrant.

6. Jurors will be served a jury duty summons at least 3 weeks prior to jury duty. The summons will include a letter addressing any safety precautions in place.

7. The 3 Branches will jointly prioritize the primary case(s) 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(s) will be proceeding at least 2 weeks prior to start of the jury trial(s).

8. The judges have the authority to require face coverings for all present in the courtrooms and jury rooms each day of a jury trial regardless of whether the jury is present. An exception will be granted to witnesses while testifying.

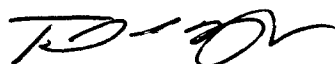
Intent

The intent of this plan is to provide for appropriate safety measures, while also giving the court flexibility to make adjustments as appropriate.

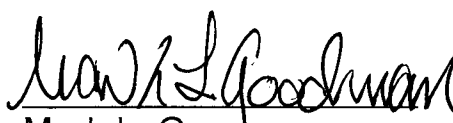
Duration

This operational plan is effective October 4, 2021, and shall remain in effect pending the court approving an amended operational plan or the issuance of any further orders from the Wisconsin Supreme Court Order

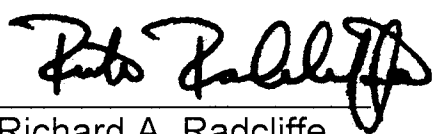
Dated this 30th day of September, 2021.



Todd L. Ziegler
Circuit Court Judge
Branch 1



Mark L. Goodman
Circuit Court Judge
Branch 2



Richard A. Radcliffe
Circuit Court Judge
Branch 3