

---

ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF  
IN-PERSON PROCEEDINGS AND JURY TRIALS IN OCONTO 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: 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 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 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 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;

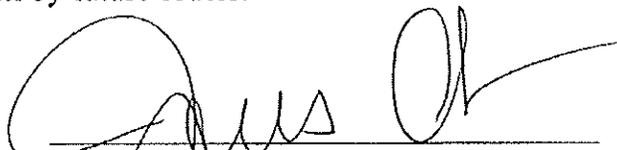
WHEREAS: On May 27, 2020, the Honorable Michael Judge, Circuit Judge of Oconto County, submitted an operational plan which contains a statement regarding communication with local justice partners regarding the safe resumption of in-person proceedings in that circuit court; a requirement that all persons who are present in the courtrooms, 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 Oconto County regarding procedures and practices for conducting in-person proceedings other than jury trials during the 2020 public health emergency and pandemic-COVID 19 is hereby approved and is effective May 27, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Circuit Court of Oconto County for non jury proceedings 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 all Orders of the Supreme Court regarding the suspension of jury trials in all matters are not affected by this Order and those Orders and limitations remain in full force and effect.

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



Hon. James A. Morrison  
Chief Judge, Eighth Judicial District

TEMPORARY OPERATING PLAN, PROCEDURES AND PRACTICES FOR IN  
PERSON COURT PROCEEDINGS PURSUANT TO WISCONSIN SUPREME COURT  
ORDER OF MAY 22, 2020.

---

Effective date May 28, 2020, the Circuit Court for Oconto County, Oconto County Courthouse, Oconto, Wisconsin, Honorable Michael T. Judge and Honorable Jay N. Conley,

To develop reasonable practices to ensure the rights of all parties and the public who come before the court while recognizing the public health concerns regarding COVID-19 the Court will adopt the following plan:

1. Resumption of in-person proceedings.

The Wisconsin Supreme Court issued order on May 22, 2020, effecting the ability of the Circuit Courts to begin to schedule in-person proceedings. In an effort to safely and cautiously re-engage personal appearances in court proceedings, the Oconto County Circuit Court will promote and enforce these policies to the full extent of its authority.

2. The Oconto County Courthouse will be open for public access beginning on Thursday, May 28, 2020.
3. The courtrooms for Judge Michael T. Judge, Judge Jay N. Conley, and Court Commissioner Peggy Miller will be open for in-person proceedings. All statutory and constitutional requirements for in-person proceedings will be honored.
4. Require all who enter the courtrooms to wear a face covering either their own or one provided by the court and to practice social distancing and appropriate hand hygiene. Any one member of the public who refuses to comply with this procedure may be excluded from the courtroom. If an individual does not have a face mask or suitable face covering, a disposable face mask will be provided by Oconto County before entrance will be allowed. Social distancing will be observed in the hallways and meeting rooms immediately outside the courtrooms.

5. Judges and court staff shall be required to wear face coverings, practice social distancing, and appropriate hand sanitization at all times when the litigants, attorneys, victims, law enforcement, or any other person or member of the public is present in the courtroom. The court recognizes that attorney/client confidentiality and trial strategy may be hindered in the court if strict compliance to social distancing is required at all times. The court will make exceptions to allow attorneys and clients to deviate from social distance protocols and consult with each other when necessary.
6. Individuals who are over the age of sixty-five and individuals with serious underlying health conditions are considered vulnerable individuals. The circuit court to the full extent of its authority to reduce risk and promote safety of all those who access the court system will give vulnerable individual any accommodation, which they may require.
7. All persons accompanying a defendant for that defendant's in-person hearing shall be directed by the bailiffs to the jury assembly room to watch a video and audio of the court proceedings without entering the courtroom. The bailiffs shall assure adequate social distancing of at least six feet in the jury assembly room.
8. Hand sanitizer dispensers have been placed at the entrances to the building and outside of each courtroom. The court will post signs outside courtrooms notifying the public and all persons entering the courtrooms of the availability of hand sanitizer. Disinfectant wipes have been placed at counsel tables and the witness stands.
9. Center for Disease Control fliers outlining appropriate hygiene, social distancing, or public safety will be posted in multiple locations near all court related offices and courtrooms.
10. Court building cleaning staff will clean the common areas of the court buildings so that common areas are cleaned at least every workday Monday through Friday. Also, court building cleaning staff will thoroughly clean the courtrooms every evening.

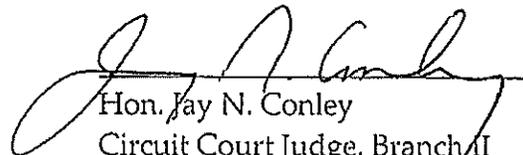
11. Signage advising of these requirements as well as the availability and location of masks, hand sanitizers, and accommodations (where needed) will be posted at each door to the court annex and court hearing rooms.
12. Copies of this document will be provided to the Trisha LeFebre, Clerk of Courts; Todd Skarban, Oconto County Sheriff's Department; Edward D. Burke, Jr., District Attorney; Bradley Schraven, State of Wisconsin Public Defender's Office; Kevin Hamann, Administrative Coordinator; Kevin Noack, Maintenance Engineer, and comments are invited.

This operational in-person proceedings plan does not include or address the resumption of jury trials in Oconto County. The plan to resume, safely, jury trials in Oconto County will be further addressed by order of this court.

THIS IS THE ORDER OF THE COURT.

Dated this 27<sup>th</sup> day of May, 2020.

  
Hon. Michael T. Judge  
Circuit Court Judge, Branch I  
Oconto County, Wisconsin

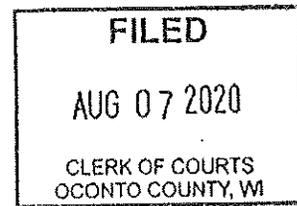
  
Hon. Jay N. Conley  
Circuit Court Judge, Branch II  
Oconto County, Wisconsin

APPROVED

---

Hon. James A. Morrison  
Chief Judge  
Eighth Judicial District

Oconto County Circuit Courts Operational Plan  
Jury Trial Addendum



As an addendum to the Operational Plan for reopening Oconto County Courts approved by Chief Judge James Morrison on May 28, 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 Courts of Oconto County will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

1. Stakeholders have reviewed the recommendations of this addendum.
2. The court will issue press releases to the local news organizations describing the importance of jury service and the efforts Oconto County has taken to protect prospective jurors from COVID-19.

Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The attached letter will be sent to all prospective jurors.
2. Each judge will address deferral and excusal of jurors taking into consideration the pandemic consistent with the operating plan.

Juror Attendance and Safe Participation

1. Masks and hand sanitizer will be made available to the jurors.
2. Social distancing will be enforced through the following strategies:
  - a. If the number of prospective jurors summoned exceeds the capacity of the Jury Assembly Room to permit six (6) foot distancing, Rooms Law Enforcement Center North and South shall be utilized for jury assembly.
  - b. If the number of prospective jurors to be examined for voir dire exceeds the ability of the courtroom to provide six (6) foot distancing, Rooms Law Enforcement Center North and South will be used to conduct voir dire.
  - c. After the jury has been empaneled, spacing of six (6) feet between jurors, litigants, court staff, and attorneys will be maintained.
  - d. After the jury has been empaneled, the jury will retire to the jury assembly room for recess.

- e. Jury deliberations will take place in the jury assembly room. Only if six (6) foot distancing can be maintained will jury deliberations take place in the jury deliberation room, (i.e. only six (6) person juries).
  - f. Sealed bottles of water and soda will be provided to jurors. No multi-cup coffee urns will be available. Meals will be ordered for carry-out from our typical restaurant providers and will be individually packaged for each juror.
3. No more than one (1) jury trial will be held on any given day.
4. The trial judges will consult to prioritize the jury trials and reach agreement as to which cases must be tried earlier than others.

Dated: August 7, 2020. Michael T. Judge  
Michael T. Judge  
Circuit Court Judge – Branch I

Dated: August 7, 2020. Jay N. Conley  
Jay N. Conley  
Circuit Court Judge – Branch II

Dated: 8/6/2020, 2020. James H. Morrison  
James Morrison  
Chief Judge, 8<sup>th</sup> Judicial District

## **WE CARE ABOUT JUROR SAFETY:**

We anticipate jury trials will begin after September 1, 2020. Safety measures have been implemented to keep you safe during your jury service.

- Masks or face coverings are required to be worn by everyone entering a courtroom. Please bring your own mask or face covering with you. If you do not have one, we will provide you with one.
- We encourage frequent hand sanitation. Hand sanitizer will be available to you throughout the trial.
- Courtrooms and public spaces are regularly disinfected.
- We have modified our usual procedures for jury selection and service so that social distancing is enforced. Jurors will be spaced apart throughout the courtroom.
- Beverages are NOT allowed in the courtroom and a communal coffee pot will NOT be available. Bottled water and soda WILL be provided.