

ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF IN PERSON PROCEEDINGS AND JURY TRIALS IN ONEIDA 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: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19 and promotes the health and safety of all those present in the courtrooms, jury rooms and other court related confined spaces;

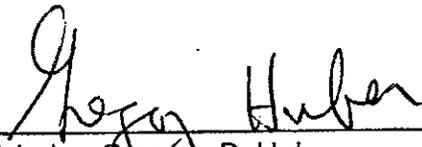
WHEREAS: The Chief Presiding Judge of Oneida County has filed with the Chief Judge of the 9<sup>th</sup> Administrative District an operational plan (attached) incorporating the requirements of the May 22, 2020 order and considering the Task Force's final report;

WHEREAS: This operational plan will allow the resumption of in-person hearings and jury trials consistent with phases one, two and three of the Task Force Final Report. The Chief Presiding Judge, along with the local health officials, will continue to monitor the local health conditions;

THEREFORE IT IS ORDERED: Pursuant to Wisconsin Supreme Court Rules 70.19(3)(f), 70.20(1) and the Supreme Court Orders of March 22, 2020, and as amended on April 15, 2020, Oneida County may resume in-person hearings and jury trials in accordance with the operational plan attached, as designated in the Task Force's final report for phases one, two and three.

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

Date: Aug 29, 2020

  
\_\_\_\_\_  
Chief Judge Gregory B. Huber  
9<sup>th</sup> Judicial District

# COVID-19 Circuit Court Safety Plan for Oneida County

## Phases One and Two — 9<sup>th</sup> Judicial District

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 Oneida County will implement the following protective measures:

### General

1. The county judiciary has established a stakeholder's committee, including the Judiciary/Commissioners, County Public Safety Committee Chairperson, Corporation Counsel, District Attorney, Public Defender, County Sheriff, Clerk of Court, Buildings & Facilities Director, County Health Officer, Court Security, and Emergency Government represented by the Sheriff's Department. The committee and sub parts of it have met regularly to discuss and consider the recommendations outlined in the Wisconsin COVID-19 Task Force report. The procedures and practices that follow were developed with the intent to be proactive, recognizing the need to provide all constitutional and statutory protections to the litigants and interested parties, as well as the public's right to access. It is understood that it is not possible to ensure absolutely safety, but expected to take reasonable and necessary precautions to protect the health of all participants within the physical limitations of the facilities and resources of the courts and county.
2. In order to limit the number of persons in the courtrooms, it is the intent of the judiciary that every judge will use best efforts to continue to conduct all appropriate 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. It is understood that the availability of equipment and supplies is fluid given ongoing supply and demand issues. The stakeholders will use best efforts to secure that which is necessary to satisfy the requirements of this plan.
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 June 29, 2020.

### Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will continue to do so, whenever possible.
2. In accordance with the Supreme Court Order dated May 22, 2020, court staff and all individuals in the courtroom will be required to wear face coverings as specified therein, practice social distancing, and practice hygiene recommendations. Signage incorporating these requirements will be posted in appropriate locations to ensure notice and compliance.

### Scheduling

1. Judges will use best efforts to conduct proceedings remotely. In-person proceedings will be conducted as determined by the Judge, taking into consideration constitutional and statutory requirements, the nature of the proceedings and requests of the attorneys and litigants.
2. Court staff will use staggered scheduling of in person proceedings and other appropriate methods to reduce the number of individuals in a courtroom at 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. Each judge 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. Judges will use best efforts to accommodate vulnerable populations who are scheduled for court by offering remote access via Zoom video and phone conferencing, staggering scheduling to limit the number of individuals in the courtroom and sequestering of individuals from the courtroom as appropriate. If such accommodations cannot be met, reasonable adjournments will be made.

### 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. Signage reminders will be displayed throughout the facilities in appropriate locations to ensure notice and compliance.
2. Oneida County has determined occupancy for the elevator and has posted appropriate signage on the door of the elevator on each floor.

### Gallery

3. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
4. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating.

### Well

5. In each courtroom, the counsel tables, witness stand, judge's bench, clerk and court reporter stations have been separated by plexiglass barriers.

### Hygiene

1. Hand sanitizer dispensers have been placed at strategic locations throughout the court buildings.
2. Hand sanitizer, disinfectant wipes or spray and paper towels will be placed in a "cleaning station" set up in the courtroom. Signage will be posted outside of the courtroom as to the availability of these items in the courtroom.
3. Flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the court building.
4. Courtroom doors will be propped open while court is in session to reduce frequent touching of door handles.
5. Air purifiers have been installed in each courtroom.

### Screening

1. Signage posted at public entrances of the court buildings will encourage individuals to wear a mask, and give notice that they are to immediately exit the building if they have any of the following: Fever or chills, shortness of breath or difficulty breathing, contact with a COVID-19 patient within the last 14 days and/or travelled by plane within the last 14 days. Further, an individual must leave the building if they have three or more of the following: cough, muscle pain or body aches, headache, sore throat, congestion or runny nose, nausea or vomiting, diarrhea, new loss of taste or smell. If an individual must leave and was required to appear in court, the Judge will grant a reasonable adjournment upon being notified and after consideration of their circumstances. A copy of the signage is attached hereto and incorporated herein by reference.
2. In accordance with the Supreme Court Order dated May 22, 2020, court staff and all individuals in the courtroom will be required to wear face coverings as specified herein, practice social distancing, and practice appropriate hygiene recommendations. Signage incorporating these requirements will be posted in appropriate locations to ensure notice and compliance. Noncompliance will be enforced by the Judge. However, in the event an individual does not have a face covering, one will be provided by the county as set forth herein under Face Coverings.
3. Inmates being transported from the jail to the court building will be screened by the Oneida County Sheriff's Department for symptoms of COVID-19 prior to transport. Inmates with symptoms will not be transported to the court building.

### Face Coverings

1. In accordance with the Supreme Court Order dated May 22, 2020, court staff and all individuals in the courtroom will be required to wear face coverings as specified therein. Signage incorporating these requirements will be displayed in appropriate locations to ensure notice and compliance. Noncompliance will be enforced by the judge.
2. Individuals coming to court will be strongly encouraged to bring their own face coverings with them. For individuals required to appear in court, orders to appear and docket notices will include the notice of the requirement of face coverings in accordance with the Supreme Court Order dated May 22, 2020. In the event an individual required to appear in court and whose matter can only be heard in person fails to bring or have a face covering, one will be provided by the county. Signage will be posted as to the availability of a face covering.

### Cleaning

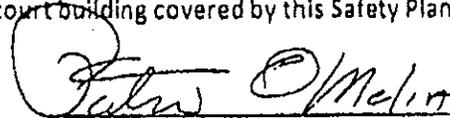
1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 24 hours.
2. Each courtroom will have a cleaning station supplied with hand sanitizer, disinfectant wipes, disinfecting spray, towels and disposable gloves. Court staff will spray and wipe the counsel tables and audio equipment with disinfectant between morning and afternoon proceedings. Disinfectant wipes and disinfectant spray will be available on counsel table for cleaning between hearings.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

### Other

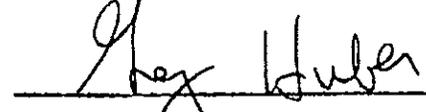
1. It is understood that public awareness of these measures is necessary. This information will be shared through the county website, local bar associations, and any other appropriate public sources of information.

I have conferred with all judges of courts with courtrooms in the court building regarding this Safety Plan. 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. I will ensure that the judges of courts with courtrooms in the court building covered by this Safety Plan will conduct proceedings consistent with the plan.

Date: 6/26/2020

  
\_\_\_\_\_  
Presiding Judge

Date: 6/26/2020

  
\_\_\_\_\_  
Chief Judge Approval

### LIST OF ATTENDEES - STAKEHOLDERS MEETING

Judges Patrick F. O'Melia, Michael H. Bloom

Michael Timmons, County Public Safety Committee Chairperson

Linda Conlon, County Health Officer

Michael Schiek, District Attorney

Jillian Pfeifer, Assistant District Attorney

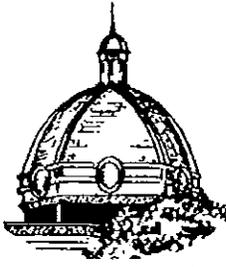
Mary L. Roth Burns, Public Defender

Brenda Berhle, Clerk of Court

Grady Hartmann, Oneida County Sheriff

Brian Desmond, Corporation Counsel

David Seefeldt, Court Security/Emergency Management



**BRENDA BEHRLE  
CLERK OF CIRCUIT COURT**

*ONEIDA COUNTY  
P.O. Box 400  
Rhinelander, WI 54501  
Phone: (715) 369-6120*

*Circuit Judge  
Patrick F. O'Melia, Branch I  
Michael H. Bloom, Branch II*

August 24, 2020

Re: Jury Procedures

Dear Prospective Juror,

In anticipation of your jury service for the month of September, I am writing on behalf of myself and the Courts to provide additional information on the adapted procedures for serving on jury duty. Our goal in creating these procedures is to provide you and all those involved in the jury process with protective safety measures.

Safety Measures:

- Face masks or face coverings are required at all times. If you do not have one, one will be provided to you.
- Gloves will be available for those who wish to wear them, but gloves are not required.
- Hand sanitizer stations will be available in multiple locations.
- Courtrooms, jury rooms, elevators, bathrooms, and other commonly touched areas will be cleaned and sanitized at least once daily.

If you have not already done so, please call the Clerk of Court's Office at 715-369-6120 to provide your cell phone number and/or to sign up for text or email notifications.

All jurors who are told to report for jury service on September 8<sup>th</sup> will report to the Oneida County Sheriff's Department/Law Enforcement Center at 2000 Winnebago St., Rhinelander, WI (next to the YMCA) between 7:45 – 8:00 a.m.

Check-in Process:

- Please park in the Public Parking area, with overflow parking in the Inmate Parking area at the Law Enforcement Center at 2000 Winnebago St., Rhinelander, WI.
- Remain in your vehicle until court personnel has motioned you into the building. Only five (5) jurors at a time will be allowed to check in.
- Temperatures will be taken via a hand-held thermometer as jurors come into the building. At the same time, jurors will be asked health-screening questions.
- Potential jurors will then be seated by court personnel.

Jury Selection:

- All jurors will be sworn and then asked questions as part of the jury selection process.
- If you are excused or stricken, you may exit the building and are excused from jury duty for that day; however, you are still required to call back as directed.
- If you are selected, you will be given further instructions to report to the Oneida County Courthouse.
- If you are not selected, you will remain in your seats and be given further instructions.

Courthouse Measures:

- Selected jurors will arrive at the Courthouse and check in on the 3<sup>rd</sup> floor, Branch I Courtroom. Court personnel will assist you with seating.
- Jurors will then be sworn.
- Once jurors are sworn in the courtroom, the remaining jurors at the Law Enforcement Center will be released but will still need to call back as directed.
- Jurors will remain in the courthouse building for the duration of trial.
- Meal(s) will be provided. If you have any special dietary needs, please contact this office ahead of time.

Not Allowed:

- Cell phones, Smartphones, iPads, or similar electronic devices.
- Please leave your electronics in your vehicle, or the bailiff will collect your electronic devices and hold during your jury service.

If you require assistance or special accommodations, please contact the Clerk of Court's Office immediately.

Trial by jury is a right that is protected in both the United States and in the Wisconsin Constitutions. It is also a duty of those citizens who live in Wisconsin to help the courts protect this important feature of our justice system and does involve the sacrifice from those citizens called upon to serve.

The health and well-being of our jurors and community is very important. Please know that the Courts are mindful of these challenging times and are taking precautions to maintain your health as well as that of the parties, lawyers and court staff.

Thank you,



Brenda J. Behrle  
Oneida County Clerk of Circuit Court

**STATE OF WISCONSIN  
9<sup>TH</sup> JUDICIAL DISTRICT  
ONEIDA COUNTY, WISCONSIN**

**THE ATTACHED  
COVID-19 CIRCUIT COURT SAFETY PLAN FOR ONEIDA COUNTY  
DATED JULY 22, 2020,  
WHEN COMBINED WITH THE ATTACHED  
COVID-19 CIRCUIT COURT OPERATING PLAN FOR ONEIDA COUNTY  
ADDENDUM: JURY TRIAL PLAN  
DATED AUGUST 24, 2020,  
CONSTITUTE THE**

**OPERATIONAL PLAN FOR THE SAFE RESUMPTION  
OF IN PERSON PROCEEDINGS AND JURY TRIALS IN  
ONEIDA COUNTY, WISCONSIN**

## COVID-19 Circuit Court Operating Plan for Oneida County Addendum: Jury Trial Plan

As an addendum to the Safety Plan filed with the Chief Judge of the Judicial District on June 26, 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 Oneida County will implement the following additional protective measures related to jury trials:

### Recovery Planning and General Education

1. A Stakeholder Committee was established and the members are listed in the Oneida County Safety Plan dated June 26, 2020. In addition, a subcommittee was established consisting of Honorable Patrick F. O'Melia, Judge, Branch I, Honorable Michael H. Bloom, Judge, Branch II, Brenda Behrle, Clerk of Court, Jean Meyer, Judicial Assistant, Branch I and Jennifer Allen, Judicial Assistant, Branch II to determine resumption of jury trials.
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: The Safety Plan has been posted on the Oneida County Website. The Addendum regarding jury trials will also be posted on the Oneida County Website.

### 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. In addition, the Oneida County Safety Plan has been posted on the Oneida County Website. The Addendum regarding jury trials will also be posted on the Oneida County Website.
2. The policy regarding deferral and excusal of jurors is unchanged due to the pandemic. Health concerns and family situations which may affect the jurors' ability to serve will be considered on an individual basis.
3. The following protective measures, including check-in that minimizes physical contact with documents, posting notices regarding hygiene and distancing practices, are in place for jurors who report to court.

### Jury Selection and Voir Dire

1. For a 12 person jury, an off site location will be utilized for jury selection. For a 6 person jury, the courtroom and, if necessary, county board room, by Zoom, will be utilized for jury selection.
2. In order to maintain social distancing for check-in, jurors will remain in their vehicles until notified by court personnel either by telephone or in person. Jurors will be called for check-in in small groups.
3. Prior to entry into the voir dire room, the most current questions deemed appropriate for screening for COVID-19 risks will be asked. In addition, the temperature of potential jurors will be taken using a non-intrusive thermometer by court staff or member of the Oneida County Sheriff's Department as designated by the Judge. The questionnaires shall be sealed by the Judge and are not to be made available to the public. The questionnaires shall be destroyed at the conclusion of the case.
4. In the event a prospective juror answers in the affirmative to the COVID-19 risk questions or is determined to have a fever of 100.4 or greater, that juror will be refused admittance to the building. The Clerk of Court and Judge will be immediately notified.
5. After the jurors have been checked-in and screened, the bailiff will direct the juror to the appropriate seat for voir dire purposes.
6. Additional protective measures by the Clerk and bailiffs will minimize physical contact with potential jurors. If a potential juror does not have a mask, a mask will be provided.
7. There will be no group jury orientation.
8. Individual pads of paper and pencils will be provided to jurors that will be retained by jurors.
9. No communal food or drinks. Lunches and snacks will be provided by the County and delivered in individual containers.
10. The jury box and gallery will be used to seat the jury during trial. Once seated, the jurors will remain in the same seats for the duration of the trial.

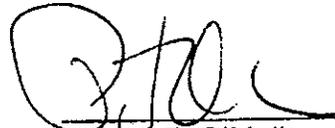
### Juror Attendance and Safe Participation

1. Jurors will be provided masks and hand sanitizer for use in courtrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies:
  - B. The jury, witnesses, counsel and all others attending a jury trial will be seated compliant with social distancing guidelines. Once seated, the same seats will be utilized for the entire trial.
  - C. All persons attending the jury trial will wear masks excepting witnesses as allowed by the trial judge.
  - D. Plexiglas barriers have been placed between (i) the witness and the bench, court reporter and the jury (ii) the Clerk of Courts and parties approaching the clerk's station with documents and (iii) on counsel table.
3. After the jury has been empaneled, the following efforts will be implemented:

- A. The jury will sit in the jury box and gallery area of the courtroom with socially distanced seating. The jury will be segregated from any other persons in the gallery area.
  - B. The jury will deliberate in the courtroom itself with socially distanced seating.
4. During breaks and deliberations, the bailiffs shall ensure that social distancing is practiced by assisting jurors two at a time to the adjoining jury rooms with two bathrooms to allow safe distancing. Lunch will be provided, individual bottles of water and soda will be provided. The jurors will remain in the courtroom during the lunch break. Accommodations will be made by the bailiffs if any juror needs to go outside during the lunch break. Deliberations will occur in the courtroom to allow social distancing.
  5. Side bars and any matters that need to be heard outside the jury will occur in Chambers.
  6. Jury trials will staggered by only scheduling during the non-intake period for each Branch and will be limited consistent with the ongoing pandemic.
  7. Due to capacities within the courtrooms, the trial will be streamed via Zoom to the County Board room or Committee Room to enable public viewing.
  8. This plan may be revised or rescinded at any time if safety concerns require.

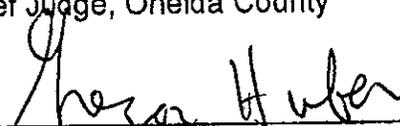
I have conferred with Judge Bloom, Branch II regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than September 8, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 8-24-20



Patrick F. O'Melia  
Chief Judge, Oneida County

Date: 8-25-20



Gregory B. Huber  
Chief Presiding Judge, 9<sup>th</sup> Judicial District