

ORDER WITHDRAWING PARTIAL APPROVAL OF THE OPERATIONAL PLAN
FOR THE RESUMPTION OF IN-PERSON PROCEEDINGS AND
JURY TRIALS IN OUTAGAMIE COUNTY

WHEREAS the Wisconsin Supreme Court in light of the COVID 19 pandemic 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 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 the court, most in-person hearings in the circuit courts, subject to exception for a limited number of certain matters, including those approved by the chief judges of each district, if remote technology is not practicable or adequate to the protect the 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 the 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 judicial 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 COVID-19 virus and that promotes the health and safety of all those present in the courtroom, jury rooms, and other court related confined spaces of that circuit court.

WHEREAS: On June 30, 2020, the Outagamie County Operational Plan Committee submitted and had approved a plan for the safe resumption of in-person proceedings and jury trials; which includes a requirement that all parties present for in-person proceedings wear face coverings, except as authorized on the record by said judge; outlines practices for appropriate sanitation of frequently touched surfaces and the hands of participants; limits the manner in which in-person proceedings are to be conducted and follows other specific recommendations of the Final Report of the Chief Justice's Covid-19 Task Force.

WHEREAS: As the Operational Plan Committee has continued to review the most relevant and up-to-date scientific data and data on the spread of Covid-19 nationally, on a state-wide basis and on a local basis, specific amendments to the Operational Plan were approved on October 9, 2020; October 28, 2020 and November 30, 2020 which further limited both in-person hearings and jury trials due to significant increases in the cases locally and state-wide.

WHEREAS: On October 1, 2020 the Wisconsin Supreme Court ordered that if a circuit court determines changes in local conditions require a modification to the circuit court's approved operational plan, the circuit court shall submit information to the chief judge and the chief judge can withdraw approval of the operational plan as required to account for the changed conditions. Upon the chief judge's withdrawal of part or all of the operational plan the circuit court shall again be subject to the provisions of the following Wisconsin Supreme Court orders:

1. In Re: The Matter of Remote Hearings During the Covid-19 Pandemic (April 15, 2020)
2. In Re: The Matter of Jury Trials during the Covid-19 Pandemic (March 22, 2020)
3. In Re: The Matter of an Interim Rule re: Suspension of Deadlines for Non-Criminal Jury Trials Due to the Covid-19 Pandemic (Interim Rule 20-02)

WHEREAS: On December 4, 2020, the Outagamie County Operation Plan Committee submitted a letter requesting partial withdrawal of their operational plan as it relates to jury trials and in-person proceedings (attached).

THEREFORE IT IS ORDERED:

The Operational Plan of the Outagamie County Circuit Court regarding procedures and practices for conducting jury trials and other in-person proceedings during the 2020 public health emergency and Covid-19 pandemic is withdrawn. Specifically the portions related to jury trials and in-person proceedings is withdrawn. The remainder of the operational plan of the Outagamie County Circuit Court remains in effect.

The Outagamie County Circuit Court is therefore subject to the provisions of the following Supreme Court orders:

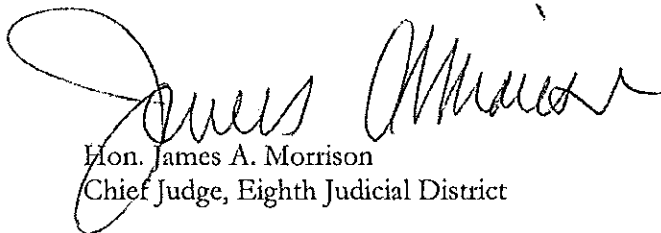
1. In Re: The Matter of Remote Hearings During the Covid-19 pandemic (April 15, 2020)
2. In Re: The Matter of Jury Trials during the Covid-19 Pandemic (March 22, 2020)
3. In Re: The Matter of an Interim Rule re: Suspension of Deadlines for Non-Criminal Jury Trials Due to the Covid-19 Pandemic (Interim Rule 20-02)

The Outagamie County Circuit Court shall hold no in-person appearances, other than those subject to the exception in the April 15, 2020 Supreme Court order and prior plans instituted during that time, in that only essential hearings should be held in person during this time period consistent with the practices utilized by Outagamie County in April and May, 2020 after the issuance of that order and those otherwise approved by the Chief Judge of the Judicial District.

The withdrawal of this portion of the Outagamie County Circuit Court operational plan will expire upon approval of an amended operational plan and no sooner than February 1, 2021.

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

Dated this 4th day of December, 2020.



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