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**Rescinding/Amending COVID-19 Circuit Court Operating Plan**

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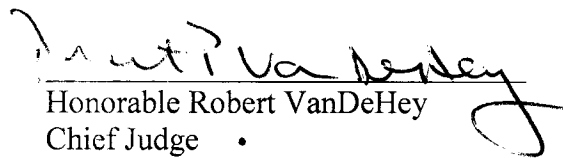
WHEREAS: On May 21, 2021, the Wisconsin Supreme Court terminated the following orders: (1) In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); (2) In re the Matter of Filing of Court Documents in Circuit and Appellate Courts (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 has determined that it is in the best interest of the circuit court operations for Pepin County to amend its existing COVID-19 Court Operational Plan, dated June 5, 2020 and as amended on July 14, 2020, to immediately implement optional mask use.

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

Date: May 24, 2021

  
Honorable Robert VanDeHey  
Chief Judge  
Seventh Judicial Administrative District

## **COVID-19 Circuit Court Operating Plan for Pepin County**

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 Pepin County will implement the following protective measures:

### **General**

1. The county judiciary has established a stakeholder committee to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report.

2. All judges will use all reasonable efforts to conduct proceedings remotely.

3. Before calendaring in-person hearings, the stakeholder committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.

4. The stakeholder subcommittee will continue to meet regularly, maintain communication with the local health authority and administrative coordinator who serves as the county risk manager, 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 September 8, 2020. Subject to the discretion of the court official assigned to an individual case, in person hearings may be held prior to September 8, 2020 where the court official determines an in-person hearing is necessary. The assigned court official will consult with the parties involved for input on the necessity of in court proceedings.

6. These directives may be amended as circumstances require. Any ADA or other issues with complying with these guidelines should be brought to the attention of the Pepin County Circuit Court so appropriate accommodations can be made.

### **Judge and Court Staff Health**

1. Judges and court staff who can perform the essential functions of their job remotely will continue do so according to the general county's policy.

2. Judges and court staff will wear face coverings at their option, practice social distancing, and practice appropriate hand hygiene recommendations when litigants, attorneys, victims, law enforcement or any other person or member of the public are present.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building.

2. The court will return to conducting in person hearings after September 7, 2020 for non-essential proceedings, excluding court intake. This process will be subject to the other safety measures discussed in this plan to be fully implemented. The assigned court official will endeavor to hold as many of these hearings as possible by remote technology.

3. Court intake will return to in person proceedings when the assigned court official has considered the input of the stakeholder committee and the risk to the health and safety of litigants and staff is reasonably assured through the implementation of the safety measures contained herein.

## **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. Vulnerable populations who are scheduled for court will be accommodated by: Providing access via phone or Zoom; reasonable adjournments may be necessary.

## **Social Distancing**

### *Gallery*

1. With the assistance of stakeholders, the gallery has been marked to identify appropriate social distancing in the gallery area. Seating is limited to every other row. A distance of at least six feet shall be maintained between all individuals in the courtroom, except individuals residing in the same household may sit together and individuals that volunteer to be "a unit" may sit together.

### *Well*

2. With the assistance of stakeholders, in each court room the counsel tables, witness stand, judges' bench, clerk, reporters and bailiff stations are arranged so that the 6 foot social distancing is adhered to.

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 to consult with each other in the courtroom when necessary.

## **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrance of each courtroom, building entrances, two throughout each hallway on each floor and elevator entrances.

2. Disinfectant wipes or spray have been placed at counsel tables, at the witness stand, on the judges' benches, at the clerk's desk, and court reporters desk and in the hallway.

3. Post CDC flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations inside and outside the courtrooms. Notices regarding the availability of hand sanitizer and disinfecting wipes/spray in court related areas of the courthouse will be posted at the entrance of each courtroom.

## **Screening**

1. Inmates being transported from the jail to the courtroom will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.

2. Staff who are screening individuals entering the courtroom will be provided appropriate personal protective equipment, including masks, gloves and hand sanitizer.

3. Staff who are doing the screening will have a listing of court official phone numbers in order to notify the courts of individuals who have been denied entrance.

## **Face Coverings**

1. Individuals entering the courtroom will be permitted at their option to wear face coverings. In the event the court finds that face masks or face coverings for a witness will interfere with the fact finders ability to judge credibility or believability of the witness the court will make exceptions to protocol as required.

2. Individuals who will be required to be in the courtroom for a judicial proceeding will be provided a face mask if requested.

## **Cleaning**

1. Court building cleaning staff will clean the common areas of the court building. Said staff will be provided appropriate personal protective equipment

2. Court building cleaning staff will clean and disinfect the court room at the end of each day the courtroom is used. During court sessions, disinfectant wipes or spray

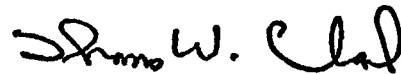
will be made available to participants to use to clean court room tables, chairs, benches, microphones and equipment used in the court session.

3. The County will endeavor to procure additional staff as conditions require to assist with necessary cleaning and traffic monitoring on jury trial days and court days as needed.

### **Building Access**

1. Entrances to the Court house will be designated for those appearing for court hearings. Traffic routes and elevator usage will be consistent with the general county's policy as to traffic routes and elevator usage.

I have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the stakeholder committee. A list of members on the committee is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan will conduct proceedings consistent with the plan. This plan may be modified by the Court and Stakeholder's Committee should the circumstances of the COVID-19 Public Health Emergency require modifications to address changing conditions and safety issues.



Date: May 24, 2021

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Hon. Thomas W. Clark  
Pepin County Circuit Court

## **Pepin County COVID-19 Stakeholder Committee Members**

Thomas W. Clark, Circuit Court Judge

Mark Franklin, Court Commissioner

Allan Morgan, Court Commissioner

Patrick Brummond, District Court Administrator

S. Joseph Randtke, Pepin County Corporation Counsel (effective 07/01/2020)

Heidi Stewart, Public Health Nurse

Pamela Hansen, County Administrator

Jon D. Seifert, District Attorney

Ashley Henthorn, Court Reporter

Gina Rieck, Register in Probate, Juvenile Clerk & Judicial Assistant

Audrey Lieffring, Clerk of Court

Lea Krlewski, Deputy Clerk of Court

Maria Nelson, Pepin County Emergency Management

Joel Wener, Pepin County Sheriff

Matt Roesler, Pepin County Chief Deputy Sheriff

Susan Krisik, DOC Agent

Aaron Cernhous, DOC Supervisor

Nicholis Schroeder, Public Defender

Roger Hillestad, Attorney

## **COVID-19 Pepin County Circuit Court Operating Plan Addendum: Jury Trial Plan**

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

### **Recovery Planning and General Education**

1. A recovery planning, jury committee including the following stakeholders, has been established: see attached.
2. The attached letter describes efforts that 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

### **Summoning Jurors**

1. Considerations have been made for the safety and wellbeing of jurors. An explanation letter will be sent with the juror summons to each juror.
2. The letter discusses the policy which 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.
3. When jurors arrive at the courthouse they will be directed to a specific courthouse entrance.

### **Juror Attendance and Safe Participation**

1. Upon request the following personal protective equipment will be available to the jurors, including masks at their option, face guards, gloves and individual hand sanitizer in courtrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, marking off spaces with the maximum possible social distancing within the courtroom and jury box to a minimum of four feet between individuals and six feet wherever possible, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, and using an alternate courtroom for additional capacity.

3. 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 courtroom that will allow appropriate social distancing as discussed above in #2, conduct voir dire virtually in full or in part, utilize in-person and virtual voir dire simultaneously, broadcast jury selection and limit or eliminate spectators in the courtroom, utilize 6-person juries upon stipulation, and give priority to “strikes for cause” based on juror health and safety concerns. The clerk will determine the first 12 jurors to be called and they will be seated in a designated seat in the courtroom. 12 more jurors will be seated in the county board room where they will be able to hear the voir dire questions via video technology. Bailiffs will be stationed in the courtroom and the county board room for this purpose.

4. The trial jurors will be seated so as to be at the maximum possible social distancing as discussed above in #2. They will be seated in the gallery or in the jury box depending on the size of the trial jury. All jurors will be positioned to enable each juror to have an adequate view of the witness, large screen, and to adequately hear each witness.

5. Notices will be posted regarding optional face masks, hygiene, hand sanitizing and social distancing practices.

6. Social distancing consideration during trial breaks and deliberations include reconfiguration of the deliberation room and or using an alternate room for deliberations.

7. Bottled water and individually packed lunches will be provided to each selected juror.

8. Individuals, other than jurors, who reside in the same household and individuals, other than jurors, volunteering to be a unit may sit closer than the maximum possible social distancing requirement as discussed in #2 above.

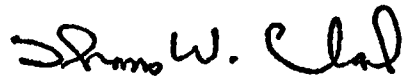
9. Due to capacity issues within the courtroom, the following accommodations will be given for public view of the proceedings. Members of the public will be given access to the alternate courtroom where trial proceedings will be broadcasted using speaker phone technology.

### **Other**

I have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the stakeholder 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 Operating Plan will conduct proceedings consistent with the plan.

The Judge will begin setting jury trials no sooner than September 8, 2020.





Date: May 24, 2021

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Hon. Thomas W. Clark  
Pepin County Circuit Court

**Pepin County COVID-19 Stakeholder Committee Members**

Thomas W. Clark, Circuit Court Judge  
Mark Franklin, Court Commissioner  
Allan Morgan, Court Commissioner  
Patrick Brummond, District Court Administrator  
S. Joseph Randtke, Pepin County Corporation Counsel (effective 07/01/2020)  
Heidi Stewart, Public Health Nurse  
Pamela Hansen, County Administrator  
Jon D. Seifert, District Attorney  
Ashley Henthorn, Court Reporter  
Gina Rieck, Register in Probate, Juvenile Clerk & Judicial Assistant  
Audrey Lieftring, Clerk of Court  
Lea Krlewski, Deputy Clerk of Court  
Maria Nelson, Pepin County Emergency Management  
Joel Wener, Pepin County Sheriff  
Matt Roesler, Pepin County Chief Deputy Sheriff  
Susan Krisik, DOC Agent  
Aaron Cernhous, DOC Supervisor  
Nicholis Schroeder, Public Defender  
Roger Hillestad, Attorney