
**ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN-PERSON PROCEEDINGS
IN PORTAGE 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: Portage County is experiencing an increase in COVID-19 cases and currently working with its stakeholders to modify its court facilities and to change jury trial procedures so as to enable safe jury trials and has not yet been able to complete those modifications and changes; therefore, it is not safe at this time to resume 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 be 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 judge of each district;

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 the adoption of the Task Force's Final Report and it's recommendations for consideration by the Circuit Courts;

WHEREAS: The Task Force's Final Report at pages thirteen (13) and fourteen (14) recommends a four-phased approach to the resumption of in-person hearings and jury trials to protect the health and safety of the public and litigants. The phased approach indicates that jury trials should begin in Phase 3;

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 suspensions 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 court 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;

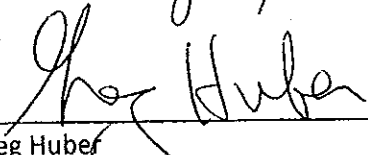
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health and safety of all those present in the courtrooms, jury rooms, and other court-related confined spaces;"

WHEREAS: The judges of Portage County have filed with the chief judge of the 9th Administrative District a safety plan incorporating the requirements of the May 22, 2020 order and considering the Task Force's final report. See attached safety plan;

WHEREAS: This safety plan will allow the resumption of in-person hearings consistent with phases one and two of the Task Force Final Report. The Judges along with the local health officials continue to monitor the local situation to determine when the resumption of jury trials would be advisable considering the local health conditions;

THEREFORE: 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, Portage County may resume in-person hearings in accordance with the safety plan attached, as designated in the Task Force's final report for phases one and two. No jury trials may be held until there is a complete operational plan that covers jury trials.

Dated this 20th day of July, 2020



Hon. Greg Huber
Chief Judge, 9th Judicial District

COVID-19 Circuit Court Safety Plan for Portage County

Phases One and Two – 9th 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 Portage County will implement the following protective measures:

General

1. The county judiciary has established a stakeholder's committee, including the Judiciary/Commissioners, County Executive, Corporation Counsel, District Attorney, Public Defender, County Sheriff, Clerk of Court, Buildings & Facilities Director, Human Services Director, County Health Officer, Department of Corrections, Corporation Counsel, County Board Chair, Court Security, Head Bailiffs, Emergency Government, Justice Programs Director and County Bar President and other attorneys. 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 all parties are 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 8, 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, judges and 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 and will only schedule in person proceedings 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 WebEx 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. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
3. Public common areas, including breakrooms and snack rooms, have been closed to the public.
4. No more than one person will be allowed on the elevator at the same time unless they are from the same household.

Gallery

5. 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.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

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. Post CDC flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the court building.

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 (per CDC guidelines): Fever of 100.4 degrees F or higher, shortness of breath, cough, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, contact with ill COVID-19 patient or travelled by plane in the last 14 days. County staff will confirm that individuals have read and addressed the notice. All individuals will be subject to a temperature check with an infrared thermometer. 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 for reference.
2. In accordance with the Supreme Court Order dated May 22, 2020, judges and 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 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 degrees F will not be transported to the court building.

Face Coverings

1. In accordance with the Supreme Court Order dated May 22, 2020, judges, and court staff and all other individuals in the public areas of the second floor will be required to wear face coverings as specified. 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, paper towels and disposable gloves. Court staff will spray and wipe the counsel tables and audio equipment with Triforce disinfectant between every hearing and will spray the gallery area with Triforce disinfectant between morning and afternoon proceedings.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective against 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 press releases, county websites, social media, state and local bar associations, and any other appropriate public sources of information.

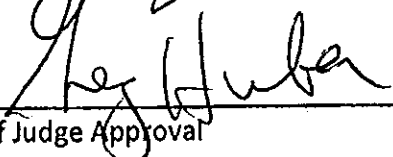
I have conferred with all judges of courts with courtrooms in the court building regarding this Safety Plan. In developing the plan, I consulted with the stakeholders committee. A list of members on the committee and the frequency in which they will continue to meet is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Safety Plan will conduct proceedings consistent with the plan.

Date: 6/5/2020



(Presiding Judge of stakeholder committee chair)

Date: 6/5/2020



Chief Judge Approval

LIST OF ATTENDEES – STAKEHOLDERS MEETING

Judge Thomas Flugaur, Thomas Eagon and Robert Shannon

Chris Holman, County Executive

Gary Garske, County Health Officer

Melissa Dalkert, Family Court Commissioner

Mike Lauterbach, Court Commissioner

Erik McFarland, Municipal Court Judge

Louis Molepske, District Attorney

Mike Zell, Assistant District Attorney

Rick Fuller, Portage County Bar President

Eric Sheets and Jerod Barkley, Private Attorneys

Anne Renc, Public Defender

Dana Hibbert, Probation and Parole

Lisa Roth, Clerk of Court

Mike Lukas, Portage County Sheriff

Ray Przybelski, Health and Human Services

Brianna Sweeney, Assistant Corporation Counsel

Al Haga, Portage County Chair

Nick Griesbach, Court Security

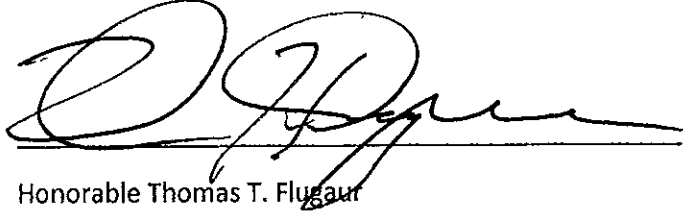
Jerome Bodzislav, Head Bailiff

Andrea Behnke, Justice Program Director

Bob Weinert and James Williams, Emergency Government

Dated in Stevens Point, Wisconsin this 10th day of July, 2020.

BY THE COURT:



Honorable Thomas T. Flugaur

Presiding Judge, Portage County

STATE OF WISCONSIN

CIRCUIT COURT

PORTAGE COUNTY

ADDENDUM TO THE PORTAGE COUNTY SAFETY PLAN

This Plan does not apply to jury trials at this time and will be supplemented to do so at a later date.