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**IN THE MATTER OF  
OPERATIONAL PLAN FOR  
RICHLAND COUNTY CIRCUIT COURT****ORDER**

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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 proceedings, subject to exceptions for certain matters, if remote technology is not practicable or adequate to protect the constitutional rights of the citizens of Wisconsin.

WHEREAS, the Wisconsin Supreme Court ordered each circuit court to submit an operational plan to the chief judge of the applicable judicial administrative district. The operational plan was to include the requirements set forth in the order, and reduce to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promote the health and safety of all those present in the courtrooms and other court-related confined spaces. Supreme Court Orders, *In Re the Matter of the Extension of Orders and Interim rule concerning Continuation of Jury Trials, Suspension of Statutory Deadlines for Non-Criminal Jury Trials, and Remote Hearings during the COVID-19 Pandemic (05/22/20)* and *In Re the matter of the Final Report of the Wisconsin Courts COVID-19 Task Force (05/22/20)*.

WHEREAS, on October 14, 2020, the Richland County Circuit Court submitted an operational plan to resume in-person court proceedings and jury trials pursuant to the Wisconsin Supreme Court's May 22, 2020 order. The plan verifies that the court has communicated with the appropriate stakeholders regarding the protective measures. It also requires face coverings for all individuals present in the courtroom, appropriate social distancing, sanitation/hygiene practices, and appropriate signage.

IT IS ORDERED the operational plan for the Richland County Circuit Court is approved for the resumption of in-person court proceedings and jury trials.

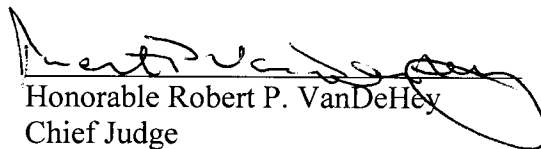
IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Remote Hearings During the COVID-19 Pandemic (04/15/20)*, ceases to apply to the Richland County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's amended order *In Re the Matter of Jury Trials During the COVID-19 Pandemic (03/22/20)*, ceases to apply to the Richland County Circuit Court:

IT IS FURTHER ORDERED the Wisconsin Supreme Court's Interim Rule 20-02 *In Re the Matter of an Interim Rule re Suspension of Deadlines for Non-Criminal Jury Trials Due to the COVID-19 Pandemic*, ceases to apply to the Richland County Circuit Court:

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

Dated this 16th day of October, 2020

  
Honorable Robert P. VanDeHey  
Chief Judge  
Seventh Judicial Administrative District

# RICHLAND COUNTY OPERATIONAL PLAN FOR REOPENING COURT

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 court of RICHLAND COUNTY will implement the following plan.

## **General**

1. Planning for reopening Richland County Circuit Court began in May to discuss and consider the recommendations outlined in the Wisconsin COVID-19 Task Force Report. On June 15, 2020, at 11:00 a.m., Judge Andrew Sharp consulted with Richland County Administrator Clinton Langreck, County Clerk Victor Vlasak, Clerk of Court Stacy Kleist, Register in Probate Jenifer Laue, MIS Director Barbara Scott, MIS Administrator Jason Marshall, Maintenance Supervisor Randy Nelson and Court Reporter Susan Kaderavek.

On July 16, 2020, at 10:00 a.m., a Zoom meeting of county stakeholders was held by Richland County Circuit Judge Andrew Sharp. The following persons were invited to attend: Rose Kohout, the County Health Nurse; Tracy Thorsen, Director of the Department of Health and Human Services; Darin Gudgeon, the County Emergency Services Director; Stacy Kleist, the Clerk of Circuit Court; Patrick Brummond, the District Court Administrator; James Bindl, the Richland County Sheriff; Billy Jones, City of Richland Center Police Chief; Clinton Langreck, the County Administrator; Benjamin Southwick, the County Corporation Counsel; Jennifer Harper, Esq., the District Attorney; Lisa McDougal, the Public Defender; Dominic Anderson, Esq., the Richland County Bar Association President; and others including members of the Richland County Board of Directors.

2. The County Stakeholder group determined that the county was **not** ready to begin Phase 1 based upon the July 2020 statistics from the Wisconsin Department of Health Services and the overall increase in the number of cases since that time. Non-essential, in-person proceedings may begin when the criteria for reopening have been met. The Circuit Court and the County Health Department will assess every 14 days whether the criteria have been met to move on to the next phase. The judge will review staffing, public health and facility conditions at least every fourteen (14) days to determine whether a change in phase is warranted. Depending on local circumstances, such as a sudden increase in COVID-19 cases, it may be necessary to revert to a previous phase until such time as expanded operations are once again warranted.

## **Process: A Four-Phased Approach**

Richland County will employ a four-phased approach for returning to full, in-person court operations.

**Phase One:** Resumption of limited, in-person proceedings (beyond essential and mandatory proceedings). We will continue to use remote appearances wherever possible and encourage the broad use of waivers of appearance. As soon as Safety Criteria for In-Person Appearances are in place in the county, the circuit court may resume in-person appearances in the following cases:

1. All criminal matters, except jury trials;
2. Mental commitment and guardianship hearings with time limits;
3. Juvenile proceedings in juvenile delinquency (JV), juvenile CHIPS (JC), juvenile guardianship (JG) cases and termination of parental rights cases with time limits;
4. Civil matters as follows:
  - Restraining order proceedings under Ch. 813,
  - Family - Temporary order hearings if placement is at issue under Wis. Stat. 767.225(1)(am),
  - Family - Enforcement of physical placement orders under Wis. Stat. 767.471(5),
  - Family - Relocation motions under Wis. Stat. 767.481(2),
  - Time-sensitive small claims proceedings.

**Phase Two:** In-person processing of all cases, except jury trials. Phase Two includes all case categories from Phase One but would now allow all civil proceedings other than jury trials. All of the Safety Criteria for In-Person Appearances must continue. It is still recommended that remote appearances be utilized to the greatest extent possible.

**Phase Three:** In-person processing of all cases, including jury trials. All of the Safety Criteria for In-Person Appearances must continue to be utilized, and in addition, the Jury Specific Safety Precautions which are attached (on the Addendum) must be followed.

**Phase Four:** Resumption of all cases on an in-person basis with no restrictions. If a public health announcement is made determining that COVID-19 has been suppressed in the state, the processing of all cases may be resumed on an in-person basis without reliance upon the Safety Criteria for In-Person Appearances or the Jury Specific Safety Precautions.

**Until such time as we reach Phase Four of the Reopening plan, the following will apply:**

#### **Safety Criteria for In-Person Appearances**

**1. *Personal Protective Equipment*** – Face coverings shall be worn continuously in the courtroom, jury room, and other court-related confined spaces during proceedings. Masks will be provided to all court participants who do not have a face covering. The only exception to this requirement will be if the judge determines on the record that it is necessary for a witness not to wear a face covering during the witness' testimony in order for the judge or jury to weigh the witness's credibility. Notices addressing this requirement shall be posted at the entrance of each courtroom, jury room, and court-related confined space, and the notice shall provide that this requirement will be enforced by the judge of the circuit court. A plexiglass shield will be mounted at the witness stand or the witness stand will be placed at least six feet away from all other courtroom personnel.

**2. *Air Purifying Equipment*** - HEPA air purifying equipment shall be used to maintain air quality in each courtroom and jury room. The filtration devices shall be installed in the ventilation system of the courthouse.

**3. Social Distancing** - 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. Some of the seats in the gallery shall be roped off prior to admitting individuals into the room. The seating for participants, counsel, and court staff have been arranged to provide for at least six feet between individuals.

**4. Limited Attendance in the Courtroom** - Because of the importance of social distancing requirements and the need to maintain six feet between individuals, it will be necessary to control and restrict attendance in the courtroom. The court will allow remote appearances for hearing participants and spectators when possible. The court will open up the Zoom meeting for each matter that is not a closed hearing to allow public access even if the parties appear in person. Cases must be carefully calendared to avoid violation of social distancing requirements.

**5. Signage** – Signs shall be posted at the entrance to the courtrooms, jury rooms, and other court-related confined spaces requiring all individuals to maintain minimum social distancing requirements, to use hand sanitizer, and to wear face coverings. A sign shall also be posted at the entrance of each courtroom, jury room, and court-confined space that hand sanitizer and disinfecting wipes are available for their use. Signs shall be posted near the restrooms to address appropriate hygiene issues. The signs shall be either the signs provided by the CDC or prepared by staff.

**6. Entry Screening** – We will allow individuals to enter the courthouse only through the door on the south side of the building (the handicap accessible door on the parking lot side). We shall have an individual conduct a screening of each person entering the courtroom on any day in-person court is scheduled. The screening will include taking of temperature with an infrared thermometer and asking screening questions. The person conducting the screening shall be provided with protective gear, which includes face shield, face covering, gown and gloves. The person conducting the screening shall contact the Judicial Assistant in the event an individual fails or refuses the screening test. The judge must make the decision about what action is necessary given the person's failed or refused test, based on his or her role in the proceeding.

**7. Hand Sanitizers** – Each courtroom shall have alcohol-based hand sanitizer available for use before, during, and after the proceeding. In addition, hand sanitizer shall be available at the entrance to the building, the elevator, and each office. The kiosk shall have disinfectant wipes available with appropriate signage. All individuals must use hand sanitizer upon entering the building and prior to entering the courtroom.

**8. Court Staff**– The court staff must monitor their own temperature and health and should not come to work if their temperature is greater than 100.4°F (38°C), they are experiencing COVID symptoms, or have had contact with a COVID positive person in the last fourteen days. They must follow appropriate hand hygiene, practice social distancing, and wear face coverings in the courtroom and any time they are dealing with the public.

**9. Vulnerable Populations** – The Court will take into consideration any accommodation(s) requested by individuals who are over age 65 and individuals with serious underlying health conditions. The Court will take into consideration the requests of other individuals who do not

fall into the definition of vulnerable population but express health concerns regarding an in-person court appearance. These matters will be reviewed on a case-by-case basis, but the Court will liberally grant such requests. Court notices shall include language:

“Accommodations will be made for vulnerable individuals (those over age 65 or individuals with serious underlying health conditions), as well as other individuals who have health concerns about appearing in person. Please call (608) 647-3956 to make alternate arrangements.”

**10. Cleaning** – The maintenance staff will clean the courtroom and the common areas of the courthouse at least twice per day. The courtroom staff, including bailiff, clerk, and judge, will ensure that all frequently-touched surfaces in the courtroom are wiped down with anti-viral wipes between each hearing. Staff have been provided with cleaning supplies shown to be effective with the coronavirus and have been provided appropriate personal protective equipment.

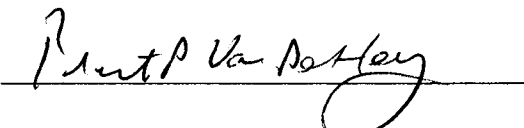
The circuit court shall continue to follow its operational plan as approved by the Chief Judge until further order of this Court.

Approved this 14<sup>th</sup> day of October 2020.

A handwritten signature in black ink, reading "Andrew Sharp", written over a horizontal line.

Andrew Sharp  
Circuit Court Judge

Approved this 16<sup>th</sup> day of October 2020.

A handwritten signature in black ink, reading "Robert P. VanDeHey", written over a horizontal line.

Honorable Robert P. VanDeHey  
Chief Judge  
Seventh Judicial Administrative District

**ADDENDUM TO  
THE RICHLAND COUNTY OPERATIONAL PLAN FOR REOPENING COURT  
JURY SPECIFIC SAFETY PRECAUTIONS**

1. Considerations have been made for the safety and well-being of prospective jurors. The attached letter was developed and will be sent with the juror summons to each prospective juror.
2. We will defer any prospective jurors who are over the age of 65 or who otherwise express health concerns relating to jury service. This policy will be clearly outlined for court staff and is to be included in the jury summons.
3. There will be no group orientation for jurors, but they will be advised of the link to a site which can provide them with more information concerning jury service.
4. A news release will be prepared that outlines the County's plan that will educate the general public on the importance of jury service and the specific precautions taken in Richland County with respect to public safety.
5. When jurors come to the courthouse, a staff person will meet with them outside the staff entrance to the building (weather permitting). A staff person will screen the prospective jurors by asking a series of questions. Prospective jurors who indicate "yes" to any of these questions will be excused from jury service and will not be admitted to the courthouse.
6. The staff person conducting the screening will use an infrared thermometer to determine the temperature of the prospective juror. Prospective jurors whose temperature equals or exceeds 100.4°F (37.8°C) will be excused from jury service and will not be admitted to the courthouse.
7. Once prospective jurors have been screened, they shall not be permitted to leave the building until they are excused from jury service or until the proceedings have concluded for the day.
8. The following personal protective equipment will be available to the jurors: masks, gloves and individual hand sanitizer. The wearing of masks is required under our operating plan but the use of gloves is optional.
9. Notices will be posted regarding hygiene, hand sanitizing, and distancing practices. Social distancing of prospective jurors will be enforced through the following strategies: limiting the capacity in the courtroom and marking chairs in the courtroom gallery which are six feet apart.
10. The following strategies will be used to reduce the number of people together at the time of jury selection: Utilize preselection questionnaires in some cases, conduct *voir dire* in sessions based on the capacity of the courtroom that will allow appropriate social distancing, give priority to "strikes for cause" based on juror health and safety concerns. The clerk will determine the first 24 jurors to be called and they will be seated in designated seats in the courtroom. The remaining prospective jurors will be seated where they can observe and hear the *voir dire* questions remotely. Two or three bailiffs will be used to assist in following this protocol.

11. The size of the courtroom will allow 24 jurors to be seated either in the box or near the box while remaining six feet apart. The positioning of the jurors should enable each juror to have an adequate view of the witness stand, the screen, and should permit them to hear and see all proceedings.

12. Social distancing consideration during trial breaks and deliberations include using an alternate room for deliberations and ensuring appropriate bathroom capacity to be monitored by bailiffs.

13. No snacks will be provided. Each juror shall be provided with bottled water and an individually packaged lunch.

14. Due to capacity issues within the courtroom, there may not be sufficient seating for the public viewing of the proceedings. The proceedings will be available for people to observe and listen via Zoom.

Dear Prospective Juror:

This letter is attached to the Summons directing you to appear for Jury Service at 8:30 am on \_\_\_\_\_ at the Richland County Courthouse. I am writing to provide you with the specific procedures and precautions undertaken to ensure the health and safety of the jury, parties, lawyers, and court personnel during jury selection and the jury trial to follow. So that you won't be surprised when you arrive, please be aware of the following:

1. Upon arrival, you will be directed to the south Parking Lot entrance where a staff member will meet with you outside of the building (weather permitting). Each prospective juror will be screened by court staff prior to entering the building. This screening will consist of screening questions and having your temperature taken using a hand-held thermometer. If your temperature exceeds 100.4°F (37.8°C), you will not be admitted to the courthouse and will be excused from jury service.

2. You will be required to wear a face covering during screening and to enter the building. If you do not have your own face covering, one will be provided to you. The following personal protective equipment will be available: masks, gloves, and hand sanitizers. The wearing of face coverings is required but the use of gloves is not.

3. Upon entering the building, you will be directed where to sit. If you need a hearing assist device, please advise the bailiff as soon as you are seated.

4. Once jury selection has been completed and the final panel is selected, those who were not selected will be allowed to leave the building. If you were provided a mask, you will take it with you.

5. Please do not bring personal items such as food or drink, books, etc. with you to the courthouse. The only exception to this is that you may bring a phone to enable you to make necessary notifications if you are selected for jury service.

6. Since you will not be allowed to leave the building until the end of the day, bottled water and an individually packaged lunch will be provided to the selected jurors each day of the trial.

7. Alcohol-based hand sanitizer will be available at multiple locations. Courtrooms, jury rooms, elevator, and bathrooms will be cleaned and sanitized twice each day. Social distancing practices will be observed in the courtrooms, jury rooms, elevators, and bathrooms.

The Court will grant any requests for deferral of jury service by individuals who are over age 65 and individuals with serious underlying health conditions. The Court will take into consideration the requests of other individuals who do not fall into the definition of vulnerable population but express health concerns regarding jury service at this time. Since there will be no group orientation, we strongly encourage you to visit the Wisconsin Court System web page ([www.wicourts.gov](http://www.wicourts.gov)). At the blue banner on the top of the home page, click on “services”, “for jurors”, and then use the right-hand “Navigate this section”, click on “General information” to navigate to the “Handbooks and orientation video”. It is vital that you appear and present yourself for jury duty. The right to trial by jury is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and difficult times. The right to trial by jury has been enshrined within the Seventh Amendment to our U.S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence and was adopted by the great state of Wisconsin in its Constitution. We have taken extensive measures to ensure the health and safety of all of the participants while balancing these important constitutional rights. If you have any further questions, please contact the Clerk of Court Office.

Sincerely,

Stacy Kleist, Clerk of Circuit Court