
**ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN-PERSON PROCEEDINGS
IN SHAWANO/MENOMINEE COUNTIES**

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: Shawano/Menominee Counties are 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 its 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;

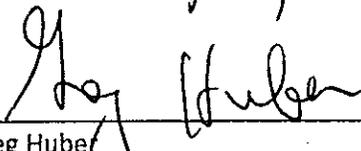
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health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

WHEREAS: The judges of Shawano/Menominee Counties 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, Shawano/Menominee Counties 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 14th day of July, 2020



Hon. Greg Huber
Chief Judge, 9th Judicial District

STATE OF WISCONSIN CIRCUIT COURT SHAWANO/MENOMINEE COUNTY

TEMPORARY OPERATING PLAN, PROCEDURES AND PRACTICES FOR IN
PERSON COURT PROCEEDINGS PURSUANT TO WISCONSIN SUPREME COURT
ORDER OF MAY 22, 2020.

Effective date June 22, 2020, the Circuit Court for Shawano/Menominee County, Shawano County Courthouse, Shawano, Wisconsin, Honorable James R. Habeck and Honorable William F. Kussel, Jr., proposed this plan.

The goal is to develop reasonable practices to ensure the rights of all parties and the public who come before the court while recognizing the public health concerns regarding COVID-19 the Court will adopt the following plan:

1. Resumption of in-person proceedings.

The Wisconsin Supreme Court issued order on May 22, 2020, impacting the ability of the Circuit Courts to begin to schedule in-person proceedings. In an effort to safely and cautiously re-engage personal appearances in court proceedings, the Shawano/Menominee County Circuit Court will promote and enforce these policies to the full extent of its authority. The judges will continue to encourage using technology for remote hearings when practical, including pretrials, initial appearances, and hearings approved by the Judge. It is the intent of the judiciary that every judge will use best efforts to continue to conduct all appropriate proceedings remotely.

2. Court officials will use best efforts to conduct proceedings remotely and will only schedule in-person proceedings taking into consideration constitutional and statutory requirements, the nature of proceedings and the request of the litigants and

attorneys. Court staff will use staggered scheduling of in-person proceedings and other appropriate methods to reduce the number of people in a courtroom at the same time. General intake on criminal and traffic matters will not be conducted before July 1, 2020.

3. The courtrooms for Judge James R. Habeck, Judge William F. Kussel, Jr., and Court Commissioner Luanne Henk will be open for in-person proceedings. All statutory and constitutional requirements for in-person proceedings will be honored.
4. All persons who enter the courtrooms must wear a face covering, either their own or one provided by the court and to practice social distancing and appropriate hand hygiene. Any one member of the public who refuses to comply with this procedure may be excluded from the courtroom. If an individual does not have a face mask or suitable face covering, a disposable face mask will be provided by Shawano/Menominee County before entrance will be allowed at the Clerk of Court office. Social distancing of 6 feet, a distances used in all portions of this plan, will be observed in the hallways and meeting rooms immediately outside the courtrooms. Signs are posted in these areas.
5. Judges and court staff shall be required to wear face coverings, practice social distancing, and appropriate hand sanitization at all times when the litigants, attorneys, victims, law enforcement, or any other person or member of the public is present in the courtroom. The court recognizes that attorney/client confidentially 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 and consult with each other when necessary.

6. Individuals who are over the age of 65 and individuals with serious underlying health conditions are considered vulnerable individuals. The circuit court to the full extent of its authority to reduce risk and promote safety of all those who access the court system will give a vulnerable individual any reasonable accommodation, which they may require.
7. All persons accompanying a party for an in-person hearing shall be directed to SOCIAL DISTANCE. If needed, which would be unusual, the public can be directed to a distant area with YouTube access.
8. Hand sanitizer dispensers have been placed outside of each courtroom. The court will post signs outside courtrooms notifying the public and all persons entering the courtrooms of the availability of hand sanitizer.
9. Center for Disease Control fliers outlining appropriate hygiene, social distancing, or public safety will be posted in multiple locations near all court related offices and courtrooms.
10. Court building cleaning staff will clean the common areas of the court buildings so that common areas are cleaned at least every workday Monday through Friday. Also, court building cleaning staff will thoroughly clean the courtrooms every evening.
11. Signage advising of these requirements as well as the availability and location of masks, hand sanitizers, and accommodations (where needed) will be posted at each door to the court hearing rooms.
12. Copies of this document were provided to Ethan Schmidt, Shawano County Clerk of Courts; Pam Frechette, Menominee County Clerk of Courts; Adam Bieber,

Shawano County Sheriff's Department; Rebecca Smith, Menominee County Sheriff's Department, Greg Parker, District Attorney; Jeff Haase, Elisabeth Stockbridge, Matthew Kolell, State of Wisconsin Public Defender's Office; Brent Miller, Administrative Coordinator; Steve Dreher, Maintenance, Vicki Dantoin, Public Health Department Administrator, Darlene Hoffman, Register in Probate, and comments were invited to and attended a meeting held June 9, 2020.

13. The Summons schedule will continue to stagger start times to limit the amount of people in the courtroom at one time.

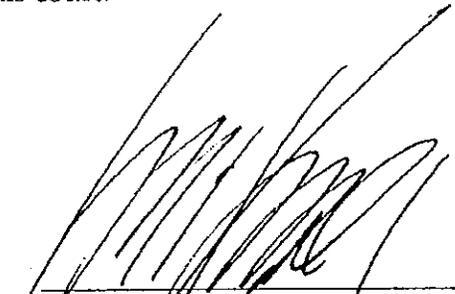
14. Signs limiting two people in the elevator at a time will be posted next to these doors.

This operational in-person proceedings plan does not include or address the resumption of jury trials in Shawano/Menominee County. The plan to resume, safely, jury trials will be further addressed by order of this court.

THIS IS THE ORDER OF THE COURT.

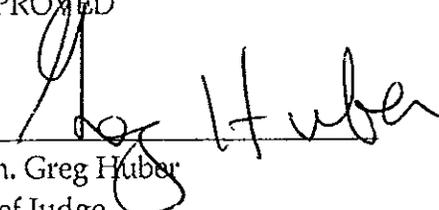
Dated this 22nd day of June, 2020

Hon. James R. Habeck
Circuit Court Judge, Branch I
Shawano/Menominee County, Wisconsin



Hon. William F. Kussel, Jr.
Circuit Court Judge, Branch II
Shawano/Menominee County,
Wisconsin

APPROVED



Hon. Greg Huber
Chief Judge
Ninth Judicial District