
**IN THE MATTER OF
OPERATIONAL PLAN FOR
TREMPEALEAU COUNTY CIRCUIT COURT
(IN-PERSON COURT PROCEEDINGS ONLY)**

AMENDED ORDER

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 November 18, 2020, the Trempealeau County Circuit Court submitted an amended operational plan to resume in-person court proceedings 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.

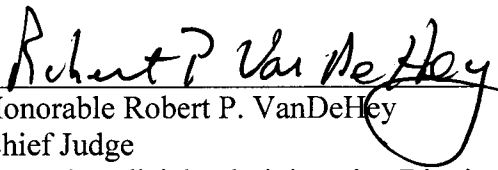
IT IS ORDERED the operational plan for the Trempealeau County Circuit Court is approved for the resumption of in-person court proceedings.

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 Trempealeau County Circuit Court:

IT IS FURTHER ORDERED this order does not impact that part of the Supreme Court order which extended the ban on jury trials nor the tolling of time limits for civil trials contained therein. Prior to resuming jury trials, Trempealeau County Circuit Court will need to submit a revised written operational plan regarding jury trials subject to chief judge review and approval.

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

Dated this 20th day of November, 2020


Honorable Robert P. VanDeHey
Chief Judge
Seventh Judicial Administrative District

**TREMPEALEAU COUNTY'S REVISED, Eff. December 1, 2020, OPERATING PLAN FOR THE SAFE
RESUMPTION OF IN-PERSON PROCEEDINGS AND PLAN APPROVAL**

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, and further recognizing the current increase in COVID-19 cases¹, the courts of Trempealeau County will implement the following revised 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 will adjust this operating plan as necessary with any changes in the public health conditions in the county.
5. Maintenance staff has installed plexi-glass dividers around the witness stand in each courtroom.
6. Effective December 1, 2020, Judges will transition to conducting all court proceedings remotely through telephone or video on Zoom. However, the parties may request and the Judges may approve in-person proceedings. When considering whether to allow a party to appear in person, the Judge may consider the nature of the proceeding, the number of persons requesting to appear in person that particular day, the length of time the parties will be in the courtroom, and whether a party has exhibits that cannot be e-filed or would be difficult to e-file in advance of the proceeding.
7. Maintenance staff has installed higher quality HEPA filters in its air exchangers in the building to purify air in the building.

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. Judges and court staff will continue to use self-monitoring of their own health.
3. Judges and court staff will be required to wear face coverings at all times in court and will follow social distancing and appropriate hand hygiene recommendations at all times.

Social Distancing Required If Appearing In-Person

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.
2. Social distancing in the courtroom will be monitored and enforced by court staff.

¹ On June 30, 2020, Trempealeau County had a total of 118 COVID-19 cases. As of November 16, 2020, Trempealeau County had a total of 1,827 cases and 668 active cases of COVID-19.

3. 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.
4. Maintenance staff has installed floor markings in the courthouse indicating where people can stand or sit while maintaining social distancing.

Hygiene

1. Hand sanitizer dispensers are placed at the entrance to the building and throughout the courthouse.
2. Disinfectant wipes or spray have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. 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. When individuals attempt to enter the court building, a security staff will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building. If required to appear in court, the appropriate court office will be immediately notified.
2. Inmates being transported from the jail to court 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 100.4°F will not be transported to court.
3. Staff who are screening individuals entering the court building will be provided personal protective equipment.
4. Currently, if individuals desire to enter the courthouse, they are asked to use a phone at the building entrance to call the department they are there to visit to determine if the individual is able to conduct their business remotely without entering the courthouse, all in an effort to reduce the number of persons in the courthouse.

Face Coverings

1. All individuals entering any courtroom, jury room, or court-related conference rooms (including the law library, which at times is used as a conference room), will be required to wear an approved face covering.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. The maintenance department has installed sign holders outside each courtroom, jury room, and court-related conference room indicating the face covering requirement.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least twice a week, and as requested by court staff.

2. Court staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff will provide cleaning supplies shown to be effective against the COVID-19 virus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

In developing the revised plan, I consulted with the stakeholder committee, and such committee met originally on June 4, 2020 and June 18, 2020, and again on November 13, 2020 and November 16, 2020. Stakeholder Committee Members: Rian Radtke - Judge, Ashley Berg – Judicial Assistant, Amy Frandsen- Human Resources Director, Rick Niemeier – Corporation Counsel, Rick Schaumberg – Court Commissioner and Local Attorney, Jeff Moessner – DOC Supervisor, Travis Satorius – Public Defender, John Sacia – District Attorney, Mark Franklin – Family Court Commissioner and Local Attorney, Emmeline Lee – Assistant District Attorney, Barb Barczak – Public Health Director, Brett Semingson - Sheriff, Joel Dregney - Bailiff, Dustin Stevens – Emergency Management Director, Judy Zickert – Court Reporter, Michelle Weisenberger –Clerk of Court, John Aasen – County Board Chairperson, Pat Brummond – DCA, Deb Suchla – Human Services Director.

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.

11/18/2020

Electronically signed Hon. Rian W. Radtke

Date: _____

Hon. Rian W. Radtke

Trempealeau County Circuit Court Judge

JURY TRIAL ADDENDUM

During a jury trial, a large number of individuals from the general public are asked to come to the courthouse and spend long periods of time together. While the court believes that previous provisions for safety are safe, extended periods of time together in the same room, which could include several days or more, increases the risk for spread of the COVID-19 virus even with social distancing and face coverings efforts.

Accordingly, due to the high rate of positive COVID-19 cases currently in Trempealeau County, and in an effort to contain and prevent the further spread of COVID-19 in the county, **all jury trials are suspended effective December 1, 2020, until such a time as the Trempealeau County Health Department deems the county to have receded in risk level to Medium Risk**².

² "Medium Risk" would be 1-9 cases/100,000 people per the Harvard Global Health Institute metrics. As of November 16, 2020, Trempealeau County has 187.73 daily cases/100,000 (7-day rolling average). According to the Trempealeau County Health Department, the last time Trempealeau County was in the Medium Risk category was September 11, 2020.