

Amending COVID-19 Circuit Court Operating Plan

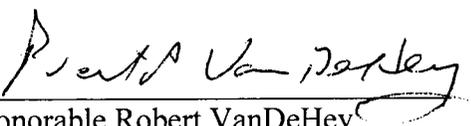
WHEREAS: On May 21, 2021, the Wisconsin Supreme Court terminated the following orders: (1) In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); (2) In re the Matter of Filing of Court Documents in Circuit and Appellate Courts (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 Vernon County to amend its existing COVID-19 Court Operational Plan, dated August 7, 2020, by modifying “Phase Three” criteria.

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

Date: July 21, 2021



Honorable Robert VanDeHey
Chief Judge
Seventh Judicial Administrative District

4TH ADDENDUM TO VERNON COUNTY CIRCUIT COURT OPERATIONAL PLAN FOR REOPENING COURT

This Court's proposed **VERNON COUNTY CIRCUIT COURT OPERATIONAL PLAN FOR REOPENING COURT ("the Plan")** was approved by the Chief Judge of the 7th District on August 10, 2020.

This Court reconvened the Stakeholder's group which agreed to a modification of Phase Three of the Plan, effective May 28, 2021. Modified Phase Three is defined as follows:

In-person processing of all cases, including jury trials. Vaccinated individuals may remove their masks when they are within the well of the courtroom. However, the Court will not inquire about the vaccination status of individuals. Witnesses may remove their masks when testifying. All individuals in the gallery and courtroom other than in the well must wear masks. The **Jury Specific Safety Precautions** which are set forth below must be followed.

JURY SPECIFIC SAFETY PRECAUTIONS

1. Considerations have been made for the safety and well-being of prospective jurors. Jurors in the jury panel must wear masks at all times.
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. When jurors report to the courthouse, a staff person will ask questions about their health/Covid status.
4. The following personal protective equipment will be available: masks and hand sanitizer. Face shields are available for attorneys upon request. HEPA filters have been installed in the courtroom's air systems.
5. 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, marking seating in the courtroom gallery, setting up chairs which are six feet apart within the jury box and the jury deliberation room.
6. The following strategies will be used to reduce the number of people together at the time of the jury selection: utilize preselection questionnaires in some cases and give priority to "strike for cause" based on juror health and safety concerns. The clerk will determine the first 23 jurors to be called and they will be seated in a designated seating in the jury box and one-half of the second floor courtroom. The remaining prospective jurors will be seated on the second half of the second floor courtroom.

7. The size of the second floor courtroom and jury box will allow 12 or 13 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 and the screen and should permit them to hear and see all proceedings.
8. 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.

VERNON COUNTY CIRCUIT COURT 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 CIRCUIT COURT of VERNON COUNTY will implement the following plan.

General

Planning for reopening Vernon County Circuit Court began in May to discuss and consider the recommendations outlined in the Wisconsin COVID-19 Task Force Report. On May 28, 2020, Judge Darcy Rood convened a Zoom meeting of county stakeholders and the following persons participated:

Darcy J. Rood - Judge
Sheila Olson - Clerk of Court
Sue Amundson - Register in Probate/Juvenile Clerk
Timothy Gaskell - District Attorney
Stephanie Hopkins - Family Court Commissioner
Charlie Jacobson - Jail Administrator
Brad Stuber - Court Security Officer
Brandon Larson - Emergency Management Director
Phil Hewitt - Vernon County Highway Commissioner
Nikki Swayne - Corporation Counsel
Beth Johnson - Health Department Director
Serena Inman - Personnel Director
Justin Running - Vernon County Board President
George Wilbur - Vernon County Bar Association
Lisa Fieck - Department of Corrections
Kristi Peterson - Judicial Assistant

A subcommittee was assigned and a further meeting was held by the subcommittee, which issued a report. A second stakeholder meeting was held on June 16, 2020, by Zoom and a subsequent subcommittee was established to address specific jury issues. The latter subcommittee met and the recommendations form part of this report.

Process: A Four-Phased Approach

Vernon County will employ a four-phased approach for returning to full in-person court operations. The County Stakeholder group developed **Safety Requirements for In-Person Appearances** and determined the county is ready to begin Phase One on August 11, 2020. 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.

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. Beginning August 11, 2020, the circuit court may resume in-person appearances in the following cases:

1. Evidentiary motion, preliminary, and felony plea hearings;
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)
 - Cases in the Court's discretion that require in-person hearings
 - Time-sensitive small claims proceedings

Phase Two (A): In-person processing of all cases, except jury trials. Phase Two includes all case categories from Phase One, but would also allow all civil proceedings other than jury trials. All of the **Safety Requirements for In-Person Appearances** must continue. It is still recommended that remote appearances be utilized to the greatest extent possible. The public will be permitted to observe only via Zoom, which information shall be posted on the outside entrances to the courthouse/annex.

Phase Two (B): Prior to opening the court for all cases, this Court will conduct a civil jury trial with a six-person jury on September 1 and 2, 2020. This will allow the Court to assess whether it is advisable to move to Phase Three.

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

1. **Personal Protective Equipment** – Face masks shall be worn continuously in the courtroom, jury room, and other court-related confined spaces during proceedings. Those attending court will be provided a face mask if they do not have a face covering or if the face covering they have is not acceptable to the courthouse entry screeners. 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’s 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.
2. **Face covering** – A “face covering” means a piece of cloth or other material that is worn to cover the nose and mouth completely. A "face covering" includes but is not limited to a bandana, a cloth face mask, a disposable or paper mask, a neck gaiter, or a religious face covering. A "face covering" does not include face shields, mesh masks, masks with holes or openings, or masks with vents.
3. **Air Purifying Equipment** - HEPA air purifying filters have been placed in the courthouse air filtration system. HEPA air purifying equipment shall be used to maintain air quality in the jury room.
4. **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. The seats in the gallery shall indicate where individuals may sit. The seating for participants, counsel, and court staff have been arranged to provide for at least six feet between individuals.
5. **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. The Court is exploring the use of You Tube for interested observers. Cases must be carefully calendared to avoid violation of social distancing requirements. As set forth in greater detail in the jury trial addendum, the seating in the gallery in the upper courtroom shall have indicators of seating locations that meet the social distancing requirements.
6. **Courtroom entrances and exits** - Persons appearing for in-person proceedings shall enter through the southside courthouse and/or annex doors. These doors will be unlocked only at the times the courthouse is conducting in-person hearings. Masks will be available on a table inside this door for any individual who does not have an appropriate face covering.

Litigants will take either the stairway or the elevator to the first or second floor of the courthouse. There will be hand sanitizers and wipes outside the elevator doors on both the annex first floor and the courthouse second floor. Only one person or one family can use the elevator at a time. Tape or some other indicator shall be placed on the floor in the hallway leading to the elevator in 6 foot intervals, marking the required social distancing. At the conclusion of hearings in the upper courtroom, litigants shall exit through the east side courthouse door. There is no separate exit from the small courtroom so cases will be scheduled so there is no overlap of participants. Signs will be posted with the information in this paragraph.

7. **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 appropriate 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.
8. **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. All individuals must use hand sanitizer upon entering the building and prior to entering the courtroom.
9. **Dropbox** – A drop box shall remain in the entry of the Annex Building and individuals will be encouraged to use this box to drop off payments, correspondence, and documents for filing that cannot be filed electronically.
10. **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.
11. **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 appearances. These matters will be reviewed on a case-by-case basis, but the court will liberally grant 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) 637-5340 to make alternate arrangements.
12. **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 maintenance staff has been trained on proper cleaning techniques.

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

**ADDENDUM TO THE VERNON 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 Vernon County with respect to public safety.
5. When jurors report to the courthouse, a staff person will meet with them outside the handicap accessible entrance (weather permitting).
6. A person designated by the Court will conduct temperature screening. Prospective jurors whose temperature equals or exceeds 100.4°F 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 hand sanitizer. The wearing of masks is required under our operating plan. HEPA filters have been installed in the courtroom's air systems. Air purifiers with HEPA filters will be placed in the jury deliberation room.
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, marking seating in the courtroom gallery, setting up chairs which are six feet apart within the jury box and the jury deliberation room.
10. The following strategies will be used to reduce the number of people together at the time of the 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 "strike for cause" based on juror health and safety concerns.

The clerk will determine the first 23 jurors to be called and they will be seated in a designated seating in the jury box and one-half of the second floor courtroom. The remaining prospective jurors will be seated on the second half of the second floor courtroom.

11. The size of the second floor courtroom and jury box will allow 12 or 13 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 and 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 the bailiffs.
13. Jurors will be provided all meals during trial and deliberations.
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.



Honorable Darcy J. Rood, Circuit Court Judge

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CIRCUIT COURT

TEMPORARY ORDER

Due to the high/substantial Covid transmission rate in Vernon County and additional deaths due to the virus, this Court has reinstated the face covering requirement. Therefore, effective July 30, 2021, paragraphs 1 and 2 of the Safety Requirements for In-person Appearances of the initial Vernon County Operational Plan, which this Court has slightly modified, are in effect until further order of this Court. Specifically,

1. **Personal Protective Equipment** -- Face coverings shall be worn covering both nose and mouth continuously in the courtroom, jury room, common areas and other court-related confined spaces during proceedings. Those attending court will be provided a face mask if they do not have a face covering or if the face covering they have is not acceptable to the judge. 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's 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.
2. **Face covering** – A “face covering” means a piece of cloth or other material that is worn to cover the nose and mouth completely. A "face covering" includes but is not limited to a bandana, a cloth face mask, a disposable or paper mask, a neck gaiter, or a religious face covering. A "face covering" does not include face shields (unless specifically permitted by the judge), mesh masks, masks with holes or openings, or masks with vents.

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