

Ordered this 10<sup>th</sup> day of June, 2020



Hon. Jennifer R. Dorow  
Chief Judge

STATE OF WISCONSIN

CIRCUIT COURT  
THIRD JUDICIAL DISTRICT

Special Order  
20-SO-07 (IP) (66)

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**IN THE MATTER OF:  
APPROVAL OF THE OPERATIONAL  
PLAN FOR WASHINGTON COUNTY**

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**WHEREAS:** In light of the COVID-19 Statewide and National states of emergency, the Wisconsin Supreme Court has entered certain orders related to the operations of the Circuit Court regarding in person appearances and 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 judges of each district, if remote technology is not practicable or adequate to protect constitutional rights of the citizens of Wisconsin; and

**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; and

**WHEREAS:** On May 22, 2020, the Wisconsin Supreme Court ordered that the March 22, 2020 order regarding the suspension of jury trials, Interim Rule 20-02 regarding suspension 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 prepares an operational plan for the safe resumption of in-person proceedings and jury trials and the plan is approved by the chief judge of the applicable administrative district; and

**WHEREAS:** On May 22, 2020, the Wisconsin Supreme Court outlined the specific criteria required in each circuit court operational plan as to how that circuit court will conduct in-person proceedings and jury trials so as to reduce to the greatest extent possible the risk of transmission of the COVID-19 virus and that promotes the health and safety of all those present in the courtrooms, jury rooms, and other court related confined spaces of that circuit court; and

**WHEREAS:** On June 10, 2020, the Honorable Jim Muehlbauer, Presiding Circuit Judge of Washington County, submitted an operational plan regarding resumption of in-person proceedings, which contains a statement regarding communication with local justice partners on the safe resumption of in-person proceedings in that circuit court; a requirement that all persons who are present in the courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, except as authorized on the record by said judge; outlines practices for appropriate sanitation/hygiene of frequently touched surfaces and the hands of participants; specify that notices regarding face coverings and availability of hand sanitizer and disinfecting wipes/sprays in court-related areas will be appropriately posted and noticed; and incorporates recommendations made in the Final Report of the Chief Justice's Task Force;

**THEREFORE IT IS ORDERED:**

The operational plan of the Circuit Court of Washington County regarding procedures and practices for conducting in-person proceedings during the 2020 public health emergency and COVID-19 pandemic are hereby approved and are effective as of this date. All orders of the Supreme Court regarding the suspension of jury trials in all matters are not affected by this Plan and those Orders and limitations remain in full force and effect. The circuit court must continue to follow its operational plan as approved by the chief judge until further notice of the Wisconsin Supreme Court.

**IT IS FURTHER ORDERED:**

The provisions of this order shall be subject to further modification or termination by future orders.

## **COVID-19 Circuit Court Operating Plan for In-Person Non-Jury Trial Hearings in the Washington County Courthouse (Justice Center)**

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 Washington County plan to implement the following protective measures:

### **General**

1. The county judiciary has established a stakeholder committee which when needed will discuss and consider the recommendations outlined in the Wisconsin COVID-19 Task Force report.
2. The Judges have communicated with the Clerk of Courts, the Sheriff, the Courthouse Security officer from the Sheriff's Department, the County Executive, the County Attorney, the County Health Officer, the County Building and Grounds Manager (Facilities Manager), the Register in Probate, the District Attorney, and the Public Defender, as well as other stakeholders as deemed necessary.
3. All judges will use all reasonable efforts to conduct proceedings remotely.
4. Before calendaring in-person hearings, appropriate members of the stakeholder committee will address staffing needs and will procure any equipment and supplies deemed necessary.
5. The stakeholder committee will meet as needed, maintain communication with the local health authority, and will adjust this operating plan as necessary to respond to changes in public health conditions in the county.

### **Judges and Court Staff Health**

1. Judges and court staff who can perform the essential functions of their jobs for certain hearings by Zoom, video conferencing, and/or telephone are encouraged to do so whenever possible.
2. The following procedures have been implemented to monitor the health of Judge and court staff: Judges and/or court staff will notify appropriate court officials if they are symptomatic to ensure court hearings are scheduled appropriately; COVID-19 testing may be administered if Judges and/or court staff are symptomatic. Washington County employees will adhere to County Illness/Exposure and Return to Work policies.
3. The Judges, acting with input from appropriate stakeholders, will implement appropriate protective measures consistent with COVID-19 Task Force recommendations to protect the health of the Judges and court staff.

### **Scheduling**

1. The Judges will confer among themselves and consult with appropriate stakeholders to establish court schedules which reduce occupancy in the courthouse.

## **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 are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, notices and other communications notifying vulnerable individuals that they may contact the court to request accommodations.
3. Vulnerable individuals scheduled for court will be accommodated to the extent practicable by: courthouse entry screening; use of available technology to facilitate remote appearances; giving due consideration to requests for adjournments; social distancing; and provision of face coverings and hand sanitizer.

## **Social Distancing**

1. All persons not from the same household who are in the courtroom will be required to maintain adequate social distancing of at least six feet.
2. No more than 2 persons not from the same household be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom will be evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity will be posted on each restroom door.
4. There are no public common areas and no breakrooms and no snackrooms in the courthouse.
5. The maximum capacity of each courtroom has been determined, but depends on whether individuals are members of the same household as indicated in paragraph 1 above. The maximum capacity will be monitored and enforced by court staff.
6. The gallery of each courtroom will be marked to identify appropriate social distancing in the seating. Seating is limited to every other row.
7. In each courtroom, counsel tables, witness stand, bench, and clerk, and court reporter seating may be arranged to ensure social distancing of at least six feet between each space.

## **Hygiene**

1. Hand sanitizer dispensers have been placed in the courtrooms.
2. Disinfectant spray has been placed near courtroom doors, at counsel tables, and at other appropriate locations.
3. Notices regarding the availability of hand sanitizer and disinfectant spray will be posted at the entrance of each courtroom, jury room, and court-related confined space.

## **Screening**

1. When individuals attempt to enter the courthouse, security personnel will ask individuals questions to determine whether individuals are symptomatic or, within the past 14 days, 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 generally be denied entrance to the courthouse. But if such individuals attempt to enter the courthouse because they are required to appear in court, or if a court might lose jurisdiction due to the non-appearance of an individual, the appropriate court office will be promptly notified. The appropriate court official will determine whether the matter will be adjourned, whether the individual may be safely admitted, or whether some other response is appropriate.
2. Staff who are screening individuals will have a list of court official phone numbers in order to notify court offices of individuals who have been denied entrance.

## **Face Coverings**

1. All individuals present in the courtrooms, jury rooms and other court-related confined spaces will be required to wear face coverings, unless a Judge specifically 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.
2. Notices regarding the requirement to wear face coverings will be posted at the entrance to each courtroom, jury room, and court-related confined space and this requirement will be enforced by the Judges of the circuit court.
3. All individuals present in other areas of the courthouse are encouraged to wear face coverings.
4. Individuals should bring face coverings with them. However, if individuals required to appear in court, including but not limited to, parties, attorneys, witnesses, security officers, and victims, do not bring a face covering, then such face covering will be provided by the court.

## **Cleaning**


1. Court cleaning staff will clean common areas of the courthouse on a regular basis.
2. Courthouse personnel will ensure courtrooms are cleaned as needed between hearings, between morning and afternoon proceedings, and at the end of each day a courtroom is used.
3. Court cleaning staff have been provided cleaning supplies shown to be effective with coronavirus.
4. Court cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

I have conferred with all judges of courts with courtrooms in the courthouse regarding this Operating Plan. In developing the plan, I consulted with members of the stakeholder committee as needed. This operating plan will be modified as necessary to respond to changes in public health conditions in the county, and in light of the availability of equipment, supplies and funding. I will ensure the judges of courts with courtrooms in the courthouse covered by this Operating Plan will conduct proceedings consistent with the plan.

All Orders of the Supreme Court regarding the suspension of jury trials in all matters are not affected by this Plan and those Orders and limitations remain in full force and effect.

A separate Jury Trial Operating Plan will submitted when it is completed.

Date: 6-10-2020



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Presiding Judge

Date: June 10, 2020



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Chief Judge Approval

Ordered this 7th day of July, 2020



Hon. Jennifer R. Dorow  
Chief Judge

STATE OF WISCONSIN

CIRCUIT COURT  
THIRD JUDICIAL DISTRICT

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**IN THE MATTER OF:  
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PLAN FOR WASHINGTON COUNTY**

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**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 jury trials; and

**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; and

**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; and

**WHEREAS:** On May 22, 2020, the Wisconsin Supreme Court ordered that March 22, 2020 order regarding the suspension of jury trials, that Interim Rule 20-02 regarding suspension 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 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; and

**WHEREAS:** On May 22, 2020, the Wisconsin Supreme Court outlined the specific criteria required in each circuit court operational plan as to how that circuit court will conduct jury trials so as to reduce to the greatest extent possible the risk of transmission of the virus that causes COVID-19 and that promotes the health and safety of all those present in the courtrooms, jury rooms, and other court related confined spaces of that circuit court; and

**WHEREAS:** On June 10, 2020, the Washington County Judiciary, submitted an operational plan which contains a statement regarding communication with local justice partners regarding the safe resumption of jury trials; a requirement that all persons who are present in the courtrooms, and other court-related confined spaces shall wear face coverings, except as authorized on the record by said judge; outlines practices for appropriate sanitation/hygiene of frequently touched surfaces and the hands of participants; specifies that notices regarding face coverings and availability of hand sanitizer and disinfecting wipes/sprays in court-related areas will be appropriately posted and noticed; and incorporates many recommendations made in the Final Report of the Chief Justice's Wisconsin Courts COVID-19 Task Force;

**THEREFORE, IT IS ORDERED:** The operational plan of the Circuit Court of Washington County (see below) regarding procedures and practices for conducting jury trials during the 2020 public health emergency and pandemic COVID-19 is hereby approved and is effective July 7, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court related to the suspension of jury trials cease to apply to the Circuit Court of Washington County. The Circuit Court must continue to follow its operational plan as approved by the chief judge until further notice of the Wisconsin Supreme Court.

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



## **COVID-19 Circuit Court Operating Plan for Washington County Circuit Court Addendum: Jury Trial Plan**

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District, this plan is developed to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges and other individuals participating in jury trials. The Courts of Washington County will implement the following additional protective measures related to jury trials:

### **Recovery Planning and General Education**

1. A recovery planning, jury committee including the following stakeholders, has been established: Presiding Judge, District Attorney, State Public Defender, Washington County Bar Association President, Clerk of Circuit Court, County Executive, Sheriff, Facilities Management, and Public Health Department.
2. The following efforts have been undertaken to educate the general public on the importance of jury service and the specific precautions taken in the County with respect to public safety and ensuring the safety of jurors during the pandemic: an informational notice to public has been created and will be released to the press, and posted on the Washington County Facebook page and Website.

### **Non-Jury Trial Hearing Procedures Incorporated**

1. The procedures contained in the previously approved Operating Plan for Non-Jury Trial Hearings relating to Judge and Court Staff Health, Scheduling, Vulnerable Populations, Social Distancing, Hygiene, Screening, Face Coverings, and Cleaning are all incorporated into this Jury Trial Plan and, to the extent applicable to Jury Trials, will be followed for Jury Trials.

### **Summoning Jurors**

1. Considerations have been made for the safety and well being of jurors. A letter was developed and will be sent with the juror summons to each juror.
2. It is the policy of the Washington County judges to decide whether to grant deferral or excusal requests giving due consideration to juror safety concerns raised by COVID-19. Specifically, Courts will give particular consideration to requests by health care providers, first responders, individuals suffering from diabetes, high blood pressure, chronic lung disease, asthma or other serious health conditions, individuals with compromised immune systems, individuals who are symptomatic, individuals 65 years and older, and individuals living in nursing homes and long-term care facilities.
3. Protective measures are in place for jurors reporting to court: efforts will be made to expedite entrance into the courthouse; jurors will check in with court personnel in a way which minimizes physical contact with documents; and there will be a

- posting in the Courthouse lobby and in the jury assembly room which describes hygiene and distancing practices.
4. When jurors attempt to enter the Courthouse, security personnel will ask jurors questions to determine whether they are symptomatic or, within the past 14 days, 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 generally be denied entrance to the Courthouse. Because jurors are required to appear in Court, the appropriate court office will be promptly notified.

### **Juror Attendance and Safe Participation**

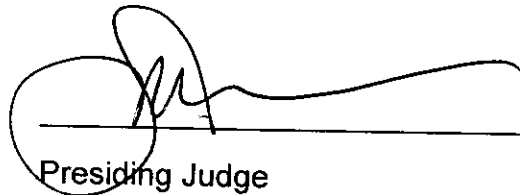
1. Personal protective equipment, including face coverings and hand sanitizers, will be available to jurors in courtrooms and jury deliberation rooms. All individuals, including jurors, present in the courtrooms, jury rooms and other court-related confined spaces will be required to wear face coverings, unless a Judge specifically 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.
2. Social distancing of jurors will be enforced through the following strategies where appropriate: conducting jury voir dire and selection in the jury assembly room or other room which ensures social distancing; limiting the capacity of the courtroom, marking spaces within the courtroom to reflect appropriate social distancing, reconfiguring placement of counsel tables, court reporter, and/or witness stand, using an alternate courtroom for additional capacity, assigned seats for jurors during the trial, and installing Plexiglas shields between participants.
3. The following strategies will be used where appropriate to reduce the number of people required to report for jury selection: use of preselection questionnaires, conduct of voir dire in sessions based on courtroom capacity to ensure appropriate social distancing, conduct of voir dire virtually in full or in part, broadcast of jury selection, limits on the number of spectators in the courtroom, use of six person juries upon stipulation, priority to strikes for cause based on juror health and safety concerns.
4. After the jury has been empaneled, the following efforts will be made to accommodate social distancing, but still ensure each juror has adequate sight lines to the witness stand and can hear and see all proceedings: courtroom audiovisual technology will be used to ensure jurors can see and hear all testimony and exhibits, as well as statements of counsel and the Court.
5. Social distancing consideration during trial breaks and deliberations may include use of an alternate room for deliberations, and ensuring availability of hand sanitizers and adequate bathroom capacity.
6. After consultation with all of the judges of Washington County, it is the policy to the Washington County judges to prioritize jury trials giving due consideration to factors including but not limited to the seriousness and age of the case, custody status of defendant, and speedy trial demands.
7. After consultation with all of the judges of Washington County, it is the policy of the Washington County judges to schedule cases to ensure the number of jury

trials on a given day will not exceed a number which can safely be conducted according to the protective measures listed herein.


8. Due to capacity issues within the courtrooms, accommodations will be made for public view of the proceedings: available audiovisual technology will be used to facilitate public view of the proceedings in the event the number of persons who wish to view the proceedings exceeds the number which may be seated according to the restrictions listed herein.

I have conferred with all judges of courts with courtrooms in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than July 15, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 7-6-2020

  
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Presiding Judge

Date: July 6, 2020

  
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Chief Judge Approval