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ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF  
IN-PERSON PROCEEDINGS AND JURY TRIALS IN WAUPACA COUNTY  
CIRCUIT COURT

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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 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 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;

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 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;

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 virus 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;

WHEREAS on June 19, 2020, the Honorable Raymond S. Huber, Presiding Circuit Judge of Waupaca County, submitted an operational plan regarding resumption of in-person proceedings; and submitted an which contains a statement regarding communication with local justice partners regarding the safe resumption of in-person proceedings and jury trials 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; 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 Task Force;

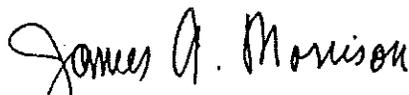
WHEREAS on July 24th, 2020, the Honorable Raymond S. Huber, Presiding Circuit Judge of Waupaca County submitted Waupaca County Circuit Court's Jury Trial Addendum as an addendum to the Operating Plan approved by Chief Judge James Morrison on June 30, 2020, and the Jury Trial Addendum's plan is developed to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges and other individuals participating in jury trials;

THEREFORE IT IS ORDERED:

The operational plan for the Waupaca County Circuit Court regarding procedures and practices for conducting jury trials and other in-person proceedings during the 2020 public health emergency and pandemic-COVID 19 is hereby approved and is effective July 31, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Waupaca County Circuit Court and that 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.

Dated this 27<sup>th</sup> day of July, 2020.



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Hon. James A. Morrison  
Chief Judge, Eighth Judicial District

## Waupaca County Circuit Courts Operational Plan Jury Trial Addendum

As an addendum to the Operational Plan for reopening Waupaca County Courts approved by Chief Judge James Morrison on June 30, 2020, 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 Waupaca County will implement the following additional protective measures related to jury trials:

### Recovery Planning and General Education

- 1.) The stakeholders committee has reviewed the recommendations of this addendum.
- 2.) The court has released press releases to the local news organizations describing the importance of jury service and the efforts Waupaca County has taken to protect prospective jurors from Covid 19.

### Summoning Jurors

- 1.) Considerations have been made for the safety and wellbeing of jurors. The attached letter will be sent to all prospective jurors.
- 2.) Each judge will address deferral and excusal of jurors taking into consideration the pandemic consistent with the operating plan.
- 3.) Attorneys will be encouraged to submit written voir dire questions for inclusion with the jury summons and prospective jurors will be encouraged to return responses to the questions.

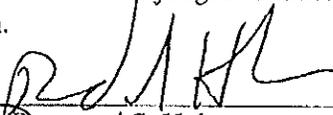
### Juror Attendance and Safe Participation

- 1.) Masks and hand sanitizer will be made available to the jurors.
- 2.) Social distancing will be enforced through the following strategies:
  - a. If the number of prospective jurors summoned exceeds the capacity of the Jury Assembly Room to permit six (6) foot distancing, Room LL42 shall be utilized for jury assembly.
  - b. If the number of prospective jurors to be examined for voir dire exceeds the ability of the courtroom to provide six (6) foot distancing, Room LL42 will be used to conduct voir dire.

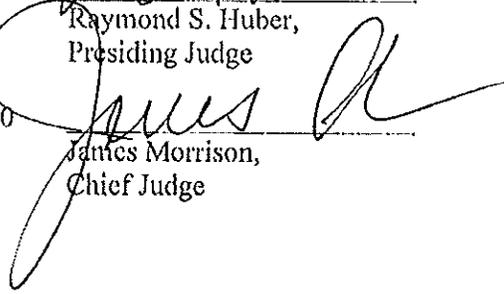
- c. After the jury has been empaneled, spacing of six (6) feet between jurors, litigants, court staff and attorneys will be maintained.
  - d. After the jury has been empaneled, the jury will retire to the jury assembly room for recesses. The jury deliberation rooms will not be used except for six (6) person juries providing six (6) foot distancing can be maintained.
  - e. Jury deliberations will take place in the courtroom or jury assembly room. Only if six (6) foot distancing can be maintained will jury deliberations take place in the jury deliberation room, (i.e. only six (6) person juries).
  - f. Sealed bottles of water and soda will be provided to jurors. No multi-cup coffee urns will be available. Meals will be ordered for carry-out from our typical restaurant providers and will be individually packaged for each juror.
- 3.) No more than one (1) jury trial will be held on any given day.
- 4.) The trial judges will consult to prioritize the jury trials and reach agreement as to which cases must be tried earlier than others.

I have conferred with all Circuit Judges in this county regarding this Jury Trial Addendum. Judges will begin setting jury trials no sooner than the date this addendum is approved by the Chief Judge. I will assure that the judges conduct proceedings consistent with the plan and addendum.

Dated: 7/29, 2020.

  
Raymond S. Huber,  
Presiding Judge

Dated: 7/27, 2020

  
James Morrison,  
Chief Judge

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IN THE MATTER OF: Approval of operational plan for reopening Waupaca County Circuit Courts

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Waupaca County recognizes the essential role the courts play in the operation of our society. The County also recognizes the impact that the COVID-19 Global Pandemic has upon society. The balancing of the need to provide effective services, while assuring the safety of the users of our courts and its employees is difficult.

While the Waupaca County Courthouse has remained open throughout the pandemic, significant limitations of operations as "normal" have occurred.

In response to the pandemic, the Wisconsin Supreme Court issued two administrative orders effecting the State Circuit Courts. The first order suspended most in-person hearings. The second order suspended all jury trials.

The Chief Justice created a COVID-19 Task Force to make recommendations for counties to allow the courts to reopen permitting in-person proceedings and eventually jury trials. The Task Force has provided guidelines which each county's stakeholders committee can utilize in its process of developing a plan to reopen.

Recognizing the need to protect the health and safety of our citizens, users of the courthouse, and our employees, the County, through its stakeholders committee, believes that continuing to limit the number of persons in the courtrooms/courthouse is necessary. Therefore, the courts will continue to encourage the use of technologies permitting hearings to be held remotely and to limit the scheduling of proceedings.

The County will implement the following protective measures as part of a 3-phase approach for return to full in-person court operations:

1. All judges will use all reasonable efforts to conduct proceedings remotely.
2. The stakeholders committee will monitor the operating plan and adjust it as necessary.

3. Judges will begin setting non-essential in-person proceedings no sooner than July 6, 2020.
4. Judges and court staff who can perform essential functions of their jobs remotely will continue to do so, whenever possible.
5. In the courtroom, judges and court staff will be required to wear face coverings, to practice social distancing, and to practice appropriate hand hygiene recommendations at all times. The courtrooms shall be cleaned daily after the court session is completed.
6. Signs shall be posted at the entry of each courtroom that all individuals entering the courtroom are required to wear a face covering. If an individual does not have a suitable face covering, a disposable face mask will be provided by Waupaca County. All hearing notices will indicate face coverings are required and encourage the party to bring his or her own.
7. The trial court, on the record, may find it 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.
8. Any member of the public refusing to wear appropriate face coverings may be excluded from the courtroom but information regarding access to court proceedings by remote means may be provided.
9. Signs will be posted at the entry to each courtroom of the need for social distancing and of the need for good hand sanitation. The signage will further provide not to enter the courtroom if feeling ill, but rather to call the phone numbers on the signage.
10. To reduce occupancy in the courts, large "cattle call" in-person returns, are discouraged.

The following scheduling procedures will be implemented:

A. Family Law Proceedings:

- 1.) At the time of the filing of a divorce, the Clerk of Courts will assign a date and time 90 days after filing for the parties to call the court for a telephone scheduling conference. At the telephone scheduling conference, the court will determine the status and issues and schedule accordingly, recognizing remote proceedings will be preferred.
- 2.) All Order to Show Cause hearings and motion hearings shall be given a date and time for a telephone hearing. No Order to Show Cause or Motion shall be initially set for an in-person hearing unless a judge determines at the time of filing the issue presented needs immediate action for protection of individuals.
- 3.) Stipulated Divorces shall be handled remotely.
- 4.) Initial Divorce Pretrials shall be handled remotely. The trial court shall use its discretion in subsequent scheduling.
- 5.) Child Support Proceedings shall be presumed to be handled remotely. Corporation Counsel shall coordinate with the court the handling of in-person proceedings.
- 6.) Temporary Order Hearings before the Family Court Commissioner shall, to the extent possible, be handled remotely.

**B. Criminal Proceedings:**

- 1.) All criminal proceedings commenced by summons shall contain the designated Intake Court phone number, 715-942-1966, with directions that the defendant call at the designated return date and time. The District Attorney's office will monitor the number of returns scheduled consistent with prior order.
- 2.) The trial court, when ordering booking as a condition of bond, will direct the defendant to call 715-256-4556 on the date of release to schedule a booking conference with the Sheriff's Department so that appropriate social distancing may be maintained.

- 3.) Status conferences for all represented defendants who are not in custody shall be handled remotely and will not be on the record, unless the trial judge orders otherwise. No pleas will be taken nor bond modifications addressed at a status conference. The State and defense counsel shall consult prior to the status conference and report to the trial court the nature of needed further proceedings and the appropriateness to handle remotely.
- 4.) If a restitution hearing is required, it shall be held in conjunction with the sentencing hearing.
- 5.) Defendants placed on probation shall be ordered to call Probation and Parole at 715-258-4620, on the date of sentencing, rather than being directed to report to the Offices of Probation and Parole in person.

C. Non-Criminal Traffic and Ordinances:

- 1.) The uniform traffic citation for all agencies will be modified as follows:  
Waupaca County Circuit Court  
811 Harding Street  
Waupaca, WI 54981

All initial appearances will be by telephone. If you wish to appear, you must call 715-942-1966.

D. Small Claims:

- 1.) Return dates on non-eviction small claims should provide that a phone call or written answer is preferred over an actual appearance in-person.
- 2.) Return dates on eviction actions shall be via telephone with the Court Commissioner.

- 3.) Small claims pretrials shall be held via telephone. If the Court Commissioner deems a second pretrial with the possibility of an immediate trial is appropriate, the matter may be conducted as the Court Commissioner deems appropriate.
- 4.) The small claims clerk shall coordinate with the court's judicial assistant, the scheduling of trials to minimize the overlapping appearance of individuals.

#### 11. Vulnerable Populations:

- A. 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 such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
- B. Each judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations.
- C. Vulnerable populations who are scheduled for court will be accommodated on a case by case basis, including reasonable adjournments, if necessary.

#### 12. Social Distancing:

- A. 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.
- B. No more than two individuals not from the same household will be permitted in an elevator.
- C. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.

- D. Public common areas, including breakrooms and snack rooms, have been closed to the public.
- E. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
- F. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.
- G. In each courtroom, the counsel tables, witness stand, judge's bench, clerk, and court reporter, seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.
- H. The trial court may make, when necessary, exceptions to allow attorney and clients to deviate from social distancing protocols to consult with each other in the courtroom.

### 13. Hygiene:

- A. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, and outside of each courtroom.
- B. Disinfectant wipes or spray will be available in the courtroom, to clean counsel tables, chairs, benches and microphones.
- C. Flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the court building.
- D. After each witness, the clerk will sanitize the witness stand.

### 14. General Courthouse Sanitation:

- A. The courthouse ventilation system has been programmed to bring in more outside air.

- B. Maintenance will wipe door handles and other frequent contact surfaces on a regular basis.
- C. Courthouse common areas shall be cleaned daily. Courtrooms and all other court related confined spaces shall be cleaned daily after the court session is completed.

Upon implementing the preceding protection measures 1 through 14, the Stakeholders have determined that a three-phased approach to full in-person court operations be adopted.

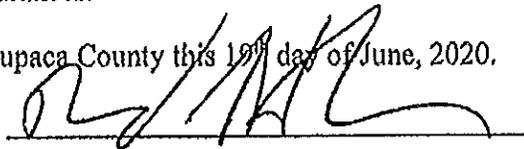
Following the entry into any phase, the presiding judge, along with the Health Officer, should review staffing, public health, and facility conditions every fourteen (14) days to determine whether a change in phase is warranted. Depending on local circumstances, such as a sudden increase in COVID-19 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). All courts should continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance. As soon as Safety Criteria for In-Person Appearances described above, are in place in the county, the circuit courts may again resume in-person appearances except for jury trials:

Phase Two: In-person processing of all cases, including jury trials. Before reinstating jury trials, the COVID-19 Circuit Court Operating Plan Addendum for Jury Trials must be adopted. All of the Safety Criteria for In-Person Appearances must continue to be utilized, in addition to any jury-specific safety precautions that should be instituted. It is still recommended that remote appearances be utilized to the greatest extent possible.

Phase Three: 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.

Approved by the stakeholders of Waupaca County this 19<sup>th</sup> day of June, 2020.



Raymond S. Huber, Presiding Judge

Approved James Amador  
6/30/20

## Waupaca County Circuit Courts Operational Plan Jury Trial Addendum

As an addendum to the Operational Plan for reopening Waupaca County Courts approved by Chief Judge James Morrison on June 30, 2020, 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 Waupaca County will implement the following additional protective measures related to jury trials:

### Recovery Planning and General Education

- 1.) The stakeholders committee has reviewed the recommendations of this addendum.
- 2.) The court has released press releases to the local news organizations describing the importance of jury service and the efforts Waupaca County has taken to protect prospective jurors from Covid 19.

### Summoning Jurors

- 1.) Considerations have been made for the safety and wellbeing of jurors. The attached letter will be sent to all prospective jurors.
- 2.) Each judge will address deferral and excusal of jurors taking into consideration the pandemic consistent with the operating plan.
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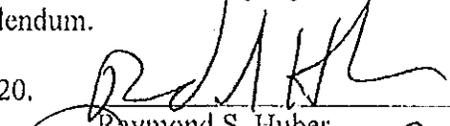
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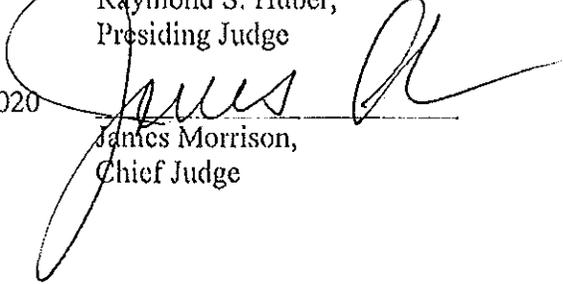
- c. After the jury has been empaneled, spacing of six (6) feet between jurors, litigants, court staff and attorneys will be maintained.
  - d. After the jury has been empaneled, the jury will retire to the jury assembly room for recesses. The jury deliberation rooms will not be used except for six (6) person juries providing six (6) foot distancing can be maintained.
  - e. Jury deliberations will take place in the courtroom or jury assembly room. Only if six (6) foot distancing can be maintained will jury deliberations take place in the jury deliberation room, (i.e. only six (6) person juries).
  - f. Sealed bottles of water and soda will be provided to jurors. No multi-cup coffee urns will be available. Meals will be ordered for carry-out from our typical restaurant providers and will be individually packaged for each juror.
- 3.) No more than one (1) jury trial will be held on any given day.
- 4.) The trial judges will consult to prioritize the jury trials and reach agreement as to which cases must be tried earlier than others.

I have conferred with all Circuit Judges in this county regarding this Jury Trial Addendum. Judges will begin setting jury trials no sooner than the date this addendum is approved by the Chief Judge. I will assure that the judges conduct proceedings consistent with the plan and addendum.

Dated: 7/29/, 2020.

  
Raymond S. Huber,  
Presiding Judge

Dated: 7/27, 2020

  
James Morrison,  
Chief Judge

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ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF  
IN-PERSON PROCEEDINGS AND JURY TRIALS IN WAUPACA COUNTY  
CIRCUIT COURT

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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 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 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;

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 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;

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WHEREAS on June 19, 2020, the Honorable Raymond S. Huber, Presiding Circuit Judge of Waupaca County, submitted an operational plan regarding resumption of in-person proceedings; and submitted an which contains a statement regarding communication with local justice partners regarding the safe resumption of in-person proceedings and jury trials 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; 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 Task Force;

WHEREAS on July 24th, 2020, the Honorable Raymond S. Huber, Presiding Circuit Judge of Waupaca County submitted Waupaca County Circuit Court's Jury Trial Addendum as an addendum to the approved Operating Plan approved by Chief Judge James Morrison on June 30, 2020, and the Jury Trial Addendum's plan is developed to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges and other individuals participating in jury trials;

THEREFORE IT IS ORDERED:

The operational plan for the Waupaca County Circuit Court regarding procedures and practices for conducting jury trials and other in-person proceedings during the 2020 public health emergency and pandemic-COVID 19 is hereby approved and is effective July 31, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Waupaca County Circuit Court and that 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.

Dated this 27<sup>th</sup> day of July, 2020.



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Hon. James A. Morrison  
Chief Judge, Eighth Judicial District