

Winnebago County Courthouse  
Room 214  
415 Jackson Street  
P.O. Box 2808  
Oshkosh, Wisconsin 54903-2808  
(920) 236-4868 *phone*  
(920) 303-3033 *fax*



WINNEBAGO COUNTY CIRCUIT COURT  
OSHKOSH, WISCONSIN  
KAREN L. SEIFERT

Tara Berry  
*Judicial Assistant*  
[tara.berry@wicourts.gov](mailto:tara.berry@wicourts.gov)  
Dana Suprise  
*Court Assistant*  
[dana.suprise@wicourts.gov](mailto:dana.suprise@wicourts.gov)  
Karen Fredrick  
Holly Ford  
*Court Reporters*  
(920) 236-4867

October 2, 2020

Honorable Barbara Key  
Chief Judge  
Fourth Judicial District  
415 Jackson Street  
Oshkosh, WI 54901

RE: Winnebago County Operational Plan

Dear Judge Key:

On September 30, 2020, the Winnebago County Stakeholders Committee met. The Director of the Winnebago County Health Department updated the group on current COVID-19 numbers and the situation on hospital bed availability.

The Stakeholders Committee moved to recommend to the circuit court to go to all remote hearings for the next 30 days.

The Stakeholder Committee chairperson brought the recommendation to the circuit court for consideration on October 1, 2020. The circuit court was divided on support for this recommendation but there was agreement to use remote appearances as much as possible.

On October 1, 2020, the Supreme Court issued an "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".

On October 1, 2020, the Winnebago County Health Department weekly summary advised that Oshkosh-Neenah is now listed by the New York Times as the #1 worst outbreak area in the nation. In our region, COVID-19 hospitalizations are at the highest level to date - more than 5 times as high as they were one month ago. As of 9/30/20, Fox Valley Area hospitals had 112 COVID-19 patients hospitalized, an increase from the 81 hospitalized patients last week with 14 of those patients in the ICU. Hospitals are pushing 90% capacity. Without a change in community behavior hospitals will be overwhelmed in the next several weeks or less. Additionally, contact tracing capacity has been overwhelmed.

The circuit court Judges were contacted individually and all agreed that changes in local conditions require modifications to the circuit court's approved operational plan for at least 14 days.

The circuit court is now asking that you withdraw approval of the portion of the Winnebago operational plan beginning on page 3 with the section titled "Phase 1" through number "10. Public and Victim Access to Jury Trials" on page 10, as required to account for changed conditions.

Thank you for addressing the modification of the operational plan moving forward.

Sincerely,

Judge Karen L. Seifert  
On behalf of the Circuit Court, and  
Chairperson Stakeholder's Committee

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ORDER WITHDRAWING PARTIAL APPROVAL OF THE OPERATIONAL PLAN FOR  
THE RESUMPTION OF IN-PERSON PROCEEDINGS AND JURY TRIALS IN  
WINNEBAGO COUNTY

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WHEREAS: The Wisconsin Supreme Court in light of the COVID 19 pandemic 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 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 the 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 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;

WHEREAS: On June 25, 2020 the Circuit Judges of Winnebago County, submitted an operational plan 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 June 26, 2020 Chief Judge Barbara H. Key approved the Winnebago County Circuit Court Operational Plan;

WHEREAS: On October 1, 2020 the Wisconsin Supreme Court ordered that if a circuit court determines changes in local conditions require a modification to the circuit court's approved operational plan, the circuit court shall submit information to the chief judge and the chief judge can withdraw approval of the operational plan as required to account for the changed conditions. Upon the chief judge's withdrawal of part or all of the operational plan, the circuit court shall again be subject to the provisions of the following Supreme Court orders:

1. In Re The Matter of Remote Hearings During the COVID-19 Pandemic (April 15, 2020)
2. In Re The Matter of Jury Trials During the COVID-19 Pandemic (March 22, 2020)
3. In the Matter of an Interim Rule re Suspension of Deadlines for Non-Criminal Jury Trials Due to the COVID-19 Pandemic (Interim Rule 20-02);

WHEREAS: On October 2, 2020 the Circuit Judges of Winnebago County submitted a letter requesting partial withdrawal of their operational plan (attached);

THEREFORE IT IS ORDERED:

The operational plan of the Winnebago 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 withdrawn in part. Specifically, the portion of the plan beginning on page 3, section titled "Phase 1" through page 10, section titled "10. Public and Victim Access to Jury Trials" is hereby withdrawn. The remainder of the operational plan of Winnebago County Circuit Court remains in effect.

The Winnebago County Circuit Court is therefore subject to the provisions of the following Supreme Court orders:

1. In Re The Matter of Remote Hearings During the COVID-19 Pandemic (April 15, 2020)
2. In Re The Matter of Jury Trials During the COVID-19 Pandemic (March 22, 2020)

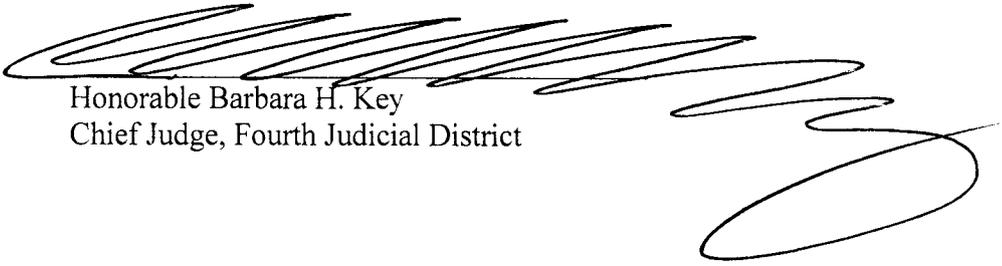
3. In the Matter of an Interim Rule re Suspension of Deadlines for Non-Criminal Jury Trials Due to the COVID-19 Pandemic (Interim Rule 20-02)

The Winnebago County Circuit Court shall hold no in-person appearances, other than those subject to exception in the April 15, 2020 Supreme Court Order, or those otherwise approved by the Chief Judge.

The withdrawal of this portion of the operational plan of the Winnebago County Circuit Court will expire upon approval of an amended operational plan and no sooner than October 18, 2020.

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

Dated this 2 day of October, 2020.



Honorable Barbara H. Key  
Chief Judge, Fourth Judicial District