
**ORDER APPROVING OPERATIONAL PLAN INCLUDING JURY TRIALS
IN WOOD COUNTY**

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 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 judge of each district;

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 the adoption of the Task Force's Final Report and its recommendations for consideration by the Circuit Courts;

WHEREAS: The Task Force's Final Report at pages thirteen (13) and fourteen (14) recommends a four-phased approach to the resumption of in-person hearings and jury trials to protect the health and safety of the public and litigants. The phased approach indicates that jury trials should begin in Phase 3;

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 suspensions 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 court 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;

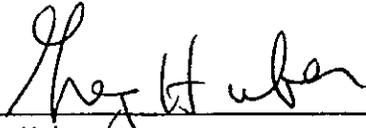
WHEREAS: The May 22, 2020 order requires the chief judge of the administrative district to "review the [operational] plan to ensure that it includes the requirements set forth above, reduces to the greatest extent possible the risk of transmission of the virus that causes COVID-19, and promotes the health and safety of all those present in the courtrooms, jury rooms, and other court-related confined spaces;"

WHEREAS: The judges of Wood County have filed with the chief judge of the 9th Administrative District an operational plan (attached) incorporating the requirements of the May 22, 2020 order and considering the Task Force's final report;

WHEREAS: This operational plan will allow the resumption of in-person hearings and jury trials consistent with phases one, two and three of the Task Force Final Report. The judges along with the local health officials will continue to monitor the local health conditions;

THEREFORE: Pursuant to Wisconsin Supreme Court Rules 70.19(3)(f), 70.20(1), and the Supreme Court Orders of March 22, 2020, and as amended on April 15, 2020, Wood County may resume in-person hearings and jury trials in accordance with the operational plan attached, as designated in the Task Force's final report for phases one, two, and three.

Dated this 10th day of Sept, 2020



Hon. Greg Huber
Chief Judge, 9th Judicial District

**STATE OF WISCONSIN
9TH JUDICIAL DISTRICT
WOOD COUNTY, WISCONSIN**

**THE ATTACHED
COVID-19 CIRCUIT COURT SAFETY PLAN FOR WOOD COUNTY
DATED JUNE 15, 2020,
WHEN COMBINED WITH THE ATTACHED
COVID-19 CIRCUIT COURT OPERATING PLAN FOR WOOD COUNTY:**

ADDENDUM: JURY TRIAL PLAN

DATED SEPTEMBER 10, 2020,

CONSTITUTE THE

**OPERATIONAL PLAN FOR THE SAFE RESUMPTION
OF IN PERSON PROCEEDINGS AND JURY TRIAL IN
WOOD COUNTY, WISCONSIN**

COVID-19 Circuit Court Safety Plan for Wood County

Phases One and Two – 9th Judicial District

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 Wood County will implement the following protective measures:

General

1. The county judiciary has established a stakeholder's committee, including the Judiciary/Commissioners, County Executive, Corporation Counsel, District Attorney, Public Defender, County Sheriff, Clerk of Court, Buildings & Facilities Director, Human Services Director, County Health Officer, Department of Corrections, Corporation Counsel, County Board Chair, Court Security, Head Bailiffs, Emergency Government, Justice Programs Director and County Bar President and other attorneys. The committee and sub parts of it have met regularly to discuss and consider the recommendations outlined in the Wisconsin COVID-19 Task Force report. The procedures and practices that follow were developed with the intent to be proactive, recognizing the need to provide all constitutional and statutory protections to the litigants and interested parties, as well as the public's right to access. It is understood that it is not possible to ensure absolutely safety, but all parties are expected to take reasonable and necessary precautions to protect the health of all participants within the physical limitations of the facilities and resources of the courts and county.
2. In order to limit the number of persons in the courtrooms, it is the intent of the judiciary that every judge will use best efforts to continue to conduct all appropriate proceedings remotely.
3. Before calendaring in-person hearings, the stakeholder's committee has addressed staffing needs and has procured any equipment and supplies deemed necessary. It is understood that the availability of equipment and supplies is fluid given ongoing supply and demand issues. The stakeholders will use best efforts to secure that which is necessary to satisfy the requirements of this plan.
4. The stakeholder's committee will continue to meet regularly, maintain communication with the local health authority and the county office of risk management, and will adjust this operating plan as necessary with any changes in the public health conditions in the county.
5. Judges will begin setting non-essential in-person proceedings no sooner than June 11, 2020

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. In accordance with the Supreme Court Order dated May 22, 2020, judges and court staff and all individuals in the courtroom will be required to wear face coverings as specified therein, practice social distancing, and practice hygiene recommendations. Signage incorporating these requirements will be posted in appropriate locations to ensure notice and compliance.

Scheduling

1. Judges will use best efforts to conduct proceedings remotely and will only schedule in person proceedings as determined by the Judge taking into consideration constitutional and statutory requirements, the nature of the proceedings and requests of the attorneys and litigants.
2. Court staff will use staggered scheduling of in person proceedings and other appropriate methods to reduce the number of individuals in a courtroom at one time.

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 such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, 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.
3. Judges will use best efforts to accommodate vulnerable populations who are scheduled for court by offering remote access via video and phone conferencing, staggering scheduling to limit the number of individuals in the courtroom and sequestering of individuals from the courtroom as appropriate. If such accommodations cannot be met, reasonable adjournments will be made.

Social Distancing

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. Signage reminders will be displayed throughout the facilities in appropriate locations to ensure notice and compliance.
2. 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.
3. Public common areas, including breakrooms and snack rooms, have been closed to the public.
4. No more than two (2) persons will be allowed on the elevator at the same time unless they are from the same household.

Gallery

5. 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.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

7. In each courtroom, the counsel tables, witness stand, Judge's bench, and clerk, court reporter, and balliff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at strategic locations throughout the court buildings.
2. Hand sanitizer, disinfectant wipes or spray and paper towels will be placed in a "cleaning station" set up in the courtroom. Signage will be posted outside of the courtroom as to the availability of these items in the courtroom.
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. Signage posted at public entrances of the court buildings will encourage individuals to wear a mask, and give notice that they are to immediately exit the building if they have any of the following (per CDC guidelines): Fever of 100.4 degrees F or higher, shortness of breath, cough, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, contact with ill COVID-19 patient or travelled by plane in the last 14 days. County staff will confirm that individuals have read and addressed the notice. All individuals will be subject to a temperature check with infrared thermometer. If an individual must leave and was required to appear in court, the Judge will grant a reasonable adjournment upon being notified and after consideration of their circumstances. A copy of the signage is attached hereto and incorporated herein for reference.
2. In accordance with the Supreme Court Order dated May 22, 2020, judges and court staff and all individuals in the courtroom will be required to wear face coverings as specified herein, practice social distancing, and practice appropriate hygiene recommendations. Signage incorporating these requirements will be posted in appropriate locations to ensure notice and compliance. Noncompliance will be enforced by the Judge. However, in the event an individual does not have a face covering, one will be provided by the county as set forth herein under Face Coverings.
3. Inmates being transported from the jail to the court building 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 99.6 degrees F will not be transported to the court building.

Face Coverings

1. In accordance with the Supreme Court Order dated May 22, 2020, judges, and court staff and all other individuals in the public areas of the third floor will be required to wear face coverings as specified. Signage incorporating these requirements will be displayed in appropriate locations to ensure notice and compliance. Noncompliance will be enforced by the judge.

2. Individuals coming to court will be strongly encouraged to bring their own face coverings with them. For individuals required to appear in court, orders to appear and notices will include the notice of the requirement of face coverings in accordance with the Supreme Court Order dated May 22, 2020. In the event an individual required to appear in court and whose matter can only be heard in person falls to bring or have a face covering, one will be provided by the county. Signage will be posted as to the availability of a face covering.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 24 hours.
2. Each courtroom will have a "cleaning station" supplied with hand sanitizer, disinfectant wipes or disinfecting spray.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective against this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

1. It is understood that public awareness of these measures is necessary. This information will be shared through press releases, county websites, social media, state and local bar associations, and any other appropriate public sources of information.

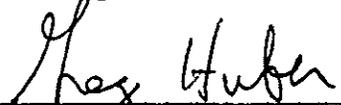
I have conferred with all judges of courts with courtrooms in the court building regarding this Safety Plan. In developing the plan, I consulted with the stakeholders committee. A list of members on the committee and the frequency in which they will continue to meet is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Safety Plan will conduct proceedings consistent with the plan.

Date: 6/15/2020



(Presiding Judge or Stakeholder committee chair)

Date: 6/15/2020



Chief Judge Approval

LIST OF ATTENDEES – STAKEHOLDERS MEETING

Judge Gregory J. Potter, Nicholas J. Brazeau, Jr. and Todd P. Wolf

County Health Officer

Family Court Commissioner

Court Commissioner

Municipal Court Judge

Craig Lambert, District Attorney

Luke Welland, Wood County Bar President

Public Defender

Probation and Parole

Cindy Joosten, Clerk of Court

Shawn Becker, Wood County Sheriff

Health and Human Services

Peter Kastenholz, Corporation Counsel

Wood County Chair

Court Security

Head Bailiff

Steve Kreuser, Emergency Government

FINAL

COVID-19 Circuit Court Operating Plan for Wood County

Addendum: Jury Trial Plan

Phase Three- 9th Judicial District

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on June 12, 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 Wood 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: Judiciary/ Commissioners, County Executive, Corporation Counsel, District Attorney, Public Defender, County Sheriff, Clerk of Court, Buildings & Facilities Director, Human Services Director, County Health Officer, Department of Corrections, County Board Chair, Court Security, Head Bailiffs, Emergency Government and County Bar President and other attorneys.
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: Each juror who receives a summons will be provided with information on the efforts the county has taken to provide for the safety and well being of jurors. Jurors will be given notice of the county's website and what they should do if someone is experiencing COVID-19 or has been exposed to anyone experiencing COVID-19.

Summoning Jurors

1. Considerations have been made for the safety and well being of jurors. The attached letter was developed and will be sent with the juror summons to each juror.
2. The following protective measures, including check-in that minimizes physical contact with documents, posting notice regarding hygiene and distancing practices, are in place for jurors who report to court:
 - a. As jurors wait to enter and enter the courthouse social distancing will be enforced by security officers. When jurors enter the court building, a security officer 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.
 - b. When jurors attempt to enter the court building, a security officer will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.

Juror Attendance and Safe Participation

1. Personal protective equipment will be available to the jurors, including masks, gloves, individual hand sanitizer, the use of HEPA air purifiers in jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, social distancing within the courtroom and jury box, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, using an alternate rooms or courtroom for additional capacity and using video equipment to separate jurors.
3. The following strategies will be used to reduce the number of people required to report for jury selection: conduct voir dire in sessions based on the capacity of the court room that will allow appropriate social distancing, conduct voir dire virtually in full or in part, utilize in-person and virtual voir dire simultaneously, broadcast jury selection and limit spectators in the courtroom, utilize 6-person juries upon stipulation, give priority to "strikes for cause" based on juror health and safety concerns.
4. After the jury has been empaneled, efforts have been made to accommodate social distancing. Examples of such accommodations include: video monitors to ensure that each juror has adequate sight lines to all parties and can hear and see all proceedings; elmos and screens to be used to ensure all jurors have adequate sight lines to exhibits.
5. Social distancing consideration during trial breaks and deliberations include reconfiguration of the deliberation room, using an alternate room for deliberations, hand sanitizing and bathroom capacity.

Jury Trials

1. Summoned panel members will be provided a notice that informs them of the requirement that face coverings be used and social distancing observed.
 - a. Scheduling:
 - i. Jury trials will be calendared based upon the following criteria:
 1. Time Limitations
 2. Custody status of the defendant
 3. Case age
 4. Case Complexity
 5. Security issues
 - b. Juror Selection:
 - i. Persons notified of jury service will be informed that that they may request a six (6) month deferral of jury service. This deferral request will be considered provided that it is made no later than fourteen (14) days following mailing of the jury panel notification letter.
 - ii. Once summoned, persons wishing to be excused from jury service because of any medical condition or medical concern related to the pandemic must provide a written explanation from their medical service provider that establishes the necessity of relief from jury service.
 - iii. Panel members appearing for jury service will be provided with face coverings unless they have furnished their own and will be required to wear them.
 - iv. Voir Dire will be conducted in accordance with social distancing.

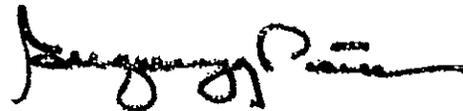
- v. The trial will be held in a jury courtroom with jurors dispersed throughout the existing jury box and within the comparatively spacious area on the bench side of the gallery. Chairs will be placed with adherence to social distancing.
- vi. The jury will be secured in a jury room during periods they are not present in court (in accordance with social distancing).
- vii. Private bathrooms will be available for juror use in the jury room.
- viii. Lunches will not be provided to jurors which will allow them the ability to leave the courthouse to get fresh air. They can eat lunch at home, bring their own meal, or obtain food from an establishment that has a drive up window. A map of eating establishments with drive up window ability will be provided to jurors.
- ix. Deliberations will be conducted in adherence to social distancing requirements.
- x. During jury deliberations meals will be provided to the jurors in individually boxed containers.

Enforcement

1. Persons who decline adherence to the face covering requirements within the courtroom or courtroom waiting area will be dismissed by court security.
 - a. Persons who do not follow the face covering requirement while present in the courtroom or courtroom waiting area will be directed to a sign stating that failure to comply with the face covering requirement may result in the following:
 - i. The court will consider their dismissal for want of adherence to the face covering requirement as a non-appearance for the scheduled proceeding that may result in the issuance of a warrant (criminal proceedings) or entry of a default judgment (civil and quasi-criminal proceedings).
 - ii. The court may find any person offending the face covering requirement to be in contempt of court.

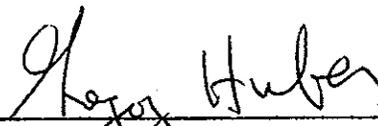
I have conferred with all Wood County judges regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than September 1, 2020. I will ensure that the Wood County judges covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 9/10/2020



(Presiding Judge or stakeholder committee chair)

Date: 9/10/2020



Chief Judge Approval