



Wisconsin Clerks of Circuit Court Association

— *Serving Wisconsin Courts* —

President

PENNY CARTER
200 East Madison Street
Crandon, WI 54520
Tele: 715-478-3305

April 22, 2020

Vice President

MELISSA PINGEL
415 Jackson Drive
Oshkosh, WI 54903
Tele: 920-236-4848

Sent Via Electronic Mail

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688 Madison, WI 53701-1688
clerk@wicourts.gov

Secretary

ROSE THUMS
224 S Second Street
Medford, WI 54451
Tele: 715-748-1425

RE: Written Comments Regarding Rule Petition 20-02

Treasurer

SAM CHRISTENSEN
730 Wisconsin Avenue
Racine, WI 53403
Tele: 262-636-3517

Greetings:

I am writing on behalf of the Wisconsin Clerks of Circuit Court Association to provide comment on the pending Rule Petition 20-02. After consultation with our officers and Legislative Committee, we recommend that the Interim Rule Re Suspension of Non-Criminal Jury Trials be retained in its current form until such time as state public health officials have declared an end to the COVID-19 public health emergency in Wisconsin.

Executive Committee

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John Barrett, Dist. 1
Sam Christensen, Dist. 2
MaryLou Mueller, Dist. 3
Melissa Zamzow, Dist. 4
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Our recommendation is based upon both the physical and social logistical concerns that are associated with the resumption of jury trials. As a practical matter, most courts in the state do not have the physical space available that would be necessary to maintain the required physical distancing of jurors, court staff and litigants during the assembly, voir dire and deliberations processes. More important than that, however, are the concerns that will inevitably be brought forward by the summoned jurors themselves. Many will simply not report, due to the continued public health concerns. And we feel it would be untenable to compel them to do so, under the circumstances, using our customary Order To Show Cause process or, worse yet, invoking Ch. 756.07 Wis. Stats. Moreover, current circumstances demand that Courts would excuse from service prospective jurors from high risk groups, i.e. over age 65, having an underlying health condition that increases the risk from contracting COVID-19, living with or caring for someone from either of those two aforementioned groups. This would further compromise our ability to assemble sufficient numbers of jurors to populate panels and would almost certainly exacerbate community concerns (extant in some counties) that juries are not properly representative of their communities.

Legislative Committee

Carlo Esqueda, Chair, Dist. 5
John Barrett, Dist. 1,
Becky Matoska-Mentink, Dist. 2
Cindy Hamre Incha, Dist. 3
Melissa Zamzow, Dist. 4
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Terrie Tews-Liebe, Dist. 8
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We understand and appreciate the view that “justice delayed is justice denied,” and that litigants have the right to have their cases expediently resolved. But if it is indeed true that the Supreme Court is vested with the administrative and superintending authority to defer such matters until the resolution of the current public health crisis, we urge the continuation of the current interim rule.

Respectfully Submitted,



Penny Carter

Forest County Clerk of Circuit Court

President, Wisconsin Clerks of Circuit Court Association

Penny.Carter@wicourts.gov