

**ORDER APPROVING PLAN FOR THE SAFE RESUMPTION OF IN PERSON  
PROCEEDINGS IN WALWORTH 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 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;

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 it's 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 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 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: 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 Walworth County have filed with the chief judge of the 2<sup>nd</sup> Administrative District a safety plan incorporating the requirements of the May 22, 2020 order and considering the Task Force’s final report. See attached safety plan.

WHEREAS: This safety plan will allow the resumption of in person hearings consistent with phase one (1) and phase two (2) of the Task Force Final Report. The Judges along with the local health officials continue to monitor the local situation to determine when a move to phase three (3) and the resumption of jury trials would be advisable considering the local health conditions. The Judges have determined that a tentative date of July 6, 2020 will be the beginning of jury trials. That date may change based on the status of the Covid 19 pandemic.

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, Walworth County may resume in person hearings in accordance with the safety plan attached on June 8, 2020.

FURTHERMORE, The Operational Plan will be signed on July 2, 2020 prompting a return to Jury Trials on July 6, 2020 unless notified by the Judges of Walworth County that additional time is necessary.

Dated this 3<sup>rd</sup> Day of June, 2020



Hon. Jason A. Rossell  
Chief Judge  
District 2

## **COVID-19 Circuit Court Operating Plan for WALWORTH County**

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 **Walworth** County will implement the following protective measures:

### **General**

1. The county judiciary has established a stakeholder's committee to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report.
2. Before calendaring in-person hearings, the stakeholder's committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.
3. The stakeholder's subcommittee 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.
4. Judges/court commissioners will begin setting in-person proceedings no sooner than June 8, 2020

### **Judge, Court Commissioner, and Court Staff Health**

1. Judges/court commissioners who can perform the essential functions of their job remotely may continue to do so.
2. The following procedures have been implemented to monitor the health of Judge, Court Commissioner, and Court Staff: Judges, court commissioners, and employees are expected to self-monitor. Supervisors may question employees on their health. Depending on employees' answers to screening questions regarding their health, they may be required to contact their medical provider for testing or self-isolate for 14 days.
3. Judges, court commissioners, and court staff will be required to wear face coverings in the courtroom, practice social distancing, and practice appropriate hand hygiene.
4. Protective Measures: Plexiglas shield installed at witness stand, hand sanitizing stations in each courtroom, regularly scheduled cleaning of courtroom throughout day, minimizing in-person staff meetings or conduct them remotely.

### **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/court commissioner 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.
3. Vulnerable populations who are scheduled for court will be accommodated by rescheduling of hearing or allowed to appear remotely, if appropriate.

**The completed plan must be forwarded to the Chief Judge of the Judicial District for approval.**

### 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.
2. Only one individual not from the same household will 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 has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snackrooms, have been closed to the public.

### *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.

### *Well*

7. In each courtroom, the counsel tables, witness stand, judge's/court commissioner's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space. Plexiglas shield installed between witness stand and court reporter box as needed.

### Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, inside of each courtroom, and outside of bathrooms.
2. Disinfectant wipes or spray have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges'/court commissioners' benches, and in the hallways.
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. When individuals attempt to enter the court building, two county-employed screeners 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.
2. When individuals attempt to enter the court building, two county-employed screeners 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.

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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 100.0°F will not be transported to the court building. Any court personnel that will be in contact with the inmate or in the same courtroom as the inmate will also be temperature screened to ensure their temperature is below 100.0°F.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including mask, face shield, gloves.
5. Staff who are doing the screening will have a listing of contact information in order to notify the courts of individuals who may have been denied entrance.

### Face Coverings

1. All individuals who are present in courtrooms, jury rooms, and other court-related confined spaces shall be required to wear face coverings at all times unless a judge/court commissioner 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/court commissioner or jury to weigh the witness's credibility.
2. Individuals will be encouraged to bring face coverings with them, but if the individual does not have a face covering, a disposable face mask will be provided.

### Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least twice during business hours and then again during the evening.
2. Court staff will clean the courtrooms every 2 hours during business hours. Court building cleaning staff will clean the courtrooms every evening.
3. Court building cleaning staff and court staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff and court staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

### Other

**Walworth County's Phase I<sup>1</sup>** will begin June 8, 2020. In-person appearances will be allowed for all evidentiary hearings, change of plea hearings, sentencing hearings, bond hearings, and all small claims hearings, unless otherwise authorized by the Court. Stipulated divorce hearings will continue to be heard by telephone. Telephone conferences will continue for all other appearances.

**Walworth County's Phase II<sup>2</sup>** and is planned to begin July 6, 2020. Appearances will continue as in Phase I with the addition of Jury Trials. The beginning date of Walworth County's Phase II may

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<sup>1</sup> Phase I and II as described in the Chief Justice's Wisconsin Courts COVID-19 Task Force's Final Report have been combined as Walworth County's Phase I.

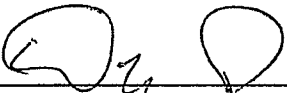
<sup>2</sup> Phase III as described in the Chief Justice's Wisconsin Courts COVID-19 Task Force's Final Report is Walworth County's Phase II.

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change if deemed appropriate by the Walworth County Circuit Court Judges and Planning Committee based on the status of the COVID-19 pandemic.

I have conferred with all judges of courts with courtrooms and court commissioners with hearing rooms in the court building regarding this Operating 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 and court commissioners with hearing rooms in the court building covered by this Operating Plan will conduct proceedings consistent with the plan.

Date: June 3, 2020

  
\_\_\_\_\_  
Honorable David M. Reddy, Presiding Judge

Date: June \_\_\_\_\_, 2020

\_\_\_\_\_  
Honorable Jason A. Rossell, Chief Judge

The completed plan must be forwarded to the Chief Judge of the Judicial District for approval.

## Walworth County COVID-19 Planning Committee Members

Honorable David M. Reddy, Presiding Judge

Honorable Phillip A. Koss

Honorable Daniel S. Johnson

Honorable Kristine E. Drettwan

Commissioner Kelly Iselin

Commissioner Gerad Dougville

Kristina Secord

Louis Moore

Nancy Russell

Mark Luberda

Michael Cotter

Liz Aldred

Carlo Nevicosi

Erica Bergstrom

Sheriff Kurt Picknell

Lieutenant John Ennis

Captain Scott McClory

Zeke Wiedenfeldt

Richard Hough

Matthew Mortwedt

Penny Vogt

Mackenzie Renner

Haley Johnson

Chad Pollard

Estee Scholtz

Frequency of continued meetings: As needed, but at least quarterly.

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