

ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF IN PERSON PROCEEDINGS AND JURY TRIALS 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: 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: On June 3rd, 2020 the Walworth County safety plan incorporating the requirements of the May 22, 2020 order was approved by the chief judge. The safety plan allowed the resumption of in person hearings consistent with phase one (1) and phase two (2) of the Task Force Final Report.

WHEREAS: On August 13, 2020, the Walworth County Circuit Court Judges approved an addendum providing for jury trials starting on August 25, 2020. This addendum incorporates the requirements of the Supreme Court Orders, the prior safety plan, and establishes procedures for the safe resumption of jury trials and other in person appearances.

WHEREAS: These plans have been developed with the input of the stakeholders including county government and the county health officer.

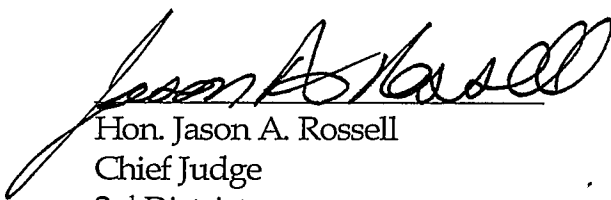
THEREFORE Pursuant to Wisconsin Supreme Court Orders of March 22, 2020, and as amended on April 15, 2020, the Walworth County Jury Trial Plan is approved.

FURTHERMORE, The prior plan and addendums are approved by the chief judge and Walworth County may commence in person appearances for all cases and jury trials in accord with the attached plans.

FURTHERMORE Walworth County will resume jury trials on August 25, 2020.

FURTHERMORE: This order shall remain in effect until further order by the Supreme Court or the chief judge of this administrative district.

Dated this 21th day of August 2020


Hon. Jason A. Rossell
Chief Judge
2nd District



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 I¹ 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 II² 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

¹ 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.

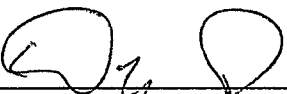
² Phase III as described in the Chief Justice's Wisconsin Courts COVID-19 Task Force's Final Report is Walworth County's Phase II.

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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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***AMENDED* 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

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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.
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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.
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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.
- *3. Individuals refusing to be screened will be denied admittance to the court building. The Court may make an exception under extraordinary circumstances.
4. 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.
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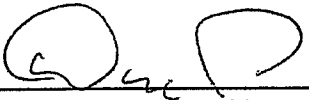
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claims hearings, unless otherwise authorized by the Court. Stipulated divorce hearings will continue to be heard by telephone. Telephone conferences will continue for all other appearances.

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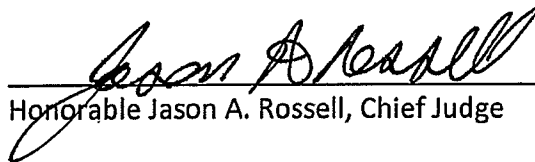
I have conferred with all judges of courts with courtrooms and court commissioners with hearing rooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the stakeholders committee. A list of members on the committee and the frequency in which they will continue 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 23, 2020



Honorable David M. Reddy, Presiding Judge

Date: June 25, 2020



Honorable Jason A. Rossell, Chief Judge



² 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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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

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Nancy Russell

Mark Luberda

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

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COVID-19 Circuit Court Operating Plan for WALWORTH Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on June 3, 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 **Walworth County** will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

1. Planning for reopening Walworth County Circuit Court began in May. Judges Reddy, Koss, Johnson, Drettwan and Clerk of Court Secord discussed almost daily ideas and strategies to safely resume in-person appearances. They also began ordering facemasks and sanitary supplies so that they were available for a June start date. The stakeholder's committee established to create the Circuit Court Operating Plan for Walworth County included the following justice partners:

Honorable David M. Reddy, Presiding Judge

Honorable Phillip A. Koss

Honorable Daniel S. Johnson

Honorable Kristine E. Drettwan

Court Commissioner Kelly Iselin

Court Commissioner Gerard Dougville

Kristina Secord, Clerk of Circuit Court

Louis Moore, District Court Administrator

Nancy Russell, County Board Chair

Mark Luberda, County Administrator

Michael Cotter, Corporation Counsel

Liz Aldred, Director of DHHS

Carlo Nevicosi, Deputy Director of DHHS

Erica Bergstrom,

Sheriff Kurt Picknell

Lieutenant John Ennis

Captain Scott McClory

Zeke Wiedenfeld, District Attorney

Richard Hough, Director of Public Works

Matthew Mortwedt, Public Works

Penny Vogt, DOC Supervisor

Mackenzie Renner, SPD Manager

Haley Johnson, President Co. Bar Assn.

Chad Pollard, VP Co. Bar Assn.

Estee Scholtz, Co. Bar Assn. Board Member

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: Notice sent with Juror Summons outlining safety procedures and screening questions; the Plan will be released to all media contacts and it will be posted on the Walworth County website; no group jury orientation; individual notepads and pens will be given to jurors to keep; no communal food or drink will be provided; lunches will be delivered in individual containers when provided; trials will be held in the Branch IV courtroom which has been fitted with Plexiglas throughout the jury box, at counsel tables, witness stand, bench, counsel tables,

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

and throughout the gallery; jury selection will be conducted in the Branch IV courtroom and Jury Assembly Room (via live feed from the Branch IV courtroom); jury deliberations will be held in the courtroom which will allow for social distancing of jurors.

Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The attached letter was developed and will be sent with the juror summons to each juror.
2. All Judges are liberally allowing deferrals and excusals of jurors upon request.
3. The following protective measures are in place for jurors who report to court: check-in that minimizes physical contact with documents, posting notice regarding hygiene and distancing practices.
4. When jurors 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. The jury clerk will be immediately notified.
5. When jurors 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. The jury clerk will be immediately notified.

Juror Attendance and Safe Participation

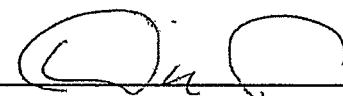
1. All individuals who are present in courtrooms, jury rooms, and other court-related confined spaces shall be required to wear face coverings at all times unless a judge specifically determines on the record that it is necessary for a witness not to wear a face covering during the witness's testimony in order for the judge or jury to weigh the witness's credibility.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, marking off spaces 6 ft. apart within the courtroom, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, using an alternate courtroom/space for additional capacity.
3. The following strategies may be used to reduce the number of people required to report for jury selection: Utilize preselection questionnaires, conduct voir dire in sessions based on the capacity of the court room that will allow appropriate social distancing, limit spectators in the courtroom, and utilize 6-person juries upon stipulation.
4. After the jury has been empaneled, the following efforts have been made to accommodate social distancing but ensure that each juror has adequate sight lines to the witness stand and can hear and see all proceedings: use of technology and video monitors to increase sight lines, and handling of 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, availability of refreshments. During breaks and deliberation, the jurors will use the courtroom which will allow for social distancing or use the jury deliberation rooms. Jurors will be taken back into jury deliberation room areas by the jury bailiff to utilize bathrooms when needed.

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

- 6. The court will attempt to prioritize jury trials during the COVID-19 public health emergency and as usual will take into consideration the nature of the cases, the extent to which the cases involve liberty interests, cases with time limitations, victims' rights and input, and the length of time a case has been pending.
- 7. Walworth County can only accommodate one jury trial per day, so there is no need to enter an order in regard to scheduling.
- 8. Due to capacity issues within the courtroom/Jury Assembly Room, if members of the public wish to view jury selection, the Court will attempt to accommodate. Once the jury is empaneled, if members of the public wish to view proceedings, there will be limited seating within the courtroom, and the proceedings can be fed into the Jury Assembly Room for viewing via live feed.

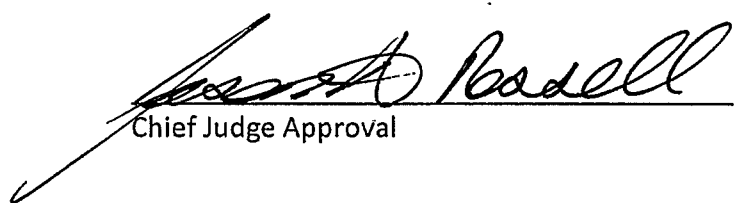
I have conferred with all judges of courts with courtrooms in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than August 25, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 8/13/20



Honorable David M. Reddy, Presiding Judge

Date: 8/21/2020



Chief Judge Approval



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