

# **\*AMENDED\* 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	Erica Bergstrom,
Honorable Phillip A. Koss	Sheriff Kurt Picknell
Honorable Daniel S. Johnson	Lieutenant John Ennis
Honorable Kristine E. Drettwan	Captain Scott McClory
Court Commissioner Kelly Iselin	Zeke Wiedenfeld, District Attorney
Court Commissioner Gerad Dougvillo	Richard Hough, Director of Public Works
Kristina Secord, Clerk of Circuit Court	Matthew Mortwedt, Public Works
Louis Moore, District Court Administrator	Penny Vogt, DOC Supervisor
Nancy Russell, County Board Chair	Mackenzie Renner, SPD Manager
Mark Luberd, County Administrator	Haley Johnson, President Co. Bar Assn.
Michael Cotter, Corporation Counsel	Chad Pollard, VP Co. Bar Assn.
Liz Aldred, Director of DHHS	Estee Scholtz, Co. Bar Assn. Board Member
Carlo Nevicosi, Deputy Director of DHHS	

- \* 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,

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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 or the expansion area on the 3<sup>rd</sup> floor 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 or 3<sup>rd</sup> floor expansion area which will allow for social distancing or use the jury

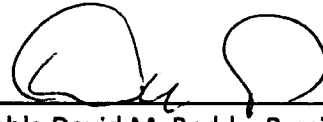
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deliberation rooms. Jurors will be taken back into jury deliberation room areas by the jury bailiff to utilize bathrooms when needed.

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.

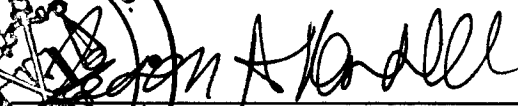
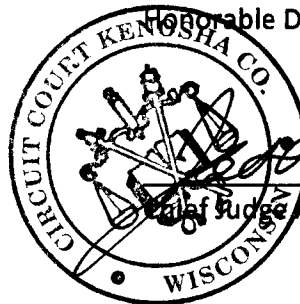
I have conferred with all judges of courts with courtrooms in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than August 25, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this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

Date: September 15, 2020



Honorable David M. Reddy, Presiding Judge

Date: September 18, 2020



Chief Judge Approval

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



Clerk of Circuit Court

June 4, 2020

**Kristina M. Secord**  
Clerk of Circuit Court

**Hon. Phillip A. Koss**  
Circuit Court Judge  
Branch I

**Hon. Daniel S. Johnson**  
Circuit Court Judge  
Branch II

**Hon. Kristine E. Drettwan**  
Circuit Court Judge  
Branch III

**Hon. David M. Reddy**  
Circuit Court Judge  
Branch IV

To All Prospective Jurors  
Summoned to Appear for  
Jury Selection at the  
Walworth County Judicial  
Center on Monday,  
July 6, 2020

RE: Your Upcoming Jury Service in the Era of Coronavirus

Dear Prospective Jurors:

This letter accompanies a Summons directing you to appear for Jury Service for the week of July 6, 2020, at the Walworth County Judicial Center at 1800 County Road NN, Elkhorn, WI.

These will be the first jury trials which we have undertaken since the advent of the Coronavirus pandemic. I want to assure you that every reasonable precaution will be taken to enhance the health and safety of the jury, the parties, the lawyers, and the Court staff during jury selection and the jury trial to follow.

So that you won't be surprised when you arrive, please be aware of the following:

1. Each prospective juror will have their temperature taken via a hand-held thermometer as they enter the Judicial Center to ensure that no one with a fever or an elevated temperature is admitted;
2. Once you enter the building and pass through the initial security screening, you will be separately directed by Court staff to the assembly area and seated to achieve the maximum distancing possible;

1800 County Road NN  
PO Box 1001  
Elkhorn, WI 53121  
262.741.7012 tel  
262.741.7002 fax  
262.741.7050 fax

3. Masks will be distributed, or you may wear your own, when you enter the assembly area. Until the jury is actually selected, seated, and sworn, everyone appearing as a prospective juror will be required to wear a mask;
4. Hand sanitizer will be available to you at multiple locations inside the Judicial Center;
5. Those selected for a jury should know that the jurors will be spaced in the courtroom to achieve maximum distancing between jurors during the trial;
6. The entire Judicial Center, including but not limited to, courtrooms and jury rooms, will be deep cleaned each evening when the Court recesses, and this will continue throughout the trial;
7. Lunch will be provided to the selected jurors during the trial (excluding day one) to minimize any travel in and out of the Judicial Center and to minimize juror's interaction at local restaurants.

If any of the following apply to you or a member of your family or household, please advise the Jury Clerk at 262-741-7044:

- Have been diagnosed by a licensed physician as having Coronavirus anytime within the past 30 days;
- Are actively caring for a family member or loved one who has tested positive for the Coronavirus;
- Are now in self-quarantine status and that status will continue on July 6.

Please be aware that the right to trial by jury is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and trying times. The right to trial by jury has been enshrined within the Seventh Amendment to our U.S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence which fueled our struggle to become an independent nation. Only those with extreme hardships should seek to be excused based on pre-existing obligations.

It is vital that you appear and present yourself for jury service as required during the week of July 6; however, the Court wants you to know that we are mindful of these challenging times and we will take every reasonable precaution to maintain your health as well as that of the parties, lawyers, and Court staff during this time.

Respectfully,

Honorable David M. Reddy  
Presiding Judge  
Walworth County, Branch IV

Honorable Phillip A. Koss  
Circuit Court Judge  
Walworth County, Branch I

Honorable Daniel S. Johnson  
Circuit Court Judge  
Walworth County, Branch II

Honorable Kristine E. Drettwan  
Circuit Court Judge  
Walworth County, Branch III