

Ordered this 7th day of July, 2020



Hon. Jennifer R. Dorow
Chief Judge

FILED

JUL 07 2020

CLERK OF CIRCUIT COURT
WASHINGTON CO., WI 53095

STATE OF WISCONSIN

CIRCUIT COURT
THIRD JUDICIAL DISTRICT

Special Order
20-SO-07 (JT) (66)

**IN THE MATTER OF:
APPROVAL OF THE OPERATIONAL
PLAN FOR WASHINGTON COUNTY**

20GF453

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 jury trials; and

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; and

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; and

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; and

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court outlined the specific criteria required in each circuit court operational plan as to how that circuit court will conduct jury trials so as to reduce to the greatest extent possible the risk of transmission of the virus that causes COVID-19 and that promotes the health and safety of all those present in the courtrooms, jury rooms, and other court related confined spaces of that circuit court; and

WHEREAS: On June 10, 2020, the Washington County Judiciary, submitted an operational plan which contains a statement regarding communication with local justice partners regarding the safe resumption of jury trials; a requirement that all persons who are present in the courtrooms, and other court-related confined spaces shall wear face coverings, except as authorized on the record by said judge; outlines practices for appropriate sanitation/hygiene of frequently touched surfaces and the hands of participants; specifies that notices regarding face coverings and availability of hand sanitizer and disinfecting wipes/sprays in court-related areas will be appropriately posted and noticed; and incorporates many recommendations made in the Final Report of the Chief Justice's Wisconsin Courts COVID-19 Task Force;

THEREFORE, IT IS ORDERED: The operational plan of the Circuit Court of Washington County (see below) regarding procedures and practices for conducting jury trials during the 2020 public health emergency and pandemic COVID-19 is hereby approved and is effective July 7, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court related to the suspension of jury trials cease to apply to the Circuit Court of Washington County. The Circuit Court must continue to follow its operational plan as approved by the chief judge until further notice of the Wisconsin Supreme Court.

IT IS FURTHER ORDERED: That the provisions of this order shall be subject to further modification or termination by future orders.

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

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District, 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 Washington 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: Presiding Judge, District Attorney, State Public Defender, Washington County Bar Association President, Clerk of Circuit Court, County Executive, Sheriff, Facilities Management, and Public Health Department.
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: an informational notice to public has been created and will be released to the press, and posted on the Washington County Facebook page and Website.

Non-Jury Trial Hearing Procedures Incorporated

1. The procedures contained in the previously approved Operating Plan for Non-Jury Trial Hearings relating to Judge and Court Staff Health, Scheduling, Vulnerable Populations, Social Distancing, Hygiene, Screening, Face Coverings, and Cleaning are all incorporated into this Jury Trial Plan and, to the extent applicable to Jury Trials, will be followed for Jury Trials.

Summoning Jurors

1. Considerations have been made for the safety and well being of jurors. A letter was developed and will be sent with the juror summons to each juror.
2. It is the policy of the Washington County judges to decide whether to grant deferral or excusal requests giving due consideration to juror safety concerns raised by COVID-19. Specifically, Courts will give particular consideration to requests by health care providers, first responders, individuals suffering from diabetes, high blood pressure, chronic lung disease, asthma or other serious health conditions, individuals with compromised immune systems, individuals who are symptomatic, individuals 65 years and older, and individuals living in nursing homes and long-term care facilities.
3. Protective measures are in place for jurors reporting to court: efforts will be made to expedite entrance into the courthouse; jurors will check in with court personnel in a way which minimizes physical contact with documents; and there will be a

posting in the Courthouse lobby and in the jury assembly room which describes hygiene and distancing practices.

4. When jurors attempt to enter the Courthouse, security personnel will ask jurors questions to determine whether they are symptomatic or, within the past 14 days, 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 generally be denied entrance to the Courthouse. Because jurors are required to appear in Court, the appropriate court office will be promptly notified.

Juror Attendance and Safe Participation

1. Personal protective equipment, including face coverings and hand sanitizers, will be available to jurors in courtrooms and jury deliberation rooms. All individuals, including jurors, present in the courtrooms, jury rooms and other court-related confined spaces will be required to wear face coverings, 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 where appropriate: conducting jury voir dire and selection in the jury assembly room or other room which ensures social distancing; limiting the capacity of the courtroom, marking spaces within the courtroom to reflect appropriate social distancing, reconfiguring placement of counsel tables, court reporter, and/or witness stand, using an alternate courtroom for additional capacity, assigned seats for jurors during the trial, and installing Plexiglas shields between participants.
3. The following strategies will be used where appropriate to reduce the number of people required to report for jury selection: use of preselection questionnaires, conduct of voir dire in sessions based on courtroom capacity to ensure appropriate social distancing, conduct of voir dire virtually in full or in part, broadcast of jury selection, limits on the number of spectators in the courtroom, use of six person juries upon stipulation, priority to strikes for cause based on juror health and safety concerns.
4. After the jury has been empaneled, the following efforts will be made to accommodate social distancing, but still ensure each juror has adequate sight lines to the witness stand and can hear and see all proceedings: courtroom audiovisual technology will be used to ensure jurors can see and hear all testimony and exhibits, as well as statements of counsel and the Court.
5. Social distancing consideration during trial breaks and deliberations may include use of an alternate room for deliberations, and ensuring availability of hand sanitizers and adequate bathroom capacity.
6. After consultation with all of the judges of Washington County, it is the policy to the Washington County judges to prioritize jury trials giving due consideration to factors including but not limited to the seriousness and age of the case, custody status of defendant, and speedy trial demands.
7. After consultation with all of the judges of Washington County, it is the policy of the Washington County judges to schedule cases to ensure the number of jury

trials on a given day will not exceed a number which can safely be conducted according to the protective measures listed herein.

- 8. Due to capacity issues within the courtrooms, accommodations will be made for public view of the proceedings: available audiovisual technology will be used to facilitate public view of the proceedings in the event the number of persons who wish to view the proceedings exceeds the number which may be seated according to the restrictions listed herein.

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 July 15, 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: 7-6-2020



Presiding Judge

Date: July 6, 2020



Chief Judge Approval