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**AMENDMENT TO COVID-19 CIRCUIT COURT  
OPERATIONAL PLAN AND JURY TRIAL PLAN  
GREEN COUNTY CIRCUIT COURT**

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**ORDER**

WHEREAS, on May 21, 2021, the Wisconsin Supreme Court terminated the following orders relating to circuit courts' operational plans: In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); and Interim Rule 20-02; and In re the Matter of the Extension of Order and the Interim Rule Concerning Continuation of Jury Trials, Suspension of Statutory Deadlines for Non-Criminal Jury Trials, and Remote Hearings During the COVID-19 Pandemic (Amended Order) (S. Ct. Order issued October 1, 2020).

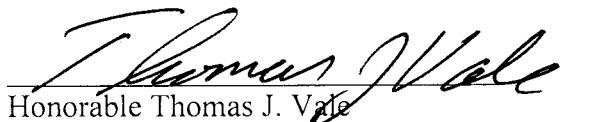
WHEREAS, the Wisconsin Supreme Court “no longer requires that personal masking, social distancing, and sanitizing court facilities be part of any plan for circuit court and municipal court proceedings approved by the chief judge of the applicable judicial district. Instead, circuit courts and municipal courts, with the approval of the applicable chief judge, shall make county-wide decisions about what is in the best interest of circuit court and municipal court operations, respectively. This includes deciding whether or not to continue to require masking, social distancing, and sanitizing court facilities on a county by county basis.”

WHEREAS, the Green County Circuit Court Judges have determined that it is in the best interest of the circuit court operations for Green County to amend their existing COVID-19 Court Operational and Jury Trial plans and they have submitted amended operational and amended jury trial plans;


IT IS ORDERED the amended operational plan and amended jury plan, both dated date June 4<sup>th</sup>, 2021, are approved and the court shall continue to follow its amended operational plan and amended jury plan until further order of the court.

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

Dated this 4<sup>th</sup> day of June, 2021.

  
Honorable Thomas J. Vale  
Presiding Judge, Green County Circuit Court

Dated this 4<sup>th</sup> day of June, 2021.

  
Honorable Thomas Vale  
Chief Judge, Fifth Judicial Administrative District

**GREEN COUNTY REOPENING PLAN**  
**COVID-19 Circuit Court Operating Plan**  
**Amended June 2021**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals participating in court proceedings, the Green County Circuit Court will implement protective measures for the safe resumption of in-person proceedings.

The Green County Circuit Court established a Stakeholder's Committee that discussed and considered the Supreme Court's May 21, 2021 Order. A list of members is attached.

**General Policies:**

1. Continued use of remote technology:

Green County courts will continue to use remote appearances wherever possible and will encourage the broad use of waivers of appearance. The courts will continue to use Zoom video conferencing along with Da Cast live streaming to give the public and victims access to remote hearings.

2. The Stakeholder's Committee will continue to meet regularly, maintain communication with the local health authority and will adjust this operating plan as necessary with any changes in the public health conditions in the county.

**Judge and Court Staff Health**

1. Any staff who are experiencing possible symptoms of the Covid-19 virus, or know that they have been exposed to someone with the virus, should inform their supervisor and consult with their health care provider before returning to work. Symptoms include, fever, shortness of breath, cough, chills, aching muscles, fatigue and a sore throat.

## **Scheduling**

Initial appearances for criminal cases will resume with in person appearances starting July 12, 2021. In custody defendants will continue to appear by video conference.

Zoom hearings presently scheduled will continue as remote Zoom hearings. The presumption is that hearing scheduled after July 31, 2021, will be scheduled as in person hearings. The exception is small claims return dates which will continue as Zoom hearings. Remote videoconferencing including Zoom hearings in all types of cases may still be used at the discretion of the judge and in conformity with Wisconsin Statutes.

Proceedings with multiple participants; criminal initial appearances, pre-trial conferences, traffic return dates and small claims return dates will continue to be held remotely by video or phone conference.

## **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 will include information on orders setting hearings, docket 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. If there are vulnerable individuals, they will be allowed to appear by zoom or by phone in phases one through three.

### **Hygiene Policies:**

1. For appropriate sanitation/hygiene of frequently touched surfaces and hands of court participants, hand sanitizer dispensers have been placed at the entrance to the building, and outside of each courtroom. Hand sanitizer dispensers have also been placed in the courtroom for use by attorneys, parties, and court personnel.
2. Disinfectant wipes or spray have been placed near the door of the courtroom, and in the courtroom.

### **Screening Policies:**

Persons entering the courtroom will not be screened by a county employee unless specifically ordered by the judge. They will be asked to self-screen using COVID-19 symptoms checklist and instructed not to enter the courtroom if they are experiencing any of those symptoms.

1. Staff who are doing the screening will have a listing of court official phone numbers in order to notify the courts of individuals who may have been denied entrance.

### **Face Coverings Policies:**

1. Face coverings are required for unvaccinated persons in both courtrooms, vaccinated persons are not required to, but may wear face masks.
2. Individuals may bring a cloth face covering or their own disposable surgical mask with them. If the individual does not have their own face covering or mask, a disposable surgical mask will be provided.

## **Cleaning Policies**

Justice Center cleaning staff will clean the common areas of the court building so that common spaces are cleaned every night.

1. Court staff will wipe down frequently touched surfaces in the courtroom with anti-viral wipes between every hearing, and after the final hearing of the day each day the courtroom is used.
2. Justice Center cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
3. Justice Center cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

## **Signage**

1. Signage shall state all unvaccinated persons shall wear face coverings in the courthouse at all times. These notices shall be posted at the entrance of each courtroom, jury room, and court-related confined space.
2. Signage will be posted at the entrance of each court room and confined space regarding the availability of hand sanitizer and disinfecting wipes/spray in the courthouse.

## **Confirmed test in the courthouse**

1. Judges and court staff will follow all directives from the County Public Health Administrator (or her staff) if there is confirmation that an individual who tests positive has entered the courthouse; and
2. The County will conduct a CDC compliant deep cleaning of all affected areas of the courthouse before the public or court staff may return to those areas of the building; and
3. The judges will consult the County Board Chair and the Director of State Court's Office to determine if it is possible or practical to keep the building open and functional during this time.

## **OPERATIONAL PLAN BY PHASES**

After consultation with the Green County Stakeholder's Committee, the Green County Circuit Court has adopted a four-phase approach to returning to full in-person court operations in a safe, responsible manner pursuant to the Covid-19 Task Force Report.

The committee will monitor Covid-19 case statistics for Green County as well as surrounding counties (Dane, Rock and Lafayette) to confirm the date at which Green County may begin resuming in person operations. If Green County's new cases and active cases are stable or dropping for the most recent 14-day period and the safety plan is in place, Phase One will start on July 1, 2020.

### **PHASE ONE: RESUMPTION OF LIMITED IN PERSON PROCEEDINGS**

The courts will continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance. Judges may hold in person hearings in the following cases:

In-person appearances may take place in the following cases during this phase:

1. All criminal matters, except initial appearances which will continue to be held remotely and jury trials which will be held when the courts transition to Phase Three.
2. Mental commitment and guardianship hearings with time limits
3. Juvenile proceedings in juvenile delinquency (JV), juvenile CHIPS (JC), juvenile guardianship (JG) cases and termination of parental rights cases with time limits
4. Injunctions

5. Civil matters as follows:

Restraining order proceedings under Ch. 813

Family - Temporary order hearings if placement is at issue under Wis. Stat. 767.225(1)(am)

Family - Enforcement of physical placement orders under Wis. Stat. 767.471(5)

Family- Relocation motions under Wis. Stat. 767.481(2)

Family - Contested final placement hearings

6. Time-sensitive small claims proceedings, with special consideration given to social distancing and limited attendance guidelines as outlined below.

All hearings other than the ones listed above will be held remotely. To the extent requested, hearings listed above may be held remotely in part and in person in part utilizing phone, zoom and video capabilities.

The judges will review staffing, public health, and facility conditions at least every fourteen (14) days to determine whether a change in phase is warranted.

Depending on local circumstances, such as a sudden increase in COVID-19 cases, it may be necessary to revert to a previous phase until such time as expanded operations are once again warranted.

**PHASE TWO: IN PERSON PROCESSING OF ALL CASES, EXCEPT JURY TRIALS**

Subject to successful implementation of Phase One and then existing health conditions, the courts will commence with Phase Two August 1, 2020. In person hearings may be used for all case categories from Phase One and will add all civil proceedings other than jury trials. Remote appearances will continue to be used to the greatest extent possible.

**PHASE THREE: IN PERSON PROCESSING OF ALL CASES, INCLUDING JURY TRIALS**

A separate, detailed plan of how jury trials will be conducted will be developed and submitted to the Chief Judge of the District for approval. Subject to approval and all safety criteria being met, Phase Three will begin on August 24, 2020. All of the safety criteria for in person appearances will continue to be utilized in addition to precautions specifically for jury trials. Remote appearances will continue to be used wherever possible.

**PHASE FOUR: RESUMPTION OF ALL CASES ON IN PERSON BASIS WITH NO RESTRICTIONS**

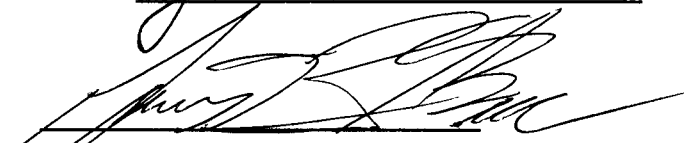
If a public health announcement is made determining that COVID-19 has been suppressed in the state, and the judges agree, the processing of all cases may be resumed on an in-person basis without reliance upon the safety criteria for in person appearances.

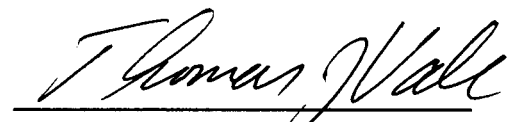
In developing the plan, the judges confirm they have consulted with the Stakeholders Committee.

The Green County Circuit Court Judges have read and approve the operating plan and will continue to follow it until further order of the court.

Dated:

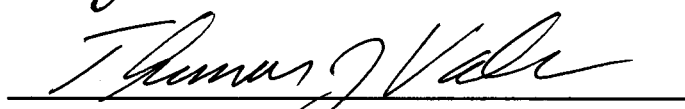
June 4th 2021

  
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Judge James R. Beer - Br. 1

  
\_\_\_\_\_  
Judge Thomas J. Vale - Br. 2

Dated:

June 4th 2021

  
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Chief Judge 5<sup>th</sup> Judicial District



The Green County Circuit Court Stakeholders Committee Members:

James Beer - Court Branch 1

Thomas Vale - Court Branch 2

Scott Jacobson - Family Court

Commissioner Brian Bucholtz - Corporation

Counsel Craig Nolen - District Attorney

Teffanie Duffy- Victim/Witness Coordinator

Barbara Miller- Clerk of Courts

Guy Taylor- Public Defender

Kim Wilhite - Child Support

Jeff Skatrud - Green County Sheriff

Corinne Frutiger - Green County Bar President

Robert Duxstad - Green County Bar Representative

Peter Kelly- Court Commissioner

Gloria Baertschi - Register in Probate

Art Carter- Green County Board Chair

RoAnn Warden - Health Department Director

Arianna Voegeli - Interim County Clerk

Richard Marti - Maintenance

Theresa Owens - 5<sup>th</sup> Judicial District Administrator

# **Green County Jury Trial Plan Amendment**

**Dated June 4, 2021**

WHEREAS, the Wisconsin Supreme Court “no longer requires that personal masking, social distancing, and sanitizing court facilities be part of any plan for circuit court and municipal court proceedings approved by the chief judge of the applicable judicial district. Instead, circuit courts and municipal courts, with the approval of the applicable chief judge, shall make county-wide decisions about what is in the best interest of circuit court and municipal court operations, respectively. This includes deciding whether or not to continue to require masking, social distancing, and sanitizing court facilities on a county by county basis.”

NOW THEREFORE, the Green County Circuit Judges affirm that the jury trial plan adopted on September 10, 2020 shall remain in effect with the additional provisions that the Judges may modify Covid-19 protocol on a case by case basis, at their discretion. The remaining terms of the original jury plan remain in effect as follows:

## Recovery Planning

1. A jury trial planning committee was established and has been consulted, those members are: Laura Kohl, Assistant DA, Barb Miller, Clerk of Courts, Jean Cook, Jury Clerk, Jane Bucher, Public Defender, Robert Duxstad, Green County Bar, Bernie Roidt, Green County Sheriff's Department and Judge Tom Vale, Green County Circuit Court Branch 2.
2. Except as otherwise provided in the Jury Trial Plan, all jury trials conducted in Green County will comply with the provisions of the Green County Reopening Plan.

## Summoning Jurors

1. Considerations have been made for the safety and well being of jurors. The court will consider any reasonable request for jurors to be excused based on juror health and safety concerns.

## Juror Screening/Selection

1. Protective measures and protocols as set forth in the Green County Reopening Plan and as set forth herein, are in place for prospective jurors who report to court. All persons in courtrooms, including jurors, are required to wear masks. Jurors will be screened at the front door of the Justice Center. The bailiff and or a clerk will ask 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 courthouse.

2. When jurors enter the Justice Center, the bailiff and or clerk will also use an infrared thermometer to determine the temperature of individuals. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building. The judge will be notified if any juror is turned away.
3. Both courtrooms will be used during jury selection. Clerks will meet jurors at the courtroom doors. Because there is insufficient room in the jury box to allow six feet of social distancing, plexi-glass barriers have been installed in the Branch 2 jury box between jurors for additional protection. Additional chairs will be used to expand juror seating near the jury box to allow as much distancing as possible.
4. The initial panel of jurors selected will be seated in the Branch 2 jury box to begin voir dire. The remaining jurors in the jury pool will be seated in the Branch 1 courtroom in order to practice social distancing. Attorneys and parties will be in Branch 2 and the proceedings will be displayed on the Branch 1 video projection screen so all jurors can hear and see the proceedings. There will be a bailiff in each courtroom. Jurors will be brought from Branch 1 to Branch 2 as needed as strikes are exercised.

#### Trial

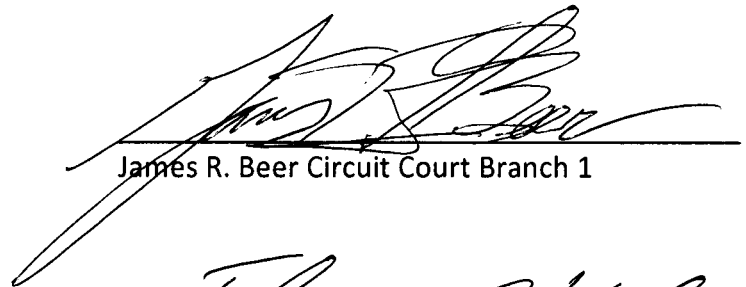
1. Once the jury is selected, the case will be tried in the Branch 2 courtroom.
2. The Branch 1 courtroom will be used for jury deliberations. The Branch 1 courtroom is large enough to allow social distancing while the regular jury deliberation room is not. The restrooms in the regular jury deliberation room for Branch 1 can still be used by the jury during breaks with the jurors keeping an appropriate distance.

#### Safe Participation

1. Jurors, will be provided with masks. Hand sanitizer will be available. HEPA air purifiers will be used in both courtrooms.
2. Social distancing will be enforced for spectators. Seating in the gallery has been marked, with 6 feet between seats. Only 12 persons can be seated in the gallery and two in the media room.
3. Counsel, witnesses and clerks will wear gloves when handling exhibits. Gloves will be provided by the court. To the extent possible, exhibits will be pre-marked and maintained by the clerk, while copies or digital images will be displayed in court.
4. Counsel tables have been fitted with plexi-glass barriers between attorneys and parties.
5. Sanitary cleaning wipes will be provided in the bathroom for anyone who wishes to clean bathroom surfaces between uses during the day. Cleaning personnel will clean the bathrooms, courtroom and hearing room every night during any trial.
6. Branch 2 has been equipped with physical barriers and will be the only courtroom used for jury trials while this order is in effect.

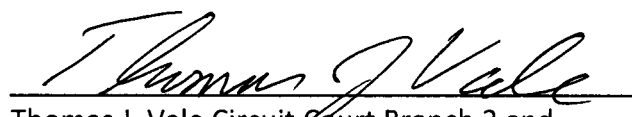
Both Judges have conferred and the jury planning committee has been consulted regarding this Jury trial plan amendment. The plan will become effective upon signing and approval by the Chief Judge.

Date: 6/4/2021

A handwritten signature in black ink, appearing to read 'James R. Beer', written over a horizontal line.

James R. Beer Circuit Court Branch 1

Date: 6/04/2021

A handwritten signature in black ink, appearing to read 'Thomas J. Vale', written over a horizontal line.

Thomas J. Vale Circuit Court Branch 2 and  
Chief Judge, 5<sup>th</sup> Judicial District