
Revised Circuit Court Operating Plan

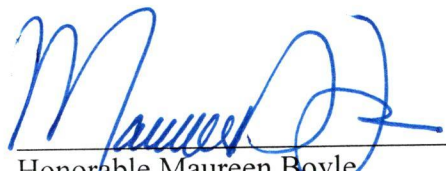
WHEREAS: On May 21, 2021, the Wisconsin Supreme Court terminated the following orders: (1) In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); (2) In re the Matter of Filing of Court Documents in Circuit and Appellate Courts (Temporary Mailbox Rule) (S. Ct. Order issued April 13, 2020); (3) Interim Rule 20-02; and In re the Matter of the Extension of Orders 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: On May 25, 2021, pursuant to the order of the Wisconsin Supreme Court dated May 21, 2021, the Judges of Dunn County have requested approval to revise the Dunn County operational plan dated June 9, 2020;

THEREFORE: The Covid-19 Court Operating Plan for Dunn County and Jury addendum is revised effective May 26, 2021.

Date: 5-26-21



Honorable Maureen Boyle
Chief Judge, 10th Judicial District

First Amended COVID-19 Circuit Court Operating Plan for Dunn County

WHEREAS the Wisconsin Supreme Court on May 21, 2021 issued an order IN THE MATTER OF MODIFICATION OF CIRCUIT COURT AND MUNICIPAL RECOMMENDATIONS THAT WERE REQUIRED BECAUSE OF THE COVID-19 PANDEMIC, which orders that circuit courts are no longer required to include in their operational plans requirements for personal masking, social distancing, and sanitizing court facilities; and

WHEREAS local conditions in Dunn County with respect to the COVID-19 pandemic have improved such that other county facilities will be open to the public without masking requirements for those fully vaccinated, effective June 1, 2021.

NOW, THEREFORE, the Dunn County Circuit will issue its First Amended COVID-19 Operating Plan as follows:

The Dunn County Circuit will continue to monitor local conditions relating to the COVID-19 pandemic, including local public health recommendations, Wisconsin Department of Health Services data and recommendations, Centers for Disease Control and Prevention (CDC) guidance and recommendations, and local/regional healthcare provider capacities and resources.

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the Judicial Center, the courts of Dunn County will move forward with the following protective measures:

Definition(s):

1. "Fully vaccinated" means the person has received one of the FDA approved COVID-19 vaccines and any required/recommended boosters from time to time. It requires a person to be up-to-date and current with his/her vaccination. Persons are not considered "fully vaccinated" until at least two weeks have elapsed from completing the first shot or series of shots with the two-shot vaccinations.

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. A Zoom meeting took place on May 28, 2020, with the following justice partners:

Judge Rod W. Smeltzer
Judge James M. Peterson
Clerk of Court Katie M. Schalley
Sheriff Kevin Bygd
Court Security Officer Bruce Sampson
District Attorney Andrea Nodolf
Health Officer/Director KT Gallagher
Emergency Management Director Melissa Gilgenbach
Assistant Corporation Counsel Barbara Fagan

DOC Supervisor Melissa Buesgen
Attorney Allyson Moore
Attorney Chris Mayer
Attorney Luke Wagner
Attorney Rich Yonko
10th District Court Administrator Christopher Channing

2. Circumstances may present that require the Dunn County Courts to modify these procedures to carry out court functions.
3. Judges may conduct hearings remotely within their discretion to the extent provided or permitted by law.
4. The Courts will continue to maintain communication with the Dunn County Health Officer/Director and will adjust this operating plan as necessary with any changes in the public health conditions in Dunn County.
5. Judges will determine when it is necessary to schedule in-person proceedings on a case-by-case basis.

Judge and Court Staff Health

1. The Judges and Court Staff will follow Dunn County Public Health guidelines.
2. Unless fully vaccinated, Judges and court staff will be required to wear a cloth face covering or face mask while in the courtrooms, jury rooms, and other designated areas of the Judicial Center. They will practice social distancing, and practice appropriate hand hygiene recommendations at all time.
3. Protective Measures: employees will be provided a cloth face covering or facemask and their own personal container of hand sanitizer.

Reduced Occupancy

1. The following procedures will remain in effect to reduce the number of people present in the Judicial Center at the same time:
 - a. As many court hearings as practicable will be conducted telephonically or by Zoom, subject to the discretion of the presiding judge.
 - b. The general public may or may not be allowed into the Judicial Center to observe court proceedings. Hearings which are open to the public will continue to be live-streamed on Dacast custom live-streaming service. Hearings that are closed to the public will not be live-streamed. The links to the Branch 1 and Branch 2 live streams can be found on the Wisconsin Court System website, wicourts.gov.
 - c. Each court has the discretion to not livestream family, paternity, probate or other matters as long as the Judicial Center is open to the public.

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. The Courts will do their best to accommodate the vulnerable populations who are scheduled for court. This would include remote appearances if requested.

Social Distancing (unless fully vaccinated)

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. No more than two individuals 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.

Gallery

3. 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. Capacity may be adjusted from time to time per "General, 2.," above.
4. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating area. Seating is limited to every other row. This may also be adjusted from time to time.

Well

5. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that social distancing of at least 6 feet is possible between each space. The presiding judge may make exceptions from time to time not inconsistent with the First Amended Operating Plan.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building outside of each courtroom, and outside of bathrooms.
2. Disinfectant wipes or spray have been placed at counsel tables, at the witness stand and on the judges' benches.
3. CDC (Centers for Disease Control and Prevention) flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the Judicial Center.

Screening (Suspended until further order of the Court)

1. When individuals attempt to enter the Judicial Center they will be subject to Dunn County Public Health guidelines.

2. Staff who are screening individuals entering the court building will be provided personal protective equipment, including face coverings and hand sanitizer.

Face Coverings (unless fully vaccinated)

1. All individuals entering the Judicial Center will be required to wear a cloth face covering or face mask at all times.
2. Individuals will be encouraged to bring a cloth face covering or face mask with them, but if the individual does not have a cloth face covering or face mask, a disposable face mask will be provided.
3. Individuals who will be required to be in the Judicial Center for a judicial proceeding will be provided a mask and required to wear it while in the Judicial Center.


Cleaning

1. Judicial Center cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every day.
2. Court staff will clean the courtrooms as needed.
3. Judicial Center cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Judicial Center cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.
5. When the UV sanitizer is operational, each courtroom will be sanitized from time to time as deemed appropriate/advisable by the Clerk of Court and/or presiding judge.

Other

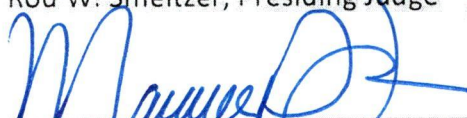
I have conferred with Judge James M. Peterson and Clerk of Court Katie M. Schalley regarding this First Amended Operating Plan. In developing the plan, I consulted with some of the justice partners listed on page 1. I will ensure that the Dunn County Circuit Court Judges with courtrooms in the Dunn County Judicial Center will conduct proceedings consistent with the plan.

Date: 5/25/2021



Rod W. Smeltzer, Presiding Judge

Date: 5/26/21



Maureen D. Boyle, Chief Judge

First Amended COVID-19 Circuit Court Operating Plan for Dunn County

Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on June 4, 2020, and as amended May 25, 2021, 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 Dunn 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, held a Zoom meeting on May 28, 2020, with the following justice partners:

Judge Rod W. Smeltzer
Judge James M. Peterson
Clerk of Court Katie M. Schalley
Sheriff Kevin Bygd
Court Security Officer Bruce Sampson
District Attorney Andrea Nodolf
Health Officer/Director KT Gallagher
Emergency Management Director Melissa Gilgenbach
Assistant Corporation Counsel Barbara Fagan
DOC Supervisor Melissa Buesgen
Attorney Allyson Moore
Attorney Chris Mayer
Attorney Luke Wagner
Attorney Rich Yonko
10th District Court Administrator Christopher Channing

2. Jury duty is critically important in upholding the promise of the Constitution. Without juries, the justice system would grind to a halt. 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 the importance of juror service, safety procedures; plan will be posted on Dunn County website; jurors will receive their own individual hand sanitizer, pens and paper to keep; use the courtroom and multi-purpose room to conduct jury selection; use multi-purpose room for jury deliberations if needed consistent with the May 2021 Operating Plan.

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. This will be updated as needed.
2. The Clerk of Court and Judges are using liberal deferral and excusal of jurors.
3. The protective measures, including expedited entrance into the courthouse, check-in that minimizes physical contact with documents, posting notice regarding hygiene and distancing practices, are in place for jurors who report to court.
4. Jurors will be subject to Dunn County Public Health guidelines.

Juror Attendance and Safe Participation


1. Personal protective equipment will be available to the jurors, including masks, and individual hand sanitizer.
2. Social distancing shall be consistent with the First Amended Operating Plan.
3. The following strategies are options to reduce the number of people required to report for jury selection: conduct voir dire in sessions based on the capacity of the courtroom that will allow appropriate social distancing, conduct voir dire virtually in full or in part, utilize in-person and virtual voir dire simultaneously, broadcast jury selection and limit or eliminate spectators in the courtroom, utilize 6-person juries upon stipulation, give priority to "strikes for cause" based on juror health and safety concerns.
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. Examples of such accommodations include: use of technology and video monitors to increase sight lines, and handling of exhibits. Documented efforts: use of technology and video monitors to increase site lines and handling of exhibits.
5. The court will attempt to prioritize jury trials during the COVID-19 public health emergency and will take into consideration the nature of the cases, the extent to which the cases involve liberty interests, cases with time limitations, victim's rights and input, and the length of time a case has been pending.
6. Due to capacity issues within the courtroom, the public may or may not be allowed into the courtroom. The public can view the jury trial by accessing the court livestreaming link at wicourts.gov.

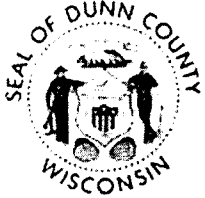
I have conferred with Judge James M. Peterson regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than June 22, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 5/25/2021


Rod W. Smeltzer, Presiding Judge

Date: 5/26/21


Maureen D. Boyle, Chief Judge



DUNN COUNTY CLERK OF COURTS
KATIE M. SCHALLEY, CLERK
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Menomonie, WI 54751
Phone: 715-232-2611
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Erin Metcalf
Office Manager
715-231-6622

Lisa Crouse
Register in Probate
Probate Registrar
715-232-6782

May 25, 2021

Dear Dunn County Juror:

You are receiving this letter in addition to your juror summons to serve on jury duty for the month of February. Our goal is to avoid exposure and infection of COVID-19 to jurors, litigants, attorneys, witnesses, the public and court staff through interpersonal contact in a jury trial setting. The right to a trial by jury is a cornerstone of our democracy and an essential pillar of the justice system. Serving as a juror is as fundamental to our democracy as is the right to vote. While it is not possible to ensure absolute safety from the virus, the Dunn County Circuit Courts will implement the following additional protective measures to minimize the risk of exposure during jury trials:

Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The following protective measures, including expedited entrance into the Judicial Center, check-in that minimizes physical contact with documents, and posting notices regarding social distancing practices are in place for jurors who report to court.
2. Before you arrive for your jury duty service, you must be able to answer these questions:
 - o Do you have any of the following symptoms: Cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, new loss of taste or smell, or gastrointestinal symptoms like nausea, vomiting or diarrhea. ____ Yes ____ No
 - o Within the past 14 days have you been in close contact with anyone who is presumptive positive or has tested positive for COVID-19? ____ Yes ____ No

If you answer "yes" to any of these questions you may be excused from service. If you know ahead of time that you will have to answer "yes" to one of these questions, please write the reasoning on the blue summons document and return to the Clerk of Courts office.

Juror Attendance and Safe Participation

1. Upon entering the Judicial Center you may be required to have your temperature taken. Your temperature cannot exceed 100.4 degrees. If your temperature is higher than 100.4 degrees you will be excused from juror service that day.
2. Unless you are fully vaccinated, masks or face coverings are required to be worn by everyone entering the Dunn County Judicial Center. Please bring your own mask or face covering with you. If you don't have one, we will provide you with one. Fully vaccinated persons will not be required to mask. "Fully vaccinated" means the person has received one of the FDA approved COVID-19 vaccines and any required/recommended boosters from time to time. It requires a person to be up-to-date and current with his/her vaccination. Persons are not considered "fully

vaccinated" until at least two weeks have elapsed from completing the first shot or series of shots with the two-shot vaccinations.

3. Jurors will be provided with their own personal hand sanitizer upon entering the building.
4. We have modified our usual procedures for jury selection and service. Jurors may be spaced apart throughout the courtroom. Plexiglas shields are installed at the witness stand. A separate courtroom may be used for jury deliberations, so that 12 jurors are not confined together in a small space.
5. Courtrooms and public spaces will be regularly disinfected.
6. Due to capacity issues within the courtroom, the public may not be allowed to view court in person. The public can access the jury trial on the livestreaming links at wicourts.gov.

Concerns/Questions

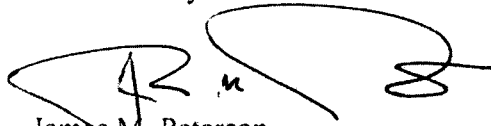
1. If a juror needs to be excused from jury duty service for: vacation, business trip or a family event, please write the dates on the bottom of the blue summons form and return it to the Clerk of Courts office. You will be contacted by the Clerk of Courts office if your excusal request is approved or denied.
2. 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. If you are in the vulnerable population, and would like to request to be excluded from jury service, please write the medical condition on the blue summons document. You will be contacted by the Clerk of Courts office if your medical condition will excuse you from jury duty service. These requests will be kept private.
3. If you need to request a postponement of jury service, please write on your blue summons form that you need to be postponed to a later month in the year and return it to the Clerk of Courts office. You should only request a postponement to delay your jury service if you have an urgent need.
4. We encourage you to sign up for the text or e-mail notifications, as you will receive updates quicker than by mail.

The Dunn County Circuit Courts takes public health and safety seriously. We have implemented aggressive policies to prevent the risk of infection for jurors and other court users. For further questions, please contact the Dunn County Clerk of Courts office (715) 231-6621.

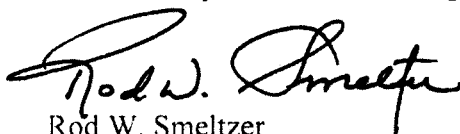
Sincerely,



Katie M. Schalley
Dunn County Clerk of Court



James M. Peterson
Dunn County Circuit Court Judge Br. 1



Rod W. Smeltzer
Dunn County Circuit Court Judge Br. 2