

NOTICE CLARIFYING TEMPORARY MEASURES
FOR COURTHOUSE OPERATIONS
IN EIGHTH JUDICIAL DISTRICT
REGARDING COVID-19 PUBLIC EMERGENCY

ISSUED Mar. 27, 2020; AMENDED Apr.20, 2020

The Eighth Judicial District of Wisconsin is issuing this Amended general Notice, as described below, to provide direction and procedure as it relates to circuit court operations in the Eighth Judicial District in response to the recent outbreak of COVID-19, and the various orders and notices that have previously been entered by judges in this district and the Wisconsin Supreme Court. This Amended general Notice seeks to clarify the courthouse operations for the Eighth Judicial District, in light of those various orders and notices.

Consistent with the Wisconsin Supreme Court orders regarding COVID-19 issued on March 22, 2020 and April 15, 2020, and in an effort to clarify the various orders and to encourage citizens to stay at home pursuant to the Safer at Home Orders issued by the Governor of Wisconsin, and based upon an agreement by the Eighth Judicial District courts:

The following hearings are defined as essential to maintain the critical day-to-day operations of the Eighth Judicial District courts, and are the only hearings that may be conducted during this period, unless an exception has been granted by the Eighth Judicial District Chief Judge. The following hearings shall be conducted as remote hearings, utilizing available technologies, including email, teleconferencing, and video conferencing, including Zoom, in lieu of in person courtroom appearances:

Regarding criminal matters, for in-custody defendants:

Initial appearances, including Riverside hearings;
Bail/bond review hearings;
Preliminary hearings;
Sentencing after revocation hearings;
Sentencing hearings;
Competency hearings; and
Treatment court proceedings, including staffing and hearings.

Regarding juvenile proceedings:

Hearings on JV and JC cases with time limits;
Termination of Parental Rights hearings with time limits.

Regarding family law proceedings:

Restraining order hearings;

Temporary order hearings if placement is at issue under Wis. Stat. §767.225(am));

Enforcement of physical placement orders under Wis. Stat. § 767.471 (5)); and

Relocation motions under Wis. Stat. §767.481 (2).

Regarding guardianship and mental health proceedings:

Mental Commitments with time limits; and

Guardianship cases with time limits.

Consistent with the Wisconsin Supreme Court Order In Re the Matter of Remote Hearings During the COVID-19 Pandemic, issued on March 22, 2020, and amended on April 15, 2020, if a hearing cannot be held remotely, by various video or teleconferencing options, despite best efforts, the above listed essential and critical hearings may be heard in person.

Furthermore, the Wisconsin Supreme Court Order In Re the Matter of Remote Hearings During the COVID-19 Pandemic noted above, as amended on April 15, 2020, also provides that judges may waive in-person appearance requirements otherwise required by statute, and that as such, juveniles intending to admit to the facts of a delinquency petition may do so by teleconference or video conference, after waiving their right to personally appear before the court.

In addition, consistent with the Wisconsin Supreme Court Order In Re the Matter of Remote Hearings During the COVID-19 Pandemic noted above, the Chief Judge for the Eighth Judicial District has authorized, **as an exception**, that any criminal hearing, except a jury trial, may be handled remotely by utilizing available technologies, including teleconferencing and video conferencing, provided the defense has requested, in writing, the hearing be calendared, and the defendant is willing to waive an in person appearance for those matters where he/she has a right to be present in person.

This exception for criminal hearings that may be calendared and heard upon written request of the defense, include (in addition to the essential hearings defined above):

Arraignments, for in-custody or out of custody defendants

Motion hearings, for in-custody or out of custody defendants

Plea hearings, for in-custody or out of custody defendants

Sentencing hearings, for out of custody defendants

Furthermore, the Chief Judge for the Eighth Judicial District has authorized, **as an exception**, that stipulated divorces can be calendared and heard as remote hearings, if the parties request the hearing be calendared.

Furthermore, the Chief Judge for the Eighth Judicial District will consider any other exceptions, on a case-by-case basis, at the request of the judge presiding over the matter. Such request can be made by either email or telephone.

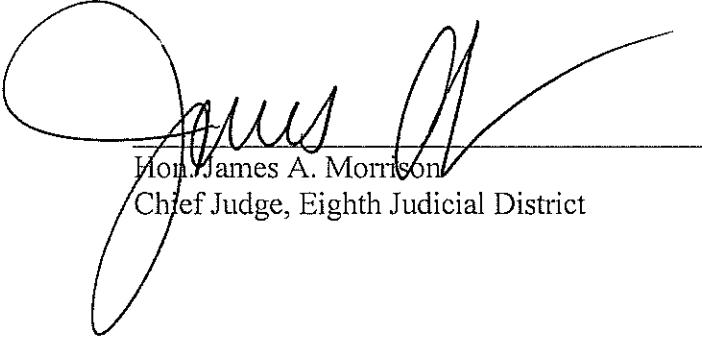
Consistent with the Wisconsin Supreme Court order regarding the continuance of all civil and criminal jury trials, all civil and criminal jury trials scheduled to begin before May 22nd, 2020 are continued and will be rescheduled by the judge presiding over the matter to a date after May 22, 2020, subject to the procedures outlined by the Wisconsin Supreme Court for seeking an exception to their order.

The Eighth Judicial District courts HEREBY FURTHER FIND THAT, for criminal cases, the period of any continuance or adjournment entered as a result of the Wisconsin Supreme Court order, or as a result of following the directive of the Director of State Courts, shall be determined to be good cause and therefore excluded from calculations pursuant to Section 971.10, Wisconsin Statutes, because the courts hereby find that the ends of justice served by taking the action to continue or adjourn the case outweigh the best interest of the public and the defendant in a speedy trial, given the need to protect the health and safety of defendants, counsel, witnesses, jurors, court staff, other court personnel and the public.

Nothing in this Notice shall be deemed to be in contradiction to or inconsistent with the orders of the Wisconsin Supreme Court. This Notice is merely intended to provide clarification and further direction, stating the agreement of the Eighth Judicial District judges.

These provisions are due to the COVID-19 emergency and are temporary in nature, effective from the date of this order until further order or notice of the Eighth Judicial District courts; however, the provisions regarding adjournment of jury trials is effective, consistent with the Wisconsin Supreme Court order, until May 22, 2020.

Dated this 20th day of April, 2020.



Hon. James A. Morrison
Chief Judge, Eighth Judicial District