

EAU CLAIRE COUNTY CIRCUIT COURT

EMERGENCY ORDER

WHEREAS, Governor Evers has declared a public health emergency and issued a Safer at Home order in connection with the COVID-19 pandemic; and

WHEREAS, the Wisconsin Supreme Court has ordered that while the courts of the State of Wisconsin remain open, all **in-person** court proceedings, with limited exceptions, are suspended through at least April 30, 2020; and

WHEREAS, the Chief Judge of the 10th Judicial District has issued an order detailing certain hearings that **MAY** be heard in person, if necessary; and

WHEREAS, the Circuit Courts of Eau Claire County have developed informal rules and procedures with respect to day to day activities;

WHEREAS, a summary of local rules and procedures would be helpful to the legal community and the citizens of Eau Claire County;

THE FOLLOWING PROCESSES AND PROCEDURES ARE ADOPTED PENDING FURTHER ORDER OF THE COURT:

1. The Eau Claire County Courts remain open and will continue to conduct business to the extent possible;
2. The Eau Claire County Clerk of Courts office remains open, although the public is encouraged to communicate electronically, by mail, or phone, rather than personally appearing in the Clerk of Courts office. Do not bring friends or family to the Courthouse if they are not essential. A secure drop box has been placed at the main entrance to the Government Center on Oxford Avenue for paperwork you wish to file with the Clerk of Courts.

3. To the extent possible, all court hearings will be conducted by video or telephone until at least April 30, 2020. The court will be using ZOOM video conferencing technology for many hearings. Judges, attorneys, litigants, witnesses, and victims will be able to participate with the use of a traditional phone, IOS or Android device or computer. Go to Zoom.us for detailed information about this free product.
4. To schedule ZOOM hearings contact the judicial assistant for the assigned branch and be prepared to provide an email address for the attorney handling the hearing, defendant and any witness.
5. If video or telephone conferencing is unavailable despite best efforts, the following hearings which implicate constitutional rights may be heard in person:
 - a. CRIMINAL
 - i. Bail/Bond hearings and initial appearances for in custody defendants
 - ii. Preliminary hearings for in custody defendants
 - iii. Any hearing for which the person is in custody only based on the case at bar
 - iv. Pleas and sentencing for in custody defendants
 - b. CIVIL
 - i. Emergency Writs for Mandamus, Habeas Corpus, Certiorari, or injunction relief
 - ii. Restraining orders (domestic abuse, harassment, child abuse, or individuals at risk)
 - c. PROBATE
 - i. Temporary and full petitions for Guardianship and Protective Placement
 - ii. Mental Commitment hearings, both initial and final
 - d. FAMILY
 - i. Emergency hearings to enforce or modify placement or custody, or to relocate

- e. JUVENILE
 - i. Temporary Physical Custody hearings in Chapters 48 and 938
- f. ANY OTHER EXCEPTIONS MUST HAVE SPECIFIC APPROVAL OF THE COURT

6. All eviction actions are suspended until at least April 28, 2020 and all writs of restitution are similarly stayed.
7. Traffic cases/ordinance court appearances have been rescheduled and are set to resume again in mid-July.
8. Small claims cases have been rescheduled to hearing dates after April 30th and new cases are being scheduled for hearing dates after May 31st.
9. All civil and criminal jury trials are postponed until at least May 22, 2020.
10. In person 9:30 intake court hearings are being rescheduled into the late summer and fall. In custody pleas will still be accepted by phone or video.
11. 11:00 intake court will continue by video or telephone for those in custody, while initial appearances for those not in custody are being rescheduled for late summer and early fall.
12. There will be no in person pretrial conferences in the District Attorney's office until at least July 13, 2020.
13. The courts will accept pleas by video or telephone in cases out of intake on request of counsel
 - a. Defendants must be willing to waive their right to personal appearance
 - b. Plea Questionnaires and Waiver of Rights Forms, elements sheets, Notice of Post-conviction Relief forms, Voter Ineligibility Notices,

and any written explanation of the plea agreement must be electronically filed prior to the plea hearing

- c. In the event of a "last minute" plea agreement the documents detailed in b. above may be filed after the plea
- d. Status conferences shall be adjourned unless a plea will be entered or a trial demanded. Counsel shall advise the judicial assistant for the assigned branch whether there will be a plea or trial demanded.
- e. Statutory victim rights will be honored. Participation by phone or electronically is encouraged, though personal appearance may be permitted.

14. Written waiver of Preliminary Hearings will be accepted by the court with the hope and expectation that the waiver will be confirmed at the next scheduled hearing

15. Community service is still open using phone or email.

- a. There are alternatives for completion of community service hours.
- b. Surcharges can still be paid on line
- c. Time sheets can be emailed or mailed

16. The Community Transition Center continues to serve bond clients.

Dated this 26 day of March, 2020.



Hon. Michael A. Schumacher
Presiding Judge, Eau Claire County