
Revised Circuit Court Operating Plan

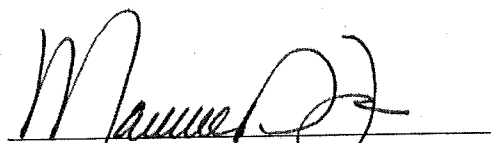
WHEREAS: On May 21, 2021, the Wisconsin Supreme Court terminated the following orders: (1) In re the Matter of Jury Trials During the COVID-19 Pandemic—Amended (S. Ct. Order issued March 22, 2020; Amended April 15, 2020); (2) In re the Matter of Filing of Court Documents in Circuit and Appellate Courts (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 Presiding Judge of Barron County has requested approval to revise the Barron County operational plan dated May 28, 2020;

THEREFORE: The Covid-19 Court Operating Plan for Barron County is revised effective May 26, 2021.

Date: _____

5-26-21

Honorable Maureen Boyle
Chief Judge, 10th Judicial District

COVID-19 Circuit Court Operating Plan for Barron County

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Barron County** will implement the following protective measures:

General

1. All judges will use reasonable efforts to conduct proceedings remotely in appropriate cases. Judges will determine when it is necessary for in-person proceedings on a case by case basis.
2. The Court will continue to maintain communication with the Barron County Public Health Officer and Barron County Office of Emergency Management. This plan will be modified when necessary.

Judge and Court Staff Health

1. The Judges and Court Staff will follow Barron County Public Health guidelines.

Vulnerable Populations

1. In appropriate cases, vulnerable populations who are scheduled for court will be accommodated by using zoom video or telephone.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be encouraged to maintain adequate social distancing of at least 6 feet.

Gallery

2. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted at 12. The maximum capacity of the courtroom will be monitored and enforced by court staff.
3. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating.

Well

4. 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 there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Notices regarding the availability of hand sanitizer and disinfecting wipes/spray will be posted at the entrance of each courtroom, jury room and court-related confined space.
3. Disinfectant wipes or spray have been placed, at counsel tables, at the witness stand, on the judges' benches.
4. CDC flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the court building.

Screening

- 1. Barron County has no security screening at the main entrance. However, for jury trials health screening will be performed at the main entrance as set forth in the Jury Trial Plan and social distancing and face covering requirements will be enforced by Court Security.

Face Coverings

- 1. **Jury Trials:** All persons present in the Courtrooms, jury rooms and court-related confined spaces for **jury trials** shall wear face coverings, unless the judge specifically determines on the record that it is necessary for a witness not to wear a face covering during the witness' testimony in order for the judge or jury to weigh the witness' credibility. Notices regarding this requirement will be posted at the entrance of each courtroom, jury room and court-related confined space and will state that this requirement will be enforced by the judges.
- 2. Face coverings are encouraged for all other hearings and may be worn by any person. Individuals will be encouraged to bring face coverings with them, but if the individual does not have a face covering, a disposable face mask will be provided by court staff.

Cleaning

- 1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every day .
- 2. Court building cleaning staff will clean the courtrooms-at the end of each day the courtroom is used and will be disinfected by mist.
- 3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
- 4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.
- 5. Cleaning wipes or cleaning spray and paper towels will be provided at counsel tables and anyone using the table will need to clean before and after each use.

Other

This order supersedes any previous order in conflict with these provisions.


I have conferred with all the Barron County Circuit Court Judges regarding this Operating Plan. I will ensure that the Barron County Circuit Court Judges with courtrooms in the Barron County Justice Center covered by this Operating Plan will conduct proceedings consistent with the plan.

Date: 5/26/2021



 James C. Babler, Presiding Judge

Date: 5/26/2021



 Maureen D. Boyle, Chief Judge

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

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on May 28, 2020, 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 Barron County will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

1. Planning for reopening Barron County Circuit Court began in early April. Judge Babler and Clerk of Court Millermon met on an almost daily basis working on ideas and strategies to safely resume in person appearances. They also began ordering facemasks and sanitary supplies in late April and early May so that they were available for a June start date. Judge Babler and Clerk Millermon consulted with the Barron County Public Health Officer on several occasions regarding safe practices for staff and visitors to the Justice Center. Judge Babler personally consulted with the Family Court Commissioner, Sheriff, Court Security Officer, District Attorney, Public Defender, and Building Maintenance Director. This planning culminated in a Zoom meeting on May 26, 2020, with the following justice partners:

Judge James C. Babler
Judge Maureen D. Boyle
Clerk of Court Sharon Millermon
Family Court Commissioner Katherine Stewart
Sheriff Chris Fitzgerald
Chief Deputy Jason Leu
Court Security Officer Jacob Winkler
District Attorney Brian Wright
County Administrator Jeff French
Public Defender Supervisor Ryan Raymond
DHHS Director Stacey Frolik
Public Health Officer Laura Sauve
Building Maintenance Director Steve Olson
DOC Supervisor Stephanie Schmidt
DOC Supervisor Miranda Simpkins
Emergency Government Director Mike Judy

2. The following efforts have been undertaken to education 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 safety procedures and screening questions; there will be a news release about the plan and it will be posted on the Barron County website; no group jury orientation; Individual pads and pens for jurors to keep; no communal food or drink; lunches delivered in individual containers; using 3 courtrooms by Zoom to do jury selection; using 2 jury rooms during trial to social distance jurors; using Emergency Operations Center for jury deliberations.

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.
2. The Clerk of Court and Jury judge are using liberal deferral and excusal of jurors.
3. The following 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: court personnel will meet jurors in the parking lot or the Justice Center vestibule (depending on weather conditions) to do initial contact and health screening questions regarding symptoms and exposure to COVID-19 as recommended by the Barron County Public Health Officer. Individuals who indicate yes to any of these questions will be refused admittance to the court building. If required to appear in court, the appropriate court office will be immediately notified.
4. If possible, temperature screening will be used.

Juror Attendance and Safe Participation

1. The following personal protective equipment will be available to the jurors, including masks, gloves, individual hand sanitizer, the use of full air exchange (which continuously brings in fresh air from the outside and draws out the stale air) in all rooms of the Justice Center including courtrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, marking off spaces 6 ft. apart within the courtroom and jury box, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, using an alternate courtroom for additional capacity, installing Plexiglas shields for witness stand
3. The following strategies will be used to reduce the number of people required to report for jury selection: Utilize preselection questionnaires, conduct voir dire in sessions based on the capacity of the court room that will allow appropriate social distancing, 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.
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 site lines, and handling of exhibits. Documented efforts: portable document cameras (Elmos) will be used at each counsel table for all exhibits pre-marked by the attorneys, which will then be displayed on the large screen facing the jury and the litigants. The court has its own screen as does the witness thereby eliminating the need for paper to change hands during the court proceeding. Any other exhibits can then be sent through the fax machine outside the clerk's office for electronic filing.
5. Social distancing consideration during trial breaks and deliberations include reconfiguration of the deliberation room, using an alternate room for deliberations, hand sanitizing and bathroom capacity, availability of refreshments: Barron County has two jury rooms each of which

can accommodate up to 12 jurors for deliberations and breaks and where there are four bathrooms. We will split the jury between both rooms for breaks during the trial to accommodate social distancing. We will use our larger Emergency Operations Room for jury deliberation which can accommodate all 12 jurors using social distancing and where there are two bathrooms. Individual lunches will be ordered and distributed, but no snacks (unless deemed necessary for health of juror) will be distributed and only bottled water will be provided.

6. The court will attempt to prioritize jury trials during the COVID 19 public health emergency and as usual 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.
7. Barron County can only accommodate one jury trial per day, so there is no need to enter order in regard to scheduling.
8. Due to capacity issues within the courtroom, the following accommodations will be given for public view of the proceedings: if members of the public cannot be accommodated due to the number of those attending, the court will use attached conference rooms with sound and sight, or stream to another courtroom or room in the Justice Center or stream on YouTube.

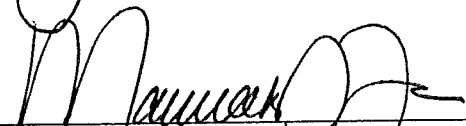
I have conferred with all judges of courts with courtrooms in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than June 1, 2020. I will ensure that the judges of courts with courtrooms in the court building covered by this Jury Trial Addendum will conduct proceedings consistent with the plan and the Addendum.

Date: 5/28/2020



James C. Babler, Presiding Judge

Date: 5/28/2020



Maureen D. Boyle, Chief Judge

We care about juror safety!

We anticipate jury trials will begin June 1, 2020. Safety measures have been implemented to keep you safe during your jury service.

- Masks or face coverings are required to be worn by everyone entering the Justice Center. Please bring your own mask or face covering with you. If you don't have one, we will provide you with one.
- Courtrooms and public spaces are regularly disinfected.
- We have modified our usual procedures for jury selection and service so that social distancing is enforced. Jurors will be spaced apart throughout the courtroom. A separate courtroom will be used for jury deliberations, so that 12 jurors are not confined together in a small space.
- Beverages are NOT allowed in the courtrooms and a communal coffee pot will NOT be available. Bottled water and soda WILL be provided.
- If you haven't signed up for text or email notifications, please do so now by calling (715) 537-6265. Due to the pandemic there will be NO jury orientation.



Chambers of
MAUREEN D. BOYLE
Barron County
Circuit Judge, Branch 3



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Kathy Malsom, Court Reporters
Debbie Nichols Judicial Assistant
Deanne Alsbury Register In Probate
Shanda E. Harrington Justice Programs Coordinator

May 27, 2020

Dear Prospective Jurors:

In anticipation of your jury service scheduled to begin June 1, I am writing to provide you with the specific procedures and precautions undertaken to ensure the health and safety of the jury, the parties, the lawyers, and the Court personnel during jury selection and the jury trial to follow. The trial scheduled to begin on June 1, 2020, will be the first trial in Barron County since the advent of the Coronavirus pandemic.

First, enclosed is a list of screening questions you will be asked at the Justice Center prior to entry into the building. Please review these questions now and if your answer to any of them today would be yes, please call Sharon Millermon at 715-537-6271.

So that you won't be surprised when you arrive, please be aware of the following:

1. Each prospective juror will be expected to remain at his or her vehicle in the parking lot until court personnel escorts you into the building. Weather permitting, court personnel will ask you the screening questions and if you answer yes to any of those questions that morning you will be excused. You will be required to wear a face covering during this initial contact and to enter the building. If you do not have your own upon arrival, one will be provided to you.
2. Once you enter building, a temperature screening may be conducted and you will be asked to sign in and document your round-trip miles.
3. You will then be escorted by court personnel to the appropriate courtroom for jury selection. The jury selection process will be broadcast to all three courtrooms to accommodate social distancing. You will be required to sit in the assigned spaces which will be marked. Please sit and remain in those spaces until told otherwise. If you need a hearing device, please advise the bailiff as soon as you are seated.
4. All prospective jurors will be initially sworn, however, only those prospective jurors seated in the Branch 2 courtroom will be required to answer questions asked by the court or lawyers. If you are seated in either Branch 1 or Branch 3, you may be escorted to Branch 2 if jurors are excused. Please listen carefully to all of the questions asked as the Court will inquire whether you were able to hear all the questions and whether your answer to any of the questions would have been yes. Prior to taking the other person's seat, the seat will be wiped down by the bailiff with sanitizer.

5. Once jury selection has been completed and the final 13 jurors selected (this panel will include an alternate juror), those who were not selected will be allowed to leave the building. If provided a mask, you will take it with you. Those who are selected will be given further instruction as to parking, re-entry into the building and making phone calls. Those selected will be provided a mask as well as a pen and pad of paper which you will keep for the duration of the trial. You will be provided a bag within which to keep your mask and other items. Please bring this with you each day of trial.
6. Smartphones, iPads or similar electronic devices, books, food or beverages, or any other items should be left outside the courthouse. If you bring them with you to the Justice Center, please leave them in your vehicle. If you are selected to serve on the jury, you will be allowed to retrieve your phone.
7. Alcohol based hand sanitizer as well as cleaners will be available to you at multiple locations throughout the Justice Center and the courtrooms, jury rooms, elevators and bathrooms will be cleaned and sanitized at the end of each day. Social distancing practices will also be observed in the courtrooms, jury rooms, elevators and bathrooms.
8. The Barron County Justice Center utilizes a full air exchange system such that fresh air from the outside is continuously pumped into all of the rooms utilized for trial.
9. Individual lunches and bottled water will be provided to jurors each day of the trial. There will be no communal snacks, although anyone with special dietary needs will be accommodated. Stretch breaks will be taken frequently and jurors may all be required to leave the courtroom for the court to hear arguments from the lawyers.

If since the time you received your initial jury summons, you have experienced any symptoms identified by the CDC of the Coronavirus; have begun caring for a family member or loved one who has tested positive for the Coronavirus; or are now in self-quarantine status which would continue on June 1, 2020, please contact Sharon Millermon immediately at 715-537-6271.

Please be aware that the right to trial by jury is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and difficult times. It is my personal conviction that jury service is the second highest form of public service, the first being service in the Armed Forces, any American can perform. The right to trial by jury was established in the Seventh Amendment to our U.S. Constitution since 1791, was one of the stated principles in the Declaration of Independence and was adopted by the great state of Wisconsin in its Constitution. Recognizing the importance of not only protecting these rights, but also of protecting you, we have taken extensive measures to ensure the health and safety of all of the participants while balancing these important constitutional rights.

Thank you for your time and attention to these matters and I look forward to seeing you on June 1, 2020.

Respectfully,

Maureen D. Boyle
Branch 3 Circuit Court Judge Barron County