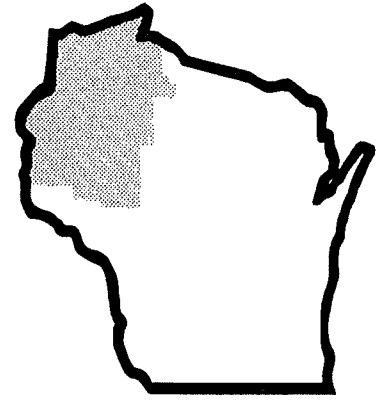


MAUREEN D. BOYLE
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STATE OF WISCONSIN

TENTH JUDICIAL DISTRICT



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July 7, 2020

Chief Justice Patience Roggensack

Director of State Courts Randy Koschnick

BY EMAIL

Dear Chief Justice Roggensack and Director Koschnick:

Pursuant to the Wisconsin Supreme Court's order dated May 22, 2020, attached please find copies of Iron County's operating plans to resume in person hearings and jury trials, as well my order approving same. The effective date of the plan to resume in person hearings is July 13, 2020 and no trials will be held in Iron County before August 1, 2020. Additionally, in anticipation of the July 1, 2020 district transfer, 10th District Court Administrator Chris Channing was available to Iron County officials during the planning process.

Please do not hesitate to contact me with any questions or concerns. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Maureen D. Boyle". The signature is written in a cursive, flowing style.

Maureen D. Boyle
Chief Judge District 10

CC: The Honorable Anthony J. Stella, Jr., Iron County Circuit Court
Christopher Channing, District 10 Court Administrator

**ORDER APPROVING OPERATIONAL PLAN FOR THE SAFE RESUMPTION OF
IN PERSON PROCEEDINGS AND JURY TRIALS IN IRON COUNTY**

WHEREAS: The Wisconsin Supreme Court in light of the COVID 19 Statewide and National states of emergency has entered certain orders related to the operations of the Circuit Court regarding in person appearances and jury trials.

WHEREAS: On March 22, 2020, the Wisconsin Supreme Court ordered that although the courts of the State of Wisconsin remain open, all civil and criminal jury trials scheduled to begin before May 22, 2020 are to continued and rescheduled by the assigned judge to a date after May 22, 2020;

WHEREAS: On March 22, 2020, and as amended on April 15, 2020, the Wisconsin Supreme Court suspended, until further order of the court, most in-person hearings in the circuit courts, subject to exceptions for certain matters, including those approved by the chief judges of each district, if remote technology is not practicable or adequate to protect constitutional rights of the citizens of Wisconsin;

WHEREAS: On March 31, 2020, the Wisconsin Supreme Court issued Interim Rule 20-02 which suspended statutory deadlines for conducting non-criminal jury trials until further order of the court:

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court ordered that March 22, 2020 order regarding the suspension of jury trials, that Interim Rule 20-02 regarding suspension of deadlines for non-criminal jury trials, and the April 15, 2020 amended order regarding remote hearings, are extended for each circuit court until that circuit shall have prepared an operational plan for the safe resumption of in-person proceedings and jury trials and the plan shall have been approved by the chief judge of the applicable administrative district;

WHEREAS: On May 22, 2020, the Wisconsin Supreme Court outlined the specific criteria required in each circuit court operational plan as to how that circuit court will conduct in-person proceedings and jury trials so as to reduce to the greatest extent possible the risk of transmission of the virus causes COVID-19 and that promotes the health and safety of all those present in the courtrooms, jury rooms, and other court-related confined spaces of that circuit court;

WHEREAS: On July 1, 2020, Iron County Circuit Court was administratively transferred from the Ninth to the Tenth Judicial District;

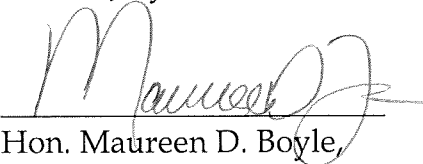
WHEREAS: On July 2, 2020, the Honorable Anthony J. Stella, Jr., Circuit Judge of Iron County, submitted final operational plans regarding resumption of jury trials and resumption of in-person proceedings, containing a statement regarding communication with local justice partners regarding the safe resumption of in-person proceedings and jury trials in that circuit court; a requirement that all persons who are present in the courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, except as authorized on the record by said judge; outlines practices for appropriate sanitation/hygiene of frequently touched surfaces and the hands of participants; specify that notices regarding face coverings and availability of hand sanitizer and disinfecting wipes/sprays in court-related areas will be appropriately posted and noticed; and incorporate many recommendations made in the Final Report of the Chief Justice's Task Force;

THEREFORE IT IS ORDERED:

The operational plans of the Circuit Court of Iron County regarding procedures and practices for conducting jury trials and other in-person proceedings during the 2020 public health emergency and pandemic-COVID 19 are hereby approved and are effective July 7th, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Circuit Court of Iron County and that circuit court must continue to follow its operational plans as approved by the chief judge until further notice of the Wisconsin Supreme Court.

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

Dated: July 7, 2020

A handwritten signature in cursive script, appearing to read "Maureen D. Boyle", written over a horizontal line.

Hon. Maureen D. Boyle,
Chief Judge 10th Judicial District

COVID-19 Circuit Court Operating Plan for Iron 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 Iron County Circuit Court will implement the following protective measures:

General

1. A stakeholder committee was established to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report. The committee includes:
 - a. County Board Chairman;
 - b. District Attorney;
 - c. Family Court Commissioner;
 - d. County Health Officer;
 - e. Emergency Management;
 - f. Corporation Counsel;
 - g. Sheriff;
 - h. Clerk of Court;
 - i. Public Defender;
 - j. Building Maintenance Head and Custodial Staff
 - k. Circuit Court Judge
2. The stakeholder committee held an initial Zoom meeting to assess the needs of the Court related to safety of the staff and visitors to the courthouse. Additionally, court personnel have communicated individually with several of the stakeholders on an ongoing basis in efforts to work out logistical issues. The stakeholder committee will meet as needed for as long as the operating plan remains in place. Judge Stella has also met with the Hurley School District Administrator to discuss using the school's facility for jury selection as needed. Court staff also met at the Iron County Memorial Building to assess its suitability as a venue for jury selection in the event that the courthouse or other venues are not suitable or available for a given case.
3. All judges will use all reasonable efforts to conduct proceedings remotely. Participants will be offered the option of appearing remotely, when appropriate, and encouraged to do so.
4. Before holding in-person hearings the Court will insure that it is adequately staffed and that the necessary personal protective equipment and sanitation supplies are available.
5. The Court will continue to monitor changes in the Covid-19 health conditions in the County and will adjust this operating plan as necessary given the fluid nature of the Covid-19 Pandemic.
6. Judges will begin setting non-essential in-person proceedings no sooner than July 13, 2020,

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will do so, whenever possible.
2. Judges and Court staff will follow Iron County Public Health Guidelines.
3. Judges and Court staff will be required to wear face covering in the courtrooms, jury rooms and confined court-related spaces. They will practice social distancing and

regular hand washing.

4. Sanitizing spray and wipes will be located throughout court facilities accessible to court staff. Shared work stations will be sanitized before and after use by the court staff employee at the conclusion of using a workstation and prior to beginning work at a workstation.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
 - a. Circuit Court and Court Commissioner calendars will be monitored and modified to avoid overlap during high in-person turnout events;
 - b. Scheduled jury trials will not overlap with any other scheduled court activity. On dates when jury trials are scheduled no other hearings will be scheduled in any courtroom when jury trial related court is occurring in either courtroom;
 - c. Out of county judge calendars will be monitored to avoid overlap during high in-person turnout events involving the Presiding Judge, other out of county judges or the Court Commissioner.

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. Information will be included on orders setting hearings, dockets 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. Vulnerable populations who are scheduled for court will be accommodated by:
 - a. Offering remote hearings as a first option;
 - b. Offering hearings early in the morning and at times that other cases are not scheduled.

Social Distancing

1. All persons not from the same household who are permitted in the courthouse will be required to maintain adequate social distancing of at least 6 feet. An exception will be made for attorneys and their clients, recognizing the need for communication between them.
2. No more than one person not from the same household will be permitted in an elevator. A sign shall be posted at the elevator indicating the same
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity will be posted on each restroom door.
4. The maximum number of persons, including litigants and court staff, permitted in each courtroom will be determined and posted. This number will depend on the type of case being heard and the layout needed for that case. Jury trials, for instance, will require a different courtroom layout. Capacity of the courtroom will be monitored and enforced by court staff.

5. The gallery of the courtroom will be marked to identify appropriate social distancing in the seating to insure that for each proceeding proper spacing of at least 6 feet can be maintained.
6. To the extent possible, in each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating will be arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

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

Screening

1. Iron County has no security screening at the main entrance to its courthouse building. The main entrance is currently locked, however, under order of the Iron County Board, and members of the public are required to ring a buzzer to gain entry. Individuals seeking access to the court or court-related offices are screened by court staff to determine whether their entry into the building is necessary, and are encouraged to conduct whatever business they have with the court system remotely when possible. Persons who enter the courthouse for court-related purposes will be required to wear a face covering. Before entering the courtrooms or court-related offices, a designated employee will ask persons 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. This will include court staff each morning. Temperatures will be also be taken. Members of the general public who indicate yes to any of these questions or whose temperatures are equal to or exceed 99.6 will be refused admittance, and employees will be sent home if they do not pass the screening. If required to appear in court, the appropriate court office will be immediately notified.
2. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building. Whenever possible inmates will appear by video from the jail facility.
3. In the event the entrance to the courthouse is no longer locked, signs shall be posted at the entrance indicating that no person shall be allowed entrance to the courtrooms or court-related offices without wearing a face covering immediately upon entry into the building and then reporting to a designated office for further screening and directions.
4. Staff who are screening individuals entering the courtrooms will be provided personal protective equipment, including face covering options and gloves.

Face Coverings

1. All individuals entering court facilities open to the public will be required to wear face coverings at all times unless a judge specifically determines on the record that it is necessary for a witness not to wear a face covering during the witness's testimony in

order for the judge or jury to weigh the witness's credibility. A three-sided clear plastic or glass barrier will be available to be placed around any witness testifying without a face covering. Said barrier will be wiped down after use by a witness by designated court staff. Notices regarding the requirement for face coverings will be posted at the entrance of each courtroom, the jury room and court-related confined spaces.

2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals refusing to wear a face covering when entering a courtroom or confined facility open to the public will be denied entry. If the individual is attempting to attend or participate in a court proceeding they will be provided information on how to access the proceeding remotely.
4. A glass barrier will be constructed at the Clerk of Court's customer service desk.

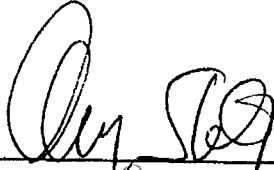
5. Cleaning

1. Courthouse cleaning staff will clean the common areas of court facilities regularly, and special efforts shall be coordinated to insure that such facilities are cleaned more frequently during jury trials and other busy periods.
2. Courthouse cleaning staff will clean the courtrooms at least daily. Cleaning staff will be notified of the pendency of jury trials or other busy schedules in advance in order that necessary staffing arrangements can be made to insure adequate cleaning.
3. Designated court staff will see to it that chairs, tables, equipment and other surfaces are cleaned as needed during courtroom activities, in addition to the regular cleaning done by courthouse cleaning staff.
4. Courthouse cleaning staff will use cleaning supplies shown to be effective with Covid-19.
5. Courthouse cleaning staff will be trained on proper cleaning techniques and be provided appropriate personal protective equipment.

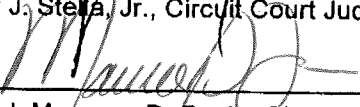
I consulted with the stakeholder committee. I have also communicated with the Circuit Court Clerk, representatives of Iron County, the Iron County Sheriff's Department, the Iron County District Attorney's Office, and the local state public defender, regarding safe resumption of in-person proceedings and jury trials in circuit court. I will ensure that the all judges and court commissioners who hold court hearings in the courthouse covered by this Operating Plan will conduct proceedings consistent with the plan.

Date: 7/2/2020

Date: July 7, 2020



Anthony J. Stella, Jr., Circuit Court Judge



Approved: Maureen D. Boyle, Chief Judge
Wisconsin 10th Judicial District

COVID-19 Circuit Court Operating Plan for Iron County

Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on July 2, 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 Iron County Circuit Court will implement the following additional protective measures related to jury trials:

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. When assessing juror requests to be excused from service or to defer service due to the COVID-19 Public Health Emergency the following policies are adopted:
 - a. Requests for excusals/deferral from jurors in the following groups will be given special consideration and afforded greater latitude:
 - i. Elderly or other medically vulnerable populations;
 - ii. Healthcare workers;
 - iii. Essential workers;
 - iv. Caregivers for vulnerable populations;
 - v. Individuals with school aged children in their home.
 - b. Jurors who indicate they are experiencing COVID-19 like symptoms or those who within the last 14 days have tested positive for COVID-19, have travelled by air or have been on a cruise ship or have been subject to symptomatic COVID-19 testing within 5 days and have not received a negative result will be excluded from service. Jurors may also otherwise be excluded at the discretion of an approved health care provider.
 - c. Jurors who are sheltering in place and cannot or will not comply with a summons will be given a deferral to a later date but will be reminded of their civic duty regarding jury service.
3. The following protective measures are in place for jurors who report for duty:
 - a. Juror report times will be staggered so that no more than 15 jurors report in any 15-minute period;
 - b. Juror check-in will be conducted using proper social distancing and personal protective equipment;
 - c. Any off-site jury selection location will be signed to remind jurors to observe social distancing and utilize hand sanitizer stations.
4. When jurors report for duty, an approved health care provider will conduct a health screening intended to determine whether an individual is at risk for exposure to

COVID-19. The health screening will include the use of an infrared thermometer to determine the temperature of jurors. If an individual demonstrates risk for exposure to COVID-19 or exhibits a fever they will be denied jury service. Jurors may otherwise be excluded at the discretion of an approved health care provider.

5. Jurors who pass health care screening will be escorted to a seat by a bailiff or other court staff.

Juror Attendance and Safe Participation

1. Personal protective equipment will be available to the jurors, including masks, gloves and hand sanitizer in courtrooms and jury deliberation areas.
2. Social distancing of jurors will be enforced through the following strategies:
 - a. When necessary to maintain proper spacing and juror safety, jury selection will occur off-site in an approved and appropriate location, such as the Hurley High School Gymnasium if available, or the Iron County Memorial Building. The selected location shall allow for maintaining 6 ft. of social distancing among jurors, litigants, court staff and member of the public;
 - b. During jury selection seats for jurors will be spaced at 6 ft. intervals and 6 ft. of distance will be maintained among jurors, counsel tables, court staff and members of the public;
 - c. For proceedings occurring in the courtroom, access to the courtroom will be limited to jurors, court staff, litigants and witnesses. The courtroom will be arranged to allow for social distancing of all occupants. The courtroom will be clearly marked to limit capacity and direct occupants where to sit to achieve proper social distancing. Where appropriate and necessary, plexiglass or glass shields will be installed to protect courtroom occupants.
3. 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:
 - a. Due to an inability to effectively implement social distancing using the jury box and typical arrangement of the courtroom jurors will be spaced at 6 ft. intervals in the courtroom gallery rather than in the jury box;
 - b. The courtroom will be reconfigured to allow the trial to occur in a manner where the litigants and their attorneys do not have their backs to the courtroom gallery where the jury is located. The jury will be seated to the right of the litigants and their attorneys, and to the left of the witness. There shall be a direct line of sight between the witness and all jurors and shall be close enough to the jurors to allow them to see and hear the witness.
 - c. To the extent possible, exhibits will be published to jurors by video. Any exhibits handled by anyone in the courtroom shall be handled using protective gloves which will be made available by the court. Hand sanitizer shall be available at all times for persons in the courtroom who may request to use it as desired.
 - d. A plexiglass or glass shield will be installed in the area of the witness stand to allow witnesses to testify without face coverings, while still providing protection for courtroom occupants, to the extent necessary for jurors to assess the credibility of witnesses.
4. Social distancing consideration during trial breaks and deliberations include:
 - a. Deliberation and breaks will occur in the courtroom. Members of the public will

- be excluded from the courtroom during the entire trial process including breaks and deliberations. The same social distancing accommodation for jurors made during trial will continue during deliberations which will take place in the gallery.
- b. Jurors will remain in the area of the courtroom gallery used by jurors as the jury box and jury room during hearings required outside of the presence of the jury. Court staff and litigants will conduct such hearings in the 2nd courtroom in the courthouse;
 - c. Hand sanitizer stations will be spaced throughout the area of the courtroom gallery used by jurors as the jury box and jury room;
 - d. The area of the courtroom used as the jury box and jury room will be signed to remind jurors where to sit and to follow social distancing practices;
 - e. Jurors will be provided access to a non-public bathroom in the traditional jury room. Said bathroom will have appropriate cleaning supplies and sanitizer available, and shall be wiped down between uses by appointed court staff.
5. Due to capacity issues within the courtroom and due to the need to use the gallery in the courtroom as the jury box and jury room the general public will be excluded from the courtroom. To ensure public access to trial a separate location will be made available in the courthouse for public viewing of the trial via live video feed. Off-site public access to trial will also be available via Zoom or YouTube.

Other

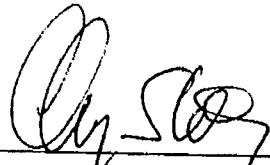
1. **Ambient Conditions:**

- a. Although the Iron County Courthouse, Hurley School and Iron County Memorial Building are all air-conditioned, extreme summer heat might still cause uncomfortable conditions making it difficult and/or unhealthy to conduct trials with participants all wearing face coverings, especially older participants. As a result, due to ambient conditions in the courtroom, some scheduled trials may need to be cancelled and rescheduled so that the jury selection process does not select strongly against certain segments of the population. No less than 48 hours prior to the commencement of a scheduled trial, the judge responsible for the case will determine whether ambient conditions will allow for a trial to proceed as scheduled.
 - b. In determining whether ambient conditions will allow a jury trial to proceed the judge responsible for the case will consider the current ambient conditions in the courtroom as well as a summary of the best available information regarding forecasts for outside air temperature, humidity and other atmospheric conditions. In addition to consideration of ambient conditions the judge responsible for the case will consider the wishes of the parties, the wishes of any alleged victim, the custody status of a criminal defendant and whether there has been a speedy trial demand made and, if the judge responsible for the case is a visiting judge, will consult with the presiding judge.
2. **Juror numbers:** It is anticipated that it will be necessary to summons more jurors than normal to account for jurors who are unable to serve due to COVID-19. Parties are encouraged to agree to 6 jurors for juror trials whenever possible in order to accommodate the goals of social distancing and improved safety of all participants.

No jury trials shall be scheduled under this plan for any date prior to

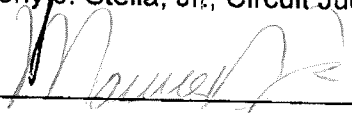
August 1st, 2020, by which time all preparations and accommodations under this plan shall be in place.

Dated: July 2, 2020



Anthony J. Stella, Jr., Circuit Judge

Dated: July 7, 2020



Approved: Maureen D. Boyle
Chief Judge, 10th District

TEXT OF LETTER TO BE SENT TO EACH JUROR UNDER COURT LETTERHEAD

Re: Your upcoming jury service in the era of COVID-19

Dear Mr./Ms (Juror Name)

Enclosed you will find a summons directing you to appear for jury service (insert time) on (date) at the (Hurley High School Gymnasium, or Iron County Memorial Building, or Iron County Courthouse, as applicable in the given case).

(If applicable) We need to use the (Hurley High School Gymnasium/or Iron County Memorial Building) for jury selection, the first phase of a jury trial, to accommodate a larger crowd, considering the need for social distancing.

I want to assure you that every reasonable precaution will be taken to enhance the health and safety of the jury, the parties, the lawyers and the court staff during jury selection and the jury trial itself.

So that you will not be surprised when you arrive, please be aware of the following:

1. Prior to entering the building, each prospective juror will have their temperature taken via a handheld thermometer and asked a series of COVID-19 related questions, to ensure that no one with an elevated temperature or other symptoms is admitted. Professional healthcare staff will be assisting court staff with juror health screening.
2. Once you enter the building and pass through the initial security screening, you will be separately escorted by court staff to be seated in a space that is sufficiently distant from another juror to avoid close proximity with one another, at least six feet apart.
3. Masks will be distributed and everyone appearing as a prospective juror will be required to wear a mask at all times during jury selection. Jurors chosen to serve will be required to wear a mask at all times during trial and deliberations. Jurors will be required to wear the mask provided by the Court.
4. Nitrile gloves will be available for those who wish to wear them, but gloves are not required.
5. If you bring your cell phone, iPad or similar electronic device with you, it should at all times be turned off during jury selection. If you are selected as a juror to hear the case, such devices should not be brought with you into the courthouse; otherwise, you will be asked to surrender them during the course of the trial.
6. Hand sanitizer will be available to you at multiple locations, and you may ask a court officer to make it available at your seat if you wish.
7. Those selected for this jury trial should know that the jurors will be spaced throughout the gallery area of the courtroom to achieve social distancing. The general public will be excluded from the courtroom during trial and deliberations.
8. The gallery area of the courtroom used by the jury and jury room bathroom will be cleaned each evening throughout the course of the trial.

9. Individual lunches will be provided to the selected jurors during each day of the trial, in order to minimize any travel in and out of the courthouse and to minimize jurors' interaction with others outside of the courthouse.

If you:

a. Have been diagnosed by a licensed physician as having COVID-19 any time within the last 30 days;

b. are actively caring for a family member or loved one who has tested positive for COVID-19;

c. are now in self-quarantine status and that status will continue on (enter date); or

d. are a health care professional presently working in an environment where exposure to COVID-19 is more likely or your services are required due to the pandemic;

then, in any of these circumstances, you should immediately notify the Clerk of Court, Karen Ransanici, at 715-561-4084. She may ask you to furnish documentation from your health care provider.

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 trying times. It is my personal conviction that jury service is one of the highest forms of public service that any American can perform. The right to trial by jury has been enshrined within the Seventh Amendment to our U.S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence which fueled our struggle to become an independent nation. Only those with extreme hardships should seek to be excused.

It is vital that you appear and present yourself for jury service on (insert date). However, the Court wants you to know that we are mindful of these challenging times and we will take every reasonable precaution to maintain your health, as well as that of the parties, lawyers and court staff during this upcoming trial.

I hope this personal letter is helpful and informative. I look forward to seeing you in Iron County on (insert date).

Sincerely,

Anthony J. Stella, Jr.
Circuit Judge