STATE OF WISCONSIN FOURTH JUDICIAL DISTRICT

ORDER APPROVING OPERATIONAL PLAN FOR THE RESUMPTION OF IN-PERSON PROCEEDINGS AND JURY TRIALS IN FOND DU LAC COUNTY

WHEREAS: The Wisconsin Supreme Court in light of the COVID 19 pandemic 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 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 the 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 that 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 June 1, 2020 the Circuit Judges of Fond du Lac County, submitted an operational plan which contains 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; specifies 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 incorporates many recommendations made in the Final Report of the Chief Justice's Task Force;

THEREFORE IT IS ORDERED:

The operational plan of the Circuit Court of Fond du Lac County regarding procedures and practices for conducting jury trials and other in-person proceedings during the 2020 public health emergency and pandemic-COVID 19 is hereby approved and is effective June 3, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Circuit Court of Fond du Lac County and that circuit court must continue to follow its operational plan 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 this 2nd day of June, 2020

Honorable Barbara H. Key
Chief Judge, Fourth Judicial District

COVID-19 Circuit Court Operating Plan for Fond du Lac County

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the second floor of the City-County Government Center which houses the five branches of the Circuit Court, the Circuit Court of Fond du Lac County will implement the following protective measures:

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. The members are, or their designees: Allen Buechel, County Executive; Mona Geib, Fond du Lac County Clerk of Court; Ryan Waldschmidt, Fond du Lac County Sheriff; Eric Toney, Fond du Lac County District Attorney; Meggin McNamara, Fond du Lac County Corporation Counsel; Kim Mueller, Fond du Lac County Public Health Oficer; Rick Kiefer, Fond du Lac County Building Superintendent; Jaclyn Shelton, Asst. State Public Defender Office Mgr.-Fond du Lac; all five circuit court judges, Family Court Commissioner Danner and Court Commissioner Mortier for 51.20 hearings; Jon Bellows, DCA Court Administrator; Karen Schmitz, DOC Probation and Parole Supervisor, Fond du Lac Office; and Jessica Slavin, representative from the Fond du Lac County Bar Assn.
2. Per COVID Task Force Final Report, pg. 12, the judges agree that "All courts should continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance." Judges have received CCAP laptops which will be used to continue the use of Zoom conferencing. Fond du Lac County has been upgrading and improving existing phone technology to facilitate phone conferencing compatible with existing sound systems in each courtroom. Clerks have been trained in those technologies to assist the judges.
3. Before calendaring in-person hearings, the stakeholder's committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.
4. The circuit court judges hosted an in person meeting with the invited stakeholders and have communicated by email regarding "the safe resumption of in-person proceedings and jury trials," per Supreme Court Order dated 5/22/20, pg. 5. The stakeholder's subcommittee will continue to meet regularly, maintain communication with the local health authority and the county executive or his designee on risk management, and will adjust this operating plan as necessary with any changes in the public health conditions in the county.
5. Judges will begin setting non-essential in-person proceedings consistent with this Operational Plan no sooner than the date this plan is approved by the Judges and Chief Judge of District 4.
6. Per Supreme Court Order dated 5/22/20, pg. 7, the judges agree "[t]he circuit court shall continue to follow its operational plan as approved by the chief judge until further order of this court."
7. Per COVID Task Force Final Report, pgs. 7 & 16, the judges have considered the need for, use, and location of enhanced barriers and have requested the County to install plexi-glass barriers between the witness box and the court reporters as a 6 foot social distancing was not possible.

The maintenance department has the plexi-glass in stock and has installed a barrier in courtroom #1 and is installing the barriers in the other courtrooms.

8. Per the COVID Task Force Final Report, pg. 14, "[E]fforts should be undertaken to educate the general public about the importance of jury service to the administration of justice and how the safety and well-being of all jurors and participants in the jury trial process are being addressed." The Clerk of Court with the assistance of the judges will, as stated above, so educate and inform the public through local print and television, and through the county's website, and to the Fond du Lac Bar Association and its members. This will be done promptly upon Chief Judge Approval of this plan via press releases, emails, and posting to the County Website.
9. Per COVID Task Force Final Report, Appendix B, and as two have already been composed, a letter to potential jurors explaining what measures have been taken to ensure their safety will be sent by the jury clerk when summons are mailed. Each judge may use their own letter and if none then the Clerk of Court will continue to use her letter.
10. Per COVID Task Force Final Report, pgs. 4-6, the judges and the local task force have reviewed and considered the availability of staff for the following tasks: Cleaning; Security; Health screening; Courtroom. It was the consensus of the local task force that existing staff in the respective offices of the Clerk of Court, Building Maintenance, and Sheriff's Office is sufficient to meet the requirements set forth in this Plan. No holding virtual voir dire is expected, but should that arise the presiding judge will require adequate training of existing staff.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will continue to do so, whenever possible.
2. The following procedures have been implemented to monitor the health of Judge and Court Staff: The court staff and Judges shall self monitor any symptoms they might be experiencing and to the extent they have any mild symptoms of Covid19, which are per the FDL CO Health Officer: fever; shortness of breath; cough; sore throat; body/muscle aches; or loss of sense of taste or smell. If so, the Health Officer further recommends Judges and staff to call their primary care provider and do the following: "If they are a Fond du Lac County resident, please have them call 844-225-0147 to be tested;" (Subject to employment work rules and supervisor direction) "staff will be required to self-isolate at home until their test result comes back; If positive they will continue to self-isolate for a period of time as determined by Public Health; Public Health will provide a release of isolation when appropriate for staff to return to work; Typically, isolation lasts for 10 days since onset of symptoms plus symptom free for 72 hours; and Staff will not receive an additional covid19 test to be released from isolation."
3. Judges and court staff will be required to wear face coverings while in court and practice social distancing and practice appropriate hand hygiene recommendations at all times. Please note that masks are mandatory with exception for testimony or health/ADA concerns per Supreme Court Order dated 5/22/20, pg. 5, and see the COVID Task Force Final Report, pgs. 8 &10
4. Protective Measures: masks, social distancing, hand sanitation and air purifiers.

Scheduling

Per the COVID Task Force Final Report, pgs. 12-13, the judges agree to a four-phased approach to return to in-person appearances. After an initial phase has been determined, the presiding judge, or designee, will review staffing, public health, and facility conditions at least every fourteen (14) days to determine whether a change in phase is warranted. Depending on local circumstances, such as a sudden increase in COVID-19 cases, it may be necessary to revert to a previous phase until such time as expanded operations are once again warranted. The judges will meet weekly to collaborate and discuss transitioning between phases with communications with the local task force, before moving to the next phase. The Clerk of Court or a judge will inform the local task force and the public when changes are made between phases. Individual branch court schedules will vary by the Intake Court cycle each judge must preside over and what has already been scheduled on their Post-Intake calendars. What proceedings will be set first during each of the four below phases will vary by each branch but will be entirely consistent with this operating plan and the phases as recommended and agreed to below.

Phase One: Resumption of limited in-person proceedings (beyond essential and mandatory proceedings, or as required by the Wisconsin or U.S. Constitutions). All courts will continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance. As soon as the Safety Criteria required in this Plan including signs, notices, barriers, sprays, hand sanitizers, wipes, air purifiers, social distancing, masks, infrared thermometers, etc., are in place in the county, the circuit court will resume in-person appearances in the following cases:

1. All criminal matters, except jury trials unless required by the Wisconsin or U.S. Constitutions.
2. Mental commitment and guardianship hearings with time limits
3. Juvenile proceedings in juvenile delinquency (JV), juvenile CHIPS (JC), juvenile guardianship (JG) cases and termination of parental rights cases with time limits
4. Civil matters as follows:
    - Restraining order proceedings under Ch. 813
    - Family - Temporary order hearings if placement is at issue under Wis. Stat. 767.225(1)(am)
    - Family - Enforcement of physical placement orders under Wis. Stat. 767.471(5)
    - Family - Relocation motions under Wis. Stat. 767.481(2)
    - Stipulated final divorce hearings
    - Time-sensitive small claims proceedings, with special consideration given to the social distancing and limited attendance guidelines as outlined below.

Phase Two: In-person processing of all cases, except jury trials, unless required by the Wisconsin or U.S. Constitutions. Phase Two includes all case categories from Phase One, but would now allow all civil proceedings other than jury trials. All of the Safety Criteria in this

Plan will continue to be utilized. As recommended, remote appearances will be utilized to the greatest extent possible.

Phase Three: In-person processing of all cases, including jury trials. All of the Safety Criteria in this Plan will continue to be utilized, in addition to any jury specific safety precautions that are instituted or as set forth in this Plan. As recommended remote appearances will be utilized to the greatest extent possible.

Phase Four: Resumption of all cases on an in-person basis with no restrictions. If a public health announcement is made determining that COVID-19 has been suppressed in the state, the processing of all cases may be resumed on an in-person basis without reliance upon the Safety Criteria for In-Person Appearances.

JURY TRIALS During All Phases: Per COVID Task Force Final Report, pg. 18, jury trials will proceed on a prioritization basis based on age of the pending case per CCAP case management, Statutory or Constitutional time limits, type of case with priority of crimes against persons, rights of victims, public safety, status of in-custody defendants considering all reasons for being in custody and at what facility. The judges will continue their past practice of conferring which cases proceed and which get adjourned as they have done in the past noting there are only two jury rooms. An alternate jury location has been approved for use by the County Executive and that is the Legislative Chambers. This alternative would relieve the congestion on the second floor and allow for greater social distancing. The Sheriff has been notified and has confirmed existing staff can be assigned to that Chambers if used for a jury trial, including in-custody transport and security. Sound, video, and Wi-Fi access for remote CCAP functionality are adequate noting recent improvements. Furnishings are adequate and extra tables can be brought in if necessary.

JUROR DEFERRAL/EXCUSE POLICIES During All Phases: Per the COVID Task Force Final Report, pg. 15, the judges agree to continue past practice that all requests from jurors will be forwarded to the judge presiding in the case the juror was summoned to, unless the jury clerk already excused the juror under current practice, i.e. vacations, surgeries ... Each judge will implement a standard deferral and excusal policy in light of the COVID-19 pandemic, which will be liberally applied in recognition of juror safety issues and concerns raised by COVID-19. Prospective jurors will be given a letter, from the presiding judge or from the Clerk of Court with the notice of the jury summons and on the county's website as to what they should do if someone is experiencing COVID-19 symptoms. Each judge will give special consideration to any of the following groups: healthcare workers, elderly/at-risk populations, people caring for the elderly/at-risk populations, individuals caring for/educating school-age children at home, or certain essential working groups. Any such consideration will be carefully balanced with the litigants' right to a representative jury panel. Deferral and excusal policies will be carefully considered and clearly outlined so court staff and jurors are aware of these policies for consistent application.

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. Vulnerable populations who are scheduled for court will be accommodated by being advised to timely write to the presiding judge if they would like some accommodation, to be excused or have their obligation to appear be postponed.

Social Distancing, Access, and Communication

1. All persons not from the same household on the Court's second floor will be required to maintain adequate social distancing of at least 6 feet.
2. Public common areas, including breakrooms, have been closed to the public.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.

Gallery Courtroom

4. 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.
5. Courtroom seating will comply with all social distancing requirements.

Well Courtroom

6. 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. Plexi-glass barriers have been placed between the witness box and the court reporter as 6 foot separation was not possible.
7. Regarding court floor or courtroom entry ways, the City-County Government Center has ~~5~~ 4 floors with a single point of entry by the public. Employees may enter through other restricted access doors. Members of the public coming to the court floor who use elevators will commence social distancing per signage indicating a request that one user at a time occupy the elevator but no more than two at a time. For court users choosing to use the stairs, signage near those stairwell doors will be placed requiring social distancing.
8. Regarding hallways on the second floor, signage will be placed requiring social distancing, and floor markers will be placed on the carpeting every 6 feet to ensure adequate spacing (COVID Task Force Final Report, pg. 7)
9. Regarding conference rooms, a sign will indicate the number of persons allowed inside to ensure social distancing and if necessary extra chairs may be removed.
10. Regarding jury rooms, the jury rooms are large enough for social distancing if seating is along the perimeter of the room. The chairs and furniture will be re-arranged and if necessary items will be

removed to ensure social distancing is achieved. Civilian jury bailiffs will be trained on where the jurors will sit along the perimeter of the room to maintain social distancing. Use of the table must be regulated to ensure its use does not compromise social distancing.

11. Regarding elevators, see #7, above.
12. Regarding jury assembly, the courts have received permission to use the County Board/City Council Legislative Chambers located on the first floor. The Chambers with permanent seating is large enough to seat up to 50 prospective jurors while maintaining social distancing.
13. Regarding Voir Dire, the presiding judge can use the Legislative Chambers to select the jury and resume the trial in the courtroom. Or, the presiding judge can stage the jury pool in the Legislative Chambers and shuttle jurors in batches to the courtroom for Voir Dire to maintain social distancing.
14. Regarding the jury box, the jurors will sit in assigned seats in the jury box and on padded chairs on the floor in front or to the sides of the jury box to maintain social distancing. The jury bailiff's will lead the jury to and from the courtroom while keeping the jurors 6 feet apart.
15. Regarding jury deliberation, the presiding judge will instruct the jurors to continue perimeter seating while deliberating and not sit at the table at the same time to avoid getting to close too each other.
16. Regarding any other area where court participants may congregate: the waiting area off the elevators on the second floor will have chairs removed to ensure separation for social distancing; If the area on the first floor adjacent to the old front entrance is used to stage court users for small claims, or traffic/forfeiture/criminal defendants, then signage will be deployed with chairs spaced out for social distancing; the Legislative Chambers can also be used to stage Intake Court users until small groups are shuttled to the Intake courtroom for small claims, traffic or criminal return dates.
17. Regarding how the victim's access will be preserved for all in person hearings, (COVID Task Force Final Report, pg. 19), while maintaining social distancing the courts and clerk of court will collaborate with the Office of the District Attorney and their Victim-Witness Coordinator to ensure reserved seating for the victims.
18. Regarding how the public's access will be preserved for the public for all in person hearings, the presiding judge will schedule high profile or well attended cases at separate times, or move the case to the largest courtroom #1, or to the Legislative Chambers on the first floor, or commence a Zoom proceeding and directing members of the public to attend by zoom, or while using a Zoom proceeding enable the access to YouTube for the public, or reschedule the case.
19. Regarding how access by the public or victims will be preserved for remote hearings, the presiding judge can add victims to phone appearances or for members of the public or victims who walk in the courtroom they can listen along with the court and staff who are in the courtroom. If Zoom is utilized for remote hearings, the court will post on the County's website the instructions for joining the zoom proceeding. In addition, the public or victims can sit in the courtroom and listen to the Zoom audio over the courtroom sound system and watch the video on TV monitor in the courtroom.

Hygiene Per Supreme Court Order dated 5/22/20 pgs. 5-6, and the COVID Task Force Final Report, pgs. 8 &10, the following specific sanitation / hygiene practices will be in place "for appropriate

sanitation/hygiene of frequently touched surfaces and the hands of participants. The plan must specify that notices regarding the availability of hand sanitizer and disinfecting wipes/spray in court-related areas of the courthouse will be posted at the entrance of each courtroom, jury room, and court-related confined space"

1. Hand sanitizer dispensers have been placed outside of elevators on each floor, and outside of each courtroom. Jurors will be offered hand sanitizer bottles for use upon arrival and through out their duty.
2. Disinfectant spray with paper toweling, or wipes have been placed in each Courtroom and Jury rooms. Protective gloves will be available in each courtroom for use when cleaning.
3. Fond du Lac County Building Superintendent reports the HVAC system was upgraded just a few years ago with high quality UV protection system comparable or better than at hospitals. In addition the purchasing department has purchased two portable floor purifying units for use during jury trials in the courtroom and the jury deliberation room. (COVID Task Force Final Report, pgs. 4-6).
4. Notices, flyers, or signs outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on Court's second floor of the building, including notices regarding the availability of hand sanitizer and disinfecting wipes/spray in court-related areas of the court floor will be posted at the entrance of each courtroom, jury room, and court-related confined space.
5. The county building maintenance department has procured larges supplies/containers of hand sanitizer and will provide a continuing supply of hand sanitizer and disinfecting spray bottles and paper toweling, or wipes.
6. Per COVID Task Force Final Report recommendations regarding high use doors, pg. 9, high use doors were considered for removal as recommended but will not be removed for security reasons but will be propped open by court staff or security staff for high volume court days. The presiding judge may close courtroom doors for security reasons or to ensure a good court record when noise so requires.

Screening

1. When individuals attempting to enter the City-County Government Center for the Courts on the Second Floor, display any COVID-19 symptoms, security will ask the individuals 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. Individuals who indicate yes to any of these questions shall remain at the security station while the Deputy contacts the appropriate court office for further direction.
2. When prospective jurors clear the initial building security, Clerk of Court staff and/or civilian jury bailiffs will escort the jurors to the designated jury assembly area, likely the Legislative Chamber, and safety protocols will commence at the earliest opportunity and the clerk, bailiff, deputy, or a designated nurse retained by the county for the purpose of screening the temperature of jurors will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0 F will be refused admittance

to the jury assembly and excused from jury service for that panel. The Fond du Lac County Emergency Govt. office will allow the courts use of their scanner.

3. Inmates being transported from the jail to the courtrooms 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 100.0 will not be transported to the court room.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including a mask and gloves.

Face Coverings (Please note that masks are mandatory with exception for testimony or health/ADA concerns per Supreme Court Order dated 5/22/20, pg. 5; COVID Task Force Final Report, pgs. 8 &10).

1. All persons who are present in courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, 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. Notices regarding this requirement will be posted at the entrance of each courtroom, jury room, and court-related confined space and this requirement will be enforced by the judge(s) of the circuit court.
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. If no mask is available, the clerk of the branch where said individual is to appear will be notified and the clerk or presiding judge shall determine how to address the situation. Individuals who will be required to be in the courtroom for a judicial proceeding will be provided surgical masks, level one or two, unless they already have one.
3. Per Supreme Court Order dated 5/22/20, pg. 5, "... notices regarding this requirement will be posted at the entrance of each courtroom, jury room, and court-related confined space and that this requirement will be enforced by the judge(s) of the circuit court."
4. Per a mask survey from the Office of State Courts, the judges have requested Fond du Lac County to supply masks and it's purchasing department has committed up to 1000 surgical masks per week, level one or two, for a 12 week period, and has a current inventory to cover several weeks and will be purchasing per additional masks according to existing protocols with State suppliers. The Office of State Courts will be requested to supply masks as well.
5. Signage will be posted on the court floor regarding the mandatory use of masks and the availability of masks as well as cleaning supplies from the Office of the Clerk of Court.
6. If an inmate being prepared for transport to court refuses to wear a mask, the jailor shall immediately notify the court for further direction prior to leaving the jail.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 24 hours.
2. Court building cleaning staff, or with optional assistance from Clerk of Court Staff, or Court staff, or attorneys will clean the courtrooms between every hearing if possible but also between the morning and afternoon sessions. Cleaning sprays and paper toweling and wipes will be available

for any attorney desiring to wipe down counsel table before and after their use. Deputy Clerk of Courts may assist with wiping down the public areas of the courtroom between hearings. Protective gloves will be available in each courtroom and jury room.

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.

We have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, we have consulted with the stakeholders committee. A list of members on the committee and the frequency in which they will continue to meet is included within this plan. We will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan will conduct proceedings consistent with the plan.

Date: 6-1-20

Circuit Judge Br I

Date: 6-1-20

Circuit Judge Br. 2

Date: 6/1/20

Circuit Judge Br V

Date: 6-1-2020

Circuit Judge Br IV

Date: 6-1-20

Circuit Judge Br 3

Date: 6-2-2020

Chief Judge Approval

COVID-19 Circuit Court Operating Plan for Fond du Lac County
Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on 6-2-2020, 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 courts of Fond du Lac County will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

1. 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: Letter sent to prospective jurors outlining safety measures; press releases; emails to stake holders committee; and posting to Clerk of Court's webpage.

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, or as issued by the presiding judge.
2. Each judge will address deferral and excusal of jurors taking into consideration the pandemic consistent with the Operating Plan.
3. The following protective measures are in place for jurors who report to court: See Fond du Lac County COVID-19 Operating Plan.

Juror Attendance and Safe Participation

1. The following personal protective equipment will be available to the jurors, including masks, individual hand sanitizer, and the use of HEPA air purifiers in courtrooms and jury deliberation rooms.
2. Social distancing of jurors will be enforced through the following strategies: Limiting the capacity in the courtroom, maintaining spaces 6 ft. apart within the courtroom and jury box, using an alternate courtroom for additional capacity, and installing a Plexiglas shield in front of witness stand.
3. The following strategies will be used to reduce the number of people required to report for jury selection: Conduct voir dire in a larger room (i.e. Legislative Chambers) or in sessions based on the capacity of the court room that will allow appropriate social distancing, limit or eliminate spectators in the courtroom, utilize 6-person juries upon stipulation, and 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 site lines, and handling of exhibits. Documented efforts: Social distancing; use of masks, hand sanitizers and air purifiers.
5. Social distancing consideration during trial breaks and deliberations include reconfiguration of the jury deliberation room, using an alternate room for deliberations, masks, hand sanitizing and bathroom capacity, availability of refreshments, and air purifiers.
6. After consultation with all of the judges in the county, the existing past practice and policy will continue to prioritize jury trials: Where more than one jury trial is scheduled for a particular day/days, the judges will confer and decide on priority based on the type of case, severity of the allegations, victims' rights issues, age of the case, prior adjournments, speedy trial, custody status of defendant, etc. ... and as specified in the Operating Plan.
7. After consultation with all of the judges in the county, the existing Intake Order ("In the Matter of Judicial Assignments and Caseload Distribution for Fond du Lac County, revised 12-19-2017) will continue as to jury trials for the Intake judge as those jury trials pertain to civil respondents confined emergently for mental heath conditions and may be subject to an involuntary medication order with strict statutory time limits and Due Process requirements. Thus, those cases may take priority over Post-Intake cases on the regular dockets discussed in #6 above.
8. Due to capacity issues within the courtroom, the following accommodations will be given for public view of the proceedings: Use of Courtroom #1 as it has the largest gallery; use of remote viewing by incorporating Zoom technology with optional sharing to YouTube; use of the Legislative Chambers which has larger seating, and has cameras to share the video to other conference rooms with tv monitors; and other measures by the presiding judge on a case by case basis.

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 conducting jury trials no sooner than approval of the Operating Plan by the Chief Judge. 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: 6-1-20

Circuit Judge Br. I

Date: 6-1-20

Circuit Judge Br 2

Date: 6-1-20

Circuit Judge Br 3

Date: 6-1-2020

Circuit Judge Br IV

Date: 6/1/20

Circuit Judge Br. V

Date: 6-2-2020

Chief Judge Approval

Fond du Lac County

OFFICE OF THE JURY CLERK **160 S Macy St, Fond du Lac, WI 54935**

(920) 929-6899

Dear Prospective Juror:

We understand that this is a challenging and difficult time with the COVID-19 pandemic. The Wisconsin Supreme Court has now authorized that jury trials resume to comply with the Wisconsin and U.S. Constitutions, and State Statutes.

The Judges, the Clerk of Court, and the Maintenance Dept. want to assure you that precautions to minimize risk and protect your health are being implemented. Increased sanitation measures have been enacted and cleaning crews are regularly sanitizing high contact surfaces throughout the courthouse. Additional air purifier machines have been purchased for the jury room and courtroom. The Court and bailiffs will make every effort to maintain 6 feet of social distancing for all jurors, attorneys, parties, and staff throughout the case. Also, per the Supreme Court's COVID-19 Task Force recommendations, each juror will have their temperature taken with a touchless infrared thermometer at the jury assembly area, not the main entrance.

Jurors will be provided a surgical mask, level 1 or 2 when you report for jury duty, along with hand sanitizer. You may bring your own mask of equal or better quality, along with your own sanitizer or wipes. Individual lunches from a local restaurant is delivered for the jurors, but you may pack and bring your own lunch.

If you believe that serving on a jury will be hazardous to your health, or you have symptoms associated with COVID-19, or are under a 14 day quarantine, then you are encouraged to write a letter for the judge explaining your concerns. Each judge will give consideration to any of the following groups: healthcare workers, elderly/at-risk populations, people caring for the elderly/at-risk populations, individuals caring for/educating school-age children at home, or certain essential working groups. Any such consideration will be carefully balanced with the litigants' right to a representative jury panel.

On the day of going to the Courthouse, if you are sick, or have symptoms associated with COVID-19, do not report. Stay home and call the jury clerk and explain your situation. The clerk will communicate with the judge. You are to remain at home until the clerk calls you back with the judge's decision.

If you have any questions or concerns, please feel free to contact the Jury Clerk.

Amy Sommerfeld, Fond du Lac County, Jury Clerk, (920) 929-6899