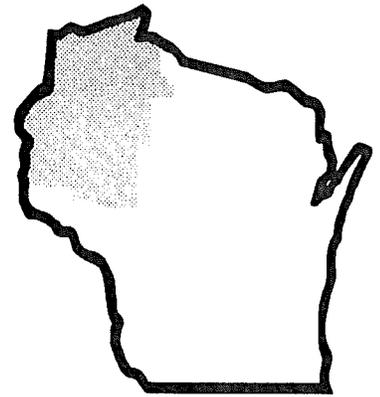


MAUREEN D. BOYLE
Chief Judge
Barron County Justice Center
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STATE OF WISCONSIN

TENTH JUDICIAL DISTRICT



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FAX: 715-381-4323

June 9, 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 Dunn County's operational plans to resume in-person court proceedings and jury trials as well my order approving same. The effective date of the plans is June 9, 2020, however, jury trials will not be scheduled in Dunn County consistent with the requirements of the jury plan before June 22, 2020.

Dunn County has made excellent use of the remote technology provided and as you can see in their plans, the judges intend to continue to reduce the number of people entering the court building by relying on streaming for public access and allowing litigants remote access to hearings indefinitely.

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

Sincerely,


Maureen D. Boyle
Chief Judge District 10

CC: The Honorable Rod W. Smeltzer, Dunn 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 DUNN 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 June 4, 2020, the Honorable Rod W. Smeltzer, Circuit Judge of Dunn County, submitted operational plans regarding resumption of jury trials and regarding resumption of in-person proceedings, both of which contain a statement

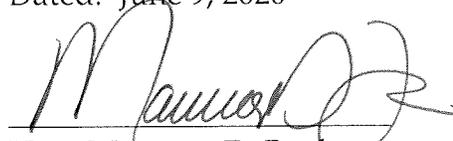
regarding communication with local justice partners regarding the safe resumption of in-person proceedings and jury trials in that circuit court; a requirement that all persons who are present in the courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings, except as 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 Dunn 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 June 9, 2020. All previous orders identified in the May 22, 2020 order of the Wisconsin Supreme Court cease to apply to the Circuit Court of Dunn 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: June 9, 2020



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

COVID-19 Circuit Court Operating Plan for Dunn County

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the Judicial Center, the courts of Dunn 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. A Zoom meeting took place on May 28, 2020, with the following justice partners:

Judge Rod W. Smeltzer

Judge James M. Peterson

Clerk of Court Katie M. Schalley

Sheriff Kevin Bygd

Court Security Officer Bruce Sampson

District Attorney Andrea Nodolf

Health Officer/Director KT Gallagher

Emergency Management Director Melissa Gilgenbach

Assistant Corporation Counsel Barbara Fagan

DOC Supervisor Melissa Buesgen

Attorney Allyson Moore

Attorney Chris Mayer

Attorney Luke Wagner

Attorney Rich Yonko

10th District Court Administrator Christopher Channing

2. Circumstances may present that require the Dunn County Courts to modify these procedures to carry out court functions.
3. All judges will use all reasonable efforts to conduct proceedings remotely.
4. Before calendaring in-person hearings, the court will have adequate staff and will have procured the necessary personal protective equipment and sanitation supplies.
5. The Courts will continue to maintain communication with the Dunn County Health Officer/Director and will adjust this operating plan as necessary with any changes in the public health conditions in Dunn County.
6. Judges will determine when it is necessary to schedule in-person proceedings on a case-by-case basis.

Judge and Court Staff Health

1. The Judges and Court Staff will follow Dunn County Public Health guidelines.
2. Judges and court staff will be required to wear a cloth face covering or face mask while in the courtrooms, jury rooms, and other designed areas of the Judicial Center. They will practice social distancing, and practice appropriate hand hygiene recommendations at all time.

3. Protective Measures: employees will be provided a cloth face covering or facemask and their own personal container of hand sanitizer.

Reduced Occupancy

1. The following procedures will remain in effect to reduce the number of people present in the Judicial Center at the same time:
 - a. As many court hearings as practicable will be conducted telephonically or by Zoom, subject to the discretion of the presiding judge.
 - b. The general public will not be allowed into the Judicial Center to observe court proceedings at this time. However, hearings which are open to the public will continue to be live-streamed on each Circuit Court Branch's respective YouTube channel. Hearings that are closed to the public will not be live-streamed. Recordings of hearings will not be kept available and do not constitute the official court record. The links to the Branch 1 and Branch 2 YouTube channels can be found on the Wisconsin Court System website, wicourts.gov.

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. The Courts will do their best to accommodate the vulnerable populations who are scheduled for court. This would include remote appearances if requested.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.

Gallery

3. 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.
4. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating area. Seating is limited to every other row.

Well

5. 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 each courtroom, and outside of bathrooms.
2. Disinfectant wipes or spray have been placed at counsel tables, at the witness stand and on the judges' benches.
3. CDC (Centers for Disease Control and Prevention) flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the Judicial Center.

Screening

1. When individuals attempt to enter the Judicial Center they will be subject to Dunn County Public Health guidelines.
2. Staff who are screening individuals entering the court building will be provided personal protective equipment, including face coverings and hand sanitizer.

Face Coverings

1. All individuals entering the Judicial Center will be required to wear a cloth face covering or face mask at all times.
2. Individuals will be encouraged to bring a cloth face covering or face mask with them, but if the individual does not have a cloth face covering or face mask, a disposable face mask will be provided.
3. Individuals who will be required to be in the Judicial Center for a judicial proceeding will be provided a mask and required to wear it while in the Judicial Center.

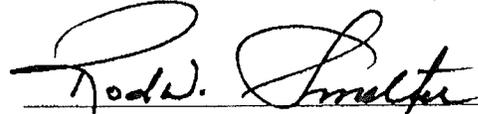
Cleaning

1. Judicial Center cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every day.
2. Court staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Judicial Center cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Judicial Center cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

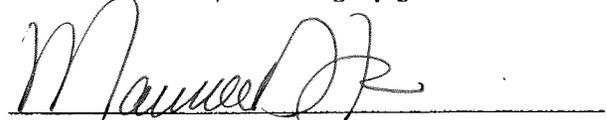
Other

I have conferred with Judge James M. Peterson regarding this Operating Plan. In developing the plan, I consulted with the justice partners listed on page 1. I will ensure that the Dunn County Circuit Court Judges with courtrooms in the Dunn County Judicial Center will conduct proceedings consistent with the plan.

Date: 6/4/2020


Rod W. Smeltzer, Presiding Judge

Date: 6/9/2020


Maureen D. Boyle, Chief Judge

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

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on June 4, 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 Dunn County will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

1. A recovery planning, jury committee including the following stakeholders, held a Zoom meeting on May 28, 2020, with the following justice partners:

Judge Rod W. Smeltzer
Judge James M. Peterson
Clerk of Court Katie M. Schalley
Sheriff Kevin Bygd
Court Security Officer Bruce Sampson
District Attorney Andrea Nodolf
Health Officer/Director KT Gallagher
Emergency Management Director Melissa Gilgenbach
Assistant Corporation Counsel Barbara Fagan
DOC Supervisor Melissa Buesgen
Attorney Allyson Moore
Attorney Chris Mayer
Attorney Luke Wagner
Attorney Rich Yonko
10th District Court Administrator Christopher Channing

2. Jury duty is critically important in upholding the promise of the Constitution. Without juries, the justice system would grind to a halt. 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: Notice sent with Juror summons outlining the importance of juror service, safety procedures, and screening questions; plan will be posted on Dunn County website; jurors will receive their own individual hand sanitizer, pens and paper to keep; no communal food or drink; lunches will be delivered and individually packaged; use the courtroom and multi-purpose room to conduct jury selection; use multi-purpose room 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. This will be updated as needed.

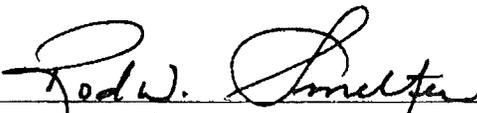
2. The Clerk of Court and Judges are using liberal deferral and excusal of jurors.
3. The protective measures, including expedited entrance into the courthouse, check-in that minimizes physical contact with documents, posting notice regarding hygiene and distancing practices, are in place for jurors who report to court.
4. Jurors will be subject to Dunn County Public Health guidelines.

Juror Attendance and Safe Participation

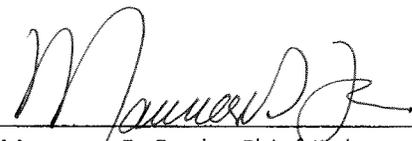
1. Personal protective equipment will be available to the jurors, including masks, and individual hand sanitizer.
2. Social distancing of jurors will be enforced through the following strategies: limiting the capacity in the courtroom, marking off spaces 6 ft. apart within the courtroom and jury box, reconfiguring placement of counsel tables, court reporter, witness stand, and/or bench, using an alternate courtroom for additional capacity, installing Plexiglas shields around the witness stand.
3. The following strategies are options to reduce the number of people required to report for jury selection: conduct voir dire in sessions based on the capacity of the court room that will allow appropriate social distancing, conduct voir dire virtually in full or in part, 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, 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 sight lines, and handling of exhibits. Documented efforts: use of technology and video monitors to increase site lines and handling of exhibits.
5. Social distancing consideration during trial breaks and deliberations using an alternate room for deliberations, hand sanitizing and bathroom capacity, availability of refreshments; jurors will be provided lunch that is individually packaged.
6. The court will attempt to prioritize jury trials during the COVID-19 public health emergency and 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. Due to capacity issues within the courtroom, the public will not be allowed into the courtroom. The public can view the jury trial by accessing the court YouTube channel.

I have conferred with Judge James M. Peterson regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than June 22, 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: 6/4/2020

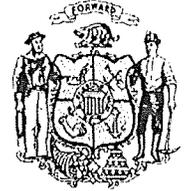

Rod W. Smeltzer, Presiding Judge

Date: 6/9/2020


Maureen D. Boyle, Chief Judge



DUNN COUNTY CLERK OF COURTS
KATIE M. SCHALLEY, CLERK
615 Stokke Pkwy, Suite 1500
Menomonie, WI 54751
Phone: 715-232-2611
Fax: 715-232-6888



Erin Metcalf
Office Manager
715-231-6622

Lisa Crouse
Register in Probate
Probate Registrar
715-232-6782

May 22, 2020

Dear Dunn County Juror:

You are receiving this letter in addition to your juror summons to serve on jury duty for the month of June. Our goal is to avoid exposure and infection of COVID-19 to jurors, litigants, attorneys, witnesses, the public and court staff through interpersonal contact in a jury trial setting. The right to a trial by jury is a cornerstone of our democracy and an essential pillar of the justice system. Serving as a juror is as fundamental to our democracy as is the right to vote. While it is not possible to ensure absolute safety from the virus, the Dunn County Circuit Courts will implement the following additional protective measures to minimize the risk of exposure during jury trials:

Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The following protective measures, including expedited entrance into the Judicial Center, check-in that minimizes physical contact with documents, and posting notices regarding social distancing practices are in place for jurors who report to court.
2. Before you arrive for your jury duty service, you must be able to answer these questions:
 - o Do you have any of the following symptoms: Cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, new loss of taste or smell, or gastrointestinal symptoms like nausea, vomiting or diarrhea. ___ Yes ___ No
 - o Within the past 14 days have you been in close contact with anyone who is presumptive positive or has tested positive for COVID-19? ___ Yes ___ No
 - o Within the past 14 days have you traveled outside of your home community AND been unable to maintain a social distance of at least six feet when in contact with anyone for longer than 10 minutes? ___ Yes ___ No

If you answer "yes" to any of these questions you will not be allowed to enter the building. If you know ahead of time that you will have to answer "yes" to one of these questions, please contact the Clerk of Courts office immediately.

Juror Attendance and Safe Participation

1. Upon entering the Judicial Center you will be required to have your temperature taken. Your temperature cannot exceed 100.4 degrees. If your temperature is higher than 100.4 degrees you will not be allowed to enter the building.
2. Masks or face coverings are required to be worn by everyone entering the Dunn County Judicial Center. Please bring your own mask or face covering with you. If you don't have one, we will provide you with one.

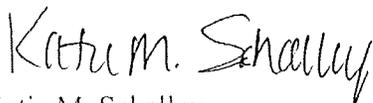
3. Jurors will be provided with their own personal hand sanitizer upon entering the building.
4. We have modified our usual procedures for jury selection and service so that social distancing is enforced. Jurors will be spaced apart throughout the courtroom. Plexiglas shields are installed at the witness stand. A separate courtroom will be used for jury deliberations, so that 12 jurors are not confined together in a small space.
5. Courtrooms and public spaces will be regularly disinfected.
6. Due to capacity issues within the courtroom, the public will not be allowed to view court in person. The public can access the jury trial on the Dunn County YouTube channel.

Concerns/Questions

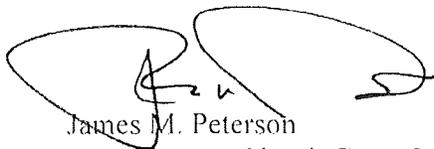
1. If a juror needs to be excused from jury duty service for: vacation, business trip or a family event, please write the dates on the bottom of the blue summons form and return it to the Clerk of Courts office. You will be contacted by the Clerk of Courts office if your excusal request is approved or denied.
2. 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. If you are in the vulnerable population, and would like to request to be excluded from jury service, please write the medical condition on the blue summons document. You will be contacted by the Clerk of Courts office if your medical condition will excuse you from jury duty service.
3. If you need to request a postponement of jury service, you can do so online at: <https://juryrequest.wicourts.gov>. You should only request a postponement to delay your jury service if you have an urgent need.
4. We encourage you to sign up for the text or e-mail notifications, as you will receive updates quicker than by mail.

The Dunn County Circuit Courts takes public health and safety seriously. We have implemented aggressive policies to prevent the risk of infection for jurors and other court users. For further questions, please contact the Dunn County Clerk of Courts office (715) 231-6621.

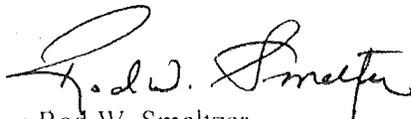
Sincerely,



Katie M. Schalley
Dunn County Clerk of Court



James M. Peterson
Dunn County Circuit Court Judge Br. 1



Rod W. Smeltzer
Dunn County Circuit Court Judge Br. 2