SUPREME COURT OF WISCONSIN

IN RE THE MATTER
OF REMOTE HEARINGS
DURING THE COVID-19 PANDEMIC

FILED

MAR 22, 2020

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

WHEREAS Governor Evers has declared a public health emergency for the State of Wisconsin in connection with the COVID-19 pandemic; and

WHEREAS the United States Centers for Disease Control has issued guidance related to the COVID-19 pandemic recommending, inter alia, that organizations develop and implement flexible attendance policies that allow employees to stay home when sick, to remain home to care for sick household members, or to work from home when possible; and

WHEREAS the Supreme Court has administrative and superintending authority over the courts and judicial system of this state and a duty to promote the efficient and effective operation of the state's judicial system, Wis. Const. Art. VII, § 3; In re Kading, 79 Wis. 2d 508, 519-20; 235 N.W.2d 409 (1976); and

WHEREAS the Supreme Court has determined that, in light of the existing public health emergency and to protect the health of the public and the individuals who work for the courts of this state, it is necessary to limit temporarily the number of individuals who are physically present within the courts of this state and to temporarily modify certain procedures to ensure that the essential operations of the courts continue in an appropriate manner during the present public health emergency;

NOW THEREFORE, IT IS HEREBY ORDERED that the courts of the State of Wisconsin remain open. Nevertheless, all in-person proceedings in all appellate and circuit courts are hereby suspended through Thursday, April 30, 2020. This suspension may be extended or modified by court order as circumstances may warrant.

All judges, court commissioners and court clerks are required to utilize available technologies – including e-mail, teleconferencing, and video conferencing in lieu of in-person courtroom appearances.

The suspension of in-person proceedings is subject to the following exceptions if remote technology is not practicable or adequate to address these matters:

- Jury trials, which will be addressed by separate order.
- Proceedings necessary to protect the constitutional rights of criminal defendants and juveniles.
- Proceedings involving in-custody defendants, who are not being held on any basis other than the case-at-bar, which will presumptively proceed as timely scheduled.
- Other exceptions approved by the Chief Judge of the Judicial District, the Chief Judge of the Court of Appeals, or the Chief Justice of the Wisconsin Supreme Court, for the respective proceeding, as applicable.
- The Supreme Court oral arguments scheduled on April 20, 2020.

Any party may request a hearing to determine the mode and schedule for any proceeding, which hearing shall be held telephonically or by video conferencing, but all non-essential hearings are to be postponed or conducted remotely.

The presiding judge of each circuit court, subject to the approval of the Chief Judge of the Judicial District; the Chief Judge of the Court of Appeals; and the Chief Justice of the Supreme Court are authorized to determine the manner in which the in-person emergency exceptions are to be conducted in their courts, with remote participation being required when practicable.

Any local or administrative rules that would impede a court clerk, a commissioner or a judge's ability to utilize such technologies are hereby suspended until April 30, 2020, and this suspension may be extended by court order as circumstances warrant.

This order is intended to be interpreted broadly for protection of the public, court staff and judges from the risks associated with COVID-19.

Notices for essential remote hearings will include information about how to participate based on the individual capabilities of the respective counties or courts, and will be posted on the court's website.

The provisions of this order shall be subject to further modification or extension by future orders.

The State Bar of Wisconsin shall take all reasonable steps to notify its members of the contents of this order.