SUPREME COURT OF WISCONSIN

IN RE THE MATTER OF THE FINAL REPORT OF
THE WISCONSIN COURTS COVID-19 TASK FORCE.

**FILED**

**MAY 22, 2020**

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On April 28, 2020, Chief Justice Patience Drake Roggensack, in her administrative capacity as the Chief Justice, convened a statewide Wisconsin Courts COVID-19 Task Force to provide information and guidance to counties and circuit courts as they work together to resume in a safe manner full and in-person court operations during the COVID-19 pandemic. The members of the Task Force included members of the medical faculty of the UW School of Medicine and Public Health, judges, court staff, clerks of court, a former sheriff, and attorneys specializing in a range of practice areas.

Consistent with its charge, the Task Force issued a Final Report on May 15, 2020.[1] This report provides information and recommendations for counties and circuit courts to guide them as they work together toward gradually resuming full and in-person court operations and proceedings in a manner that protects the health and safety of jurors, litigants, attorneys, victims, witnesses, judges, court staff, and the general public while permitting the circuit courts to carry out their assigned duties.

The court thanks the members of the Task Force for their hard work in developing the guidelines and preparing the Final Report in a short amount of time under challenging circumstances. Accordingly,

[1] A copy of the Task Force's Final Report is attached to this order.

IT IS ORDERED that the court hereby adopts the Task Force's Final Report in order to provide information and recommendations for counties, circuit courts, and other judicial stakeholders and to provide them with a resource for making sound decisions in their community while safely transitioning back to full and in-person circuit court operations, including the resumption of in-person proceedings and trials, so that the circuit courts can continue to serve the citizens of their Wisconsin communities. In recognition of the wide range of needs and circumstances that exist in the various counties and circuit courts across the state during the continued threat of COVID-19, the court intends that the Final Report will provide guidelines for those bodies to address local COVID-19 challenges based on local conditions and available facilities.

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

# CHIEF JUSTICE'S WISCONSIN COURTS COVID-19 TASK FORCE

## FINAL REPORT

MAY 2020

# TASK FORCE MEMBERS

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# EXECUTIVE SUMMARY

On March 22, 2020, in response to the COVID-19 Global Pandemic, the Wisconsin Supreme Court issued two administrative orders pertaining to operations in the circuit courts. The first suspended most in-person hearings, with limited exceptions, in the circuit courts and ordered that they be held remotely, utilizing available technologies. This order was amended on April 15, 2020, to clarify additional exceptions, and extended until further order of the court. The second administrative order, issued to limit the number of individuals physically present within the courts to protect the health of the public and the individuals who work in the courts, suspended all jury trials through May 22, 2020.

On April 28, 2020, Chief Justice Patience Drake Roggensack, in her administrative capacity as the Chief Justice, convened a statewide Wisconsin Courts COVID-19 Task Force to recommend criteria for courts throughout the state to safely re-engage in-person proceedings, including jury trials. The work of the Task Force is intended to complement other federal and state-level guidance, which may not apply specifically to Wisconsin's court system.

This document is the framework that has been established by the Task Force. It is intended to provide guidance to counties and circuit courts as they work together to reopen facilities, return to in-person proceedings, and begin to normalize operations. The recommendations contained in the following pages acknowledge the continued threat of COVID-19 and provide a mechanism for local county officials to make determinations specific to the current conditions in their community.

The work of the Task Force was undertaken by four subcommittees addressing the following areas: (1) staffing, (2) facilities and equipment, (3) resumption of in-person proceedings (non-jury), and (4) resumption of jury trials. All members of the Task Force provided input, including medical consultants from the University of Wisconsin School of Medicine and Public Health. Overwhelmingly, the Task Force recommends that each county begin by establishing a stakeholder group to develop a plan and make decisions. Resuming operations affects many stakeholders, as defined within this document. Because each stakeholder represents a particular area of expertise, it is recommended to provide equal weight to each participant's input.

Once the local stakeholder group has been established, the first step is to address staffing concerns. An initial consideration as to whether the county is in a position to re-engage is the ability of staff to safely return to the workplace. The group is encouraged to consider the physical facilities, availability of equipment and supplies, and the ability to continue social distancing. The stakeholder group should make these critical decisions prior to the court calendaring in-person proceedings.

The section related to in-person proceedings recommends that the stakeholder group carefully consider which proceedings should continue to be held remotely. This section outlines a

phased-in approach that monitors conditions within the county and requires that conditions continue to be periodically reviewed. While COVID-19 continues to be a threat, counties may find after increasing in-person proceedings that they must go back to remote hearings to address safety concerns, whether it relates to staff, jurors, litigants, other courthouse users, or the availability of supplies.

Ensuring that local conditions allow for the safe resumption of jury trials is critical before requiring the presence of jurors, attorneys, jury bailiffs, victims, witnesses, and court staff. When considering a return to holding jury trials, stakeholder groups should carefully and thoughtfully examine the specific jury trial-related recommendations outlined in this document, as well as any additional guidance from local public health authorities and risk management officials. Stakeholder groups must balance the civic duty of jury service with the need for public health and safety as long as COVID-19 continues to be a threat.

In order to assist counties in implementing the recommendations contained in this report, an appendix with informational links and templates for developing general and jury-specific plans are included.

As all Wisconsin residents try to adjust to the new normal during this pandemic, it is important to remember that “normal" court operations in this environment will mean something very different than in the past. Judicial leaders and administrators must balance the speed in which we manage our caseload with the ability to do so safely. Our courtrooms are filled with the citizens of this state; each of us is called upon to make thoughtful decisions that protect these citizens. We are entrusted with making decisions that instill public trust and confidence in the third branch of government.

## COUNTY-LEVEL STAKEHOLDER GROUP

In order to implement the recommendations contained in this report, each county is directed to create a stakeholder group and any subcommittees as necessary to address questions related to (1) staffing, (2) facilities and equipment, (3) resumption of in-person proceedings (non-jury), and (4) resumption of jury trials. Plans developed by county stakeholder groups are recommended to be approved by the chief judge of each judicial administrative district prior to implementation.

It is critical that the presiding judge of each county, or the chief judge designee, prepare a plan that outlines the safety procedures that will be implemented for the county. This plan should be developed in consultation with the following stakeholders:

- Judges and court commissioners
- The county health department
- The county emergency management director, if applicable
- The clerk of circuit court
- The district court administrator
- The county sheriff/security director
- Probation and parole (ES) supervisor
- The county administrator/executive, or equivalent
- The county corporation counsel
- The county facilities manager
- Attorneys, including district attorneys, public defenders, and members of the county bar association
- Any other stakeholders the presiding judge or designee may deem necessary

All judges and court commissioners in a county should have the opportunity to review and comment on the recommendations before they are submitted for chief judge approval. It is not anticipated that chief judges will attend stakeholder group meetings unless requested to do so.

# STAFFING

Before in-person hearings and jury trials resume, it is important to note that the COVID-19 virus continues to pose a threat. Accordingly, counties should take steps to enable normalization of court functions while protecting the workforce and members of the public. Courts should work collaboratively with county and state public health officials and county agencies, including emergency management and human resources, to establish consistent procedures for all county staff. Below is an outline of suggestions and attached tools to assist court personnel in developing a plan to resume fundamental court operations in a manner that is as efficient and as safe as possible, given the circumstances.

**1. Americans with Disabilities Act (ADA) and Equal Employment Opportunity Commission (EEOC) Considerations**

A link to the EEOC summary of ADA requirements related to a pandemic is included in the Appendix of this report. This information provides guidance on ADA-compliant employer inquiries, reasonable accommodations, and actions during a pandemic. Below are some common employment scenarios covered by the ADA guidelines. Refer to the EEOC and ADA guidance for a more complete list of clarifications.

a. Employers may require post-offer medical examination for new hires.
b. Employers may send an employee home who had or has symptoms associated with COVID-19.
c. Employers may measure an employee's body temperature. Before implementing this practice, employers should consult with their human resources and public health officials as there may be questions as to the qualifications of those designated to check temperatures, as well as accuracy of equipment.
d. Employers may require adoption of sanitary procedures.
e. Employers must continue to provide reasonable accommodations for employees with known disabilities.
f. Employers may require COVID-19 testing if an employee is showing symptoms.

**2. Additional Staffing Needs and Considerations**

a. Determine staffing needs in the event of a shortage due to return-to-work restrictions as a result of quarantine requirements.
b. Determine staffing needs in the event of a shortage due to employees caring for family members who have COVID-19.
c. Determine staffing needs due to employees taking leave for child care under the Families First Coronavirus Response Act (FFCRA).
d. Determine whether additional maintenance/custodial work is necessary to maintain a safe work environment.
e. Determine whether work areas allow for proper social distancing of staff.
f. Determine whether additional county IT or CCAP staff assistance is needed to set up remote hearings and remote work environments.

g. Consider cross-training staff and keep some key staff working remotely in the event an outbreak occurs in the office.
h. Create temporary policies for employee protection. Consider requiring the use of PPE such as surgical masks, good hand hygiene, and as needed, gloves.
i. Encourage employees to regularly disinfect personal work surface areas such as desks, keyboards, phones, etc. Encourage employers to provide the necessary disinfecting supplies.
j. Encourage employees to maintain social distancing requirements.
k. Determine reporting requirements if an employee is diagnosed with COVID-19.
l. Encourage employees to report to a supervisor if there is information that a co-worker either has or had symptoms consistent with COVID-19. Discourage employees from directly approaching co-workers with such concerns.
m. Consider amending the county continuity of operations plan (COOP) from a staffing perspective to address situations where key/multiple court staff cannot report to work due to illness or other authorized leave during a pandemic.
n. Consider developing cooperative agreements with neighboring counties that would allow for sharing of employees for short-term emergencies where training-intensive positions cannot be filled by limited-term employees or from temporary staffing agencies.
o. Discourage employees from sharing equipment such as telephones and keyboards if possible and, where not possible, develop procedures for sanitization between uses.

**3. Other Considerations**

a. Develop early communications between the court, county administration, and the county board, as appropriate, to determine budget requirements and identify sources of revenue for additional staffing, equipment, and facility needs.
b. Identify a point person for the courts (e.g. a representative of the clerk of courts/register in probate office, a designated judge, or both).
c. Determine whether a staffing or equipment need is a state or county funding issue while emphasizing the importance of the state-county partnership for the administration of vital circuit court functions.
d. Determine whether staffing needs fall within the judicial, executive, or county board purview.
e. Encourage the presiding judge and clerk of court to discuss additional staffing needs well ahead of the resumption of in-person hearings and jury trials.
f. Determine whether public spectators, witnesses, or victims will be allowed into courtrooms in-person or remotely, or both.

**4. Staffing Needs for In-Person Hearings**

a. Identify whether any employees can or should continue to work remotely within the in-person hearing environment.
    1. Be aware of employees who qualify for federal, state, or local leave and/or benefits under recent emergency legislation. Pay particular attention to the federal Families

First Corona Virus Response Act (FFCRA). When dealing with county personnel, relevant staff must work with the county human resources department.
    2. Be aware of ADA accommodations listed above.
    3. Consider remote work opportunities to help accommodate social distancing requirements and reduce the number of people in your facilities.
b. Assess computer hardware and software needs to enable remote work environments and report to county IT, county administration, and CCAP as applicable.
    1. Explore use of Digital Audio Recording (DAR) units for court reporter flexibility
    2. If possible, procure laptops capable of accessing state systems that meet county IT security and hardware specifications.
    3. Emphasize the need to protect confidential and sensitive electronic and paper documents in a remote work environment.
c. Identify which employees will be returning to the courthouse.
    1. Consider conducting a health assessment of returning workers regarding potential COVID-19 exposure.
    2. Consider performing health screening in coordination with local public health department and human resources.

**5. Staffing Needs for Jury Trials**

a. Consider the factors listed in items 1-4 above.
b. Assess additional staffing needs:
    1. Determine whether additional bailiffs are needed to provide adequate juror management during jury selection and trials.
    2. Consider staffing requirements for spectator management, if spectators are allowed to be physically present in courtroom.
    3. Consider conducting health assessments of jurors and employees supporting jury trials.

# FACILITIES AND EQUIPMENT

The purpose of this section is to identify what type of facility equipment and space considerations are necessary for the resumption of in-person court activities. References below to "court activities" include in-person court proceedings (particularly jury trials), as well as activities of the clerk of circuit court's office (e.g., records inspections, acceptance of paper filings, receipting of payments, etc.). As with the other sections of this report, county agencies should collaborate to determine the best course of action in any particular courthouse.

**Before increasing in-person court activities in your courthouse, the following facilities and equipment needs should be discussed:**

1. **Signage and floor markings**
   Signage should be posted around the courthouse to remind individuals to maintain proper social distancing. Floor markings in queuing areas should indicate where individuals should stand in order to maintain physical distancing.

2. **Enhanced barriers**
   Courthouses should erect plexiglass (or similar material) dividers between the public and court staff, as well as between individuals participating in in-person courtroom proceedings, where acceptable social distancing cannot be maintained. This includes customer service counters in the clerk's office, as well as throughout the courtrooms/hearing rooms to protect judges/commissioners, court clerks, testifying witnesses, court reporters, parties at counsel tables, and jurors.

3. **Air purifying equipment**
   In consultation with local public health officials and building facilities staff, consider strategic placement of portable air purifiers (HEPA grade) in courtrooms, offices, conference rooms, and wherever people are required to congregate. The size and number of units should be based upon the placement and location to divert air away from people. Attendant to this will be the procurement of replacement filters, as such filters typically last between six to eighteen months, depending upon the size of the space and the overall air quality. Some courthouses report having HVAC systems that incorporate ultraviolet light air treatment systems. Although this may be helpful, public health experts consulting the Task Force indicated that localized (in-room) air filtration/purification may be more effective.

4. **Health screening equipment**
   Public health experts recommend health screening upon entry to the courthouse. This includes asking simple questions regarding symptoms and prior contacts with exposed individuals, as well as the utilization of no-touch infrared thermometers to assess individuals for fever (as recommended by OSHA and the CDC).

5. **Personal Protective Equipment**
   Court staff and court officials should be provided with surgical grade facemasks, as well as gloves if it is necessary to handle exhibits. Litigants who are attending proceedings where their presence is mandatory should be provided with a surgical mask if they do not have one (this would include jurors). It is recommended that members of the public entering the courthouse on a voluntary basis should provide their own face coverings; the court would not provide this equipment to them. This recommendation should be addressed by a larger county committee based on the occupancy of building (e.g., what functions and offices are located within the courthouse or county building).

6. **Cleaning/sanitizing agents**
   Court officials and staff should have sufficient hand and surface sanitization products to ensure that their hands are clean and that surfaces that have been touched during one transaction or proceeding can be wiped down before the next transaction/proceeding. The emphasis between hearings should be to quickly wipe down surfaces that are likely to have been touched during the proceeding (e.g., counsel tables, the witness stand, etc.). A deeper cleaning of courtrooms should be performed after hours. Additionally, wall-mounted or free-standing hand sanitizing dispensers should be located throughout the courthouse for use by the public.

7. **CCAP-provided touchscreen kiosk**
   If use of the touchscreen kiosk is a priority, consider placing sanitizing wipes at the kiosk and adding signage requiring users to wipe the screen before and after use. Provide a trash receptacle to collect used wipes. If staff and supplies are not available to clean the screen after each use, it may be advisable to temporarily prevent access to kiosks.

8. **Install keyboard protectors on public access computers**
   These devices are necessary for required records inspection. Staff should ensure they are disinfected between uses (either by spray or anti-viral wipes). This equipment may be seen as a CCAP responsibility.

9. **Drop box**
   Many clerk's offices have installed drop boxes to allow litigants to file documents with the clerk's office without entering the courthouse. Use of such drop boxes will continue to be encouraged in order to minimize the number of people who need to physically enter the courthouse.

10. **Elevator protocols**
    Staff will have to be allocated to control traffic at elevators, as physical distancing is not possible in that enclosed space. Public health officials will have to advise on how many people, if masked, can ride an elevator at once. Staff may have to press the summoning and floor buttons for riders. Staff will have to frequently disinfect button panels.

**11. Seating**

Fabric-upholstered chairs are difficult to clean/disinfect. Consider replacing such seating with plastic or other hard chairs that can be disinfected more easily.

**12. Doors**

To minimize the need for sanitizing frequently-touched door handles, doors should be propped open or even removed, to the extent that this does not disrupt courthouse security.

Before holding jury trials, carefully review the **Jury Trials** section of this report for more information. Assembling and selecting juries may present significant facility and equipment challenges.

If a particular courthouse does not contain adequate space to process jurors while maintaining physical distancing, counties may consider using an alternative facility, such as an empty school or convention center, to conduct jury selection - and perhaps even to conduct jury trials. If an alternative location is being considered, CCAP, county IT staff, public health, facilities, and sheriff's department staff should be approached to review the following:

- Security of the premises
- In-custody defendant transport
- Sound amplification needs
- Furnishings
- Wi-Fi/network access for remote CCAP functionality

The Task Force understands that there are costs associated with most of these facility and equipment considerations. Determining costs related to each circuit, and assigning responsibility for such costs (e.g., to the state court system or to individual counties), is beyond the scope of the Task Force's charge.

# IN-PERSON RE-ENGAGEMENT

When resuming in-person court appearances, it is imperative that the local court's response to COVID-19 instills public confidence in the Wisconsin Court System, protects the public's safety in the courtroom, and protects the safety of staff in the courtroom. The circuit courts have remained open during the COVID-19 pandemic, but have modified practices to primarily accommodate only essential and mandatory proceedings, utilizing remote appearance (video, telephone, live-streaming, etc.), and allowing waivers of appearance to the greatest extent possible. The purpose of this section is to outline basic safety criteria for in-person appearances, as well as to provide a four-phased approach to resuming the full array of in-person court functions while still protecting the safety of all employees and citizens using the courts.

It is expected that each individual county will have unique challenges and differing levels of access to resources. The following framework is not intended to answer all of the questions that will arise or anticipate every issue that may emerge. Nonetheless, jurisdictional uniformity in safety practices within each county, as well as within each judicial administrative district, will support public safety as well as the effective functioning of the court system.

The recommendations in this section are based on guidance issued by the Wisconsin Department of Health Services, the Centers for Disease Control and Prevention (CDC), and other federal entities. In addition, medical and health experts from the University of Wisconsin School of Medicine and Public Health have reviewed these guidelines as part of the Task Force's deliberations. Any application of these recommendations should account for the most current local COVID-19 data and guidance from local, state, and federal experts regarding what threshold should be used to move from one phase to another, such as local infection rate trends, testing capacity, hospital capacity, or other factors.

**Safety Criteria for In-Person Appearances**

1. **Personal Protective Equipment**
   Health experts recommend requiring surgical grade masks as the safest and most cost-effective means to reduce transmission of COVID-19. Masks should be worn continuously in the courthouse/room and during proceedings.

2. **Air Purifying Equipment**
   As described in the Facilities and Equipment section of this report, HEPA air filters should be used to maintain air quality given the specific size of each courtroom, hearing room, and jury room. The filtration devices should be placed between the court personnel and the jury so that the purified air is aimed at the jury and public. If adequate filtration devices cannot be obtained for every courtroom/jury room, the county should utilize only those rooms that

are sufficiently equipped with filtration devices and reduce court calendars to accommodate the reduced number of courtrooms.

3. **Social Distancing**
   A distance of at least six feet should be maintained between all individuals in the courtroom. It is recommended that seats be set out and marked prior to admitting individuals into the room. Signage should be posted in the courthouse and in the courtrooms to remind individuals to maintain minimum social distancing requirements.

4. **Limited Attendance in the Courtroom**
   Because of the importance of social distancing requirements and the need to maintain six feet between individuals, it will be necessary to control and restrict attendance in the courtroom. Circuit courts should utilize remote appearances for hearings participants when possible. In order to permit the public to view open proceedings, live streaming through YouTube may be appropriate. Cases must be carefully calendared to avoid any overlap that may result in violation of social distancing requirements. The numbers of all witnesses, court personnel, and law enforcement officers must be carefully restricted.

5. **Anti-Viral Wipes**
   At the conclusion of each proceeding, all frequently-touched surfaces in the courtroom must be wiped-down with anti-viral wipes. While a deep-clean is preferable, this may not be practical in each county.

6. **Entry Screening**
   Each county should establish a screening protocol at the building's entrance. Each court should have designated a phone number for screening personnel to call in the event an individual fails the screening test. The judicial officer in the courtroom must make the decision about what action is necessary given the person's failed or refused test, based on his or her role in the proceeding.

7. **Hand Sanitizers**
   Each courtroom should have alcohol-based hand sanitizer available for use before, during, and after the proceeding. Where courtrooms/jury rooms are in a multi-use county building, especially where individuals must use an elevator following entry screening, hand sanitizer should be available before entering the courtroom.

**Process: A Four-Phased Approach**

A four-phased approach for returning to full in-person court operations is described below. County stakeholder groups should set specific guidelines to determine the initial phase at which a county should begin resuming operations, and what local conditions (infection rates, etc.) will trigger a move from one phase to another.

After an initial phase has been determined, the presiding judge (or designee) should 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.

**Phase One: Resumption of limited in-person proceedings** (beyond essential and mandatory proceedings). All courts should continue to favor remote appearances wherever possible and encourage the broad use of waivers of appearance. As soon as **Safety Criteria for In-Person Appearances** are in place in the county, the circuit courts should again resume in-person appearances in the following cases:

1. All criminal matters, except jury trials
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**: I**n-person processing of all cases, except jury trials**. Phase Two includes all case categories from Phase One, but would now allow all civil proceedings other than jury trials. All of the above-reference **Safety Criteria for In-Person Appearances** must continue to be utilized. It is still recommended that remote appearances be utilized to the greatest extent possible.

**Phase Three**: **In-person processing of all cases, <u>including</u> jury trials**. Before reinstating jury trials, please review the specific guidance in the Jury Trials section of this report. All of the **Safety Criteria for In-Person Appearances** must continue to be utilized, in addition to any jury-

specific safety precautions that should be instituted. It is still recommended that remote appearances 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

This section is intended to assist counties in developing reasonable jury practices to address safety issues and to ensure the rights of all parties and the public who come before the court to participate in a jury trial, recognizing the extraordinary public health concerns related to COVID-19. Local courts must accommodate jury practices designed to minimize exposure and infection of jurors, litigants, attorneys, witnesses, and court staff through interpersonal contact in a jury trial setting. The recommendations below are intended to be proactive, recognizing we must provide all constitutional and statutory protections to the litigants and interested parties, as well as the public's right to access. In so doing, we understand it is not possible to ensure absolute safety, but accept that we can take reasonable steps to protect the health of all participants within the physical limitations of individual court and county facilities and resources.

In order to safely resume jury trials, the recommendations below outline several factors for counties to consider. A template for planning the resumption of jury trials has been included as an appendix to this report.

**Recovery Planning and General Education**

Each county should establish a COVID-19 recovery planning jury committee. The jury committee or subcommittee should include stakeholders (district attorney, public defender, clerk of circuit court, presiding judge (or chief judge designee), county administrator or county board chair, sheriff, local bar association representative, courthouse facilities management, and a county health department representative) who can address jury service and jury trial issues as they arise. The main stakeholder group or a subcommittee thereof may serve as the recovery planning jury committee.

The stakeholders should keep open lines of communication with each other and meet as necessary to address jury service/jury trial issues and coordinate decision-making in light of pandemic status and health recommendations from the county health department.

In addition, efforts 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. Each county is encouraged to reach out to the public through local print and television, and through the county's website and social media accounts (Facebook, Twitter, etc.). It is also recommended that each county and the Director of State Courts reach out to the State Bar of Wisconsin, local bar associations, WisconsinEye, and other media outlets in their area to participate as a partner in this educational effort.

**Specific Jury Considerations and Recommendations**

1. **Notice Regarding Specific Public Health Precautions**
   It is of the utmost importance that each juror who receives a jury summons be provided with information regarding what efforts the county has taken to provide for the safety and well-being of jurors. It is recommended that the clerk of circuit court send a letter with the jury summons outlining precautions being taken at the courthouse to reduce the spread of COVID-19. The letter should refer the jurors to the county's website where detailed information should be set forth. (Note: A jury information letter from the Texas federal court has been included in the Appendix.)

   It is further recommended that the Director of State Courts Office develop a publicly-available resource with information as to importance of the safety and well-being of jurors.

2. **Deferral and Excusal Policies when Summoning Jurors**
   Each county should develop a standard deferral and excusal policy or review the existing policies in light of the COVID-19 pandemic. Those policies should be liberally applied in recognition of juror safety issues and concerns raised by COVID-19. Jurors should be given notice with the jury summons and on the county's website as to what they should do if someone is experiencing COVID-19 symptoms.

   Each county should determine whether special consideration will be given 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 should be carefully balanced with the litigants' right to a representative jury panel. Deferral and excusal policies should be carefully considered and clearly outlined so court staff and jurors are aware of these policies for consistent application.

3. **Juror Assembly and Reporting**
   Each county should take into consideration its ability to accommodate social distancing with respect to the number of jurors that are summoned. In order to accommodate social distancing, the Task Force recommends the following: counties increase the number of juror reporting dates to decrease the number of jurors reporting on any one date; stagger jury reporting dates; stagger reporting times; use a larger, nontraditional space as needed for jury reporting (e.g., empty courtrooms, county board rooms, gymnasiums, etc.); schedule only the number of jury trials that the facility can appropriately handle on any given day.

   Additional considerations include the following:
   - Each county should investigate options to expedite juror entrance into the courthouse so as to reduce the contact jurors may have with the general public or with courthouse employees.
   - Counties should utilize a check-in system that minimizes physical contact with documents by both jurors and clerk staff in order to reduce viral contamination.

- Counties should post notices regarding hygiene and distancing practices throughout the courthouse.

4. **Health Screening of Potential Jurors Upon Reporting to Court**
   It is recommended that each county work in conjunction with the county health department to determine whether COVID-19 health screens via noninvasive body temperature checks and/or health questions should be used for all summoned jurors. If a county decides to implement health screening of jurors, any juror identified as being at high risk of having COVID-19 should be excused.

5. **Juror Personal Protective Equipment**
   Personal protective equipment ("PPE") is equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses. Such equipment may include, but is not limited to, face masks, face guards, gloves, and hand sanitization systems. It is recommended that each county, at a minimum, provide face masks, and liberal hand sanitization for jurors.

   It is further recommended that each county initially mandate the use of face masks by all participants and spectators in a court proceeding and each county shall make hand sanitization available at all times for all participants in court proceedings. It is recommended that this mandate may only be eliminated when the county health department determines such mandate is no longer necessary for the safety and protection of jurors and all other participants in court proceedings.

   It is further recommended that each county use HEPA air purifiers in both courtrooms and jury deliberation rooms.

6. **Social Distancing in the Courtroom**
   The court in each county should make all reasonable efforts to comply with state, federal, and local recommendations and orders regarding social distancing and group functions.

   With respect to jurors, it is recommended that every effort be made to enforce social distancing in the courtroom between jurors and all other participants in a jury trial. If there is a need for jurors to be spread throughout the courtroom, such accommodation should be considered.

   With respect to the judge, court clerk, court reporter and witness in the witness box, each county should give consideration to the use of plexiglass shields between these participants for social distancing or to assess witness credibility.

   With respect to all other participants and spectators, it may not be possible for social distancing to be constitutionally applied to the defendant and defense counsel. Furthermore it may be impractical for other participants in the trial. It is recommended that

the trial judge make social distancing determinations based on statutory and constitutional provisions, and require the use of masks as necessary.

**7. Safely Conducting Voir Dire**

It is recommended that the court consider the following strategies to reduce the number of people required to report for jury selection: utilize preselection questionnaires as part of voir dire to reduce the number of jurors needed in the courtroom; pre-select jurors (commonly referred to as a paper selection) so only the empaneled jurors report to the courtroom; conduct voir dire in sessions based on the number of jurors that can be socially distanced in the courtroom; conduct voir dire virtually in full or in part to reduce the number of jurors reporting to the courtroom; utilize in-person and virtual voir dire simultaneously (in-person in the courtroom virtually broadcasted to another room(s) with the rest of the jurors); to preserve space for voir dire, broadcast jury selection and limit or eliminate spectators in the courtroom; utilize six-person juries upon stipulation to cut the number of jurors needed in half; give priority to "strikes for cause" based on juror health and safety concerns.

It is further recommended that the court empanel at least one extra juror given the unknown potential for a juror not reporting during the trial due to health issues.

**8. Jury Attendance and Participation during Trials**

After the jury has been empaneled, every effort should be made to accommodate social distancing between jurors and all trial participants, including seating jurors outside the confines of the jury box.

Counties should embrace technology in the courtroom for the purpose of allowing jurors to fully participate in the trial while maintaining social distancing. (E.g., consider the use of video monitors in the courtroom to enhance the sight lines for the jurors who are seated outside the confines of the jury box; consider providing iPad/tablets for each member of the jury for note taking and viewing exhibits introduced during the trial.)

The court should ensure that each juror has adequate sight lines to the witness stand and can hear and see all proceedings. It is recommended that the court instruct all jurors that they must advise the court if at any time during the in court proceedings they cannot hear of see any part of the proceedings.

The court should institute a policy that reduces the handling of exhibits during the trial to enhance the safety of all participants.

The court should consider banning the use of sidebars because of social distancing concerns.

It is recommended that the use of HEPA air purifiers in the courtroom be encouraged.

Empaneled jurors should be reminded to maintain social distancing and recommended hand hygiene to limit exposure for the duration of their jury service.

**9. Jury Trial Breaks and Deliberations**

During breaks in the jury trial and during deliberations, every effort should be made to accommodate social distancing between the jurors. It is recommended that the chairs in the jury room be moved to the walls of the room to increase capacity; use a room large enough to provide for the entire empaneled jury; provide meals during the entirety of the trial to minimize outside contact and the need for resanitization; provide a HEPA air purifier in the jury room; provide hand sanitization in the jury room; provide adequate, clean bathroom facilities attached to the jury room; if necessary, clear the courtroom and make it the jury room for the deliberation process, or find a facility that will accommodate adequate social distancing.

It is recommended that the county discontinue providing self-serve refreshments and vending machines for jurors to reduce viral contamination.

**10. Prioritizing Jury Trials in Multi-Judge Counties**

The presiding judge (or chief judge designee), after consultation with the county's judges, should issue an order stating which jury trials will be given priority when scheduling. It is recommended that judges not deviate from the order without the permission of the presiding judge or designee. It is recommended that when establishing the policy, the following factors are taken into consideration: the nature of the cases; the extent to which the cases involve liberty interests; the extent to which cases have time limit requirements; and cases with victim rights interests.

**11. Scheduling Jury Trials in Multi-Judge Counties**

In counties with multiple branches, the presiding judge (or chief judge designee), after consultation with all the judges in the county, should establish by order a jury trial schedule. The order should do the following: identify when each judge may schedule a jury trial; determine the number of jury trials that can be safely tried at the same time; and take into consideration social distancing in order to reduce the jury pool size and enhance the safety of all jurors. It is recommended that judges not deviate from the schedule without the permission of the presiding judge or designee.

Such counties should consider alternating days or weeks so the clerk of circuit court can divide the jury pool into smaller sub-pools for different branches. Counties should also consider assigning courtrooms not by judge, but rather by the ability of a courtroom to accommodate a jury trial while maintaining adequate social distancing. This may require temporary changes to the courtroom a judge typically uses in order to give priority to juror and participant safety.

**12. Public and Victim Access to Jury Trials**

The public has the right to view open public court proceedings that are not otherwise closed or confidential according to law. If restrictions and recommendations for social distancing are in effect during a jury trial, there may not be any room in the courtroom for the public to attend in-person. If there is no room for members of the public to be inside the courtroom, it is recommended that the public have access to the jury trial and all on-the-record proceedings via live stream controlled by the court.

If there is limited space in the courtroom for members of the public, it is recommended that the court determine who will be allowed to be physically present by taking into account statutory and constitutional provisions. This recommendation to limit the number of people in the courtroom is not intended to infringe upon the rights of victims to attend and be heard at court proceedings. Victims should work with the county's victim-witness coordinator or clerk of court to determine how best to participate in court proceedings.

# CONCLUSION

The framework outlined in this document is intended to give county stakeholders a solid basis for meaningful discussions regarding how to safely increase in-person court operations. While this information is based on current recommendations for public safety, the Task Force acknowledges that the constantly-evolving nature of this pandemic will require counties and local courts to reassess and adjust operations as needed.

The links and templates found in the Appendix provide state and federal resources to assist local stakeholder groups in the development of plans to resume and expand operations, schedule jury trials, and offer accurate information to jurors and the public. As noted, county plans and revisions to these plans should be submitted to each district's chief judge for approval.

Although we encourage each county and district to develop plans based on specific regional trends, available resources, and local needs, and to rely upon the advice and counsel of local stakeholder group members, the Director of State Courts Office and the Office of Court Operations are available to provide assistance and resources.

# APPENDIX A

**State and Local COVID-19 Health Data**

Wisconsin Department of Health Services
https://www.dhs.wisconsin.gov/covid-19/index.htm

County-Level COVID-19 Data
https://www.dhs.wisconsin.gov/covid-19/county.htm

**Federal Policy Guidance and Information**

EEOC Publication "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws"
https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws

OSHA ALERT "Ten Steps All Workplaces Can Take to Reduce Risk of Exposure to Coronavirus"
link: https://www.osha.gov/Publications/OSHA3994.pdf

OSHA ALERT Covid-19 Guidance for Retail Workers (which could be applied to Clerks of Court)
link: https://www.osha.gov/Publications/OSHA3996.pdf

OSHA ALERT Prevent Worker Exposure to Coronavirus (COVID-19) :
https://www.osha.gov/Publications/OSHA3989.pdf

OSHA Guidance on Preparing Workplaces for COVID-19:
https://www.osha.gov/Publications/OSHA3990.pdf

CDC recommendations for Businesses and Workplaces:
https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html

Families First Coronavirus Response Act (FFCRA):
https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave

EEOC/ADA "Pandemic Preparedness in the Workplace and the Americans with Disabilities Act"
https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act

National Center for State Courts (NCSC) Pandemic Information Clearinghouse:
https://www.ncsc.org/pandemic

# APPENDIX A

National Center for State Courts (NCSC) COVID-19 Resources link: http://www.ncsc-jurystudies.org/What-We-Do/COVID-Resources.aspx

**Centers for Disease Control and Prevention (CDC) Informational Workplace Posters**

https://www.cdc.gov/coronavirus/2019-ncov/downloads/cloth-face-coverings-information.pdf
https://www.cdc.gov/coronavirus/2019-ncov/downloads/sick-with-2019-nCoV-fact-sheet.pdf
https://www.cdc.gov/coronavirus/2019-ncov/downloads/COVID19-What-You-Can-Do-High-Risk.pdf
https://www.cdc.gov/coronavirus/2019-ncov/downloads/Please-Read.pdf

# APPENDIX B

**UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF TEXAS
100 EAST HOUSTON STREET
MARSHALL, TX 75670

CHAMBERS OF
**Rodney Gilstrap**
CHIEF JUDGE

TELEPHONE
(903) 935-3868
FAX
(903) 935-2295

May 6th, 2020

To All Prospective Jurors
Summoned to Appear for
Jury Selection at the
U. S. District Court
in Marshall, Texas
on Monday June 1st, 2020

RE: Your Upcoming Jury Service in the Era of Coronavirus

Dear Prospective Jurors:

This letter is attached to the Summons directing you to appear for Jury Service at 7:45 a.m. on Monday, June 1st, 2020 at the Sam B. Hall, Jr. Federal Building and United States Courthouse at 100 East Houston Street in downtown Marshall.

This will be the first jury trial which I have undertaken since the advent of the Coronavirus pandemic. 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 to follow.

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

1. Each prospective juror will have their temperature taken via a hand-held thermometer as they enter the Courthouse, to ensure that no one with fever or an elevated temperature is admitted;
2. Once you enter the building and pass through the initial security screening, you will be separately escorted by Court Staff to the Courtroom and seated to achieve the maximum distancing possible;
3. Masks will be distributed, or you may wear your own when you enter the Courtroom. Until the eight (8) person jury is actually selected, seated and

# APPENDIX B

sworn, everyone appearing as a prospective juror will be required to wear a mask;

4. Latex gloves will be available for those who wish to wear them, but gloves are not required. If you would like gloves, ask the Court staff for them when you are seated in the Courtroom;
5. Smartphones, iPads or similar electronic devices should be left outside the Courthouse. You may certainly leave them in your vehicle rather than at home, if you choose, but do not bring them into the Courthouse;
6. Hand sanitizer (alcohol based) will be available to you at multiple locations inside the Courthouse, and you may ask Court Security Officers to make it available at your seat, once you are seated in the Courtroom;
7. Those selected for this jury should know that the eight (8) jurors will be spaced in the fourteen (14) seat jury box to achieve maximum distancing between jurors during the trial;
8. The jury box, jury room and jury room bathrooms will be deep cleaned each evening when the Court recesses, and this will continue throughout the trial;
9. Individual lunches will be provided to the eight (8) selected jurors during each day of the trial, to minimize any travel in and out of the Courthouse and to minimize juror's interaction at local restaurants.

If you:

**a**) have been diagnosed by a licensed physician as having Coronavirus anytime within the past 30 days;

**b**) are actively caring for a family member or loved one who has tested positive for the Coronavirus, or

**c**) are now in self-quarantine status and that status will continue on June 1st;

then, in any of these situations: you should immediately advise Mrs. Kecia Clendening, the Court's Deputy in Charge, at her phone number in the attached summons. Her phone number is also listed at the conclusion of this letter. She may ask you to furnish documentation regarding such from your physician, for the Court.

There are two cases that are now scheduled to begin trial on June 1st. At this time, I am not sure which trial will actually begin on the 1st. However, the longest of these trials should last from June 1st through approximately June 10th. That being the case, if you have a scheduled surgical procedure for yourself or a dependent that can't be rescheduled, or if you have some other pre-existing obligation that would make it extremely difficult and create a real hardship on you to be here each day from June 1st through the 10th, then you should immediately advise Mrs. Kecia Clendening, the Court's Deputy in Charge, at her phone number listed at the conclusion of this letter. Please be aware that the right to trial by jury

# APPENDIX B

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 the second highest form of public service that any American can perform (second only to service in the Armed Forces). 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 based on pre-existing obligations.

It is vital that you appear and present yourself for jury service on June 1st; 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 Marshall on June 1st.

Respectfully,

J. Rodney Gilstrap
Chief United States District Judge

cc: Mrs. Kecia Clendening
Deputy Clerk in Charge
Phone: 903.935.2912

APPENDIX C

**TEMPLATE MAY BE MODIFIED AS APPROPRIATE**

# COVID-19 Circuit Court Operating Plan for Click or tap here to enter text. County

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Click or tap here to enter text.** County will implement the following protective measures:

## General

1. The county judiciary has established a stakeholder committee to discuss and consider the recommendations outlined in the Wisconsin COVID- 19 Task Force report.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. Before calendaring in-person hearings, the stakeholder committee has addressed staffing needs and has procured any equipment and supplies deemed necessary.
4. The stakeholder subcommittee will continue to meet regularly, maintain communication with the local health authority and the county office of 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 no sooner than Click or tap to enter a date.

## 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: Click or tap here to enter text.
3. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hand hygiene recommendations at all time.
4. Protective Measures: Click or tap here to enter text.

## Scheduling

1. The following court schedules are established to reduce occupancy in the court building: Click or tap here to enter text.

## 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. Each judge will include information 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 Click or tap here to enter text..

**The completed plan must forwarded to the Chief Judge of the Judicial District for approval.**

# APPENDIX C

**TEMPLATE MAY BE MODIFIED AS APPROPRIATE**

## 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.
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.
4. Public common areas, including breakrooms and snackrooms, have been closed to the public.

*Gallery*

5. 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.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

*Well*

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

## Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Disinfectant wipes or spray have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. Post CDC flyers outlining appropriate hygiene, social distancing, or public safety have been posted in multiple locations on each floor of the court building.

## Screening

1. When individuals attempt to enter the court building, Click or tap here to enter text. 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 will be refused admittance to the court building. If required to appear in court, the appropriate court office will be immediately notified.
2. When individuals attempt to enter the court building, Click or tap here to enter text. will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0$^{o}$F will be refused admittance to the court building.
3. 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$^{o}$F will not be transported to the court building.

**The completed plan must forwarded to the Chief Judge of the Judicial District for approval.**

4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including Click or tap here to enter text..
5. Staff who are doing the screening will have a listing of court official phone numbers in order to notify the courts of individuals who may have been denied entrance.

**Face Coverings**

1. All individuals entering the court building will be required to wear face coverings at all times.
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 who will be required to be in the court building for a judicial proceeding will be provided surgical masks and required to wear them while in the court.

**Cleaning**

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every Click or tap here to enter text. hours.
2. Court building cleaning 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. 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.

**Other**

Click or tap here to enter text.

I have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the stakeholder committee. A list of members on the committee and the frequency in which they will continue to meet is attached to this plan. I 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: Click or tap to enter a date.

_____
(Presiding Judge or stakeholder committee chair)

Date: Click or tap to enter a date.

_____
Chief Judge Approval

**The completed plan must forwarded to the Chief Judge of the Judicial District for approval.**

APPENDIX D

**TEMPLATE MAY BE MODIFIED AS APPROPRIATE**

# COVID-19 Circuit Court Operating Plan for Click or tap here to enter text.

# Addendum: Jury Trial Plan

As an addendum to the Operating Plan filed with the Chief Judge of the Judicial District on Click or tap to enter a date. , 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 **Click or tap here to enter text.** 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, has been established: Click or tap here to enter text.
2. The following efforts have been undertaken to education the general public on the importance of jury service and the specific precautions taken in the county with respect to public safety and ensuring the safety of jurors during the pandemic: Click or tap here to enter text.

## Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The attached letter was developed and will be sent with the juror summons to each juror.
2. The attached policy has been developed regarding deferral and excusal of jurors due to the pandemic. This information has been clearly outlined so court staff and jurors are aware of these policies for consistent application.
3. The following protective measures, including expedited entrance into the courthouse, check-in that minimizes physical contact with documents, posting notice regarding hygiene and distancing practices, are in place for jurors who report to court.
4. When jurors attempt to enter the court building, Click or tap here to enter text. 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 will be refused admittance to the court building. If required to appear in court, the appropriate court office will be immediately notified.
5. When jurors attempt to enter the court building, Click or tap here to enter text. will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0$^{o}$F will be refused admittance to the court building.

## Juror Attendance and Safe Participation

1. The following personal protective equipment will be available to the jurors, including masks, face guards, gloves, individual hand sanitizer, 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, 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 between participants: Click or tap here to enter text.

3. The following strategies will be used to reduce the number of people required to report for jury selection: Utilize preselection questionnaires, conduct voir dire in sessions based on the capacity of the court room that will allow appropriate social distancing, 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 site lines, and handling of exhibits. Documented efforts: Click or tap here to enter text.
5. Social distancing consideration during trial breaks and deliberations include reconfiguration of the deliberation room, using an alternate room for deliberations, hand sanitizing and bathroom capacity, availability of refreshments: Click or tap here to enter text.
6. After consultation with all of the judges in the county, the attached policy has been developed to prioritize jury trials.
7. After consultation with all of the judges in the county, the attached order has been entered in regard to scheduling.
8. Due to capacity issues within the courtroom, the following accommodations will be given for public view of the proceedings.

**Other**

Click or tap here to enter text.

I have conferred with all judges of courts with courtrooms in the court building regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than Click or tap to enter a date.. 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: Click or tap to enter a date.

_____
(Presiding Judge or stakeholder committee chair)

Date: Click or tap to enter a date.

_____
Chief Judge Approval

**The completed plan must forwarded to the Chief Judge of the Judicial District for approval.**