

COVID-19 Circuit Court Operating Plan for St. Croix County 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 St. Croix County will implement the following additional protective measures related to jury trials:

Recovery Planning and General Education

1. A jury reengagement subcommittee has been established and consists of the following:
 - Michael Waterman, circuit court judge
 - Michael Nieskes, District Attorney
 - Samantha Richie, Assistant Public Defender
 - Aaron Nelson, local bar association representative
 - Elizabeth Rohl, Assistant Corporation Counsel
 - Curtis Johnson, court services sergeant, sheriff's department
 - Kristi Severson, Clerk of Court
 - Rochelle Fox, Deputy Clerk of Court
 - Jim Elsbury, Facilities Director

2. 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:
 - The clerk of court created an informational bulletin that describes jury service and the steps the Court has taken to guard against COVID-19 transmission. (A copy is attached). It includes information about health screening questions juror will be asked upon entering the government center; steps taken to ensure social distancing; notice that all persons must wear face masks; description of the cleaning and disinfecting measures; and information about deferring jury service.
 - The clerk will mail the informational bulletin to prospective jurors with a summons for jury duty.
 - The county will post the clerk's informational bulletin on its website.
 - The court will issue a news release that describes the precautions the court has implemented.
 - The judges have authored a letter to prospective jurors that stresses the importance of jury service and summarizes the COVID-19 precautions contained in the clerk's informational bulletin. (A copy is attached).

Summoning Jurors

1. Considerations have been made for the safety and wellbeing of jurors. The court will mail to each juror the clerk's informational bulletin and the judges' letter.

2. A policy has been developed for excusing jurors and deferring jury service. A copy of the policy is attached.

3. Protective measures have been added. All person entering the building must wear masks. To minimize congestion at the main entrance, jurors will be scheduled to arrive after employees report for work. The building uses a full air exchange system where fresh air from the outside is continuously circulated into the building. Social distance markers have been affixed to the floor and the seating benches. Jurors will assemble in the county boardroom, which permits social distancing. Hand sanitizer is available throughout the building. Clorox wipes are available in the courtrooms and deliberation rooms. Trained staff regularly clean and disinfect the building.
4. When jurors attempt to enter the building, uniformed security officers will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; have tested positive for COVID-19; have been in close contact with a person who is confirmed to have COVID-19; or have traveled outside Wisconsin in the past 21 days. Individuals who answer “yes” to any of these questions or who overtly show symptoms will be denied access to the building and the appropriate court official will be immediately notified.
5. When jurors attempt to enter the court building, trained personnel may use an infrared thermometer or other temperature screening equipment to determine the temperature of the individual. Individuals with a temperature of 100.0°F or above may not enter the building.

Juror Attendance and Safe Participation

1. The following personal protective equipment will be available to the jurors: masks, gloves, hand sanitizer, and Clorox wipes.
2. Social distancing of jurors will be enforced. The jury box in courtroom 1 will be enlarged and redesigned to accommodate 14 jurors, 6 feet apart. A Plexiglas partition will separate the jury from the gallery. Courtroom 1 will be designated the “Jury trial courtroom.”
3. The jury boxes in courtrooms 2–4 will be unchanged. No 12-person juries will be conducted in these courtrooms, but a 6-person jury may be conducted if alternating seats are used.
4. In all courtrooms, Plexiglas shields will be installed at the witness stand and the clerk’s desk. Counsel tables will be rearranged to accommodate social distance standards.
5. To reduce the number of people required to report for jury selection, the court may use questionnaires and “paper strikes” on a case-by-case basis. During voir dire, the reserve jurors will observe by video feed from the county boardroom. Reserve jurors will be brought to the courtroom only when needed.
6. Empaneled jurors will be able to fully observe the trial. The expanded jury box has three rows, two of which are elevated tiers. The judge, attorneys and witnesses will use microphones. All courtrooms have one large monitor so the jury can view evidence without touching it. Soon, courtroom 1 will have multiple monitors to enhance jurors’ ability to see evidence.
7. Social distancing consideration during trial breaks and deliberations. During court recesses, jurors will be divided into groups of 3 or 4 and assigned one of the jury rooms where they will have access to private restrooms. Meals and drinks will be individually packaged (e.g. boxed lunches, bottled water, etc.) Jury rooms have small refrigerators where jurors may store food

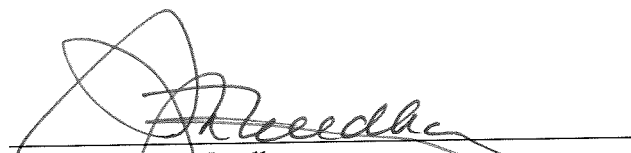
and drink, if they prefer to bring their own. The jury room and restrooms will be frequently cleaned, but Clorox wipes will also be available.

8. Jurors will deliberate in the courtroom where they will be able to maintain social distance.
9. Initially, only one jury trial will be conducted at a time. There may be circumstances where two jury trials can be conducted simultaneously, but it will depend on available space and resources. Jury trials will be prioritized, but the presiding judge has discretion to deviate from the list after considering the nature of the case, the liberty interest involved, the age of the case, the number of times trial had been scheduled, victim's interests, the need for immediate resolution, obstacles to rescheduling, etc. Absent such intervention by the presiding judge, jury trials will be prioritized in the following order:
 - Cases where jurisdiction is lost if trial is untimely – e.g. involuntary commitments, interstate detainers, guardianships
 - Speedy trial demands by persons in custody
 - Homicides, sex offenses and crimes endangering public safety
 - TPRs and CHIPS where timelines were demanded
 - Other criminal felonies for persons not in custody
 - Other criminal misdemeanors for persons not in custody
 - Civil
10. The gallery seats 18 persons, socially distanced 6 feet apart. Seating benches have been moved to maximize distance between rows. For most trials, seating capacity will not be a problem. For those cases where there is high public interest, the judge presiding over the trial will set aside a reasonable number of seats in the gallery for family and supporters of the litigants. The county boardroom will be used for overflow seating where observers can watch the trial by video.

I have conferred with all judges of St. Croix County, the Family Court Commissioner, Court Commissioner, and the St. Croix County COVID-19 Task Force regarding this Jury Trial Addendum to the Operating Plan. Judges will begin setting jury trials no sooner than July 1, 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.

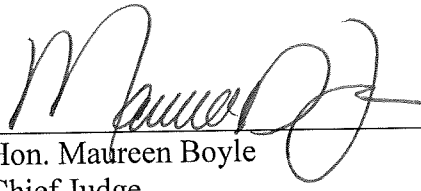
Date:

June 8, 2020


Hon. Scott R. Needham
Presiding Judge
St. Croix County Circuit Court

APPROVED:

Date: 6-10-2020



Hon. Maureen Boyle
Chief Judge
Tenth Judicial District

Jury Trial Reengagement Subcommittee Recommendations Summary

Subcommittee Objective: To accommodate jury practices to minimize exposure and infection of jurors, litigants, attorneys, witnesses, and court staff through interpersonal contact in a jury trial setting.

The Chief Justice's COVID-19 Task Force Final Report identified 12 areas for consideration when reengaging jury trials.

1. Notice regarding 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." (Final Report p. 15).

Recommendations:

- Along with the jury summons, the clerk of court should send a letter that describes the public need for jury trials and the precautions that the county has taken to keep jurors safe. A proposed letter is attached.
- The substance of the letter should be posted on the county's website.
- Jurors should be notified about the screening questions that will need to answer and notified about the requirement to wear masks at the government center. Persons who fail the screening or refuse to wear a mask will not be allowed in the government center.
- Attorneys should be encouraged to contact the judge and/or clerk of court after-hours in the event they, a party, or a witness have developed symptoms requiring an adjournment of the trial. This will allow jurors to be called off before they arrive at the government center.
- The Court should consider posting a short video to help jurors visualize the cleaning and safety precautions being used. For an example, visit <https://youtu.be/9IC9mnTDNdE> for a video done by Pima County Superior Court, Arizona.

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." (Final Report p. 15).

Recommendations:

- The clerk of court should have authority to defer jury service for the following people:
- Persons who refuse to wear a mask;

- Persons who have been lab confirmed with COVID-19 within the past 14 days, and persons who have recently exposed to COVID-19 or are experiencing symptoms;
- Persons who are actively caring for a family member or loved one who has tested positive for COVID-19;
- Persons who are in self-quarantine;
- Healthcare workers;
- Elderly/at-risk individuals and persons caring for the elderly/at-risk;
- Persons caring for/educating school-age children at home;
- Persons who are uncomfortable with jury service despite the county's safety precautions.

3. **Juror assembling and reporting.** "Each county should take into consideration its ability to accommodate social distancing with respect to the number of jurors that are summoned." (Final Report p. 15).

Recommendations:

- Court services officers should encourage jurors to maintain social distancing at the security station at the main entrance.
- To minimize interaction with the county workforce, juries should be summoned to arrive no sooner than 8:30 a.m. with voir dire starting at 9:15 a.m.
- Judges and litigants should consider conducting jury selection the afternoon before the start of trial.
- Jurors will assemble in the county boardroom, which can accommodate social distancing.
- No shared food or drink should be available in the assembly area.

4. **Health screening of potential jurors.** "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." (Final Report p. 16).

Recommendations:

- Court security will ask all jurors six screening questions. Jurors answering in the affirmative will be excused.
- Jurors' temperatures may be taken before entering the assembly area.
- Symptomatic jurors will 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." (Final Report p. 16).

Recommendations:

- Jurors will be masked per county building policy.
- Gloves should be made available.
- Hand sanitizer and disinfecting wipes should be available.

6. **Social distancing in 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.” (Final Report p. 16).

Recommendations:

- Judges should inquire whether the litigants would opt for a 6-person jury. The Court can socially distance six jurors with fewer changes to the courtroom.
- Twelve-person jury trials will be held in Courtroom 1, which will be the designated “jury trial courtroom.” The county will expand the jury box to accommodate social distancing for 14 juror seats. A Plexiglas shield should divide the jury box and the gallery.
- The seating benches in the gallery will be repositioned in every courtroom to maximize distance between rows.
- A Plexiglas shield should be installed at the witness stand and clerk’s desk where social distancing is difficult to achieve.

7. **Safely conducting voir dire.** “It is recommended that the court consider... strategies to reduce the number of people required to report for jury selection.” (Final Report p. 17).

Recommendations:

- The courtroom cannot safely accommodate the entire jury panel. Some potential jurors will sit socially distanced in the jury box. A few reserve jurors will participate from the gallery. The rest of the jury panel will observe voir dire by video from the assembly area. When jurors are excused and all of the reserves in the courtroom have been exhausted, a small group of jurors will be summoned from the assembly area.
- Juror questionnaires should be considered on a case-by-case basis.
- Judges and litigants should consider reducing the number of peremptory strikes to reduce the number of jurors needed for voir dire. To compensate for fewer peremptory strikes, Judges may allow attorneys to strike jurors based on answers to the questionnaires.

8. Juror attendance and participation during trial. “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.” (Final Report p. 17).

Recommendations:

- See recommendations for item #6

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.” (Final Report p. 18).

Recommendations:

- The jury rooms can accommodate a 6-person jury.
- Twelve-person juries will deliberate in the courtroom. For breaks and restrooms, the jury should be divided into small groups and assigned a deliberation room.
- No dining out. Boxed lunches and individualized meals should be provided. No shared food, like pizza, pastry plates, and fruit bowls.
- Single-use bottled water should be supplied.
- Sanitizing wipes should be available for jurors throughout their service.

10. Prioritizing jury trials. “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.” (Final Report p. 18).

Recommendations:

- The following priority is recommended:
 - Cases where jurisdiction is lost if trial is untimely – e.g. involuntary commitments, interstate detainers, guardianships
 - Speedy trial demands by persons in custody
 - Homicides, sex offenses and crimes endangering public safety
 - TPRs and CHIPS where timelines were demanded
 - Other criminal felonies for persons not in custody
 - Other criminal misdemeanors for persons not in custody
 - Civil
- The presiding judge should have discretion to deviate from this list after considering the nature of the case, the liberty interest involved, the age of the case, the number of times trial had been scheduled,

victim's interests, the need for immediate resolution, obstacles to rescheduling, etc.

- It is anticipated that multiple trials will be scheduled for the same day. To promote efficiency and fairness to the attorneys and litigants, a judge or court commissioner should conduct a pretrial 14 days before the trial, ideally with all of the attorneys for all of the cases scheduled for trial. Everyone needs a clear understanding which case will be tried so that the others can be rescheduled and trial preparations can be postponed.

11. **Scheduling jury trials.** "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." (Final Report p. 18).

Recommendations:

- The enlarged jury box in courtroom 1 should be finished by end of June.
- Only one jury trial should be conducted at a time. Once the new system is perfected, then additional, 6-person jury trials can be added, if space and resources permit.
- Judges should maintain a master trial list. Trials should be stacked according to priority. Judges will need to strictly enforce settlement deadlines so that the trial dates are used efficiently and so that participants in the backup trials can be timely notified if their status changes.
- Despite the Court's best efforts, some attorneys and litigants will be uncomfortable conducting jury trials while COVID-19 is active. When exercising scheduling discretion, judges should take such attitudes into consideration and attempt to accommodate them, when possible.

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." (Final Report p. 19).

Recommendations:

- Courtroom 1 can safely accommodate 18 persons in the gallery. A Plexiglas partition should be installed between the jury box and the gallery. To supplement public access, the Court should provide a video option, especially for trials garnering high public interest. The Court is capable of providing direct access by Zoom or livestreaming by YouTube. These options can be distributed to the public, or limited to

an alternative viewing location, such as an unused courtroom or county boardroom.

ST. CROIX COUNTY JUROR DEFERRMENT POLICY

The clerk of court may defer jury service for no more than 1 year when a potential juror:

- Refuses to wear a mask or face shield.
- Has been lab confirmed with Coronavirus in the past 14 days.
- Has been in contact with someone with lab-confirmed Coronavirus in the past 21 days.
- Has traveled outside Wisconsin (not including Minnesota for essential purposes) in the past 21 days.
- Has shortness of breath, a cough, or a fever greater than 100.0.
- Is currently ill.
- Is actively caring for a family member or loved one who has tested positive for Coronavirus.
- Is in self-quarantine status during the period of jury service.
- Is a health care professional working in an environment where COVID-19 is likely present or where the potential juror's services are required due to the pandemic.
- Elderly/at-risk individuals and persons caring for the elderly/at-risk;
- Persons caring for/educating school-age children at home;

All other requests for deferment must be approved by the presiding judge.

ST. CROIX COUNTY JUROR INFORMATION

Welcome to Jury Duty

Please read the following information and note your panel member number located on your summons letter. You will need your panel member number to determine if you are included in the selected range of panel members expected to report. The Circuit Courts are taking every reasonable precaution to maintain the health and safety of jurors, parties, attorneys, and court staff during jury selection and jury trials.

1. **REPORTING INSTRUCTIONS:** If you have provided phone and e-mail contact information, you will receive regular, automated, pre-recorded voice messages, text messages, and/or e-mail messages regarding the status of trials. If you do not receive the automated message, please call 715-386-4629 or 1-800-640-8524, any time after 4:30 p.m., but prior to 8:00 a.m. Please listen carefully to the message; it will give you the panel member numbers expected to report and specific instructions for reporting. Trials typically begin between 8:00 a.m. and 9:00 a.m.
2. **COVID-19 PRECAUTIONS:** All persons entering the St. Croix County Government Center will be subject to security screening and asked COVID-19 related health screening questions. Persons who fail the screening will not be allowed in the Government Center.
 - Masks are required to be worn by everyone entering the Government Center. Please bring your own mask or face covering with you. If you don't have a mask, one will be provided to you.
 - Gloves and hand sanitizer will be available to jurors.
 - Courtrooms and public spaces are regularly cleaned and disinfected
 - Sufficient space will be provided in order for jurors to be able to avoid close proximity with one another and safely practice social distancing.
 - If you are experiencing any COVID-19 related symptoms, prior to or during your month of service, immediately notify the Clerk of Court office at 715-386-4642. You may be asked to furnish documentation from your health care provider.
 - HEALTH SCREENING QUESTIONS MAY INCLUDE:
 - Have you been lab confirmed with Coronavirus in the past 14 days?
 - Have you come into contact with someone with lab-confirmed Coronavirus in the past 21 days?
 - Have you traveled anywhere outside of Wisconsin (not including Minnesota for essential purposes) in the past 21 days?
 - Do you have shortness of breath, a cough, and/or a fever greater than 100.3?
3. **AVAILABILITY:** If any of the following apply, contact the Clerk of Court office by phone or in writing immediately:
 - You are actively caring for a family member or loved one who has tested positive for Coronavirus
 - You are now in self-quarantine status and that status will continue in to July 2020
 - You are a health care professional presently working in an environment where COVID-19 is more likely or your services are required due to the pandemic
 - You are no longer a St. Croix County resident
 - You are on probation or parole for a Felony
4. **ATTENDANCE:** Please report to the Government Center at 1101 Carmichael Road, Hudson, WI as directed and sign-in with the bailiff at the designated assembly location.
 - DO NOT report the morning of a jury trial and indicate that there is a conflict. Please notify the Clerk of Court in advance of any scheduling conflicts. If you wait until the last minute and ask to be excused for an appointment after your panel member number has been called for a trial, your request to be excused may be denied.

- **ILLNESS OR EMERGENCY:** If you are unable to report for jury duty on a day that you have been called in to report because of illness or an emergency, please call the Clerk of Court office shortly after 8:00 a.m. at 715-386-4629 or 715-386-4642. **You will be required to submit a doctor's note indicating the reason for your illness and absence.** If you are unable to complete your month of service, you will be rescheduled to another month.
5. **BREAKS:** Periodic 10-15 minute breaks during a trial will be announced. **JURORS ARE NOT PERMITTED TO LEAVE THE JURY ROOM, EXCEPT WHEN RELEASED BY THE JUDGE.** Smoking is not permitted in the Government Center, but the bailiff may make accommodations to take you out of the building during a break in court proceedings.
 6. **LUNCH BREAK:** Lunch is provided by the County. Due to the COVID-19 pandemic, boxed lunches, bottled water, and soda will be provided in order to minimize any travel in and out of the courthouse and to minimize jurors' interaction with others outside of the courthouse. Please inform the bailiff of any dietary restrictions.
 7. **EMPLOYER VERIFICATION:** If your employer requires verification of your jury duty attendance, the Clerk of Court office will provide a letter showing the days served. You may inquire at the Clerk of Court office for this verification letter. We **DO NOT** mail letters directly to your employer.
 8. **JUROR PAY:** You will be paid a juror per diem of \$20.00 for a half day of service and \$40.00 for a full day of service, plus round trip mileage at .51 cents per mile. You will receive a check approximately the 15th day of the month following your month of service. **If your address has changed since you were summoned, please inform the Clerk of Court office immediately to ensure receipt of payment.**
 9. **TERM OF SERVICE:** Wisconsin law limits you to no more than five days of service, unless you are selected to serve on a trial that will last longer. You are exempt from jury duty for four years after your month of service is complete. Most jurors only report once or twice during a month of service.

**FAILURE TO APPEAR FOR JURY DUTY MAY RESULT
IN A WARRANT FOR YOUR ARREST.**

10. **GENERAL INFORMATION:**

- Jurors are strictly prohibited from discussing any case with their fellow jurors or anyone while a case is pending.
- Dress to your level of comfort. There is no formal dress code; however, business casual is preferred.
- Use of cell phones, pagers, electronic devices and/or computers in the courtrooms and deliberation rooms is prohibited without prior consent of the Judge.
- You may not visit any courtrooms prior to your service, as you may get the wrong impression of cases being heard. Trials may seem alike, but each case must be judged individually.
- **BE ON TIME** – once you are selected on a panel, the court cannot proceed unless all jurors are present.
- Please let the Jury Bailiff or Court Staff know if you have any special needs.

On behalf of Kristi Severson, Clerk of Circuit Court, and Judge Scott R. Needham, Judge Edward F. Vlack, Judge R. Michael Waterman and Judge Scott J. Nordstrand, we would like to thank you for serving and look forward to working with you.

To All Prospective Jurors

RE: Jury Service and Precautions against COVID-19

Dear Prospective Jurors:

Attached to this letter is a summons, directing you to appear for jury service. 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.

All persons entering the government center are required to wear masks. You may bring your own or we will supply one for you. All persons will also be screened for COVID-19. The screening questions are attached. Please review them now, and if you would answer any of these questions "yes," please call Kristi Severson at (715) 386-xxxx to discuss your options.

After clearing security, you will be escorted to the county boardroom for orientation. Jurors will be socially distanced more than six feet apart. When the trial is ready to begin, a bailiff will bring small groups of jurors to the courtroom for jury selection. There too, jurors will be seated at least six feet apart.

The government center has many features to mitigate COVID-19 transmission. All employees and guests are required to wear masks. The building has a full air exchange system where fresh air from the outside is continuously circulated into the building. Alcohol-based hand sanitizers are available at multiple locations. The courtrooms, jury rooms, restrooms, elevators and all other public areas of the building are frequently cleaned and disinfected.

Your comfort during the trial is important to us. Court will recess to give you periodic breaks. Although we will not supply communal snacks, we will provide individually packaged meals for lunch and bottled water and soft drinks throughout the day. If you prefer to bring your own meal or drinks, we have refrigerators and microwaves that you may use.

The right to trial by jury is one of the cornerstones of our democracy. We strongly believe that jury service is the second highest form of public service that any American can perform (second only to service in the Armed Forces). It is vital that you appear and present yourself for jury service; however, 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 staff during the trial.

Thank you and we look forward to seeing you.