



(AMENDED)

**1st JUDICIAL DISTRICT OF WISCONSIN
COVID-19 COURTS OPERATING POLICIES, PROCEDURES AND PLAN
FOR RESUMING IN-PERSON HEARINGS
AND
JURY TRIALS**

PHASE IV EFFECTIVE SEPTEMBER 7, 2021

CHIEF JUDGE MARY E. TRIGGIANO

Circuit Court of Milwaukee County

Milwaukee County Courthouse Complex

Vel R. Phillips Youth and Family Justice Center

Milwaukee, Wisconsin

I. Introduction

The 1st Judicial District's in-person hearings and jury trial recovery plan will continue to follow a multi-phased approach. During each recovery phase, a limited number of courts will resume in-person hearings and jury trials. Prior to advancing to the next recovery phase, the court will review and consider current CDC, DHS, and local public health authorities guidance as well as current local COVID-19 case data. Additionally, during each recovery phase, the policies and procedures included in this plan as well as juror processes, courtroom configurations and activities of each court, will be reviewed and assessed in consultation with the County and system partners. Changes to this plan that are necessary to protect and/or enhance the health and safety of employees, litigants and the public will be made as progression through each phase occurs.

The 1st Judicial District has weathered and navigated this pandemic together with system stakeholders. Unfortunately, COVID-19 new cases, the test positivity rate and hospitalizations continue to trend in the wrong direction. And, just over half of the city of Milwaukee residents are fully vaccinated. According to the State Department of Health Services (DHS), Wisconsinites who were not fully vaccinated for the coronavirus were nearly three times as likely to get infected in July as fully vaccinated people, according to new state health data released in August 2021. And, those who were less than fully vaccinated were nearly four times as likely to need hospital care and more than 10 times as likely to die. Public health experts have concluded that the Delta variant is extremely infectious (including breakthrough infections among vaccinated individuals); that large number of people who remain unvaccinated represent the majority of individuals who get sick enough to be hospitalized; and the increase in spread is due to the decrease in mask wearing and increase in physical interactions in close proximity with others.

The 1st Judicial District is carefully watching these numbers as it has always done and will continue its stepwise approach to the court's recovery efforts, knowing how essential it is to provide access to justice and manage the back log of cases. From day one of the pandemic, the 1st Judicial District has steadily increased its footprint while never having an outbreak in the courthouse, never contributing to the spread of the virus in the community nor increasing the numbers of individuals admitted to the hospitals and never having to reinstate mask mandates or other safety precautions when the Delta variant became a major threat to the community.

II. General Guidance

Only courtrooms approved by the Chief Judge shall be used for in-person hearings and jury trials.

Effective September 7, 2021, Criminal Division judges will conduct in-person hearings in their own courtroom following the already established “Combined JT and In Person Court Calendar” matrix. The only exception will be when a judge’s courtroom is also being used as a shared jury trial courtroom and trials are scheduled. In that case, the judge conducting in-person hearings will switch courtrooms with the judge scheduled to conduct jury trials.

Effective October 4, 2021, Children’s Division judges will conduct in-person hearings in their own courtroom. The only exception will be when a judge’s courtroom is being used by another branch as a jury trial courtroom. In that case, the judge conducting the in-person hearing will switch courtrooms with the judge scheduled to conduct the jury trial.

1. The following courtrooms are authorized for in-person hearings and jury trials **effective September 7, 2021 and effective October 4, 2021 (Children’s Division):**

JURY TRIAL COURTROOMS

COURTROOM	CALENDAR	VOIR DIRE LOCATION	DELIBERATION
620 SB	HOM/SA	620 SB GALLERY	205 SB
506 SB	HOM/SA	500 CH	506-P JURY RM
113 SB	GUN/DRUG/HIDTA 1	500 CH	113 SB JURY RM
629 CH	GUN/DRUG/HIDTA 2	500 CH	629 CH JURY RM
608 CH	GEN FELONY 1	500 CH	608 CH JURY RM
515 CH	GEN FELONY 2	400 CH	415 CH GALLERY
504 CH	DV/MISD	400 CH	413 CH GALLERY
501 CH	DV/MISD	400 CH	511-1 CH
404 CH	CIVIL DIVISION	400 CH	408-D CH
402 CH	CIVIL DIVISION (REMOTE JURY)	400/500 CH	403 CH
1407 VPYFJC	CHILDREN’S/CHIPS	ZOOFARI	1044 VPYFJC
ZOOFARI	CHILDREN’S TPR	ZOOFARI	ZOOFARI

NOTE: Room 113SB is currently unavailable due to flood damage. Alternate room assignment information will be communicated once determined.

2. Calendars listing judges and their jury trial courtrooms will continue to be created weekly and shared with key stakeholders.
3. The Chief Judge and county public health officials are also re-evaluating each criminal courtroom and deliberation room to determine which courtrooms can accommodate additional

in-person hearings and jury trials. The decision to open additional jury trial courtrooms is forthcoming.

VOIR DIRE SCHEDULE FOR JURY TRIAL COURTROOMS

It is integral to the smooth operation of this plan that the morning voir dire sessions begin not later than 10:00 a.m. and conclude not later than 12:00 p.m. unless otherwise approved by the Chief Judge or her designee.

Days/Time	CH 400	CH 500	SB 620	ZOOFARI
Monday @8:30 am	CIVIL CH 404 (CH 408 <u>delib</u>) (30 jurors)	GEN FEL 1 CH 608 (608-H <u>delib</u>) (35 jurors)	HOM/SA SB 620 (SB 205 <u>delib</u>) (35 jurors)	CHILDREN'S-CHIPS Vel Phillips (24 jurors)
Monday @1:30 pm	HOM/SA SB 506 (SB 506-P <u>delib</u>) (35 jurors)	GEN FEL 2 CH 515 (CH 415 <u>delib</u>) (30 jurors)		CHILDREN'S-TPR Zoofari (34 jurors)
Tuesday @8:30 am	GUN/DRUG/HIDTA 1 SB 113 (SB 113 <u>delib</u>) (35 jurors)	DV/MISD CH 504 (CH 413 <u>delib</u>) (30 jurors)		
Tuesday @1:30 pm	GUN/DRUG/HIDTA 2 CH 629 (CH 629 <u>delib</u>) (35 jurors)	DV/Misd CH 501 (CH 511-1 <u>delib</u>) (30 jurors)		

IN-PERSON HEARING COURTROOMS

<u>Building</u>	<u>Room</u>	<u>Division</u>	<u>Subdivision</u>
Courthouse	635	Criminal	General Felony
Courthouse	634	Criminal	General Felony
Courthouse	632	Criminal	General Felony
Courthouse	629	Criminal	HIDTA
Courthouse	623	Criminal	General Misdemeanor
Courthouse	622	Criminal	General Misdemeanor
Courthouse	615	Criminal	General Misdemeanor
Courthouse	608	Criminal	General Felony
Courthouse	515	Criminal	General Misdemeanor
Courthouse	514	Family	NA
Courthouse	504	Criminal	Domestic Violence
Courthouse	503	Family	NA
Courthouse	502	Criminal	Domestic Violence
Courthouse	501	Criminal	Domestic Violence

<u>IN-PERSON HEARING COURTROOMS (CONT.)</u>			
<u>Building</u>	<u>Room</u>	<u>Division</u>	<u>Subdivision</u>
Courthouse	414	Duty Judge	
Courthouse	404	Civil	NA
Courthouse	400-AF	Civil	Small Claims
Courthouse	206	Civil/Probate	NA
Safety Building	620	Criminal	Homicide/Sexual Assault
Safety Building	506	Criminal	Homicide/Sexual Assault
Safety Building	502	Criminal	Homicide/Sexual Assault
Safety Building	423	Criminal	Homicide/Sexual Assault
Safety Building	316	Criminal	Drug
Safety Building	313	Criminal	Drug
Safety Building	310	Criminal	Drug Treatment/VTI/MH
Safety Building	221	Criminal	Out-of-Custody Intake
Safety Building	113	Criminal	Gun
Criminal Justice Facility	G-55A	Criminal	Drug
VPYFJC	1422	Children's	NA
VPYFJC	1407	Children's	NA
VPYFJC	1411	Children's	NA
VPYFJC	2425	Children's	NA
VPYFJC	2421	Children's	NA
VPYFJC	2414	Children's	NA
VPYFJC	2410	Children's	NA
VPYFJC	2610	Children's	NA

III. Judge and Court Staff Health

1. Regardless of vaccination status, judges and court staff will be required to wear face masks at all times in court buildings, courtrooms, jury rooms and any court-related spaces. The requirement for the wearing of face masks in the courtroom can be modified by the judge, but only after the judge makes a record of the reasons for the decision.
2. Judges and court staff will practice physical distancing and appropriate hand hygiene as recommended by the CDC.
3. Court employees have been provided instructional material on how to wear face masks properly.
4. Judges and court staff who are experiencing any symptoms associated with COVID-19 shall stay home.
5. Judges and court staff shall follow any County self-quarantine policy in place at the time of travel.

IV. Scheduling

1. Cases will be scheduled for jury trial on Monday each week.
2. **Effective October 20, 2021, the Domestic Violence and Misdemeanor divisions will schedule Wednesday jury trials.**
3. Trials shall be scheduled at 8:30 a.m. or 1:30 p.m. using the voir dire schedule on page 3.
4. In the Criminal Division, jury trials involving defendants who are in-custody and have made a demand for a speedy trial or prompt disposition shall be given priority in scheduling.
5. The Children’s Court Division, Civil Division, Criminal Division, and Family Division shall create and distribute a set of policies and procedures to guide litigants concerning jury trials and other in-court proceedings.

V. Health Safety Precautions

1. There are signs posted informing the public that anyone with a fever, cough, or other COVID-19 related symptoms is not to enter the building.
2. Entry health status screening. All court system employees and visitors to the Courthouse complex and Vel R. Phillips Youth and Family must complete and receive a “green status” on the daily health screening before entry to the facilities will be allowed.
https://milwaukeeecovid.sjc1.qualtrics.com/jfe/form/SV_cDdo9WIKRi6ggrz
3. Jurors present a “green status” on the health screening before entry into jury assembly or courtroom. https://milwaukeeecovid.sjc1.qualtrics.com/jfe/form/SV_cU7jQuSH4lac9PT
4. Mandatory Face Masks. All employees and visitors are required to wear a face mask to prevent the spread of COVID-19. There are limited health-related exceptions to this mandate. Masks and a hand sanitation station are available upon entry to the building.
5. Physical distancing. Appropriate 6’ physical distancing is required at all times in the Courthouse complex, if possible. Waiting areas and elevator queuing areas are marked. Elevator capacity is limited to two non-family visitors. The stairways are available for use.

VI. Voir Dire & Empaneled Jurors

1. Jury panels sent to voir dire will be limited to the capacity of the voir dire spaces as follows:
 - 400-Courthouse 30 Jurors
 - 500-Courthouse 35 Jurors
 - 620-Safety Building 35 Jurors
 - Zoofari Courtroom 34 Jurors

2. Panels will be announced and assembled maintaining proper 6' physical distancing, if possible. Floor markings have been placed to indicate proper distancing.
3. Once selected to serve on a jury, jurors will report directly to the courtroom or the jury room each day as directed by the judge.
4. Jurors will be instructed to monitor their health daily and to not report for service if they feel ill.
5. Before reporting for service each day, jurors must complete the health screening questionnaire.
6. Jurors who feel ill or answer "yes" to any health screening questions must immediately contact the court.
7. Jury deliberation rooms have been configured to provide 6' physical distancing, if possible.
8. Once a juror selects their seat in the deliberation room, it shall remain that juror's seat until the jury panel is released by the judge at the conclusion of the trial.
9. Judges should remind jurors that masks must be worn at all times in the deliberation room.
10. Jurors not selected to serve on a panel should be sent back to jury management. Upon completion of service, jurors will be released and sent home.