

ORDER REGARDING EMERGENCY TEMPORARY MEASURES

The La Crosse County Circuit Court is issuing the attached temporary guidelines which will govern operations of the court until (*May 1, 2020*) or until further order of the court. The La Crosse County Courthouse remains open and any change in status will be noticed on the La Crosse County Circuit Court website at (<https://www.lacrossecounty.org/Court/>) and Wisconsin Court System website at (<https://www.wicourts.gov/>).

The World Health Organization declared a global pandemic of COVID-19 due to widespread human infection worldwide. We are monitoring this situation and are committed to open access to our courts and service to the public; to promote public safety; and to protect the health and safety of litigants, court staff and security, judges, attorneys, jurors, other participants in court proceedings, and all other persons in court facilities.

These guidelines are in place to ensure the continuous performance of the court's essential functions and operations and yet seek to mitigate the risk that our employees, lawyers, litigants and jurors will be exposed. The guidelines incorporate use of videoconferencing and teleconferencing to minimize interpersonal contact; follow social distancing practices by reducing the number of persons in close proximity during court hearings, and temporarily suspend some non-essential court functions. As of the date of this order, the Wisconsin Department of Health Services is recommending against convening groups of more than 50 persons while the US Center for Disease Control recommends against groups of more than 10 persons.

The concept of videoconferencing includes not only a video-equipped courtroom but also ZOOM technology approved by the Director of State Courts.

These guidelines are intended to be advisory and do not replace the authority of each judge to conduct his/her calendar and manage the courtroom as the judge believes necessary and appropriate.

For specific information on a particular case, please call the Branch to which the case is assigned. A link to the Branch offices may be found at (<https://www.lacrossecounty.org/Court/docs/Judges.htm>).

For information related to jury service, please call the jury clerk. Contact information may be found at (<https://www.lacrossecounty.org/Court/docs/JuryService.htm>).

We would like to encourage the public to pay fines via mail, online, or via phone. (www.GovPayNow.com PLC (Pay Location Code) 1410 OR, (www.wicourts.gov/services/public/payonline.htm). We also encourage the public to become familiar with efilings, available for most cases. (www.wicourts.gov/ecourts)

CRIMINAL INTAKE

1. **In-custody Initial Appearances:** Initial appearances for in-custody defendants will be conducted with a limit of no more than six inmates brought to the courtroom at a time.
2. **2 PM Initial Appearances:** Initial appearances in misdemeanor cases will be adjourned until after May 1, 2020 on a 2 pm calendar. These cases will migrate from a judge's intake to the same judge's next intake scheduled after May 1, 2020. The use of written authorizations to enter pleas is encouraged and if a written authorization is filed, the case will be removed from the initial appearance calendar and placed on the status calendar of the intake judge at the time of the scheduled initial appearance
3. **Preliminary Hearings:** Preliminary hearings will be held according to statutory time limits. For individuals held in custody, the courts will observe the 10 day statutory time limits except when a defendant waives time limits or the court finds good cause to go beyond time limits for reasons other than the current pandemic. In-custody preliminary hearings will be limited to two inmates at a time, with a limit of four preliminary hearings per day. For individuals not being held in custody, the court may find good cause to go beyond statutory time limits and adjourn the preliminary hearing until after May 1, 2020.
4. **Bond Decisions:** Bond decisions will reflect the heightened risk to large numbers of offenders confined in small spaces, jail staff, first responders including law enforcement, and Justice Support Services staff responsible for bail monitoring. These policies are designed to maintain public safety with respect to offenders who pose the most serious risk to the community while limiting contact with offenders who do not pose a serious risk.
 - a. Testing requirements for alcohol and drugs will be reduced to the minimum necessary to assure public safety. This applies to the selection of individuals for testing as part of bail monitoring and frequency of testing. Consideration shall be given to utilizing testing means which limit contact with Justice Support Services staff.
 - b. The courts will issue a separate order expanding the authority of law enforcement to issue signature bonds for individuals arrested for misdemeanor and non-violent felony offense.

SMALL CLAIMS CASES

- 1. Initial Appearances:** All initial appearances will be adjourned until after May 1, 2020. These cases will migrate from a judge's intake to the same judge's next intake scheduled after May 1, 2020.
- 2. Written Answers:** Written answers are encouraged and if an answer is filed prior to the initial appearance in a non-eviction matter, the case will be removed from the initial appearance calendar and scheduled by the small claims mediator for mediation.
- 3. Mediation:** Mediation cases shall be scheduled by the mediator and conducted by phone. Any request for adjournment shall be made in writing at least 72 hours prior to mediation with notice to the opposing party and counsel.
- 4. Contested Garnishment and Contempt Hearings:** Contested garnishment and contempt hearings, normally scheduled on the 9:30 am Friday calendar will be continued by the clerk until a date after May 1, 2020 unless the court agrees to conduct a hearing prior to that date. No contested garnishments will be approved or contempt findings made without hearing.
- 5. Eviction Actions:** Once an eviction action is filed, the small claims mediator will send the parties a notice of mediation which will be conducted via teleconference. If the mediation is successful, the mediator will prepare a summary of the agreement along with an order for the court. If no agreement is reached, the matter will be scheduled for trial after May 1, 2020. The court acknowledges time limits for eviction, but in light of the unique public health dangers and economic impact on persons will make a finding of good cause to extend any trial until after May 1, 2020.

TRAFFIC CASES

- 1. Initial Appearances:** Initial appearances scheduled on the 9 am Thursday Traffic Intake calendar between now and May 1, 2020 will be rescheduled by the Clerk of Court for an initial appearance calendar after May 1, 2020.
- 2. Entry of pleas by authorization or phone:** The court will accept entry of pleas of not guilty by written plea or authorization in criminal traffic matters and by authorization or phone in forfeiture matters. Misdemeanor cases will be scheduled for status in front of the intake judge at the time of the scheduled initial appearance and be given a date for a pretrial conference with the District Attorney. Forfeiture matters will be scheduled for a pretrial conference with the District Attorney.
- 3. Misdemeanor Guilty Pleas:** The court may conduct guilty plea hearings in person, preferably after May 1, 2020 or by phone in the court's discretion.
- 4. Forfeiture Guilty Pleas:** Guilty pleas in forfeiture matters shall be entered by phone or stipulation.

JUVENILE DELINQUENCY CASES

1. **Time limits to be honored:** Hearings in juvenile delinquency cases will continue to be held in accordance with statutory time limits.
2. **Video and Teleconferencing:** Hearings for juveniles held in secure or non-secure custody will be held via video or teleconferencing whenever feasible. Similarly, other hearings such as plea hearings, status calls, motion hearings will be held via video or teleconferencing to the greatest extent possible.
3. **Presence of Counsel:** Defense counsel may be present either in the secure or non-secure facility or in the courtroom.

CHIPS CASES

4. **Permanency Reviews—presentation of child's wishes:** The requirement that children be brought to court to consult with the judge for permanency reviews is suspended during the time covered by this order. The juvenile's wishes shall be presented by the Guardian ad Litem.
5. **Preference for Video and Teleconferencing:** Preference shall be given to conducting CHIPS proceedings including temporary physical custody hearings by videoconferencing or teleconferencing.

LARGE CLAIM CIVIL AND PROBATE CASES

1. **In-person Hearings Suspended:** All matters requiring in-person appearances including jury trials, court trials, or other contested or potentially contested evidentiary hearings requiring the taking of evidence other than by telephonic or videoconferencing means are suspended until after May 1, 2020. The court will reschedule such matters for a date after May 1, 2020.
2. **Non-evidentiary Hearings:** Any non-evidentiary hearing that can be done by phone will proceed as scheduled, including but not limited to scheduling conferences, status conferences, pretrial conferences, motion hearings, oral decisions, and name change proceedings; intake court matters, including but not limited to requests for amendments to birth, marriage and death certificates, shall be submitted in writing, either via e-filing or mail. However, any matter may be rescheduled at the discretion of the court official assigned to such matter if the court official believes an in-person appearance should be required.
3. **Injunctions:** Hearings on requests for domestic abuse, harassment, child abuse and vulnerable adult injunctions have an impact on safety and are governed by statutory time limits. These hearings will continue to be held by the Family Court Commissioner or Circuit Court as required by law. Consideration shall be given by the responsible court official to the use of teleconferencing and other alternatives to in-person hearings.

FAMILY CASES

1. **In Person and Evidentiary Hearings:** Any hearing requiring in-person hearing or testimony will be deferred until after May 1, 2020 unless in the judgment of the assigned court official, the requirements of the case demand the hearing be held.
2. **Default Divorces:** Default divorces will be held via videoconferencing and teleconferencing whenever feasible. Required documents including but not limited to, signed marital settlement agreements, current financial documents, parenting plans, etc. shall be filed no less than two business days prior to the hearing.

COMMITMENTS, GUARDIANSHIPS AND PROTECTIVE PLACEMENTS

1. **WATTS Reviews:** WATTS reviews will be deferred until after May 1, 2020. This decision reflects the need for contact between the GAL and ward, recognition that a majority of wards are among the vulnerable population, and recognition that many facilities have adopted substantial restrictions on interpersonal contact with residents.
2. **Video and Teleconference:** Hearings for Guardianships and protective placements will be held whenever possible by teleconferencing or videoconferencing.

JURY TRIALS

1. **Nonessential trials:** All nonessential jury trials will be rescheduled to a date after May 1, 2020.
2. **Essential trials:** Any trials deemed essential by the court, after conferring with counsel, will be held as scheduled in the discretion of the court.
3. **Juror Deferments:** Any juror requests for deferment based on concerns about exposure to COVID-19 will be liberally granted.

TREATMENT COURTS

1. **Regular sessions:** Regular treatment court sessions will be suspended until after May 1, 2020. Participation via teleconferencing or videoconferencing may be adopted in the discretion of the specific court.
2. **Coordination/supervision:** Monitoring of offenders will continue to take place with a strong preference for phone contacts.
3. **Limited court sessions:** Individual offenders, in the discretion of the team, may be called into court at the regular time to address significant issues.
4. **Team meetings:** The team will continue to meet to consider participant progress and potential sanctions. To the extent feasible, teleconferencing, videoconferencing or group messaging will be encouraged. A larger space than the jury room will be utilized for in-person participation if necessary.
5. **Testing:** Testing of participants will continue to take place with the least intensive frequency deemed appropriate by the team.

Dated this 17th day of March, 2020.

A handwritten signature in black ink, appearing to read 'Ramona A. Gonzalez', written over a horizontal line.

Ramona A. Gonzalez, Presiding Judge
La Crosse County Circuit Court