

## **Eau Claire County Court System: Strategies for a Pandemic Influenza**

**Purpose.** A pandemic influenza is distinct from other emergency scenarios such as tornados or floods because of the severity and longevity of a pandemic influenza. The purpose of this plan is to provide the Eau Claire County Judicial System with local guidelines, procedures, and directions to follow during all phases of an Influenza Pandemic.

### **I. Goals**

- A. The Eau Claire County Court System must deal with crises in a way that protects the health and safety of everyone at the court facilities; and
- B. The Eau Claire County Court System must to the fullest extent possible “keep the courts open” to ensure justice for the people.

### **II. Court Planning Assumptions.**

- A. A significant increase in emergency matters and case filings generated due to issues associated with the quarantine and isolation of individuals by state and local public health officials may occur;
- B. Of the judges, attorneys, parties, clerks of court and deputy clerks of court, sheriffs and deputy sheriffs, state and local public health officials, jurors, etc., necessary to perform the mission essential functions, one third may not be available due to illness or death;
- C. Face-to-face contact between judges, attorneys, parties, clerks of court and deputy clerks of court, sheriffs and deputy sheriffs, state and local public health officials, jurors, etc., necessary to perform mission essential functions may be dramatically limited or unavailable;

### **III. Concepts of Operation.**

- A. **Continuity of Operations.** The local public health department will communicate regularly with the Court System as to the status and severity of the pandemic.
- B. **Line of Succession.** The Circuit Court System recognizes that employees and family members will become ill during a pandemic and will become absent from work. A line of succession is critical to support the court’s goals during a pandemic. Implementation and day-to-day tailoring of the case prioritization plan will be determined by majority consensus of the then available circuit judges.
  - 1. In addition to the Circuit Court System internal line of succession, the State of Wisconsin, Tenth Judicial Administrative District’s Order for Assignment of Circuit Court Judges allows that the circuit court judges in

the 10<sup>th</sup> Judicial District be assigned to all the circuit courts in the 10<sup>th</sup> Judicial District.

2. Under General Court Provisions State Statute 757.69 Powers and duties of the circuit court commissions, a circuit court commissioner may perform court functions that support the Circuit Court Systems ability to support the circuit court goals during a pandemic.
3. In the event the court commissioner is absent due to illness, every effort will be made to enlist the assistance of a temporary court commissioner. If temporary court commissioners are unavailable or a sufficient number are unavailable, then the intake judge and the other judges available to handle cases will make a case-by-case determination of what court commissioner cases will be handled by the circuit court.

**C. Mandatory Court Functions.** Circuit court cases and functioning will be prioritized. This case prioritization plan is only an outline or a guide. The judges available to consult with one another will ultimately decide on case prioritization based upon the facts and circumstances existing at the time. By way of illustration, an appropriate family law case may take priority over one or more felony jury trials. Even though the court is committed to maintaining the integrity of the criminal intake procedure and schedule, it may be necessary to indefinitely delay traffic and ordinance trials depending upon the circumstances. Prioritization shall be as follows in the event of a severe pandemic:

1. \*Criminal – Intake Procedure
  - a. Initial appearance
  - b. Return dates
  - c. Traffic trials / Ordinance trials
  - d. Preliminary hearings
  - e. Evictions
  - f. Juvenile proceedings / CHIPS proceedings
  - g. Mental hearings and trials
  - h. Guardianships, conservatorships
  - i. Protective placements.
2. Pandemic related actions, such as quarantine cases.
3. Child Abuse Restraining Orders
4. Domestic Abuse Restraining Orders
5. Felony jury trials with speedy trial request

6. Termination of Parental Rights jury trials
7. Felony jury trials without speedy trial request

\*Included within "Criminal -- Intake Procedure" are functions performed by the Court Commissioner. Matters of high priority include juvenile detention hearings and Chapter 51 detention hearings.

**D. Non-Critical Court Functions.**

All other court matters not listed in the mandatory court functions will be considered non-critical. Based on the severity of a pandemic and available court resources, all other matters will be addressed with alternate methods at the discretion of the Circuit Court Judges. A guideline prioritization for non-critical court functions is as follows:

1. Misdemeanor jury trials
2. Contested family law cases - with exigent circumstances
3. Family law cases without exigent circumstances
4. De novo review requests from Court commissioner – replevin cases
5. De novo review requests from Court Commissioner – family law cases
6. De novo review requests from Court Commissioner - money judgment
7. Child support enforcement requests
8. Civil trials – jury and trials to the Court
9. Truancy hearings

**E. Alternate Methods of Operations for Mandatory Court Functions:**

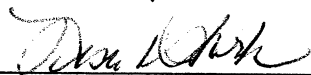
1. Using Information Technology to minimize contact. This includes use of videoconferencing capabilities and teleconferencing when appropriate.
2. Require social distancing among staff and within court operations. Social distancing requires a 3 foot buffer from other individuals as a means to minimize transmission.
3. Reduce face-to-face staff and court operations with the general public.
4. Eliminate non-critical court functions until such time that the pandemic wave has subsided.

**F. Jury management for mandatory court functions requiring jurors.** The Circuit Court System recognizes that finding and getting jurors to report for jury duty will be difficult.

1. If at all possible, the Circuit Court System will attempt to use jurors who are healthy, and do not have family that are ill.
2. The Circuit Court System will request the County to provide all jury members with appropriate personal protective equipment and hand sanitizer.
3. The Circuit Court System will minimize contact of jury members to the greatest extent possible by providing an appropriate environment.
4. The Circuit Court System will coordinate with the local public health department to provide medical evaluation for any juror who demonstrates signs and symptoms of influenza. If a juror meets the case definition of influenza, the juror will be excused from juror duty.
5. If a juror fails to appear for jury duty, the Sheriff's Department will be notified for follow-up.

Dated this 12<sup>th</sup> day of October, 2009.

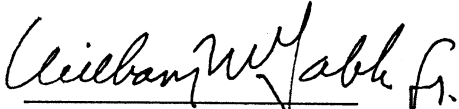
BY THE COURT:



Lisa K. Stark  
Circuit Court Judge, Branch 1



Michael A. Schumacher  
Circuit Court Judge, Branch 2



William M. Gabler, Sr.  
Circuit Court Judge, Branch 3



Benjamin D. Proctor  
Circuit Court Judge, Branch 4  
Chief Judge, 10<sup>th</sup> Judicial District



Paul J. Lenz  
Circuit Court Judge, Branch 5