

THE BRIEF

OCTOBER 2020

An electronic update for the legal community providing a brief look at news in Eau Claire County Courts.

COVID-19 and the Eau Claire County Circuit Courts Status Update

- The majority of hearings continue to be held using remote technology via Zoom by phone or video. Occasionally there are technical difficulties, but it usually works fine.
- Each Judge will consider whether to approve an in-person hearing on a case by case basis. In-person requests must be made in writing and e-filed to the case no less than 3 days before the hearing. Please don't come to a courtroom without prior approval from the Judge/Court Commissioner.
- All parties must wear a facial mask covering their nose and mouth for in-person hearings.
- Jury Trials have now resumed. While it is possible to have more than one jury trial at a time, we will not start two trials on the same day due to the number of jurors and staff needed on day one.
 - Two courtrooms are being utilized for the jury selection process.
 - Juror safety
 - Health screenings and temperature checks are done prior to jurors reporting to the second floor.
 - Jurors are preassigned seats in the two courtrooms used for jury selection.
 - All jurors are masked and socially distanced.
 - Plexiglas is in place around all court personnel and at counsel tables.
 - Juries will deliberate in the courtroom rather than in the small jury rooms.
 - Feedback from jurors so far has been very positive.
- Criminal intake continues almost exclusively by zoom at both 9:30 AM & 11:00 AM. Last spring a large number of cases were adjourned to dates beginning in the fall (now) which has made the current intake sessions very busy! Recently, during 9:30 intake there were 68 participants via Zoom.
 - PLEASE DO NOT use a Zoom session to ask the court for a new return date.
 - For 9:30 returns that were rescheduled from the spring, pleas should be entered or trials requested, absent unusual circumstances.
 - If you have a return date at 9:30 on a more recent case (within the past 4-6 weeks) and you just need a new return date, please don't wait to do it in a Zoom court hearing. Instead, obtain a new return date with the District Attorney's office. New dates will be liberally given out for returns when requested on such current cases.
- The court finds it extremely helpful to have written waivers of appearance, plea questionnaires, element sheets, and notices of right to appeal e-filed in advance of the hearing. Keep in mind that e-filing is not an instantaneous process and file these documents two days ahead of the hearing, if possible.
- Going forward, while our operative plan has been approved so we MAY have in-person hearings and jury trials, use of Zoom for the vast majority of cases will continue indefinitely. Depending on the health and safety issues in our community, it is also possible that we will need to take a step back and eliminate all in-person appearances – this recently happened in eastern Wisconsin following a spike in COVID-19 cases.

Jury Trial Update

The first successful Eau Claire County jury trial since March 2020 was held September 21-23, 2020. There were 60 jurors called to serve on the jury panel. All jurors were checked-in by staff and had to undergo a health screening process which included temperature checks. Seven jurors were screened out, leaving 53 for the jury panel. We utilized two courtrooms which were connected via video conference to hold the 53 jurors. The voir dire process took an average amount of time and 14 jurors were selected to serve on the jury panel for the trial. Each morning of the trial, all jurors were required to undergo health screening, including temperature checks. The jurors utilized the courtroom as the "jury room" and staff removed their belongings when exiting the courtroom for all recesses/lunch/breaks etc. Another room was used for any "on the record" activity that happened outside the presence of the jury. It was an overall success due in large part to the extensive planning by the Eau Claire County Taskforce, implementation by court staff, and cooperation of all court partners, attorneys and the public.

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The Brief. Published monthly. To submit topics or questions: EauClaire.Info@wicourts.gov