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Date: February 28, 2022

To: Dane County Criminal Justice Council

From: Hon. Valerie Bailey-Rihn, Presiding  
Carlo Esqueda, Dane County Clerk of Circuit Court

Re: Sustainability of Pandemic-Related Changes to Policies and Procedures Post-Pandemic

One year ago, CJC members detailed changes to policies and procedures in response to the pandemic. These changes had system-wide impact, both positive and negative. What follows is a list of pandemic-related changes that we think have been net positive for the Courts and will continue even as we move beyond the pandemic.

- **Remote Appearances:** Litigants in proceedings led by Judicial Court Commissioners appear exclusively via Zoom. This includes criminal initial appearances, small claims (i.e. money judgements and evictions), family and paternity cases, juvenile cases, guardianship, and probate matters. Traffic and forfeiture proceedings follow a separate procedure (see below). Litigants who may personally appear at the courthouse by mistake are able to use a conference room equipped with a laptop computer so they can participate in a scheduled proceeding.
- **No Appearances Required:** In traffic and civil forfeiture cases, defendants are sent a letter and plea form. If the plea form is not returned, or returned with a “no contest” plea, a dispositional judgment will be entered. If the form is returned with a “not guilty” plea, the defendant will then be referred to correspondence with the District Attorney’s Office as a form of pretrial conference. No in-court proceedings occur unless the defendant wishes to pursue a trial.
- **Electronic Data Sharing with Sheriff’s Office:** We are continuing to share temporary restraining order filings via email with the Sheriff’s Office for service. This will continue indefinitely.
- **Remote Access for Staff:** A nominal level of telecommuting access continues to be available for eligible staff who are experiencing COVID-related circumstances. But our goal is to phase this out entirely as the pandemic recedes. The Courts are a key public-facing agency, requiring in-person attendance.

We also note that our courts have instituted a seventh criminal branch in order to expedite addressing the backlog in criminal case dispositions created by the pandemic. It has not yet been determined whether this will be a permanent change.