

LINCOLN COUNTY CIRCUIT COURT

Lincoln County Courthouse ▪ 1110 East Main Street ▪ Merrill, WI 54452-2579

HONORABLE GALEN BAYNE-ALLISON
Circuit Court Judge Branch I

HONORABLE ROBERT R. RUSSELL
Circuit Court Judge Branch II

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Zoom Policy and Procedure 01/2023

The judges of the Lincoln County Circuit Court have met and decided to issue a common, consistent policy and guidance, with rationale, regarding video appearances by attorneys and litigants in criminal cases as follows:

We have started with the proposition that some proceedings are more ministerial or more purely procedural and consequently less substantive than others. Those less substantive proceedings include: status conferences, judicial pre-trial conferences, waivers of preliminary hearing, arraignments, adjourned initial appearances, initial appearances, and bond hearings.

We agree that where attorneys and litigants have demonstrated an ability to appear on time, in proper attire, prepared, and to conduct themselves appropriately in prior proceedings there are both direct and systemic benefits to permitting attorneys and litigants to routinely appear by video for less substantive proceedings.

As former trial attorneys and now as judges, we believe that something is lost with a video appearance and so we must be more skeptical of video appearances at more substantive proceedings. Those more substantive proceedings include: non-evidentiary motion hearing, preliminary hearing, plea hearing, sentencing hearing, and evidentiary motion hearing.

We accept that at times cost, convenience, and conflicting necessity, or a combination of one or more of the three, can result in attorneys and litigants making a decision to seek a video appearance even for more substantive proceedings. Litigants' decisions about whether to waive the right to be present in person before the court, to be present in the same location with their attorney, or to have their attorney present before the court are properly made in consultation with their attorneys.

The decision whether to grant a video appearance by a litigant, attorney, or other involved person for a more substantive proceeding must be driven by considerations beyond mere efficiency and conduct: whether the litigant is making an apparently knowing and voluntary decision; whether the rights of other parties, involved persons, or victims are affected; and whether a video appearance is consistent with our obligation to uphold the dignity of the proceedings and institution.

We will permit Zoom appearances after a one time, general written request by attorneys without a specific request for those less substantive proceedings described above provided the attorneys are appearing on time, properly attired, prepared, and are conducting themselves appropriately.

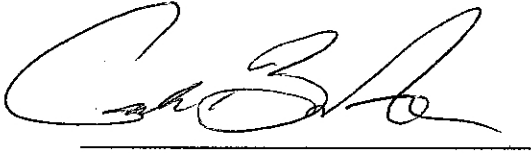
We will generally not permit Zoom appearances by attorneys for those more substantive proceedings described above without a specific written request for that proceeding except where the request was made on the record and granted during a prior proceeding.

Page (2)

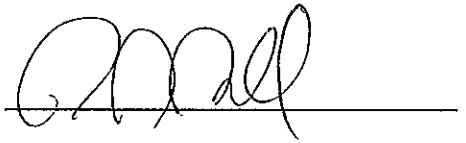
Re: Zoom Policy and Procedure 01/2023

We will not permit Zoom appearances by litigants without a specific written request for each proceeding except where the request was made on the record and granted during a prior proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read 'G. Bayne-Allison', written over a horizontal line.

Hon. Galen Bayne-Allison
Circuit Court Judge, Branch I

A handwritten signature in cursive script, appearing to read 'R. Russell', written over a horizontal line.

Hon. Robert R. Russell
Circuit Judge, Branch II