

Waupaca County Circuit Court Rules

Revised Effective Date: **June 1, 2010**

Rule 1: Publication and Revision of Circuit Court Rules

- 1.00 Local court rules shall be adopted by Waupaca County circuit judges to assist in the efficient administration of justice. Use of the words "court or judge" herein includes a court commissioner or any lawfully appointed judicial magistrate.
- 1.01 These rules shall be posted for public review in the county courthouse by the clerk of circuit court.
- 1.02 These rules shall be adopted by written order of the majority of Waupaca County circuit judges, subject to approval of the chief judge.
- 1.03 Orders adopting these rules shall specify an effective date.
- 1.04 Once adopted, these court rules shall be filed with the clerk of circuit court, and the clerk of circuit court shall provide copies to the members of the county bar association, chief judge, district court administrator, state bar association, state law library, and the office of the director of state courts. The clerk of circuit court shall print and make available to the public, at cost, all rules adopted or amended under Sec. 753.35, Stats.
- 1.05 Modifications to these rules may be ordered by any circuit judge in any case to assist the efficient administration of justice.

Rule 2: Closure of Proceedings

- 2.00 Unless good cause has been shown to the judge, a party moving that any judicial proceedings required by law to be public be closed to the news media must notify the court and media coordinator in writing at least 72 hours prior to the time set to hear the motion. The purpose of this rule is to permit legal counsel to appear on behalf of the media, and be heard. The burden shall be upon the moving party to show cause why the proceedings should not be public, as required by statute.

Rule 3: Case Processing Time Guidelines

- 3.00 It will be the practice of the court to schedule every case for a next action or review date at every stage in the life of the case.
- 3.01 An order of dismissal shall be prepared, and mailed to litigants or their counsel for all case types when there has been no apparent activity in the case for some period of time. No order shall be prepared if activities have been suspended due to the issuance of an arrest warrant; bench warrant; in traffic cases, an operator's license suspension order; the filing of a petition in bankruptcy; or the filing of a stipulation and order for reconciliation in family actions.
- 3.02 Objections to dismissal shall be made in writing to the assigned judge of the action to be dismissed. The judge may deny the objections, vacate the order of dismissal, or schedule a hearing.
- 3.03 In all probate matters unjustified delay in disposition of an estate may result in the appointment of a new personal representative and/or attorney for the estate after the issuance of an Order to Show Cause.
- 3.04 Pending actions will be suspended upon receipt of a notice of stay from the United States Bankruptcy Court. Unless a notice that the stay has been lifted or that the bankruptcy petition has been dismissed is received by the Court within 120 days of the receipt of the notice of stay, the suspended action will be dismissed, without notice to any party. The plaintiff may reopen the matter upon notice that the bankruptcy stay as been lifted or that the bankruptcy proceedings have been terminated.

Rule 4: Rules of Decorum

- 4.00 Lawyers shall never lean upon the bench, or appear to engage the court in a manner which would lessen the dignity of the proceedings in the eyes of the jury and public.
- 4.01 Witnesses shall be examined from a position at the counsel table (except when handling exhibits) unless a lectern is provided by the court, in which case the examination shall be either from the position at the counsel table or the lectern. Persons examining the witnesses may either stand while examining a witness from the counsel table, or remain seated. In no case shall a witness be crowded during examination.
- 4.02 When a lawyer or party is addressing the jury, he or she shall not crowd the jury box.

- 4.03 During examination of jurors on voir dire, the lawyer or party conducting the examination shall, insofar as practical, use collective questions, avoid repetition and seek only material information.
- 4.04 During trial, no lawyer or party shall exhibit familiarity with witnesses, jurors, or opposing counsel, and generally the use of first names shall be avoided. In jury arguments no juror shall be addressed individually or by name.
- 4.05 Lawyers and court officers shall, while in attendance upon the court, be attired in such a manner as not to lessen the dignity of the court or of proceedings in the eyes of the jury and public.
- 4.06 Witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears.
- 4.07 The swearing of witnesses shall be an impressive ceremony, and not a mere formality.
- 4.08 In jury cases which are disposed of upon a motion for nonsuit or directed verdict, the judge in dismissing the jury should briefly explain the procedure, and why a verdict was unnecessary.
- 4.09 The judge shall wear a robe while presiding on the bench, provided that judicial discretion may be exercised otherwise in proper situations.
- 4.10 Court shall be formally opened each day in which court business is transacted either by the bailiff, or the clerk.
- 4.11 As the judge enters the courtroom, the bailiff or clerk shall require all present to rise and stand. At the commencement of jury trials, when the judge has reached the bench, the bailiff or the clerk shall say "Hear ye! Hear ye! The circuit court for the county of Waupaca is now open. Silence is commanded." All shall be seated and the business of the court shall proceed.
- 4.12 In recessing the judge shall announce: "The court is now in recess," or the equivalent.
- 4.13 The flag of the United States shall at all times while court is in session be displayed at, on, or in close proximity to the bench, or on standard to the right of the judge.
- 4.14 Judges, lawyers, clerks, and staff shall at all times be civil in their dealings with one

another. All court and court related proceedings, including discovery proceedings, whether written or oral shall be conducted with civility and respect for each of the participants.

- 4.15 Judges and lawyers shall be punctual in convening and appearing for all hearings, meetings, and conferences; and if delayed shall notify other participants, if possible.
- 4.16 Lawyers, judges, clerks, and staff shall advise clients, witnesses, jurors, and others appearing in the court that proper conduct and attire is expected within the courthouse; and shall, where possible, prevent clients, witnesses, or others from creating disorder or disruption.
- 4.17 All participants in the judicial process, whether judges, lawyers, or clerks shall conduct themselves in a manner which demonstrates sensitivity to the necessity of preserving decorum, and the integrity of the judicial process.
- 4.18 During jury trials, objections to questions or evidence shall be made solely by stating: "objection" and the succinct legal ground therefore (i.e., relevancy, hearsay, etc.) without argument or elucidation. Responses from opposing counsel are to be made only upon a request to be heard, and leave of the presiding judge.
- 4.19 In the courtroom beverages (except as provided by the court) food, and gum-chewing are not allowed. Hats of any type are not permitted to be worn in the courtroom. Coats not worn are to be placed on the coat racks located outside of the courtrooms. Newspapers are not to be read during court proceedings. Feet are not to be placed on chairs or benches. Silence is to be maintained, and noisy or restless children should be immediately removed by their caregiver. All cell phones and/or pagers should be in the off position when in the courtroom.
- 4.20 The court officer or bailiff will remove any parties who fail to comply with these rules.
- 4.21 All other rules of decorum not specified in the rules listed above will follow Chapter 62 of the Supreme Court Rules regarding standards of courtesy and decorum.

Rule 5: Civil Practice

- 5.00 All civil cases will be reviewed for service and answer 90 days after filing. If at that time it is found that a case has not reached issue, a dismissal order or default proceeding shall be initiated by the court.

- 5.01 A motion for summary judgment shall be filed with the Clerk of Circuit Court and a copy provided to the assigned Judge. A briefing schedule and/or a hearing date will then be scheduled by the assigned Judge.

Any brief supporting or opposing summary judgment will not exceed 10 pages double-spaced. Any final reply brief shall not exceed 5 pages double-spaced. Any affidavit supporting or opposing summary judgment must contain only specific, relevant information (for example, depositions must be excerpted to provide only relevant portions). Violations of this rule will result in affidavits and/or briefs being disregarded.

- 5.02 Except as to mortgage foreclosures, notice to defendant is not required prior to entry of a default judgment in large claim civil actions where personal service was obtained upon the defendant.

In cases where personal service is not obtained upon the defendant (i.e., substitute or published), notice of motion for default judgment shall be given to defendant by regular mail at defendant's last known address. The notice shall provide that in the event defendant does not request a hearing from the court, in writing, on the plaintiff's motion within 15 days of the date of notice, default judgment shall be entered.

The Marion Advertiser and the Waupaca County Post East and West have all filed the necessary certificate with the county clerk to qualify for publishing of legal notices. While the county board annually rotates the "official paper" among the above listed newspapers, for purposes of service of pleadings and other papers, the use of the newspaper from the above listed most likely to notify the party based upon the party's last known post office address shall be utilized.

Hearing requests shall be heard by the court as soon as practicable. Upon the expiration of the time to request a hearing, plaintiff may apply to the court for default judgment, accompanied by an affidavit of the aforesaid notice to defendant.

In actions where damages are not liquidated, a hearing shall be conducted to determine the amount of the judgment. The court may order a hearing, or consider affidavits to determine the amount of judgment in any case.

Any judge may in an individual case require further notice or proof regarding service, damages, or costs, if appropriate.

- 5.03 No mortgage/land contract foreclosure shall be granted except upon a hearing in open court

by affidavit or testimony, due notice of which shall have been given to all defendants at least 10 days prior to the hearing. Except, where no timely answer has been filed a default foreclosure judgment may be taken by affidavit if notice of the default hearing is given to any party defendant or attorney. This same rule applies to any confirmation of sale when no timely answer has been filed.

- 5.04 In all pretrial matters, attorneys must have the authority to negotiate in the absence of their clients or, if authority is not granted, immediate telephonic access to the clients shall be required.
- 5.05 Attorneys are required to have their calendars with them in court so that dates can be set in the courtroom when possible. In the event that an attorney does not have his or her calendar in court, a date will be set in accordance with the judge's calendar.
- 5.06 All stipulated requests for continuance of trial date shall require the consent of the court and must be for good cause shown. Non-stipulated requests for continuance must be on motion and hearing, and for good cause shown by the party. All requests for continuance are subject to the approval of the court.
- 5.07 Any party wishing a jury trial must timely post the appropriate jury fee pursuant to Secs. 805.01(2) and 814.61(4), Stats. Exception will be made only upon a showing of excusable neglect. Costs may be imposed in the discretion of the presiding judge if excusable neglect is shown. The non-refundable jury fee is payable at or before the scheduling or pretrial conference, whichever comes first.
- 5.08 Alternative Dispute Resolution. Settlement alternatives set out in Sec. 802.12, Stats., shall be ordered in the discretion of the presiding judge.
- 5.09 No party may ask more than 30 interrogatories, including sub-parts, of any other party in its initial interrogatory request. Additional interrogatories may only be propounded to an opposing party after leave to do so is obtained from the trial judge.
- 5.10 Any Attorney or pro se litigant who is required by statute or directed by a judge to prepare findings of fact, conclusions of law and/or judgment, or other order(s), shall prepare the appropriate document(s) for the judge's signature and filing no later than 30 days after relief is granted. Unless specifically controlled by statute or otherwise ordered by the judge, it is the responsibility of the moving party and/or his/her attorney to draft and submit the appropriate document(s). Failure of any attorney or pro se litigant to comply with this rule may result in the imposition of sanctions and/or money terms

whether authorized by statute or in the discretion of the judge.

- 5.11 All exhibits shall be presented to the Clerk to mark with the appropriate number. Once an exhibit is received into evidence, it is the custody of the Clerk of Courts, unless ordered to be returned by the court or replaced by a copy. All exhibits shall be held by the Clerk of Courts office consistent with the Clerk of Courts policy or order of the court.
- 5.12 When a civil jury trial is settled within two business days of the trial date, costs associated with summoning the jury and court inconvenience will be assessed in the sole discretion of the presiding circuit judge. The party assessed shall be required to make payment to the clerk of circuit court within a prescribed period, and the payment thereof shall be enforced by contempt proceedings.

Rule 6: Criminal Law Practice

- 6.00 Whenever it is brought to the attention of the clerk that a defendant has criminal cases pending in more than one court, he or she shall transfer all cases to the court assigned the lowest numbered case or earliest filed action.
- 6.01 All stipulated requests for continuance of trial date shall require the consent of the court and must be for good cause shown. Non-stipulated requests for continuance must be on motion and hearing, and for good cause shown by the party. The victim's rights will be considered before any continuance shall be granted. All requests for continuance are subject to the approval of the court.
- 6.02 A status conference shall be scheduled by the court in all criminal and criminal traffic actions after entry of a not guilty plea. The final status conference shall be scheduled at least 12 days prior to the scheduled trial date. Notice of the status conference and trial date shall be mailed by the clerk to the district attorney, and to the attorney representing the defendant who is responsible for notifying his or her client. If the defendant is unrepresented, notice of the status conference, and trial date shall be mailed directly to the defendant by the clerk.

The attorney, if any, who is to conduct the trial on behalf of the defendant and the defendant shall personally appear at the status conference. Prior to the status conference the parties shall discuss any proposed plea negotiations, unresolved discovery, stipulations of fact, and final jury status. If the case is resolved, the plea(s) shall be entered utilizing a plea questionnaire and waiver form, and the case shall proceed to sentencing, unless a presentence investigation report is requested or other cause for scheduling sentencing at a

later date.

If the court is informed at the status conference that the case is not resolved, and the case has been scheduled for a jury trial, jury summonses shall be mailed by the clerk no later than 12 days prior to trial. Settlement of the case within two business days of the jury trial date may result in costs associated with summoning the jury, and court inconvenience being assessed in the sole discretion of the presiding circuit judge. The party assessed costs shall be required to make payment to the clerk of circuit court within a prescribed period, and payment thereof shall be enforced by contempt proceedings.

- 6.03 Plea questionnaire and waiver of rights form shall be completed by the defendant, and any attorney for the defendant, and submitted to the court at the time of the plea. No form is required for pleas to charges amended to forfeiture or ordinance violations.
- 6.04 Not later than seven days prior to the scheduled sentencing hearing, the Bureau of Community Corrections shall mail or deliver the original presentence investigation report to the clerk of circuit courts' office, and mail or deliver a copy to the district attorney and defense counsel, if any, or defendant. Defense counsel, district attorney and defendant shall have reviewed the PSI report prior to the time scheduled for sentencing.
- 6.05 Defendants charged with any criminal offense, felony, or misdemeanor, shall be required as a condition of bail/bond to provide fingerprints, photographs, and other identifying data under §165.84, Wis. Stats.
- 6.06 All exhibits shall be presented to the Clerk to mark with the appropriate number. Once an exhibit is received into evidence, it is the custody of the Clerk of Courts, unless ordered to be returned by the court or replaced by a copy. All exhibits shall be held by the Clerk of Courts office consistent with the Clerk of Courts policy or order of the court.
- 6.07 Any attorney appointed by the court shall submit his/her billing to the appropriate court no later than 30 days after completion of the counsel's appointed duties. Failure to do so may result in reduction of compensation in the presiding judges discretion.

Rule 7: Small Claims Practice

- 7.00 Waupaca County by this rule authorizes service of summons in all small claims actions, except eviction and replevin actions, by regular mail in lieu of personal or substituted service for resident (Waupaca County) defendants at their personal address. Service in

replevin actions, on resident defendants, may be by personal or substituted service, or by certified mail with return receipt requested. Service in eviction actions shall be by personal or substituted service. Personal service shall be required on all nonresident defendants in all types of actions.

- 7.01 All contested small claims cases, except evictions, shall be scheduled for a pre-trial before a court commissioner prior to any trial. Parties should bring relevant and material documents and/or evidence helpful to the understanding of a party's claim. Copies of written documents/materials should be provided to any opposing party/counsel prior to the pre-trial date.
- 7.02 All contested small claims matters will be pre-trialed before a Court Commissioner. If the case is not settled at pre-trial the case will be scheduled for a court trial by the assigned judge. The Court Commissioner may, with the signed consent of parties hold a trial and make a decision. A de Novo hearing, before a Circuit Judge, must be requested within 10 days of a written decision or 15 days of an oral decision by the Court Commissioner.
- 7.03 A plaintiff in any collect account action for goods provided or services rendered (for example, medical services, farm supplies, consumer running accounts or any other similar account(s)) is required, in the complaint (and summons) to itemize by date, the goods provided or services rendered. This may be done directly on the complaint or by attaching a copy of any such business charges to the complaint. No pre-trial or trial will be held, in the discretion of the court, until such itemization is provided to the court and defendant(s).
- 7.04 The defendant, resident or non-resident, may join issue in any small claims action, except eviction actions, without appearing on the return date by answering by mail, provided such answer is received by the clerk of circuit court by the return date. Plaintiff and attorneys shall appear on the return date for eviction actions and be prepared to proceed, unless there is an adjournment under the provisions of Sec. 799.27, Stats.
- 7.05 Any party filing a motion to reopen a default judgment or dismissal may, in the discretion of the court, have costs imposed for reopening, pursuant to Sec. 799.25(13), Stats. Default judgments or dismissals will be reopened only upon good cause.
- 7.06 Any attorney or pro se litigant who is required by statute or directed by a judge to prepare a findings of fact, conclusions of law and/or judgment, or other order(s), shall prepare the

appropriate document(s) for the judge's signature and filing no later than 30 days after relief is granted. Unless specifically controlled by statute or otherwise ordered by the judge, it is the responsibility of the moving party and/or his/her attorney to draft and submit the appropriate document(s). Failure of any attorney or pro se litigant to comply with this rule may result in the imposition of sanctions and/or money terms whether authorized by statute or in the discretion of the judge.

- 7.07 All exhibits shall be presented to the Clerk to mark with the appropriate number. Once an exhibit is received into evidence, it is the custody of the Clerk of Courts, unless ordered to be returned by the court or replaced by a copy. All exhibits shall be held by the Clerk of Courts office consistent with the Clerk of Courts policy or order of the court.

Rule 8: Family Law Practice

- 8.00 Legal and physical custody, and physical placement issues will be controlled by the Order Creating Waupaca County Family Court Counseling Agency. Any attorney and/or pro se litigant requesting a change in physical placement and/or legal custody will be directed to attend mediation prior to the scheduling of any court hearing.
- 8.01 A deposit of \$1000 (each party to pay \$500) is to be posted for the appointment of a guardian ad litem. This fee is to be made payable to the Guardian ad Litem. Payments of guardian ad litem fees will be assessed to any party in the sole discretion of the presiding circuit judge.
- 8.02 On or after January 4, 1999, the Clerks of Circuit Court shall direct all child support, family support and maintenance paid pursuant to pre-existing or new orders, to the Department of Workforce Development or its designee.
- 8.03 Any party ordered to make payments for maintenance, child support, or family support under interim or final orders in an action affecting the family shall pay to the Wisconsin Support Collections Trust Fund an annual receiving and disbursing fee pursuant to §767.29(1)(d), Stats and its successor statutes. Only one fee shall be imposed on any individual payor for each case file.
- 8.04 Each annual fee payment required by Rule 8.03 shall be made at the time of, and in addition to, the first payment in each year for which payments are ordered. Future legislative modifications of Sec. 814.61(12)(b), Stats., are incorporated into these rules as they become effective.

- 8.05 Every party, by order or stipulation, directed to make payments of an annual receiving and disbursing fee under Rule 8.03 shall be notified of the requirement to pay the fee and the amount of the fee by including the provisions concerning the fee in any subsequent written order.
- 8.06 In any action affecting the family, each party shall, either within 20 days after making service on the opposite party of any petition or pleadings or before filing such petition or pleadings in court, should serve a copy of the same upon the Family Court Commissioner. A copy of all Findings of Fact, Conclusions of Law, and Judgment shall be provided to the Family Court Commissioner in all actions affecting family.
- 8.07 At temporary hearings (§767.23, Stats.) both parties shall bring wage statements from their respective employers for a period of twelve weeks prior to the hearing date, a financial disclosure statement signed under oath, and copies of state and federal income tax returns for the two prior years in the possession or control of each party. Failure to file these documents shall authorize the family court commissioner to accept the statement of the other party as accurate. The family court commissioner may, at his/her discretion continue any matter until the financial disclosure is filed.
- 8.08 The party petitioning for a temporary hearing (§767.23, Stats.) shall give the other party at least 48 hours notice prior to said hearing.
- 8.09 Any party seeking a de novo circuit court review of an order made by the Family Court Commissioner shall file the appropriate motion no later than 10 days after the date of the Family Court Commissioner's order, to be reviewed. Failure to do so will constitute waiver of a de novo circuit court review. If waiver occurs, any motion for reconsideration will be addressed to the Family Court Commissioner.
- 8.10 All stipulations for orders to suspend proceedings in divorce actions to attempt reconciliation shall be submitted to the presiding judge for approval.
- 8.11 The stipulation and order referred to in Rule 8.10 shall indicate the date by which the parties must report to the court the status of the reconciliation, together with the request for dismissal of the divorce action or a resumption of proceedings.
- 8.12 If no report is received as required by Rule 8.11, the court shall send notice to the parties that they will have 20 days to advise the court of their intentions. If no response is then received, the judge shall dismiss the action.

- 8.13 Alternative Dispute Resolution. Settlement alternatives set out in Sec. 802.12, Stats., shall be ordered in the discretion of the presiding judge.
- 8.14 Any attorney or pro se litigant who is required by statute or directed by a judge to prepare findings of fact, conclusions of law and/or judgment, or other order(s), shall prepare the appropriate document(s) for the judge's signature and filing no later than 30 days after relief is granted. Unless specifically controlled by statute or otherwise ordered by the judge, it is the responsibility of the moving party and/or his/her attorney to draft and submit the appropriate document(s). Failure of any attorney or pro se litigant to comply with this rule may result in the imposition of sanctions and/or money terms whether authorized by statute or in the discretion of the judge. Pro se litigants filing an action must bring the Findings of Fact, Conclusions of Law and Judgment of Divorce with them to the final hearing. If they do not have the Findings of Fact, Conclusions of Law, and Judgment with them at the scheduled time for the stipulated divorce hearing, the case will not be heard and will be rescheduled to enable them to prepare the Findings of Fact, Conclusions of Law and Judgment.
- 8.15 Every party in an action affecting the family which involves children (including paternity), where legal custody/physical placement is at issue, is required to attend the Waupaca County Department of Health and Human Services Department's S.M.I.L.E. (Start Making It Livable for Everyone) program. This is an educational program about the effects a dissolution of marriage has upon a child or to provide training in parenting and/or co-parenting skills. (§767.115 Wis. Stats.) Each party is responsible for paying his/her own cost for attendance. Attendance by any party may be waived in the discretion of the presiding judge.
- 8.16 All exhibits shall be presented to the Clerk to mark with the appropriate number. Once an exhibit is received into evidence, it is the custody of the Clerk of Courts, unless ordered to be returned by the court or replaced by a copy. All exhibits shall be held by the Clerk of Courts office consistent with the Clerk of Courts policy or order of the court.

Rule 9: Probate Practice

- 9.00 Any attorney representing an estate where a corporate personal representative has been appointed must submit an itemized time billing in order to secure approval for attorneys fees. The itemization must be attached to the final account.

- 9.01 Any attorney or pro se litigant who is required by statute or directed by a judge to prepare findings of fact, conclusions of law and/or judgment, or other order(s), shall prepare the appropriate document(s) for the judge's signature and filing no later than 30 days after relief is granted. Unless specifically controlled by statute or otherwise ordered by the judge, it is the responsibility of the moving party and/or his/her attorney to draft and submit the appropriate document(s). Failure of any attorney or pro se litigant to comply with this rule may result in the imposition of sanctions and/or money terms whether authorized by statute or in the discretion of the judge.
- 9.02 All signature bonds shall be prepared, signed and filed the day the case is in court. All surety bonds shall be prepared, signed and filed within 48 hour of the hearing.
- 9.03 All exhibits shall be presented to the Clerk to mark with the appropriate number. Once an exhibit is received into evidence, it is the custody of the Register in Probate, unless ordered to be returned by the court or replaced by a copy. All exhibits shall be held by the Register in Probate office until order for return by the Court.
- 9.04 The Probate Registrar is considered an interested person for purposes of demanding formal proceedings in an informal estate for specific issue or subsequent administration of the estate.

Rule 10: Facsimile Transmission of Documents to the Court

- 10.00 Facsimile documents transmitted directly to the courts shall be accepted for filing if:
- a. Pursuant to §801.16, Stats., the filing of pleadings or other papers with the Clerk of Circuit Court or Register in Probate, that do not require a filing fee, and the facsimile transmission is to a plain-paper facsimile machine at a telephone number designated by the court. Documents submitted by facsimile transmission shall not exceed 15 pages, unless an exception is approved by the assigned judge or court commissioner on a case-by-case basis.
 - b. If the facsimile transmission exceeds 15 pages, the party or attorney shall certify that the assigned judge or court commissioner has approved the facsimile transmission.
 - c. Documents filed under this rule may be transmitted to the following number: (715) 258-6497.
- 10.01 Facsimile papers are considered filed upon receipt by the Clerk of Circuit Court if received

during regular business hours of 8:00 a.m. to 4:00 p.m. The fax papers are the official record of the court and may not be substituted. No additional copies may be sent. The Clerk of Circuit Court shall discard any duplicate papers subsequently received by the clerk of circuit court, assigned judge or court commissioner.

- 10.02 Papers filed by facsimile transmission completed after regular business hours of the Clerk of Circuit Court's office or on holidays or week-ends are considered filed the next business day.
- 10.03 The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt. The circuit court judge, court commissioner, or clerk is not responsible for errors or failure in transmission that result in missing or illegible documents or untimely filings.
- 10.04 If papers are transmitted to a plain-paper facsimile machine of a non-court agency, party, or company for the receipt, transmittal, and delivery to the clerk of circuit court, the clerk of circuit court shall accept the papers for filing only if the transmission complies with the local rule or has been approved by the assigned judge or court commission and certified by the party or attorney.
- 10.05 Documents that are not to be filed, but are submitted to the judge or court commissioner for reference or other purpose, may be transmitted at the discretion of the judge or court commissioner.

Rule 11: Juvenile Procedure

- 11.00 Wisconsin Statutes Chapters 48 and 938 are controlling in all juvenile activities.
- 11.01 All requests for adjournments must be in writing, and received no later than 48 hours prior to the hearing.
- 11.02 Court reports shall be submitted to the juvenile clerk 72 hours prior to the disposition hearing. The agency completing the report shall transmit copies of the report to the attorneys involved in the matter. In the case of parents who are not represented by counsel, a copy of the report shall be transmitted directly to them by the agency. Counsel and the family shall have reviewed the report prior to the disposition hearing. Counsel and the family are prohibited from making photocopies of the report, or allowing any individual to remove the report from their presence.

- 11.03 The juvenile clerk shall prepare all juvenile orders within 5 days of the disposition hearing. The court may designate responsibility for the preparation of orders to one of the parties, as appropriate.
- 11.04 A plea questionnaire must be completed prior to the acceptance of any plea or admission.
- 11.05 When necessary, the juvenile clerk will select a guardian ad litem from a predetermined list, prepare the order of appointment, have the judge sign the appointment, and the guardian ad litem sign the consent.
- 11.06 Juvenile court records are deemed confidential, and disclosure of any record is prohibited except as authorized by statute and approved by the judge.
- 11.07 Juvenile case records are the responsibility of the juvenile clerk, and are not to be removed from that office without permission of the juvenile clerk or deputy.
- 11.08 Reimbursement of attorney fees by the parents shall be ordered in all cases where counsel has been provided by the state or county, unless the parent is the complaining or petitioning party or if the court finds that the interest of the parent and child/juvenile are substantially and directly adverse and that reimbursement would be unfair to the parent.
- 11.09 Guardians ad litem shall not incur any expenses for the hiring or consultation with experts without prior approval of the court, in accordance with Chapter 48.

Rule 12: Guardian ad Litem Fees

- 12.00 Court appointed guardians ad litem in WATTS review cases will be paid at the rate of \$40.00 an hour, unless a higher rate is ordered in the discretion of the appointing judge. Any changes in this rate made by statute, case law or Supreme Court rule are incorporated into this rule. All bills for WATTS reviews shall be submitted at the time the WATTS review is submitted to the court for filing.
- 12.01 All other court appointed guardians ad litem, and/or adversary counsel in guardianship/protective placement cases (Chap. 880 and Chapt. 55), and mental commitments (Chap. 51) and alcohol commitments (Chapt. 51.45) shall be paid at the rate of \$70.00 per hour, unless a different rate is ordered in the discretion of the appointing judge. Any changes in this rate made by statute, case law or Supreme Court rule are incorporated into this rule. This rule is applicable when the appointing judge orders Waupaca County to pay guardian ad litem fees. Any attorney acting in any of the above

capacities shall submit his/her billing no later than 30 days after completion of counsel's appointed duties. Failure to do so may result in reduction of compensation in the presiding judges discretion.

- 12.02 In family law actions, if one of the parties is not indigent, the guardian ad litem may bill at his or her hourly rate subject to review by the Court for reasonableness.

If both parties are indigent, the Court may order the County to pay for the guardian ad litem fees at such rate as the legislature or the Supreme Court may from time to time set. The Court may order a separate judgment for reimbursement in favor of the County and against a party or the parties for any sums advanced by the County.

Rule 13: Threats to the Judiciary and Court Employees

- 13.00 The Waupaca Police Department is the primary law enforcement agency to receive reports of threats, and investigate such reports within their normal investigative procedures. The Waupaca Police Department has identified the shift commander as the liaison officer for reporting purposes.
- 13.01 If a threat does not appear to impose imminent danger, the threat shall be reported to the Waupaca Police Department as outlined in the Waupaca County courthouse alarm/incident procedure. If a threat appears to be immediate, the Waupaca Police Department shall be immediately notified and requested to provide an independent evaluation concerning the emergency of the threat, and recommendation as to further procedures.
- 13.02 All threats, regardless of their degree, shall be reported in order to allow for an independent evaluation by the Waupaca Police Department.
- 13.03 In conjunction with the Waupaca Police Department, written procedures shall be developed which assist the threatened person in collecting and preserving the appropriate evidence needed by the Waupaca Police Department for investigative purposes.
- 13.04 In conjunction with this policy, the sheriff's department's operational guidelines for courtroom security will detail other security procedures to be followed.
- 13.05 Judges and court staff shall inform the chief judge or designee of any threat, and the subsequent steps that have been taken pursuant to the guidelines. The chief judge or designee shall develop a mechanism for logging reported threats.

Rule 14: Law Library

- 14.00 The hours for the law library are the same as the regular courthouse hours. Parties wishing to use the library must enter through the door in the public hallway.
- 14.01 Any volumes removed from the shelves must be replaced by the user.
- 14.02 Requests by bar members to check out books must be in writing in the law library book journal. Books may be checked out for a maximum of ten days. Failure to return books timely will result in loss of library privileges for one month/forfeiture determined appropriate by the court, until returned. Only bar members may check out books.
- 14.03 Borrower assumes responsibility for the condition and custody of any volumes removed. Any damage or loss of volumes will be assessed against the borrower.

Rule 15: Jurors

- 15.00 All lawfully summoned jurors shall report timely for jury duty.
- 15.01 The clerk of circuit court or presiding judge may excuse a juror from jury duty for good cause.
- 15.02 The clerk of circuit courts shall report to the presiding judge any disobedient juror, or any juror who fails to attend court when lawfully summoned. The presiding judge shall, in his or her own discretion, make any order he/she deems appropriate, including sanctions, to obtain juror compliance.

Dated at Waupaca, Wisconsin, this 9th day of June, 2010.

BY THE COURTS,

/s/ Philip M. Kirk
Philip M. Kirk, Circuit Court Br. I

/s/ John P. Hoffmann
John P. Hoffmann, Circuit Court Br. II

/s/ Raymond S. Huber
Raymond S. Huber, Circuit Court Br. III

Approved this 21st day of June, 2010.

/s/ Donald R. Zuidmulder
Hon. Donald R. Zuidmulder, Chief Judge
Eighth Judicial Administrative District