

Adams County Circuit Court Rules

(Sixth Judicial District)

Effective

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Rule 1 - Adoption, Amendment and Publication of Adams County Court Rules.

1.01 Effective January 8, 2016, these rules have been adopted by the Adams County Circuit Judge and supersede all previously adopted Adams County Circuit Court Rules.

1.02 Court rules and amendments thereto shall be adopted by written order of the Adams County Circuit Judge, subject to the approval of the Chief Judge of the Sixth Judicial District.

1.03 All rules and amendments thereto shall specify an effective date.

1.04 Once adopted, all rules or amendments shall be filed with the Adams County Clerk of Circuit Court. The Clerk of Circuit Court shall then post them in a conspicuous place in the Adams County Courthouse for no less than 30 days, provide copies of the adopted rules to those persons, offices or organizations listed in sec. 753.35, Wisconsin Statutes, and print and make available, at cost, all rules adopted or amended.

Rule 2 - Rules of Decorum

2.01 The standards of courtesy and decorum in SCR Chapter 62 are hereby adopted in their entirety.

2.02 Whenever a jury is present, court shall be formally opened each day either by the bailiff, court security officer or clerk of court.

2.03 Lawyers shall never engage the court in a manner that would lessen the dignity of the proceedings in the eyes of the jury or public.

2.04 Witnesses shall be examined with courtesy and respect.

2.05 Witnesses shall be examined either from a position at or behind counsel table or from a lectern when one is provided except when displaying an exhibit to a witness. In no case shall the witness be crowded during examination. This rule shall not preclude the court from setting additional or different requirements as necessitated by a particular case.

2.06 The administration of an oath or affirmation of witnesses shall be an impressive ceremony and not a mere formality.

2.07 When addressing the jury, a lawyer or party shall not crowd the jury box.

2.08 During examination of jurors on *voir dire* (questioning of the prospective jury panel), the lawyer or party conducting the examination shall, insofar as practical, use collective questions, avoid repetition, and seek only material information.

2.09 During court proceedings no lawyer or party shall exhibit familiarity with witnesses, jurors or opposing counsel and the use of first names shall be avoided.

2.10 All 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 proceedings in the eyes of the jury or public, except that where circumstances require it, the presiding judge, in his or her discretion, may approve exceptions to this rule.

2.11 Lawyers shall advise their clients and witnesses of the formalities of the court and seek their full cooperation therewith. It is expected that lawyers will guide clients and witnesses as to appropriate attire.

Rule 3 - General and Procedural Rules

3.01 Court Commissioner Proceedings.

All proceedings before an Adams County court commissioner shall be considered proceedings before the circuit court and subject to these rules.

3.02 Telephone Testimony.

The Rules of Civil and Criminal procedure that permit the use of telephone or electronic means of communication in certain specified proceedings are adopted in full. Parties are encouraged to utilize the procedures in the manner specified by Sec. 807.13 and Sec. 967.08 Wisconsin Statutes. Where practical, the Court and all interested parties shall be informed of a party's intent to utilize such procedures at least 48 hours before the scheduled proceeding. Parties using these procedures shall be responsible for ensuring that all interested parties are available at the time of the scheduled proceeding and for all communication costs.

3.03 Motion Practice.

a. Any party filing a motion shall be responsible for securing a hearing date from the office of the clerk of circuit court.

b. No party shall schedule a motion at the time of a previously scheduled motion in a matter without first contacting and obtaining leave of the court.

3.04 Exhibits.

Each party using an exhibit shall have sufficient copies available for the witness, court and opposing counsel, party or parties.

3.05 Continuances.

Continuances may be granted only in the discretion of the court. Consent or stipulation of counsel or the parties will not be recognized as binding upon the court.

3.06 Remedial Contempt Proceedings.

a. Personal service of process shall be required on all parties being brought before the court for remedial contempt proceedings.

b. Written orders shall be submitted to the court for signature and filing after any contempt hearing in which a finding of contempt is made. The order shall set forth the contempt findings made, the sanctions imposed and the purge conditions set by the court.

c. Any request for the imposition of sanctions due to noncompliance with purge conditions subsequent to a contempt finding shall be made in the form of a petition or motion to the court setting forth the basis upon which the request for the imposition of sanctions is made.

Rule 4 – Civil Practice.

4.01 Joinder of Issue.

All civil cases will be reviewed for proof of service and answer 140 days after filing. If at that time the case file does not reveal that the case has reached issue, the court may initiate a dismissal order or default proceeding. All parties effectuating service shall file Proof of Service within 20 days after service is accomplished on a party.

4.02 Motions – Scheduling Procedure.

All motions shall be heard at a specific date and time set by the clerk of the circuit court. It is the moving party's responsibility to schedule the motion with the court prior to the filing of the motion; the hearing date shall be inserted in the motion documents prior to filing. A motion filed only with the Clerk of Court will not be scheduled until a specific request is made of the court for a date and time.

4.03 Motion Filing Procedure (default judgment, confirmation of sale and other routine motions likely to be uncontested).

Said motions and supporting affidavits shall be scheduled for a hearing. The hearing shall be not less than seven calendar days after the date of filing.

4.04 Motion Filing Procedure (other non-summary judgment motions).

Unless otherwise provided by these rules or order of the court:

- a. The movant shall file with the Clerk of Court and serve upon all other parties the motion and all supporting documents at least 20 days before the hearing.
- b. The opposing party may file with the Clerk of Court and serve upon all other parties a written response with a citation of authorities at least ten days before the hearing date.
- c. The movant may file with the Clerk of Court and serve upon all other parties a written rebuttal with a citation of authorities at least three days before the hearing date.

4.05 Motions for Summary Judgment.

Unless otherwise provided by these rules or order of the court:

- a. A party may file a motion for summary judgment. The movant's brief and affidavit(s) shall be filed with the motion. The response brief and affidavit(s) shall be filed within 30 days after the filing of the motion and the rebuttal brief shall be filed within 15 days after the filing of the response brief.
- b. A hearing date may be set if requested by any party at any time prior to ten days after the filing of the response brief. If any party does not request a hearing, the court will decide the motion on the basis of the submittals.

4.06 Scheduling Conference.

Approximately 120 days after a summons & complaint are filed, the clerk shall set a telephone scheduling conference.

4.07 Pretrial Conference.

- a. In all civil matters, the court shall schedule a pretrial conference prior to trial. At the pretrial conference, 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. The Judge may in any case require all parties to be present personally at the pretrial. In civil jury cases, the Court will schedule a final pretrial conference approximately 20 days prior to trial.
- b. Unless otherwise provided for in a scheduling order, not less than 15 days prior to the pretrial conference the parties shall file and serve the following:

- Proposed instructions and verdict form. Note: the court will generally give the Pattern Wisconsin Civil Jury Instructions. Pattern instructions may be requested by number. Pattern instructions containing alternative paragraphs to be selected or blanks to be filled in must be submitted in final form. Special instructions submitted must contain citations to the applicable law.
 - Motions in *limine* (motions pertaining directly to the trial). The motion shall include a brief statement of the facts necessary to an understanding of the motion and shall cite the proposition of law with a citation to the authorities (statutes or case citations) in support of the relief requested. Briefs on all motions shall be no more than four, double-spaced pages.
 - Any trial brief a party is going to submit.
- c. Not less than five days prior to the pretrial conference, the parties may file and serve a response to the foregoing submittals.
- d. At the Final Pretrial Conference the parties shall be prepared to discuss the following:
- Settlement
 - Stipulations and evidentiary questions that may arise.
 - Length of trial, *Voir Dire* (jury examination) issues, Jury Strikes and similar issues.
 - Instructions and Special Verdict.
 - Other matters which may aid in trial of the action.

4.08 Trial and Hearing Procedures.

- a. Each party shall bring sufficient copies of the party's exhibits so that copies are available for the witness, the Court and opposing party(ies).
- b. The Court shall be informed of all agreed facts and issues in writing prior to trial.
- c. The deadline for the parties to notify the court of their intent to enter an agreement resolving the case is ten calendar days (including Saturdays, Sundays and days on which the Clerk of Court's office is closed) before the date set for trial. The Court shall have the discretionary authority to assess jury costs under Sec. 814.51, Wis. Stats., for abuse of the settlement process.

4.09 Continuance of Trial Date.

- a. All stipulated requests for continuance of trial date shall require the consent of the attorneys and the named parties in writing or on the record and must be for good cause shown.
- b. All other requests for continuance must be made by motion and for good cause shown by the party or with the party's written consent.
- c. All requests for continuance are subject to the approval of the Court.

Rule 5 - Media Coverage of Court Proceedings and Cameras in the Courtroom

5.01 All Adams County Circuit Court proceedings shall be open to the public and media coverage unless prohibited by statute or court order.

5.02 All media coverage of proceedings in the Adams County circuit courts shall be in accordance with Supreme Court Rule (SCR) Chapter 61 and this rule.

5.03 Cameras and recording equipment shall not be allowed in a courtroom or hearing chamber unless approved in advance by the presiding court official. All requests for use of cameras and/or recording equipment shall be submitted to the presiding court official at least 72 hours in advance of the hearing for which the request is made. The notice requirement may be waived or reduced, in his or her discretion, by the presiding court official.

5.04 The court official presiding at the time of hearing shall designate the location within the courtroom of any and all cameras or other recording equipment so that said equipment will not obstruct the view of persons located in the public areas of the courtroom or otherwise interfere court operations.

5.05 The size and configuration of the courtrooms in Adams County may require limitations on the number of cameras and other recording equipment. In cases where more media organizations wish to have equipment present than space permits, those media representatives who are allowed in the courtroom shall share footage or audio recording with those not permitted inside the courtroom with their equipment.

5.06 Cameras and other recording equipment shall be set up prior to the commencement of any hearing and may not be removed until the next recess.

5.07 There shall be no visual photography or videotaping of any jurors, prospective jurors, juveniles, victims of sex crimes, undercover law enforcement agents or confidential informants unless authorized by the court upon advance request.

5.08 The use of motorized cameras while court is in session is prohibited unless the motor is silent. No flashes or strobe lights may be used.

Rule 6 - Facsimile Transmission and Filing of Documents with the Court

6.01 Facsimile documents transmitted directly to the court shall be accepted for filing only if permission is given in advance by the responsible court official, the clerk or the judicial assistant. If such permission is granted, the filing shall be subject to the following provisions:

a. The document, inclusive of cover letter, shall not exceed 15 pages in length. Multiple transmissions in order to exceed such limit shall not be allowed.

b. The transmission shall include a cover letter that clearly identifies the document(s) being filed and that assures all parties and/or counsel are receiving the same communication.

c. The circuit court must not incur any fee or charge for accepting or receiving the facsimile document.

d. The regular business hours of the Adams County Circuit Court are 8:00 a.m. to 4:30 p.m. Documents and papers will be considered filed on the date that they are received by facsimile, provided that the facsimile transmission is completed within these business hours. Facsimile transmissions completed after regular business hours shall be considered filed on the next business day.

e. The party transmitting the papers or documents shall not send additional or "hard copies" of the facsimile transmission.

f. Parties who have transmitted documents by facsimile to the court shall retain the "original" document used for the facsimile transmission within their own file.

g. Any issue regarding the authenticity of the document submitted by facsimile shall place the burden of establishing authenticity upon the party who transmitted it.

h. The responsibility for timely and complete receipt of a document or paper submitted by facsimile shall rest solely with the party who submitted it.

i. Facsimile filing shall be kept to a minimum and shall only be requested when necessitated by unforeseen time constraints or other special circumstances. It shall not be used as a substitute for timely filing of original documents.

Rule 7 – Criminal Law Practice.

7.01 Initial Appearances. In all misdemeanor cases, and in all felony cases in which the preliminary hearing is waived outright or the time limits to it have been waived, the court shall schedule the case for a pretrial conference with the district attorney and a status conference. The pretrial conference shall be scheduled for a date and time that is as soon as practicable. The status conference shall be 4 – 8 weeks after the initial appearance.

7.02 Status Conference. At the status conferences, the prosecution and defense are expected to state whether the case can be scheduled for a plea hearing, preliminary hearing, motion hearing, trial or another status conference. Generally, only one adjournment of the status conference will be expected. The status conference will be conducted by the district attorney's office, which will be expected to promptly report the outcome to the clerk of court. In order to avoid unnecessary travel time and expense, it is anticipated that counsel located outside of Adams-Friendship will appear at the status conference by telephone.

7.03 Jury Trial Deadline. The deadline for settlement of a jury trial will be two business days prior to the time set for the start of the trial. Pursuant to sec. 814.51, Wis. Stats., the court reserves the right to assess one day's jury fees plus mileage if settlement is reached and the trial is canceled after that deadline. These sanctions will only apply if settlement is accepted on the basis of an offer that was tendered at least two weeks before the trial date.

Rule 8 - Family Law Practice

8.01 Divorce Education Program

In all divorce, legal separation or annulment actions filed in which there are minor children of the parties, the parents shall be required to attend a parent education program approved by the Adams County Circuit Court prior to the scheduling of any final hearing or trial. Upon a showing of good cause this requirement may be waived by the court. The Adams County Family Court Commissioner shall provide information and procedural guidelines concerning this program.

8.02 Mediation

Unless undue hardship or danger to the health of one of the parties is shown, or unless otherwise excused by the court, the parties shall attend mediation pursuant to sec. 767.11, Wis. Stats., prior to the appointment of a guardian ad litem.

8.03 Guardian ad Litem

Upon the appointment of a guardian ad litem in any action affecting the family, the parties shall be required to make a deposit to the Adams County Clerk of Court to defray guardian ad litem fees and expenses. The amount of the deposit shall be \$200 from each parent. Both parties shall be required to reimburse Adams County for the full cost of the guardian ad litem fees and expenses; payment plans that are based on a party's ability to pay may be arranged with the clerk of court.

8.04 Modifications/Revising

If filed within one year of such decision, a motion for revision of a child placement order that was rendered by the judge shall be heard by the judge.

8.05 Family Court Commissioner

Except as provided in Rule 8.04, the following matters shall be referred to the family court commissioner:

- Temporary orders on motions or orders to show cause in new cases.
- Establishment of paternity and/or support.
- Motions for revision of placement or modification of support.

- Matters directed by the judge to be heard by the family court commissioner.

8.06 De Novo Review

A motion for de novo review of a decision of the family court commissioner that is made pursuant to sec. 767.17 must be filed within 30 days of the date the decision was rendered.

Rule 9 - Guardian ad Litem Appointments and Fees

9.01 Attorney List. The court shall maintain a list of attorneys who are willing to accept Guardian ad Litem (GAL) appointments from the court in contested divorce, legal separation matters, guardianships, civil commitments, child in need of protection or services (CHIPS), and any other matter requiring an appointment of a GAL. An attorney who wishes to be included on the list shall submit written verification of attendance at an approved GAL training seminar. The court shall make his/her own GAL appointments and shall individually review all requests for compensation sought by a GAL.

9.02 Compensation. A GAL shall be compensated at the hourly rates established by the Supreme Court Rule governing such rates. Any exceptions to this rate must be presented to and approved by the judge who made the GAL appointment.

9.03 Termination of Duties. The duties and appointment of a GAL shall terminate upon completion of the proceedings or upon the minor child reaching the age of majority unless the court orders otherwise. A written provision discharging the GAL shall be included in the final order or judgment in each case.

Rule 10 - Small Claims Practice

10.01 Forms, Filing Summons/Complaint. Forms may be obtained from the Clerk of Court without charge. The Summons/Complaint is to be filed in the Clerk of Court's Office with the proper filing fees.

10.02 Mail Service; When Allowed. A Small Claims Summons/Complaint for a money demand may be served by regular mail at a rate to be determined by the Clerk of Court, if the defendant resides in Adams County. Regular mail service is not allowed in eviction actions.

10.03 Certified Mail Service. Pursuant to sec. 799.12(3) Wis. Stats., the summons/complaint in eviction actions may be served by certified mail, return receipt requested, to a defendant residing in Adams County. The cost of said service shall be determined by the Clerk of Court and shall be paid to that office.

10.04 Eviction Actions. Summons/Complaint shall identify the parties, the real property that is the subject of the action, and state the facts that authorize the removal of the defendant(s). A copy of the Notice to Vacate should be presented at the time the Summons/Complaint is filed.

10.05 First Appearance (return date)

a. Plaintiff or plaintiff's counsel is required to appear in person before the Court Commissioner (Courtroom "B") on the return date Pursuant to sec. 799.22(4)(b)1. Wis. Stats. If a defendant has filed a written answer pursuant to par. b. herein, this rule shall be deemed an appearance by the plaintiff and plaintiff's actual appearance shall be excused.

b. A defendant may file a written answer in lieu of a personal appearance. Such an answer must be filed at least 48 hours before the return date and time.

Rule 11 – Billing Practices

11.01 a. All court-appointed attorneys are retained on an hourly basis plus reasonable costs and expenses, unless otherwise specifically noted in the appointment order. No later than sixty (60) days from the date of case closure, the attorney shall submit a detailed statement to the court and to all interested parties containing (at a minimum) the following information:

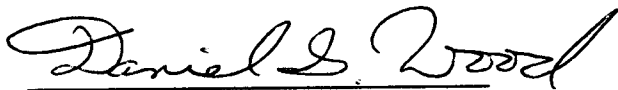
- The court case number and party name.
- The date on which work was performed.
- A detailed description of the work performed.
- The amount of time spent on each item of work in increments of one-tenth hour (no appointed attorney shall have minimum billing increments greater than one-tenth of an hour).
- A summary of the total amount of time spent on the matter for that month.
- An itemized listing of costs and expenses incurred on the matter and date incurred.
- Total amount currently due and past due.
- A statement of payments received and/or credits applied.

b. The statement shall be accompanied by a draft payment order in the format provided by the court.

IT IS ORDERED that the preceding Adams County Circuit Court Rules are hereby adopted and approved and these rules do supersede all prior Adams County Circuit Court Rules.

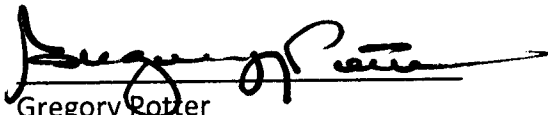
Adopted this 8th day of January, 2016.

BY THE COURT:



Daniel G. Wood
Circuit Court Judge
Adams County, Wisconsin

Approved:



Gregory Rotter
Chief Judge
Sixth Judicial District of Wisconsin