

**Crawford County
Circuit Court Rules
(Seventh Judicial District)**

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PART 1: PUBLICATION AND REVISION OF CIRCUIT COURT RULES

100 Effective July 1, 2011

101 Proposed Crawford County Circuit Court rules shall be posted for public review in the County Courthouse by the Clerk of Circuit Court and a copy shall be forwarded to the President of the Crawford County Bar Association at least thirty days prior to formal adoption.

102 The posting of proposed rules and dissemination to the President of the Crawford County Bar Association as described in Paragraph 101 shall constitute sufficient public notice.

103 Crawford County Circuit Court rules shall be adopted by written order of the Crawford County Circuit Judge subject to approval by the Chief Judge of the Seventh Judicial District. Upon adoption, the Clerk of Court shall send a copy of the adopted or amended rule to the

President of the Crawford County Bar Association, the Seventh Judicial District Court Administrator, the State Bar of Wisconsin, the State Law Library and the Office of the Director of State Courts.

104 Orders adopting rules shall specify an effective date.

PART 2: CLOSURE OF PROCEEDINGS TO THE NEWS MEDIA

200 Effective July 1, 2011

201 Unless good cause for a shorter time period 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 the media coordinator in writing, if possible, 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 good cause why the proceedings should not be public as required by statute.

PART 3: CASE PROCESSING TIME GUIDELINES

300 Effective July 1, 2011

301 The following case processing time guidelines are for the processing of cases and are designed to provide a guide to the judiciary and bar. Unless otherwise indicated, the guidelines represent the time period from filing to final disposition.

Misdemeanor	
(from Initial appearance if in custody)	2 months
(if not in custody)	3 months
Felony	
(from initial appearance)	6 months
Traffic & Ordinance	
(from initial appearance)	2 months
Personal Injury/Property Damage	12 months
Contract/Money Judgments	12 months
Divorce	9 months
Estates	12 months
Small Claims	2 months
Child Support	3 months
Paternity-contested	6 months
Paternity-uncontested	3 months

302 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.

PART 4: RULES OF DECORUM

400 Effective July 1, 2011

401 Court shall be formally opened each day in which court business is transacted either by the bailiff or the Clerk of Court.

402 As the Judge enters the courtroom, the bailiff or Clerk of Court shall require all present to rise and stand. When the Judge has reached the bench, the bailiff or Clerk of Court shall say, "All rise, The Circuit Court for Crawford County is now in session, the Honorable _____ (name of judge) presiding. Silence is commanded." All shall be seated and the business of court shall proceed.

403 In the recessing, the Judge shall announce: "The court is now in recess."

404 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 in a standard to the right of the Judge.

405 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.

406 Lawyers shall examine witnesses from a position at the lectern or counsel table except when handling exhibits. In no case shall a witness be crowded during examination.

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

408 During the 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.

409 During court proceedings, 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. Strict adherence to this rule is required.

410 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. Suits, dresses or dress jackets shall be appropriate for women. Men shall wear suit or sport coats and ties. Judicial discretion may be exercised otherwise in extreme situations.

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

412 Lawyers shall examine witnesses with courtesy and respect, and a witness' good faith should be presumed until the contrary is evident.

413 The swearing of witnesses shall be an impressive ceremony and not a mere formality.

414 In jury cases which are disposed or upon a motion for dismissal or directed verdict, the Judge in dismissing the jury shall briefly explain the procedure and why a verdict was necessary.

415 The Judge shall wear a robe while presiding on the bench, provided that judicial discretion may be exercised otherwise in proper situations.

416 There shall be no unnecessary conversation, loud whispering, or other distracting activity by anyone in the courtroom or in the hallways on the court floor(s) while court is in session. There shall be no newspaper or magazine reading in the courtroom. Tobacco in any form shall not be used in the courthouse. No beverage, other than water, shall be consumed or possessed in the courtroom while court is in session.

417 The Judge shall at all times safeguard the rights of the parties and the interests of the public. The Judge shall be dignified, courteous and considerate of the parties, attorneys, jurors and witnesses. The Judge shall suppress personal predilections, control temper and emotions and avoid conduct which tends to demean the proceedings or to undermine judicial authority in the courtroom.

418 The Judge shall be punctual in convening court and prompt in the performance of judicial duties, recognizing the time of litigants, jurors and attorneys is valuable and that lack of punctuality creates dissatisfaction with the administration of justice.

419 Attorneys are officers of the court and should at all times uphold the honor and maintain the dignity of their profession and maintain a respectful attitude toward the court.

420 Attorney's conduct before the court and with other counsel should be characterized by candor and fairness. All personality conflicts between attorneys and colloquies between attorneys should be avoided.

421 Attorneys shall, insofar as possible, refrain from interrupting each other, speaking at the same time, or arguing between themselves, thus assisting in making a proper record. Attorneys should instruct their witnesses to testify slowly and clearly so that the court and the jury can hear their testimony, and should caution witnesses not to chew anything while testifying.

422 Attorneys may address the court in a seated position at the counsel table or in a standing position at the counsel table or lectern. If it is necessary to discuss some question out of the hearing of the jury at the bench, the attorney may so indicate to the court and if invited, approach the bench for that purpose.

423 Unless excused by the Judge, after the jury has retired to deliberate upon a verdict, the attorneys representing the defendant and the State or plaintiff shall remain in the immediate area of the courtroom so as to be available at all times during the deliberations of the jury and when the verdict is received.

424 The Clerk of Court shall be in charge of all case records and files, and shall be responsible for courtroom administration, including the feeding, housing and transportation of the jury when required.

425 The Clerk of Court shall have the duty to see that each witness is sworn separately and that the oath is administered in a manner calculated to impress the witness and with the importance and solemnity of the oath taken.

426 Witnesses, when sworn, should stand near the bench or the witness stand. After the witness is sworn, the Clerk shall direct the witness to give the reporter his or her full name, and request the witness to spell his or her surname. The witness should then be seated.

427 When a jury has been selected and is to be sworn, the Clerk of Court shall request the jurors to rise while the jurors' oath is being administered.

428 It shall be the duty of the bailiff to maintain order at all times as litigants, witnesses and the public assemble in the courtroom, during the progress of the trial and during recess of the court. This includes the duty to admit persons to the courtroom and direct them to seats, and to refuse admittance to the courtroom in such trials where the courtroom is occupied to its full seating capacity.

429 It shall be the duty of the bailiff to take charge of and supervise the jury during the course of a trial, during court recesses, and during time of jury deliberation, to assure that no unauthorized persons come into contact with members of the jury. If such an attempt is made, the bailiff shall notify the judge at once. During sequestered trials, the bailiffs shall take the foregoing precautions on a 24-hour basis.

430 The bailiff shall assist jurors as necessary with personal problems if they arise, and shall inform the Judge of any unusual problems of jurors which should be called to his or her attention.

431 The bailiff shall at no time discuss with the jurors, litigants, witnesses or attorneys any issues involved in the trial, nor make any effort to assist the jurors in their deliberations.

432 Attorneys, clients, and witnesses shall remain quiet in the courtroom corridors, as loud talking and laughter disrupt court proceedings. Conference rooms shall be used for all discussions.

433 Attorneys and clients are expected to be in the courtroom on the date and time scheduled. If they are not in the courtroom, the court in its discretion may allow the case to proceed, be dismissed or moved to the end of the calendar on the date and time scheduled.

Attorneys with time conflicts in other courts are expected to notify the court of such conflicts at the earliest possible date.

434 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.

435 In order to preserve impartiality and fairness in all judicial proceedings, all email correspondence regarding cases before the court shall be addressed and sent to the appropriate Judge's judicial assistant, and not to the judge directly.

PART 5: CIVIL PRACTICE

500 Effective July 1, 2011

501 Motion practice:

No motion shall be filed without a date and time shown for hearing obtained from the court.

Motions, affidavits, briefs and supporting papers shall be filed with the Clerk of Court prior to the day of hearing.

Should counsel for any party fail to give timely notice, deliver supporting papers or serve a brief, the motion may be decided against his/her client for such cause or the motion hearing may be adjourned with costs and attorney's fees being awarded to the inconvenienced party.

502 Unopposed Mortgage Foreclosures:

On motions for default judgment, summary judgment or confirmation of sale, it will not be necessary to appear on the date set for hearing and the court will sign the appropriate Order or Judgment, if there is no appearance in opposition. If there is an opposing appearance, the matter will be continued to provide for appearance by movant.

Notice of hearing must be given to all interested parties; proof of service must be filed prior to hearing date.

Affidavits of default or in support of summary judgment must clearly set forth period of default, amount of default and full amount of interest, principal, late charges, etc. due on hearing date. Any additions to principal must be fully supported by proof of appropriate affidavit.

Original note and mortgage must be attached to affidavit of default or in support of summary judgment.

Pleadings and affidavits of default or support of summary judgment must clearly set forth the factual basis for the application of Sec. 846.101, 846.102 or 846.103 Wis. Stats. and set forth which statute section applies.

503 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.

504 Payments for foreclosures, warrants, suspensions, cash bonds, and non-sufficient fund checks may only be made by certified check, money order or cash.

505 Continuances:

All requests for continuance shall be in writing with the signed consent of the parties, not the attorneys, or on the record with the parties present and must be for good cause shown. All requests for continuance are subject to approval of the court.

If counsel or a party has good cause to request a continuance of any pretrial, trial, motion or other proceeding which has been scheduled by the court, he shall immediately notify the court and opposing counsel in the manner provided.

Unilateral phone calls or letters to the Clerk or Judge directly to avoid a time fixed for a pretrial, trial motion or other proceedings are attempts to secure the consideration of the court without reference to the rights of other parties in interest and their attorneys. Although phone messages and letters may be used from time to time when there exists just cause for a continuation without sufficient time for communication thereof by proper motion and notice, such emergency messages are provisional only and do not supersede a motion under §802.10.

Motions for continuance shall be made in accordance with §802.10

For adequate reason, the time limitations for hearing may be waived by the court.

As an alternative to a motion under §802.10, counsel for a party may, having and representing that he or she has the consent of all other parties, request a continuance by letter to the presiding Judge. This is not deemed a unilateral approach to the court. However, consent of opposing counsel to a continuance will not be recognized as per se warranting the continuance. The court will respond as to whether the continuance will be granted.

To avoid scheduling conflict as a reason for continuance, attorneys shall be prepared to immediately advise the court of such conflicts when the court sets dates from the bench or in conference.

506 Service on Opposing Counsel:

Except as otherwise ordered by the court, before submission of any proposed findings, conclusions of law, judgment, brief, memorandum, affidavit, requested instructions or verdict, a copy shall be served upon or mailed to opposing counsel with a letter or notation informing counsel that the original has been forwarded to the court.

Objections, if any, shall be filed with the court and a copy mailed to opposing counsel within five (5) business days after such service or mailing. In the event counsel does not file particularized objections to the form of said documents, the court may deem objections to form to be waived.

This rule does not apply to trial briefs.

PART 6: CRIMINAL LAW PRACTICE

600 Effective July 1, 2011

601 Paragraph 505 above is adopted by reference.

602 When an attorney is appointed, by the court, to represent a defendant, at the time of disposition, it will be the obligation of the attorney to advise the court he/she was appointed; the amount of the billing and whether or not the defendant has made any payments on the bill.

603 PLEA AGREEMENT

This rule shall govern all plea negotiations and any plea agreements, in criminal cases, on or after the effective date of this rule.

- A. Both counsel are equally responsible for initiating plea discussions at the earliest practical time.
- B. Any plea agreement must be finalized at the criminal jury status hearing set by the court.
- C. If a plea agreement is reached, the plea must be taken at the status conference.
- D. No plea agreement will be accepted on or after the deadline set out above except under extraordinary circumstances, and with specific permission of the Court.
- E. Violation of this rule may result in the Court imposing any and all sanctions authorized by law and by the inherent power of the Court. Those sanctions can include, but are not limited to, assessing the full costs of a jury panel, including mileage, against either or both parties, or their counsel.

PART 7: THE USE OF VIDEOCONFERENCING IN COURT

700 Effective July 1, 2011

701 All video events and appearances are to be indicated on the court record.

702 Any location where a remote appearance is being conducted with a Crawford County Circuit Judge or Court Commissioner is to be considered an extension of the courtroom in which the hearing is taking place.

703 Any proceeding or appearance allowable by statute, case law and/or at the discretion of the court may be conducted by video either by request of a party or at the discretion of the presiding court official.

704 Any party (including the court) requesting the use of video for an upcoming court event should attempt to do so within a reasonable amount of time prior to the hearing/trial and/or to the physical transport of the prisoner/patient/detainee, witness, etc.

705 If any party objects to conducting a hearing via video, they shall orally (on the record) or in writing notify the court the reason why and all counsel of record and/or parties not represented by counsel of record of such objection within a reasonable time prior to the hearing. The Judge shall make a determination on the record, whether to proceed with the video proceeding or allow or require counsel/litigant to personally appear.

706 Parties to a video proceeding authorized by the court may file by facsimile any papers necessary for the completion of the proceeding. In addition, it is imperative that any documents requiring examination by other parties must be provided prior to the hearing so as to allow adequate time for review.

707 During a video proceeding the court shall maintain full control of the remote camera and courtroom camera. No movement or adjustments of the video cameras or sound shall be made unless authorized by the court, except, however, counsel may mute the microphone to confer with her or his client.

708 The circuit court shall have priority use of video units, notwithstanding any arrangements made with private entities.

PART 8: SMALL CLAIMS PRACTICE:

800 Effective July 1, 2011

801 Both parties to a small claims action must appear on the return day or a default judgment or dismissal, with prejudice, will be granted as appropriate. If a defendant is represented by legal counsel, counsel may file a written answer in lieu of an appearance. However, the trial date shall be set by the Court on the return date.

802 In all small claims cases, those who may appear are as follows:

1. The person named as Plaintiff or Defendant.
2. An Attorney on behalf of the named Plaintiff or Defendant. (Paralegals or legal secretaries may not appear.)

3. One spouse may appear on behalf of another spouse as long as their interests are not adverse.
4. Guardians may appear for the ward.
5. If there is more than one Plaintiff/Defendant, all of them must appear.
6. A full-time authorized employee of a person may appear on that person's behalf.
7. A full-time authorized employee of a corporation may appear on the corporation's behalf.

803 In all small claims cases, the parties or attorneys must have the authority to negotiate in good faith.

804 When the defendant is a nonresident, service must be personal. For the purpose of this rule, non-resident means an individual residing outside of Crawford County.

805 When it is necessary for the judgment creditor to obtain an order to show cause for failure of the debtor to file a financial disclosure statement, the Clerk shall add to the judgment the cost of serving this order to show cause.

PART 9: FAMILY LAW PRACTICE

900 Effective July 1, 2011

901 When the pleadings or the parties indicate child custody or physical placement are at issue, the parties shall mediate the custody and placement issues with a mediator appointed by the Crawford County Department of Human Services. The first meeting of the parties with the mediator appointed by the Crawford County Department of Human Services shall be without charge. Subsequent meetings with the mediator shall be at a fee set by the Crawford County Department of Human Services, after consultation with the Circuit Judge. The fee is currently \$100.00 per hour. Each party is obligated to pay one-half of the mediation fee incurred.

The fees for mediation are made payable directly to the Crawford County Clerk of Court, 220 N. Beaumont Road, Prairie du Chien, WI 53821, by mail or in person. The Clerk of Court will accept cashier checks, cash or money orders but no personal checks.

Individuals receiving Social Security or Social Security Disability may request to have their obligations reduced to the appropriate level of support based on state guidelines.

902 In the event the parties are unable to mediate a resolution on child custody and placement issues, the mediator appointed by the Crawford County Department of Human Services shall so advise the court who will then appoint a guardian ad litem for the minor child or children involved. Each parent shall then deposit the sum of \$500.00 with the Crawford County Clerk of Court within 30 days as an initial contribution to the guardian ad litem fees. Upon petition to the court, the obligation of a parent to make such deposit may

be waived in part or full provided, however, the court shall make such orders as are appropriate to require the parents of the minor children to pay the guardian ad litem fees in total which payments shall be allocated between the parents by the court.

903 When the guardian ad litem in a family case petitions the court for approval of his/her bill, in addition to providing the necessary information regarding the number of hours and the types of activities, the guardian ad litem shall also submit an order for the Judge's signature providing for responsibility for the payment of the fees. Such petition shall additionally include a copy of the court's previous order requiring one or both of the parties or the county to be responsible for payment. It shall be the obligation of the guardian ad litem to insure that the issue of responsibility for payment is addressed prior to the final hearing. Neither the clerk nor the court will search the file for such an order. If none has been made or none accompanied the petition for payment, no further action will be taken by the Clerk or the Court. The court shall immediately grant a separate judgment after the first missed payment for the amount of the reimbursement in favor of the county and direct the guardian ad litem to prepare and submit such judgment in a form appropriate for docketing. The Clerk of Court shall docket this judgment without fee.

904 Unrepresented parties in divorce proceedings shall use the pro se divorce forms available at wicourts.gov or forms that are identical in content.

PART 10: COURT COMMISSIONERS

1000 Effective date July 1, 2011

Court Commissioners, having been appointed by separate order, have the fullest extent of authority which statute authorizes for them. Commissioners shall wear suitable dress, excluding a robe. They may preside on the bench. Dignity and decorum, consistent with a courtroom, shall attend proceedings before a commissioner.

Initial appearances in criminal matters shall be on the record. Clerk's minutes shall constitute sufficient record in bail hearings when a court reporter is not available. All requests for hearings by a Court Commissioner shall be made to the Clerk of Court or Judge. Compensation to a Court Commissioner shall be paid by the county when authorized by the Judge at the rate established by SCR 81.02.

PART 11: COURT SECURITY

1100 Because of the need to protect litigants, attorneys, jurors and other visitors to the courthouse from the danger of violence, as a condition of entering the building, all persons, packages, purses, backpacks, bags, briefcases or any personal property brought into the courthouse may be searched. If possible, the searches shall be conducted using a metal detecting wand and all persons shall open their packages, purses and briefcase when directed by bailiff and/or sheriff.

1101 Lawyers are to advise the Judge or the bailiff of any security threat, in any case in which they are involved. This information should include names, nature of the threat, times, and other pertinent information.

1102 The Sheriff is responsible for courtroom security and may, when appropriate, with the approval of the presiding Judge, adopt specific safeguards or policies in addition to these rules.

1103 The court may appoint and the Sheriff may deputize one or more bailiffs to attend upon the court as requested. As a general standard, two security bailiffs will attend upon the court when it is in session for traffic court, small claims return dates and when deemed necessary.

1104 All prisoners shall be searched before being brought to court and shall be placed in handcuffs and leg irons unless there is a medical reason to waive this security requirement. The Sheriff shall make this determination.

1105 At jury trials restraints shall be removed from prisoners before entering the courtroom unless the presiding Judge orders otherwise.

1106 Security bailiffs shall be armed with a firearm and may also be armed with a taser device. All uniformed police officers may wear their firearms while in the courtroom as part of their uniform. However, plain clothes officers who are armed shall report to the bailiffs before entering the courtroom. The bailiff shall then determine whether the plain clothes officer shall store his/her firearm in a safe place or continue to wear the firearm.

1107 Jury bailiffs are not obligated to wear firearms or taser units.

1108 Searches of the courtroom and incoming spectators and witnesses shall be taken whenever the Sheriff or bailiff deems it necessary and advisable or whenever the Judge shall order.

1109 Bailiffs shall ensure at least one door of the courthouse remains open to the public during all court proceedings whenever held.

1110 Security procedure when responding to Circuit Court panic button alarm:

At least one officer will respond immediately to the Circuit Court alarm.

Procedure for one officer:

The officer will enter through the west courtroom doors and will proceed through the courtroom to the area behind the bench, which will include the court reporter, Judge's chambers, jury room, Clerk of Court and Register in Probate offices.

Procedure for two or more officers:

One officer will enter at the west end of the courtroom and one officer will enter from the Register in Probate area. The officer entering from the west will proceed through the courtroom to the area behind the bench, which leads to the court reporter, judge's chambers, jury room, clerk of court and register in probate. The officer entering from the south will proceed through the Register in Probate office to the Clerk of Court, jury room, court reporter, Judge's chambers and then to the courtroom.

PART 12: FILING BY FACSIMILE

1201 Pleadings and other papers that do not require a filing fee may be filed with the court by facsimile transmission. Such filings shall be transmitted to the Clerk of Circuit Court at the following fax number 608-326-0288.

Facsimile filings transmitted to any other fax number will not be filed.

1202 Facsimile filings shall be limited to 15 pages, unless an exception is approved by the assigned Judge on a case-by-case basis. If a facsimile transmission exceeds 15 pages, the party or attorney shall certify that the assigned Judge has approved the exception to the page limit.

1203 A cover page shall be added to all facsimile filings and shall include: the name of the sending party or attorney; the number of pages; the case number and caption; the assigned Judge; and, the date and time of the proceeding for which it is intended.

1204 A courtesy copy of the facsimile filing may be transmitted directly to the Judge or Court Commissioner at the facsimile number listed for that circuit court branch or office. Any courtesy copy shall be clearly marked as such and contain a header as provided under section 1203 of these rules. Courtesy copies shall be destroyed by the Judge or Court Commissioner and will not be filed.

1205 Facsimile papers are considered filed upon receipt by the Clerk of Circuit Court and are the official record of the court and may not be substituted. Papers filed by facsimile transmission completed after regular business hours of the Clerk of Circuit Court's office are considered filed the next business day. No additional copies may be sent. The Clerk of Court shall discard any duplicate papers subsequently received by the Clerk of Circuit Court, assigned Judge or Court Commissioner.

Dated this _____ day of _____, 2011.

BY THE COURT:

James P. Czajkowski
Crawford County Circuit Judge

Approved:

Hon. William D. Dyke
Chief Judge, Seventh Judicial Administrative District