

# STATE OF WISCONSIN    CIRCUIT COURT    WOOD COUNTY

IT IS HEREBY ORDERED that the following rules are adopted for all Branches for Wood County this 7<sup>th</sup> day of October, 2022.

## A. COURTROOM DECORUM

1. Court shall be formally opened each day upon which court business is transacted, either by the bailiff or the Clerk of Court.
2. As the Judge enters the courtroom, the bailiff or Clerk of Court shall require all present to arise and stand. When the Judge has reached the bench the bailiff or the Clerk of Court shall say, "Hear ye! Hear ye! Hear ye! The Circuit Court for the County of Wood is now open. The Honorable \_\_\_\_\_ presiding. Silence is commanded. You may be seated." All shall be seated and the business of the court shall proceed. Proper order and decorum shall be required of all in attendance at the court.
3. 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 on a standard to the right of the Judge.
4. Lawyers may never lean upon the bench nor appear to engage the Court in a manner which would lessen the dignity of the proceedings in the eyes of the Jury or Public.
5. Lawyers shall examine witnesses from a position at the counsel table except when handling exhibits, unless the court provides a lectern, in which case the examination shall be either from the counsel table or the lectern. Lawyers may either stand while examining a witness from the counsel table or remain seated there. In no case shall a lawyer crowd the witness stand in examining a witness without permission of the court.
6. Lawyers should not crowd the jury box while addressing the jury or asking questions of a witness.
7. Lawyers during trial, shall not exhibit familiarity with the Court, witnesses, jurors, or opposing counsel, and generally the use of first names shall be avoided. Adult females shall be addressed with the title Ms. or Mrs., adult males as Mr.
8. All lawyers and court officers shall wear reasonably appropriate clothing while in attendance upon the court. Men are expected to wear coat and tie. Women are expected to wear business attire. Judicial discretion may be exercised in appropriate situations.

9. Lawyers shall advise their clients and witnesses of the formalities of the Court, and seek their full cooperation therewith.
10. Witnesses, clients, litigants, spectators and all others attending court proceedings are to act and behave in a reasonable manner.
11. Witnesses shall ordinarily be examined with courtesy and respect, and their good faith presumed, until the contrary appears.
12. The swearing of witnesses is intended to impress upon the witness, the jury, and all participants, the importance of the oath, and not to be conducted perfunctorily.
13. In jury cases which are disposed of upon a motion for directed verdict, the judge, in dismissing the jury, should briefly explain the procedure and why a verdict was unnecessary.
14. In criminal cases, the defendant shall stand with counsel before the bench at initial appearance, arraignment, plea (if jury trial is waived), and sentencing, unless otherwise permitted or ordered by the court.
15. The judge shall wear a robe while presiding on the bench, provided judicial discretion may be exercised in proper situations.
16. Spectators shall refrain from making gestures, comments or other displays which may or are intended to influence the outcome of a proceeding. At the time of sentencing in a criminal case, a victim or member of the family may express their views to the court by appropriate statements or visual displays.

## **B. PROCEDURAL RULES**

1. **NOTICE OF PROCEEDINGS TO LOCAL ATTORNEYS.** Notices of proceedings issued by the clerk of court or any of the branches of court will be placed in the attorney's or firm's "bin" in the clerk of court's office.
2. **JUROR QUALIFICATION INFORMATION FORMS.** All of the information on juror qualification and/or information forms is confidential. It is to be used only for the purposes of trial and/or appeal. Attorneys and pro-se parties may obtain copies of said documents for the purposes of trial and/or appeal, but may not copy said copies or retain the copies of said documents. Copies of said forms received upon request of counsel or pro-se litigant must be returned to the clerk of court by the conclusion of jury selection or within 72 hours after settlement.

3. **FACSIMILE FILING.** Limited filing of documents with the Clerk of Circuit Court pursuant to Sec. 801.16, Stats., through the use of the plain-paper facsimile machine is permitted. Facsimile transmission shall be accepted for filing in mandatory eFiled case types only if permission is given in advance by the responsible court official, the clerk or the judicial assistant. Facsimile transmission may not exceed 15 pages, unless otherwise approved by the assigned judge on a case-by-case basis. A party or attorney whose fax transmission exceeds 15 pages shall certify that the assigned judge has approved such fax filing. Papers filed by facsimile after regular business hours of the Clerk of Circuit Court until 11:59 pm of said business day are considered as filed the next business day. Facsimile papers are the official record of the court and may not be substituted. Additional copies are not to be sent to the Clerk of Circuit Court. Facsimile filings shall be transmitted to 715-421-8691.
4. **APPEARANCE OF ATTORNEYS AT TIME JURY RETURNS VERDICT.** After the jury has retired to deliberate upon a verdict, the Court shall state on the record in the presence of counsel for all the parties that it will be in session for the purpose of further instructing the jury or receiving a verdict, and that if counsel is not present at such occasion counsel's presence will be deemed waived.
5. **CONSOLIDATION OF CASES.** All cases arising out of the same transaction or the same act or acts of negligence may, on motion of any party, or on the Court's own motion, be consolidated for trial before the judge who has been assigned to the case with the earliest filing date. When it appears to the Court that application of this rule would work substantial injustice to any party, the court may exercise its discretion to decline to consolidate cases under this rule.
6. **CONTINUANCES.** Request for continuances shall not be made on an ex parte basis. Consent of opposing counsel to a continuance will not be recognized as per se warranting the continuance.
7. **SERVICE ON OPPOSING COUNSEL.** Unless the Court otherwise directs, a copy of any proposed order, findings, conclusions of law, or judgment shall be submitted to opposing counsel and the court for approval. 5 days after it is submitted the court will sign the document unless the court receives an objection. The foregoing shall not apply to orders to show cause.
8. **BORROWING COURT FILES REGULATED.** The clerk shall require a receipt for all files or papers withdrawn from the office. No court file or paper may be removed from the courthouse, except upon the order of a judge of the court to whom the case is assigned, who shall limit the period during which it may be withdrawn.

9. **REQUEST FOR INSTRUCTIONS.** Except as provided in Section 18, Pretrial Procedure on All Criminal Cases, requests for instructions shall be served on opposing counsel and submitted to the Court 5 days in advance of at the pretrial conference unless the trial judge otherwise permits. Any non-standard instruction shall be on a separate sheet and each shall have noted thereon the citation of authorities relied upon to sustain such instruction. When an instruction is requested from Wisconsin Civil, Criminal or Juvenile Instructions, it may be cited solely by number and title, unless modifications are requested. Any modification shall be submitted as indicated above in this rule.
10. **STIPULATIONS TO HOLD OPEN CASE FILES.** All stipulations to hold cases open shall provide for final disposition of the cases within state recommended Case Processing Benchmarks or shall include the Court's express approval of the delay. Alternatively, the Court in the exercise of its discretion may require that the case be dismissed without prejudice subject to reopening upon failure of a party to comply with the stipulation.
11. **CORRESPONDENCE WITH THE COURT/EX PARTE COMMUNICATIONS.** A copy of all correspondence with the Court shall be sent to the opposing party or to opposing counsel if the opposing party is represented.
12. **EXHIBITS.** A copy of any exhibit sought to be admitted should be made available to the extent feasible, for the court's use.
13. **EXHIBITS OF LOCATION SUCH AS MAPS AND DRAWINGS.** In all exhibits in which direction is indicated, the direction North is to be to the top, unless permission to do otherwise is requested and obtained from the court.
14. **MOTION PRACTICE – CIVIL CASES**
  - (a) The procedure in §802.08, Stats. shall apply to all dispositive motions.
  - (b) Motion hearings shall be scheduled with the proper judicial assistant or judge prior to filing the motion. If the time for a motion hearing is not set in open court and in the presence of all counsel, the proponent of the motion shall personally deliver or mail to opposing counsel and the Court a notice of motion hearing conforming with subsections §802.01(2)(a), (b) within seventy-two hours of scheduling a motion hearing. All supporting papers, including records or affidavits upon which the motion is founded, shall be served with the notice of motion hearing.

- (c) The proponent of the motion shall file with the Clerk and serve on all opposing counsel a brief containing at least the following:
  - A concise statement describing the action.
  - Statutory or other grounds for the motion.
  - Reasons in support of the motion with citations of legal authority.
- (d) Opposing counsel shall file with the clerk and serve the proponent of the motion a copy of the brief in response, with citations of legal authority and may at the same time give notice of any responsive motion or serve supporting papers, records, or affidavits in opposition.
- (e) The opposing counsel shall serve any brief in response within five days prior to the hearing, and if the proponent has a reply brief, they shall serve the same on opposing counsel no later than the time of the close of business on the day next preceding the date of the hearing.
- (f) If counsel for any party fails to give timely notice, deliver supporting papers, or serve a brief, the motion may be decided against the client for such cause. In the alternative, the motion hearing may be adjourned, with costs and attorney's fees being awarded to the unjustly inconvenienced party.
- (g) A copy of all briefs, memoranda, or other documents in support of or in opposition to a motion shall be provided to the Court.

15. MOTION PRACTICE – CRIMINAL, TRAFFIC AND CIVIL FORFEITURE CASES

- (a) All motions, including motions to suppress or dismiss, must be filed **two weeks** prior to pre-trial conference, and the attorney shall contact the Judicial Assistant of the judge assigned to obtain a court date prior to filing unless otherwise permitted by the Court.
- (b) Motions that deal with DVDs, CDs, or any other form of audio- and/or - visual recording must refer to specific meter(s) or measure(s); and as to transcripts, must refer to specific page(s) and line(s).

16. PRETRIAL PROCEDURE ON ALL CRIMINAL, TRAFFIC AND CIVIL FORFEITURE CASES

- (a) The pretrial dates will be scheduled out at least 60 days from the initial appearance. The District Attorney and defense

attorney/defendant need to make sure they are available to appear at the pretrial conference. The Clerk of Court's forms will indicate that all pretrial conferences are mandatory for defendants and attorneys.

- (b) The District Attorney will make offers no later than four (4) weeks prior to the pretrial conference. The District Attorney should make a note in their file of the offer date and have it available upon request by the Court. All negotiations concerning offers shall be noted in the attorney's files and be made available to the court upon request.
- (c) All defendants/attorneys must file all motions two (2) weeks prior to the pretrial conference by obtaining a motion date from the Judicial Assistants and also include the District Attorney's Office in that scheduling. (See Motion Procedure – Criminal Cases – 17(a)).
- (d) Defendants/defense attorneys and District Attorney shall have their Motions in Limine, Witness Lists, Jury Instructions and Verdicts filed 2 days before the pretrial conference.
- (f) On pretrial conference days the Courts will take pleas or set the matter for a jury trial. **All charges**, after the pretrial conference date will either be plead to or dismissed. A status conference with the attorneys and the Judicial Assistant should occur at least the day prior to the trial before 11:00 a.m.
- (g) Subpoenas for witnesses are to be sent out 3 weeks before the trial date. The District Attorney will make officers schedule available to the court upon request.

## C. FAMILY COURT

1. When it is necessary to appoint a guardian ad litem in original custody disputes, each of the parties shall deposit \$650.00 as and for the guardian ad litem fees. In post judgment disputes the moving party shall deposit the full \$1,800.00. If a custody study is required, the parties shall make arrangements with the agency that will do the study.
2. Domestic abuse restraining orders may be signed the Family Court Commissioner or Assistant Family Court Commissioner unless neither is available. The Family Court Commissioner or Assistant shall conduct all hearings on such petitions.

3. Any order for appointment of a Guardian ad Litem or completion of a custody study shall be signed by the Court.
4. Any counselor who mediates custody or visitation issues in family actions on order of the Family Court Commissioner shall be accorded a testimonial privilege under Sec. 767.405(5) Stats.

#### **D. SMALL CLAIMS COURT**

1. **COMPLAINTS IN CONSUMER CREDIT TRANSACTIONS.** In order to simplify and regularize the procedure required by Chapter 425, Stats., model forms of small claim complaints have been developed. Plaintiffs may amend summonses and complaints twice in any small claims case. The Wisconsin Consumer Act, sec. 425.109, Stats., says no judgment may be entered on a complaint which fails to comply with sec. 425.109, Stats. So that creditors may know what is expected in a complaint upon which judgment can be entered, model examples and instructions have been developed; simplicity and ease of use were prominent considerations in their development. Copies of instructions and sample complaints may be obtained from the Wood County Clerk of Courts Office. No judgment will be entered upon a complaint that fails to comply with sec. 425.109, Stats.
2. **RESCHEDULING OF THE RETURN DATE** upon failure to obtain service may be done through the small claims clerk. Plaintiffs are permitted to obtain an adjournment of initial appearance one time on any small claims case.
3. **THE RETURN DATE** may be conducted by the clerk of court or the clerk's authorized deputy.
4. **DEFAULT JUDGMENTS WHEN A DEFENDANT FAILS TO APPEAR ON THE RETURN DATE** may be signed by the clerk of court or the clerk's authorized deputy, provided that in consumer credit transactions the complaint complies with sec. 425.109, Stats.
5. **STIPULATIONS WHICH REQUIRE PERFORMANCE BY A PARTY** shall include an order for dismissal without prejudice, permitting the party accorded performance under the stipulation the right to reopen and obtain judgment in accordance with the terms of the stipulation.
6. **CROSS-EXAMINATION** of witnesses may be waived by the court when one or more of the parties is not represented by counsel.
7. **COUNTERCLAIMS** should be made in writing and filed within 7 days after the return date, but counterclaims may be presented at trial if in the court's discretion it will facilitate the resolution of the dispute(s) between the parties. The court may adjourn trial to another date to permit the inclusion of

ADDITIONAL PARTIES if necessary and convenient to the resolution of the claims and/or counterclaim between the parties.

8. **SATISFACTION OF JUDGMENT(S) DUE TO DISCHARGE IN BANKRUPTCY.** Applications for an order of satisfaction of judgment(s) due to discharge in bankruptcy pursuant to §806.19, Stats., shall indicate in cover letter or by accompanying affidavit that notice of said application has been given to judgment creditors. After 5 days, if no judgment creditor has filed an objection in writing, the court will sign the proposed order of satisfaction of judgment(s).

9. Failure to comply may result in dismissal.

### **E. VISITING JUDGES: SCHEDULING OF COURTROOM**

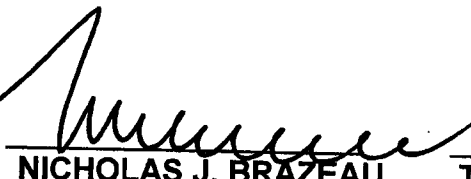
Judges assigned to cases within Wood County shall coordinate their scheduling through the judicial assistant or staff of the court branch to which the cases are assigned to obtain a courtroom assignment. In the event no such assignment is obtained, any case scheduled shall be considered subsequent in priority to those cases scheduled by the sitting judge.

Dated and signed at Wisconsin Rapids, Wisconsin this 7<sup>th</sup> day of October, 2022.

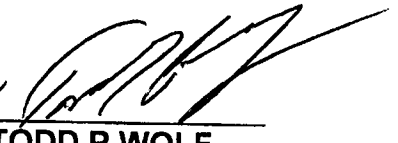
**BY THE COURT:**



**GREGORY J. POTTER**  
Circuit Judge – Branch 1



**NICHOLAS J. BRAZEAU**  
Circuit Judge – Branch 2



**TODD P WOLF**  
Circuit Judge – Branch 3