

# Dodge County

*(Sixth Judicial District)*

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The Dodge County Circuit Court Rules are hereby AMENDED, effective July 1, 2003, to read as follows:

## **1) Rules of Decorum**

Litigants and attorneys shall at all times:

- a) Be civil in their dealings with one another and with the public and conduct all court and court-related proceedings, whether written or oral, including discovery proceedings, with civility and respect for each of the participants. In particular, no one should ever crowd the jury box; lean upon the bench; use the first names of or otherwise exhibit familiarity with witnesses, jurors, opponents, or the Court; or appear to engage the Court or other participants in a manner which would lessen the dignity of the proceedings in the eyes of the public.
- b) Abstain from uncivil, abusive, hostile, or obstructive conduct - including disparaging, demeaning, or sarcastic remarks or comments about another person.
- c) During voir dire, use collective questions and avoid repetitive or immaterial ones.
- d) While in court or while participating in legal proceedings, dress in a manner showing proper respect for the court, the proceedings, and the law. In particular, male attorneys should wear neckties and suit or sport coats; female attorneys should wear appropriate professional attire.
- e) Advise others appearing in court with them that proper conduct and attire is expected within the courthouse and, where possible, prevent clients, witnesses, or others from creating disorder or disruption.
- f) Be punctual for all scheduled proceedings.
- g) Make all reasonable efforts to reach informal agreement on preliminary and procedural matters, attempt expeditiously to reconcile differences through negotiation without needless expense or waste of time, and abstain from pursuing or opposing discovery arbitrarily or for the purpose of harassment or undue delay.

- h) Abstain from knowingly deceiving or misleading another party or the court.
- i) Act in good faith and honor promises and commitments to other parties and to the court.

## **2) Rules of Civil Procedure**

- a) Motions: Motions properly filed in civil actions will be scheduled by the calendar clerk and the party filing the motion shall first obtain the time from the calendar clerk and then notice all of the necessary parties.
- b) Appearing Telephonically: Requests to appear in any proceedings by telephone shall be made within a reasonable amount of time prior to the event. Anyone who receives permission to appear telephonically must notify all other parties and/or counsel of their opportunity to do the same.
- c) Continuances: No continuances shall be granted without good cause shown to the court and notice to all other parties.
- d) Five Day Rule: Unless otherwise directed by the court, when submitting to the court any proposed order, findings, conclusions of law or judgment, a copy shall be submitted to opposing counsel, with the condition that if no written objection is made to the court within five business days of receipt, approval is presumed.
- e) Interrogatories: Unless otherwise provided by stipulation or court order, no party may serve more than a total of 35 interrogatories in any case upon any other party. For purposes of computing the number of interrogatories served, each subpart of an interrogatory shall count as a separate interrogatory, and parties represented by the same attorney shall be regarded as one party.
- f) Jury Instructions and Special Verdicts: Unless otherwise ordered by the court, any request for jury instructions or special verdict questions shall be filed at least seven days before trial. Requests for standard instructions shall simply list the instruction number(s). Requests for non-standard instructions shall set forth the requested instruction(s) in full and cite the authorities relied upon.
- g) Dismissal for Inaction: Whenever it appears to the court that a plaintiff is not diligently prosecuting the action, the court may enter an order of dismissal with or without prejudice after 20 days notice to the attorney of record for the plaintiff or to the plaintiff pro se.

## **3) Rules of Criminal Procedure**

- a) Jail Call: Individuals who are arrested or who turn themselves in after 10:00 a.m. on any particular day will not make a court appearance until the next regular jail call following that day, unless otherwise directed in the discretion of the Circuit Court.

b) Personal Appearances: All defendants must appear personally for the initial appearance, unless the Court has granted leave in advance. A personal appearance must also be made for any trial, plea hearing, and/or sentencing.

c) Motions: Motions properly filed in criminal cases shall be scheduled by the calendar clerk and notice shall be mailed to the respective parties by the calendar clerk. Motions before trial in misdemeanor cases shall be filed within 10 days after the initial pre-trial conference unless the court otherwise directs.

d) Motions in Citation Cases: Motions in civil citation cases, including, but not limited to, motions based on defects in the institution of the proceedings, insufficiency of the citation, invalidity of the statute or ordinance on which the prosecution is founded, or the use of illegal means to secure evidence, shall be filed within 10 days after a plea of not guilty is entered under Wis. Stats. 345.34.

e) Witness Lists: Each party shall submit a witness list to the court and opposing counsel at least seven days before trial.

f) Jury Instructions: Unless otherwise ordered by the court, any request for jury instructions shall be filed at least seven days before trial. Requests for standard instructions shall simply list the instruction number(s). Requests for non-standard instructions shall set forth the requested instruction(s) in full and cite the authorities relied upon.

g) Plea & Sentencing Hearings - State's Obligations: If a judgment of conviction is entered or is to be entered at a plea and sentencing hearing, the State shall be fully prepared to present to the court the information necessary for proper sentencing, including:

- i. at least two copies of any stipulation
- ii. a printed copy of defendant's criminal record, if any
- iii. any required sentencing guideline sheets
- iv. the amount of restitution, if any, and the identity of the victim(s) entitled to it
- v. relevant victims' rights legislation information

h) Plea & Sentencing Hearings - Defense Obligations: If a judgment of conviction is entered or is to be entered at a plea and sentencing hearing, defense counsel shall be fully prepared to present to the court the information necessary for proper sentencing, including:

- i. completed guilty plea questionnaire, waiver, and elements of the offense forms
- ii. the number of days of presentence incarceration to be credited, if any, with all supporting documentation

iii. information regarding the financial ability of the defendant to pay restitution

i) Presentence Credit: Whenever a defendant has been incarcerated prior to sentencing, complete, competent, and diligent representation requires defense counsel to present his client's position regarding sentence credit to the court at or before the time of sentencing, along with complete documentary evidence therefor. Whenever this duty has not been performed, counsel will be prepared to resume/continue the representation for purposes of any subsequent motions to modify a judgment to add presentence credit.

#### **4) Rules of Family Court Procedure**

a) Default Trials: In order to obtain a default trial in a divorce case, the parties shall provide to the Family Court Commissioner's Office the signed stipulation, Bureau of Vital Statistics form, and Final Financial Disclosure Statement.

b) Scheduling Unless otherwise requested in writing by a party, the matter will be placed on the pretrial calendar of the court 120 days after filing.

c) Dismissal for Inaction: Unless notice is given or cause is shown, actions in which no one appears at a scheduled pretrial, motion hearing, or default trial will be dismissed for failure to prosecute the action.

d) Guardians ad Litem: If required by statute or necessary to protect the interests of any minor, the attorney for the plaintiff/petitioner shall file with the court a petition requesting the appointment of a guardian ad litem, a proposed order, and a consent to act. The petition shall include the name(s), age(s), and address(es) of the minor(s). The court may order at the time of the petition that the parties deposit appropriate funds for payment of the guardian ad litem.

e) Parental Education: Attendance at the Dodge County Family Court Counseling Parental Education Program:

i. Shall be required when a divorce action is commenced and there is a minor marital child, or a motion for postjudgment modification of custody or primary physical placement is filed. Both parents shall attend within the 120-day waiting period for a new divorce and prior to mediation of a postjudgment motion for custody or physical placement. Pleadings in any divorce action involving a minor marital child shall provide notice of the parties' obligation to attend the program.

ii. Shall be required after an adjudication of paternity, an admission of paternity subject to confirmation by blood test, or the filing of a motion for postjudgment modification of custody or primary physical placement. Both parents shall attend within 90 days of an adjudication or admission, and prior to the commencement of any mediation.

iii. May be required for either or both parents after a request for visitation mediation is filed.

Family Court Counseling may request a waiver of this requirement when appropriate. Any party who fails to attend the program when required may be subject to contempt and/or other sanctions including being estopped from disputing custody or placement.

f) Motions for De Novo Review: All motions for de novo review of a decision of the Family Court Commissioner, pursuant to Sec. 767.13(6), Stats., must be filed within 30 days of the date of the decision.

g) Proposed Parenting Plans: In every action involving a minor child, the moving party shall obtain at the time of filing, from the Dodge County Clerk of Courts, two copies of the Proposed Parenting Plan form, and shall have one copy served on the respondent or other party along with the pleading. All parties in the actions set forth above shall file a completed Proposed Parenting Plan with the court within 90 days of its receipt.

h) FCC Approval: In addition to the other approvals required by Wis. Stats. §767.251(3), an original and two copies of the Findings of Fact, Conclusions of Law and Judgment of Divorce shall be filed with the Dodge County Family Court Commissioner's Office, and be approved and signed by the Family Court Commissioner, before they are submitted to the Court for approval and filing. Effective Jan. 1, 2007.

## **5) Facsimile Transmission of Documents to the Court**

a) Facsimile documents transmitted to the Court shall be accepted for filing only at (920) 386-3587 and only if the document does not exceed 15 pages in length.

b) Only documents that do not require a filing fee may be submitted by facsimile, and there shall be no additional charge for submitting such documents by facsimile.

c) Papers filed by facsimile transmission after regular business hours of the Clerk of Court's office are considered filed the next business day.

d) Facsimile papers are considered filed upon receipt by the Clerk of Court and are the official record of the Court and may not be substituted. The transmitting party shall send no additional copies of the facsimile transmission. The Clerk of Court shall discard any duplicate papers subsequently received. Parties who have transmitted documents by facsimile to the Court shall retain in their own files any "original" document that was used for the facsimile transmission. In the event the authenticity of the faxed document is challenged, the party who faxed the document to the Court shall have the burden to show authenticity.

e) The party transmitting the facsimile document is solely responsible for insuring its timely and complete receipt. The Court and Clerk of Court are not responsible for errors or failures in transmission that result in missing or illegible documents or periods when the Court's facsimile machine is not operational for any reason.

f) Any document required to be served on others which is faxed to the Court shall be faxed or served at the same time to all other parties.

g) A Judge assigned to a particular matter may authorize, in advance, the filing of particular documents in that case that do not conform to these rules if good cause is shown and they are in conformance with SCR 801.16. Parties submitting facsimiles exceeding 15 pages in length must certify that the assigned Judge or Court Commissioner has approved the facsimile transmission.

## **6) Concealed Carry**

WHEREAS, the judges of Dodge County are committed to ensuring that participants, guests, and employees of the Court system are kept safe, treated fairly, and are not subjected to any type of intimidation or coercion during a judicial proceeding;

WHEREAS, Dodge county has committed substantial resources to provide courthouse security included having armed police officers and electronic security screening to prevent any weapons from being brought into the courthouse other than by law enforcement officers;

WHEREAS, the judges of Dodge County have the inherent authority to administer their own courtrooms, subject to the federal and state constitutions to ensure safe and fair proceedings,

THEREFORE, the judges of Dodge County adopt the following rule:

a. At least fourteen (14) days before attempting to bring any concealed weapon into the courthouse a person desiring to bring a concealed weapon into the courthouse must file with the Clerk of Courts and the courthouse security station the following:

a. a copy of the order granting them permission to carry a concealed weapon in the courthouse.

b. An information form provided by the courts that identifies the type of weapon proposed to be introduced, the reasons why the introduction of the identified weapon in the courthouse and/or courtroom is requested, what business the individual will have at the courthouse while carrying a concealed weapon, whether the weapon will be carried in a courtroom and if so which one, and the dates when the individual intends to carry a concealed weapon in the courthouse.

b. The Clerk of Courts shall be promptly forward to the Presiding Judge and the Judge in whose courtroom a concealed weapon is proposed to be carried the copies of the documents filed.

c. Each Dodge County judge reserves the right to determine the effect of such order for purposes of concealed carry in his or her respective courtroom.

d. "Courthouse" means the Dodge County Justice Facility.

## 7) Sanctions

Violations of these Rules may be sanctioned under [Sec. 805.03, Wis. Stats.](#)