

Juneau County Circuit Court Rules

(Sixth Judicial District)

[Filing of Papers by Facsimile Transmission July 2001](#)

[Guardian Ad Litem Fees April 2002](#)

[Small Claims Rule April 2002](#)

[Supplementary Proceedings December 2011](#)

Local Court Rule 01-1.

Filing of Papers by Facsimile Transmission

01-01 Effective Date: July 1, 2001, replacing rule promulgated July 1, 1991.

01-01 Papers may be filed with the Juneau County Clerk of Court only at 608-847-9360 pursuant to the following provisions:

- a. The document does not exceed fifteen (15) pages in length
- b. No filing fee is required
- c. No additional fee or charge must be paid by the circuit court for accepting or receiving the facsimile document.
- d. Papers filed by facsimile transmissions completed after regular business hours of the clerk of circuit court's office are considered filed the next business day. The regular business hours of the Juneau County Circuit Court are 8:00 a.m. to 4:30 p.m.
- e. 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. The transmitting party shall send no additional copies of the facsimile transmission. The Clerk of Circuit Court shall discard any duplicate papers subsequently received by the Clerk of Circuit Court, assigned judge, or court commissioner. 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 changed, the party who faxed the document to the court shall have the burden to show authenticity.

01-02 The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt. The circuit court, judge or clerk is not responsible for:

- a. Errors or failures in transmission that result in missing or illegible documents.
- b. Periods when a circuit court facsimile machine is not operational for any reason.

01-03 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. Facsimiles exceeding 15 pages in length must certify that the assigned judge or court commissioner has approved the facsimile transmission.

01-04 Documents that are not to be filed but are to be used by the court for reference or other purpose may be transmitted by facsimile transmission at the discretion of the judge or clerk.

Effective date: July 1, 2001

Guardian ad Litem Fees

Guardian Ad Litem fees will be increased to \$400.00 per person Commencing APRIL 1, 2002. These fees will be payable to the CLERK OF CIRCUIT COURT upon the appointment of a Guardian Ad Litem. Any fees not timely paid may result in a delay.

If the parties are both indigent, the Affidavit and Order of Indigency **MUST BE FILED WITH THE CLERK OF CIRCUIT COURT.**

If only one party is indigent the full amount must be paid by the Other party in the case, that is determined not to be indigent.

Effective date: April 1, 2001

Small Claims Rule

I. **EFFECTIVE DATE:** Effective April 1, 2002, and until further order of the Court, the following rules shall govern small claims proceedings in Juneau County, Wisconsin.

A. **PLEADINGS:** All pleadings shall be in writing unless upon the personal appearance of the defendant at the joinder of issue, the judge or court commissioner permits an oral denial to the demands of the complaint. No oral counterclaims, affirmative defenses or motions will be permitted. Answers by telephone will not be permitted. Section 799.06(1), Wis. Stats.

B. **SERVICE OF SUMMONS:** Service of a summons may be made by personal or substituted service as provided in Section 801.11, Wis. Stats., or by regular mail, except as hereafter provided. Service may be made by certified mail, return receipt requested, providing that the fee prescribed by Section 814.62(4), Wis. Stats., is left with the Clerk of Courts. Section 799.12(2) & (3).

Service by mail to obtain a personal judgment shall be limited to Juneau County. Section 799.12(3), Wi Stats.

Service of a summons in the following matters **SHALL** be by personal or substituted service as provided in Section 801.11, Wi. Stats.,

(1) Eviction actions under Section 799.42 Wi. Stats.

(2) Contempt proceedings under Section 799.26 Wi Stats.

(3) Summons outside of Juneau County Section 799.12(3) Wi. Stats.

(4) Replevin actions under Section 799.12 Wi. Stats.

C. FILING REQUIRED BEFORE SERVICE: Service of a summons and complaint before filing and authentication thereof is not authorized. Section 799.12(7), Wi. Stats.

D. PERSONAL APPEARANCE NOT REQUIRED: Any defendant may join issue without appearing on the return date by answering a complaint in writing by mail or by delivery to the Clerk of Courts if such answer is received and filed with the Clerk of Court no less that two hours prior to the return date and time. Section 799.22(4), Wi. Stats. Likewise, the filing of an answer by the defendant, in compliance with this rule, is deemed an appearance by the defendant for purposes of Section 799.22(2), Wi. Stats.

Any summons or notice under Section 799.05(6) or (7), Wi. Stats., or Section 799.12(6)@, Wi. Stats., shall contain notice to the defendant of the option to answer without appearance in court on the return date and the methods of answering permitted by this rule.

Any answer in writing must be filed with the Court and served on plaintiff or plaintiff attorney before the return date.

Plaintiff appearance is not required on the return date, but the plaintiff must provide a letter to the Court requesting a default or an adjournment if the defendant does not provide an answer or appear in court on the return date. Any appearances by defendants will be set for an adjournment, pretrial or judgment depending on the situation. Notices will be sent to all parties.

E. RETURN DATE OF SUMMONS: The Clerk shall set the time and date at which the summons is returnable. 799.05(d) and 799.05(4) Wi. Stats.

F. JUDGMENTS: All judgments and orders, shall be prepared by the moving party or Attorney, for the judge's signature and filing no later than 30 days after relief if granted.

Top of Page

Dated and signed at Mauston, Wisconsin, this 15th day of March, 2002.

Supplementary Proceedings

4.01 All supplementary examinations pursuant to Chapter 816 Wis. Stats., shall be conducted at the date, time, and location specified in the Order to Appear before Court Commissioner or Judge. The supplementary examination shall not be adjourned or continued without good cause shown and the prior approval of the judge or court commissioner assigned to the case. Settlement discussions or the mere stipulation of the parties to adjourn shall not constitute good cause.

4.02 If the order to appear at a supplementary examination pursuant to Chapter 816 Wis. Stats. requires the judgment debtor or witness to produce documents, no contempt for failure to produce such documents shall be found unless such supplementary proceeding is done in person and with the judgment creditor or judgment creditor's attorney present in person.

4.03 No order to appear at a supplementary examination pursuant to Chapter 816 Wis. Stats. shall contain more than a total of 18 orders to produce documents, without prior order of the court. If a party believes that additional documents are necessary to be produced, he or she should promptly consult with the party who would be required to produce the additional documents and attempt to reach a written stipulation as to a reasonable number of additional orders to produce. If a written stipulation is reached, the stipulation and a proposed order permitting the propounding of additional orders to produce should promptly be served on all other parties and filed with the court. If a stipulation cannot be reached, the party seeking to serve additional orders to produce may move the court for permission to serve additional orders to produce. The motion shall show the necessity for the relief requested.

The order will not compel a party to produce any documents as a result of an order to appear at a supplementary examination served in violation of this rule. For purposes of computing the number of orders for the production of documents:

- a) Each subpart of an order to produce shall be construed as a separate order to produce.
- b) Parties represented by the same attorney or law firm shall be regarded as one party.
- c) Each order to produce a different type of document relating to a different type of asset, debt or business record shall be construed as a separate order to produce.

4.04 No party or witness shall be held in contempt of court for any alleged violation of an order to appear at a supplementary hearing pursuant to Chapter 816 Wis. Stats. unless the court is provided with a transcript of the supplementary examination prepared by a certified independent court reporter, except that if the party or witness fails to appear, the court commissioner, before whom the supplementary proceeding is held, may certify to the circuit court of the party or witness's failure to appear. In this event, no transcript is necessary.

Effective date: December 13, 2011