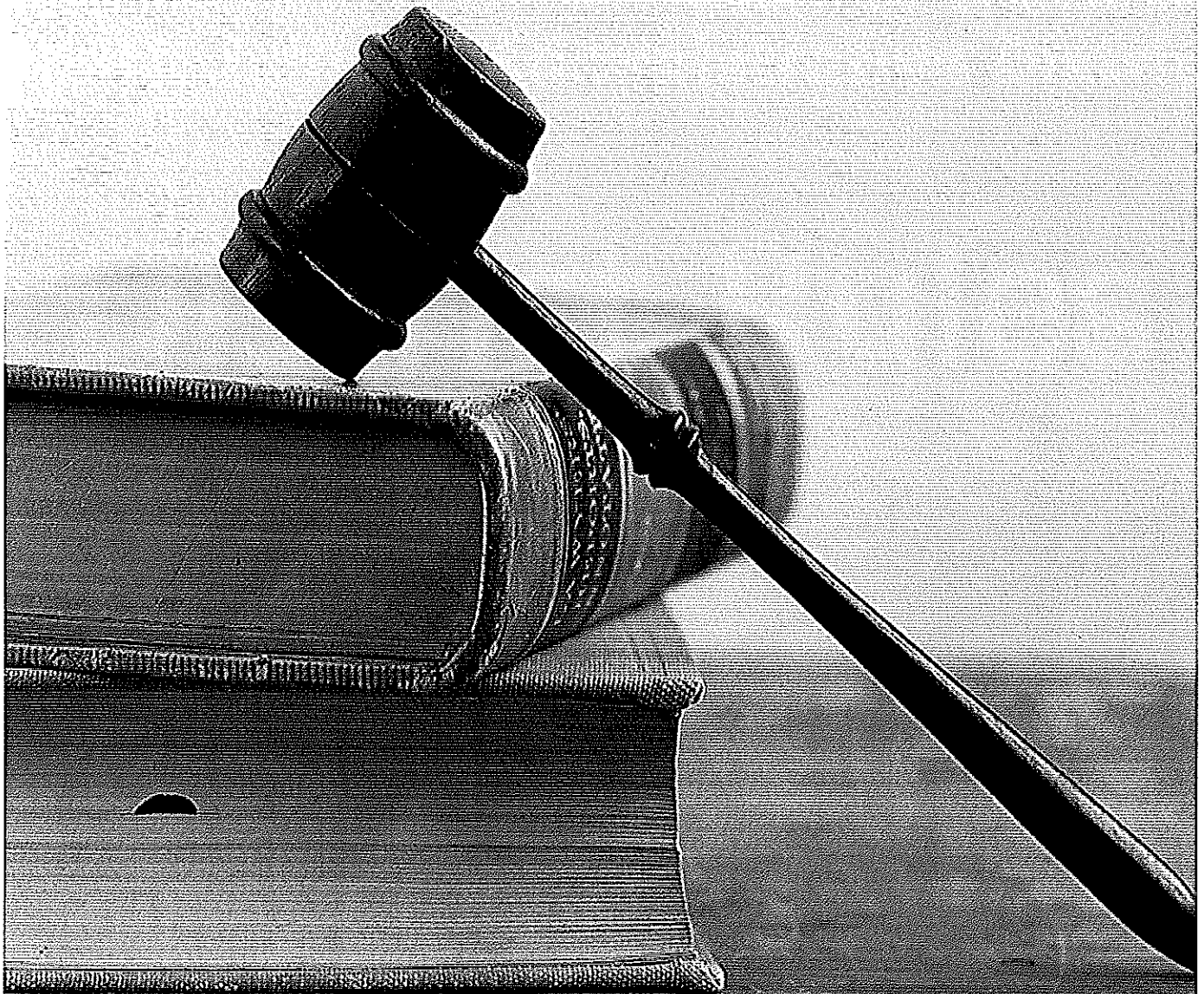


State of Wisconsin
Ninth Judicial Administrative District

District Rules



**Florence – Forest – Iron – Langlade – Lincoln – Marathon – Menominee
Oneida – Price – Shawano – Taylor – Vilas**

Last Updated: NOVEMBER 2014

Ninth Judicial Administrative District Rules Index

Last Updated: NOVEMBER 2014

Authority for District Rules is found in Supreme Court Rule 70.20

“SCR 70.20 Authority of the chief judge

The chief judge shall exercise within the judicial administrative district the full administrative power of the judicial branch of government subject to the administrative control of the Supreme Court. The chief judge may order that his or her directives, policies and rules be carried out. Failure to comply with an order of the chief judge may be grounds for discipline under sections 757.81 to 757.99 of the statutes.”

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2. Trial Court Administrative Rules

3. Local County Rules *

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- d. Langlade
- e. Lincoln
- f. Marathon
- g. Menominee (No Rules. See Shawano County Rules)
- h. Oneida
- i. Price
- j. Shawano
- k. Taylor
- l. Vilas

* Any county adding to or modifying your local court rules will need to do so in compliance with Wisc. Statute 753.35

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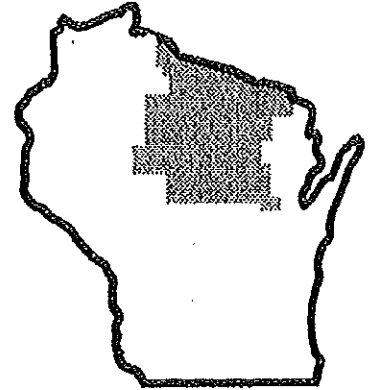
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STATE OF WISCONSIN

NINTH JUDICIAL DISTRICT

IN THE MATTER OF RESCINDING
CERTAIN DISTRICT NINE RULES
AND ONE POLICY; REVISION AND
RENUMBERING OF OTHER RULES

ORDER

WHEREAS, the Ninth District Rules Committee recommended the rescission of certain rules and one policy previously implemented, and recommended the revision and renumbering of other rules;

WHEREAS, the Ninth District Judges have approved the recommendation of the Committee to rescind certain rules and one policy, and to revise and renumber other rules;

IT IS HEREBY ORDERED that effective immediately, the following Ninth District Rules are rescinded: Rules, 1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19. The following Ninth District Policy is also rescinded: Limiting Judges' Authority to Assess Contributions to Crime Prevention Organizations.

The following Ninth District Rules are revised and renumbered under separate order: Rule 3, Rule 8, and Rule 9.

Dated this 11 day of May, 2010.

BY THE COURT:



Greg Grau, Chief Judge
Ninth Judicial District, Wisconsin

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Rule #1 Policy for Jury Fees

101: Effective date: November 1, 1991, originally promulgated in different format on 3/26/87 to be originally effective 5/1/87, and then revised June 1, 2010.

102: When a civil or a criminal case scheduled for jury trial settles within two business days of the start of the trial, the court shall impose actual costs in his/her discretion, in accordance with Wis. Stat. section 814.51.

A handwritten signature in black ink that reads "Greg Grau". The signature is written over a horizontal line.

Greg Grau
Chief Judge, Ninth Judicial District

DATE: 5/11/10

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Rule #2 Visiting Judges

201: Effective date: November 1, 1991, revised June 1, 2010, August 3, 2012, and October 31, 2014

202: Contact Person and Support Services for Visiting Judge

To ensure visiting judges have adequate support services, the clerk of court, or the clerk's designee, shall be the contact person by which courtroom assignment and judicial support services are arranged. Judicial support services include, but are not limited to, court room clerk, bailiff, court security, and Judicial Assistant secretarial services. Should complications arise in the scheduling of support services for a visiting judge, the presiding judge in the county the case is assigned should be consulted for resolution.

203: Court Room for Visiting Judge

If court room facilities cannot be arranged for a visiting judge, the clerk of court, or the clerk's designee, shall contact the judge or his/her Judicial Assistant, no later than five (5) days prior to the trial or other proceeding to make alternative scheduling arrangements.

204: Scheduling for Visiting Judge

No trial or proceeding shall be set without participation of the clerk of court's office and/or the designated contact person for the courthouse in which the trial or proceeding is to be held, at the time of scheduling.

205: Notices for Visiting Judge

The assigned judge, by the assigned judge's home county staff, shall send out all notices or verify that all notices have been sent, for trials and other proceedings to the parties and/or attorneys involved, and to the clerk of court's office for the county in which the proceeding is to be held.

206: Prohibition on "Telephone Clerking"

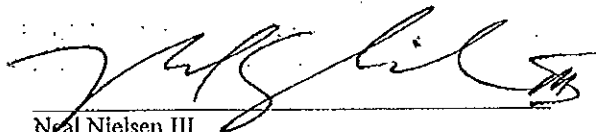
If a judge conducts an extended out-of-county proceeding in his or her home county, a court room clerk from the assigned judge's home county will serve as a court room clerk. This will be necessary for hearings scheduled for more than 20 minutes in duration. On the rare occasion that a court room clerk from the judge's home county is unavailable, either a court room clerk from the county the case is filed in will travel to the assigned judge's home county and attend the hearing in person, or the matter shall be rescheduled. At no time will a single court room clerk attend a proceeding via a telephone connection where exhibits are received.

207: Applicability

This rule applies to all judges, including but not limited to, supplemental judges on general assignment, specific assignment judges, reserve judges, and judges selecting an out-of-county jury.

208: Out-of-District Assignments

If a judge presides over a case out of his or her judicial district, the judge shall notify his/her District Court Administrator, pursuant to Trial Court Administration Rule (TCA) #5.


 Neal Nielsen III
 Chief Judge, Ninth Judicial District

DATE: 10/27/14

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Rule #3 Consolidation of Criminal Cases for Judicial Substitution

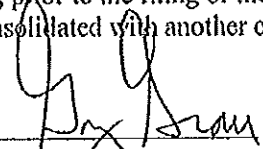
301: Effective Date: November 1, 1991 (originally promulgated in different format 9/27/89),
renumbered June 1, 2010.

302: A district-wide policy is needed in order to ease the administrative burden of determining whether a case falls under the control of section 971.20(6), Wis. Statutes, for substitution purposes, and to make uniform the procedures of the various counties. Section 971.20(6), Wis. Statutes, provides in part that:

“In actions involving more than one defendant, the request for substitution shall be made jointly by all defendants.”

303: For the sole purpose of determining whether a substitution is in proper form, the following standards apply:

- a. If more than one defendant is named in a single criminal complaint document, the cases involving those named defendants are deemed to be consolidated. A request for substitution will not be honored unless:
 1. The request is joined in by all named defendants pursuant to Section 971.20(6), Wis. Statutes, or,
 2. The court has ordered the case in which the substitution is requested to be severed from the other defendants.
- b. If only one defendant is named in a single criminal complaint document, the case is not deemed consolidated with any other case. A request for substitution will be honored by the single named defendant unless, prior to the filing of the request for substitution, the court has ordered the case consolidated with another case or cases.



Greg Grau
Chief Judge, Ninth Judicial District

DATE: 5/11/10

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Rule # 4 Assignment of Criminal Cases with Same Defendant in One County

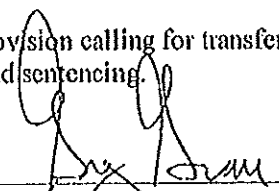
401: Effective date: June 1, 2010

402: A district-wide policy is needed for multiple judge counties to create standard and consistent practices for having all criminal cases involving the same defendant heard by the same judge, to reduce confusion, duplication and preserve judicial, prosecutorial and defense resources.

403: Every county with more than one judge shall develop a procedure to assign all criminal cases involving the same defendant to the same judge.

404: The procedure for each county shall include a provision calling for the assignment of the same judge to all bail jumping cases involving the same defendant.

405: The procedure for each county shall also include a provision calling for transfer of one or more criminal cases involving the same defendant for plea and sentencing.



Greg Grau
Chief Judge, Ninth Judicial District

DATE: 5/11/10

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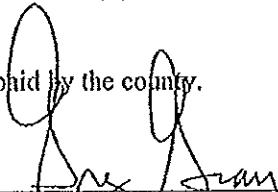
Rule #5 Preparation of Transcript for Pro Se Criminal OWIs

501: Effective date: June 1, 2010

502: In all cases in which an unrepresented defendant in a criminal case of operating while under the influence of an intoxicant or operating with a prohibited alcohol level enters a plea of guilty or no contest to such charge, the court reporter shall prepare an original transcript of said proceeding for retention in the court file. The court reporter shall prepare the transcript no later than 120 days from the date of the plea hearing. The reporter shall prepare a full transcript of the proceeding, unless directed by the judge to prepare a partial transcript.

503: The reason for this rule is that SCR Chapter 72.01 (47) provides that court reporter notes be retained for a period of 10 years after the hearing. However, defendants charged with 3rd or subsequent offense of Operating While Intoxicated or Operating with a Prohibited Alcohol Level often bring collateral challenges to prior convictions on the grounds of inadequate waiver of counsel or plea colloquies, i.e., Baker motions. If the court reporter's notes of said proceeding have been routinely destroyed under the retention schedule, it is not possible to accurately recreate a transcript of what occurred. It is not practical to separate from a court reporter's notes those notes that pertain to a plea in such a case and retain those specific notes for the a longer period of time because such proceedings can literally occur at any point during the court day and be interspersed with other notes.

504: The cost of preparation of the transcript shall be paid by the county.



Greg Grau
Chief Judge, Ninth Judicial District

DATE: 5/11/10

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Rule #6 Permission for Conceal and Carry

601: Effective date November 2, 2011

602: Wis. Stat. section 175.60 (16)(b) allows judges to grant to licensees or out-of-state licensees permission to carry a weapon in a courthouse or a courtroom. In this district, no judge shall grant to a licensee, or to an out-of-state licensee, permission to carry a weapon in a courthouse or a courtroom that is not located in the judge's home county. In such case, the judge shall refer the matter for a decision to the judge whose courtroom the request applies.

In multi-judge counties, no judge shall grant to a licensee, or an out-of-state licensee, permission to carry a weapon in another judge's courtroom. In such case, the judge shall refer that matter for a decision to the judge whose courtroom the request applies.

603: Exception: The judge shall not be required to refer the matter for a decision if the licensee or out-of-state licensee requests permission to carry a weapon in the courthouse or courtroom of a host county when the requested judge will be presiding in that host county during the time for which permission is sought.

Courtesy Protocol:

Any judge who is presiding in any county not his or her home county, and who is carrying a weapon pursuant to Wis. Stat. section 175.60(16)(b), should give reasonable advance notice to the host county's sheriff's department or courtroom security personnel, and the court, through the presiding judge or his or her designee.

A handwritten signature in black ink that reads "Greg Grau".

Greg Grau
Chief Judge, Ninth Judicial District

DATED: _____

11/2/11