

Dodge County

(Sixth Judicial District)

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The Dodge County Circuit Court Rules are hereby AMENDED, effective June 1, 2018, to read as follows:

1) Rules of Decorum

Litigants and attorneys shall at all times:

1.1 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.

1.2 Abstain from uncivil, abusive, hostile, or obstructive conduct including disparaging, demeaning, or sarcastic remarks or comments about another person.

1.3 During voir dire, use collective questions and avoid repetitive or immaterial ones.

1.4 While in court or while participating in legal proceedings, attorneys should wear appropriate professional attire that shows proper respect for the court, the proceedings, and the law.

1.5 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.

1.6 Be punctual for all scheduled proceedings.

1.7 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.

1.8 Abstain from knowingly deceiving or misleading another party or the court.

1.9 Act in good faith and honor promises and commitments to other parties and to the court.

2) Civil Practice

2.1 Scheduling Conferences and Scheduling Orders

- a. Within a reasonable time after case filing, the court will send notice and conduct a telephonic scheduling conference, pursuant to *Wis. Stat.* § 802.10(3). A party may request a scheduling conference at any time.
- b. The Court may provide the parties with a form requesting information regarding the type of case and current status of the case that should be completed and filed by the parties before the scheduling conference.
- c. A scheduling order will not be amended without court approval.

2.2 Discovery

- a. Time to complete – All discovery shall be completed by the time set on the scheduling order. Discovery requests shall be served in sufficient time to allow for a timely response to such discovery requests to be served by the discovery deadline.
- b. Form of response – An answer or objection to a written discovery request shall reproduce the request to which it refers.
- c. Limit on interrogatories – No party shall serve more than 35 total interrogatories without written stipulation or prior order of the court. When counting the number of interrogatories, each subpart shall be construed as a separate interrogatory. Parties represented by the same lawyer or law firm shall be regarded as one party for purposes of this rule.

2.3 Discovery Motions

- a. Good Faith Effort to Resolve – All motions to compel discovery pursuant to Chapter 804 *Wis. Stats.* must be accompanied by a statement in writing by the movant that after consultation with the opposing party and sincere attempts to resolve their differences, the parties are unable to reach an accord. Such statement shall recite the date, place, and name of all parties participating in such conference.
- b. Briefs – The person seeking discovery shall specifically state what information is sought and the reasons supporting the production. The person refusing to produce the information shall state why the information sought is not discoverable. Blanket contentions of work product are insufficient. Specific reasons must be stated for each denial of information.

2.4 General Non-dispositive Motions

- a. Filing requirements – All motions shall be heard at a date and time set by the judge or judge’s judicial assistant. It is the attorney’s responsibility to schedule the motion with the court. A motion filed only with the clerk of circuit court will not be scheduled until a specific request by phone or in writing is made of the court for a date and time. Motions, supporting documents, and briefs shall be filed at least 20 days before the hearing date unless provided otherwise by these rules or order of the court.
- b. All papers filed in opposition to such motions shall be filed no later than 7 calendar days (including weekends and holidays) before the hearing date. Reply briefs shall be filed no later than 2 days before the hearing.
- c. Page limits – Briefs in support of or in opposition to such motions shall not exceed 10 pages in length. Reply briefs shall not exceed 5 pages in length. The court may disregard any briefs exceeding these limits.
- d. The court may modify these limitations upon a showing of good cause.
- e. All motions shall state the supporting statute(s). A brief statement of facts and proposition of law relied on with citation of the authorities in support of the relief requested is required.
- f. Appearance by telephone – Telephone appearance at motions can be arranged in writing or by calling the judge’s judicial assistant and requesting court approval. Appearance by phone requires the judge’s approval and is not automatic.

2.5 Venue Motions

- a. A motion for change of venue shall be accompanied by an affidavit and/or brief stating the grounds for transfer of venue. A proposed order shall be included and shall specify which party is paying the statutory fees.
- b. Any objection to a motion to change venue shall be filed within 10 days after service of the motion upon the party objecting. The objection must state the grounds for opposing transfer. A proposed order denying transfer of venue shall be filed with the objection.
- c. Any party requesting a hearing on a motion to change venue must file the request in writing with the motion or objection. Otherwise, motions to change venue will be decided without hearing.

2.6 Motions for Summary Judgment

- a. Time for Filing – The parties may file motions for summary judgment within eight months of the filing of the summons and complaint or within the time set in the scheduling order.
- b. Scheduling – Upon the filing of a motion for summary judgment, the judge’s judicial assistant will contact the parties to set a briefing schedule and hearing date. A party may also contact the judicial assistant for scheduling after the motion has been filed. The court shall enter a scheduling order setting times for opposing affidavits to be filed and for briefs of both parties to be filed. A hearing date may be set if requested by any party. The court may also rule on the motion without a hearing.
- c. Page limits – Unless prior court approval is obtained, a brief may not exceed the following page limitations, exclusive of a statement of undisputed facts, exhibits and affidavits:
 1. Moving party principal brief – 25 pages, double spaced

2. Responding party brief – 25 pages, double spaced
 3. Moving party reply brief – 10 pages, double spaced
- d. Briefs in support shall state plainly and succinctly the material undisputed facts which support judgment (not conclusions of law), with specific references to the evidence filed therewith. Reference to documents in the case file or entire depositions is not permitted. Pertinent parts of documents, depositions, interrogatories, or admissions shall be reproduced and attached as part of the appendices. Failure to comply with this rule may result in denial of the motion.
 - e. Briefs in opposition shall plainly and succinctly state, together with specific references to the record, which facts stated in the moving party's papers, if any, are disputed. Failure to comply with this rule may result in granting of the motion.
 - f. Noncompliance – Noncompliance will be the basis for imposition of sanctions including dismissal, striking of papers, imposition of terms, and such other appropriate sanctions.
 - 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.

2.7 Petitions for Approval of Minor Settlements

- a. A petition for approval of a minor settlement shall concisely state the age of the minor, the nature and extent of the injury giving rise to the claim and whether the injury is permanent, the cause of the injury and the circumstances in which the injury was suffered, and the proposed distribution of the settlement funds.
- b. THE court shall presume that sums distributed for the payment of attorney fees will not exceed 25% of the settlement but may approve a larger portion if extraordinary circumstances so justify.
- c. Unless the court orders otherwise, the minor, his or her attorney, and at least one of the parents or guardians shall attend in person the hearing on the petition.
- d. Proceeds of a minor settlement to be deposited or invested for the benefit of the minor shall be paid into a restricted account that will not permit any withdrawal from the account until the minor's 18th birthday or upon further order of the court. The court shall not approve a settlement that proposes to deposit the settlement funds into a bank account that does not bear interest.
- e. NO guardian ad litem may be relieved of responsibility on any case until he or she files with the court written confirmation that the funds have been deposited or invested as provided in the court's order.

2.8 Pretrial Conferences

- a. 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. The judge may require all parties to be present personally at the pretrial.
- b. Attorneys are required to have their calendars with them in court so dates can be set in the courtroom when possible. In the event that an attorney does not

have a calendar in court, a date will be set in accordance with the judge's calendar. Telephone scheduling can be arranged by calling the judge's judicial assistant.

2.9 Continuance of Trial Date

All stipulated requests for continuance of trial date shall require the consent of the named parties in writing or on the record and must be for good cause shown. Requests for continuance must be on motion and hearing and for good cause shown by the party or with the party's written consent. All requests for continuance are subject to the approval of the court.

3) Rules of Criminal Procedure

3.1 Personal Appearances – All defendants must appear personally for all court hearings. In misdemeanor cases, a signed authorization to appear and act is insufficient to waive the requirement for the defendant's personal appearance unless the Court has granted permission in advance.

3.2 In misdemeanor cases, at the initial appearance, a return date and trial date will be set unless the defendant desires to plead other than not guilty, then the case may proceed to a n immediate plea and sentencing with a judge.

3.3 In felony cases, at the initial appearance, a preliminary hearing date will be set, and if the defendant does not have an attorney or qualify for the State Public Defender, a review hearing will also be set. To minimize the cost of transporting prisoners, after the preliminary hearing or waiver of it, an arraignment will immediately be held with the judge presiding over the preliminary hearing, unless the Court otherwise directs. The defendant shall have ten days after the arraignment to exercise his/her right to substitute the judge assigned to the case. At the arraignment a telephone scheduling conference will be set. If represented by counsel, the defendant does not have to participate in the telephone scheduling conference.

3.4 Motions: Any filed motion requesting suppression of evidence or suppression of statements will not be scheduled unless the party filing the motion requests that the judge's judicial assistant or the Court schedule the motion. The deadline for scheduling these motions on misdemeanor cases shall be the return date. The deadline for scheduling these motions on felony cases shall be the telephone scheduling conference date.

3.5 Plea and sentencing hearings. At a plea, or a combination plea and sentencing, the State should be prepared to present to the court: 1.) a written copy of any plea agreement, 2.) a complete and accurate recitation of the defendant's criminal history, including any juvenile adjudications that the State is aware of, 3.) any victim impact statements and restitution request, 4.) relevant victim's rights information. Defense counsel shall provide a completed plea questionnaire form that includes a listing of the elements of all offenses that the defendant will plead to and the penalties for these offenses, the number of days of presentence incarceration to be credited with supporting documentation, and information regarding the financial ability of the defendant to pay any requested restitution.

4) Rules of Family Court Procedure

4.1 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 or marital settlement agreement, Bureau of Vital Statistics form, and Final Financial Disclosure Statement. No default date will be set until the marital settlement agreement or stipulation is approved by the Family Court Commissioner, unless specifically set by the presiding judge.

4.2 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.

4.3 Dismissal for Inaction – Unless notice is given or cause is shown, actions in which no one appears at a scheduled pretrial, return date, telephone scheduling conference, motion hearing, or default trial will be dismissed for failure to prosecute the action.

4.4 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. The petition shall include the name(s), age(s), and address(es) of the minor(s). The court will order that the parties deposit appropriate funds for payment of the guardian ad litem at the time of the petition.

4.5 Parental Education – Attendance at the Dodge County Family Court Counseling Parental Education Program:

a. Shall be required when a divorce action is commenced and there is a minor marital child, or a motion for post-judgment 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 post-judgment 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.

b. 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 post-judgment 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.

c. May be required for either or both parents after a request for 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.

4.6 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. Findings, orders, or a decision of a court commissioner entered by stipulation or default are not subject to de novo review.

4.7 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.

4.8 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 Clerk of Courts 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) Filing of Papers by Electronic Filing and Facsimile Transmission

5.1 Wisconsin Statute §801.18 has mandated electronic filing in circuit court for many cases and documents. (See the Wisconsin Court System, Circuit Court eFiling web page <https://www.wicourts.gov/ecourts/efilecircuit/index.jsp>) for those exceptions to mandatory electronic filing, documents that do not exceed 15 pages may be filed by facsimile transmission to the Clerk of Courts Office at 920-386-3587.

5.2 Papers filed by facsimile transmission completed by 11:59 p.m. will be considered filed on the particular day pursuant to Wis. Stat. §801.16.

5.3 Facsimile papers are considered filed upon receipt by the Clerk of Court and will be file stamped and entered as part of the official court record. No additional copies may be sent. The Clerk of Circuit Court shall discard any duplicate papers subsequently received, unless the original facsimile document is unclear and then the original duplicate may be substituted and file stamped the date the facsimile was received.

6) Concealed Carry

6.1 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.

6.2 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.

6.3 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.

6.4 "Courthouse" means the Dodge County Justice Facility.

7) Sanctions

Sanctions may be imposed upon the non-appearance or non-compliance of any party or counsel with the foregoing provisions, pursuant to Wis. Stat. §802.05, §802.10(7), §805.03, §804.12(2) and Ch. 785 including dismissal of claims and defenses.