

# Florence County Circuit Court Rules

*(Ninth Judicial District)*

The Florence County Local Circuit Court Rules are hereby restated, amended and created, effective April 11, 2024. All prior Local Court Rules are vacated. If any of the following rules conflict with any Supreme Court Rule or statute, said Supreme Court Rule and statute shall control.

## **RULE 1: RULES OF DECORUM**

a) Attorneys shall at all times:

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.
2. Abstain from uncivil, abusive, hostile, or obstructive conduct – including disparaging, demeaning, or sarcastic remarks or comments about another person.
3. 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; female attorneys should wear appropriate professional/business attire.
4. Advise clients, witnesses and 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.
5. Be punctual for all scheduled proceedings.
6. Conduct themselves consistent with the standards and rules contained in Supreme Court Rules 20 and 62.

b) All parties, attorneys and court observers shall have their cell phones turned off or silenced when the court is in session.

- c) No food or drink will be allowed in the court room unless authorized by the court.
- d) All parties, attorneys and court observers shall refrain from loud talking and discussions and shall conduct themselves in a manner that does not interrupt or interfere with any court proceedings while the court is in session.

## **RULE 2: DOCUMENTS FILED WITH THE CLERK OF COURT AND COURT FEES**

- a) Facsimile Transmissions will be not accepted for filing documents with the Clerk of Court. Pleas in traffic cases may be made using facsimile
- b) Payment of court filing fees, forfeitures, fines and costs shall be made in US currency, personal checks, money orders, certified checks or online with a credit or debit card. Coins will not be accepted for any amount over one dollar.
- c) All documents filed with the Clerk of Court shall be accomplished by mail, in person at the Clerk of Courts office or through "e-filing". Email filings will not be accepted.
- d) All anticipated trial exhibits shall be e-filed with Clerk of Court prior to the trial in a manner consistent with the e-filing recommendations and guidelines

## **RULE 3: JURY FEES**

- a) In any civil or criminal case, in which a jury was scheduled, both parties must jointly advise the Court within 2 business days of the commencement of the trial that the case is resolved and a trial is not necessary.
- b) If the Court is not notified within 2 business days of the start of the jury trial, the Court shall, in its discretion, assess jury fees against either the Plaintiff, the Defendant or their respective attorneys or allocate the cost among them, as authorized by §814.51 Wis. Stats. and the 9<sup>th</sup> Judicial District Rules
- c) The jury fee assessed will be \$1000 which is the usual entire cost of one day's juror fees and costs.
- d) The party assessed the jury fees must make payment to the Clerk of Court within 30 days of the assessment. The Clerk may use any legal or authorized means to collect the jury fee assessment. Failure to pay the assessment shall be enforced by contempt proceedings.

## **RULE 4: SMALL CLAIMS – SERVICE OF PROCESS**

- a. Service of the Summons and Complaint in small claims actions, except actions for eviction or replevin, may be by mail as provided in §799.12(3) Wis. Stats.
- b. Service by mail shall be limited to residents of the county where the action is commenced.

- c. Service in eviction actions shall be by personal service.
- d. Service in replevin actions may be by certified mail, return receipt requested, or by personal service.

## **RULE 5: GENERAL COURT PROCEDURES**

- a) **Appearances:** All attorneys must register and opt-in to the electronic filing system as provided by §801.18 Wis. Stats.
- b) **Notices are “scheduling orders”:** All court notices scheduling matters for court appearances shall be considered as “scheduling orders” issued by the court under §802.10 (3)Wis. Stats. Failure of the litigant or their attorney to appear in court as scheduled may result in sanctions as provided in §801.10(7) Wis. Stats.
- c) **Motions:** Motions properly filed in all actions will be scheduled by the Judicial Assistant. The party filing the motion shall first obtain a date & time for the motion from the Judicial Assistant; confirm that date and time are available to opposing counsel or parties and then notice all of the necessary parties. Any motion that is filed and not properly noticed by the party filing the motion within a reasonable time prior to trial will be deemed to have been forfeited or waived.
- d) **Appearing Remotely:**
  - 1. Telephonic appearances will not be allowed. If there are extenuating circumstances, the party may request Court permission to appear by phone.
  - 2. Requests and Order to appear remotely by Zoom shall be submitted to the Court on approved CCAP forms; GF-306 and GF-307. Appearances by Zoom or videoconferencing will be subject to the provisions of §885.50 to §885.64 Wis. Stats.
  - 3. Any request to appear remotely must be made in writing and within a reasonable time prior to the event.
  - 4. The party approved for a remote appearance will be responsible for making the necessary arrangements to do so and having the equipment sufficient to effectively appear.
  - 5. The party appearing remotely takes the risk that inadequate connection or equipment may prevent the proper presentation or participation. Adjournments requested due to insufficiency of the remote appearance will only be granted with a showing of good cause.
  - 6. Any party appearing remotely or by phone shall be responsible for contacting the court at the scheduled time. In the event the hearing is delayed, the party must remain available and call the court as directed by the court staff.

7. Oral testimony presented remotely at evidentiary hearings will be governed by §807.13 Wis. Stats.

- e) **Continuances**: Continuances may be granted in the discretion of the judge. The court may grant a continuance upon its own motion or upon the request of the parties. A request for an adjournment shall be made by written motion or orally in court if all parties stipulate to the adjournment. Any request or stipulation for an adjournment will be granted only if good cause is shown and the court determines that justice will be served by the adjournment.
- f) **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.
- g) **Forms and pleadings**: In all actions and proceedings in circuit court, the parties shall use the standard court forms adopted by the judicial conference under §758.18 Wis. Stats. A party may supplement a standard court form with additional material. Any additional material or attachments to the standard forms shall be 8 ½" by 11" in size. If the judicial conference has not created a standard court form for an action or pleading undertaken by a party, all documents and pleadings, together with any attachments, shall be 8 ½" by 11" in size and in a format consistent with any statutory or other court requirement. This provision does not apply to original wills filed with the Register of Probate.
- h) **Briefs and Memorandums**: A copy of any briefs or memorandums filed in court, together with supporting affidavits must be provided through e-filing to the Judge at the time said documents are filed with the clerk of court.
- i) **De Novo Review**: Any request for a De Novo review of the Court Commissioner's decisions must be in writing and filed with the Clerk of Court and mailed to the opposing party within 10 days of the Court Commissioner's oral decision or within 15 days from the date of mailing of the Court Commissioner's written decision.
- j) **Appointed Attorney in Civil Cases**: The Court may, but is not required to, appoint an attorney at public expense for an indigent litigant when it is determined that counsel is necessary to protect the litigant's right to basic human needs, including sustenance, shelter, safety, health and child custody. In exercising the court's inherent authority in this respect the court will consider all relevant factors including but not limited to the following: the resources available to the litigant, the nature of the interests involved in the cases, the complexity of the factual or legal issues, the capability of the litigant to adequately present the case and the potential financial impact on the County. If counsel is

appointed, the court may require the litigant to reimburse the County for the cost of the appointed counsel.

A Petition for Appointment of Counsel must be filed with the court which addresses each of the above listed factors and is accompanied by a fully completed Circuit Court Form GF-152 or similar form that the court may make available in the future.

- k) **Motions for Default Judgment:** A party seeking a default judgment against the adverse party due to failure to timely file an answer or other responsive pleading must file the appropriate motion pursuant to §806.02 Wis. Stats.. In addition to the requirements of the statute, the moving party must submit proof that the adverse party was notified of the motion for default judgment.

## **RULE 6: CRIMINAL PROCEDURES**

- a) **Court Appearances:** The defendant is required to be present at all proceedings identified in §971.04 Wis. Stats. A defendant will be excused from attending any proceeding provided he/she has authorized his/her attorney, in writing as provided in §971.04(2) Stats. Upon request submitted on approved CCAP forms GF-306 and GF-307, the Court may allow a defendant to appear remotely. If the defendant is allowed to appear remotely, Defense Counsel must submit CCAP form CR-295 Waiver of Right to Personal Appearance.
- b) **Initial Appearances:** Unless otherwise directed by the court, incarcerated defendants may appear by video conferencing for the initial appearance.
- c) **Arraignment:** The Arraignment shall immediately follow the Preliminary Hearing unless good cause is shown for a latter date. The District Attorney shall have the Information filed or ready for filing at the time of the Preliminary Hearing.
- d) **Pre-trial:** The Court will schedule a pretrial. The pretrial will be an informal conference between the District Attorney, Defendant, and Defense Counsel. The defendant and defense counsel must appear in person at the pretrial unless excused by the District Attorney. Failure of the Defendant to appear may result in the issuance of a Bench Warrant. Within a reasonable time prior to the pre-trial, the District Attorney shall provide the defendant with all information required by §971.23 Wis. Stats. and a written plea offer, if any. The defense attorney shall discuss the plea offer with the defendant prior to the date of the pre-trial to allow the defendant to make an informed decision regarding the plea offer. If a plea agreement is reached, the court will proceed with the plea and sentencing on the date scheduled. If a plea agreement is not reached at the time of the pre-trial, the matter will proceed to trial as scheduled.

- e) **Plea & Sentencing**: At the Plea and Sentencing hearing, the State shall be prepared to provide the court with all relevant information necessary for the court to impose a proper sentence including but not limited to: the defendant's criminal history/record; the amount of restitution, if any; victim impact statements, if any; verification of any presentence incarceration to be credited. The defense counsel shall be prepared to provide the court with all relevant information for the court to impose a proper sentence including but not limited to: a completed Plea Questionnaire and Waiver of Rights form; an Element Sheet, Jury Instruction or other attachment setting for the elements for the offenses the defendant will be entering plea to; verification of the presentence incarceration to be credited.
- f) **Appointed Counsel**: Counsel appointed by the court for indigent defendants shall keep accurate and adequate time records to be able to properly submit an itemized statement to the court upon the termination of their services to the defendant. In the event the attorney is appearing in court or providing services for more than one client at the same time, the travel expenses and time must be properly allocated among all such clients. If a final itemized statement is not available at the sentencing hearing, the attorney should be prepared to estimate what his final fee will be so that the defendant has an idea as to the amount of reimbursement he will be responsible for. A final, itemized statement for services rendered shall be submitted to the court within 30 days of the sentencing hearing. The final billing statement shall be provided to the defendant and must contain a notification that if the defendant objects to the bill, the defendant must file a written objection with the court within 10 days of mailing of the bill. The court must be provided with verification that the defendant was provided with a copy of the final billing statement.

As soon as possible following appointment, Counsel should advise the Court if it is anticipated that an expert may be required for the proper defense of the Defendant. If the request for an expert would divulge a legitimate defenses strategy, Counsel shall submit a sealed ex parte request. If the Court does not believe confidentiality or a legitimate defense strategy exists, the Court may divulge the request to the District Attorney before making a decision on the request.

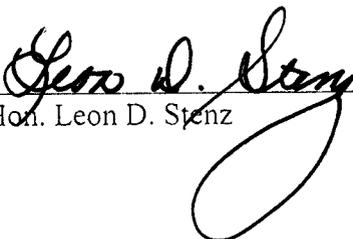
- g) **Defendant in Jail**: If the Defense Counsel needs to meet with a Defendant that is incarcerated in jail, Counsel must make arrangements to meet with the defendant in the jail. Lack of available space and security concerns of the Sheriff will prevent meeting with the defendant in the courthouse
- h) **Return on Warrant**: If a Bench Warrant has been issued as a result to the Defendants failure to appear, a return on the warrant or further hearings will not be scheduled, without specific court approval, until the Defendant is in custody or has posted the warrant cash deposits.

- i) **Correspondence from represented defendants:** If the defendant is represented by counsel, all correspondence or contact with the court, other than complaints about the attorney, must come from the defendant's counsel. Any correspondence received directly from the defendant will be forwarded to his or her attorney and will not be responded to by the court.

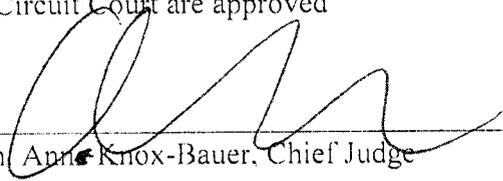
## **RULE 7: FAMILY COURT PROCEDURES**

- a) Parties with children shall be referred to mediation immediately after the Petition for Divorce has been served. A \$100 fee shall be paid to the mediator by each party at the first mediation session. Mediation can be waived if the parties file with the court a stipulation resolving all issues regarding the custody and placement of the children.
- b) If mediation is unsuccessful in establishing a stipulation regarding the custody and placement of the children, a Guardian ad Litem shall be appointed by the Court to represent the children. The parties shall be ordered to pay \$500 each directly to the Guardian ad Litem within 10 days of the receipt of the Order Appointing Guardian ad Litem. No court proceedings will be scheduled until both parties have paid the required fee. If a party is not indigent, the required payment may be enforced through contempt proceedings. If a party is indigent, prepayment of the guardian ad litem fee may be waived by the Court.
- c) If the parties are pro se, the case will be scheduled for a contested hearing after the 120 day waiting period has expired. If the parties advise the court that a marital settlement agreement which resolves all issues has been reached and signed by the parties, the case will be scheduled for a stipulated divorce hearing.
- d) A contested final hearing will not be scheduled until both parties have filed a proposed Marital Settlement Agreement, Parenting Plan if relevant and an updated Financial Disclosure Statement.
- e) A stipulated final hearing will not be scheduled until the parties have filed the Marital Settlement Agreement, Parenting Plan if relevant and each parties updated Financial Disclosure Statement. If there are minor children, the Marital Settlement agreement must be approved by the Guardian ad Litem and the Child Support Agency.

Dated this <sup>13<sup>th</sup></sup> ~~16<sup>th</sup>~~ day of <sup>May</sup> ~~April~~, 2024

  
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Hon. Leon D. Stenz

The forgoing Local Rules for the Forest County Circuit Court are approved  
this 8 day of May, 2024

  
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Hon. Ann Knox-Bauer, Chief Judge