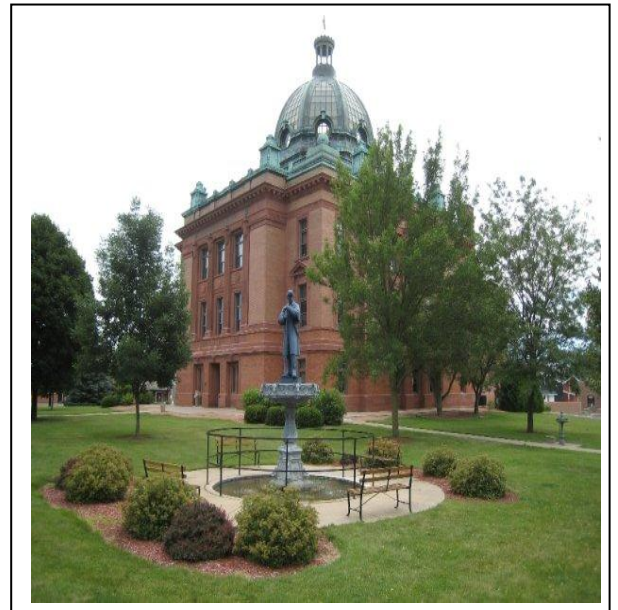


Grant County Circuit Court Rules



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PART 1: PUBLICATION AND REVISION OF CIRCUIT COURT RULES

100 Effective date: December 31, 1994, updated September 1, 2011, updated April 1, 2014

101 Proposed rules shall be posted for public review in the County Courthouse by the clerk of circuit court and copies shall be forwarded to the president and secretary of the Grant County Bar Association at least fifteen days prior to formal adoption.

102 Notice of proposed rules as described in Sec. 101 and 102 shall constitute sufficient public notice.

103 Rules shall be adopted by written order of The Grant County circuit judges, subject to approval of the chief judge. Effective date shall be the date of filing with the Clerk of Court.

104 Orders adopting rules shall specify an effective date.

105 Once adopted, court rules shall be filed with the clerk of circuit court, and the clerk of circuit court shall provide written or electronic copies to members of the Grant County Bar Association who maintain offices for the practice of law in Grant County, and the chief judge.

PART 2: CLOSURE OF PROCEEDINGS

200 Effective date: December 31, 1994 and updated September 1, 2011

201 Unless good cause has been shown to the judge, a party moving that any judicial proceedings required by law to be public be closed to the news media must notify the court and the media coordinator in writing at least 72 hours prior to the time set to hear the motion. The purpose of this rule is to permit legal counsel to appear on behalf of the media and be heard. The burden shall be upon the moving party to show cause why the proceedings should not be public as required by statute. The media coordinator's name and mailing address can be secured from the Clerk of Circuit Court or the District Court Administrator.

PART 3: CASE PROCESSING TIME GUIDELINES

300 Effective date: Effective December 31, 1994 and updated September 1, 2011

301 The following case processing time goals are for the processing of cases and designed to provide a guide to the judiciary and bar. Unless otherwise indicated, the guidelines represent the time period from filing to final disposition.

CASE TYPE	GOAL FOR PERCENT DISPOSED WITHIN DAYS
Felony	Two Stage Goal - 85% within 180 days - 95% within 360 days
Misdemeanor	90% within 180 days
Criminal Traffic	90% within 180 days
Contested Traffic	95% within 180 days
Contested Forfeiture	95% within 180 days
CV-PI/PD	90% within 540 days
CV-Contracts & RE	95% within 360 days
CV-Other CV	95% within 180 days
FA-Divorce	90% within 360 days
Paternity	90% within 180 days
FA-Other Family	95% within 360 days
Contested Small Claims	95% within 180 days
Estates (PR & IN)	Two Stage Goal - 75% within 420 days (14 months) - 90% within 540 days (18 months)
Juvenile Delinquency	95% within 90 days
CHIPS	85% within 90 days
TPR	Two Goals - Voluntary TPR's – 95% within 120 days - Involuntary & Unidentified – 95% within 180 days
Contested JO	95% within 180 days

302 It will be the practice of the Court to schedule every case for a next action or review date at every stage in the life of the case.

PART 4: RULES OF DECORUM

400 Effective date: December 31, 1994 and updated September 1, 2011

401 The flag of the United States shall at all times while court is in session be displayed at, on, or in close proximity to the bench, or on a standard to the right of the judge.

402 Court shall be formally opened each day in which court business is transacted either by the bailiff or the clerk.

403 As the judge enters the courtroom, the bailiff or clerk of court shall require all present to rise and stand. The bailiff or the clerk of court shall say "All rise, the Circuit Court for Grant County is now in session." All shall be seated and the business of the court shall proceed. This rule may be modified by the customs and practice of the presiding Judge.

404 Upon recessing, the judge shall announce: "The court is now in recess."

405 When the trial is to a jury, the parties, their attorneys, court personnel and the judge shall take their places in the courtroom before the jury is returned to the jury box. All present in the courtroom shall stand until the jury is seated.

406 Lawyers shall never lean upon the bench or appear to engage the court in a manner which would lessen the dignity of the proceedings in the eyes of the jury and public. Lawyers shall act civilly toward each other and witnesses at all times.

407 Witnesses shall be examined from a position at the counsel table except when handling exhibits unless a lectern is provided by the court, in which case the examination shall be either from the position at the counsel table or the lectern. Persons examining witnesses may either stand while examining a witness from the counsel table or remain seated. In no case shall a witness be crowded during examination.

408 When a lawyer or party is addressing the jury, he or she shall not crowd the jury box.

409 During examination of jurors on voir dire, the lawyer or party conducting the examination shall, insofar as practical, use collective questions, avoid repetition and seek only material information.

410 During trial, no lawyer or party shall exhibit familiarity with witnesses, jurors or opposing counsel and generally the use of first names shall be avoided. In jury arguments no juror shall be addressed individually or by name.

411 Lawyers and court officers shall, while in attendance upon the court, be attired in such a manner as not to lessen the dignity of the court or of proceedings in the eyes of the jury and public. Suits, skirt and blouse, or dresses are suggested for women; suits and sportcoats and ties are suggested for men. Judicial discretion may be exercised otherwise in extreme conditions.

411.1 All hats and caps shall be removed in the courtroom.

411.2 Dignity and solemnity of the Judge and the attorneys shall be maintained in the courtroom at all times.

412 Lawyers shall advise their clients and witnesses of the formalities of the court, and seek their full cooperation therewith. It is expected that lawyers will guide clients and witnesses as to appropriate attire to wear in court proceedings. The attorneys, their clients or witnesses or persons with them at counsel table are to follow the following rules of conduct:

A. A party or attorney having any concerns about personal security, safety, or the actions of any person in the courtroom or court proceeding, including the attorney's client or witnesses, shall alert the bailiff or the judicial assistants of those concerns as soon as practicable.

B. Attorneys, their clients or witnesses, while in the courtroom awaiting their case to be called shall not engage in conversation, loud whispering, casual or otherwise, with other attorneys or individuals. Such conversations shall occur outside of the courtroom in a manner which does not disrupt courtroom proceedings.

C. Attorneys have an ethical and professional obligation to meet with their clients prior to the time the client's matter is scheduled in court. Should counsel require time to speak with their clients before proceeding when their matter is called, they shall so inform the court and opposing counsel and request their case be set to the bottom of the calendar to allow them that opportunity.

D. When advised the court is calling a case, the parties and counsel involved in that case shall move promptly to the courtroom.

E. Court proceedings are important, and serious to all participants. Any person engaged in conduct which is disruptive to the solemnity of the court proceeding will be escorted from the courtroom. Attorneys

shall review this rule and its purpose with their clients or witnesses who bring young children to court proceedings.

F. All counsel and witnesses shall use the court speaker system while participating in court proceedings.

413 Witnesses shall be examined with courtesy and respect, and a witness' good faith should be presumed until the contrary is evident.

413.1 Counsel shall not knowingly misinterpret the contents of a document, the testimony of witnesses, the language or argument of opposing counsel or the language of a decision or other authority; nor shall the attorney offer evidence which he or she knows to be inadmissible; nor shall an attorney knowingly misstate the law to the Court.

414 The swearing of witnesses shall be an impressive ceremony and not a mere formality.

415 In jury cases which are disposed of upon a motion for dismissal or directed verdict, the Judge, in dismissing the jury, shall briefly explain the procedure and why a verdict was unnecessary.

416 Attorneys are officers of the Court and should at all times uphold the honor and maintain the dignity of their profession and maintain a respectful attitude toward the Court.

417 Attorneys' conduct before the Court and with other counsel should be characterized by candor and fairness. All personality conflicts between attorneys and colloquies between attorneys should be avoided. Attorneys shall, insofar as possible, refrain from interrupting each other, speaking at the same time, or arguing between themselves, thus assisting in making a proper record. Attorneys should instruct their witnesses to testify slowly and clearly so that the Court and the jury can hear their testimony, and should caution witnesses not to chew anything while testifying.

418 Attorneys should address the Court from a position at the Counsel table or lectern.

419 If it is necessary to discuss some question out of the hearing of the jury at the bench, the attorney may so indicate to the Court and if invited, approach the bench for that purpose.

420 Unless excused by the Judge, after the jury has retired to deliberate upon a verdict, the attorneys representing the parties shall remain in the immediate area of the courtroom so as to be available at all times during the deliberations of the jury and when the verdict is received.

421 The right to be present during the trial of all cases shall be deemed to be waived by a party or his or her counsel by voluntary absence from the courtroom at a time when it is known that proceedings are being conducted, or are about to be conducted. In such event the proceedings, including the giving of additional instructions to the jury after they have once retired, or receiving the verdict, may go forward without waiting for the arrival or return of counsel or a party. (Wis. Stat. 971.04(3))

422 An attorney who accepts a retainer to handle a client's case is presumed prepared and ready for all scheduled court dates including Court dates scheduled prior to the date the attorney accepts the case.

423 Each attorney shall be prepared to proceed promptly with matters at the time they are scheduled. If a continuance is requested for good cause, or if the matter is settled, each attorney shall notify the Court at the earliest possible time.

424 No individual other than an enrolled active member of the State Bar shall practice law in this state or in any manner hold himself or herself out as authorized or qualified to practice law. Any Court in this state may, by special permission granted by it, allow non-resident counsel to appear and participate in a particular action or proceeding in association with an active member of the State Bar of Wisconsin who appears and participates in such action or proceedings.

425 Attorneys and clients are expected to be in the courtroom on the date and time scheduled. Attorneys with foreseeable time conflicts in other courts will be given due consideration but are expected to plan to resolve the conflict without delay in advance whenever possible. If a continuance is granted due to a conflict in another Court's calendar, the matter will be rescheduled with the rescheduling Court's calendar having preference.

426 All local Court rules shall apply to pro se litigants unless excused by the presiding Judge.

427 In recognition of the increasing use of electronic devices by the general public and in keeping with the court's desire to maintain the dignity and decorum of the court while permitting the use of this equipment at times when the use does not interfere with the operations of the court, electronic equipment, including, but not limited to cellular telephones, beepers, lap top computers and recording devices, may not be used in the courtroom or jury deliberation room without the specific permission of the judge.

Part 5: THE JUDGE

500 Effective December 31, 1994 and updated September 1, 2011.

501 The Judge shall at all times safeguard the rights of the parties and the interests of the public. The Judge shall be dignified, courteous and considerate of the parties, attorneys, jurors and witnesses. The Judge shall suppress personal predilections, control temper and emotions and avoid conduct which tends to demean the proceedings or to undermine judicial authority in the courtroom.

502 The Judge shall wear a judicial robe at all times while Court is in session, provided judicial discretion may be exercised otherwise in extreme conditions.

503 The Judge shall be timely in convening Court and prompt in the performance of judicial duties, recognizing the time of litigants, jurors and attorneys is valuable and that lack of timeliness creates dissatisfaction with the administration of justice.

504 The Judge shall see to it at all times that the parties, witnesses and jurors are treated fairly, with due consideration and respect. No discourtesies toward them shall be permitted.

505 During the presentation of the case, the Judge shall maintain absolute impartiality, and shall neither by work nor sign indicate he or she favors any party to the litigation.

506 The Judge should refrain, so far as possible, from intervening during the course of the trial. However, the Judge is more than a referee. The Judge has the right to question, or even to call witnesses, to clarify questions and answers, and to make inquiries where obviously important evidentiary matters are ignored, or inadequately covered, but must do so in an impartial manner, not as a partisan or advocate.

Part 6: CLERK OF COURTS

600 Effective date: December 31, 1994 and updated September 1, 2011

601 The Clerk of Court shall be in charge of all case records and files, and shall be responsible for courtroom administration, including the feeding, housing and transportation of the jury when required.

602 The Clerk of Court shall have the duty to see that each witness is sworn separately and that the oath is administered in a manner calculated to impress the witness with the importance and solemnity of the oath taken.

603 Witnesses, when sworn, should stand near the clerk's desk. After the witness is sworn, the clerk shall direct the witness to give the reporter his or her full name, and request the witness to spell his or her surname. The witness should then be seated.

604 When a jury has been selected and is to be sworn, the Clerk of Court shall request the jurors to rise while the jurors' oath is being administered.

605 The conduct of the Clerk of Court before the Court and with other counsel should be characterized by candor, fairness and impartiality.

606 Rules of decorum in Part 4 will apply to the Clerk of Court unless leave is otherwise given by the presiding Judge.

Part 7: BAILIFF'S DUTIES

700 Effective date: December 31, 1994 and updated September 1, 2011.

701 It shall be the duty of the bailiff to maintain order at all times as litigants, witnesses and the public assemble in the courtroom, during the progress of the trial and during recesses of the Court. This includes the duty to admit persons to the courtroom and direct them to their seats and to refuse admittance to the courtroom in such trials where the courtroom is occupied to its full seating capacity. It also includes the duty to escort defendants to the clerk's office when directed by the court.

702 It shall be the duty of the bailiff to take charge of and supervise the jury during the course of a trial, during Court recesses, and during time of jury deliberation, to assure that no unauthorized persons come into contact with members of the jury. If such an attempt is made, the bailiff shall notify the Judge at once. During sequestered trials, the bailiff(s) shall take the foregoing precautions on a 24-hour-a-day basis.

703 The conduct of the bailiff before the Court and with other counsel should be characterized by candor, fairness and impartiality. Rules of decorum in Part 4 will apply to the Bailiff unless leave is otherwise given by the presiding Judge.

PART 8: MISCELLANEOUS PROVISIONS

801 Order for Assignment of Cases: Effective January 1, 2000 and updated September 1, 2011.

CIVIL CASES – All cases will be assigned on an equal basis by the Clerk of Courts Office. All even numbered cases shall be assigned to Branch 2 and all odd numbered cases to Branch 1.

FAMILY CASES – All cases will be assigned on an equal basis by the Clerk of Courts Office. All even numbered cases shall be assigned to Branch 2 and all odd numbered cases to Branch 1.

PROBATE CASES – All cases will be assigned on an equal and random basis by the Register in Probate's Office. Cases will be assigned to Branch 1 and Branch 2 on an alternating basis, excluding those cases assigned to the Probate Registrar, and as to those cases, the supervising judge will be based on the case number with Branch 1 supervising odd numbered cases and Branch 2 supervising even numbered cases.

GUARDIANSHIP CASES – All cases will be assigned on an equal basis by the Register in Probate's Office. All even numbered cases shall be assigned to Branch 2 and all odd numbered cases to Branch 1.

ADOPTION CASES/TERMINATION OF PARENTAL RIGHTS CASES – All cases will be assigned on an alternating and equal basis where appropriate by the Register in Probate's Office, with the exception being that an adoption and termination for the same child will be assigned to the same judge, as will multiple adoptions/terminations processed by the same parties simultaneously.

INTAKE COURT ASSIGNMENT - The following case types shall be assigned to a judge through the Intake Court. The assignment of a judge to the Intake Court shall be for a period of two (2) weeks. The Intake Court judge is the duty judge for Grant County. Any emergency matters are to first contact the Intake Court for assistance. After normal court hours, requests for search and arrest warrants and bond determinations are the responsibility of the Intake Court judge. Subject to the order of the Intake judge, and in appropriate cases, a court commissioner may hear matters as allowed by his or her authorized power approved by the Chief Judge. The Intake Court judge should not attend judicial education and shall not plan vacation without prior arrangements with the other circuit judge or make appropriate

arrangements with a court commissioner or get approval of the Chief Judge during their Intake Court assignment.

CRIMINAL CASES – All cases will be assigned at the initial appearance to the presiding Intake Court judge. The case is considered assigned to that judge. The District Attorney has the discretion as to when to file a criminal case, and the District Attorney may suggest an intake date, but the Clerk of Courts shall have the responsibility for assigning the actual intake date based on a system designed to equitably distribute cases to each branch.

TRAFFIC CASES – All cases will be assigned at the initial appearance to the presiding Intake Court judge set by the Clerk of Courts. The case is considered assigned to that judge.

SMALL CLAIMS – All cases will be assigned on the small claims return date to the presiding Intake Court judge. The case is considered assigned to that judge and subject to SCR 70.19(3)(a).

JUVENILE CASES - All cases will be assigned based primarily on the filing date, as well as the intake calendar and statutory time limits. The case is considered assigned to that judge. However, once a court has been assigned one case for a juvenile, further petitions regarding that same juvenile will be assigned to the same judge. The Register in Probate shall be responsible for equitable distribution of the cases.

MENTAL HEALTH CASES - The presiding Intake Court judge will hear Wisconsin Chapters 51 & 55 cases. The case is considered assigned to that judge. Chapter 55 cases that are to be heard with Chapter 54 cases shall be coordinated as necessary by the Register in Probate.

AS TO ALL CASES - The Chief Judge of District 7 may reassign all case loads when necessary as allowed under SCR 70.19 (3)(a), which reads as follows:

The chief judge shall establish a system for equitable distribution and allocation of categories of cases and case loads within the district, subject to the approval of the Supreme Court.

802 Payment of Court-Appointed Attorney Fees/Guardian ad Litem Fees

Counsel must submit their billing to the Clerk of Court or Register in Probate within 45 days of the final hearing, entry of the final order, or other disposition. If billings are not submitted within that time, they may not be paid or subject to reduced payment.

803 Court Appointment of Guardians ad Litem:

Attorneys wishing to be considered by the court for appointment as guardian ad litem for a minor must be eligible to accept an appointment under SCR 35.01. Acceptance of a guardian ad litem appointment under SCR 35.02 constitutes a representation to the court that the appointed attorney has complied with SCR 35.01.

Compensation for the services of a guardian ad litem shall be at a rate of \$70.00 per hour, but the court may set compensation rates above the normal rate, upon consideration of appropriate parties.

Attorneys accepting guardian ad litem appointments shall submit a bill to the court on a monthly basis. See Local Rule 1403.

804 In cases where Grant County is permitted by statute or case law to recoup Guardian ad Litem, Psychologists or Psychiatrists fees, and expenses from the parties to an action before the Circuit Court, the Court shall enter an order effecting such recoupment by means of lump sum or time deferred payments of those expenses by a party or parties to the litigation. The order for recoupment shall reflect consideration of the economic circumstances of the parties as determined by the court at the time of the setting of the recoupment obligation. When a recoupment order, or order directing reimbursement of Grant County's

expenditures for Guardian ad Litem, psychological or psychiatric or like professional services is entered, a copy of that order shall be provided to the Corporation Counsel for Grant County

In a Chapter 767 matter where issues concerning a child necessitate the appointment of a Guardian ad Litem, before the court appoints a Guardian ad Litem, it shall inform the parties of their responsibility to each deposit with the Grant County Clerk of Circuit Court/GAL, by a date certain, a set sum of money as a contribution toward the Guardian ad Litem fees and expenses to be incurred by the appointment. Unless waived by order of the Grant County Circuit Court upon proper application to the court and showing indigency, each party shall post the required sum before the Guardian ad Litem shall be appointed and enter into his or her duties under the appointment. The Guardian ad Litem, during the course of the performance of his or her appointed duties, shall provide the court and parties with monthly statements of the fees and expenses incurred in carrying out the duties and obligations under the appointment. The Clerk of Circuit Court shall see to the disbursement of the Guardian ad Litem's billings out of the fees posted with the court and shall inform the parties and Guardian ad Litem when that amount nears depletion. The court shall, from time to time, if necessary, enter further orders directing the parties to make further appropriate deposits of monies with the Clerk of Courts to cover the Guardian ad Litem's expenses during the pendency of the action.

805 Uniform Rules for Trial Court Administration. Pursuant to SCR 70.34, the Director of State Courts is to distribute to the Grant County Circuit Court Uniform Rules for Judicial Administration that may be adopted by or amended by the Director of State Courts. The Grant County Circuit Court is bound by the Uniform Rules for Trial Court Administration so promulgated by the Director of State Courts. The Uniform Rules for Trial Court Administration so promulgated by the Director of State Courts are incorporated into and made part of the Grant County Circuit Court Rules. To the extent that there may be a conflict between the Grant County Circuit Court Rules and the Uniform Rules for Trial Court Administration, the Uniform Rules for Trial Court Administration shall prevail. The Grant County Clerk of Circuit Court shall maintain a copy of the Uniform Rules for Trial Court Administration with the Grant County Circuit Court Rules in her office to be made available to anyone requesting information on the Grant County Circuit Court Rules.

806 Clerk and Register In Probate Copying Charges - The Clerk of Circuit Court or Register in Probate should charge the regular page fee for electronic copies of documents from court case files, as provided by Wis. Stats. § 814.61(10) and § 814.661(1)(h). The cost of reproduction can include the cost of a tape or disk, supplies and equipment, and the staff time necessary to get the reproduction done.

Case files, per page <ul style="list-style-type: none"> Paper copies of paper or electronic files – includes transcripts when copied from case files Electronic copies of paper or electronic files – even when made by the requester State Public Defender pays actual, necessary and direct costs of copying 	per page: \$1.25 clerks; \$1.00 probate per page: \$1.25 clerks; \$1.00 probate
Other paper records and reports	per page: \$1.25 clerks; \$1.00 probate
Other media: tapes, videos, photos, computer disks, digital-audio recordings	Actual, direct & necessary costs such as time, materials, commercial services
Publications: booklets, form packets	Cost should approximate actual cost of materials & staff time to copy <ul style="list-style-type: none"> No charge for single copies of records management committee forms, either mandatory or pro se
Simple searches	per search, not per "hit" or result: \$5.00 clerks; \$4.00 probate
Complex searches	Actual, direct & necessary costs
Copy fee waivers: <ul style="list-style-type: none"> WI Secretary of State, Treasurer, AG/DOJ Any agency if regarding veteran's benefits US Bureau of Citizenship and Immigration Services for criminal cases Your own child support agency if you waived copy fees under a cooperative agreement 	No waiver: <ul style="list-style-type: none"> ATF, other federal agencies Military recruiters – 5 USC § 9101(b)(3) Other state agencies Anyone claiming an exemption should be asked to cite a statute supporting that claim

- | | |
|---|--|
| <ul style="list-style-type: none">• Dept. of Public Instruction for JOC and complaint against a teacher | |
|---|--|

807 Facsimile Filing Rule.

1. Pursuant to Wis. Stat. 801.16(2) as amended, facsimile documents transmitted directly to the Grant County Circuit Court shall be accepted for filing only if:

- A. No filing fee is required, and;
- B. No additional fee or charge must be paid by the circuit court for accepting or receiving the facsimile document.
- C. If the deadline for filing or hearing isn't within 48 hours, and it isn't an emergency filing, those documents should be mailed and not sent by fax.

2. Facsimile documents transmitted to a non-court agency, party, or other similar entity for reception and ultimate transmittal to the court shall be accepted for filing only if:

- A. No filing fee is required, and;
- B. No additional fee or charge must be paid by the circuit court for accepting or receiving the facsimile document.

3. Facsimile papers are considered filed upon receipt by the Clerk of Courts and are the official record of the court and may not be substituted. No additional copies or the originals may be sent. The Clerk of Courts shall disregard any duplicate papers subsequently received by the Clerk of Circuit Court, assigned judge, or court commissioner. The party transmitting the facsimile is solely responsible for ensuring the timely and complete receipt of the document. No document will be considered filed where:

- B. There are errors or material omissions that result from errors in transmission causing missing, incomplete or illegible documents, or;
- C. The document is not actually received because of periods when the facsimile machine is not operational for any reason.

4. Papers filed by facsimile transmission are considered filed when transmitted except that papers filed by facsimile transmission after 4:30 p.m., or on weekends or holidays, are deemed filed at the opening of the office of the Clerk of Courts on the next business day.

5. No transmission shall exceed fifteen (15) pages in length, inclusive of any cover sheet, unless the assigned judge has by order in advance permitted a greater length. The first page of any document filed by facsimile transmission that is greater than 15 pages in length shall certify on the first page of such document that an exception has been ordered by the applicable judge, otherwise the clerk may charge \$1.25 for each page of the facsimile.

6. The Clerk of Courts for Grant County shall maintain the official facsimile machine and all documents filed by facsimile transmission shall be filed with the Clerk of Courts for Grant County. Documents sent by facsimile transmission to facsimile machines other than the Clerk of Court's facsimile machine will not be accepted as being properly filed pursuant to this rule.

7. 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

808 E-mailed Documents - Documents intended for filing must be submitted on paper or sent by fax to the Clerk of Court, as required by Wis. Stats. § 801.16(1). E-mail is well-suited to arriving at agreement among a group of people. E-mail may be used to circulate draft agreements, arrive at a scheduling order, set a meeting date, etc. However, any final document arising from the process shall be submitted on paper via the clerk's office.

PART 9: CIVIL PRACTICE

900 Effective date: September 1, 2011

901 All civil cases will be reviewed for service 90 days after filing. If at that time sec. 801.02(1), Stats. service has not been achieved, a dismissal order shall be initiated by the court. A scheduling conference may be noticed by the court 30 days or more after the statutory expiration of pleading service times.

902 A motion for summary judgment and a motion for dismissal shall be filed with the clerk together with any brief or other supporting documents. If movant does not desire to file a brief or other documents, a statement waiving his/her right to file such brief or other documents shall be filed. The respondent shall have 20 days from the filing of the movant's brief within which to file a responsive brief and supporting documents, or waive in writing the right to do so. If the respondent fails to file a brief and supporting documents, or waiver of the same, within the 20-day period it shall be presumed that respondent has waived this right and the court shall accept no further supporting documents or briefs. Movant's reply brief, if any, shall be filed and exchanged within 20 days of the date of filing of respondent's brief. A decision shall be based upon the record as timely filed, unless oral argument on the motion is requested by a party. By appropriate court order, these times may be modified.

If the movant desires to file a brief in support of a motion other than one for summary judgment or dismissal, the brief shall be served and filed with the judge's clerk with the notice of motion or at least 10 days prior to any scheduled hearing date. Briefs in opposition to such motions must be filed with the assigned judge's clerk no later than 2 business days prior to the hearing of the motion. Briefs in opposition to such motions must be either personally served upon opposing counsel no later than 2 business days prior to the hearing or if service is made by mail, no later than 3 business days prior to the hearing. Briefs filed in an untimely fashion may be disregarded by the court.

Briefs shall not exceed 40 pages in length, shall be double spaced, and shall be typed in a font no smaller than 12 point. Handwritten briefs shall be legible, double spaced, and no more than 20,000 words.

903 Except as to mortgage foreclosures, no notice to defendant is required prior to entry of a default judgment in large claim civil actions where personal service was obtained upon defendant.

In cases where no personal service is obtained upon the defendant (i.e., substitute or published), notice of motion for default judgment shall be given to defendant by regular mail at defendant's last known address. The notice shall provide that in the event defendant does not request a hearing from the court, in writing, on plaintiff's motion within 15 days of the date of the notice, default judgment shall be entered.

Hearing requests shall be heard by the court as soon as practicable. Upon the expiration of the time to request a hearing, plaintiff may apply to the court for default judgment, accompanied by an affidavit of the aforesaid notice to defendant.

In actions where damages are not liquidated, a hearing shall be conducted to determine the amount of the judgment. The court may order a hearing to determine the amount of judgment in any case.

The judge may, in an individual case, require further notice or proof regarding service, damages or costs, if appropriate.

904 No mortgage foreclosure judgment shall be granted except upon a hearing in open court by affidavit or testimony, due notice of which shall have been given to all defendants by first class mail to the last known address at least 10 days prior to the hearing date. In confirmation of sale hearings in mortgage foreclosure actions notice shall be given by certified mail to all parties who have appeared in the action in compliance with § 846.165, Stats. where a deficiency judgment is sought, fair value of the subject real estate shall be established by appraisal evidence given by an appraiser who is not an employee or associated with a party to the action.

905 In all pretrial matters, attorneys shall have their clients available or be able to firmly commit their clients to dates set by the parties and the court at scheduling conferences or other hearings. Failure to do so may result in sanctions being applied if a matter is rescheduled because of conflicts that would have been known to the attorney or client if this rule had been complied with by the attorney.

906 Attorneys are required to have their calendars with them in court so that dates can be set in the courtroom when possible. In the event that an attorney does not have his or her calendar in court, a date will be set in accordance with the judge's calendar.

907 All stipulated requests for continuance of trial date shall require the consent of the attorney for a party or the party if he/she is not represented by counsel in writing or on the record and must be for good cause shown. Non-stipulated 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.

908 Clerk's return of copies of filed documents.

When a party or a party's attorney files a document with a clerk of the Grant County Circuit Court and requests that the clerk return a copy of that document to the attorney or party, the attorney or party shall submit to the clerk a copy of the document requested to be returned and a self-addressed envelope bearing sufficient postage in which the clerk can return the copy to the party or party's attorney.

Where a party or party's attorney files a document with a clerk of the Grant County Circuit Court and requests that the clerk fill in information called for in the body of the document, the party or attorney shall submit to the clerk a copy of the document in which the requested information is to be filled in and a self-addressed envelope bearing sufficient postage in which the clerk can return the copy to the party or party's attorney.

A party or party's attorney who writes or telephones a clerk of the Grant County Circuit Court and requests that clerk to provide file information, such as hearing dates and times, to the party or party's attorney, shall accompany their written request with a self-addressed envelope bearing sufficient postage in which the clerk can return the requested information. If the request is made by telephone, the requesting party or party's attorney shall obtain the requested information in that telephone call, or if it's not immediately available, arrange with the clerk for a mutually agreeable time to return a call to the clerk to obtain the information.

All envelopes shall be of appropriate size to accommodate the size of the documents to be returned and shall contain correct postage amounts.

Failure to comply with these rules may result in the requested information not being provided or mailed back to the requesting party or party's attorney.

909 Motions to be Accompanied by Brief or Legal Memorandum. Any motion filed in a civil court matter shall comply with the requirements of sec. 802.01(2) (a-e), Wis. Stats. The motion shall set forth with particularity the factual and legal grounds therefor. Papers supporting the motion shall be made part of the motion or notice of motion as directed by sec. 802.01(2)(b), Wis. Stats. Movant shall set forth his/her legal grounds for the motion in a brief or legal memorandum which may be part of the motion, notice of motion, or a separate document. "Brief" is defined to be a written document by which counsel conveys to the court the essential facts of his/her client's motion, a statement of the law involved that he/she would have the court apply, and the application of the law he/she would have the court make to grant the order sought by the motion.

No brief or legal memorandum is required in the following instances, provided the motion refers to the appropriate statute or supporting case law:

- a) A motion for temporary orders at the commencement of family action under ch. 767 Wis. Stats.
- b) A motion for hearing on contempt pursuant to ch. 785 Wis. Stats.
- c) A motion for change of venue pursuant to §§801.51 or 801.52 Wis. Stats.
- d) A motion to compel discovery pursuant to §804.12 Wis. Stats.
- e) A motion for default judgment pursuant to §806.02(1) – (4) Wis. Stats.
- f) Any other motion for which a standard form has been approved by the Judicial Conference pursuant to §758.18 Wis. Stats.

If there is no existing law applicable to the motion, the moving party shall so state in the moving papers. Failure to comply with this rule may result in sanctions including dismissal of the motion.

PART 10: CRIMINAL LAW PRACTICE

1000 Effective date: September 1, 2011

1001 Continuances. (1) Pursuant to sec. 950.04, Wis. Stats., victims and witnesses of crime have the right to have their interest considered when the court is deciding whether to grant a continuance or rescheduling in a case under sec. 971.10(3)(b)3, Stats. Therefore, no matter scheduled in a criminal case shall be continued or rescheduled unless any victims and witnesses of the crime who have requested notification have been notified by the District Attorney of the continuance or rescheduling request, their interest considered, and the District Attorney or victim witness coordinator can so indicate to the court considering the continuation or rescheduling request.

(2) A circuit court calendaring clerk may reschedule any criminal or Chapter 938 matter upon the oral or written request of a party or counsel in the proceeding, but neither the clerk nor the assigned judge shall grant any rescheduling request if affected victims or witnesses have not been notified as required by sec. 950.04, Stats.

(3) Stipulated requests for continuance of the trial date or calendared matters shall be in writing or on the record and must be based on a showing of good cause and proper notification of victims and witnesses as required by sec. 950.04, Stats.

(4) Non-stipulated requests for continuances or rescheduling must be made to the court by motion for a hearing on the request. Notice of such request shall be sent by the victim witness coordinator to persons entitled under sec. 950.04, Stats.

1002 Motions to be Accompanied by Brief or Legal Memorandum. Any motion filed in a criminal court matter shall meet the criteria set forth in sec. 971.30(2), Wis. Stats. The sec. 971.30(2)(b), Wis. Stats., "brief description of the type of order or relief sought", and the sec. 971.30(2)(c), Wis. Stats., statement "with particularity (of) the grounds for the motion and the order or relief sought", may be set out in the motion, notice of motion, brief or legal memorandum. "Brief" is defined to be a written document by which counsel or party conveys to the court the essential facts of his/her client's motion; a statement of the law involved that he/she would have the court apply, and the application of the law he/she would have the court make to grant the order sought by the motion. Where the motion made entitles the movant to an evidentiary hearing, movant in his/her motion may reserve the filing of a brief or memorandum of law pending completion of that hearing. Such reservation does not exempt the filed motion from conforming to the requirements of sec. 971.30(2), Wis. Stats.

No brief or legal memorandum is required in the following instances, provided the motion refers to the appropriate statute or supporting case law:

- a) Discovery and inspection demands pursuant to §971.23 Wis. Stats.
- b) Motions for change of bail conditions pursuant to §§ 969.03, 969.035 and 969.08 Wis. Stats.
- c) Any other motion for which a standard form has been approved by the Judicial conference pursuant to §758.18 Wis. Stats.

If there is no existing law applicable to the motion, the moving party shall so state in the moving papers. Failure to comply with this rule may result in sanctions including dismissal of the motion.

1003 Any prosecutor who seeks to amend or dismiss a charge under sec. 346.63(1) or (5) or a local ordinance in conformity therewith, or s. 346.63(2) or (6) or 940.25 or s. 940.09 where the offense involved the use of a vehicle or an improper refusal under s. 343.305, SHALL, pursuant to s. 967.055 do so by means of an oral or written application to the court which states the reasons for the proposed amendment or dismissal. The stated reasons shall address the issue of whether the proposed amendment or dismissal is consistent with the public's interest in deterring the operation of motor vehicles by persons who are under the influence of an intoxicant, a controlled substance, or other drug or combination thereof which renders him/her incapable of safely driving.

1004 At the end of any hearing in which a person has been sentenced to the Grant County Jail, the Court shall inform the party that he or she shall discuss with their attorney the Grant County Jail Rules and Huber Regulations before reporting for confinement. If the Judge deems it necessary to escort the defendant to jail immediately upon completion of sentencing, the defendant shall read the rules once he/she gets to jail. Their counsel may consult with the defendant at the jail on these Grant County Jail Rules and Huber Regulations.

1005 A person who has been ordered to probation as part of his or her sentencing, and who has not been fingerprinted, is to report immediately to the Grant County Jail to be fingerprinted, if there is no conditional jail time. If a person has been sentenced to conditional jail time with a delayed start date, they shall report to jail as ordered.

1006 Fingerprinting. A standard condition of bond for all defendants charged with a criminal offense and who have not been fingerprinted in connection with that case shall be that "The defendant shall present him/herself at the Grant County Sheriff's Department to be fingerprinted by 5:00 p.m. that day." The Clerk of Court's office shall include this provision in all applicable bonds regardless of whether it was specifically ordered in court.

1007 Whenever the District Attorney attempts to serve a defendant with a summons to appear in court, attached to that summons shall be an order requiring the defendant to appear at the Grant County Jail to be fingerprinted prior to their court date, if they have not already been fingerprinted in connection with the pending matter, and to also contact the Public Defender's office prior to the court date to determine eligibility, if they are unable to retain private counsel.

1008 Videoconferencing. For those in custody, all initial appearances, bond hearings, arraignments where not guilty pleas are expected to be entered, waiver of preliminary hearings, nonevidentiary motion hearings, and scheduling hearings, shall be conducted by videoconferencing, unless the defendant or his/her defense attorney requests the defendant to make a personal appearance 24 hours in advance. Other hearings, including evidentiary motion hearings, preliminary hearings, guilty pleas and sentencings shall be in person unless defendant waives personal appearance.

1009 Transcripts. In accordance with the Supreme Court 71.04(5)(a), when a prison sentence is imposed and stayed, the court reporter need not prepare the sentencing transcript until final imposition of sentence. Upon receipt by the Clerk of Court of the probation revocation order, the original transcript of the sentencing proceeding shall be filed with the court and a certified duplicate filed at the institution within 120 days from the date of the revocation order.

PART 11: SMALL CLAIMS PRACTICE

1100 Effective date: September 1, 2011; Rules 1101-1104 have been replaced as follows effective April 1, 2014.

1101 Service. Service of summons by ordinary mail through the office of the Clerk of Court is hereby authorized in all small claims court actions in Grant County pursuant to § 799.12(3), except as provided herein or as otherwise prohibited by law.

- a. Eviction Actions. Personal service or service by certified mail, return receipt requested, is required in all eviction actions. Service by certified mail is complete 3 business days after the date of mailing to defendant's last known address, whether or not the mail is accepted.
- b. Personal Judgment. Service by mail to obtain personal judgment shall be limited to Grant County.
- c. Service by mail may not be made to a post office box unless the Plaintiff also provides the recipient's physical address sufficient to identify whether the location is in Grant County.

1102 Plaintiffs are not required to appear at the return date. Defendants may join issue in any small claims action without appearing on the return date by submitting a written answer, copied to plaintiff and all other parties, provided such answer is received by the Clerk of Circuit Court of Grant County prior to the time set for the return date.

1103 The Clerk of the Circuit Court shall keep in the clerk's office and distribute to litigants in small claims actions publications explaining the procedures to be followed by litigants in small claims actions.

1104 All Small Claims Orders to Show Cause Orders to be served pursuant to § 801.11.

- a. All Small Claims Orders to Show Cause shall be served by personal service which complies with the requirements of § 801.11.
- b. Proof of personal service shall be filed with the Clerk of Circuit Court prior to the court considering the imposition of a contempt sanction.
- c. The Clerk of Circuit Court who is presented with a certificate of personal service shall add the cost of personal service to the plaintiff's claim and said amounts shall be payable as either a condition of satisfying the small claims judgment or as a condition of purging a contempt order.

1105 Itemization of Claim. A Plaintiff must provide all figures necessary for computation of the amount due unless such itemization would violate State or Federal law. In an action to collect a debt for goods provided or services rendered, the Plaintiff shall at a minimum attach the most recent account statement showing the account number, an account balance verifying the amount claimed in the complaint, and, if the Plaintiff is not the original creditor, a copy of all documentation establishing the right to sue upon the claim.

1106 Taxation of Statutory Attorney Fees. No attorneys fees may be taxed on behalf of any party as a cost under § 814.04 unless the attorney or a member of the attorney's staff actually appeared at a hearing in person or by telephone.

PART 12: LATE SETTLEMENT

1200 Effective date: September 1, 2011

1201 The circuit judges request trial counsel to pursue settlement at the earliest possible time. When any attorney feels the court can be helpful, a request for a pretrial conference can be made. Recognizing the great inconvenience and expense that can be caused to parties, jurors, and witnesses, early settlements will be promoted by attorneys who are prepared to discuss all aspects of the case.

1202 When a jury trial is settled within two business days of the trial commencement date, a jury fee of at least \$72.00 for a twelve person jury and \$36.00 for a six person jury, or the actual expense to the County if jurors appeared, whichever is greater, may be assessed, unless waived by the court for cause.

1203 If the court incurs interpreter fees for a case that settles less than 48 hours, the parties will be required to reimburse Grant County for these fees.

PART 13: FAMILY LAW PRACTICE

1300 Effective date: September 1, 2011

1301 Pursuant to §767.215(5)(a) 1 & 2 each party must provide the name, date of birth AND social security number of each party and each minor child of the parties and each child born to the wife during the marriage in order to file any action affecting the family. The clerk shall reject any insufficient filing.

1302 Pursuant to the Order of the Grant County Circuit Court, the Grant County Family Court Commissioner is also the director of the Grant County Family Court Counseling Services with the duties and powers enumerated in said order.

1303 ORDER TO ATTEND PROGRAM ON EFFECTS OF DIVORCE ON CHILDREN

Pursuant to sec. 767.115, Wis. Stats., no action affecting the family which involves a minor child of custody, or placement of children issues may be brought on for final hearing until there has been filed with the court certification indicating the parties have completed the program "Putting Children 1st... When You're Parenting Apart," for Parents or a comparable program. This program addresses issues of divorce, separation, and family division. This program is mandatory for parents. Program costs shall be paid by the parents. This rule does not apply to temporary orders under sec. 767.23, Wis. Stats. It does apply to revisions of legal custody and physical placement orders under sec. 767.325, Wis. Stats. This rule is implemented by the following procedure when filing the petition for divorce:

WHEREAS, the attached pending action affecting the family concerns (a) minor child(ren) and pursuant to local rule adopted February 13, 2007, all parents of minor children involved in an action affecting the family are required to attend a parenting class that is appropriate and in the best interests of the minor child(ren),

THEREFORE, IT IS HEREBY ORDERED that the parties attend the program "Putting Children 1st... When You're Parenting Apart," and that the parties apply for enrollment within two (2) weeks of the date of this order. You should contact Beverly Doll at (608) 723-2125 to make arrangements.

IT IS FURTHER ORDERED, pursuant to sec. 767.401, Wis. Stats., the parties shall each be responsible for the costs of attendance at such program.

IT IS FURTHER ORDERED that each party provide the Clerk of Circuit Court with evidence of compliance with this order not later than four (4) months from the date hereof. Failure to provide proof of compliance with this order may result in contempt proceedings being commenced or your case not being scheduled on the court's calendar.

1304 Mediation Agreements. Pursuant to sec. 767.11(12), (13), Wis. Stats., concerning certain procedures to be followed by attorneys, parties, and the Grant County Family Court Commissioner when a stipulation has been reached in mediation shall include the following:

A. Mediation Agreement Reached in a Pending Divorce Action. If the parties are represented by attorneys, (including Guardian ad Litem) the attorneys, clients, and mediator will sign the agreement or memorandum of understanding and the attorneys may contact the Family Court Commissioner or the Grant County Circuit Court for approval of the stipulation. Attorneys for the parties, in signing the mediation agreement, do so only to indicate they are reviewing the agreement as counsel, not signing the agreement as parties. The stipulated mediation agreement may be incorporated into Temporary Orders or the Judgment of Divorce as part of that document. Mediated agreements that are to be part of a temporary order are to be presented to the Family Court Commissioner for signing and entry. If only one party is represented by an attorney, that attorney shall follow this procedure.

If neither party is represented by an attorney, then the parties and mediator shall sign the stipulation or memorandum of understanding and the Grant County Family Court Commissioner will file it with the Clerk of Circuit Court and provide a letter of explanation to the parties that they must contact the Judge's assistant for purposes of scheduling a final divorce hearing before the Grant County Circuit Court. At that hearing, the stipulated agreement will be incorporated into the court's Findings of Fact, Conclusions of Law, and Judgment.

B. Post Judgment Divorce Action. In a post judgment divorce action where a referral of the parties to mediation results in their entering into or reaching a stipulated mediated agreement, the Grant County Family Court Commissioner will instruct the parties, whether they are represented by counsel or not, that they must prepare the appropriate order incorporating the stipulation into or as an amendment to the existing Judgment of Divorce and present that to the Grant County Circuit Court for its signature and entry. A hearing will not be required on the stipulation/agreement of the parties unless either party makes proper application to the court for that hearing, or unless the circuit court, upon receipt of the stipulation, orders a hearing on the agreement.

C. Paternity and Other Family Actions. In the case of a paternity action or other family code action in which the parties have been referred to mediation and in mediation have reached a stipulation/mediation agreement, the original of that stipulation/mediation agreement shall be filed with the Grant County Clerk of Circuit Court, and the Grant County Family Court Commissioner shall instruct the parties, whether they are represented by attorneys or not, that they must contact the Judge's assistant to schedule a hearing before the circuit court for the circuit court to review the stipulation/mediation agreement of the parties and to make the appropriate findings and orders.

1305 Parenting Plans. Upon filing a petition where petitioner knows that legal custody or physical placement will be contested, petitioner must attach a blank copy of local *Form FA-612, Proposed Parenting Plan* (as revised from time to time) to the petition served on the respondent. In cases of a joint petition for divorce, with children, the person filing the petition shall be responsible for delivering a copy of the blank form to the other petitioner. Copies of the form can be obtained from the Grant County Clerk of Circuit Court.

Where the petitioner, respondent or both know that legal custody or physical placement will be contested, both shall prepare, exchange with opposing party, and file in the Clerk of Court's Office a parenting plan no later than five (5) days before the Scheduling Conference is held. In cases of a joint petition for divorce or a pro se action, the party filing the petition shall be responsible for delivering a copy of the parenting plan form to the other joint petitioner or pro se litigant. Copies of the parenting plan form can be obtained from the Grant County Clerk of Circuit Court office.

1306 Time Limits For Filing De Novo Hearing Requests. A motion of any party for review by the Grant County Circuit Court of a decision of the Grant County Family Court Commissioner, shall be filed with the Grant County Circuit Court within twenty (20) days of the signing of any written memorandum or order by the Family Court Commissioner. Any motion for either a review of a decision of the Family Court Commissioner, or for a new hearing on the subject of the Family Court Commissioner's decision, order or ruling, shall be in writing and shall include a written brief or memorandum on the law in support of the motion. The motion or application for such review shall also include a statement that the motion is made within the time limits set forth by this rule. Failure of a party to file a motion within the time limits set forth by this court may be a basis for the court to dismiss the motion on its merits. If such a motion is filed, prior to scheduling a de novo hearing, the moving party shall file with the Clerk of Courts the written order or written memoranda of an oral order signed by the Family Court Commissioner. A hearing de novo will not be scheduled until that document is on file with the court.

PART 14: PROBATE LAW PRACTICE

1400 Effective date: September 1, 2011

1401 Probate matters will be scheduled before the Grant County Circuit Court Probate Branch at times to be calendared by the court.

1402 The Grant County Register in Probate, by approved order, is designated to act in the capacity of Grant County Probate Court Commissioner with the powers and duties enumerated in sec. 757.69(1)(e), Stats., as amended. In the probate court judge's absence or unavailability, the Register in Probate is designated by approved order to sign orders setting time to prove will and heirship and notice to creditors, orders limiting time for filing claims (on waiver) and determination of heirship, and to sign Domiciliary Letters.

1403 The Grant County Register in Probate, by approved order, is designated to received testimony proving heirship and to certify it under sec. 757.69(1)(e) Stats., as amended.

1404 Proof of heirship shall be made in probate proceedings at the time designated in the order for determination of heirship, or as soon thereafter as counsel can be heard. Proof of heirship can be made under Rule 1003 before the Register in Probate if the probate judge is not available, and can be made upon testimony by an attorney with knowledge.

1405 Closing estates upon waiver or notice. If the court is not available, information proving the final account and the filing of the documents required for closing the estate shall be done before the Register in Probate who shall certify to the probate judge that the file is in order for entry of judgment by the court.

1406 In probate court practice there is implemented a notice procedure to be followed by the Register in Probate. Those notices and when they are sent are as follows:

<u>NOTICE</u>	<u>WHEN SENT</u>
PR-1453 Notice of Overdue Inventory	After 6 Mo. Expiration
PR-1454 Notice of Delinquent Estate	After 18 Mo. Expiration

1407 An attorney wanting to be included in the probate courts mailings on guardianship or trust matters after the appointment and qualification of the guardian or trustee shall file notice thereof in the trust or guardianship file. If notice is to cease being sent to such attorney or to be sent to a different attorney, notice thereof shall be filed by said attorney(s) in said file.

PART 15: POLICIES AND PROCEDURES OF THE JUVENILE AND CHILDREN'S COURT

1500 Effective date: **July 1, 1996; original 9/1/1993, previous revisions 2/17/1994 & 8/1/1994**

1501 This local court rule establishes the policies and procedures of the juvenile and children's court of Grant County. It shall supersede all previous statements of the policies and procedures of the Grant County Circuit Court concerning proceedings under chs. 48 and 938 in whatever form or format promulgated.

1502 The policy is available upon request. Contact the Register in Probate's office at (608) 723-2699.

PART 16: Media Policy

1600 Effective September 27, 2013

1601 Chapter SCR 61, Rules Governing Electronic Media and Still Photographs Coverage of Judicial Proceedings, is hereby adopted and shall be utilized as the Grant County Local Rule concerning media coverage of judicial proceedings, except that SCR 61.08 (prohibition concerning the taking of pictures while court is in recess) is not adopted and still photographs may be taken while court is in recess.

1602 David Timmerman's appointment as Media Coordinator for Grant County is confirmed. His contact information is newseditor@tds.net, or (608) 723-215.

Dated at Lancaster, Wisconsin: _____

BY THE COURT:

Robert P. VanDeHey
Circuit Court Judge, Branch I

Craig R. Day
Circuit Court Judge, Branch II

Approved:

James Duvall
Chief Judge, 7th Judicial District

Date