

# Iron County Circuit Court Rules

*(Ninth Judicial District)*

Effective Date: August 14, 2008

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## **RULE 1: OPTION OF COURT RULES**

1.01 The Iron County Circuit Court Judge, in order to provide for a system of efficient court administration, hereby adopts the following rules and policies effective 8/14/08, 2008.

## **RULE 2: AMENDMENT TO COURT RULES**

2.01 The Iron County Circuit Court Judge expressly retains his/her inherent right and power to amend, add to, or delete from these rules and policies as needs and circumstances require, either with or without prior opportunity of any person's comment.

## **RULE 3: MEDIA COVERAGE POLICY**

3.01 It is the Iron County Circuit Court's policy that the public be given an opportunity to know and understand the judicial court process as well as have knowledge of pending cases. As to bona fide members of the news media, this will be accomplished by encouraging open and accessible proceedings. This shall be subject, however, to such reasonable restrictions necessary to protect the public's access to the legal process to peacefully resolve disputes, to preserve the rights of persons seeking the protection of law, to encourage the search for the truth and to foster dignity in all judicial proceedings.

## **RULE 4: CASE MANAGEMENT**

4.01 Filing actions before service:

Wisconsin Statutes Sec. 801.14(4), notwithstanding, all pleadings, including motions, briefs and affidavits, shall be filed with the clerk prior to service upon another party.

#### 4.02 Facsimile Transmission:

Facsimile documents may be directly transmitted to the courts and shall be accepted for filing only if:

**Paper Type & Size:** All pages of the document are sized 8 ½ by 11. The facsimile machine maintained by the court uses regular paper.

**Length:** The document does not exceed fifteen (15) pages in length, excluding the cover sheet.

**Filing Fee:** There is not a filing fee.

No additional fee or charge must be paid to the circuit court for accepting or receiving the facsimile document.

**Filing Date:** Papers filed by facsimile transmissions after regular business hours shall be considered filed on the next business day. The regular court hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

**Singular Filing:** The facsimile documents filed pursuant to this rule shall constitute the official record of the court. The transmitting party shall not send the original, any additional copies nor substitute the facsimile copy. The Clerk of Court shall discard any duplicate papers.

**Judicial Authorizations:** Documents that do not conform to these rules may be transmitted at the discretion of the Judge or the Clerk of Court.

**Responsibility for Transmission:** The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt and assumes any risks inherent in such transmission. The Circuit Court Judge or Clerk is not responsible for either any errors or failures in transmission that result in missing or illegible documents nor for periods when the circuit court facsimile machine is not operational for any reason.

**Authenticity:** Parties who have transmitted documents by facsimile to the court shall retain the “original” of the facsimile transmission. In the event the authenticity of the faxed document is challenged, the party who faxed the document to the court shall have the burden to show authenticity.

## **RULE 5: FILE REMOVAL AND REVIEW**

5.01 Access to File Area: No one except authorized personnel shall be in the areas where official court files are kept.

5.02 No files are ever to be removed from the Clerk of Court's office unless authorized by the Circuit Judge.

5.03 Public Access and Restricted Viewing: Access to court files is limited to the Clerk of Court's office only. The clerk shall provide at a reasonable fee, copies of any portion of the file upon request.

5.04 Sealed Documents: All sealed documents in any court file shall not be released with the file unless the court specifically orders. All sealed documents shall be removed from the file released as provided herein without such special authorization.

## **RULE 6: COURT APPOINTED ATTORNEYS**

6.01 Rate of Pay: Whenever the court appoints an attorney to act in a case, the county shall compensate the attorney at a rate of \$50 per hour whenever the county becomes responsible for the payment.

6.02 Order for Appointment/Reimbursement: At the time the court appoints an attorney to represent an individual, the Judge shall sign an order upon which the individual will affix his/her signature in agreement to reimburse the county fees incurred while the court-appointed attorney remains his/her counsel.

6.03 Allocation for Reimbursement: The Judge shall approve the billing submitted by the court-appointed attorney prior to payment, allocate the bill between the parties if appropriate and submit same the Clerk of Court's office for payment.

## **RULE 7: SMALL CLAIMS PROCEDURES**

7.01 Service: Except in eviction, replevin or contempt actions, service of any small claims pleadings may be made by 1st class mail or certified, return receipt requested if the party being served resides within Iron County. All small claims pleadings must be personally served on parties residing outside of Iron County and proof of service must be provide at the time of court proceedings.

7.02 Refused Mail: Shall constitute a presumption of service upon the defendant since it indicates that he/she was presented with the envelope but refused to accept it under circumstances indicating that he/she had reason to know that it involved legal proceedings against him/her.

7.03 Unclaimed Mail: Shall not constitute service since there is no presumption that the defendant has reason to know that legal proceedings involving him/her have been commenced. In such cases, the Clerk shall advise the plaintiff of the failure of service and direct plaintiff to obtain personal service of service by publication within 30 days of the date of the notice or have the action dismissed for failure of service.

7.04 Service in Contempt Proceedings: Service of contempt proceedings authorized by Wis. State. 799.26(2) shall be by personal service and served upon the defendant at least 72 hours prior to the hearing time.

7.05 Proof of Service: If a party is required or elects to use personal service of a small claims complaint or amended complaint, proof of service shall be filed with the court within 30 days of filing the action.

7.05 Return Date: Return dates will be held on Mondays at 1:30 p.m.

7.06 Adjourned Return Date: The Clerk of Court may allow each party one requested adjournment if reasonable cause is presented.

7.07 Docketing Fee: If the docketing fee is requested and paid prior to or at the time the court enters judgment on the record, it will be formally added to the judgment and notice of entry of judgment. If paid after the entry of judgment, it will be considered a post-judgment award and will not be added to the judgment.

7.08 Appearance by Parties:

Parties may appear via correspondence or telephone provided their issues are clearly stated in pleadings filed.

Unless adjourned for cause, the failure of any party to appear at the return date shall result in the following dispositions:

Of Plaintiff: Dismissal With Prejudice

Of Defendant: Default Judgment

Both Parties: Dismissal Without Prejudice

7.09 Settlement Conference: If both parties appear, the judge may order the parties to commence a settlement conference in the law library. If the conference is successful and a settlement is reached, the parties shall return to the court or place any settlement agreement on the record or provide the agreement in writing to the Clerk of Court for filing. If the parties are unable to reach a settlement, a court trial will be scheduled.

7.10 Relief from Dismissal with Prejudice: A plaintiff whose action was dismissed with prejudice for failure to appear may, within 30 days from the dismissal, petition the court for allowance to commence a new action upon the payment of the filing fee, unless the fee is waived as permitted by statute.

7.11 Relief from Dismissal Without Prejudice: A plaintiff whose action was dismissed without prejudice for failure to appear may, within 30 days from the dismissal, file a petition to re-open the matter for good cause shown. This determination shall be made by the court commissioner or the judge who presided over the last return date.

7.12 Relief from Default: A defendant who has a default judgment entered against them may, within 30 days of such judgment, petition the court to reopen the judgment and permit trial, by showing cause and a meritorious defense to the action.

## **RULE 8: GUARDIAN AD LITEM FEES**

8.01 Order for Reimbursement: Upon appointment of a guardian ad litem, unless proven indigent, the parties will be required to reimburse Iron County for fees incurred. The parties will be responsible for division as ordered by the Court at time such appointment

is made. The Clerk of Court will provide parties with a copy of the statements from the Guardian ad Litem as they are received with a cumulative balance due from each party.

8.02 Payment by County: The attorney appointed to serve as a guardian ad litem shall be paid according to the number of hours devoted to the matter at their usual and customary rates for similar work, subject to the court's approval.

8.02 Indigency: Individuals who are indigent may file an affidavit of indigency and a written request for waiver of Guardian Ad Litem fees.

A party's failure to pay any of the amounts required shall subject that party to potential sanctions for contempt of court.

## **RULE 9: DIVORCE VITAL STATISTICS FORM**

9.01 The party to whom a judgment of divorce is granted shall provide to the court at the time of divorce an original certificate of divorce or annulment. This document shall be on the form and in the manner required by the Wisconsin Department of Health and Social Services, Bureau of Vital Statistics.

## **RULE 10: PROTECTIVE ORDER PROCEDURES**

10.1 Temporary Restraining Order: All petitions for protective orders shall be reviewed, approved or rejected by the circuit judge. If approved, the hearing shall be set at the next hearing time within the applicable time limits.

10.2 Appearances: Both parties must appear in person unless given approval from the Circuit Court Judge prior to the hearing date.

10.3 Extension of Restraining Order: In the event of any adjournment, the temporary restraining order shall be extended to the date of the adjourned hearing unless the court has heard sufficient evidence indicating an extension may not be warranted. Petitioner shall notify the Clerk of Court of any such adjournment and the Clerk of Court shall provide notice to the Sheriff's Department of such extension within 24 hours.