

Iowa County Circuit Court Rules

(Seventh Judicial District)

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CHAPTER ONE: GENERAL RULES

CIRCUIT COURT RULES

Court rules were adopted by written order of the Circuit Judge for Iowa County, and approved by the Chief Judge, Seventh Judicial Administrative District.

The "Code of Professional Responsibility, Courtesy and Decorum for the Courts of the State of Wisconsin," as developed by the Decorum Study Committee of the Judicial Conference, shall be observed as guidelines for the conduct of judges, attorneys, court personnel, parties and the public in Iowa County Circuit Court. A copy of this Code shall be posted for public view on the bulletin board in the law library. In the event of an egregious failure, or repeated failures, to adhere to one or more of these standards, the offending individual will be referred for appropriate disciplinary proceedings.

RULES OF DECORUM

Court shall be formally opened each day in which court business is transacted, either by the court security officer or the clerk of court.

As the judge enters the courtroom, the bailiff or clerk of court shall require all present to rise and stand. When the judge has reached the bench, the bailiff or clerk of court shall say, "All rise! The Circuit Court of Iowa County is now open. Silence is commanded." All shall be seated and the business of the Court shall proceed.

In recessing, the Judge shall announce, "The Court is now in recess."

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 standard to the right of the judge.

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.

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

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.

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

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.

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 .I arguments, no juror shall be addressed individually or by name.

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 the proceedings in the eyes of the jury.

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.

Witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears.

The Judge shall wear a robe while presiding on the bench, provided that judicial discretion may be exercised otherwise in proper situations.

-There shall be no unnecessary conversation, loud whispering, newspaper or magazine reading or other distracting activity by anyone in the courtroom while Court is in session. Food, tobacco, and drink in any form shall not be used in the courtroom. The court security officer/bailiff shall provide water for officers of the Court and the jury during jury trials.

-Hats and caps shall not be worn in the courtroom.

-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.

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

ATTORNEY'S AUTHORITY

In all pre-trial 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

CALENDARS IN COURT

All attorneys are required to have their calendars with them in court and at al scheduling conferences so that dates can be set. 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.

APPEARANCES BY TELEPHONE

Appearances, argument and testimony may, with prior approval, in limited circumstances, be made by telephone in the Circuit Court of Iowa County, subject to the requirements of Sec. 807.13, Wis. Stats. The party or attorney requesting such proceedings shall arrange for the telephone call to the court number after consultation with the Judicial Assistant, other counsel and any non-represented parties in the action. Except for scheduling and pretrial conferences conducted in chambers, proceedings by telephone shall be conducted in the courtroom. Personal appearances are preferred.

SCHEDULING CONFERENCES

Scheduling conferences will be conducted by the Court upon request of any party after 90 days have elapsed from the filing of the summons and complaint. Scheduling conferences will be conducted off the record, in court or chambers, unless any party or counsel requests otherwise~

DAY TO DAY CALENDAR ASSISTANCE

During a judge's temporary absence or inability to act due to temporary court congestion, illness or other reason, any other full time circuit judge, having a general assignment for the county, not previously disqualified, shall have jurisdiction to provide assistance when appropriate under the circumstances.

COURT CALENDAR AND SCHEDULING

CCAP Calendar shall be the primary resource for scheduling court matters.

All matters shall be entered in to the CCAP Calendar at the time of scheduling or as soon thereafter as is practicable.

The Clerk of Court, the Judicial Assistant, or designated deputies, shall have the primary responsibility for scheduling traffic and small claims returns. The Register in Probate shall have primary responsibility for scheduling all probate matters and matters filed under Chapters 48, 51, 55, ~_80 and 938. Except for matters scheduled by the Circuit Court Judge during in-court proceedings or scheduling conferences, the Judicial Assistant shall have the primary responsibility for scheduling all other circuit court matters.

REMOVING COURT FILES

Court files shall be reviewed by the public, parties or attorneys only in the offices of the Clerk of Circuit Court or Register in Probate. Removal of a court file from either office shall only be allowed upon specific court order. Under no circumstances shall original court files be kept longer than 10 days. The Clerk or Register shall obtain a written receipt for each file removed under this rule.

WEAPONS IN COURTROOMS

No weapons shall be permitted in the courtrooms, or court-related areas, except for those carried by sworn peace officers pursuant to the policies of applicable law enforcement departments.

CAMERAS IN THE COURTROOM

A notice of intent to bring cameras or recording equipment into a courtroom or other hearing chamber, pursuant to SCR 61.02(2), shall be made orally or in writing to the office of the judicial officer conducting the hearing or trial. If possible, this notice shall be at least three days in advance of the hearing/trial. This requirement may be waived by the Court if good cause for waiver is demonstrated.

A notice by one media representative shall be sufficient for all subsequent hearing and trial in said case. Each media organization must provide an individual notice; one notice shall not suffice for all other media representatives.

The clerk or secretary of the judicial officer conducting the hearing or trial shall make diligent effort to notify the attorneys and any unrepresented parties by telephone as soon as reasonably possible of the notice, and place a copy of the Media Request for Cameras in the Courtroom form in to the file indicating the time of doing so.

A party moving to close to the news media any judicial proceeding required by law to be public, should be closed to the news media, must notice the Court and the media Coordinator three (3) days prior to the hearing/trial, if possible. This requirement may be waived by the Court if good cause for waiver is demonstrated. The motion will be heard before the commencement of the hearing. The burden shall be upon the moving party to show why Wis. Stats. 757.14 should not apply.

The name of the Media Coordinator and Deputy Media Coordinator will be on file in the District Court Administrator's office.

USE OF ELECTRONIC EQUIPMENT

Electronic Equipment, including, but not limited to cellular phones, beepers, lap-top computers and recording devices, may not be used in the courtroom or jury deliberation room without specific permission, of the Judge.

ADA ADVISORY

The following language shall be included on all summons, small claims trial notices, warrants, subpoenas and jury questionnaire and summons:

"If you require the assistance of auxiliary aids or services because of a disability, call (608) 935-0399 or (TDD (608) 935-????) and ask for the Court ADA Coordinator. "

LENGTH OF BRIEFS

Briefs of a party or guardian ad litem in civil and administrative review cases will be limited in length to 40 pages if typeset, 50 pages if typewritten or 20,000 words if printed by other means, unless otherwise ordered by the Court. Reply briefs and briefs by non-parties shall be limited in length to 10 pages if typeset, 13 pages if typewritten or 4,000 words if printed by other means, unless otherwise ordered by the Court.

LAW CLERK MEMORANDA

Law clerk memoranda are judicial work product. All such memoranda will be prefaced with a clear and express statement identifying them as "judicial work product " and said memoranda shall remain confidential.

Courtroom rules apply to all those in attendance in the courtroom and adjoining service and conference room including the Law Library and clerical and reporter support facilities.

Effective January 9, 2002

BONDS

This Local Court Rule shall confirm the pre-existing policy of returning bond money to defendants. If a defendant is found guilty, the posted bond money shall be distributed as follows:

- a. Payment of any fine or forfeiture
- b. Payment of any court costs, including restitution
- c. Payment of attorney fees
- d. Any remainder shall be returned to the payor

If a defendant is found not guilty or the case is dismissed, the posted bond money shall be used to pay any outstanding fine, forfeiture or attorney fees of the defendant. Any balance shall be returned to the payor.

Effective February 26, 2010

PATERNITY ACTIONS AND ATTORNEY FEES

Iowa County shall not appoint counsel for parties in paternity actions. Iowa County will refer said parties to Western Wisconsin Legal Services or the State Public Defender, or supply the parties with a toll-free telephone number of a free legal service.

Effective January 8, 2002

PAYMENT OF DEAN APPOINTMENT BILLS

In all criminal actions in which an attorney has been appointed to represent the defendant by the Court, that attorney shall file a final billing statement with the Court for all fees incurred within thirty (30) day after sentencing. Any statements received by the Court after the thirty days has passed, will not be paid by Iowa County and will be returned to the attorney for collection directly from the defendant.

Clarification of DEAN Appointments:

The attorney shall be compensated at the \$70 hourly rate for professional services.

The Court will not pay costs incurred in commuting to the Court either local or out-of-county, i.e. we cannot pay time or mileage in commuting to court.

Travel to investigate or travel to client conferences, i.e. interviews in prison or jail, will require advance approval for reimbursement for travel. Payment for mileage will be made at State of Wisconsin mileage rates. Travel time will not be paid.

Approval for use of investigators, experts, etc. is required in advance of their use.

Telephone, copy services, fees incurred in discovery etc. may be approved. When filing request for reimbursement you must break down the request in 10 minute segments.

Revised May 14, 2013

TELEPHONIC APPEARANCES

Due to the inadequacies of the Iowa County telephone system and the increased constraints a telephonic hearing places on the Court, the parties and the court staff, telephonic appearances will only be allowed in the Iowa County Circuit Court upon receipt of a written request to appear telephonically and upon Court approval.

Effective January 8, 2002

DOCKETING OF JUDGMENT FOR UNPAID RESTITUTION/FORFEITURES IN JUVENILE ACTIONS

There is no provision in the Clerk of Circuit Court office for the waiving of the docket fee for Judgments for Unpaid Restitution/Forfeitures in juvenile actions. It is this Court's understanding that it was the intent of the Wisconsin Legislature that there was to be no docket fee paid in juvenile judgments. That being the case, the Iowa County Clerk of Circuit Court will be directed to waive all docket fees in juvenile judgments.

Effective January 8, 2002

UNDERAGE DRINKING VIOLATIONS FOR CHILDREN AGED 15 AND 16

The bond book states assessments and costs for underage drinking violations for children ages 15 and 16 are discretionary with the court.

The following guidelines will be followed:

Age 15 & 16:

1st Offense: \$30.00 plus costs (\$125.90) and 90 day suspension

2nd Offense: \$50.00 plus costs (\$150.50) and 120 day suspension 3rd Offense: \$100 plus costs (\$212.00) and 180 day suspension.

Others will be per bond book and statute.

Guidelines are subject to discretion of the Court.

Effective January 8, 2002

E-MAIL TRANSMISSIONS

The only recipient of correspondence on Iowa County Circuit Court business is the Office of the Clerk of Circuit Court.

This will serve to advise you that correspondence, i.e. mail, fax and electronic mail received by your office or agency need not be forwarded to the Clerk of Circuit Court. You are not required to serve as a message relay resource. Those people with business for the Court must contact the Clerk of Circuit Court.

Effective January 8, 2002

SHARING INFORMATION

When pursuing persons who have outstanding bills with Iowa County, it is ordered that the clerk may utilize the information in any and all files that are on in the possession of the Iowa County Clerk of Circuit Court office, the Iowa County Register in Probate office or the Iowa County Child Support office.

Effective January 8, 2002

JURY TRIALS

In any action filed in Iowa County where a jury trial has been requested, Counselor the parties shall notify the Court in writing at least 5 working days prior to the jury trial date whether or not the jury trial will proceed on the scheduled date.

Failure to notify the Court may result in assessment of costs.

Effective January 8, 2002

COSTS FOR RE-OPENING TRAFFIC & FORFEITURE ACTIONS

According to Section 814.07, the court has the discretion to allow a filing fee on a motion.

Effective immediately, any party requesting to re-open a civil traffic or forfeiture action is required to pay a \$50.00 filing fee.

GUARDIAN AD LITEM PAYMENT GUIDELINES

I. Amount

\$2,000 shall be posted within 10 days following the court order of appointment (subject to the exceptions below). Fees shall be divided equally between the parties unless the court orders otherwise for reasons placed on the record. Payment shall be made as follows:

- a. \$1,000 per party

b. Upon a showing of need and approval by the court, a party may have option of posting \$500 plus \$50 per month via wage assignment for 10 months. Monthly payments would be court ordered and subject to contempt orders if not paid.

II. Claims of Indigency

a. Parties retain the right to petition the court for relief from standard payment orders.

b. Claims for relief from payment order would be made in writing and accompanied by a financial statement.

c. If a party is low income, but not fully indigent (i.e. court determines that there is some ability to pay), the court may temporarily suspend or reduce the lump sum deposit and enter an order for monthly installment payments. Wage assignments will be required where there is employment. These orders shall require notice of change in address, employer or earnings.

d. If the party is fully indigent, the court may order the other party to pay the GAL fees. The indigent party may be required to reimburse the fees from the division of property. If both parties are indigent, the court may require county payment.

e. Indigency shall be defined as per Sec. 814.29(1).

III. Mechanics

a. The moving party or petitioner shall submit an order appointing a GAL in conformance with the policy, along with any proposed liens and/or wage assignments. A party claiming low income or indigent status shall serve on the court and parties a request for relief from the payment policy and a financial statement.

b. The court need not hold a hearing on relief from GAL fee requirements, but may enter an order based upon the written request for relief and financial statement. If further information is needed by the court, the court may request it or hold a hearing.

c. A GAL shall send the parties monthly fee statements. When fees reach the level of \$1,000, the GAL shall send a statement to the court and may request an interim payment. Fees shall be paid by certification of the Clerk of Circuit Court and guaranteed by the county.

d. Any GAL whose bill will exceed \$2,000 shall notify the court and parties before they have spent 25 billable hours on the case, or when the case is set for a final hearing, whichever occurs earlier. Failure to notify the parties may result in fees being limited to \$2,000. The court, upon receiving such a notice, may enter a further order concerning payment which shall require further deposits consistent with the guidelines stated above.

USE OF ELECTRONIC EQUIPMENT IN THE COURTROOM

When an attorney or counsel wishes to use the electronic equipment in the Iowa County Courtroom, it is each attorney's responsibility to operate the equipment, not the court staff.

The court requires anyone intending to use the Iowa County Courtroom electronic equipment to familiarize themselves with the courtroom and the equipment no less than 3 days prior to its intended use so that the equipment may be appropriately managed and operated.

It is further ordered that counsel shall prior to the day of its intended use and during the break preceding its introduction to courtroom use, shall make sure the equipment is ready for operation so it may be used in a timely manner and so that case flow is not interrupted.

It is the parties' duty to present its video, computer and/or documents in properly usable condition and to meet reasonable standards and statutory requirements for audio and video use.

JUVENILE ORDERS

It is hereby ordered that the juvenile clerk shall send all Consent Decrees, Dispositional Orders and Extension Orders in juvenile matters to the school district where the child/juvenile attends school.

PAST DUE OBLIGATIONS

Defendants who have been allowed time to pay their court obligations and who have become delinquent in their payments shall be mailed a Reminder Notice. If the Reminder Notice is returned undeliverable, the defendant's drivers license shall be suspended as ordered at the time of disposition.

RELEASE OF ARRESTED PERSONS ON BOND BY LAW ENFORCEMENT AGENCIES

Pursuant to §753.35, Wisconsin Statutes, subject to the approval of the chief judge of this administrative district, the court hereby adopts the following local court rule, to be effective January 1, 2006.

All persons released by a law enforcement agency with or without the posting of cash bail shall be required to execute a Bail/Bond Form CR-203, as may be revised from time to time. For a person arrested for misdemeanors, including traffic misdemeanors, and released on a signature bond, i.e. without cash bail, the amount of the signature bond shall be the amount designated in the Uniform Misdemeanor Bond Schedule for such offense, as amended from time to time by the Judicial Conference. The bond amount, whether cash bail or signature, for persons arrested for multiple offenses shall be the total amount of the bond deposits required for all of the offenses added together.

When any of the following factors are found to be present by the investigating officer(s), including jailers, and documented on the Iowa County Circuit Court Law Enforcement Referral, bonds issued pursuant to this local court rule shall have such of the following specific conditions attached as are indicated by the presence of such factors:

Weapons: If a charge involves the use of a dangerous weapon as defined in Wisconsin Statutes §939.22(10), the arrestee shall be prohibited from possessing a dangerous weapon while free on bond.

Alcohol: If alcohol is a contributing factor in a charge, the arrestee shall be prohibited from possessing or consuming alcohol, and shall be required to submit to a portable breath test (PBT) or other breath, blood or urine test, at the request of any law enforcement officer.

No Contact: If there are identifiable victims of the crime(s) for which the person has been arrested, the arrestee shall be prohibited from having contact with the alleged victim(s) named on the bond, directly or indirectly, in person, or in writing, by telephone, by computer, through a third person other than an attorney, or in any other manner.

Operating While Suspended or Revoked: If a charge involves operating a motor vehicle without a valid license, the arrestee shall be prohibited from driving or operating a motor vehicle unless and until such person is lawfully licensed and currently valid.

Substances: Shall be prohibited from possessing any controlled substance (except via a valid prescription).

Take Prescribed Medications: Shall be required to take all prescribed mental health medications.

Sworn deputies or non-sworn correctional officers of the Iowa County Sheriff on duty as jailers at the Iowa County jail are hereby authorized pursuant to this local court rule to sign Bail/Bond Form CR-203 and Addendum to Bail/Bond Custody Release from Jail. Revisions to the Addendum must be approved by court order, but revisions to Form CR 203 promulgated by Supreme Court Rule need not be approved by order of this court prior to their use.

Copies of Bail/Bond Form CR-203 and Addendum to Bail/Bond-Custody Release from Jail are attached in the form they exist on the date of the promulgation of this rule, and are incorporated herein.

Addendum to Bail/Bond-Custody Release from Jail 75 KB

Effective January 1, 2006

Accounts for Minor Guardianships

In any minor guardianship action filed in Iowa County, it shall be required that the guardian of the person of a minor shall file an annual report with the Iowa County Probate Court on or before the 15th of April of each year. The report shall include the present address of the ward and guardian, the school district the ward attends, and the general physical and mental health of the ward.

Failure to file the annual report with the Court may result in termination of the guardianship or removal of the guardian.

Dated: 7/31/2006

Approved this 2 day of August, 2006

Small Claims Service

Certified mail service of small claims pleadings has long been an accepted and approved procedure in Iowa County, Wisconsin. This will affirm the procedures as provided by small claims statutory authority and specifically allow service by mail pursuant to Section 799.12(2) and (3) Wisconsin Statutes. The previously entered local court rule dated 11/21/2006 is hereby replaced.

A copy of this rule is sent to Chief Judge James Duvall for his approval nunc pro tunc to January 15, 2014.

Dated: 1/16/14

Approved this 29 day of January, 2014.

WATTS Reviews

In Guardianship cases where a protective placement order has been established, the first WATTS Review shall be held prior to the 1st year anniversary of the original protective placement order. All subsequent WATTS Reviews shall be held prior to the year anniversary of the previous review.

Dated: 01/07/2008

Approved this 7 day of January, 2008.

Foreclosure Actions

Pursuant to Section 802.12 Wis.Stats. (2005/2006) Alternative Dispute Resolution (ADR) is available to parties in civil actions including those seeking money judgments and foreclosures.

In actions of foreclosure, credit card collections and money judgments in general the court requires plaintiff to inform defendant that mediation or Alternative Dispute Resolution (ADR) procedures (Sec. 802.12 Wis.Stats.)(2005/2006) may be requested by either party. Upon request of either party, the Court will determine whether the case is appropriate for use of a settlement alternative and the judge may order the parties to seek a settlement alternative.

Use of the ADR procedure may extend the time for filing a responsive pleading until the applicability of a settlement alternative is determined. Upon request of either party, the Court will order a scheduling conference to set trial dates, discovery and other appropriate dates.

In foreclosure actions, plaintiff shall determine whether and by whom the subject real estate is occupied and if occupied by persons other than the defendant, plaintiff shall give notice of the pending action to foreclose to the occupants.

Dated: 05/05/2011

Approved this 5th day of May, 2011.

RE: Bond Modification

When modifying bonds in Iowa County, it is ordered that all previous conditions ordered by the Court will remain in effect except the condition that is specifically addressed by the Court.

Dated: 12/7/2009

Approved this 7th day of December, 2009.

RE: Appointment Of Guardian Ad Litem And Payment Of Fees In Juvenile Guardianship Cases And Termination Of Parental Rights Cases

When a party files a petition for juvenile guardianship or a petition for termination of parental rights, the Wisconsin Statutes direct the Court to appoint a guardian ad litem to represent the rights of the juvenile involved. The guardian ad litem will submit a bill for payment to the Court at the conclusion of the case.

IT IS HEREBY ORDERED the petitioning party shall pay to the Iowa County Juvenile Clerk \$300 as an advance payment for the guardian ad litem fees, unless otherwise ordered by the Court. If the guardian ad litem fees are over \$300, the Court shall conduct a hearing to see how the additional fees will be repaid to Iowa County. If the guardian ad litem fees are less than \$300, the clerk is directed to verify the payor does not owe any other fees to Iowa County. If the payor owes Iowa County Circuit Court for any other fees, the remaining fees will be used to pay said outstanding fees. Any remaining balance will be returned to the payor.

Dated: 10/29/2010

Approved this 29th day of October, 2010.

RE: Worthless Check Cases Amended to County Ordinance Violations

In Worthless Check cases filed as a criminal misdemeanor, only on the cases that are amended to county ordinance violations, the defendant is required to reimburse Iowa County for any service fees.

Dated: 02/23/2011

Approved this 23rd day of February, 2011.

RE: Proof of Publication

The affidavit of printing required by Sec. 895.12 WI Stats may be satisfied by affixing an electronic or machine copy of the Notice as published to the affidavit and affixing an original sworn signature.

Dated: 10/12/2011

Approved this 12th day of October, 2011.

7th Judicial Administrative District: Order in the Matter of General Assignments to Circuit Judges

WHEREAS, it is necessary to provide for effective case flow management in the Seventh Judicial District; and

WHEREAS, the proper and timely conduct of the district's judicial business requires the issuance of an appropriate order; and

WHEREAS, this purpose can be accomplished by issuance of a general assignment order;

NOW, THEREFORE, IT IS HEREBY ORDERED that each sitting circuit court judge is given a general assignment to every branch of circuit court within this judicial district. This order shall cover both routine and emergency judicial absence including, but not limited to the following: vacation, attendance at continuing judicial education courses, illness, family/medical leave, congestion, expediting litigation and/or providing assistance to any branch of circuit court.

IT IS FURTHER ORDERED that judicial assignments under this order will be through the district court administrator's office.

Dated: 1/3/2012

Approved this 3rd day of January, 2012.

RE: E-Mail Transmission of Documents to the Court (Amended)

Except by express permission on a case-by-case basis, no person shall submit any pleading or correspondence to a Circuit Court Judge, Court Commissioner, Clerk of Circuit Court, Register in Probate, or their staff, through electronic mail (e-mail). Documents intended for filing must be submitted to the Clerk of Circuit Court, as required by Wis. Stats. §801.16(1). All correspondence shall be made in writing, with the exception of daily business operations between the District Attorney's office and the Clerk of Court's office.

Dated: 6/28/2012

Approved this 28th day of June, 2012.

RE: Collection of Fees in All Case Types

The Iowa County Circuit Court allows parties 30 days to pay a fine/forfeiture in traffic matters, and costs in criminal matters, as well as guardian ad litem and mediation fees in family actions. As a natural course of business, all case types are given 30 days to pay.

IT IS HEREBY ORDERED that failure to make payment may result in judgment, tax intercept and/or driver's license suspension of the non-paying party without further hearing.

Dated: 11/13/2015

Approved this 16th day of November, 2015.