

Sawyer County Circuit Court Rules

(Tenth Judicial District)

Effective Date: May 1, 2007

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PART 1: TENTH JUDICIAL DISTRICT RULES

101 DISTRICT RULE ADOPTION AND PROMULGATION

101.01 Pursuant to §753.35(2), the Tenth Judicial District Court Rules are incorporated herein by reference.

PART 2: COURT PRACTICE

201 CLOSURE OF PROCEEDINGS

201.01 Media Coverage - Unless good cause has been shown to the judge, a party moving that any judicial proceeding required by law to be public should 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 burden shall be on the moving party to show cause why the proceeding should not be public as required by statute.

202 CONFIDENTIAL RECORDS

202.01 GENERALLY - In general, when an individual requests access to a court record that includes confidential information, the Clerk of Court's office or the Registrar in Probate/Juvenile Court Clerk will ask for identification to verify that the individual is a party to the action. If so, and if a party is allowed access to the confidential records in his or her file, access to the entire file will be granted. If the party is not allowed access to some or all of the confidential records in the file, the confidential records the party is not allowed to see will be removed from the file before the party is allowed access.

When an attorney seeks access to a file containing confidential records, the confidential records will be removed from the file unless the attorney is an attorney of record in that particular case.

Anyone other than an attorney of record or party to the action will be allowed access only to the non-confidential portions of a case.

202.02 CUSTODY INVESTIGATIONS -Attorneys of record may view a custody study but may not copy it nor disclose the source of confidential information without written court order.

Parties to the action may view a custody study without a written order. However, a party may not copy or disclose such information, except to their counsel.

202.03 EXPUNGED CRIMINAL RECORDS -Any case in which a criminal record has been expunged shall be closed to access to anyone without a court order authorizing access to the file. The Clerk of Courts shall take appropriate steps to ensure confidentiality of all expunged criminal records.

202.04 FINANCIAL RECORDS IN DIVORCE ACTIONS -Only parties to the action and attorneys of record will be allowed to view and copy financial declarations and other confidential financial information in divorce actions.

202.05 MEDICAL AND HOSPITAL RECORDS -Medical and hospital records remain confidential or marked as an exhibit when filed with the court until such time as they are introduced into evidence at a trial. Until then, only parties to the action and attorneys of record may view medical and hospital records.

202.06 PATERNITY RECORDS -Pursuant to Wis. Stats. §767.53, all paternity records, before adjudication, are to remain confidential except to the parties to the proceeding or their authorized representative, attorneys of record, and adult children who were the subject of the proceeding.

202.07 PRESENTENCE INVESTIGATIONS (PSI) -Pursuant to Wis. Stats. §972.15(4m), presentence investigations are confidential. The district attorney and the defendant's attorney are entitled to have and keep a copy of the presentence investigation report. If the defendant is not represented by counsel, the defendant is entitled to view the presentence investigation report but may not keep a copy. A district attorney or defendant's attorney who receives a copy of the report shall keep it confidential. A defendant who views the contents of a presentence investigation report shall keep the information in the report confidential. If sentencing results in a prison term, a copy of the PSI and Judgment of Conviction shall be provided to the Sheriff for delivery, along with the prisoner, to the Dept. of Corrections or other point of intake designated by Dept. of Corrections.

202.08 PSYCHOLOGICAL RECORDS -In Chapter 51 proceedings, all psychological records are confidential except to the individual's attorney, the guardian ad litem and the attorney who is prosecuting the action for Sawyer County.

In divorce proceedings, all psychological records are confidential except to the attorneys of record and the parties to the action.

202.09 OTHER SITUATIONS -In situations not covered by written policy or clear statutory policy, the Clerk of Court and Registrar in Probate/Juvenile Court Clerk shall exercise discretion in deciding who has access to confidential records.

The Circuit Court retains the authority to authorize disclosure of otherwise confidential information as well as the authority, where permitted by law, to classify files or parts of files as confidential.

203 CONTINUANCES

203.01 REQUESTS FOR CONTINUANCES -Stipulated requests for continuances require the consent of the parties in writing or on the record and must be for good cause. Non-stipulated requests for continuance must be on motion and hearing for good cause. All requests for continuance are subject to approval of the court.

204 FACSIMILE FILING - Is not permitted, although the judge may permit a party or attorney on a specific occasion to file by facsimile.

205 RULES OF DECORUM

205.01 The flag of the United States and the State of Wisconsin shall at all times while court is in session be displayed in close proximity to the bench, or on standard to the side of the judge.

205.02 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.

205.03 Witnesses shall be examined from a position behind the counsel table or lectern except when handling exhibits. Persons examining witnesses may either stand while examining a witness or remain seated. In no case shall a witness be crowded during examination.

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

205.05 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.

205.06 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.

205.07 Lawyers and court officers shall, while in 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.

205.08 Lawyers shall advise their clients and witnesses of the formalities of court, and seek their full cooperation. It is expected that lawyers will guide clients and witnesses as to appropriate attire.

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

205.10 Attorneys and parties shall be prepared to proceed at the time matters are scheduled. Failure to proceed on time may be grounds for sanctions, including but not limited to costs, dismissal, judgment, and ruling against the late party on the particular matter before the court.

206 USE OF VIDEOCONFERENCING

206.01 SCHEDULING -Schedule the hearing pursuant to the Tenth District Procedures for Scheduling Out-Of-County Cases.

206.02 RESPONSIBILITIES -The county of venue will be responsible for operating the videoconferencing system, including: checking the equipment prior to each proceeding; turning the system on; making connections with remote sites; and controlling the equipment during the proceeding.

206.03 COSTS -The county of venue will be responsible for paying for any transmission costs.

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PART 3: CIVIL PRACTICE

301 SERVICE AND ANSWER -All civil cases will be reviewed for service and answer 90 days after filing. If a case has not reached issue, a dismissal order or default proceeding may be initiated by the court.

302 PRETRIAL - In all pretrial matters, attorneys must have authority to negotiate in the absence of their clients or, if authority is not granted, immediate telephone access to clients.

302.01 TELEPHONE TESTIMONY -When testimony is taken by telephone, the party calling the witness is responsible for any long distance charges.

PART 4: CRIMINAL PRACTICE

401 DEFENDANT'S PRESENCE REQUIRED -Defendants must be present at all initial appearances, status conferences, motion hearings, arraignments and trials. The judge, for good cause, may approve authorizations to appear upon advance request in misdemeanor cases.

402 MOTION PRACTICE -A party filing a motion shall be responsible for securing a hearing date. Failure to secure a date shall constitute waiver of the motion.

PART 5: FAMILY LAW PRACTICE

501 GUARDIAN AD LITEM

501.01 A guardian ad litem shall be appointed to represent the best interest of minor children whenever custody or placement is contested and mediation has failed to resolve the dispute. The court may appoint a guardian ad litem prior to mediation whenever the circumstances require an earlier appointment. Upon appointment of a guardian ad litem, each party shall pay \$250.00 directly to the Clerk of Court for deposit in a trust account, subject to further order of the court. If any party is financially unable to make payment, the court may waive all or part of the advance fee. At the conclusion of the case, the court may direct the county to pay the guardian ad litem fees, and may direct that one or both of the parties reimburse the county.

502 PARENT EDUCATION CLASSES

502.01 The Director of Family Court Services shall arrange or a Parent Education Provider to provide a Parental Educational Program for parents concerning the effects on a child of being raised in a split family. The program shall be no longer than 4 hours in duration, and may be divided into multiple sessions.

502.02 Per §767.401(1)(a) of the Wisconsin Statutes, the court will order each parent to attend an approved Parent Educational Program whenever an action is pending concerning the custody or placement of minor children under Chapter 767 Wis. Stats. This requirement can be waived by the court in appropriate circumstances. A schedule of dates, times, and places for the local Parent Educational Program will be attached to the order.

502.02.1 This requirement applies to motions and orders to show cause to modify a custody or placement order unless a parent has completed an approved program within the twenty four months immediately preceding the filing of the motion or order to show cause. Parents who believe they are not required to attend the program because they have completed a qualifying program during the preceding 24 month time period must notify the court of that fact in writing and identify the court case in which the certificate of completion can be found. If the certificate is not in a Sawyer County case, the parent must provide a certified copy of the certificate.

502.02.2 Parents seeking a waiver of this requirement must file a formal motion with the court setting forth the basis for the requested relief.

502.03 Each parent shall attend the Parent Education class within 45 days of notice of this requirement. Each party shall make arrangements for attendance at the class by contacting the Parent Education provider identified in the attachment.

502.03.1 Any parent who has been subject to interspousal battery or domestic abuse by the other parent may so notify the Parent Education Provider of that fact. The Parent Education Provider shall accommodate such parents to allow them to attend the Program at a separate session from the other parent. The 45 day time limit is waived in these cases.

502.04 The cost of each parent attending the Parental Educational Program is \$35.00. Each parent shall pay this amount prior to attendance at the class by depositing a check or money order with the clerk of court payable to the Parent Education Provider, unless the parent makes other arrangements satisfactory to the Parent Education Provider.

502.05 A parent may attend an alternative parent education program that is approved by the Sawyer County Director of Family Court Services, but that parent shall be responsible for all cost thereof, and for providing proof of attendance to the Sawyer County Clerk of Court and to the Sawyer County Parent Education provider.

502.06 Failure by a parent to comply with this order shall be cause for imposing sanctions which may include refusal to hear a custody or physical placement motion of a parent who refuses to attend a parent education class; contempt; monetary penalties; orders limiting or barring the presentation of testimony or introduction of evidence at trial; or any combination thereof, or such other and further sanctions as the court may deem appropriate under the circumstances.

503 MEDIATION

503.01 In any action where legal custody or physical placement is contested, the parents shall attempt mediation before a guardian ad litem will be appointed, unless otherwise ordered by the court.

503.02 Mediation is provided as directed by the Director of Family Court Services. It shall be the responsibility of the party raising the contested issue to obtain referral to mediation from the Director of Family Court Services.

503.03 The first mediation session is an evaluation and is free. Mediation provided after the first session requires a fee.

504 DE NOVO REVIEW OF FAMILY COURT COMMISSIONER DECISIONS

504.01 Any party who appeared at a hearing before the Family Court Commissioner has the right to have the assigned judge hold a new hearing provided that a written request is filed with the judge's clerk within 15 days of the oral decision of the family court commissioner, or within 15 days of the filing of the written decision if the order was not orally given at the time of the hearing. Failure to file the request within 15 days is a waiver of this right. All requests filed pursuant to this rule shall use the standard court form, FA4130 ("Motion For and Notice of New (*De Novo*) Hearing").

504.02 Notices requesting a hearing *de novo* will not stay the order unless the judge specifically grants a stay of the order.

504.03 The family court commissioner shall not hear any motions to modify an order or temporary order while a *de novo* hearing is pending.

504.04 A party who files a motion for a hearing *de novo* shall not bring any enforcement actions while the *de novo* hearing is pending.

PART 6: FORECLOSURE PRACTICE - No Local Rules Adopted

PART 7: JUVENILE PRACTICE - No Local Rules Adopted

PART 8: PROBATE PRACTICE - No Local Rules Adopted

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PART 9: SMALL CLAIMS PRACTICE

901 SERVICE -Service of the summons in all eviction actions shall be sheriff service. Service regarding replevin actions shall be either by certified mail or sheriff service. All other small claims.actions may be served by regular mail, certified mail or sheriff service.

902 APPEARANCE -The plaintiff is not required to appear on the initial date, but is required to call the Clerk of Court's office prior to 10:00 A.M. on the date of their claim. If a call is not received from the plaintiff or attorney for the plaintiff, the case will be dismissed.

If the defendant does not appear or file a written answer, a judgment will be granted. If the defendant files a written answer contesting the claim, it will be set for trial. If the defendant appears to contest the matter in person, but does not have a written answer prepared at that time, the court will give the defendant ten days to file such answer. When the answer is filed, a copy will be mailed to the plaintiff along with a date for trial.

902.01 DOCKETING THE JUDGMENT -The docket fee of \$5.00 must be paid to the Clerk of Court's office after judgment is obtained. Your judgment will not be filed as a docketed lien until the fee is paid.

PART 10: TRAFFIC/FORFEITURE PRACTICE - No Local Rules Adopted

Sawyer County Local Court Rules hereby adopted this 3rd day of May, 2007.

Sawyer County Local Rules approved this 29 day of May, 2007.

STATE OF WISCONSIN
TENTH JUDICIAL ADMINISTRATIVE DISTRICT
DISTRICT RULE

In Re the Appearance of: UNLICENSED OUT-OF-STATE LAWYERS

The following rule is hereby adopted and applies to all non-resident lawyers who are not licensed to practice law within the State of Wisconsin, but who wish to appear before any Circuit Court within the Tenth Judicial Administrative District.

1. A non-resident lawyer who is not licensed to practice law in the State of Wisconsin and wishes to appear in any action in any Circuit Court within the Tenth Judicial Administrative District must petition the Circuit Court in writing.

The petition must state the name of the active member of the Wisconsin State Bar who will participate with the non-resident lawyer.

2. If the Circuit Court grants the petition:
 1. The active member of the Wisconsin State Bar shall appear in person at all proceedings held on the record, including those held out of court, such as depositions.
 2. The active member of the Wisconsin State Bar shall review all pleadings, motions and other papers to be filed with the Circuit Court. Both the non-resident lawyer and the active member of the Wisconsin State Bar shall sign all pleadings and motions.
3. Wisconsin Supreme Court Rule 10.03(4) shall be strictly enforced.
4. The non-resident lawyer is subject to disciplinary authority of this State for conduct that occurs in connection with the action, pursuant to Wisconsin Supreme Court Rule 20:8.5(2).

Dated this 28 day of April, 2003.

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