

Honorable Martha J. Milanowski
Circuit Court Judge, Branch 1



Honorable Daniel L. Overbey
Circuit Court Judge, Branch 2

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VILAS COUNTY CIRCUIT COURT
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October 1, 2024

Vilas County Circuit Court – Local Rules
(Ninth Judicial District)

- Rule 1: Service of Process in Small Claims Actions
- Rule 2: De Novo Hearing for Family Matters
- Rule 3: Judicial Transfers
- Rule 4: When the Record is Silent – Clerk’s Authority
- Rule 5: Court Appointed Attorneys
- Rule 6: Motion Practice
- Rule 7 Procedure for Filing Exhibits
- Rule 8: OWI-1 Defaults

Presiding Judge Martha J. Milanowski and Judge Daniel L. Overbey have reviewed Vilas County Circuit Court’s Local Court Rules. Revisions completed on Rule 3.

A handwritten signature in black ink, appearing to read 'M. Milanowski', written over a horizontal line.

Honorable Martha J. Milanowski
Circuit Court Judge, Branch I
October 1, 2024

A handwritten signature in black ink, appearing to read 'D. Overbey', written over a horizontal line.

Honorable Daniel L. Overbey
Circuit Court Judge, Branch II
October 1, 2024

A large, stylized handwritten signature in black ink, appearing to read 'Ann Knox-Bauer', written over a horizontal line.

Honorable Ann Knox-Bauer
Chief Judge, Ninth Judicial District
10/11, 2024

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Vilas County Local Court Rules (Ninth Judicial District)

Standing orders of the Court

Rule 1: Service of Process in Small Claims Actions:

Effective Date: February 26, 2014
Reviewed and approved on August 1, 2022
Revised: February 29, 2024

1. Service of summons in small claims actions, except actions for eviction or replevin, shall be by personal or substitute service.
2. Service of eviction actions shall be by personal service.
3. Service in replevin actions may be by certified mail, return receipt requested, or by personal service.
4. Service in contempt proceedings authorized by Sec.799.26(2), Wisconsin Statute, shall be by personal service at least 72 hours prior to hearing.

Rule 2: De Novo Hearing for Family Matters

Effective Date: February 26, 2014; Reviewed and Approved on August 1, 2022.
Amended: March 13, 2023.

1. If a party seeks to have the assigned Circuit Court Judge conduct a hearing de novo under ss. 757.69(8) of a determination, order, or ruling entered by the Family Court Commissioner in an action affecting the family, a written motion requesting the hearing de novo shall be filed with the

Court within 20 days of the oral determination, order, or ruling of the Court Commissioner or within 20 days of mailing of the Order, decision or ruling if not given orally at the time of hearing.

2. The requesting party must have been present at the original hearing to request a De Novo review. Stipulated matters or issues are not subject to De Novo review

Rule 3: Judicial Transfers

Effective Date: August 1, 2022.

Amended: March 13, 2023.

Amended: October 1, 2024

1. If a criminal case is filed and there are TR or FO cases that arise from the same incident, the cases shall be transferred to the same branch as the criminal case.
2. If a criminal case is file and either (a) contains bail jumping charges that arise as a result of an open criminal matter or (b) the defendant has multiple cases in another branch, the matters shall be intra-circuited transferred so that all cases are before the same court official.
3. If a defendant in a criminal, traffic or forfeiture matter appears at the initial appearance before the Judge who is not the filing court official, the case shall be intra-circuit transferred to the branch where the initial appearance was held.
 - a. Clerk will add Judicial Transfer (JUTR) into the court record. This will then change the responsible court official.
 - b. Prepare Notice of Assignment of Judge, and disburse to those on the list via mail or e-filing. Add the following in 'Other': Case transferred per Standing Order guidelines.
4. Juvenile (JV and JC) cases. When there are multiple cases involving children from the same family filed at the same time, the first case will be assigned randomly per the standing rules for case assignment. The subsequent cases relating to children from the same families will then get assigned to the same judge who was assigned the first case.
5. If a criminal case is filed and there is a co-defendant, the second case filed will be judicially transferred to the Judge assigned on the first case.

Rule 4: When the Record is Silent - Clerk's Authority

Effective Date: August 1, 2022

1. In those cases where the record is silent, any of the following statutorily mandated for the offense for which the defendant has been convicted, the Clerk of Court shall have the authority to do the following:
 - a) Revoke or suspend driving privileges including, if there are range of time, the minimum revocation or suspension.
 - b) Require an alcohol assessment.
 - c) Assess any domestic abuse surcharge, if the judge has made the necessary finding.
 - d) Assess any DNA surcharge or sample if applicable.
 - e) Any Restitution surcharges if applicable.
 - f) Assess all other mandatory costs, fees or surcharges

Rule 5: Court Appointed Attorneys

Effective Date: August 1, 2022

Revised: May 6, 2024

- a) Rate of pay: Whenever the court appoints an attorney to act in a case, the county shall compensate the attorney at the rate established by the Wisconsin Supreme Court Rule 81.02 whenever the county becomes responsible for the payment.
- b) Compensation Limits: Compensation shall be for time the attorney devotes to the case and not time incurred by paralegals, secretaries or other law firm personnel, unless authorized by the court in advance.
- c) Each billing statement shall specify the case name, ~~and~~ number, the name of the client for which the services were rendered, the date of service(s), and the costs incurred. The billing statement shall be itemized to indicate the type of expense, date(s) the expense was incurred, and the amount requested.
- d) In order for an attorney who has been appointed as a Guardian ad Litem or Court Appointed Attorney to receive payment for their services from Vilas County, they must submit an itemized bill monthly together with the proper *Affidavit and Order for Payment* to the Vilas County Clerk of Circuit Court's Office or the Vilas County Register in Probate's Office

(depending on who appointed them), within 30 days for services rendered the month prior. The Guardian at Litem is responsible for the distribution of the bills to parties.

- f) Allocation of reimbursement: The Judge shall approve the billing before payment; allocate the bill between the parties if appropriate and, whenever the party has ability, order reimbursement by the party together with a payment plan. Failure to comply with billing statement requirements as to content or timeliness may result in the court denying payments to counsel.

Rule 6: Motion Practice

Effective Date: August 1, 2022

1. Attorney's Duty to Give Notice
 - a) In all matters, the moving party or their attorney is responsible for providing notice of hearing on any motion filed by that party. Prior to sending out such notice, the party or their attorney shall call the Judicial Assistant for the assigned branch to set an appropriate date and time for hearing.
 - b) No attorney or party shall schedule additional motions on a pre-existing motion date for the same case without first advising the court, to determine if sufficient time has been set aside for an additional motion and, if not, to get another date for the motion.

Rule 7: Procedure for Filing Exhibits

Effective Date: March 13, 2023

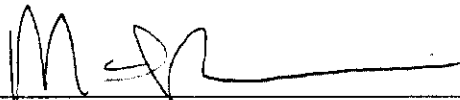
Revised: February 29, 2024

1. If the attorney is appearing with Court permission by Zoom video technology and wishes to file an exhibit, it must be e-filed with no number/letter (number/letter to be assigned at the time of the hearing when exhibit is introduced) and a copy of the proposed exhibit must be provided to the other party prior to the court proceeding.
2. If the attorney is appearing in person and wishes to file an exhibit, the attorney will ask the Clerk to mark the exhibit, and will also provide the other party with a copy of the exhibit.
3. If the attorney is given permission to pre-mark exhibits, the Petitioner/Plaintiff (i.e.: Petitioner/Plaintiff Exhibit #1) will mark numerically, and the Respondent/Defendant will mark alphabetically (i.e.: Respondent/Defendant Exhibit A)

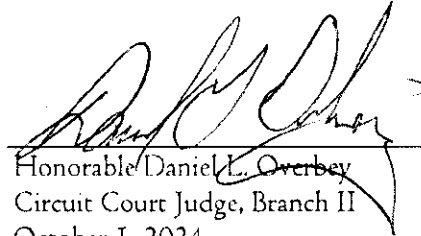
Rule 8: OWI-1 Defaults

Effective Date: March 13, 2023

1. Defendants are required to appear in court, in person, for an OWI 1st offense. Said required appearance is to be noted on the issued citation.
2. When a defendant fails to appear for an OWI-1 intake hearing and is defaulted, he/she will be ordered to pay the amount of forfeiture and costs listed on the face of the citation, will be ordered to complete a Drivers Safety Plan and AODA assessment, and will have a driver's license revocation period of 6 months. In the event that there is a companion PAC ticket for greater than 0.15, the defendant will also be ordered to install an ignition interlock device for 12 months. The accompanying PAC ticket will be dismissed as a matter of law.



Honorable Martha J. Milanowski
Circuit Court Judge, Branch I
October 1, 2024



Honorable Daniel L. Overbey
Circuit Court Judge, Branch II
October 1, 2024