

LA CROSSE COUNTY CIRCUIT COURT RULES

PART 1: PUBLICATION AND REVISION OF CIRCUIT COURT RULES

- 100 Effective March 6, 1995
- 101 Court rules, prior to adoption or revision, shall be presented at two (2) successive meetings of the La Crosse County Circuit Judges. This requirement and rule 102 may be suspended for good cause upon the order of all La Crosse County Circuit Judges. (2/10/89)
- 102 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 La Crosse County Bar Association at least thirty days prior to formal adoption. (2/10/89)
- 103 Notice of proposed rules as described in Secs. 101 and 102 shall constitute sufficient public notice. (2/10/89)
- 104 Rules shall be adopted by written order of a majority of La Crosse County Circuit Judges, subject to approval of the Chief Judge. The clerk of court shall send a copy of the filed adopted or amended rule to the secretary of the local bar association, the district court administrator, the State Bar of Wisconsin, the State Law Library and the Office of the Director of State Courts. (2/10/89) (AMENDED 2/6/95)
- 105 Orders adopting rules shall specify an effective date. (2/10/89)
- 106 Insofar as these rules are in conflict with any existing court rule or order, these rules supersede such rule of order. (2/10/89)
- 107 These rules are intended to supplement, not supersede, state statutes and Supreme Court Rules. Rules that conflict with state statutes or Supreme Court rules, in whole or in part, will not be enforced except to the extent that their partial enforcement would not constitute a conflict. (3/1/19)

PART 2: CLOSURE OF PROCEEDINGS

- 200 Effective February 1, 1989
- 201 Unless good cause for a shorter time period 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, if possible, 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 good cause why the proceedings should not be public as required by the statute. (2/10/89)

PART 3: CASE PROCESSING TIME GUIDELINES

300 Effective February 1, 1989

301 The following case processing time guidelines are for the processing of cases and are designed to provide a guide to the judiciary and bar. Unless otherwise indicated, the guidelines represent the time period from filing to final disposition. (2/10/89)

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| Misdemeanor.....(from initial appearance if in custody) | 2 months |
| (if not in custody) | 3 months |
| Felony.....(from initial appearance) | 6 months |
| Traffic & Ordinance.....(from initial appearance) | 4 months |
| Personal Injury/Property Damage..... | 18 months |
| Contract/Money Judgments..... | 12 months |
| Divorce..... | 12 months |
| Estates..... | 18 months |
| Small Claims | 3 months |
| Child support..... | 6 months |
| Paternity-contested..... | 12 months |
| Paternity-uncontested..... | 6 months |

302 It will be the practice of the court to schedule every case for a next action or review date at every state in the life of the case. (2/10/89)

303 In the event of case consolidation the cases shall be heard by the judge with the lowest case number. (3/3/95)

304 It has become evident to the court that many attorneys are using their opportunity for voir dire examination to unduly visit with and establish rapport with prospective jurors. Such conversation with prospective jurors is not a legitimate inquiry into the juror's qualifications or whether the juror is indifferent in a particular case. (Sec. 805.08(1) Wis. Stats.) Such conversation unduly lengthens the jury selection process.

Therefore, the court orders that attorney examination of prospective jurors shall be no more than 20 minutes for each attorney in order that the focus of attorney inquiry be in accordance with Sec. 805.08(1). Such 20 minutes shall not include any individual voir dire examination.

This order may be modified by the trial judge in particular cases when the circumstances of a particular case and the interest of justice requires a more lengthy attorney voir dire examination. Any such lengthened attorney voir dire examination requested by a party shall be by written motion made and heard by the court at least 15 days prior to the date scheduled for jury selection. (4/5/02)

PART 4: RULES OF DECORUM

- 400 Effective February 1, 1989
- 401 Court shall be formally opened each day in which court business is transacted either by the bailiff or the Clerk of Court. (2/10/89)
- 402 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 for La Crosse County is now in session, the Honorable _____ (name of judge) presiding. Silence is commanded." All shall be seated and the business of court shall proceed. (2/10/89)
- 403 Repealed (1/2/14)
- 404 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 in a standard to the right of the judge. (2/10/89)
- 405 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. (2/10/89)
- 406 Repealed (1/2/14)
- 407 When a lawyer or party is addressing the jury, the lawyer shall not crowd the jury box. (2/10/89)
- 408 During the 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. (2/10/89)
- 409 During court proceedings, 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. Strict adherence to this rule is required (2/10/89) (AMENDED 2/6/95)
- 410 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. (2/10/89)
- 411 Lawyers shall advise their clients and witnesses of the formalities of the court and seeking their full cooperation therewith. It is expected that lawyers will guide clients and witnesses as to appropriate attire. (2/10/89)
- 412 Lawyers shall examine witnesses with courtesy and respect, and a witness' good faith should be presumed until the contrary is evident. (2/10/89)
- 413 Repealed (1/2/14)
- 414 In jury cases which are disposed or upon a motion for dismissal or directed

verdict, the judge in dismissing the jury shall briefly explain the procedure and why a verdict was necessary. (2/10/89)

- 415 The judge shall wear a robe while presiding on the bench, provided that judicial discretion may be exercised otherwise in proper situations. (2/10/89)
- 416 There shall be no unnecessary conversation, loud whispering, or other distracting activity by anyone in the courtroom or in the hallways on the court floor(s) while court is in session. There shall be no newspaper or magazine reading in the courtroom. Tobacco in any form shall not be used in the courtroom. (2/10/89) (AMENDED 2/6/95)
- 417 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. (2/10/89)
- 418 The judge shall be punctual 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 punctuality creates dissatisfaction with the administration of justice. (2/10/89)
- 419 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. (2/10/89)
- 420 Attorney's 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. (2/10/89)
- 421 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. (2/10/89)
- 422 In jury trials, lawyers shall examine witnesses from the lectern except when handling exhibits. A lawyer may approach the witness with approval from the court, but in no case shall a witness be crowded during examination. 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. (2/10/89) (AMENDED 1/9/04, 1/2/14)
- 423 Unless excused by the judge, after the jury has retired to deliberate upon a verdict, the attorneys and all necessary parties shall remain available at all times during the deliberations of the jury and when the verdict is received. (2/10/89) (AMENDED 1/2/14)
- 424 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. (2/10/89)

- 425 The clerk of court shall have the duty to see that each witness is sworn and that the oath is administered in a manner calculated to impress the witness with the importance and solemnity of the oath taken. (2/10/89) (AMENDED 1/2/14)
- 426 Witnesses, when sworn, should stand near the bench or the witness stand. 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. (2/10/89)
- 427 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. (2/10/89)
- 428 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 recess of the court. This includes the duty to admit persons to the courtroom and direct them to seats, and to refuse admittance to the courtroom in such trials where the courtroom is occupied to its full seating capacity. (2/10/89)
- 429 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 bailiffs shall take the foregoing precautions on a 24 hour a day basis. (2/10/89)
- 430 The bailiff shall assist jurors as necessary with personal problems if they arise, and shall inform the judge of any unusual problems of jurors which should be called to his or her attention. (2/10/89)
- 431 The bailiff shall at no time discuss with the jurors, litigants, witnesses or attorneys any issues involved in the trial, nor make any effort to assist the jurors in their deliberations. (2/10/89)
- 432 Proper decorum shall be displayed in the courthouse at all times. Conference rooms should be used for all discussions. (2/10/89) (Amended 1/2/14)
- 433 Attorneys and clients are expected to be in the courtroom on the date and time scheduled. If they are not in the courtroom, the court in its discretion may allow the case to proceed, be dismissed or moved to the end of the calendar on the date and time scheduled. Attorneys with time conflicts in other courts are expected to notify the court of such conflicts at the earliest possible date. (2/10/89) (AMENDED 2/6/95)
- 434 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. (2/10/89) (moved from civil sec.)

435 All matters to be set on for any hearing before the court shall include in the Notice of Hearing the length of time the Court has allotted to hear the matter. This time frame will have been obtained from the appropriate Judge's judicial assistant prior to such notice being sent out. Upon receipt of said notice, should opposing counsel believe that the time allotted is insufficient to complete the matter before the court, counsel shall immediately contact the Court and opposing counsel to reschedule the matter for an appropriate length of time.

If no length of time is included in the notice, the matter will not be heard. Except in unusual circumstances no matter will be allowed to proceed past the final time frame allotted. (2/6/95)

436 In order to preserve impartiality and fairness in all judicial proceedings, all email correspondence regarding cases before the court shall be addressed and sent to the appropriate judge's judicial assistant, and not to the judge directly.
(Effective 5-5-09)

PART 5: **CIVIL PRACTICE**

500 Effective February 1, 1989

501 Within 145 days of filing, all civil cases will be reviewed for service and answer. If at that time it is found that a case has not reached issue, a dismissal order or default proceeding shall be initiated by the court.
(2/10/89) (AMENDED 8/24/98)

502 A motion for summary judgment shall comply with Wisconsin Statutes Sec.802.08 unless the court scheduling order provides differently. (2/6/95)

503 Except as to mortgage foreclosures, no notice of defendant is required prior to entry of a default judgment in large claim civil actions. (2/10/89)

504 Unopposed Mortgage Foreclosures:

- 1) On motions for default judgment, summary judgment or confirmation of sale, it will not be necessary to appear on the date set for hearing and the court will sign the appropriate Order or Judgment, if there is no appearance in opposition. If there is an opposing appearance, the matter will be continued to provide for appearance by movant.
- 2) Notice of hearing must be given to all interested parties; proof of service must be filed prior to hearing date.
- 3) Affidavits of default or in support of summary judgment must clearly set forth period of default, amount of default and full amount of interest, principal, late charges, etc. due on hearing date. Any additions to principal must be fully supported by proof of appropriate affidavit.
- 4) Original note and mortgage must be attached to affidavit of default or in support of summary judgment.
- 5) Pleadings and affidavits of default or support of summary judgment must clearly set forth the factual basis for the application of Sec. 846.101, 846.102 or 846.103 Wis. Stats. and set forth which statute section applies. (2/10/89)

- 1) In all **owner-occupied** residential foreclosure actions filed in La Crosse County after the effective date of 12/15/2011, the plaintiff shall attach to the Summons and Complaint served on the defendant/homeowner the following forms: 1) Notice of Availability of Mediation and 2) Application for Mediation. **This requirement shall not apply if the parties have attempted mediation pursuant to the terms of this rule prior to filing of the action.** If a Plaintiff moves for Default or Summary Judgment in an owner-occupied residential foreclosure, the supporting Affidavit shall include a statement indicating compliance with this rule. (Amended 8/1/13)
- 2) Forms, which shall be printed on yellow paper, can be downloaded from the Wisconsin Foreclosure Mediation Network website, <http://mediatewisconsin.com/> or may be obtained from the La Crosse County Clerk of Court office directly or via its website, <https://lacrossecounty.org/docs/default-source/clerk-of-courts/consumercreditcomplaintchecklist>
- 3) Upon the Clerk of Court's receipt of the Application for Mediation and a non-refundable fee in the amount of \$150.00 from the homeowner, the Clerk will forward the application and payment to the Program Administrator and notify the Court. The Court will issue an Order of Stay until conclusion of mediation, but may waive the mediation requirement for cause and upon request of a party. The Program Administrator will invoice Lender's counsel for the non-refundable fee in the amount of \$150.00. All housing counseling agencies must be a licensed credit counseling service listed by the Wisconsin Department of Financial Institutions and approved as a housing counseling agency through the U.S. Department of Housing and Urban Development.
- 4) The procedures and deadlines for the mediation process shall be set by the Program Administrator and are available from the Wisconsin Foreclosure Mediation Network website, <http://mediatewisconsin.com> or may be obtained from the La Crosse County Clerk of Court office directly or via its website, <https://lacrossecounty.org/docs/default-source/clerk-of-courts/consumercreditcomplaintchecklist> . Any changes to the procedures and deadlines for the mediation process may be made by the Program Administrator subject to notification to the La Crosse County Circuit Court judges prior to the implementation of such changes.
- 5) The Program Administrator shall appoint a mediator from a list approved by the Circuit Court judges. To be eligible, mediator must have completed a training session conducted through the Wisconsin Foreclosure Mediation Network, or its predecessor, the Metro Milwaukee Foreclosure Mediation Program. Upon such time as the mediation process is concluded, the Court will lift the stay and further proceedings as appropriate may be scheduled.

(Amended 8/1/13)

- 505 In all pretrial 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. (2/10/89)
- 506 Payments for foreclosures, warrants, suspensions, cash bonds, and non-sufficient fund checks may only be made by certified check, money order or cash. (10/8/99)
- 507 All requests for continuance shall be in writing with the signed consent of the parties, not the attorneys, or on the record with the parties present and must be for good cause shown. All requests for continuance are subject to approval of the court. (2/10/89)
- 508 All complaints concerning consumer credit transactions must follow the guidelines and format set forth in the Consumer Credit Complaint Checklist document, which will be published at:
<https://lacrossecounty.org/docs/default-source/clerk-of-courts/consumercreditcomplaintchecklist>
The headings and information within the consumer credit complaint must be structured in accordance with the arrangement and organization of the Checklist. The court will use this Checklist in its determination of the sufficiency of all consumer credit complaints. (2/16/10)

PART 6: CRIMINAL LAW PRACTICE

- 600 Effective February 1, 1989
- 601 Motions for consolidation shall be accompanied by the La Crosse County motion for consolidation and order form or in a format that is substantially consistent with said form. Whenever cases are consolidated they shall be assigned to the court assigned to the case with the earliest filing date. If there is a felony case involved, the cases shall be assigned to the court with the lowest numbered felony case. Only the consent of the judge with the lowest numbered felony case or if a felony is not part of the case, the case with the earliest filing date is required. All consolidated files must be before the consenting judge at the time of the plea. Consolidations, plea agreements and rights forms must be signed prior to the time a case is called in court or the case will be rescheduled to a later date. (2/10/89) (AMENDED 2/6/95) (AMENDED 1/9/04) (AMENDED 12/15/09)
- 602 All requests for continuance are subject to the approval of the court. If a continuance is granted, the reason for the continuance shall be entered into the record. (2/10/89) (AMENDED 1/2/14)
- 603 Repealed (1/2/14)

604 Revocation of diversion agreements are to be made before the intake court judge. If revoked, felony cases are to be referred to the judge who approved the diversion agreement for conviction and sentencing. (2/6/95) (AMENDED 1/9/04)

605 When an attorney is appointed, by the court, to represent a defendant, the attorney shall promptly prepare and forward to the appointing judge for signature, an order appointing the attorney in the matter.

At the time of disposition, it will be the obligation of the attorney to advise the court he/she was appointed; the amount of the billing and whether or not the defendant has made any payments on the bill.

606 PLEA AGREEMENT

This rule shall govern all plea negotiations and any plea agreements, in criminal cases, on or after the effective date of this rule.

- A. Both counsel are equally responsible for initiating plea discussions at the earliest practical time.
- B. Any plea agreement must be finalized no later than noon on the Wednesday before jury selection.
- C. If a plea agreement is reached, the plea must be taken on or before noon on the Friday before jury selection.
- D. No plea agreement will be accepted on or after the deadline set out above except under extraordinary circumstances, and with specific permission of the Court.
- E. Violation of this rule may result in the Court imposing any and all sanctions authorized by law and by the inherent power of the Court. Those sanctions can include, but are not limited to, assessing the full costs of a jury panel, including mileage, against either or both parties, or their counsel. (9/1/2000)

608 REMOTE APPEARANCE

- A. Definition of Remote Appearance. A remote appearance is an appearance by live audiovisual means or telephone from a location other than the courtroom.
- B. Events in Which Remote Appearance may be permitted. Defendants who are not in custody may appear remotely in all proceedings except for: trials, evidentiary hearings, guilty or no contest pleas and felony sentencings. In all other circumstances, defendants can appear remotely in criminal proceedings consistent with Wis. Stat. § 967.08 (See sec. C). The court can require in person appearance for any hearing.
- C. Notice of Request to Appear Remotely for trials, evidentiary hearings, guilty and no contest pleas and felony sentencing. A Defendant who wishes to appear remotely for trials, evidentiary hearings, guilty and no