

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)

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)

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 In the recessing, the judge shall announce: "The court is now in recess."
(2/10/89)
- 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 Lawyers shall examine witnesses from a position at the lectern except when
handling exhibits. In no case shall a witness be crowded during examination.
(2/10/89)
- 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 The swearing of witnesses shall be an impressive ceremony and not a mere
formality. (2/10/89)
- 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 Attorneys should address the court from a standing position at the counsel table or lectern. Attorneys must use the lectern when questioning a witness. 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)
- 423 Unless excused by the judge, after the jury has retired to deliberate upon a verdict in a criminal case, the attorneys representing the defendant and the State shall remain in the immediate area of the courtroom so as to be available at all times during the deliberations of the jury and when the verdict is received. (2/10/89)
- 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 separately and that the oath is administered in a manner calculated to

impress the witness and with the importance and solemnity of the oath taken.
(2/10/89)

- 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 Attorneys, clients, and witnesses shall remain quiet in the courtroom corridors, as loud talking and laughter disrupt court proceedings. Conference rooms shall be used for all discussions. (2/10/89)
- 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)

504A

- 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.**
- 2) Forms, which shall be printed on pink paper, can be downloaded from the Marquette University Law School website, <http://law.marquette.edu/foreclosure> or may be obtained from the LaCrosse County Clerk of Court office directly or via its website, <http://www.co.la-crosse.wi.us/Departments/Court/docs/CircuitCtRules.htm> .
- 3) Upon receipt of the Application for Mediation, the Court will stay proceedings until conclusion of mediation and will appoint a mediator from a list approved by the Circuit Court judges. To be eligible, a mediator must have completed a training session conducted through the Marquette University Law School. **The court may waive the mediation requirement for cause and upon request of a party.**
- 4) Prior to mediation, the homeowner must meet with a counselor from the Consumer Credit Counseling Service of La Crosse **or, if residing outside La Crosse, a licensed credit counseling service regulated by the Wisconsin Department of Financial Institutions and approved as a housing counseling agency through the US Department of Housing and Urban Development.** The counselor will assist in designing a proposal for consideration at the mediation session. **The homeowner must complete this step within 60 days of service of the action.**
- 5) Prior to mediation, each party shall submit a fee of \$100 to the mediator. The homeowner shall attend personally while the lender must attend through a representative who shall be present personally. Counsel and any other person necessary to a decision may participate by phone. In any event, the lender's representative at the mediation must have the authority to settle the matter.
- 6) Upon receipt from the mediator of the post-mediation report, the court will lift the stay and further proceedings as appropriate may be scheduled. (12/15/11)

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:

<http://www.co.la-crosse.wi.us/Departments/Court/docs/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 shall be in writing with the signed consent of the State and defendant, not the attorney, or on the record for good cause shown. All requests for continuance are subject to the approval of the court. (2/10/89)

603 No court will proceed to sentencing or disposition on a charge for which there is an applicable felony sentencing guideline (including experimental sentencing guidelines where applicable) unless a completed sentencing guideline form is on file with the court. (2/10/89)

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)

PART 7: SMALL CLAIMS PRACTICE:

700

Effective February 1, 1989

701

La Crosse County by this rule authorizes the service of summons in all small claims actions, except eviction actions, by mail in lieu of personal or substituted service only in La Crosse County. (2/10/89)

702

Both parties to a small claims action must appear on the return day or a default judgment or dismissal, with prejudice, will be granted as appropriate. (2/10/89)

702A

In all small claims cases, those who may appear are as follows:

- 1. The person named as Plaintiff or Defendant.
- 2. An Attorney on behalf of the named Plaintiff or Defendant. (Paralegals or legal secretaries may not appear).
- 3. One spouse may appear on behalf of another spouse as long as their interests are not adverse.
- 4. Guardians may appear for the ward.
- 5. If there is more than one Plaintiff/Defendant, all of them must appear.
- 6. A full-time authorized employee of a person may appear on that person's behalf.
- 7. A full-time authorized employee of a corporation may appear on the corporation's behalf.

The following may not appear in small claims cases:

1. A part-time employee of the Plaintiff or Defendant whether the Plaintiff or Defendant is an individual or a corporation.
2. One roommate on behalf of the other roommates.
3. Paralegals or other employees of the law firm on behalf of the attorney unless the attorney or the law firm is a party.

(6/1/04)

- 703 In all small claims cases in which both parties appear pro se, they will be required to go through mediation before a trial date will be given. In landlord/tenant cases, all parties, even if represented by attorneys, will be required to go through mediation. Any defendant failing to appear at mediation will have a judgment entered against them. Any plaintiff failing to appear at mediation will have their case dismissed. (2/10/89) (AMENDED 2/6/95)
- 704 In all small claims cases, the parties or attorneys must have the authority to negotiate in good faith. (2/10/89)
- 705 When the defendant is a nonresident, service must be personal. For the purpose of this rule, non-resident means an individual residing outside of La Crosse County. The defendant may appear by answering mail before the return date. (2/10/89) (AMENDED 10/8/99)
- 706 Orders to show cause why financial disclosure statements have not been sent to creditors shall be heard by the intake judge. Motions for contempt of court for failure to file financial disclosure statements and objections to garnishment shall be heard before the intake court judge. (2/10/89) (AMENDED 2/6/95)
- 707 When it is necessary for the judgment creditor to obtain an order to show cause for failure of the debtor to file a financial disclosure statement, the clerk shall add to the judgment the cost of serving this order to show cause. (2/10/89)
- 708 All eviction actions not settled at mediation will be tried by the intake court judge on the following Friday after the call of the small claims calendar. Only the eviction portion of the case shall be tried at that time. (2/6/95)
- 709 In all small claims mediation sessions, negotiating parties must be persons with the authority to negotiate in good faith. (10/1/96)
- 710 For purposes of small claims mediation, persons with the authority to negotiate in good faith are:
- a) parties named in the complaint;
 - b) attorney(s) for the parties named in the complaint;
 - c) persons with written authorization to negotiate and settle signed by the named party and including express reference to the case to be mediated; and
 - d) in the case of a corporation, either an officer of the corporation or an attorney representing the corporation. (10/1/96)
- 711 (REPEALED 1-9-04)

- 712 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:
<http://www.co.la-crosse.wi.us/Departments/Court/docs/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 8: LATE SETTLEMENT ASSESSMENTS

- 800 Effective February 1, 1989
- 801 The circuit judges request trial counsel to pursue settlement at the earliest possible time. When any attorneys feels the court can be helpful, a request for a settlement conference can be made. (2/10/89)
- 802 When the court issues an order for trial, that order shall be set forth settlement dates and penalties for subsequent settlements. (2/10/89)

PART 9: FAMILY LAW PRACTICE

- 900 Effective February 1, 1989
- 901 No guardian ad litem shall be appointed until mediation under La Crosse County Circuit Court Rule 902 has failed. The mediator shall certify to the court that mediation has been attempted and has failed. (2/10/89)
(AMENDED 2/6/95)
- 902 Mediation through the court mediation service shall be the rule, rather than the exception. The court shall direct one or both parties to prepare the single fee of \$100.00 for mediation sessions provided by Family Court Counseling Services beyond the first session.
- The fees for mediation and studies are payable directly to the County Clerk of Circuit Court, Room 1200, 333 Vine St., La Crosse, WI 54601, by mail, or in person, using the form provided. Payment cannot be accepted at Family Court Counseling Service. The Clerk of Court will accept cashier checks, cash, or money orders, but no personal checks.
- The court shall reduce the fees in accordance with the party's ability to pay or provide the services without payment of the fees if both parties are unable to pay. If both parties are unable to pay, the court shall grant a separate judgment for the amount of the fees in favor of the county and against the party or parties responsible for the fees. The court shall direct one of the attorneys to prepare and submit such judgment in a form appropriate for docketing. This subsection is effective June 1, 1989. (10/6/89)
- 903 (REPEALED 1/9/04)
- 904 All marital settlement agreements and judgments for divorce, legal

separation, paternity or child support shall include the following provision: "if the payor is not working for a legitimate reason or has an involuntary reduction in hours, that person's support obligation shall be converted to the appropriate percentage under the Wisconsin Child Support Guidelines based upon the gross income being received from all income sources including: Workers Compensation, Unemployment Compensation, disability insurance payments (non-Social Security based) or severance pay. For Unemployment Compensation calculations, periods of self employment that occurred during the base period will not be included.

This modification shall take effect from the date the payor notifies the Child Support Agency in writing (such as by completing the Certification of Change in Work Status form available from the Child Support Agency) and the income source is verified. The modification will continue until the earlier of:

- 1) payor's return to previous work status; or
- 2) the end of the month the written request was completed.

The payor must complete a new form for successive months before the first day of the month or the original obligation will automatically be reinstated.

Any payment of arrearages will be reduced to \$50/month if the payor's only source of income is from one of the qualifying sources listed above unless otherwise ordered by the court.

These provisions are applicable to orders issued by the State of Wisconsin unless another state has provided the State of Wisconsin the ability to modify their order.

Individuals receiving Social Security or Social Security Disability payments will have their obligations reviewed to modify the order to the appropriate level of support based on state guidelines. (Amended 5-5-09)

905 When the G.A.L. in a family case petitions the court for approval of his/her bill, in addition to providing the necessary information regarding the number of hours and the types of activities, the G.A.L. shall also submit an order for the Judge's signature providing for responsibility for the payment of the fees. Such petition shall additionally include a copy of the courts previous order requiring one or both of the parties or the county to be responsible for payment. It shall be the obligation of the G.A.L. to insure that the issue of responsibility for payment is addressed prior to the final hearing. Neither the clerk nor the court will search the file for such an order. If none has been made or none accompanied the petition for payment, no further action will be taken by the Clerk or the Court. The court shall immediately grant a separate judgment after the first missed payment for the amount of the reimbursement, in favor of the county and direct the G.A.L. to prepare and submit such judgment in a form appropriate for docketing. The clerk of court shall docket this judgment without fee. (2/10/89) (AMENDED 2/6/95)

906 Each party ordered to make payments for maintenance, child support or family support under interim or final orders in an action affecting the family shall pay to the Clerk of Circuit Court an annual receiving and disbursing fee. Only one fee shall be imposed on any individual payor for each case file. (8/1/92)

907 The family court commissioner shall hear the child support calendar and the default divorce calendar on a weekly basis. Other post judgment matters will be heard weekly before the family court commissioner on a regularly schedule basis. These post-judgment hearings shall be informal in nature. The family court commissioner will issue written decisions. With respect to contempt proceedings the family court commissioner shall conduct the hearing and send it to the appropriate circuit judge for approval and the issuance of an order. (2/6/95)

908 CUSTODY ASSESSMENT INITIATIVE - When a mediator certifies to the court that mediation has been attempted and failed, either party may petition for an assessment order. A Custody Assessment Team (CAT) consisting of the guardian ad litem, a child development specialist and a mediation/case evaluator will assess the family and make a recommendation as to a suitable parenting plan within 90 days.

The team will meet with the parents to recommend a parenting plan. If the parents agree with the recommendation it will be incorporated into a marital settlement agreement (MSA) and the matter will proceed to a default hearing. If the parents do not agree with the recommendation, the family court commissioner will impose a plan and the matter will be set for trial.

1) Upon appointment of a Custody Assessment Team, the court or family court commissioner shall order payment of a \$4,400 deposit to the Clerk of Court for CAT services to be distributed as follows: guardian ad litem, \$2,000; child development specialist, \$2,000; and mediation/case evaluator, \$400. The court or family court commissioner in its discretion shall have the right to determine the payment schedule, which party(ies) shall pay the deposit, and the minimum monthly payment allowable.

2) All orders resulting from a CAT recommendation shall include that the

time for a de novo review of the order must be filed with the clerk of circuit court no later than 60 days from the date of the recommendation hearing.

- 3) Any party requesting a de novo review from an order of a CAT recommendation hearing shall be prepared to make a minimum deposit in the amount of \$5,000 to the Clerk of Court to be applied to the costs of the post-hearing work of the Custody Assessment Team. If any party is financially unable to make a prepayment, the court may waive all or part of the deposit based on the inability to pay. The court, in its discretion, may direct that either party reimburse the county, in whole or in part, for the deposit. The court may, in its discretion, grant a separate judgment for the amount of the reimbursement in favor of the county and direct one of the attorneys to prepare and submit such judgment in a form appropriate for docketing.
- 4) Upon request of a de novo review from an order of a CAT recommendation hearing, the circuit court shall set a scheduling conference as soon as practicable after the filing for the purpose of:
 - a. identifying the issues for review;
 - b. reappointing the CAT team and establishing their hourly rate for post-hearing work;
 - c. setting the prepayment amount, timing of payment, and person(s) responsible for payment;
 - d. scheduling a final pre-trial date within 60 days; and,
 - e. scheduling a trial date.
- 5) The final pre-trial on a de novo review from an order of a CAT recommendation shall result in dates for all pre-trial matters, including but not limited to: disclosure of all witnesses, discovery deadlines, and pre-trial motions. In addition, this final pre-trial shall be the time at which the guardian ad litem advises the court of any request for additional deposits to cover costs for the trial preparation of the Custody Assessment Team.

(2/6/95) (AMENDED 10/8/99) (AMENDED 05/01/05)

- 910 All marital settlement agreements must be approved by the family court commissioner prior to filing with the clerk of court. (2/6/95)
- 911 In all paternity cases, the Court shall order the mother and father to complete the parenting program for never married parents offered by Family Resources of La Crosse. At the conclusion of the program, the parents shall submit to the Family Court Commissioner a parenting plan which includes a specific plan for placement. The Family Court Commissioner shall review the plan at a hearing and adopt it as an order of the Court. If the parties cannot reach agreement on a plan, they shall be referred to mediation under rule 902 and if that is not successful to a custody assessment team under rule 908. (Amended 1/19/99)
- 912 Unrepresented parties in divorce proceedings shall use the pro se divorce forms available from the clerk of circuit court or forms that are identical in content. (1/9/04)

PART 10: JUVENILE LAW PRACTICE

- 1000 Effective February 6, 1995
- 1001 After a delinquency petition has been filed, the case shall be assigned to the judge, who is on intake at the time the juvenile first enters a plea.
- 1002 After a petition has been resolved by admission, agreement or trial, the judge to whom the case has been assigned shall be the disposition judge unless another judge has previously disposed of matters involving the juvenile before the court in which case disposition shall be assigned to that judge who made a previous disposition.

PART 11: COURT SECURITY

- 1100 Because of the need to protect litigants, attorneys, jurors and other visitors to the courthouse from the danger of violence, as a condition of entering the building, all persons, packages, purses and briefcases will be searched. (2/6/95) (AMENDED 1/9/04)
- 1101 Lawyers are to advise the judge of any security threat, in any case, that in which they are involved. This information should include names, nature of the threat, times, and other pertinent information. (2/6/95)

PART 12: FILING BY FACSIMILE

- 1200 Effective May 1, 2005
- 1201 Pleadings and other papers that do not require a filing fee may be filed with the court by facsimile transmission. Such filings shall be transmitted to the Clerk of Circuit Court at the following fax number 608-789-7821.
- Facsimile filings transmitted to any other fax number will not be filed.
- 1202 Facsimile filings shall be limited to 15 pages, unless an exception is approved by the assigned judge or court commissioner on a case-by-case basis. If a facsimile transmission exceeds 15 pages, the party or attorney shall certify that the assigned judge or court commissioner has approved the exception to the page limit.
- 1203 A cover page shall be added to all facsimile filings and shall include: the name of the sending party or attorney; the number of pages; the case number and caption; the assigned judge; and, the date and time of the proceeding for which it is intended.
- 1204 A courtesy copy of the facsimile filing may be transmitted directly to the judge or court commissioner at the facsimile number listed for that circuit court branch or office. Any courtesy copy shall be clearly marked as such and contain a header as provided under section 1203 of these rules. Courtesy copies shall be destroyed by the judge or court commissioner and will not be filed.

1204

Facsimile papers are considered filed upon receipt by the clerk of circuit court and are the official record of the court and may not be substituted. Papers filed by facsimile transmission completed after regular business hours of the clerk of circuit court's office are considered filed the next business day. No additional copies may be sent. The clerk of court shall discard any duplicate papers subsequently received by the clerk of circuit court, assigned judge or court commissioner.

Local Court rules for La Crosse County

BY THE COURT:

Hon. Ramona A. Gonzalez, Branch 1

Hon. Elliott M. Levine, Branch 2

Hon. Todd W. Bjerke, Branch 3

Hon. Scott L. Horne, Branch 4

Hon. Dale T. Pasell, Branch 5

Dated this _____ day of _____, 2011

Approved:

Chief Judge, Seventh Judicial Administrative District