

LOCAL COURT RULES WASHBURN COUNTY, WI

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 Calendars for Attorneys

Counsel shall have calendars with them to facilitate immediate scheduling of future proceedings in all actions. If counsel utilize an electronic calendar, they may, at their own expense, have access to a telephone to call their offices at the time of scheduling. The court will make all reasonable efforts to accommodate counsel's calendar provided counsel actively participates in scheduling by having their calendar in court and such scheduling does not significant exceed the case processing objectives established by the Tenth Judicial District, a copy of which is attached hereto.

202 Closure of Proceedings

202.01 Media Coverage

Except as expressly provided by statute, it is in the public's interest that all civil and criminal court proceedings be open to the public and the media. Any party that seeks to close judicial proceedings shall proceed by motion with notice to all interested parties and the Washburn County Media Coordinator. The burden shall be on the moving party to show cause why the proceeding should not be open to the public.

203 Confidential Records

203.01 Generally

Access to confidential records shall be considered on a case by case evaluation. Any person, party or counsel seeking access to confidential records shall strictly comply with the respective statutory procedures established for access to a particular record.

203.02 Custody Investigations

Attorneys of record may view a custody study. Counsel may obtain a copy of the custody study. See §767.405 (14) (6). Counsel shall not disclose the identity, if revealed, of any mandatory reporters.

203.03 Expunged Criminal Records

Any case in which a criminal record has been expunged shall be closed 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.

203.04 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. See §767.127 (3).

203.05 Medical and Hospital Records

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

203.06 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 representatives, attorneys of record, and adult children who were the subject of the proceeding.

203.09 Parenting Plans/Agreements (Wis. Stat. §767.24(1m))

Parenting plans and written stipulations (whether signed or not) resulting from family mediation are confidential, except to the parties and their counsel.

203.10 Other Situations

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.

204 Continuances

204.01 Requests for Continuances

In order for the court to grant a continuance, the law requires that a formal motion be made to the court with notice to the opposing party. However, it has been the practice of Washburn County Circuit Courts that where there is no objection to the continuance and the court approves the request, no formal hearing is required. *Ex parte* requests will not be considered unless movant adequately shows that adverse parties do not object. All other requests must be upon motion with good cause and upon notice to other parties or counsel

205 Court Commissioner

Court commissioners are empowered to exercise those specific tasks as outlined in the order of appointment.

206 Entry of Order/Judgments (Five-Day Rule)

Where counsel appears, successful counsel shall submit, before submitting to the court, any proposed orders, findings, conclusions of law or judgment, to opposing counsel. A place for notation of the approval of opposing counsel as to form shall be provided at the foot thereof. Alternatively, counsel may mail a copy to opposing counsel with the condition that if no objection is made to the court within five (5) business days. If the court does not receive an objection within five business days, the order or judgment may be signed without further notice. The court reserves the right to reject any defective or proffered pleadings that do not accurately reflect the relief granted or some other reason.

207 Facsimile/E-Mail Transmission of Documents to the Court

1. Facsimile documents transmitted directly to the Washburn County Clerk of Court shall be accepted for filing **only if**:

- a. They are faxed to the following number which is a dedicated plain paper facsimile machine located in the Washburn County Clerk of Court's office:
715/468-4678
 - b. The document does not exceed two (2) pages in length, excluding the cover sheet.
 - c. The document is not a formal pleading requiring filing.¹
2. Pleadings, briefs, and the like, may not be filed electronically except as may be expressly authorized in individual cases. Documents tendered by fax or other electronic means without authority will not be filed.

208 Fees

A current fee schedule is available at wicourts.gov as are case classification codes, deposit/bail bond schedules and mandatory forms.

209 Filing a Name Change

Procedures and forms for filing a petition for name change may be obtained from the Clerk of Circuit Court.

210 Holding of Court in Location other than the County Seat

¹ Please note a significant change from the prior rule. The court and clerk have experienced abuse by lawyers of fax filing rules far too frequently. Fax filing is only permitted where local rules provide for such courtesy. See §801.16(2)(a). Counsel have so abused the prior rule that it is appropriate to abrogate the courtesy.

See District 10 procedures for scheduling out-of-county cases.

211 Issuing of Writs

212 Judicial Assignments

See District 10 rules and policies.

213 Jury Fees

A current schedule of jury fees may be obtained from the office of the Clerk of Circuit Court.

214 Rules of Decorum

All Lawyers and court officers shall, while in attendance upon the court, be attired in such a professional business manner as not to lessen the dignity of the proceedings in the eyes of the public or the jury.

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 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.

215 Substitutions and Recusals

Requests for substitution shall be in the form and as proscribed in §801.58, 971.20 or other statutes which address substitution rights.

216 Telephonic Hearings/Motions

Unless determined at the time of setting a hearing, any requests for telephone appearance must be submitted to the presiding judge.

217 Use of videoconferencing

Videoconferencing for court hearings can be arranged by contacting the judicial assistant at 715-468-4680. The judicial assistant or clerk of court will obtain the necessary information to initiate or receive the call. Requests for videoconference use should be submitted at least four working days prior to the hearing. Requests must also be approved by the presiding judge. Videoconferencing may be used only for non-evidentiary proceedings, consistent with Supreme Court Rules or other decisions from courts of competent jurisdiction. See *Van Patten v. Endicott*, 98C1014 U. S. Ct. of Appeals, Order of June 5, 2007.

218 Media Coordinator

The media coordinator for Washburn County is Sandy Drag at WDIO TV, Duluth. Her phone number is 218-727-6864. All media representatives who wish

to have cameras in the courtroom must make their requests through the media coordinator. If possible, the trial judge shall be given notice, at least three days in advance, of the intention of the media to bring cameras into the courtroom. In the discretion of the trial judge, this notice rule may be waived if cause for the waiver is demonstrated. See SCR 61 for further information on rules governing coverage of judicial proceedings by electronic media and still photography.

219 Weapons in the Courtroom

No weapons shall be permitted in the courtroom, or court-related areas, except for those carried by sworn peace officers pursuant to department policy and court approval.

220 Electronic Devices

Cellular telephones and pagers shall be turned off when in the courtroom.

PART 3: Civil Practice

301 Service and Answer

All cases will be reviewed for service and answer within 90 days after filing. If at that time the parties have not joined issue, a dismissal order shall be entered, or default proceeding initiated by the plaintiff.

302 Scheduling

Scheduling conference shall be set by the judge, judicial assistant or other designated representative. Sec. 802.10 requires that the court consult with counsel's calendars when scheduling. The court will make all reasonable efforts to accommodate counsel's calendar PROVIDED counsel actively participate in scheduling by having their calendar in court and such scheduling does not significantly exceed case processing objectives.

303 Pretrial

Pretrial Conference: Pretrials shall be scheduled as part of the court's scheduling conference. In most instances, counsel may participate at the pretrial by telephone unless pretrial motions are to be considered. Counsel who intend to present evidence at trial shall participate in the pretrial conference.

304 Discovery

All discovery shall be consistent with the rules set forth in Chapter 804. Counsel should address the unusual case as the need arises.

305 Other Motions

Briefs in support of a motion, other than one for summary judgment or dismissal, shall be served and filed with the Clerk of Court, with the notice of motion at least 10 business days prior to any scheduled hearing date. Motions shall state with specificity the basis for such motion.

Briefs in opposition to such motions must be filed with the Clerk of Court and opposing counsel no later than two business days prior to the hearing of the motion. Service of briefs upon opposing counsel by mail must be made at least 5 business days prior to the hearing.

Briefs filed in an untimely fashion may be disregarded by the court.

306 Motions for Summary Judgment or Dismissal

Unless otherwise specifically ordered, any motions for summary judgment or for dismissal shall be filed with the Clerk of Court's Office together with any brief or other supporting documents.

If movant does not desire to file a brief or other documents, a statement waiving his/her rights to file such a brief or other documents shall be filed.

The respondent must file a response brief and supporting documents, or waive in writing the right to do so. If no brief or waiver is filed within the statutory time limit, it shall be presumed that respondent has waived this right.

Briefs and supporting documents filed in an untimely fashion may be disregarded by the court.

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 Warrants

402.01 Warrantless Arrests

Whenever a warrantless arrest occurs, the person arrested is entitled to a probable cause determination within 48 hours of the arrest as required by *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991). Accordingly:

A. Whenever a warrantless arrest occurs, the arresting officer shall complete the form entitled "Probable Cause Affidavit and Judicial Determination."

B. The completed form shall be kept at the Washburn County jail, and be made available for immediate use by a judge or court commissioner in evaluating probable cause for that particular arrest.

C. Upon notice by the Washburn County Jail, a judge or court commissioner shall review the form either personally or telephonically, and find that probable cause either is or is not stated upon the form.

1. If no probable cause is found, the arrested person(s) shall be released immediately upon signing a bond that indicates the date & time for a court appearance.

2. If probable cause is found, the arrested person(s) may be held for further proceedings and may post bond.

D. If no probable cause affidavit is filed with the Washburn County jail within 48 hours of the arrest, the defendant shall be released upon signing of an appropriate bond.

402.02 Activated Warrants Dismissed

Where defendant has made appearance on an activated warrant, that warrant shall be quashed unless specific mention of instructions are given on the record.

In criminal matters where there is a court disposition on the record, and any active warrant exists pursuant to that matter, that warrant shall be considered quashed, unless specifically stated otherwise on the record.

403 **Bonds**

403.01 Cash Bonds/Signature Bonds

The court has promulgated forms for the expeditious processing of bail hearings and bail bond forms. See attached. The form adopted shall be attached to CR203 and a copy provided to the defendant at the time the bail bond is signed.

403.02 No Contact Provisions

Whenever a bail/bond form is prepared and executed by law enforcement officers in Washburn County pursuant to the Wisconsin Judicial Conference and under circumstances where the alleged violation involves domestic abuse or violence, the bond shall include a statutory “72 hour no contact provision,” prohibiting the defendant from contacting the alleged victim or victims.

This “72 hour no contact provision” may be waived by the victim, but only after the victim has been informed of the services available to domestic violence victims. Such counsel may be provided by either the victim witness coordinator or the domestic violence counselor. However, the provision may also be continued beyond the 72 hour time period. When a “no contact provision” is appropriate beyond 72 hours, authorization from the judge or court commissioner on intake shall be obtained.

404 Initial Appearances

404.01

Initial Appearances are scheduled for Monday mornings at 10:00 a.m. Once the initial appearance is conducted each case will be scheduled for a status conference. Preliminary examinations shall be scheduled for felony proceedings.

405 Preliminary Hearings

A preliminary hearing is scheduled by the court in accordance with applicable statutes.

406 Commitment Orders

When a commitment order is executed in a county having a county seat more than 100 miles from Washburn County and the unpaid fine is less than \$150, the Washburn County Sheriff's Dept. may inform the arresting agency or other sheriff's department that Washburn County will not pick up the person arrested. If the defendant is not picked up, the Washburn County Sheriff's Department shall request the assisting jurisdiction to do the following:

A. Secure a current address and telephone number from the detainee and provide it to Washburn County.

B. Allow the detainee to sign a signature bond with a requirement that the individual appear in the appropriate branch of Circuit Court, or the next available intake calendar, at 10:00 a.m. The Washburn County Sheriff's Department shall provide the necessary date, place and time, etc., to the assisting jurisdiction.

C. Provide a fax copy or the original bond form to the Sheriff's Department for immediate filing with the Washburn County Clerk of Court.

407 Discovery

Parties shall exchange discovery if demanded as soon as practicable after the arraignment in all criminal cases. In felony cases where the parties agree to informal discovery exchange, the parties will exchange discovery as soon as possible after the initial appearance.

All parties must comply with the discovery provisions contained in Wis. Stats. §971.23 prior to trial. The failure to provide written responses to discovery requests may result in a party being precluded from introducing evidence or an assessment of costs.

408 Jury and Bench Trials

408.01 The pretrial order and order setting case for trial shall establish the particular details for trial.

409 Motion Practice

All motions shall be in writing stating with particularity the relief or remedy sought and the grounds in support thereof. Reasonable exceptions may be granted by the court at the courts' discretion.

Attorneys/parties shall file motions *in limine*, suggested *voir dire* and requested jury instructions by the final pretrial conference.

410 Pre-Sentence Investigation (PSI)

Following the order by the Court for a P.S.I., the Clerk will notify the Probation & Parole Department of date of pre-sentence order, defendant's name and defendant's attorney, and date of scheduled sentencing.

Pursuant to Wis. Stats. §972.15(4m), pre-sentence investigations are confidential. The district attorney and the defendant's attorney are entitled to have and keep a copy of the pre-sentence investigation report. If the defendant is not represented by counsel, the defendant is entitled to view the pre-sentence 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 pre-sentence 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.

411 Probation

Upon entering an order for probation, the defendant shall proceed to the Clerk of Courts Office for completion of the statistical form. The defendant shall then be directed to report to the Probation and Parole Office for processing.

The clerk will notify the Department of Correction of date and term of probation order, court imposed terms and conditions of probation, defendant's name and defendant's attorney's name.

Part 5: Family Law Practice

The family court commissioner, in addition to hearing temporary hearings, may also hear other cases permitted by statute. A court reporter will be used when required by statute.

501 Advance payments on custody and psychological evaluations

Whenever a custody study and/or psychological evaluation(s) are ordered in family law proceedings, each parent shall pay one-half of their cost in advance to

the Clerk of Circuit Court at least 30 days prior to the study and/or evaluation(s). Said amounts will be determined by the court.

In appropriate cases, the court may reduce, waive, order installment payment, and/or order one parent to pay the entire amount of the expenses.

502 Child Support Warrants

503 Guardian ad Litem

503.01 Rate of Pay

Guardians ad Litem (G.A.L.) shall be paid at the rate of \$90 per hour or such other rate as the circuit judge may find appropriate and necessary in a particular case. The court specifically finds that the statutory rate of reimbursement would unduly burden or substantially interfere with the judiciary's ability to appoint counsel. This finding is based upon a comprehensive survey of area attorneys.

503.02 Retainers - Guardian ad Litem (G.A.L.)

Before the appointment of, or investigation by a guardian ad litem, deposit/retainer in an amount established by the Court may be required to be paid to the Clerk of Court for Washburn County. The G.A.L. may not commence work until the deposit/retainer is paid, unless the court orders otherwise.

503.03 Waiver of Fees and Retainers

In appropriate circumstances, the court may waive the deposit/retainer in whole or part. The court may also relieve a party from the obligation to contribute to the payment of guardian ad litem fees. Individuals who believe they are indigent and/or that payment would cause extreme hardship, may file a request for waiver, accompanied by a sworn financial declaration or an affidavit of indigency.

A. If the court finds one party indigent, the other party may be ordered to pay the full deposit/retainer.

B. If the court finds both parties indigent, the county shall pay the G.A.L. fees at the conclusion of the case. The parties may be required to reimburse the County by way of periodic payments/payment plan.

C. The court may require a party to reimburse the county for all or part of the G.A.L. fees. When the court has determined who has the ability to pay, the Clerk of Court will send a notice to the parties for collection purposes.

503.04 Approval of Fees

Guardians ad litem shall submit interim statements of fees to the court on at least a quarterly basis. G.A.L. fees shall be approved by the Court prior to payment.

Parties responsible for payment, in addition to the deposit/retainer, will be notified of court approval of G.A.L. fees and costs.

After approval of the final G.A.L. fees, the court will order final payment to the G.A.L. Any excess amounts paid by either party shall be refunded to the parties.

An order approving the G.A.L. fees shall be included in the divorce judgment, unless inappropriate, whereby a separate order approving the fees will be issued.

The Clerk of Circuit Court shall hold all payments in trust until receiving a court order for payment.

503.05 Payment of Fees

An order approving fees shall require each party to pay an equal amount unless a different ratio is set by the court.

If no hearing on division of G.A.L. fees has been held previously, either party may petition the court for an unequal division of the fees.

The parties shall pay the final approved fee within a judicially prescribed time.

503.06 Non-Payment of Fees

If parties have not paid the full amount of fees as ordered, a money judgment in favor of Washburn County will be entered against the non-paying party or parties. Collection proceedings may be used by the county to collect on the judgment.

503.07 Contact with Children

When a G.A.L. represents the children in a divorce or paternity proceeding, no attorney for either parent may meet with the children without the G.A.L.'s consent or a court order. See *In Matter of Disciplinary Proceedings Against Kinast*, 192 Wis. 2d 36, 530 N.W.2d 387 (1995).

503.08 Duration of Appointment

The appointment of a G.A.L. ends with the entry of the Court's final order or upon the termination of any appeal in which the G.A.L. participates.

503.09 Assistance in Appointment of Adversary Counsel

If in the course of investigation by a G.A.L., appointment of adversary counsel is necessary due to circumstances or by statutory mandate, the G.A.L. shall seek appointment of counsel by the State Public Defender when appropriate, or the Court.

If the G.A.L. is unable to accomplish this duty, he/she shall notify the Deputy Registrar in Probate/Juvenile Court Clerk, who shall insure appointment of counsel in a timely manner.

504 Pretrial

504.01 Order procedure for contested divorces

505 Mediation

Requests for mediation may be made by any party, or others pursuant to §767.11(5)(c), Stats., or upon referral from the court without motion, and the parties and/or others shall be referred to mediation by the family court or judge at the earliest date available. Once a party has received an order for mediation, he or she must complete mediation before pursuing other action before the court other than for support or contempt.

505.01 Mediation Expenses

The Washburn County Circuit Court is responsible for the actual costs of the initial mediation session, but not for subsequent mediation sessions unless approved by the Court.

505.02 Mediation Procedure

Copies of the mediation order will be sent to the attorneys. The parties will receive copies of the mediation order if they are representing themselves. The order will designate the mediator, the time within which the parties are to make an appointment for the mediation session, and a time within which the mandatory, no charge session is to be held. It must also include the name, address and telephone number of the mediator/mediator provider.

After the first session is completed, the mediator shall report to the court and to the attorneys the results of that session.

505.03 Change of Mediator Requested

If someone alleges there is good cause why a different mediator is needed in a particular matter, the good cause determination must be made by the court. Such a determination will rarely require a formal hearing. The attorneys involved are advised to contact the judge for further direction.

506 Parent Education Classes Required

Within 120 days after filing an action for dissolution of marriage with minor children, petitioner and respondent are required by the Washburn County Circuit Court to attend a parenting education program approved by the Court. The proceeding shall not be assigned for final hearing until the parties have attended and participated in the parent education classes.

507 Divorce Filings/Scheduling

507.01 Attorneys serving opposing parties with the summons and petition, must file their proof of service forthwith.

507.02 For litigants who represent themselves, a pretrial conference is scheduled by and held with either the court or the Family Court Commissioner. If the parties believe that an agreement will be reached, a stipulated divorce hearing date will be set before the Family Court Commissioner. In the event there are issues that are yet to be decided, the final hearing shall be set by the court. The court, Family Court Commissioner or clerk shall provide pretrial education materials to unrepresented litigants as to evidentiary requirements, procedure and other essential information such that the self-represented may prepare for trial. Educational materials will not, however, include the completion of forms or providing legal advice. Self-represented litigants will not receive a hearing date until they have attended the educational pretrial. Litigants represented by counsel are not required to attend the pretrial.

Financial declaration, marital settlement agreement/stipulations, proposed parenting plans and Certificate of Divorce must be on file with the Clerk of Court at least 30 days before the divorce hearing. If this is not done, the court may treat the hearing as a pretrial hearing rather than a final divorce hearing.

Nothing in this policy precludes the parties from requesting a pretrial conference prior to the 120-day wait period

508 Placement Disputes

The parents of the children involved in any placement dispute are required to complete a court-approved parenting education program, and mediation, and file a parenting plan before a guardian ad litem is appointed.

Part 6: Foreclosures

601 Foreclosures

601.01 Personal Service Obtained

No notice to defendant is required prior to entry of a default judgment in large claim civil actions where personal service was obtained upon the defendant.

601.02 Personal Service Not Obtained

In cases where no personal service is obtained upon the defendant, notice of motion for default judgment shall be given to defendant by regular mail at defendant's last known address.

The notice shall state that in the event the defendant does not provide a written request for a hearing or plaintiff's motion to the court within 15 days of that date of the notice, default judgment shall be entered.

602 Hearing Requests

Hearing requests shall be heard by the court as soon as practicable. Upon the expiration of the time to request a hearing, plaintiff may apply to the Court for default judgment. An affidavit of the aforementioned notice to defendant must be included.

603 Role of Hearing

No default judgment of mortgage foreclosure shall be granted except upon a hearing in open court by affidavit or testimony, due notice of which shall have been given to all defendants at least 10 days prior to the hearing.

604 Further Notice

Any judge may, in any individual case, require further notice or proof regarding service, damages or costs if appropriate.

605 Foreclosure Procedure

When it reasonably appears to plaintiff's attorney that no parties intend to attend the default judgment hearing, the plaintiff may submit proof by affidavit. Evidentiary affidavits establishing the balance due shall be sworn and subscribed by an agent of the plaintiff with knowledge of the essential facts. As an alternative, an agent may appear by telephone to present testimony proof. Counsel for plaintiff may also appear by telephone at all default hearings.

If other attorneys have answered or formally appeared and plaintiff's attorney determines they intend to participate in the hearing via phone, it is the plaintiff's obligation to initiate that conference call.

If court is in session and cannot take the call, plaintiff's attorney must advise the judge's assistant to advise the judge of the call. The judge will return the call as soon as recess can be taken, and plaintiff's attorney must be standing by to receive the court's call.

606 Confirmation Hearings

Plaintiff's attorney can submit proof via affidavit and attend the confirmation hearing via telephone if it is reasonably believed that no one will appear to

contest.

If someone does appear to contest, the hearing will be continued to a date when plaintiff's attorney can appear with witnesses and evidence.

607 Submission of Proof

Parties proceed at their own risk when they submit proof at default judgment hearings and confirmation hearings by affidavit. Any insufficiency in said proofs will necessarily cause a delay to reschedule the matter and at the discretion of the court, require the actual appearance of the plaintiff's attorney.

608 Damages Hearing

In actions where damages are not liquidated, a hearing shall be conducted to determine the amount of the judgment.

The court may order a hearing to determine damages in any case.

Part 7: Juvenile

The court does not implement any special rules relating to juvenile procedures as the legislature has specifically addressed juvenile cases in Chapters 48 and 948.

Part 8: Probate

The court has not adopted any special rules. Counsel and self-represented persons shall comply with the processing guidelines of the probate code.

Part 9: Small Claims

901 Service

901.01 The summons and complaint may be served by mail as permitted in §799.12(2),(3).

902 Appearance

Appearance by the plaintiff on the return date is **not required**. If the defendant has submitted a written answer, **no appearance is required** on the return date. Written answers must clearly state that the claim is being contested and provide the reasons why it is being contested The original answer must be filed with the Clerk of Court and a copy must be mailed to the plaintiff. If the defendant does

not appear or answer, a judgment may be entered in favor of the plaintiff. Full-time employees of the plaintiff may appear on plaintiff's behalf. Property managers cannot appear on behalf of the plaintiff property owner(s) unless they work exclusively and full-time for the property owner(s). If either party is a corporate entity, they must appear by counsel, unless authorized.

903 Mediation Requirement

Mediation is not available for small claims cases in Washburn County.

904 Party Identification

904.01 Parties not Properly Identified

All parties must be identified as a person, a corporation, or a partnership. If a corporation or person is doing business under something other than their legal name, that name shall be included in the pleadings. The true legal identity must be established sometime before judgment is taken. If the parties are not properly identified, the pleadings must be amended at the first appearance date or the error must be made known to the court at the time of trial.

904.02 Change of Address

904.03 Use of Work Address

905 Return Date

Return dates for small claims cases are scheduled on Tuesdays at 1:30 p.m., unless otherwise specifically scheduled at the request of the plaintiff. Contested cases will be scheduled for educational pretrial. The educational pretrial shall be conducted within 30 days, and self-represented litigants shall attend. If the defendant fails to appear at the pretrial, judgment shall be granted to the plaintiff. Litigants represented by counsel are not required to attend the pretrial.

906 Settlements

Parties are urged to discuss settlement prior to the trial date. If a settlement agreement is reached, written notification must be provided to the Clerk of Court. Costs may be assessed to the parties for failure to provide such notice to the court.

907 Garnishment

908 Requests for Adjournment

All requests for adjournment of court trials must be in writing and be received by the Clerk of Court's Office at least 5 working days prior to the trial date.

All requests for adjournment must include the specific reasons why a continuance is being requested and also state the position of the opposing party regarding the requested continuance.

The court will not automatically grant a continuance simply because both parties agree to it, nor will the court deny the continuance simply because the opposing party objects to it. Rather, the court will consider the reason for the request along with the positions of both parties in making its decision.

909 Evidence and Witnesses

Both parties must bring any evidence and witnesses to the trial that may help in proving their side of the case. If a witness will not appear voluntarily, they may be subpoenaed.

For more information on preparing your case and trial procedure, refer to the "Guide to Small Claims" available from the clerk of court or at wicourts.gov.

Part 10: Traffic/Forfeiture Practice

Traffic intake shall be every Monday at 8:45 a.m. except holidays. Not guilty pleas may be accepted by written note or fax transmission, provided, however, all such pleas must be received no later than 8:15 a.m. on the date of appearance. "Not guilty" pleas will not be accepted by telephone. Defendants may personally appear to enter a plea.

Part 11: Court Administration

The court and clerk's office shall pursue all necessary educational opportunities offered by the Director of State Courts' office as appropriate to implement management practices, procedures on technologies essential to the prompt and efficient administration of justice and provision of service to the public.

Dated this 5th day of July, 2007.

BY THE COURT

/s/
Hon. Eugene D. Harrington
Circuit Court Judge

Approved by the Chief Judge:

/s/

Hon. Benjamin Proctor

7-11-07