CHAPTER 753

CIRCUIT COURTS

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753.01 Term of office. The term of office of every elected circuit judge is 6 years and until the successor is elected and qualified, commencing with the August 1 next succeeding the election.

History: 1975 c. 61, 178, 199, 422; 1977 c. 187 s. 92; Stats. 1977 s. 753.01; 1983 a. 538.

The legislature cannot, after a judge has been elected to a new branch, advance the starting date and the end of the judge's term. 58 Atty. Gen. 97.

753.016 Judicial circuit for Milwaukee County. (1) This section applies only in the judicial circuit for Milwaukee County.

(2) COURT ROOM; OFFICES. The county board shall provide suitable court rooms and offices, the sheriff shall provide the necessary deputy sheriffs as attending officers under s. 59.27 (3) and the clerk of the circuit court shall provide a sufficient number of deputy clerks for all the judges and branches of the court.

(3) DEPARTMENT OF FAMILY CONCILIATION. (a) There is created a department of family conciliation under the direction and supervision of a director of family conciliation. The director shall:

1. Receive all marital complaints and make a proper disposition thereof;

2. Make investigations of the facts upon which to base warrants in the cases hereinbefore specified and in all other matters duly referred to said department;

3. Exercise such supervision in connection with the exercise by said court of its jurisdiction as the judges thereof may duly order.

(b) All persons in this department shall keep such records as may be provided by law. The court may by order close the files of matters before the court if the court determines that publication of the matters is contrary to public policy. The court may make such other orders as may be in the interest of children in such matters and the public morals.

(c) The department shall have such investigators as are authorized by the county board of supervisors of the county. The investigators shall be appointed by the county department under s. 46.215.

(e) The county board of supervisors of the county shall provide for such assistants, stenographic and otherwise, as needed to assist the director of family conciliation in carrying out the purpose of subs. (3) to (5) particularly in regard to the proper disposal of marital complaints. The director and all other persons in the department shall be appointed by the county department under s. 46.215, except in cases otherwise expressly provided for.

(f) All public officers in said county shall refer all domestic complaints made to them to said director of the department of domestic conciliation who shall dispose of all matters before it in proper manner.

(4) EQUIPMENT. The board of supervisors of said county shall furnish said courts and said department of family conciliation, the judges, officers and employees thereof with suitable accommodations, adequately centralized and consolidated, and with the necessary furniture and supplies and make provision for its necessary expenses and operation.

(5) CIVIL SERVICE. The board of supervisors and county civil service commission shall make suitable reclassifications in positions in said county to accomplish the purpose of subs. (3) to (5).

History: 1975 c. 39, 199; 1977 c. 187 ss. 92, 135; 1977 c. 449; Stats. 1977 s. 753.016; 1979 c. 110 s. 60 (13); 1981 c. 96, 353; 1985 a. 176; 1995 a. 201.

753.03 Jurisdiction of circuit courts. The circuit courts have the general jurisdiction prescribed for them by article VII of the constitution and have power to issue all writs, process and commissions provided in article VII of the constitution or by the statutes, or which may be necessary to the due execution of the powers vested in them. The circuit courts have power to hear and determine, within their respective circuits, all civil and criminal actions and proceedings unless exclusive jurisdiction is given to some other court; and they have all the powers, according to the usages of courts of law and equity, necessary to the full and complete jurisdiction of the causes and parties and the full and complete administration of justice, and to carry into effect their judgments, orders and other determinations, subject to review by the court of appeals or the supreme court as provided by law. The courts and the judges thereof have power to award all such writs, process and commissions, throughout the state, returnable in the proper county.

History: 1977 c. 187 s. 92; Stats. 1977 s. 753.03; 1983 a. 192.

The circuit courts are constitutional courts with plenary jurisdiction. They do not depend solely upon statute for their powers. However in certain cases with vast social ramifications not addressed by statute, prudence requires the courts to refuse to exercise their jurisdiction. As such, circuit courts are prohibited from exercising jurisdiction regarding sterilization of incompetents. In Matter of Guardianship of Eberhardy, 102 Wis. 2d 539, 307 N.W.2d 881 (1981).

Because courts have exclusive criminal jurisdiction, criminal charges against a defendant were not collaterally estopped even though a parole revocation hearing examiner concluded that the defendant's acts did not merit parole revocation. State v. Spanbauer, 108 Wis. 2d 548, 322 N.W.2d 511 (Ct. App. 1982).

753.04 Writs, how issued; certiorari. All writs issued from the circuit court shall be in the name of the state of Wisconsin, shall bear date the day they are issued, be attested in the name of the judge of the circuit in which issued, and if there is no such judge, then in the name of the chief judge of the court of appeals or the chief justice of the supreme court, be returnable on a date certain which is not more than 60 days from the date of issuance, unless otherwise directed by law, by the judge or by rule of court, be signed by the clerk, sealed with the seal of the court and directed to some officer or person authorized to serve or execute the writs. All writs of certiorari issued to review any action taken by a county board, town board, common council of any city or board of trustees of any village, or any record lawfully in the custody of a county clerk, town clerk, city clerk or village clerk may be addressed to and served upon the proper county clerk, town clerk, city clerk or village clerk, respectively, who shall make return thereto.

History: 1977 c. 187 s. 92; 1977 c. 449; Stats. 1977 s. 753.04.

A certiorari action exists only to test the validity of judicial or quasi−judicial determinations. It does not allow for answers, denials, or defenses by the respondent. Merkel v. Village of Germantown, 218 Wis. 2d 572, 581 N.W.2d 552 (Ct. App. 1998), 97−3347.

753.05 Seals. The circuit courts in the several counties shall have seals, and they may direct and from time to time alter the inscriptions and devices thereon; and the respective county boards shall furnish such seals as shall be ordered; and when any such court shall be unprovided with a seal the judge may authorize the use of any temporary seal or of any device by way of seal until a seal shall be so provided. The seals now in use by said courts shall continue to be the seals thereof until others shall be provided according to law.

History: 1977 c. 187 s. 92; Stats. 1977 s. 753.05.

753.06 Judicial circuits. The state is divided into judicial circuits as follows:

(1) WITHIN THE 1ST JUDICIAL ADMINISTRATIVE DISTRICT. (a) Milwaukee County. The circuit has 47 branches.

(2) WITHIN THE 2ND JUDICIAL ADMINISTRATIVE DISTRICT. (a) Kenosha County. The circuit has 8 branches.

(b) Racine County. The circuit has 10 branches.

(c) Walworth County. The circuit has 4 branches.

(3) WITHIN THE 3RD JUDICIAL ADMINISTRATIVE DISTRICT. (a) Jefferson County. The circuit has 4 branches.

(b) Ozaukee County. The circuit has 3 branches.

(c) Washington County. The circuit has 4 branches.

(d) Waukesha County. The circuit has 12 branches.

(4) WITHIN THE 4TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Calumet County. The circuit has one branch.

(b) Fond du Lac County. The circuit has 5 branches.

(c) Manitowoc County. The circuit has 3 branches.

(d) Sheboygan County. The circuit has 5 branches.

(e) Winnebago County. The circuit has 6 branches.

(5) WITHIN THE 5TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Dane County. The circuit has 17 branches.

(b) Green County. The circuit has 2 branches.

(bn) Lafayette County. The circuit has one branch.

(c) Rock County. The circuit has 7 branches.

(6) WITHIN THE 6TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Adams County. The circuit has one branch.

(am) Clark County. The circuit has one branch.

(b) Columbia County. The circuit has 3 branches.

(c) Dodge County. The circuit has 4 branches.

(d) Green Lake County. The circuit has one branch.

(e) Juneau County. The circuit has 2 branches.

(f) Marquette County. The circuit has one branch.

(g) Portage County. The circuit has 3 branches.

(h) Sauk County. The circuit has 3 branches.

(j) Waushara County. The circuit has one branch.

(k) Wood County. The circuit has 3 branches.

(7) WITHIN THE 7TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Buffalo and Pepin counties. The circuit has one branch.

(b) Crawford County. The circuit has one branch.

(c) Grant County. The circuit has 2 branches.

(d) Iowa County. The circuit has one branch.

(e) Jackson County. The circuit has one branch.

(f) La Crosse County. The circuit has 5 branches.

(h) Monroe County. The circuit has 3 branches.

(hm) Pierce County. The circuit has one branch.

(i) Richland County. The circuit has one branch.

(j) Trempealeau County. The circuit has one branch.

(k) Vernon County. The circuit has one branch.

(8) WITHIN THE 8TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Brown County. The circuit has 8 branches.

(b) Door County. The circuit has 2 branches.

(c) Kewaunee County. The circuit has one branch.

(d) Marinette County. The circuit has 2 branches.

(e) Oconto County. The circuit has 2 branches.

(f) Outagamie County. The circuit has 7 branches.

(g) Waupaca County. The circuit has 3 branches.

(9) WITHIN THE 9TH JUDICIAL ADMINISTRATIVE DISTRICT. (c) Florence and Forest counties. The circuit has one branch.

(d) Iron County. The circuit has one branch.

(e) Langlade County. The circuit has one branch.

(f) Lincoln County. The circuit has 2 branches.

(g) Marathon County. The circuit has 5 branches.

(h) Menominee and Shawano counties. The circuit has 2 branches.

(i) Oneida County. The circuit has 2 branches.

(j) Price County. The circuit has one branch.

(k) Taylor County. The circuit has one branch.

(L) Vilas County. The circuit has one branch.

(10) WITHIN THE 10TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Ashland County. The circuit has one branch.

(am) Barron County. The circuit has 3 branches.

(b) Bayfield County. The circuit has one branch.

(c) Burnett County. The circuit has one branch.

(d) Chippewa County. The circuit has 3 branches.

(e) Douglas County. The circuit has 2 branches.

(f) Dunn County. The circuit has 2 branches.

(g) Eau Claire County. The circuit has 5 branches.

(i) Polk County. The circuit has 2 branches.

(j) Rusk County. The circuit has one branch.

(k) St. Croix County. The circuit has 4 branches.

(L) Sawyer County. The circuit has one branch.

(m) Washburn County. The circuit has one branch.

History: 1971 c. 263; 1977 c. 187 s. 92; 1977 c. 449; Stats. 1977 s. 753.06; 1981 c. 317; 1983 a. 506, 538; 1987 a. 75, 403; 1989 a. 65, 336; 1991 a. 32, 39, 71, 269; 1993 a. 213; 1995 a. 225; 1997 a. 27, 203; 1999 a. 9; 2001 a. 38; 2007 a. 20, 28; 2015 a. 196; s. 35.17 correction in (7) (f).

753.061 Court; branch; judge. (1) In each judicial circuit, each judgeship shall be given a branch number. Each branch constitutes a circuit court with all the powers and jurisdiction possessed by circuit courts in circuits having one judge only, and may be designated in all papers and proceedings either by its respective number or by the name of its presiding judge.

(2) The chief judge of the 1st judicial administrative district shall designate 2 circuit court branches that will primarily handle cases that involve a violation of ch. 961 involving a controlled substance included in schedule I or II under ch. 961 or a controlled substance analog of a controlled substance included in schedule I or II under ch. 961.

(2m) The chief judge of the 1st judicial administrative district is authorized to designate 4 circuit court branches to primarily handle violent crime cases that involve a violation of s. 939.63, if a felony is committed while armed, and of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), and 943.32 (2). If the circuit court branches are designated under this subsection, 2 shall begin to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to primarily handle violent crime cases on August 1, 1992.

History: 1977 c. 449; 1979 c. 175; 1989 a. 121, 122; 1991 a. 39; 1993 a. 92; 1995 a. 27, 448; 2001 a. 109; 2003 a. 33; 2015 a. 55.

Each court branch is endowed under sub. (1) with the full powers of a circuit court and has the same powers as every other branch. Drow v. Schwarz, 225 Wis. 2d 362, 592 N.W.2d 623 (1999), 97−1867.

753.065 Naturalization proceedings, venue. For the purposes of naturalization proceedings only, pursuant to federal statutes (8 USC 1421), the counties of this state shall be considered as one district. A resident of this state who petitions for naturaliza-

tion may file the petition with the office of clerk of circuit court located in any of the following cities:

(1) Superior.
(2) Eau Claire.
(3) La Crosse.
(4) Wisconsin Rapids.
(5) Green Bay.
(6) Sheboygan.
(7) Ashland.
(8) Wausau.
(10) Janesville.
(11) Fond du Lac.
(12) Madison.
(13) Waukesha.
(14) Kenosha.
(15) Racine.
(16) Elkhorn.

History: 1973 c. 12 s. 37; 1977 c. 187 s. 92; Stats. 1977 s. 753.065; 1981 c. 332.

753.07 Circuit judges; circuit court reporters; assistant reporters; salaries; retirement; fringe benefits. **(1)** JUDGES AND COURT REPORTERS. Persons serving as county court judges in this state on July 31, 1978, shall be denominated circuit court judges as provided in chapter 449, laws of 1977, section 491. Persons serving as county court reporters in this state on July 31, 1978, shall be circuit court reporters on August 1, 1978. Persons serving as assistant county court reporters for a court of record, authorized as full−time employees by a county board of supervisors and not paid on a per diem basis and who were employed in that capacity on February 1, 1978, shall be circuit court reporters on August 1, 1978. On August 1, 1978, and thereafter, all circuit court judges in this state shall receive compensation under s. 20.923, and as state employees shall be subject to chs. 40 and 230, except as otherwise provided in this section.

(2) COURT PERSONNEL; MILWAUKEE COUNTY. Persons serving as circuit court judges and circuit court reporters for Milwaukee County on July 31, 1978, shall have the option of receiving compensation and continuing as participants in the retirement system established under chapter 201, laws of 1937, as follows:

(a) The persons shall continue to receive salaries directly payable from the state in the same amount as they were receiving on July 31, 1978, and such salaries are subject to s. 40.05. The balance of the salaries authorized under ss. 230.12 and 751.02 for the judges and reporters shall be paid by the secretary of administration to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the director of state courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid are subject to the retirement system established under chapter 201, laws of 1937.

(b) The state shall pay to the county treasurer in the manner specified in par. (a) on behalf of the judges and reporters the required employer contribution rate as provided under s. 40.05. If the required employer contribution rate under the retirement system established under chapter 201, laws of 1937 is greater than the required employer contribution rate under s. 40.05, the state shall pay 50 percent of the difference to the county treasurer. For future retirement benefits, these judges and reporters shall be given the same consideration as other elected county officials and county employees under the county's retirement system.

(3) SAME. Persons serving as county court judges, county court reporters and assistant county court reporters, as specified in sub. (1), for Milwaukee County on July 31, 1978, shall have the option of receiving compensation and continuing in the retirement system established under chapter 201, laws of 1937 as follows:

(a) The salaries authorized under ss. 230.12 and 751.02 for the judges and reporters shall be paid by the secretary of administration to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the director of state courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

(b) The state shall pay to the county treasurer in the manner specified in par. (a) on behalf of the judges and reporters the required employer contribution rate as provided under s. 40.05. If the required employer contribution rate under the retirement system established under chapter 201, laws of 1937 is greater than the required employer contribution rate under s. 40.05, the state shall pay 50 percent of the difference to the county treasurer. For future retirement benefits, the judges and reporters shall be given the same consideration as other elected county officials and county employees under the county's retirement system. Reporters covered under this subsection may be discharged only for cause and in connection therewith shall be afforded the same rights to a hearing and appeal as employees in the classified state service.

(4) COURT PERSONNEL; OPTIONS. As state employees, county court judges, county court reporters, and assistant county court reporters, as specified in sub. (1), who are denominated or become circuit court judges and reporters on August 1, 1978, and persons serving as circuit court judges and circuit court reporters for Milwaukee County on July 31, 1978, shall have the option of remaining as participants under county life and health insurance programs to the extent of their participation in such programs on February 1, 1978. The secretary of administration shall semi-annually pay to the county treasurer, pursuant to a voucher submitted by the clerk of circuit court to the director of state courts, an amount equal to the state contribution for life and health insurance for other comparable state employees. The county shall pay the cost of any premiums for life and health insurance exceeding the sum of the state contribution and the employee contribution as required under the county programs.

(5) EXERCISED IN WRITING. The options to remain under county programs under this section shall be exercised in writing on forms provided by the director of state courts not later than November 1, 1978, and the action shall apply retrospectively to August 1, 1978.

(6) DETERMINATION. In this section, "required employer contribution rate" means the total amount paid to the retirement fund for similar participants including actuarially determined current costs, any prior service amortization costs and any amount of employee contributions presently paid by the employer. These required employer contribution rates are subject to annual redetermination by the actuaries of the respective retirement systems; however, the contribution rates for elected public officials and other employees shall be determined separately when the calculations are actuarially available from the Wisconsin retirement system and adopted by the employee trust funds board.

History: 1973 c. 90; 1977 c. 187 s. 92; 1977 c. 418 ss. 748, 749; 1977 c. 449; Stats. 1977 s. 753.07; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1981 c. 96 ss. 55, 56, 67; 1981 c. 353 ss. 6, 13; 2003 a. 33.

753.073 Expenses. A circuit judge shall be reimbursed by the state for actual and necessary itemized expenses incurred in the discharge of judicial duty outside the county of residence, and in attending meetings of the judicial conference or the committees thereof, and as a judge designated to serve on the judicial administrative committee or the subcommittees thereof.

History: 1971 c. 254 s. 19; 1977 c. 187 ss. 92, 135; 1977 c. 273, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979).

753.075 Reserve judges; service. **(1)** DEFINITIONS. In this section:

(a) "Permanent reserve judge" means a judge appointed by the chief justice to serve an assignment for a period of 6 months. Permanent reserve judges shall perform the same duties as other judges and may be reappointed for subsequent periods.

(b) "Temporary reserve judge" means a judge appointed by the chief justice to serve such specified duties on a day−by−day basis as the chief justice may direct.

(2) ELIGIBILITY. The chief justice of the supreme court may appoint any of the following as a reserve judge:

(a) Any person who has served a total of 6 or more years as a supreme court justice, a court of appeals judge or a circuit judge.

(b) Any person who was eligible to serve as a reserve judge before May 1, 1992.

(3) COMPENSATION. (a) Temporary reserve judges shall receive a per diem equal to 90 percent of the daily salary of a judge of the court to which the reserve judge is assigned. While serving outside the county in which they reside temporary reserve judges shall also receive actual and necessary expenses incurred in the discharge of judicial duties. This per diem compensation is not subject to s. 40.26 but the combined amount of this compensation and any other judicial compensation together with retirement annuities under the Wisconsin retirement system, the Milwaukee County retirement fund and other state, county, municipal, or other Wisconsin governmental retirement funds received by him or her during any one calendar year shall not exceed the yearly compensation of a circuit judge. The per diem compensation and actual and necessary expenses shall be paid from the appropriation under s. 20.625 (1) (a) when the judge is assigned to a circuit court and from the appropriation under s. 20.660 (1) (a) when the judge is assigned to the court of appeals.

(b) Permanent reserve judges shall receive compensation equal to the compensation for the 6−month period of a judge of the court to which they are assigned. This compensation is not subject to s. 40.26 but the combined amount of this compensation and any other judicial compensation together with retirement annuities under the Wisconsin retirement system, the Milwaukee County retirement fund or other state, county, municipal or other Wisconsin governmental retirement funds received by him or her during any one calendar month shall not exceed one−twelfth of the yearly compensation of a circuit judge. Permanent reserve judges shall receive health insurance calculated under ss. 40.05 (4) and 40.52 (1) or (2) and vacation benefits calculated under s. 230.35 (1). Compensation for permanent reserve judges shall be paid from the appropriation under s. 20.625 (1) (b).

History: 1971 c. 125, 211; 1973 c. 90; 1975 c. 224; 1977 c. 29; 1977 c. 187 s. 92; 1977 c. 418 ss. 749g, 749h; 1977 c. 449; Stats. 1977 s. 753.075; 1979 c. 34 s. 2102 (8) (a); 1979 c. 38; 1981 c. 20, 96; 1981 c. 187 s. 10; 1983 a. 27; 1983 a. 255 s. 6; 1987 a. 27, 143; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16 ss. 3567, 3893; 1993 a. 402; 1997 a. 237; 2005 a. 403.

This section does not affect a presiding judge's powers and jurisdiction. Starke v. Village of Pewaukee, 85 Wis. 2d 272, 270 N.W.2d 219 (1978).

753.077 Preservation of judgments. All judgments of county courts which were entered prior to August 1, 1978, are judgments of the circuit court for the county where the judgment was entered. No such judgment may have any other effect than the judgment had when it was originally entered.

History: 1977 c. 449.

753.09 Jury. The jurors shall be summoned to appear at such time as the presiding judge directs.

History: 1977 c. 187 s. 92; 1977 c. 449; Stats. 1977 s. 753.09.

753.10 Attendance of officers, pay; opening court. **(3)** Unless otherwise directed by the presiding judge, no officer, other than the clerk, shall be paid for attending court or the judge if the court is not engaged in the trial of jury cases. Every officer attending court upon the order of the presiding judge shall have the same powers and authority as the sheriff, and shall be paid out of the county treasury, upon the certificate of the judge, compensation equal to that fixed by the county board. No such officer may be paid for any day when the court is not in session unless specially ordered by the presiding judge.

(4) When the court is opened by proclamation it shall be in the following words:

Hear ye! hear ye! hear ye! the circuit court for the county of .... is now open. Silence is commanded.

History: 1977 c. 187 s. 92; 1977 c. 334; Stats. 1977 s. 753.10.

753.19 Operating costs; circuit court. The cost of operation of the circuit court for each county, except for the salaries of judges and court reporters provided to be paid by the state, and except for the cost assumed by the state under this chapter and chs. 40 and 230, and except as otherwise provided, shall be paid by the county.

History: 1973 c. 81; 1975 c. 126, 199; 1977 c. 187 ss. 92, 135; 1977 c. 449; Stats. 1977 s. 753.19; 1981 c. 96.

The county in which proceedings are brought must pay the fee of an appointed guardian ad litem. Romasko v. Milwaukee, 108 Wis. 2d 32, 321 N.W.2d 123 (1982).

Services of appointed counsel for non−indigent individuals in civil commitment hearings should be paid for by the county. State ex. rel. Chiarkas v. Skow, 160 Wis. 2d 123, 465 N.W.2d 625 (1991).

The state public defender, not the county, was obligated to pay the costs of a necessary expert witnesses hired by an appointed private attorney without prior approval as required by rule. Payment of Witness Fees in State v. Huisman, 167 Wis. 2d 168, 482 N.W.2d 665 (Ct. App. 1992).

753.22 When court to be held. If a matter appointed to be heard at a specified time is not heard at the time appointed, it stands continued and may be heard at any time, unless the court orders otherwise.

History: 1977 c. 449.

Several factors are to be balanced in the discretionary decision whether to grant a continuance, including: (1) the length of the delay requested; (2) whether the lead counsel has associates prepared to act in his or her absence; (3) whether other continuances had been requested and received; (4) the convenience or inconvenience to the parties, witnesses, and the court; and (5) whether the delay seems to be for legitimate reasons. Rechsteiner v. Hazelden, 2008 WI 97, 313 Wis. 2d 542, 753 N.W.2d 496, 06−1521.

753.23 Night and Saturday sessions. In each circuit having 4 or more branches, at least one branch shall schedule and hold sessions at least one Saturday and 2 evenings after 6 p.m. per month. In each circuit having 2 or 3 branches, at least one branch shall hold one session per month on Saturday or in the evening after 6 p.m. In single branch circuits, Saturday and evening sessions may be held as the convenience of the litigants requires.

History: 1977 c. 449.

753.24 Where court to be held. **(1)** Circuit court shall be held regularly at the county seat.

(2) Provision may be made, by court rule, for holding court in any city, village or town in the county other than the county seat where the court finds that there are adequate facilities provided and there is sufficient business to warrant holding court.

(3) If court is held in a city or village located partly in the county from which the judge was elected and partly in another, the judge may hold court, except for trials of criminal offenses, anywhere in that city or village, the same as if it were entirely within the county from which he or she was elected.

History: 1977 c. 449; 1993 a. 246.

753.26 Office and records to be kept at county seat. Except in branches Nos. 4, 5, and 7 of the circuit court for Rock County, every circuit judge in this state shall maintain in his or her office, at the county seat of the county in which the judge holds office, all of the books, papers, and records of the court. The office and the books, papers, and records of the circuit judge shall at all reasonable times be open to access and inspection by any person having any business with the books, papers, and records of the court, except as otherwise provided by law. Originals of judgments or orders made under circuit court jurisdiction of branches Nos. 4, 5, and 7 of the Rock County circuit court in Beloit, shall be kept at the county seat.

History: 1977 c. 449; 1979 c. 65; 1987 a. 75; 2001 a. 103.

753.30 Clerk of circuit court; duties, powers. **(1)** The clerk of circuit court shall keep the books and records under s. 59.40 (2) (a) to (i) and ch. 799 and perform the duties under s. 59.40 (2) (j) to (q) for all matters in the circuit court except those under chs. 48, 54, and 851 to 879. In counties having only one circuit judge, the circuit judge, with the approval of the chief judge of the judicial administrative district, may appoint the clerk of court register in probate. The appointments are revocable at the pleasure of the circuit judge. Appointments and revocations shall

be in writing and shall be filed in the office of the register in probate. If appointed for this purpose, the clerk has the powers and duties of registers in probate. In prosecutions of ordinance violations in the circuit court in counties having a population of 500,000 or more, an assistant chief deputy clerk appointed under sub. (3) (a), or one of his or her deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint be made. The defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provisions of law notwithstanding.

(2) In counties with multibranch circuit courts, the clerk of circuit court may appoint one or more deputies for each branch. A deputy appointed to serve a particular branch may serve any other branch of the circuit court.

(3) In counties having a population of 500,000 or more the clerk of the circuit court shall:

(a) Appoint, under ss. 63.01 to 63.16, an assistant chief deputy clerk for the exclusive handling of the clerk's work in all criminal and ordinance matters in circuit courts, but the clerk of the circuit court or such chief deputy clerk shall sign all extradition requisition papers as required by law.

1. The assistant chief deputy clerk or one of his or her deputies shall be present at each session of the circuit court assigned criminal and traffic cases and shall perform all ministerial acts required by and under the direction of the judges, and when the court is not in session, may take bail for the appearance of any person under arrest before the courts for a misdemeanor or a traffic violation, subject to revision by the courts; the clerk or one of his or her deputies, shall issue all processes under the clerk's hand and the seal of the court and attest it in the name of the judge, signing it by the title of office, and shall tax costs; the clerk or one of his or her deputies, may issue warrants upon complaint filed in writing and upon oath in all cases. The complaints, warrants, recognizance, commitments, attachments, venires, subpoenas and all other writs and papers in the courts shall be in substance in the form provided by rules duly adopted and published by the judicial conference.

2. In prosecutions of ordinance violations in the court, the clerk, or one of the clerk's deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint to be made; then the defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in the case at issue, any other provision of law notwithstanding.

3. The clerk and deputies and the police officers attending the circuit court branches assigned criminal and traffic cases and serving its process shall receive no fee.

(b) Appoint, under ss. 63.01 to 63.16, an assistant chief deputy clerk of circuit court for the exclusive handling of the clerk's work in all civil matters in circuit court excluding probate and juvenile matters.

(c) Appoint, under ss. 63.01 to 63.16, an assistant chief deputy clerk for the exclusive handling of the clerk's work in the branches of court assigned juvenile matters.

(d) The clerk of the circuit court is the department head of the clerk of courts department of the circuit for the county, except branches assigned probate jurisdiction, as to all personnel, procurement, budget and related matters.

(4) The clerk of circuit court shall provide the medical examining board with a certified copy of an order of a circuit court in which a physician licensed under subch. II of ch. 448 is found negligent in treating a patient. The clerk of circuit court shall provide a certified copy of an order under this subsection no later than 7 business days after the entry of such a court order.

History: 1977 c. 449; 1979 c. 32 s. 92 (16); 1995 a. 201; 1997 a. 311; 2005 a. 387.

A non−judicial officer performing a ministerial function at the behest of judge acting in his or her judicial capacity is entitled to absolute immunity from civil liability. Ford v. Kenosha County, 160 Wis. 2d 485, 466 N.W.2d 646 (1991).

753.32 Clerks, etc., not to be appraisers. No clerk or other person employed in the office of any circuit judge may be appointed commissioner or appraiser in any matter that is within the jurisdiction of the judge or of the circuit court.

History: 1977 c. 449.

753.34 Circuit court for Menominee and Shawano counties. (1) Menominee County shall not be organized separately for circuit court purposes, but is a part of a joint circuit court for Menominee and Shawano counties, which constitutes a single judicial district. No circuit judge for Menominee County may be elected separately, but the duly elected judges of the circuit court for Menominee and Shawano counties shall serve as judges of the circuit. The books, papers and records of the office of the judges shall be kept at the county seat of the county in which each has his or her principal office or, at the discretion of the judges, at either or both county seats.

(2) Each circuit judge for the circuit court for Menominee and Shawano counties may appoint a register in probate or may jointly appoint one register in probate to serve the court. If one register in probate serves the court, the office of the register in probate shall be in the city of Shawano.

(3) The qualified electors of Menominee County shall be eligible to vote at every election for circuit judge.

(4) The county boards of Menominee County and Shawano County shall enter into an agreement prorating the joint expenditures involved in conducting the circuit court, and for such purposes the county board of Menominee County may appropriate, levy and collect a sum each year sufficient to pay its share of the expenses; but no portion of the initial cost, or amortization of debt on the Shawano County courthouse or repair, maintenance or improvement of the same or items which are taxable costs between the parties shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the joint expenditures involved, then the circuit court judges for the circuit court for Menominee and Shawano counties shall, under appropriate notice and hearing, determine the prorating of the expenditures, on the basis of the volume and character of work and responsibilities, to each county, under such procedure as they prescribe. If the circuit judges are unable to agree, the chief judge of the judicial administrative district shall make the determination.

(5) The court may order proceedings held at the county seat in Menominee County or at the county seat in Shawano County or other appropriate place. The proper place of trial of civil and criminal actions commenced in the court shall be the place in either county where the judge orders proceedings held.

(6) A single perspective juror list shall be prepared for the circuit court for Menominee and Shawano counties.

(7) All fines and all costs and fees collected in circuit court for Menominee and Shawano counties in causes of action arising out of Menominee County shall be accounted for and paid over under s. 59.40 (2) (m) to the county treasurer of Menominee County and in causes of action arising out of Shawano County shall be accounted for and paid over under s. 59.40 (2) (m) to the county treasurer of Shawano County.

(8) All process and pleadings and documents of the court shall be entitled, "Circuit Court for Menominee and Shawano Counties".

History: 1977 c. 449; 1981 c. 317; 1995 a. 201; Sup. Ct. Order No. 96−08, 207 Wis. 2d xv (1997).

753.35 Rules of practice and trial court administration. (1) A circuit court may, subject to the approval of the chief judge of the judicial administrative district, adopt and amend rules governing practice in that court that are consistent with rules adopted under s. 751.12 and statutes relating to pleading, practice, and procedure. The court shall file each adopted or amended rule with the clerk of circuit court. Except for a rule adopted or amended as an emergency rule, the court shall file an adopted or amended rule

prior to the rule's effective date. The clerk of circuit court shall send a copy of the filed adopted or amended rule to the secretary of the local bar association in that circuit, the court administrator for that judicial administrative district, the State Bar of Wisconsin, the state law library, and the office of the director of state courts. A person may submit to the court written comments on a rule for the court's consideration in determining whether revision of the rule is needed. The clerk of circuit court shall print and make available to the public, at cost, all rules adopted or amended under this section.

(2) The chief judge of the judicial administrative district shall file a local rule of trial court administration adopted or amended under SCR 70.34 with the court administrator for the judicial administrative district. The chief judge of the judicial administrative district shall file the local rule prior to the rule's effective date. The court administrator for the judicial administrative district shall send a copy of the filed adopted or amended rule to the clerks of circuit court in the judicial administrative district, the secretaries of the local bar associations in the district, the State Bar of Wisconsin, the state law library, and the office of the director of state courts. A person may submit to the chief judge of the judicial administrative district written comments on a rule for the chief judge's consideration in determining whether revision of the rule is needed. The clerks of circuit court in the judicial administrative district shall print and make available to the public, at cost, all rules adopted under SCR 70.34.

(3) The State Bar of Wisconsin, the state law library, and the clerks of court to whom copies of rules are sent under this section shall serve as repositories of the rules sent to them under subs. (1) and (2).

History: Sup. Ct. Order No. 93−14, 185 Wis. 2d xv (1994); Sup. Ct. Order No. 94−09, 187 Wis. 2d xix (1994); 1995 a. 225; 1997 a. 35; 2001 a. 103.