

1971 Assembly Bill 57

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CHAPTER 46, Laws of 1971

AN ACT to repeal 252.017 (3) (d), 252.031 and 253.19; to amend 48.03 (3), 251.182 (intro.), 252.017 (1) (intro.), 253.142 (2) (a), 261.08 (1), 299.205 and 917.10 (2) (b); and to repeal and recreate 251.182 (1) to (3) and 971.20 (4) of the statutes, relating to revamping methods of assigning substitute circuit and county judges.

CHAPTER 46

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.03 (3) of the statutes is amended to read:

48.03 (3) In the case of the absence or disability of the judge of a court designated as a juvenile court, another judge shall be ~~requested or~~ designated under s. ~~253.19~~ 251.182 to act temporarily in his place. If the judge so designated to act temporarily is from a county other than the one for which he was elected, he shall receive his expenses as provided in s. 252.073 or 253.08, whichever applies.

SECTION 2. 251.182 (intro.) of the statutes is amended to read:

251.182 (intro.) The chief justice of the supreme court or ~~such other an associate~~ justice as designated by the supreme court ~~may designate~~ shall keep informed of the status of the administration of judicial business in the courts of the state and may designate and assign active circuit and county judges and county judges qualified under s. 253.195 to serve temporarily in either the circuit or county court ~~and supreme court justices and circuit judges qualified under article VII, section 24 of the Wisconsin constitution to serve temporarily in circuit court.~~

SECTION 3. 251.182 (1) to (3) of the statutes are repealed and recreated to read:

251.182 (1) The supreme court may promulgate rules necessary to accomplish the purposes of this section.

(2) Active judges assigned to serve temporarily in another circuit or county court shall do so.

(3) While acting temporarily in another circuit or county, a judge has the power to hold court, try cases and exercise all the authority of a judge of that court.

SECTION 4. 252.017 (1) (intro.) of the statutes is amended to read:

252.017 (1) (intro.) The judges of any judicial circuit containing a county having a population of 500,000 or more shall for periods of not less than 2 years designate 2 or more of their number who shall devote their time primarily and regularly to actions affecting marriage and to such other work as is incidental thereto and which is generally described as the work of a family court, and shall also for such periods designate another of their number as auxiliary family court judge to devote his time primarily and regularly to such litigation and work and to other family related court matters. In assigning a judge to a family court work, the judges shall, wherever feasible, give due consideration and preference to whoever of their number may indicate a desire or willingness to undertake such work. Any judge so named may be redesignated for successive terms of 2 years. The judges of such branches shall meet from time to time and divide their work, apportioning to each branch its due portion thereof, and shall compile and publish an annual report of the family court. In case of the absence, sickness or other disability of any of ~~such judges, other judges shall be designated to assist temporarily in the performance of the work of such family court judge.~~ another judge shall be assigned under s. 251.182. Of the judges initially designated to devote all or part of their time primarily and regularly to family court work under this paragraph, one shall serve for a term of one year, one for a term of 18 months and one for a term of 2 years, so as to provide continuity in family court work by having the respective terms of

such judges so designated expire at not less than separate 6 month intervals. Such circuit court branches and the civil court branches of the county courts of counties having a population of 500,000 or more shall comprise the "Family Court". The "Family Court" shall have concurrent jurisdiction over actions pertaining to welfare fraud and mental commitments and shall have exclusive original jurisdiction over all suits, actions and proceedings pertaining to:

SECTION 5. 252.017 (3) (d) of the statutes is repealed.

SECTION 6. 252.031 of the statutes is repealed.

SECTION 7. 253.19 of the statutes is repealed.

SECTION 8. 253.142 (2) (a) of the statutes is amended to read:

253.142 (2) (a) In probate matters and in civil matters except those tried under small claims procedure and other actions to recover forfeitures, ~~the provisions of ss. 261.08 to 261.11 shall apply, except that upon the disqualification of any county judge~~ the case shall be referred to the clerk or, in probate matters in counties having a population of 500,000 or more, the register in probate, who shall request ~~the chief justice of the supreme court, assignment of another judge pursuant to s. 251.182, to designate and assign another judge~~ to attend and hold court in such matter.

SECTION 9. 261.08 (1) of the statutes is amended to read:

261.08 (1) Upon the timely application of any party, who files his affidavit, that he had good reason to, and does believe, that he cannot have a fair trial on account of the prejudice of the judge, naming him, the court shall promptly request ~~the chief justice of the supreme court or other designated justice to call some other judge to attend and hold court during the current or next term for the purpose of exercising jurisdiction in all actions and proceedings in which applications for change of the place of trial have been made for such reason. And while so in attendance said judge may make all orders and hear all applications and motions that may be brought on for hearing. If no other judge can hold court for such purpose, at either on the first day of the next term. In no event, however, shall a judge against whom an affidavit of prejudice has been filed be allowed to choose the successor judge assignment of another judge pursuant to s. 251.182 and shall not act otherwise in the matter.~~

SECTION 10. 299.205 of the statutes is amended to read:

299.205 On the return date of the summons or at least 2 weeks prior to the trial date, upon the filing by any party of an affidavit that he has good reason to, and does, believe that he cannot have a fair trial on account of the prejudice of the judge, naming him and motion thereon, the judge shall thereupon be disqualified to act in relation to that matter. The time for filing ~~such the~~ affidavit and making ~~such the~~ motion may be extended for cause, but not more than 10 days. ~~In a county having more than 3 branches such affidavit may name 2 judges. The case shall then be referred to the clerk who, in courts containing 3 or more branches, shall request a judge from another branch of that court to attend and hold court in such matter. In a single or 2 branch courts, or if no other judge is able to serve, In such cases the clerk shall request the chief justice of the supreme court, assignment of another judge pursuant to s. 251.182, to designate and assign another judge to attend and hold court in such matter.~~

SECTION 11. 971.10 (2) (b) of the statutes is amended to read:

971.10 (2) (b) If the court is unable to schedule a trial pursuant to par. (a), ~~the case shall be transferred to the court shall request assignment of another judge pursuant to s. 251.82, 252.031 or 253.19 251.182.~~

SECTION 12. 971.20 (4) of the statutes is repealed and recreated to read:

971.20 (4) When a judge is disqualified under this section, the clerk of circuit court shall request assignment of another judge pursuant to s. 251.182.

SECTION 13. This act shall take effect on January 1, 1972.
