

## CHAPTER 252

## CIRCUIT COURTS

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**252.01 Term of office.** The term of office of every elected circuit judge is 6 years, and until his successor is elected and qualified, which term commences with the first Monday in January next succeeding his election.

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

**252.015 Multibranch circuit courts.** (1) The following judicial circuits shall have branches as follows:

- (a) First circuit, 2 branches.
- (b) Second circuit, 19 branches.
- (bm) Third circuit, 2 branches.
- (c) Ninth circuit, 4 branches.
- (d) Fourteenth circuit, 3 branches.
- (k) Twenty-first circuit, 2 branches.
- (m) Twenty-second circuit, 2 branches.

(2) Each such 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, except that in the 2nd circuit, branches 11, 12 and 17 shall be designated as the criminal court branches.

History: 1971 c. 166; 1973 c. 257

**252.016 Second circuit.** (1) JUDGES CONFERENCE, MAKE RULES. The judges shall meet and divide the business of the whole circuit, apportioning to each branch its due portion thereof, and to that end they may make such rules and institute such measures as they shall determine will promote justice and expedite business.

(2) COURT ROOM; OFFICES; SALARY FROM COUNTY. The county board shall provide

suitable court rooms and offices, the sheriff shall provide the necessary deputy sheriffs as attending officers and the clerk of the circuit court shall provide a sufficient number of deputy clerks for all the judges and branches of said court. The county shall pay to each such judge a salary of \$1,000 per annum and may pay to each judge an additional \$1,000 per annum, payable monthly out of the county treasury, in addition to the salary paid him out of the state treasury and any amount paid him by authority of s. 252.071.

**(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 the rules of the judges of the "Family Court". Whenever the judges of the "Family Court" deem publication of matters before them contrary to public policy they may by order close the files thereof and 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 men and women investigators as are authorized by the county board of supervisors of such county. Said investigators shall be appointed by action of at

least the majority of the judges of the "Family Court" under civil service in such county.

(e) The county board of supervisors of such 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 action of at least the majority of the judges of the "Family Court" under civil service in such county, 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) SECOND CIRCUIT EQUIPMENT.** The board of supervisors of said county shall furnish said courts and said department of family conciliation, the judges, officers and employes 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).

**252.017 Family court.** (1) **COMPOSITION AND JURISDICTION.** 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 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 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:

(a) Marriage, divorce, annulment, legal separation, custody, alimony and criminal, civil and reciprocal support and applications under s. 245.02 (2).

(b) Delinquency, dependency, neglect, termination of parental rights, transfer of legal custody of mentally ill and deficient children, and traffic violations by juveniles when associated with an alleged act of delinquency.

(c) Charges of family assault, family battery, family disorderly conduct, family alcoholism, paternity, criminal neglect and adoption of adults.

(d) All family and parental affairs not specifically vested in some other court or branch thereof in the county.

**(2) ORGANIZATION.** (a) The "Family Court" shall be divided into 3 sections:

1. The domestic relations section to hear matters under sub. (1) (a).

2. The children's section to hear matters under sub. (1) (b).

3. The special section to hear matters under sub. (1) (c) and (d).

(b) The judges of such branches of the circuit court and county courts as comprise the "Family Court" shall meet annually and at the times fixed by the board of judges. They shall elect from their membership a chairman and divide their membership into the 3 sections of the "Family Court", provide the length of terms in each section and the procedure for rotation of judicial manpower among such sections. They may make such rules and institute such measures as they determine will promote justice and expedite business.

(c) All actions arising under sub. (1) shall be brought initially in the court of the "Family Court" designated to hear the matter by the "Family Court" judges.

**(3) CHILDREN'S SECTION; COUNTY COURT.** A county court branch which is assigned by the family court judges to the children's section shall, for the duration of the assignment, be governed by the following:

(a) Such court shall be held at the county seat, or at such other place within the county designated by the county board.

(b) Practice and procedure in such court shall be the same as is now or may hereafter be provided by law for civil courts.

(c) The court shall have a clerk with such assistants as the county board determines and a stenographic reporter, each of whom shall be appointed pursuant to ss. 63.01 to 63.17, and shall be paid such compensation as the county board determines. The clerk shall be appointed by the clerk of the circuit court. The reporter shall be appointed by the judge of said court. The clerk shall be an officer of the court and, before entering upon his duties, shall take and subscribe the constitutional oath of office and furnish an official bond in such amount and with such sureties as the county board determines; such oath and bond shall be filed in the office of the clerk of the circuit court of such county. The reporter shall be an officer of the court and shall take and file a constitutional oath of office. He shall be furnished by the county with all necessary supplies.

(e) The orders and judgments of such court in all actions and proceedings tried before it may be appealed from, examined and reviewed by either the circuit court of said county, not as a trial de novo, but as a review of the record, or the supreme court in the same manner as other orders and judgments of the circuit court may be appealed from and reviewed.

**(4) CENTRAL FILE INDEX.** (a) The county board of any county having a population of 500,000 or more may establish a central file index of the records of the following persons or agencies:

1. The department of family conciliation under s. 252.016 (3);

2. The children's court center under s. 48.06 (1);

3. Probation officers under s. 973.11;

4. The county department of public welfare under s. 49.51 (2) (a);

5. Trustees under s. 52.43; and

6. Such other agencies, both private and public, as may thereafter be included by the county board.

(b) All records or information maintained in such a central file index shall be kept confidential and shall be available only to the persons or agencies specified in par. (a) and to the "Family Court". The location of such a central file index shall be determined by the county board.

History: 1971 c. 40 s. 93; 1971 c. 46

**252.02 Administration of work in multibranch courts; grand jury.** In circuits in which there are 2 or more branches, the judges

may provide for the distribution of the work and assignment of cases among branches except that in the 2nd circuit, branches 11, 12 and 17 shall be designated as the criminal court branches and all cases specified in s. 252.015 for the 2nd circuit criminal branch jurisdiction including all appeals from convictions in criminal actions and from ordinances and traffic forfeiture violations from the county court of Milwaukee county, and all commitments and transfers for trial in case of crimes and misdemeanors not triable in the county court branches shall be assigned by the clerk to those branches and shall be reassigned to another branch only in case of disqualification, illness or vacation of the judges or congestion or vacancies in branches 11, 12 and 17. The judges of the 2nd circuit criminal court branches shall allocate the work of said branches. All assignments of work to said branches by the clerk shall be subject to the approval of said judges. No grand jury shall hereafter be drawn or summoned for the circuit court of Milwaukee county unless a judge of one of the criminal court branches makes and files with the clerk an order in writing directing a grand jury to be summoned, and specifying the time at which such grand jury shall appear before the court.

**252.03 Jurisdiction of circuit courts.** The circuit courts have the general jurisdiction prescribed for them by the constitution and have power to issue all writs, process and commissions provided therein or by the statutes, or which may be necessary to the due execution of the powers vested in them. They 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 re-examination by the supreme court as provided by law. Said courts and the judges thereof have power to award all such writs, process and commissions, throughout the state, returnable in the proper county.

**252.04 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 be no such judge then in the name of the chief justice of the supreme court, be returnable on the first day of the term next succeeding the date of their issue, 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 same. All writs of certiorari issued to review any action taken by any county board, town board, common council of any city or board of trustees of any village, or any record lawfully in the custody of any county clerk, town clerk, city 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.

See note to Art VII, sec. 8, citing State ex rel. Czapiewski v Milw. C. S. Comm. 54 W (2d) 535, 196 NW (2d) 742.

**252.05 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.

**252.06 Judicial circuits.** The state is divided into judicial circuits as specified in the subsequent paragraphs of this section. The terms of the circuit courts for the several circuits commence whether or not the judge is present, at 10 o'clock in the forenoon of the days in each year specified as follows:

**First circuit.** In the county of Kenosha on the 3rd Monday in March and the 3rd Monday in September.

**Second Circuit.** In the county of Milwaukee on the first Monday in January, April, July and October.

**Third Circuit.** In the county of Calumet on the third Monday in March and the third Monday in October; in the county of Winnebago on the second Monday of January, the second Monday of April and the second Monday of September.

**Fourth Circuit.** In the county of Sheboygan on the second Monday in April and the third Monday in September; in the county of Manitowoc on the first Tuesday after the second Monday in January and the first Tuesday after the first Monday in June.

**Fifth Circuit.** In the county of Lafayette on the first Monday in February and the first Monday in July; in the county of Iowa on the first Monday in March and the first Tuesday in September; in the county of Grant on the first Monday in April and the first Monday in October; in the county of Richland on the first Monday in May and the first Monday in

November; in the county of Crawford on the first Monday in June and the first Monday in December.

**Sixth Circuit.** In the county of La Crosse on the third Monday in May and the fourth Monday in October; in the county of Monroe on the first Monday in May and the second Monday in September; in the county of Vernon on the third Monday in April and the second Monday in October.

**Seventh Circuit.** In the county of Waupaca on the first Monday in June and the third Monday in September; in the county of Portage on the first Monday in May and the fourth Monday in October; in the county of Wood on the second Monday in April and the second Monday in December.

**Eighth Circuit.** In the county of Buffalo on the 2nd Monday in May and the 1st Monday in November; in the county of Dunn on the 4th Monday in May and the 1st Monday in December; in the county of Pepin on the 1st Monday in April and on the 3rd Monday in October; in the county of Pierce on the 3rd Monday in April and on the 1st Monday in October; in the county of St. Croix on the 1st Monday in March and on the last Monday in August.

**Ninth Circuit.** In the county of Dane on the second Monday in January, April and September.

**Tenth Circuit.** In the county of Langlade on the second Monday in April and the second Monday in September; in the county of Outagamie on the first Monday in March and the second Monday in October; in the counties of Shawano and Menominee on the first Monday in May and the first Monday in December.

**Eleventh Circuit.** In the county of Burnett on the third Monday of March and the third Monday of September; in the county of Polk on the fourth Monday of April and the first Monday of October; in the county of Barron on the second Monday of May and the first Monday of November; in the county of Washburn on the first Wednesday after the first Tuesday of April and the third Monday of October; in the county of Douglas on the first Monday of February and the fourth Monday of August.

**Twelfth Circuit.** In the county of Green on the fourth Monday of February and the fourth Monday of October; and in the county of Rock on the third Monday of March and the third Monday of September.

**Thirteenth Circuit.** In the county of Dodge on the first Monday of May and November; in the county of Jefferson on the first Monday of February and the third Monday of September.

**Fourteenth Circuit.** In the county of Door on the first Tuesday in September and the second

Tuesday in March; in the county of Brown on the second Monday in January, the second Monday in April and the fourth Monday in September; and in the county of Kewaunee on the third Monday in May and the first Wednesday in November.

**Fifteenth Circuit.** In the county of Ashland on the third Monday in January and on the Friday preceding the first Monday in September; in the county of Taylor on the second Monday in February and on the third Monday in September; in the county of Price on the second Monday in April and the first Monday in October; in the county of Bayfield on the first Monday in May and the third Monday in October; in the county of Iron on the third Monday in May and the first Monday in December.

**Sixteenth Circuit.** In the county of Marathon on the second Monday in May and the third Monday in November; in the county of Lincoln on the fourth Monday in March and the fourth Monday in October; in the county of Oneida on the first Monday in March and the third Monday in September; in the county of Vilas on the second Monday in October and the fourth Monday in April.

**Seventeenth Circuit.** In the county of Jackson on the first Monday in May and November; in the county of Clark on the first Monday in March and on the first Tuesday after the first Monday in September; in the county of Juneau on the first Monday in April and October; in the county of Adams on the first Monday of June and December.

**Eighteenth Circuit.** In the county of Fond du Lac on the first Monday in May and the first Monday in November; in Green Lake county on the third Monday in February and the first Tuesday following the first Monday in September.

**Nineteenth Circuit.** In the county of Sawyer on the third Monday in March and the third Monday in September; in the county of Rusk on the second Monday in April and the second Monday in October; in the county of Chippewa on the first Monday in May and the first Monday in November.

**Twentieth Circuit.** In the county of Marinette on the first Monday of April and of October; in the county of Oconto on the first Monday of May and of November; in the county of Florence on the 2nd Tuesday of March and of September; in the county of Forest on the 2nd Tuesday of February and of August.

**Twenty-first Circuit.** In the county of Racine on the first Monday in April and October.

**Twenty-second Circuit.** In the county of Waukesha on the first Monday of February and October.

**Twenty-third Circuit.** In the county of Eau Claire on the third Monday of March and the third Monday in September; in the county of Trempealeau on the first Monday in March and the first Tuesday after the first Monday in September.

**Twenty-fourth Circuit.** In the county of Washington on the first Monday of February and September; and in the county of Ozaukee on the first Monday of March and October.

**Twenty-fifth Circuit.** In the county of Columbia on the third Monday in April and the fourth Monday in October; in the county of Marquette on the second Monday in February and the third Monday in September; in the county of Sauk on the first Monday in March and the Tuesday after the first Monday in September; in the county of Waushara on the second Monday in January and the first Monday in June.

**Twenty-sixth Circuit.** In the county of Walworth on the 2nd Monday in April and the 2nd Monday in October.

History: 1971 c 263.

**252.065 Naturalization proceedings, venue.** For the purposes of naturalization proceedings only, pursuant to federal statutes (8 USC 1421), the counties enumerated in subs. (1) to (16) shall be considered as one district and the office of clerk of circuit court located in the cities designated thereunder shall be the place for filing the petitions for naturalization for residents of that district.

(1) Residents of Barron, Bayfield, Burnett, Douglas, Polk and Washburn counties file at Superior;

(2) Residents of Buffalo, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Rusk, Sawyer and St. Croix counties file at Eau Claire;

(3) Residents of Crawford, Grant, Iowa, La Crosse, Lafayette, Monroe, Richland, Trempealeau and Vernon counties file at La Crosse;

(4) Residents of Clark, Jackson, Juneau, Portage, Sauk, Wood, Waushara and Waupaca counties file at Wisconsin Rapids;

(5) Residents of Brown, Calumet, Door, Kewaunee, Langlade, Menominee, Outagamie, Shawano and Winnebago counties file at Green Bay;

(6) Residents of Manitowoc, Ozaukee, Sheboygan and Washington counties file at Sheboygan;

(7) Residents of Ashland, Iron, Price and Taylor counties file at Ashland;

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(8) Residents of Lincoln, Marathon, Oneida and Vilas counties file at Wausau;

(9) Residents of Florence, Forest, Marinette and Oconto counties file at Marinette;

(10) Residents of Green, Jefferson and Rock counties file at Janesville;

(11) Residents of Adams, Columbia, Dodge, Fond du Lac, Green Lake and Marquette counties file at Fond du Lac;

(12) Residents of Dane county file at Madison;

(13) Residents of Waukesha county file at Waukesha;

(14) Residents of Kenosha county file at Kenosha;

(15) Residents of Racine county file at Racine.

(16) Residents of Walworth county file at Elkhorn.

History: 1973 c. 12 s. 37.

**252.07 Salary reimbursement; and circuit.** For circuits consisting of a county having a population of 500,000 or more:

(1) The increase in the salary of circuit judges granted by chapter 253, laws of 1969, shall be paid by the state treasurer to the county treasurer, rather than to the circuit judges, as state reimbursement to offset the \$3,000 increase granted to such judges by the county board on January 1, 1969.

(2) The increase in the salary of circuit judges granted by chapter 90, laws of 1973, and any state increase in said salary under s. 20.923 thereafter, shall be paid by the state treasurer to the county treasurer.

History: 1973 c. 90

**252.071 Judge's salary from county.** (1) In every judicial circuit each county may elect to pay to each circuit judge of such circuit a salary in addition to compensation provided by the state. Such salary shall be determined by each county on the basis of work load and judicial services performed. Except in counties to which s. 252.016 applies, such salary authorized by counties previously or in the future shall, effective January 1, 1964, be subject to subch. I of ch. 41 with fund contributions to be paid by the county without reference to whom services are rendered.

(2) The provisions of this section immediately before December 9, 1967 shall apply to any election by determination made thereunder by a county and such actions are hereby confirmed.

**252.072 Salary limitation.** No salary shall be paid a circuit judge except as provided in ss. 20.923, 252.016 and 252.071.

**252.073 Expenses.** A circuit judge shall be reimbursed by the state for his actual and necessary itemized expenses incurred in the discharge of judicial duty outside his county of residence, and in attending meetings of the board of criminal court judges, and as an officer or member of the board of circuit judges and of committees of such boards, and as the judge designated to serve on the administrative committee under s. 257.15.

History: 1971 c. 254 s. 19.

**252.075 Retired judges; service.** (1) **POWERS.** Retired supreme court justices and retired circuit judges serving temporarily as circuit judges at the request of the chief justice of the supreme court may exercise all of the jurisdiction of the circuit court in which they serve.

(2) **COMPENSATION.** The retired justices and judges serving temporarily as circuit judges shall receive a per diem of \$80 until June 30, 1973, \$85 until June 30, 1974, and \$90 thereafter and while serving outside the county in which they reside shall also receive actual and necessary expenses incurred in the discharge of judicial duties. This per diem compensation is not subject to s. 41.11 (12) but in no event shall the combined amount of this compensation and any other judicial compensation together with retirement annuities under the Wisconsin retirement fund, the Milwaukee county retirement fund and other state, county, municipal, or other Wisconsin governmental retirement funds, social security or other federal retirement funds received by him during any one calendar year exceed compensation paid by the state and the counties to any circuit judge. This compensation shall be paid from the appropriation under s. 20.625 (1).

History: 1971 c. 125, 211; 1973 c. 90.

**252.076 Retired judges; service and practice.** A justice or judge retired under the provisions of Art. VII, Sec. 24, of the Constitution, who shall serve temporarily as a circuit judge pursuant to that section and s. 252.075, shall not appear as an attorney nor act of counsel in any contested matter in any court in the county in which he has so served for a period of one year after such service. Neither the act of serving as circuit judge in another county, nor the performance of conciliation or pretrial duties pursuant to s. 269.70 shall affect his eligibility to engage in the practice of law.

**252.09 Terms; jury.** (1) **TERMS.** Every term of circuit court continues to the commencement of the next term in the same county.

(2) **JURY.** The jurors shall be summoned to appear at such time as the presiding judge directs.

**252.10 Attendance of officers, pay; opening court.** (3) Except when otherwise directed by the presiding judge, no officer, other than the clerk, shall be paid for attending court or the judge when 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 such judge, compensation equal to that fixed by the county board for jurors of the respective county where such court is held; but shall be paid for no 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.

**252.11 Special terms.** Every term in any county is a special term for every other county in the same circuit, unless the presiding judge files with the clerk of the court at least twelve days before the term an order directing otherwise as to any such other county. At any term in any county which is by law a special term for any other county or counties, all business may be done arising in such other county or counties, which might be done at a term in the county where the business arose except the trial of issues of fact by a jury in cases other than those arising in actions of quo warranto and mandamus, and excepting also the trial of issues of fact in actions made local by law and arising in some county other than the one in which such special term is held. All orders, findings and judgments made, and papers filed in connection therewith at any special term, shall be authenticated by the clerk of such court and filed and entered of record in the office of the clerk of the circuit court in the county where the action or proceeding is pending; and no entries need be made in the office of the clerk of the circuit court of any other county.

**252.12 Transmittal of papers.** For the purpose of the trial or hearing of any action or proceeding at any special term the clerk of the court shall, at the request of either of the parties, transmit all the papers on file in such action or proceeding, under his official certificate, certifying the same to be all the original files and papers therein on file in his office. Such papers, so certified, shall be inclosed by such clerk in an

envelope, sealed by him, directed to the clerk of the circuit court of the county where such special term is to be or is being held, and may be transmitted by mail or by the hand of any person selected by such clerk; and after the trial or hearing of such action or proceeding the clerk last above named shall in like manner remit the same to the clerk of the court in which such action or proceeding is pending; but before any clerk shall be obliged to transmit any such papers he shall be paid all necessary postage, and the clerk remitting the same shall also be paid his fees in such action or proceeding.

**252.14 Court commissioners.** (1) In each county the circuit and county judges shall appoint such number of court commissioners as the proper transaction of business requires subject to the following exception: in counties having a population of 200,000 or more each judge may appoint not more than 2 such commissioners and in counties having a population of less than 200,000 each judge shall, as nearly as possible, appoint an equal number of commissioners within the county. In all counties such appointments shall be subject to the approval of a majority of the circuit judges of such county and a majority of the county judges of such county. Appointments shall be in writing and shall be filed in the office of the clerk of the circuit court. All court commissioners appointed after May 1, 1953, other than official court reporters or persons who have served as official court reporters in any court of record in this state for a period of not less than 5 years, shall be attorneys licensed to practice in this state except in counties where a sufficient number of such licensed attorneys are not available. Each judge shall have power at will and without cause to remove any court commissioner appointed by him or by his predecessor in office. The term of each court commissioner, unless removed by the judge, shall continue until the expiration of the term of the judge who appointed him and until the successor of such commissioner is appointed and qualified. Each commissioner before entering upon the duties of his office shall take and subscribe the constitutional oath of office and file the same duly certified, together with his appointment, in the office of the clerk of the circuit court of the county for which he is appointed.

(2) In all counties, retired circuit judges appointed to act as conciliators pursuant to s. 269.70 may be appointed court commissioners, in addition to those appointed under sub. (1). The term of court commissioners appointed to act as conciliators under s. 269.70 shall continue until a successor is appointed and qualifies.

(3) Any former judge of an inferior court of record of this state shall be eligible to appointment as a court commissioner, by any judge authorized by this section to make such appointment, in addition to those specified in sub. (1).

**252.15 Court commissioners; powers and duties.** (1) **TESTIMONIAL POWERS.** A court commissioner may issue subpoenas and attachments and other process to compel the attendance of witnesses; administer oaths and affidavits; take depositions and testimony when authorized by law or rule or order of any court within its jurisdiction; and certify and report said depositions and testimony.

(2) **CERTIFICATION OF RECORD FOR REVIEW OF HIS RULINGS.** The commissioner may at any time certify the record taken on a deposition to the court for review of such of his rulings as he indicates; he shall certify it on motion of a party at the conclusion of the taking, noting the rulings which either party desires reviewed. If the court orders a person to answer questions which were not answered on the deposition, such matters may be further developed on return of the record.

(3) **ACKNOWLEDGMENTS, ETC.** He may take and certify acknowledgments; state accounts referred to him by the court; and fix the amount and sufficiency of bail.

(4) **WRITS.** He may allow writs of habeas corpus, certiorari, ne exeat and alternative writs of mandamus; and may grant injunctions except in the cases mentioned in section 133.07 (2).

(5) **POWER AND RESTRICTIONS ON POWER TO MAKE ORDERS.** He has the powers and is subject to the restrictions thereon of a circuit judge at chambers; but when the authorization is to the presiding judge or the circuit judge—using such words of designation—a court commissioner cannot act.

(6) **PUNISH CONTEMPTS.** He has power concurrent with that of a circuit judge at chambers to punish disobedience of his lawful orders made in proceedings pending before him, but subject to review by the court in which the proceeding is pending.

(7) **RECORD OF PROCEEDINGS; WHEN FILED.** He shall keep a record of proceedings before him and at the expiration of his term shall deliver such record and all his official papers to the clerk of the circuit court.

(8) **MUNICIPALITIES EXTENDING INTO 2 COUNTIES.** A court commissioner who resides in a city or village which is located partly in one county and partly in another may keep his office and exercise his authority as commissioner and enforce his orders anywhere in such city or village as well as throughout the county of his residence, the same as he could do if the city or

village was entirely in the county in which he resides.

(9) **ACTIONS IN CIRCUIT OR COUNTY COURTS.** All court commissioners have full powers and duties in civil actions in the circuit and county courts.

(10) **GENERAL PROVISION.** He shall perform other duties required of him by the circuit court or which are proper for the exercise of powers expressly granted.

(11) **CERTIFICATIONS; REPORTS; REVIEW.** Certifications and reports pursuant to this section and any review of the acts of the commissioner shall be by the court before which the action or proceeding is pending or before the court whose process is being enforced.

**252.152 Special powers and duties of commissioners in single-county circuits.**

(1) In each county constituting an entire judicial circuit the circuit judges may designate court commissioners to make findings of fact and conclusions of law in actions to foreclose mortgages or mechanics' liens. Said judges may refer to such court commissioners cases in which:

(a) The trial of an issue of fact requires the examination of a long account; in which case the court commissioner may be directed to decide the whole issue or report upon any specific question of fact involved therein;

(b) The taking of an account is necessary for the information of the court before judgment or for carrying a judgment or order into effect;

(c) A question of fact other than upon the pleadings arises.

(2) In a county which constitutes an entire circuit a court commissioner may order a party charged with contempt for disobeying an order made in supplementary proceedings to show cause in the court why he should not be punished for contempt; which order to show cause shall be served by the sheriff.

(3) The compensation of court commissioners for services under this section shall be fixed by the circuit judges, including fees for reporting services; and such compensation shall be in full for all services performed by them. No transcript of testimony taken before such court commissioner shall be typed unless specifically authorized by the circuit judges.

**252.155 Public hearing before court commissioner.** All proceedings and hearings before a court commissioner shall be public and every citizen may freely attend the same, except when it is necessary for the court in which the action or proceedings is pending to impose by order restrictions under its inherent power to conduct proceedings in camera.

**252.16 Commissioners' powers of county judges.** Every county judge shall have and may exercise in his county all the powers and perform all the duties of a court commissioner as defined in section 252.15; and every authority granted to, or limitation of the powers of, a court commissioner by these statutes shall be construed to extend to the county judge, acting in such capacity except when otherwise expressly provided.

**252.17 Fees of court commissioners.** Court commissioners shall be entitled to the following fees:

- (1) For taking bail, 38 cents.
- (2) Deciding upon an application for a writ of habeas corpus or certiorari, \$2, whether such writ be allowed or not.
- (3) Every attendance upon the hearing of any motion for an order which such officer is authorized to grant, 50 cents; and the like fee for attendance upon any motion for an official act to be done by such officer, when no fee is specially provided for such act.
- (4) Admitting any person to prosecute or defend as guardian of any infant, 25 cents.
- (5) Every order for a commission to examine witnesses, 25 cents.
- (6) Attending, settling and certifying interrogatories to be annexed to a commission, 50 cents.
- (7) Every order for the examination of a witness conditionally or upon any proceedings to perpetuate his testimony, 25 cents.
- (8) Attendance upon the taking of testimony or examination of witnesses in any matter or proceeding whatever, whether acting as a referee or otherwise, \$15 for the first 2 hours thereof and \$5 per hour thereafter, and also 75 cents per page for the original transcript of the testimony so taken and 30 cents per page for each copy thereof. For purposes of this section a page other than the final page of a transcript shall consist of any 25 or more consecutive typewritten lines, double-spaced, on paper not less than 8-1/2 inches in width, with a margin of not more than 1-1/2 inches on the left and 5/8 of an inch on the right, exclusive of lines disclosing page numbering; type shall be standard pica with 10 letters to the inch. Questions and answers shall each begin a new line. Indentations for speakers or paragraphs shall be not more than 15 spaces from left margin. The commissioner shall be paid \$15 and the reporter shall be paid \$10 per day for the attendance at each examination or adjourned hearing whether or not evidence is taken, but no attendance fee shall be paid to the reporter where the testimony taken at any examination or adjourned hearing results in a total page charge of \$10 or more for the original

transcript. Where the reporter is present, no motion for adjournment shall be granted unless the movant first pays the reporter's and commissioner's attendance fee. No attendance fee shall be allowed to a court reporter whose salary is paid in whole or in part by the state while taking testimony in the normal course of his official duties. Out of fees charged by the court commissioner under this subsection he shall be obligated to pay the reporter 45 cents per page for the original transcript and 25 cents per page for each copy. The attorney requesting the examination shall be directly responsible to the court commissioner for the payments of all fees except for the fees to be paid by a party requesting an adjournment. The attorney requesting the examination shall be directly responsible to the court commissioner for the payment of the original transcript of testimony costs and any attorney ordering a copy of the transcript shall be directly responsible for the payment of same to the court commissioner. Original of the testimony shall be filed by the commissioner only after payment of the commissioner's and reporter's fees. All moneys collected by the court commissioner pursuant to this section which are payable to the court reporter shall be held in trust by the commissioner, and the commissioner shall make payment forthwith of the moneys to the court reporter. The reporter shall enter into the transcript the time of commencement and conclusion of the hearing.

(9) Every necessary order in progress of a cause, except orders to stay proceedings, 25 cents.

(10) Signing a judgment, 12 cents.

(11) Taking the acknowledgment of satisfaction of a judgment, 25 cents.

(12) Taking a bond, undertaking or recognizance, when the same is required or authorized by law, 25 cents.

(13) For deciding on the sufficiency of sureties and certifying such sufficiency in cases where it shall appear, 25 cents.

(14) For every precept for a jury, subpoena for a witness or attachment for a witness, 25 cents.

(15) Receiving and filing the petition and accompanying papers of an insolvent debtor, 50 cents.

(16) For every order, warrant, certificate or appointment of assignees in such proceeding, 25 cents.

(17) For deciding on the propriety of directing an assignment of the estate of an insolvent debtor, \$1.

(18) Signing the discharge of any insolvent debtor, 75 cents.

(19) For every order, warrant, or attachment made or issued in any special proceeding

authorized by law, including proceedings supplementary to execution, except the order requiring the judgment debtor to appear and answer and the warrant for the arrest of the debtor, 25 cents.

(20) For every notice to any party, officer or person, required to be given by any such officer, 25 cents.

(21) For every report and all other papers and proceedings which he may be required by law to prepare, in order to be signed by himself, in cases where no specific allowance shall have been made for such paper or proceeding, for drafting the same, 20 cents for each folio, and for copying, 7 1/2 cents for each folio.

(22) Hearing and deciding on the return of a writ of habeas corpus, \$1.

(23) For administering an oath, in cases where no fee is specifically provided for by law, and certifying the same when required, 12 cents.

(24) For taking and certifying the acknowledgment or proof of any conveyance of real estate or any other instrument which by law may be recorded, 25 cents for each person making such acknowledgment or whose execution of such conveyance or instrument shall be proved.

(25) Taking a surrender of principal in any cause, 25 cents.

(26) For a commitment of such principal, 25 cents.

(27) Allowing a writ of habeas corpus or certiorari, 25 cents.

(29) For perusing a bill or petition for an injunction or ne exeat and allowing or refusing writ, \$1.

(30) For issuing a warrant required by chapter 273, 50 cents.

(31) For making an order requiring a judgment debtor to appear and answer concerning his property, 50 cents.

(32) For administering an oath to a witness, 10 cents.

(33) For filing every necessary paper, 6 cents.

(34) For forwarding of all copies of testimony to any attorney ordering same, the cost of the first class mailing thereof and registering with return receipt requested.

**252.175 Fees; where paid.** Any fee received by a judge of a court as a court commissioner shall be paid into the county treasury except that any amount payable under s. 252.17 to a reporter shall be paid to such reporter.

**252.18 Court reporter and assistant; oaths of office.** (1) (a) Every circuit judge may, in his discretion, appoint a competent phonographic reporter for the circuit or the branch of a circuit, as the case may be, for which he was elected or appointed; and when he shall deem it necessary he may appoint one or more

competent assistant reporters provided he has the approval of the administrative director of courts. The appointing judge or his successor may remove any such reporter or assistant reporter at pleasure and appoint a successor. Every person so appointed as reporter or assistant reporter is an officer of the court and shall take and file the official oath. When so qualified every reporter and every assistant reporter shall be authorized to act in any circuit court in the state. Every reporter shall attend upon the terms of court in the circuit or branch for which he is appointed and, when requested by the judge appointing him, upon the sessions of court presided over in other counties by such judge, and shall discharge such other duties as the court or judge thereof requires; and every assistant reporter shall attend upon the court for which he is appointed, whenever requested so to do by the circuit judge.

(b) In branches 11, 12 and 17 of the 2nd circuit (criminal court branches) the circuit judge may appoint 2 reporters in each branch. The reporters and assistant reporters serving in the municipal court of Milwaukee county on December 31, 1961, shall be given the first appointments, shall retain their civil service status and shall be paid by the county in the same total salary as is received by other reporters under county civil service. The state shall reimburse Milwaukee county annually on voucher signed by the circuit judges of such branches for that portion of said reporter's salary which is paid by the state. Whenever the service of any of the reporters first appointed is terminated, his successor shall be appointed and paid in the same manner as the reporters in the other branches of the circuit, under par. (a).

(2) A reporter or assistant reporter attending a term of court or attending by the direction of the court the trial of a compulsory reference, outside the county in which he resides, or attending the sessions of court presided over in other circuits by the judge appointing him, at the request of such judge, shall be reimbursed his necessary traveling expenses and hotel bills. Every assistant reporter shall be compensated in such amount as the judge appointing him directs, but not more than the per diem equivalent of the state salary of the official court reporter for any day or more than the monthly state salary of the official court reporter for any month.

**252.19 Additional compensation of reporters.** In addition to the compensation payable from the state treasury, each reporter appointed pursuant to s. 252.18 in the 2nd circuit shall be further compensated for his services at the rate of not less than \$75 per month, or any higher amount as determined by the county

board, payable out of the treasury of the county comprising such circuit, and in any other circuit divided into 2 or more branches shall be further compensated for his services at the rate of \$50 per month, or any higher amount as determined by the county board, payable out of the treasury of the counties embracing such circuit. If there are 2 or more counties in such circuit, each county shall pay such proportion of said sum as its population at the last census bears to the entire population of such circuit according to

such census. The county board of any county comprising all or part of a circuit having only one judge may elect to pay to the reporter appointed pursuant to s. 252.18 for the circuit such additional compensation as it determines. Such payments shall be made upon affidavit of the reporter and the certificate of the judge with whom the service was performed, showing performance, and filed with the county clerk.

History: 1973 c. 81