# CHAPTER SCR 70

## RULES OF JUDICIAL ADMINISTRATION

SCR 70.01 Director; responsibility and authority.
SCR 70.02 Director; personnel.
SCR 70.03 Director; budget.
SCR 70.04 Director; information system and statistics.
SCR 70.05 Director; public information; liaison.
SCR 70.06 Director; judicial education.
SCR 70.07 Director; staff.
SCR 70.08 Committee appointments.
SCR 70.09 Office of lawyer regulation and board of bar examiners; staff.
SCR 70.10 Director; assignments.
SCR 70.11 Personnel procedures and policies.
SCR 70.12 Budget procedures and policies.
SCR 70.125 Supreme court finance committee.
SCR 70.13 Director; court information system.
SCR 70.14 Planning and policy advisory committee.
SCR 70.15 Judicial conference.
SCR 70.153 Judicial conference, forms.
SCR 70.155 Translation of court forms.
SCR 70.16 Definitions.
SCR 70.17 Judicial administrative districts.
SCR 70.18 Appointment of chief judges of judicial administrative districts; term.
SCR 70.19 Duties of the chief judge.
SCR 70.20 Authority of the chief judge.
SCR 70.21 Additional authority of the chief judge.
SCR 70.22 Appointments; filing.
SCR 70.23 Assignment of circuit judges.
SCR 70.24 Assignment of municipal judges.
SCR 70.245 Assignment of court reporters.
SCR 70.25 [Deleted.]
SCR 70.26 Deputy chief judge.
SCR 70.265 Presiding judge.
SCR 70.27 Budget and personnel.
SCR 70.29 Director of state courts; assistance for trial courts.
SCR 70.30 District court administrators; creation.
SCR 70.31 Assistant to the chief judge and district court administrator; appointment.
SCR 70.32 Chief judge; clerk of courts.
SCR 70.33 Guidelines; policies.
SCR 70.34 Uniform rules for judicial administrative districts.
SCR 70.35 Reserve judge eligibility.
SCR 70.36 Judges' and circuit court commissioners' certification of status of pending cases.
SCR 70.37 Court Of Appeals: Deputy Chief Judge.
SCR 70.40 Venue in incarcerated person cases.
SCR 70.41 Assistance to court users; court staff guidelines.
SCR 70.42 Electronic signatures.

**Judicial Council Committee's Note, 1979:** The following rules, called the rules of judicial administration, govern court administration at the state and local level. Rules 1 to 18 and 27 to 34 were originally adopted by the supreme court on October 30, 1978, effective immediately. Rules 19 to 26 were originally adopted by the supreme court on February 19, 1979, effective immediately. Rule 35 was originally adopted by the supreme court on March 30, 1979, effective May 15, 1979. The rules were originally numbered 1 to 35 and have been clarified and numbered SCR 70.01 to 70.34 for uniformity and convenience. Rule 35 is now SCR 70.23 (3). SCR 70.15 was amended on September 4, 1979, effective immediately.

**Note**: SCR Chapter 70 was amended April 26, 1982; July 27, 1982; March 1, 1983; May 30, 1984; March 12, 1987; June 3, 1988; December 20, 1990; February 1, 1991; October 15, 1991; November 1, 1991; February 19, 1992; June 2, 1992; September 1, 1992; December 2, 1992; October 25, 1994; October 31, 1994; June 19, 1995; January 13, 1997; July 2, 1997; September 12, 1997; January 1, 1999; October 7, 1999; January 1, 2000; September 21, 2000; December 18, 2000; April 6, 2001; July 1, 2002; November 14, 2002; December 9, 2004; April 15, 2005; April 19, 2005; July 1, 2005; April 2, 2008; April 29, 2008; May 1, 2008; January 1, 2011; July 1, 2011; March 15, 2012; February 16, 2015; July 1, 2016; November 15, 2016.

**SCR 70.01 Director; responsibility and authority. (1)** The director of state courts shall be the chief nonjudicial officer of the court system in the state. The director shall be hired by and serve at the pleasure of the supreme court, under the direction of the chief justice. The director shall have authority and responsibility for the overall management of the unified judicial system.

**(2)** The director shall have specific responsibility and authority:

(a) For all state level court personnel, including hiring, separation and salary establishment, except the personal staffs of the supreme court justices and of the court of appeals judges.

(b) For the development of the budget for the court system.

(c) For legislative liaison and public information.

(d) For the court information system.

(e) For judicial education.

(f) For interdistrict judicial assignments at the circuit level.

(g) For planning and research for the court system.

**(3)** The director shall serve as advisor to the supreme court, particularly on matters relating to improvements within the system, and shall exercise control over fiscal affairs, space allocation and equipment.

**(4)** The director of state courts may require each judge to verify and certify vouchers for the judge, his or her reporter and any assistant reporters and, in certifying such salaries and expenses to the department of administration, may rely on the certifications received by the judges.

**SCR 70.02 Director; personnel.** The director of state courts shall have personnel responsibility and authority, including hiring and separating employees and salary establishment over all state level court personnel except the assistant to the chief justice of the supreme court and the assistant to the chief judge of the court of appeals; law clerks, staff attorneys and secretaries to the justices of the supreme court and judges of the court of appeals. The chief justice and chief judge of the court of appeals shall appoint staff attorneys for their respective courts. The justices and judges of the court of appeals shall appoint their own law clerks and secretaries. The director of state courts may hire assistant court reporters on a per diem basis to report in circuit court as needed. The director of state courts shall perform personnel functions relating to recruitment, payroll and other standard procedures for all nonjudicial state court personnel, including those persons not subject to the hiring and separation authority of the director.

**SCR 70.03 Director; budget.** The director of state courts shall have the responsibility and authority for development of the budget for the court system for submission to the supreme court for final approval. As part of the director's budget development responsibility, the director shall consult with the supreme court finance committee. In this regard, the director shall begin providing financial information to the supreme court finance committee as soon as responses are received regarding the budget and policy officer's request for budget proposals that relate to preparation of the court system's biennial budget. The director shall continue to provide information to the supreme court finance committee regarding the preparation of the court system's biennial budget, the court system's operational budgets, and the annual operational plan for the grants that the supreme court administers.

**History:** Sup. Ct. Order No. 12−07, 2015 WI 17, filed and eff. 2−16−15.

**SCR 70.04 Director; information system and statistics.** The director of state courts shall have the responsibility and authority over the court information system for the entire court system, including the collection, compilation and utilization of judicial statistics.

**SCR 70.05 Director; public information; liaison.** The director of state courts shall have the responsibility and authority for legislative liaison and public information.

**SCR 70.06 Director; judicial education.** The director of state courts shall have the responsibility and authority for the general program supervision of judicial education, including the hiring and separation of staff.

**SCR 70.07 Director; staff.** The director of state courts shall have the responsibility and authority to provide staffing and staff work for all advisory committees to the supreme court and the chief justice. The director of state courts shall have the responsibility and authority to develop initiatives for planning and research for the court system.

**SCR 70.08 Committee appointments.** The chief justice shall have the authority for appointments to state level judicial committees. The director of state courts shall provide and direct the staffing of the committees.

**SCR 70.09 Office of lawyer regulation and board of bar examiners; staff.** The office of lawyer regulation and board of bar examiners shall be authorized to appoint their own staffs subject to budgetary restrictions and within established court personnel policies, utilizing administrative services, such as recruitment and payroll, of the office of the director of state courts.

**History:** Sup. Ct. Order No. 02−05, 2002 WI 124, 256 Wis. 2d xiii.

**SCR 70.10 Director; assignments.** The director of state courts shall have the responsibility and authority regarding the assignment of reserve judges and the interdistrict assignment of active judges at the circuit court level where necessary to the ordered and timely disposition of the business of the court.

**SCR 70.11 Personnel procedures and policies. (1)** Nonjudicial state court employees shall be subject to a personnel manual, developed by the director of state courts to be consistent with pertinent state statutory requirements, which establishes basic and uniform policies. The manual shall include generally uniform policies for:

(a) Vacation and other leave situations. All circuit judges are entitled to 25 working days of vacation per year.

(b) Overtime and compensatory time.

(c) Fringe benefits.

(d) Promotion and position designation.

(e) Merit or other performance awards.

(f) Recruitment and hiring procedures.

(g) Employee evaluations.

(h) Salary determination and pay ranges.

(i) An appeal procedure for personnel grievances.

**(2)** A manual shall be prepared setting out uniform vacation and other leave policies for judges.

**(3)** There are staff positions in the judicial branch which are substantially equivalent to positions in the classified service. Such employees should receive pay, benefits and promotional opportunities comparable to employees in the civil service.

**SCR 70.12 Budget procedures and policies. (1)** The basic components of the budget process for the judicial branch shall include:

(a) The judicial branch, to the extent possible, will meet the same budget development and preparation deadlines as are required of state agencies.

(b) The judicial branch, to the extent practicable, will submit the same narrative portion of the budget as is required of state agencies.

**(1m)** There shall be an internal budget request and review procedure during the preparation of each biennial budget which involves:

(a) A budget procedural and policy direction memorandum by the chief justice directed to all heads of judicial agencies under the supervision of the supreme court. This should be sent out by June 30 of every even−numbered year.

(b) A procedure requiring justification of existing programs and positions as well as new programs and positions.

(c) A review of all requests from all components of the judicial branch by the director of state courts and the supreme court finance committee and a final decision by the director, after consultation with the supreme court finance committee.

(d) A review by the chief justice and the supreme court of the director's recommendation.

(e) Appeal to the supreme court of the director's decision only by the chief judge of the court of appeals, chief judges of judicial administrative districts and office of lawyer regulation and board of bar examiners.

(f) A system of deadlines for each step in the judicial budget preparation process.

**(2)** A process for public hearings may be established for requests for additional courts. A process for public hearings for major new programs or budget initiatives may be developed.

**(3)** The chief justice, with the assistance of the director of state courts, shall be responsible for the presentation of the biennial budget of the judicial branch to the joint committee on finance.

**(4)** The judicial branch shall establish a regular independent audit procedure.

**(5)** The supreme court finance committee shall participate in gathering and sharing budgetary information with the supreme court, in regard to the preparation of the court system's biennial budget, the court system's operational budgets, and the annual operational plan for grants that the supreme court administers.

**(6)** The supreme court finance committee shall meet at least four times per calendar year. When practicable, such meetings shall occur in March, June, September, and December of each year. Meetings may be held by teleconferencing.

**History:** Sup. Ct. Order No. 02−05, 2002 WI 124, 256 Wis. 2d xiii; Sup. Ct. Order No. 12−07, 2015 WI 17, filed and eff. 2−16−15.

**SCR 70.125 Supreme court finance committee.** The supreme court finance committee is a standing committee of the supreme court. The supreme court finance committee is comprised of the chief justice, two additional justices elected by members of the supreme court, the chief judge of the court of appeals, and the chief of the chief judges of the circuit court judges or his or her designee. The director of state courts, the court's chief budget and policy officer, and the deputy director of state courts for management services shall staff the supreme court finance committee.

**History:** Sup. Ct. Order No. 12−07, 2015 WI 17, filed and eff. 2−16−15.

**SCR 70.13 Director; court information system.** The director of state courts shall:

**(1)** Define in detail the purpose and use of the information presently gathered by the system, and identify the needs of the users of the system, including the other branches of government.

**(2)** Eliminate all information elements not essential to the purpose and use of the system.

**(3)** Establish uniform definitions and reporting procedures.

**(4)** Identify the principal users of the reports and establish a regular review procedure.

**SCR 70.14 Planning and policy advisory committee. (1)** The planning and policy advisory committee shall consist of:

(a) The chief justice of the supreme court, or such other justice as the supreme court may designate.

(b) One judge of the court of appeals selected by the court of appeals.

(c) Thirteen circuit judges, with one judge elected by the judges of each of judicial administrative districts 2 to 4 and 6 to 10, with 2 judges elected by the judges of judicial administrative

district 5 and 3 judges elected by the judges of judicial administrative district 1.

(d) One municipal judge elected by the Wisconsin Municipal Judges Association.

(e) Two persons selected by the board of governors of the state bar.

(f) Three nonlawyers, one of whom shall be an elected county official, appointed by the chief justice.

(g) A public defender appointed by the chief justice.

(h) A court administrator appointed by the chief justice.

(i) A prosecutor appointed by the chief justice.

(j) A clerk of court appointed by the chief justice.

(k) One circuit court commissioner, who shall be selected for a three−year team, the selection to be made alternately, first by the Wisconsin Family Court Commissioners Association, then by the Wisconsin Association of Judicial Court Commissioners.

**(2)** The chief justice, or his or her designee, will act as chairperson of the planning and policy advisory committee. The chairperson shall appoint an existing judicial member of the planning and policy advisory committee to serve as vice−chairperson. The vice−chairperson will act in a leadership capacity in the absence of the chairperson and will serve in this capacity at the discretion of the chairperson.

**(3)** The director of state courts shall meet with and participate in the deliberations of the committee. The director shall have full floor privileges, including the right to be an advocate on any issue before the committee. The director shall not be a member of the committee and shall not have a vote on matters before the committee.

**(4)** The purpose of the planning and policy advisory Committee is to advise the supreme court and the director of state courts in the director's capacity as planner and policy advisor for the judicial system. The committee shall also assist the supreme court and the director in evaluating the administrative structure of the court system, including recommending appropriate changes in the administration and methods of operations of all the courts of the state, the volume and condition of business in those courts, and advise on the expeditious handling of judicial matters in the future. The planning and policy advisory committee shall be kept fully and timely informed by the director of state courts about all budgetary matters affecting the judiciary to allow it to participate in the budget process.

**(5)** The committee shall meet at the call of its chairperson, but shall meet at least quarterly. The agenda shall include reports from and recommendations by the subcommittees. Staffing for the committee shall be provided by members of the director's staff assigned to subject matter areas under consideration by the committee.

**(6)** The planning and policy committee is authorized to create subcommittees where appropriate and shall appoint a subcommittee to confer with the supreme court and the director of state courts in the court's review of the budget.

**(7)** The supreme court shall meet with the planning and policy advisory committee on an annual basis for a full discussion of judicial matters of mutual concern.

**History:** Sup. Ct. Order No. 04−04, 2004 WI 146, 276 Wis. 2d xiii; Sup. Ct. Order No. 07−14, 2008 WI 26, filed and eff. 4−2−08.

**SCR 70.15 Judicial conference. (1)** There is constituted the judicial conference of Wisconsin, which consists of the justices of the supreme court, the judges of the court of appeals, the judges of the circuit court, reserve judges, three municipal court judges designated by the Wisconsin municipal judges association, one circuit court commissioner designated by the family court commissioner association, one circuit court commissioner designated by the judicial court commissioner association, and one judicial representative of a non−Public law 280 tribal court and two judicial representatives of Public Law 280 tribal courts designated by the Wisconsin tribal judges association.

**(2)** The conference shall meet once each year in regular session and may call any special meeting.

**(3)** The chief justice shall preside at annual and special meetings of the conference, or, in his or her absence, the senior associate justice present shall preside, unless the agenda otherwise provides.

**(4)** T he judicial conference may divide into functional sections and create subcommittees to study advised topics.

**History:** Sup. Ct. Order No. 00−13, 2000 WI 103, 237 Wis. 2d xiii; Sup. Ct. Order No. 01−09, 2001 WI 35, 242 Wis. 2d xvii.

**SCR 70.153 Judicial conference, forms. (1)** The court forms that the judicial conference is required to adopt under s. 758.18, stats., shall be developed by the records management committee, an advisory committee to the director of state courts office.

**(2)** Under article VIII of the bylaws of the judicial conference, the judicial members of the records management committee act on behalf of the judicial conference in the adoption of court forms.

**(3)** Each court form shall include a notice that the form may be supplemented with additional material.

**(4)** (a) Upon adoption of a court form, the records management committee shall distribute or make a copy of the form available to the clerks of circuit court, the circuit court judges, the state bar of Wisconsin and other appropriate persons.

(b) Within 90 days after the date of distribution of a standard court form adopted under s. 758.18 (1), stats., an interested person may file with the records management committee a written objection to the mandatory use of the form, to the content of the form or to both the use and the content.

(c) The records management committee shall respond to the objector under par. (b) in writing within 90 days after receipt of the objection.

(d) Within 30 days after the date on which he or she receives the written response of the records management committee to an objection filed under par. (b), the person filing the objection may file with the clerk of the supreme court a petition for review of the decision of the records management committee. The supreme court may request a response from the records management committee and establish a schedule for submission of the matter to the supreme court for determination.

**(5)** Any voluntary form adopted under s. 758.18 (2), stats., if properly completed, shall be received for filing or other appropriate action by the circuit court. If a clerk of circuit court distributes voluntary forms, the clerk shall use forms adopted under s. 758.18 (2), stats., whenever they are available for that purpose.

**History:** Sup. Ct. Order No. 98−01, 228 Wis. 2d xiii (1999); Sup. Ct. Order No. 05−02, 2005 WI 41, 278 Wis. 2d xxxv.

**SCR 70.155 Translation of court forms. (1)** The records management committee, working with the director of state courts office, shall identify court forms and instructions suitable for translation into a language other than English. Translated forms adopted by the judicial members of the records management committee, on behalf of the judicial conference, shall be treated as court forms adopted under s. 758.18, stats., and SCR 70.153.

**(2)** Translated forms shall use a format that incorporates both English and the second language. Every question or statement requiring a response, such as a check box or signature, will provide only one location in the English portion of the form to make that response. The answers to free−text questions must be written in English.

**(3)** Each translated form shall carry a notice, in both languages, that the translated form does not replace any of the following:

(a) The need for an interpreter.

(b) Any colloquies mandated by law.

(c) The responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.

**(4)** Use of a translated form does not supersede the need for an interpreter for communicating with counsel, or for in−court proceedings pursuant to s. 885.38, stats. Interpreters may assist individuals in filling out forms to the extent permitted by SCR 63.07.

**(5)** Any translation of a form shall be accompanied by an affidavit stating that the translator knows English and the second language and that in making the translation the translator carefully translated the form from English into the other language and that the translation is true and correct.

**History:** Sup. Ct. Order No. 05−04, 2005 WI 44,278 Wis. 2d xxxix; Sup. Ct. Order No. 09−03, 2010 WI 100, filed 7−27−10, eff. 1−1−11.

**SCR 70.16 Definitions.** In SCR 70.16 to 70.34:

**(1)** "Administrative assistance" means assistance in trial court administration with respect to budgeting, personnel, equipment and facilities management, judicial assignments and liaison with governmental and community groups.

**(4)** "District court administrator" means a person who is a state employee and qualified to provide administrative and technical assistance as well as to assist the chief judge in carrying out his or her duties and responsibilities.

**(5)** "Judicial administrative rule" means a supreme court rule of general application relating to the administration and management of the state judicial system or an order of limited effect and of particular application to a court or to the administration of a specific portion of the judicial system.

**(6)** "Local judicial administrative rule" means a rule of general application not inconsistent with a judicial administrative rule relating to the administration and management of a judicial administrative district, including, but not limited to, a rule regulating record, case flow, jury, facility or equipment management or judicial assignments, budgeting, personnel or statistical systems.

**(7)** "Person" has the meaning specified in section 990.01(26) of the statutes.

**(8)** "Technical assistance" means assistance in trial court administration with respect to records management, caseflow management, court reporting management, jury management, statistical analysis, computerization, grant application, and education of support personnel.

**History:** Sup. Ct. Order No. 97−04, 212 Wis. 2d xiii (1997).

**SCR 70.17 Judicial administrative districts.** The state is divided into judicial administrative districts for the purpose of administering the court system. Each district includes all the circuit courts within the district. The judicial administrative districts are as follows:

**(1)** The 1st district consists of Milwaukee county.

**(2)** The 2nd district consists of Kenosha, Racine and Walworth counties.

**(3)** The 3rd district consists of Jefferson, Ozaukee, Washington and Waukesha counties.

**(4)** The 4th district consists of Calumet, Fond du Lac, Manitowoc, Sheboygan and Winnebago counties.

**(5)** The 5th district consists of Dane, Green, Lafayette and Rock counties.

**(6)** The 6th district consists of Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara and Wood counties.

**(7)** The 7th district consists of Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau and Vernon counties.

**(8)** The 8th district consists of Brown, Door, Kewaunee, Marinette, Oconto, Outagamie and Waupaca counties.

**(9)** The 9th district consists of Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties.

**(10)** The 10th district consists of Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer and Washburn counties.

**SCR 70.18 Appointment of chief judges of judicial administrative districts; term.** The supreme court shall appoint a chief judge in each judicial administrative district, who shall be a circuit judge within the district, for a term of 2 years, commencing August 1 of the year of appointment. The supreme court shall fill vacancies as they occur. A chief judge is subject to removal by the supreme court and may not serve more than 3 consecutive terms. In exceptional circumstances the supreme court, in its discretion, may extend a chief judge's service beyond the 3 term limit.

**SCR 70.19 Duties of the chief judge. (1)** The chief judge is the administrative chief of the judicial administrative district. The chief judge is responsible for the administration of judicial business in circuit courts within the district, including its personnel and fiscal management. The general responsibility of the chief judge is to supervise and direct the administration of the district, including the judicial business of elected, appointed and assigned circuit judges.

**(2)** In carrying out administrative duties, the chief judge shall cooperate with the director of state courts.

**(3)** In the exercise of his or her general responsibility, the chief judge has the following duties:

(a) Assignment of judges within each judicial administrative district. The chief judge shall establish a system for the equitable distribution and allocation of categories of cases and case loads within the district, subject to the approval of the supreme court.

(b) Maintenance of a system for and effective management of case flow through the judicial administrative district.

(c) Where necessary, establishment of days and hours for court operation.

(d) Appointment of court committees.

(e) Adoption of local judicial administrative rules under SCR 70.34.

(f) Establishment of policies and plans.

(g) Provision for representation of the circuit court in ceremonial functions and in its relations with other courts, other branches of government and with the news media.

(h) Calling and presiding over meetings of the circuit judges within the district.

(i) Supervision of vacation schedules, including requiring adherence to SCR 70.11 (1) (a).

(j) Coordination of attendance by judges and other court personnel at conferences which require absence from the court during working hours. Judicial education is not vacation. Time spent fulfilling judicial education requirements mandated by the supreme court rules is not to be charged against annual leave.

(k) Supervision of court finances including financial planning, the preparation of budgets and fiscal reporting where necessary and required.

**(4)** The chief judge shall exercise administrative authority over the administration of judicial business of the municipal courts of the judicial administrative district. The chief judge shall assign municipal judges as specified in SCR 70.24.

**(5)** The chief judge shall, subject to the approval of the director of state courts, adjust his or her caseload to reflect the amount of time needed for administrative duties.

**History:** Sup. Ct. Order No. 94−12, 187 Wis. 2d xxv (1994); Sup. Ct. Order No. 10−11, 2011 WI 23, 332 Wis. 2d xiii.

**SCR 70.20 Authority of the chief judge. (1)** The chief judge shall exercise within the judicial administrative district the full administrative power of the judicial branch of government subject to the administrative control of the supreme court. The chief judge

may order that his or her directives, policies and rules be carried out. Failure to comply with an order of the chief judge may be grounds for discipline under sections 757.81 to 757.99 of the statutes.

**(2)** The administrative authority of the chief judge extends to the municipal courts of the judicial administrative district. If a municipal court is located in more than one judicial administrative district, the chief judge whose district includes the county having the largest portion of the population served by the municipal court shall have administrative authority over that court, consistent with section 755.001 (2) of the statutes.

**History:** Sup. Ct. Order No. 10−11, 2011 WI 23, 332 Wis. 2d xiii.

**SCR 70.21 Additional authority of the chief judge.** The statutory responsibility and authority of the chief judge includes, but is not limited to, that specified in the following sections of the statutes:

**(1)** Section 9.01 (6) (b): appointment of judge in recount appeal.

**(2)** Section 48.035: proration of Shawano county juvenile jurisdiction for Menominee county.

**(3)** Section 48.04: approval of appointment of clerk of court for juvenile matters.

**(4)** Section 48.06 (1) (a) 2., governing intake and court services for child welfare matters under chapter 48 of the statutes, and section 938.06 (1) (a) 2. of the statutes, governing intake and court services for juvenile matters under chapter 938 of the statutes: policy formulation and supervision of court services related to juvenile matters in counties with a population of 500,000 or more.

**(5)** Sections 48.06 (2) (a) and 938.06 (2) (a): approval of circuit judge's policy governing juvenile intake workers in counties with a population of less than 500,000.

**(6)** Sections 48.065 (1) and 938.065 (1): appointment of juvenile court commissioners.

**(7)** Sections 48.067 (9) and 938.067 (9): request assistance of juvenile intake workers.

**(7q)** Section 48.07 (5): recognize and obtain the services of a court−appointed special advocate program for proceedings under section 48.13 of the statutes.

**(8m)** Section 48.375 (7) (d) 1m.: assignment of temporary reserve judge in judicial waiver procedure.

**(8s)** Sections 48.38 (5) and 938.38 (5): permanency planning review panel involvement.

**(9)** Section 59.40 (1) (b): approval of appointment of deputy clerks.

**(10e)** Section 118.162 (1) (e) and (g): designation of the circuit court or juvenile intake representative, or both, to the county truancy committees.

**(10m)** Section 303.17 (2): investigation of house of correction.

**(10q)** Section 343.44 (2) (d): adoption of sentencing guidelines for convictions resulting from violations for operating while suspended, revoked, ordered out−of−service or disqualified.

**(10s)** Section 346.65 (2m): adoption of sentencing guidelines for operating while intoxicated violations.

**(11)** Section 751.025: Court reporting management involvement.

**(12)** Section 751.03 (3): assignment of circuit judges.

**(14)** Section 753.30 (1): approval of appointment of clerk of court as register in probate.

**(15)** Section 753.34 (4): proration of Menominee and Shawano counties circuit court.

**(15e)** Section 753.35 (1) and (2): approval of local circuit court rules governing practice in that court and filing of local rules of trial court administration.

**(15m)** Section 755.01(1): certification that a new municipal court meets the operational standards set forth in chapter 755 of the statutes.

**(16)** Section 756.001 (5): designation of a circuit judge to supervise the jury system.

**(16e)** Section 757.68 (1) (a): appointment and removal of court commissioners.

**(16m)** Section 757.69 (1) (intro.): approval of authority granted court commissioners.

**(16s)** Section 757.69 (1) (g): designation of the juvenile court commissioner location.

**(17)** Section 757.72 (4): appointment and removal of probate court commissioners.

**(17e)** Section 767.11 (1) (a) and (b): approval of the appointment of the family court counseling services director.

**(17m)** Section 757.68 (2m): appointment of circuit court commissioners to supervise the office of family court commissioners, and in counties having a population of 500,000 or more, appointment of additional circuit court commissioners, as provided in s. 757.68 (2m).

**(17s)** Section 800.06 (1) and (3) and 800.065 (1): designation and appointment of municipal judges.

**(17w)** Section 801.16 (2) (a): approval of local rules governing filing of papers by facsimile transmission.

**(18)** Section 851.71 (1): approval of appointment and removal of register in probate.

**(19)** Section 851.75: approval of appointment and removal of register in probate as deputy clerk.

**(20e)** Sections 938.245 (2) (a) 8. a., 938.32 (1m) (a), 938.34 (2m) (a), 938.342 (1) (f) 1., 938.343 (2m) (a) and 938.344 (2g) (a) 4. a.: approval of teen court programs.

**(20m)** Section 938.346 (5): establishment of a procedure for notifying victims of juveniles' acts.

**(21)** Section 968.28: approval and court order to intercept communications.

**(23)** Section 973.11 (2): approval of volunteers in probation programs.

**(26)** Sections 48.29 (1m), 345.315 (1m), 799.205 (2), 800.05 (3), 800.05 (5), 801.58 (2), 938.29 (1m) and 971.20 (8): determination of substitution requests and reassignment of judges.

**History:** Sup. Ct. Order No. 94−07, 183 Wis. 2d xiii (1994); Sup. Ct. Order No. 94−09, 187 Wis. 2d xix (1994); Sup. Ct. Order No. 97−02, filed and eff. 1−13−97; Sup. Ct. Order No. 97−04, 212 Wis. 2d xiii (1997); Sup. Ct. Order No. 00−17, 239 Wis. 2d xvii; Sup. Ct. Order No. 10−11, 2011 WI 23, 332 Wis. 2d xiii; Sup. Ct. Order No. 16−07, 2016 WI 91, filed and eff. 11−15−16.

**Case Note:** Sub. (26) specifies a chief judge's responsibilities regarding substitution. There is no provision that gives the chief judge authority to independently review and reverse a substitution request once it has been granted. State ex rel. J.H. Findorff v. Circuit Court for Milwaukee County, 2000 WI 30, 233 Wis. 2d 428, 608 N.W.2d 679.

**SCR 70.22 Appointments; filing.** The chief judge shall file a copy of each appointment with the director of state courts.

**SCR 70.23 Assignment of circuit judges. (1)** The chief justice may assign active or reserve judges, other than municipal judges, to serve temporarily in any court or branch of a circuit court for such purposes and period of time as the chief justice determines to be necessary. The director of state courts may make interdistrict judicial assignments at the circuit court level.

**(2)** An active judge who is going to be absent from his or her court shall obtain approval of the chief judge of his or her judicial administrative district. The chief judge by order may assign an active judge of the judicial administrative district to substitute for the absenting judge. The chief judge by order may also assign an active judge of the judicial administrative district to relieve congestion, to expedite disposition of litigation or to assist in any branch of circuit court in the judicial administrative district. If no active judge of the district is available for the service, the chief judge shall request the director of state courts to assign a judge

from outside the judicial administrative district or a reserve judge. The director of state courts may also make a permanent assignment to a judicial district of a reserve judge who can be assigned by a chief judge in the same manner as an active circuit judge under this section.

**(3)** The chief judge of each judicial administrative district shall design a plan for the rotation of judicial assignments in multijudge circuits within the district. The plan for each district shall be on file with and have the approval of the chief justice or his or her designee and shall be supervised and maintained by the chief judge as part of the permanent scheme of judicial administration. In designing a rotation plan, the chief judge shall do all of the following:

(a) Equalize the workload in an equitable manner considering any special circumstances in each circuit.

(b) Assure general jurisdiction availability and competence of all judges in the circuit.

**(4)** In cases of substitution, mandatory disqualification or self−disqualification, the judge shall direct the clerk of courts or register in probate of his or her county promptly to notify the chief judge. The chief judge shall assign another judge to preside in the case. The chief judge may direct assignment of judges under this subsection by lot under a tab system. The self−disqualification of a judge requires approval by the chief judge but may be subject to judicial administrative district rules. The chief judge shall provide for the assignment of another judge from within the judicial administrative district, except that if the chief judge deems it necessary the chief judge shall call upon the director of state courts to assign a judge from outside the judicial administrative district or a reserve judge.

**History:** Sup. Ct. Order No. 94−12, 187 Wis. 2d xxv (1994).

**SCR 70.24 Assignment of municipal judges. (1)** Where a municipal judge is requested or required to act under section 345.315, 757.19 (5), 800.05, 800.06 or 800.065 of the statutes, the chief judge of the judicial administrative district in which the municipal court is located is authorized and directed to act as the designee of the chief justice under section 751.03 of the statutes for the purpose of assigning another municipal judge or, if none is available, transferring the case to circuit court. These assignments or transfers may be either general or specific as the circumstances warrant.

**(2)** When making an assignment under sub (1), the chief judge by order may assign a municipal judge or a reserve municipal judge from outside the judicial administrative district. Before making the assignment of a reserve municipal judge, the chief judge shall consult with the chief judge of the reserve municipal judge's district.

**History:** Sup. Ct. Order No. 10−11, 2011 WI 23, 332 Wis. 2d xiii.

**SCR 70.245 Assignment of court reporters.** In order to effectively manage court reporting resources within each judicial administrative district, an official court reporter appointed by circuit court judges under s. 751.02, stats., may be assigned in any of the following ways:

**(1)** The chief judge may assign any official court reporter, as needed, to any court within the district.

**(2)** The director of state courts, with the advice and consent of the chief judges, may assign any official court reporter, as needed, to any court within the adjoining districts.

**(3)** The director of state courts, with the advice and consent of the chief judges, may reassign any real time, certified, official court reporter, as needed, to any court within the district or the adjoining districts to provide reasonable accommodations under the Americans With Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

**History:** Sup. Ct. Order No. 01−14, 2002 WI 46, 251 Wis. 2d xiii.

**SCR 70.25** [Deleted.]

**SCR 70.26 Deputy chief judge.** The chief judge of each judicial administrative district shall appoint a deputy chief judge to serve under the chief judge. The deputy chief judge shall serve at the pleasure of the chief judge. The deputy chief judge shall provide assistance to the chief judge in administrative areas requiring the participation by a judicial officer. The deputy chief judge's duties and authority are delegated by the chief judge and may include acting for the chief judge in his or her absence and representing the chief judge at official functions or in dealings with other agencies. The chief judge may appoint a special deputy chief judge in the event the chief judge and deputy chief judge are absent or unavailable for 10 working days or less. A special deputy chief judge has the same authority as the deputy chief judge under this rule.

**SCR 70.265 Presiding judge.** The chief judge of each judicial administrative district may appoint a presiding judge in any multijudge circuit to serve under the chief judge. The presiding judge shall serve at the pleasure of the chief judge and provide assistance to the chief judge in administrative areas in the circuit in which he or she is the presiding judge. The chief judge may authorize the presiding judge to act for the chief judge in that circuit on any and all administrative duties specifically or generally delegated.

**SCR 70.27 Budget and personnel.** The director of state courts shall develop uniform budgetary policies and procedures for the expenditures of state funds for the judicial administrative districts. The director shall also develop personnel policies and procedures for nonjudicial state court personnel of the districts. Expenditure of state funds by a chief judge is subject to approval by the director of state courts.

**SCR 70.29 Director of state courts; assistance for trial courts.** The director of state courts may:

**(1)** Provide technical assistance to any judicial administrative district in response to a request from the chief judge.

**(2)** Conduct a study of trial court administration in any district.

**(3)** Recommend changes in trial court administration to the chief judge of any judicial administrative district.

**SCR 70.30 District court administrators; creation. (1)** Judicial administrative districts 1 to 10 shall each employ a district court administrator.

**(2)** The director of state courts may recommend to the supreme court that assistant district court administrator positions be created in one or more judicial administrative districts.

**History:** Sup. Ct. Order No. 97−04, 212 Wis. 2d xiii (1997).

**SCR 70.31 District court administrator; appointment.** District court administrators shall be appointed by the respective chief judges from a list of candidates supplied by the director of state courts, who is responsible for recruiting for these positions. The chief judge may reject a list and request one additional list of candidates.

**History:** Sup. Ct. Order No. 97−04, 212 Wis. 2d xiii (1997).

**SCR 70.32 Chief judge; clerk of courts.** The chief judge may direct the activities of all clerk of court offices within the district and may recommend or direct changes in the operation of any clerk's office.

**SCR 70.33 Guidelines; policies.** The director of state courts shall prepare and keep current guidelines to aid the chief judges in carrying out their administrative responsibility and authority.

**SCR 70.34 Uniform rules for judicial administrative districts.** The director of state courts shall develop uniform rules for trial court administration. Each chief judge may adopt additional local rules not in conflict with the uniform judicial administrative rules.

**SCR 70.35 Reserve judge eligibility. (1)** To be eligible for appointment as a reserve judge to perform marriages, a person must be eligible under s. 753.075 (2), stats.

**NOTE: (2) To be eligible for appointment as a reserve judge to perform judicial assignments, a person must meet all of the following conditions:**

**NOTE: (a) Be eligible under s. 753.075 (2), stats.**

**NOTE: (b) Be eligible for appointment under SCR 32.08.**

**NOTE: (c) Subject to sub. (3), have in force and on file with the office of the director of state courts a written consent to eligibility for appointment as a reserve judge. The written consent shall be renewed in writing for each successive calendar year and in the form provided under. sub. (5).**

**NOTE: (3) If a consent form under sub. (2) (c) is not renewed for a successive calendar year before the end of the calendar year for which it has been filed, the person is not eligible to be a reserve judge until at least 6 months after his or her most recent consent form under sub. (2) (c) expires.**

**NOTE: (4) A person may withdraw, in writing, a consent to eligibility for appointment as reserve judge. If a consent is withdrawn, the person may not file a consent form under sub. (2) (c) for six months from the effective date of the withdrawal.**

**NOTE: (5) (a) The written consent form for permanent reserve judges shall be in the following form:**

**NOTE: "If I am appointed a permanent reserve judge, as that term is defined in section 753.075 of the Wisconsin Statutes, I consent to be bound by all provisions of the Code of Judicial Conduct (Supreme Court Rules chapter 60) from the date of that appointment and until its expiration."**

**NOTE: (b) The written consent form for all other reserve judges shall be in the following form:**

**NOTE: "In consideration of being eligible for appointment and assignment as a reserve judge during . . . . (year), I consent to be bound for that year by the provisions of the Code of Judicial Conduct (Supreme Court Rules chapter 60) applicable to reserve judges."**

**History:** Sup. Ct. Order No. 97−04, 212 Wis. 2d xiii (1997).

**SCR 70.36 Judges' and circuit court commissioners' certification of status of pending cases. (1)** (a) Every judge of a circuit court shall decide each matter submitted for decision within 90 days of the date on which the matter is submitted to the judge in final form, exclusive of the time the judge has been actually disabled by sickness. If a judge is unable to do so, within 5 days of the expiration of the 90−day period the judge shall so certify in the record of the matter and notify in writing the chief judge of the judicial administrative district in which the matter is pending, and the period is thereupon extended for one additional period of 90 days. This subsection applies to an assigned reserve judge.

(b) In the exercise of its superintending and administrative authority over all courts and upon written request from a chief judge, the supreme court may extend the period specified in par. (a) for decision in specific matters as exigent circumstances may require.

**(2)** (a) Within the first 10 days of each month every judge of a circuit court shall execute and file with the office of the director of state courts:

1. A certificate stating that there are no matters awaiting decision beyond the 90−day or, if extended by certification and notification, the 180−day period specified in sub. (1) (a), but if the 90−day period has been extended by certification and notification, a copy of the certification and notification shall be attached to the certificate; or

2. If there are matters so pending, a certificate setting forth the name and docket number of each of matter, the court in which it is pending, and the date on which it was submitted to the judge in final form.

3. Certificates filed under subd. 1. or 2. shall be retained by the office of the director of state courts for 10 years from the date of filing.

(b) The office of the director of state courts shall send a copy of certificates listing pending matters to the chief judge of the judicial administrative district in which those matters are pending and shall notify the chief judge of a judicial administrative district of the failure of a judge within the district to file a certificate pursuant to this subsection.

**(3)** The director of state courts, pursuant to SCR 70.10, and the chief judge, pursuant to SCR 70.19 (3) (a), shall assign judges as needed or take other steps for the timely disposition of judicial business to assist a judge who has filed a certificate under sub. (2) (a) 2. or 3.

**(4)** Failure of a judge to comply with the requirements of sub. (1) (a) or sub. (2) (a) may result in one or more of the following remedial measures:

(a) Change of the judge's assignment, pursuant to SCR 70.19 (3) (a).

(b) Referral of the matter by the director of state courts to the supreme court for the initiation of contempt proceedings.

(c) Referral of the matter by the director of state courts to the judicial commission for investigation of possible misconduct.

**(5)** (a) In this subsection,

1. "Chief judge" means the judge appointed under SCR 70.18 for the judicial administrative district in which the matter is pending.

2. "Circuit court commissioner" means a person appointed under SCR 75.02 (1) and a person authorized under SCR 75.02 (3) to the limited extent of that authorization.

(b) A circuit court commissioner should not routinely take matters under advisement. Every circuit court commissioner shall decide any matter within 30 days after the matter is submitted to him or her for decision. If the circuit court commissioner is unable to decide a matter within 30 days, he or she shall notify the chief judge not later than 5 days before the end of the 30−day period. The chief judge may extend the period to decide the matter for an additional 30 days or may require the circuit court commissioner to suspend all other assigned activities until the decision is filed in the court.

(d) The chief judge may withdraw temporarily or permanently the circuit court commissioner's appointment or authority to act if the commissioner fails to comply with par. (b).

**History:** Sup. Ct. Order 187 Wis. 2d xxix (1992); Sup. Ct. Order No. 97−10, 216 Wis. 2d xxiii (1998), suspended 218 Wis. 2d xxi, vacated and recreated 221 Wis. 2d xiii (1999); Sup. Ct. Order No. 00−12, 2001 WI 34, 242 Wis. 2d xiii, Sup. Ct. Order No. 00−12A, 2001 WI 44, 242 Wis. 2d lxiii, correcting Sup. Ct. Order No. 00−12; Sup. Ct. Order No. 05−03, 2005 WI 66, 279 Wis. 2d xvii.

**Comment:** In addition to possibly constituting judicial misconduct under s. 757.81 (4), Stats, a judge's failure to comply with this rule may constitute contempt of the supreme court and result in the court's imposing a fine for noncompliance. See, In re Hon. Charles E. Kading, 74 Wis. 2d 405, 246 N.W.2d 903 (1976).

**SCR 70.37 Court Of Appeals: Deputy Chief Judge.** The chief judge of the court of appeals shall appoint a deputy chief judge to serve at the pleasure of the chief judge. The appointment of a deputy chief judge shall be in writing and filed in the office of the clerk of the court of appeals. The deputy chief judge shall provide assistance to the chief judge in administrative areas requiring the participation of a judicial officer. The chief judge may delegate any of the chief judge's duties and authority as chief judge to the deputy chief judge.

**SCR 70.40 Venue in prisoner cases. (1)** The clerk of circuit court shall use the "IP" (incarcerated person) case type designation to identify pleadings and papers submitted by any prisoner, as defined in s. 801.02 (7) (a) 2., stats., seeking to commence, prosecute or defend an action or proceeding under s. 814.29 (1m), stats., without the prepayment of costs and fees.

**(1m)** The clerk of circuit court shall use the family, criminal or civil case type designations when those designations are appropriate and applicable costs and fees are prepaid. The case type designation for any case designated "IP" under sub. (1) shall be changed to and proceed under the appropriate civil case designation whenever a court orders the case commenced under s. 814.29 (1m), stats., without the prepayment of costs and fees.

**(2)** The court shall determine as much of the following as is necessary, based on the pleadings and papers submitted by a prisoner, in the following order:

(am) Whether all required documentation has been submitted.

(bm) Whether all available administrative remedies have been exhausted.

(cm) Whether the prisoner is precluded from filing without the prepayment of costs and fees under s. 801.02 (7) (d), stats.

(dm) Whether the prisoner is indigent.

(em) In what manner the filing fees and costs are to be paid.

(fm) Whether the case should be dismissed without requiring the defendant to answer for a reason set forth in s. 802.05 (3) (b), stats.

(g) Whether the venue where the pleadings and papers are submitted is proper.

(h) Whether venue is also proper in another county.

(i) Whether an evidentiary hearing is likely to be needed.

(j) Whether another county where venue is proper is more convenient for the parties and the witnesses.

**(3)** If sub. (2) (h), (i) and (j) are all answered in the affirmative, the court on its own motion shall change venue to the more convenient county under s. 801.52, stats. The clerk of circuit court shall forward the case to the clerk of circuit court in the more convenient county and shall give notice of that action to the parties. Any order changing venue shall direct payment of costs and fees to the county to which venue is transferred.

**(4)** If the court to which the case is forwarded under sub. (3) believes an error has been made in the determination that venue is proper in that court, that court shall refer the matter to the chief judge of the district in which that court is located to resolve the matter.

**History:** Sup. Ct. Order No. 96−14, 210 Wis. 2d xxvii (1997); Sup. Ct. Order No. 99−02, 228 Wis. 2d xix (1999); Sup. Ct. Order No. 08−12, 2008 WI 31, 305 Wis. 2d xiii.

**SCR 70.41 Assistance to court users; court staff guidelines. (1)** DEFINITIONS. In this rule:

(a) "Court" means an appellate, circuit, or municipal court.

(b) "Court staff" means persons under the supervision of the clerk of the supreme court and court of appeals, a clerk of circuit court, a circuit court commissioner, a register in probate, a district court administrator, a circuit court judge, or a municipal court judge.

(c) "Forms" means any of the following:

1. Forms that have been approved by the records management committee.

2. Forms that have been approved by a circuit court or municipal judge for use in that jurisdiction.

(d) "Individual" means any person who seeks court−related information, including information needed to file, pursue, or respond to a case.

(e) "Should" is directory only, not mandatory, and connotes a duty or obligation to pursue a goal or objective.

**(2)** PURPOSE. The purpose of this rule is to assist the court in communicating with individual court users without practicing law. The rule is intended to enable court staff to provide the best service possible to individuals within the limits of the individual staff member's responsibility. The rule is not intended to restrict powers of court staff otherwise provided by statute or rule nor is it intended to eliminate the collection of applicable fees or costs. The rule is not intended to list all assistance that can be provided. The rule recognizes that the best service the court staff may provide in many proceedings is advising an individual to seek the assistance of an attorney.

**(3)** IMPARTIALITY. Court staff shall remain impartial and may not provide or withhold assistance for the purpose of giving one party an advantage over another.

**(4)** AUTHORIZED INFORMATION AND ASSISTANCE. Court staff shall do all of the following:

(a) Provide public information contained in any of the following:

1. Dockets or calendars.

2. Case files.

3. Indexes.

4. Existing reports.

(b) Provide a copy of, or recite, any of the following:

1. Common, routinely employed state and local court rules.

2. Common, routinely employed court procedures.

3. Common, routinely employed applicable fees and costs.

(c) Advise an individual where to find statutes and rules, without advising whether a particular statute or rule is applicable.

(d) Identify and provide applicable forms and written instructions without providing advice or recommendations as to any specific course of action.

(e) Answer questions about how to complete forms, such as where to write in particular types of information, but not questions about how the individual should phrase his or her responses on the forms.

(f) Define terms commonly used in court processes.

(g) Provide phone numbers for lawyer referral services, local attorney rosters, or other assistance services, such as Internet resources, known to the court staff.

(h) Provide appropriate aids and services for individuals with disabilities to the extent required by the Americans With Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

**(5)** UNAUTHORIZED INFORMATION AND ASSISTANCE. Court staff may not do any of the following:

(a) Provide legal advice or recommend a specific course of action for an individual.

(b) Apply the law to the facts of a given case, or give directions regarding how an individual should respond or behave in any aspect of the legal process.

(c) Recommend whether to file a petition or other pleading.

(d) Recommend phrasing for or specific content of pleadings.

(e) Fill in a form, unless required by sub. 4 (h).

(f) Recommend specific people against whom to file petitions or other pleadings.

(g) Recommend specific types of claims or arguments to assert in pleadings or at trial.

(h) Recommend what types or amount of damages to seek or the specific individuals from whom to seek damages.

(i) Recommend specific questions to ask witnesses or litigants.

(j) Recommend specific techniques for presenting evidence in pleadings or at trial.

(k) Recommend which objections to raise regarding an opponent's pleadings or motions at trial or when and how to raise them.

(L) Recommend when or whether an individual should request or oppose an adjournment.

(m) Recommend when or whether an individual should settle a dispute.

(n) Recommend whether an individual should appeal a judge's decision.

(o) Interpret the meaning or implications of statutes or appellate court decisions as they might apply to an individual case.

(p) Perform legal research.

(q) Predict the outcome of a particular case, strategy, or action.

**(6)** REFERRAL TO SUPERVISOR. When a court staff member is uncertain whether the advice or information requested is authorized, the staff member should seek the assistance of a supervisor. If a supervisor is not available, the staff member should advise the individual to seek assistance from an attorney.

**History:** Sup. Ct. Order No. 01−18, 2002 WI 47, 251 Wis. 2d xvii.

**Comments:** Court staff shall provide a copy of a common rule, but court staff should not attempt to apply the rule to the facts in the individual's case. Sometimes, after court staff provides a rule, an individual will ask whether or how the rule would apply, or if the rule might be applied differently, given the facts in his or her case. This calls for an interpretation of the law or rule of procedure. Court staff shall avoid offering interpretations of laws or rules.

In providing assistance regarding forms, court staff may inform individuals that some general content may be required in a pleading, such as identification of the other parties involved in the accident or a description of the facts surrounding the accident.

But court staff may not tell an individual whom to identify or which particular facts might be relevant in the pleading.

Court staff should, if possible, provide or direct an individual to pamphlets or other documents that may address an individual's question and that have been prepared for general distribution to the public.

Court staff may not compute deadlines specified by statute or rule.

Court staff may not perform legal research. Court staff may refer individuals to sections of the Wisconsin supreme court rules, local court rules, or Wisconsin statutes that govern matters of routine administration, practice, or procedure and they may give definitions of common, well−defined legal terms used in those sections. However, court staff shall not interpret the meaning of statutes or rules.

The list of prohibited types of assistance set forth under sub. 70.41(5) is not comprehensive. The list is consistent with the statutory directives in ss. 757.22 and 757.30(2), stats., regarding the practice of law by judicial officers and the unauthorized practice of law.

**SCR 70.42 Electronic signatures. (1)** DEFINITIONS. In this rule:

(a) "Court official" means a circuit court judge, clerk of circuit court, register in probate, juvenile clerk, court commissioner appointed under section 757.68 and SCR 75.02 (1), justice of the supreme court, judge of the court of appeals, and the clerk of the supreme and appellate courts.

(b) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document. For purposes of the electronic filing system under s. 801.18, stats., a document is electronically signed if it is issued by a court official through the court case management system and bears the name of the court official in the place where a signature would otherwise appear. "Electronic signature" includes only those signature technologies specifically approved by the director.

(c) "Signature," for a document that is electronically filed or issued by the court or clerk, means either an electronic signature applied to an electronic document or a handwritten signature that is subsequently imaged.

**(2)** Secure electronic signatures may be provided by the consolidated court automation program for use by court officials who sign electronic documents. The electronic signature shall be treated as the court official's personal original signature for all purposes under Wisconsin statutes and court rules. An electronic signature may be used on all court documents, including those documents described in section 137.12 (2m) of the statutes. The official's printed name shall be inserted in place of a handwritten signature.

**(3)** A court official may delegate the use of his or her electronic signature to an authorized designee, using the security procedures of the consolidated court automation program. A court official is responsible for any use of his or her electronic signature by an authorized designee. Court officials shall safeguard the security of their electronic signatures and exercise care in delegating the electronic signature.

**(4)** An electronic signature shall be used only by the official to whom it is assigned and by such designees as the official may authorize. Upon learning that the confidentiality of the electronic signature has been inadvertently or improperly disclosed, the court official shall immediately report that fact to the consolidated court automation program.

**(5)** Court officials may use their electronic signatures for administrative purposes. If the signature of a court official is required on a document, an electronic signature satisfies that requirement. Electronically signed documents may be stored electronically for the proper retention period.

**(6)** Electronic signatures may be provided to the director of state courts and such employees as the director may designate for administrative purposes. At the discretion of the director, an employee may be provided with his or her own electronic signature if appropriate for the conduct of official business. The electronic signature shall be treated as the person's original signature.

**(7)** The chief justice, chief judges, and director of state courts may use their electronic signatures for the assignment of judges pursuant to SCR 70.23 and 70.24. A district court administrator may be the designee of the chief judges for purposes of judicial assignment.

**History:** Sup. Ct. Order No. 06−07, 2008 WI 35, 305 Wis. 2d xv; Sup. Ct. Order No. 14−03, 2016 WI 29, filed 4−28−16, eff. 7−1−16.