

## CHAPTER 753

## CIRCUIT COURTS

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**753.01 Term of office.** The term of office of every elected circuit judge is 6 years and until the successor is elected and qualified, commencing with the first Monday in January next succeeding the election. The first judge elected to each circuit court or branch thereof after August 23, 1975, to a full term shall serve for 6 years and shall remain in office until the July 31 following such 6-year term. Thereafter, the term of office shall be 6 years commencing with the August 1 next succeeding the election.

**History:** 1975 c. 61, 178, 199, 422; 1977 c. 187 s. 92.

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.

**753.016 Second circuit. (1)** This section applies only in the judicial circuit for Milwaukee county.

**(2) COURT ROOM; OFFICES.** (a) The county board shall provide suitable court rooms and offices, the sheriff shall provide the necessary deputy sheriffs as attending officers under s. 59.23 (3) and the clerk of the circuit court shall provide a sufficient number of deputy clerks for all the judges and branches of the court.

(b) 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 out of the state treasury and any amount paid by authority of s. 753.071, except as provided under s. 20.923 (3m). This paragraph does not apply after July 1, 1980.

**(3) DEPARTMENT OF FAMILY CONCILIATION.**

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

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

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

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

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

(c) The department shall have such investigators as are authorized by the county board of supervisors of the county. The investigators shall be appointed by the department of public welfare of that county.

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

**History:** 1975 c. 39, 199; 1977 c. 187 ss. 92, 135; 1977 c. 449.

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

**History:** 1977 c. 187 s. 92.

Circuit court may exercise its superintending jurisdiction over county court despite concurrent subject matter jurisdiction over the underlying case. *State ex rel. Di Salvo v. Washington County Ct.* 79 W (2d) 27, 255 NW (2d) 459.

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

clerk, city clerk or village clerk may be addressed to and served upon the proper county clerk, town clerk, city clerk or village clerk, respectively, who shall make return thereto.

**History:** 1977 c. 187 s. 92; 1977 c. 449.

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.

See note to art. VII, sec. 8, citing *Edmonds v. Board of Fire & Police Comms.* 66 W (2d) 337, 224 NW (2d) 575.

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

**History:** 1977 c. 187 s. 92.

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

**(1) WITHIN THE 1ST JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Milwaukee county. The circuit has 33 branches. Commencing August 1, 1979, the circuit has 36 branches. Commencing August 1, 1980, the circuit has 37 branches.

**(2) WITHIN THE 2ND JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Kenosha county. The circuit has 5 branches.

(b) Racine county. The circuit has 8 branches.

(c) Walworth county. The circuit has 3 branches.

**(3) WITHIN THE 3RD JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Jefferson county. The circuit has 2 branches. Commencing August 1, 1979, the circuit has 3 branches.

(b) Ozaukee county. The circuit has 2 branches. Commencing August 1, 1979, the circuit has 3 branches.

(c) Washington county. The circuit has 3 branches.

(d) Waukesha county. The circuit has 7 branches. Commencing August 1, 1979, the circuit has 9 branches.

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

(b) Fond du Lac county. The circuit has 4 branches.

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

(d) Sheboygan county. The circuit has 3 branches. Commencing August 1, 1979, the circuit has 4 branches.

(e) Winnebago county. The circuit has 5 branches.

**(5) WITHIN THE 5TH JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Dane county. The circuit has 10 branches. Commencing August 1, 1979, the circuit has 12 branches.

(b) Green county. The circuit has one branch.

(c) Rock county. The circuit has 5 branches. Commencing August 1, 1979, the circuit has 6 branches.

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

(b) Columbia county. The circuit has 3 branches. The branches shall be reduced to 2 as provided in chapter 449, laws of 1977, section 491 (11).

(c) Dodge county. The circuit has 3 branches.

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

(e) Juneau county. The circuit has one branch.

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

(g) Portage county. The circuit has 2 branches.

(h) Sauk county. The circuit has 2 branches.

(i) Waupaca county. The circuit has 2 branches.

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

(k) Wood county. The circuit has 2 branches.

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

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

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

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

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

(f) La Crosse county. The circuit has 3 branches.

(g) Lafayette county. The circuit has one branch.

(h) Monroe county. The circuit has one branch.

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

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

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

**(8) WITHIN THE 8TH JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Brown county. The circuit has 7 branches.

(b) Door county. The circuit has one branch.

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

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

(e) Oconto county. The circuit has one branch.

(f) Outagamie county. The circuit has 4 branches.

**(9) WITHIN THE 9TH JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Ashland county. The circuit has one branch.

(b) Clark county. The circuit has 2 branches.

(c) Florence and Forest counties. The circuit has one branch.

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

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

(f) Lincoln county. The circuit has one branch.

(g) Marathon county. The circuit has 3 branches. Commencing August 1, 1979, the circuit has 4 branches.

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

(i) Oneida county. The circuit has one branch.

(j) Price county. The circuit has 2 branches. The branches shall be reduced to one as provided in chapter 449, laws of 1977, section 491 (49).

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

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

**(10) WITHIN THE 10TH JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Barron county. The circuit has one branch.

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

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

(d) Chippewa county. The circuit has 2 branches.

(e) Douglas county. The circuit has 4 branches. The branches shall be reduced to 2 as provided in chapter 449, laws of 1977, section 491 (16).

(f) Dunn county. The circuit has one branch.

(g) Eau Claire county. The circuit has 3 branches.

(h) Pierce county. The circuit has one branch.

(i) Polk county. The circuit has one branch.

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

(k) St. Croix county. The circuit has 2 branches.

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

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

History: 1971 c. 263; 1977 c. 187 s. 92; 1977 c. 449.

**753.061 Court; branch; judge.** In each judicial circuit, each judgeship shall be given a branch number. Except as provided in s. 751.239 (3) (a), 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.

History: 1977 c. 449.

**753.065 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;

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

(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; 1977 c. 187 s. 92.

**753.07 Circuit judges; circuit court reporters; assistant reporters; salaries; retirement; fringe benefits.** (1) JUDGES AND COURT REPORTERS. Persons serving as county court judges in this state on July 31, 1978, shall be denominated circuit court judges as provided in chapter 449, laws of 1977, section 491. Persons serving as county court reporters in this state on July 31, 1978, shall be circuit court reporters on August 1, 1978. Persons serving as assistant county court reporters for a court of record, authorized as full-time employes by a county board of supervisors and not paid on a per diem basis and who were employed in that capacity on February 1, 1978, shall be circuit court reporters on August 1, 1978. On August 1, 1978, and thereafter, all circuit court judges, circuit court reporters and assistant circuit court reporters in this state shall receive compensation under ss. 20.923 and 753.18, and as state employes shall be subject to chs. 40, 41 and 230, except as otherwise provided in this section.

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

(a) The persons shall continue to receive salaries directly payable from the state in the same amount as they were receiving on July 31, 1978, and such salaries are subject to subch. I of ch. 41. The balance of the salaries authorized under ss. 20.923 and 230.12 for the judges and reporters shall be paid by the state treasurer to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the administrative director of courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid are subject to the retirement system established under chapter 201, laws of 1937.

(b) The state shall pay to the county treasurer in the manner specified in par. (a) on behalf of the judges and reporters the required employer contribution rate as provided under subch. I of ch. 41. If the required employer contribution rate under the retirement system

established under chapter 201, laws of 1937, is greater than the required employer contribution rate under subch. I of ch. 41, the state shall pay 50% of the difference to the county treasurer. For future retirement benefits, these judges and reporters shall be given the same consideration as other elected county officials and county employes under the county's retirement system.

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

(a) The salaries authorized under ss. 20.923 and 230.12 for the judges and reporters shall be paid by the state treasurer to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the administrative director of courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

(b) The state shall pay to the county treasurer in the manner specified in par. (a) on behalf of the judges and reporters the required employer contribution rate as provided under subch. I of ch. 41. If the required employer contribution rate under the retirement system established under chapter 201, laws of 1937, is greater than the required employer contribution rate under subch. I of ch. 41, the state shall pay 50% of the difference to the county treasurer. For future retirement benefits, the judges and reporters shall be given the same consideration as other elected county officials and county employes under the county's retirement system. Reporters covered under this subsection may be discharged only for cause and in connection therewith shall be afforded the same rights to a hearing and appeal as employes in the classified state service.

**(4) COURT PERSONNEL; OPTIONS.** As state employes, county court judges, county court reporters and assistant county court reporters, as specified in sub. (1), who are denominated or become circuit court judges and reporters on August 1, 1978, and persons serving as circuit court judges and circuit court reporters for Milwaukee county on July 31, 1978, shall have the option of remaining as participants under county life and health insurance programs to the extent of their participation in such programs on February 1, 1978. The state treasurer shall semiannually pay to the county treasurer, pursuant to a voucher submitted by the clerk of circuit court to the administrative director of courts, an amount equal to the state contribution for life

and health insurance for other comparable state employes. The county shall pay the cost of any premiums for life and health insurance exceeding the sum of the state contribution and the employe contribution as required under the county programs.

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

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

**(7) SUPPLEMENTS.** Notwithstanding any other provision of law, supplements payable by Milwaukee county under s. 20.923 (3m) to judges who do not elect to continue as participants in the retirement system established under chapter 201, laws of 1937, are subject to subch. I of ch. 41 with fund contributions to be paid by Milwaukee county without reference to whom services are rendered. This subsection does not apply after July 1, 1980.

**History:** 1973 c. 90; 1977 c. 187 s. 92; 1977 c. 418 ss. 748, 749; 1977 c. 449.

**753.071 Judge's salary from county. (1)**

In every judicial circuit each county may elect to pay to each circuit judge of the circuit a salary in addition to compensation provided by the state except as provided under s. 20.923 (3m). The salary shall be determined by each county on the basis of work load and judicial services performed but not to exceed the salary limitation including supplements under s. 20.923 (3m). The additional salary shall be the same for each circuit judge within the circuit. Except in counties to which s. 753.016 applies, the salary authorized by counties is subject to subch. I of ch. 41 with fund contributions to be paid by the county without reference to whom services are rendered. A county may reduce the additional salary of a judge under this section, except that no such reduction may reduce the judge's total

state and county judicial salary below the greater of the following amounts:

(a) The total state and county judicial salary the judge received as of July 31, 1978.

(b) The salary specified in s. 20.923 (2) (a) 2.

(2) This section does not apply after July 1, 1980.

**History:** 1975 c. 39; 1977 c. 187 ss. 92, 135; 1977 c. 449. Milwaukee county board is not authorized by ch. 405, laws of 1965, to change the provisions of the Milwaukee county employes' retirement system so as to provide a pension payable to circuit court judges based on the salary paid by the state 62 Atty Gen. 149.

**753.072 Salary limitation.** No salary may be paid a circuit judge except as provided in ss. 20.923, 753.016 and 753.071. This section does not apply after July 1, 1980.

**History:** 1977 c. 187 ss. 92, 135; 1977 c. 449.

**753.073 Expenses.** A circuit judge shall be reimbursed by the state for actual and necessary itemized expenses incurred in the discharge of judicial duty outside the county of residence, and in attending meetings of the judicial conference of Wisconsin and the committees and boards thereof, and as the judge designated to serve on the administrative committee of the courts under s. 758.15.

**History:** 1971 c. 254 s. 19; 1977 c. 187 ss. 92, 135; 1977 c. 273, 449.

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

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

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

(2) **ELIGIBILITY.** The following persons may serve temporarily on appointment by the chief justice of the supreme court as a reserve judge of the court of appeals or the circuit court for any county:

(a) Any person who, as of August 1, 1978, has served a total of 8 or more years as a supreme court justice or circuit judge; or

(b) Any person who has served 4 or more years as a judge or justice of any court or courts of record and who was not defeated at the most recent time he or she sought reelection to judicial office.

(3) **COMPENSATION.** (a) Temporary reserve judges shall receive a per diem of \$125 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 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 or her during any one calendar year shall not exceed the compensation of a circuit judge, including any county supplements paid as provided in ss. 753.016 (2) and 753.071. County supplements shall not be paid after July 1, 1980. The per diem compensation and actual and necessary expenses shall be paid from the appropriation under s. 20.625 (1) (a) when the judge is assigned to a circuit court and from the appropriation under s. 20.660 (1) (a) when the judge is assigned to the court of appeals.

(b) Permanent reserve judges shall receive compensation equal to the compensation for the 6-month period of a judge of the court to which they are assigned. If the incumbent judge receives a county supplement, the permanent reserve judge shall receive the county supplement, paid by the county, as provided in ss. 753.016 (2) and 753.071, except that county supplements shall not be paid after July 1, 1980. This compensation is not subject to s. 41.11 (12) but 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 or other state, county, municipal or other Wisconsin governmental retirement funds, social security or other federal retirement funds received by him or her during any one calendar year shall not exceed the compensation of a circuit judge, including any county supplements paid as provided in ss. 753.016 (2) and 753.071. Permanent reserve judges shall receive health insurance calculated under s. 40.14 or 40.145 and s. 40.16 and vacation benefits calculated under s. 16.30 (1) [230.35 (1)]. Except for county supplements, compensation for permanent reserve judges shall be paid from the appropriation under s. 20.625 (1) (c).

**History:** 1971 c. 125, 211; 1973 c. 90; 1975 c. 224; 1977 c. 29; 1977 c. 187 s. 92; 1977 c. 418 ss. 749g, 749h; 1977 c. 449

**753.076 Reserve judges; service and practice.** A reserve judge who has served as a circuit judge under s. 753.075 shall not appear as an attorney nor act as counsel in any contested matter in any court in the county in which he or she has so served for a period of one year after the service. A reserve judge who has served as a court of appeals judge under s. 753.075 shall

not appear as an attorney nor act as counsel in any matter in the court of appeals for a period of one year after such service. Neither the act of serving as a reserve judge, nor the performance of conciliation or pretrial duties under s. 807.09 affects his or her eligibility to engage in the practice of law.

**History:** Sup. Ct. Order, 67 W (2d) 775; 1975 c. 218, 224, 422; 1977 c. 187 ss. 92, 135; 1977 c. 418 ss. 749m, 749n; 1977 c. 449.

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

**History:** 1977 c. 449.

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

**History:** 1977 c. 187 s. 92; 1977 c. 449.

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

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

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

**History:** 1977 c. 187 s. 92; 1977 c. 334.

**753.175 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. 757.71 (2) to a reporter shall be paid to such reporter.

**History:** 1977 c. 187 ss. 92, 135; 1977 c. 323 s. 16.

**753.18 Court reporter and assistant; oaths of office. (1)** (a) Every circuit judge may appoint a competent phonographic reporter for the circuit or the branch of a circuit, as the case may be, for which he or she was elected or appointed. The judge may appoint one or more competent assistant reporters provided the judge has the approval of the administrative director of courts. The appointing judge or the

judge's 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. If 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 court in the circuit or branch for which appointed and, when requested by the judge appointing him or her, upon the sessions of court presided over in other counties by the judge, and shall discharge such other duties as the court or judge thereof requires. Every assistant reporter shall attend upon the court for which appointed, whenever requested so to do by the circuit judge.

(b) In the circuit for Milwaukee county, the chief judge of the administrative district may appoint 3 additional court reporters to serve in those branches of the circuit court to which criminal cases are assigned and 2 additional court reporters to serve in those branches to which probate cases are assigned. Whenever the service of any of the reporters first appointed is terminated, a successor shall be appointed under par. (a) and paid under s. 20.923 (7) in the same manner as the reporters in the other branches of the circuit.

**(2)** A reporter or assistant reporter shall be reimbursed for necessary traveling expenses and hotel bills if the reporter is attending a term of court or attending by the direction of the court the trial of a compulsory reference, outside the county in which the reporter resides provided he or she resides within the appointing judge's circuit, or if the reporter or assistant reporter is attending the sessions of court presided over in other circuits by the judge appointing the reporter, at the request of the judge. Every assistant reporter shall be compensated in an amount as the administrative director of courts 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.

**(3)** The administrative director of courts shall develop, in cooperation with the division of personnel in the department of employe relations, a program establishing qualifications and compensation levels for court reporters based on job proficiency and without regard to salary ranges for court reporters prior to August 1, 1978. The administrative director and the division shall make recommendations to the legislature concerning appropriate compensation levels for court reporters.

**History:** 1975 c. 39, 199; 1977 c. 29; 1977 c. 187 s. 92; 1977 c. 418, 449.

**753.19 Operating costs; circuit court.** The cost of operation of the circuit court for each county, except for the salaries of judges and court reporters provided to be paid by the state, and except for the cost assumed by the state under this chapter and chs. 40, 41 and 230, and except as otherwise provided, shall be paid by the county.

**History:** 1973 c. 81; 1975 c. 126, 199; 1977 c. 187 ss. 92, 135; 1977 c. 449.

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

**History:** 1977 c. 449.

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

**History:** 1977 c. 449.

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

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

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

**History:** 1977 c. 449.

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

the Rock county circuit court in Beloit, shall be kept at the county seat.

**History:** 1977 c. 449.

**753.30 Clerk of circuit court; duties, powers. (1)** The clerk of circuit court shall keep the books and records under s. 59.39 and ch. 299 and perform the duties under s. 59.395 for all matters in the circuit court except those under chs. 48 and 851 to 880. In counties having only one circuit judge, the circuit judge, with the approval of the chief judge of the judicial administrative district, may appoint the clerk of court register in probate. The appointments are revocable at the pleasure of the circuit judge. Appointments and revocations shall be in writing and shall be filed in the office of the register in probate. If appointed for this purpose, the clerk has the powers and duties of registers in probate. In prosecutions of ordinance violations in the circuit court in counties having a population of 500,000 or more, an assistant chief deputy clerk appointed under sub. (3) (a), or one of his or her deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint be made. The defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provisions of law notwithstanding.

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

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

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

1. The assistant chief deputy clerk or one of his or her deputies shall be present at each session of the circuit court assigned criminal and traffic cases and shall perform all ministerial acts required by and under the direction of the judges, and when the court is not in session, may take bail for the appearance of any person under arrest before the courts for a misdemeanor or a traffic violation, subject to revision by the courts; the clerk or one of his or her deputies, shall issue all processes under the clerk's hand and the seal of the court and attest it in the name of the judge, signing it by the title of office, and



shall tax costs; the clerk or one of his or her deputies, may issue warrants upon complaint filed in writing and upon oath in all cases. The complaints, warrants, recognizance, commitments, attachments, venires, subpoenas and all other writs and papers in the courts shall be in substance in the form provided by rules duly adopted and published by the judicial conference.

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

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

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

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

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

History: 1977 c. 449

### 753.32 Clerks, etc., not to be appraisers.

No clerk or other person employed in the office of any circuit judge may be appointed commissioner or appraiser in any matter that is within the jurisdiction of the judge or of the circuit court.

History: 1977 c. 449

### 753.34 Circuit court for Menominee and Shawano counties.

(1) Menominee county shall not be organized separately for circuit court purposes, but is a part of a joint circuit court for Menominee and Shawano counties, which constitutes a single judicial district. No circuit judge for Menominee county may be elected separately, but the duly elected judges of the circuit court for Menominee and Shawano counties shall serve as judges of the circuit. The books, papers and records of the office of the

judges shall be kept at the county seat of the county in which each has his or her principal office or, at the discretion of the judges, at either or both county seats.

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

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

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

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

(6) The jury commissioners of Shawano county shall serve as jury commissioners for the circuit court for Menominee and Shawano counties, and the jury list shall be known as the jury list for the circuit court for Menominee and Shawano counties.

(7) Except as provided in s. 814.21 (4), all fines and all costs and fees collected in circuit court for Menominee and Shawano counties in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and in causes of action arising out of Shawano county shall be accounted for and paid

over quarterly to the county treasurer of Shawano county.

of the court shall be entitled, "Circuit Court for Menominee and Shawano Counties".

(8) All process and pleadings and documents

History: 1977 c. 449