

No. 129, S.]

[Published August 12, 1959.

CHAPTER 264

AN ACT to repeal and recreate 269.65 of the statutes, relating to the issuance of pre-trial orders and the compelling of attendance at conferences therefor.

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

269.65 of the statutes is repealed and recreated to read:

269.65 PRE-TRIAL PROCEDURE. (1) In any civil action where the total demands are in excess of \$1,000, the court shall, and in other actions or proceedings may, at least 3 weeks before the date set for the trial of the action or proceeding, order, upon 10 days' written notice, that the attorneys for the parties appear before it to assist in preparing a pre-trial order which shall cover the following matters:

- (a) The simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) The limitation of the number of expert witnesses;
- (e) The advisability of a preliminary reference of issues for findings to be used as evidence when the trial is to be by jury;
- (f) Such other matters as may aid in the disposition of the action.

(2) The order shall recite in detail the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to all of the matters included in sub. (1); shall limit the issues

for trial to those not disposed of by admissions or agreements of counsel; and such order when entered shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice. The court shall by rule establish a pre-trial calendar on which actions and proceedings are placed for disposition as above provided.

(3) Failure of an attorney to appear in response to an order under this section, shall subject him to the provisions of s. 295.01 (1).

Approved July 31, 1959.
