

No. 1010, A.]

[Published January 27, 1960.

#### CHAPTER 634

AN ACT to amend chapter 218, laws of 1899, section 8, as repealed and recreated by chapter 339, laws of 1959; and to repeal and recreate chapter 218, laws of 1899, section 15a (1), as repealed and recreated by chapter 339, laws of 1959, relating to permitting Milwaukee county district court to call on civil court judges as substitutes in district court.

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

SECTION 1. Chapter 218, laws of 1899, section 8, as repealed and recreated by chapter 339, laws of 1959, is amended to read:

(Chapter 218, laws of 1899) Section 8. Said district court shall be held in the city of Milwaukee in some suitable place to be provided and suitably furnished by said city and county of Milwaukee, and it shall open for business every morning (Sundays and legal holidays excepted) but on Saturday mornings only one judge need be in attendance. No district judge shall voluntarily absent himself from the duties of his office for more than 40 days in any one year, except for illness. The

judges of the district court shall not be voluntarily absent from the duties of their office at the same time except for illness. In case of absence, sickness or temporary disability of any district judge, the clerk of the district court shall notify the senior judge who shall assign himself or \* \* \* *another judge of district court*, if available, to try cases or hold preliminary examinations \* \* \* as to \* \* \* *matters* that may have been \* \* \* assigned or would ordinarily be assigned to the branch \* \* \* of the district court whose judge is \* \* \* absent, ill or \* \* \* temporarily disabled. *When a district court judge is unavailable on any court day to dispose of pending cases the senior judge, or in his absence the judge next in time of service, may request the calendar judge of the civil court who shall then assign himself or one or more of the associate judges to attend and preside in the district court and hear any matter as an acting district court judge.* In the event of an accumulation of cases in a branch of the district court in any \* \* \* period of time, one of the other judges of district court, shall, if available, upon request of the senior judge, assist in the trial or hearing of, or proceedings in such cases so as to relieve congestion in the court, but whenever possible said cases shall ordinarily be assigned to branch 3 of the court if that judge is available.

SECTION 2. Chapter 218, laws of 1899, section 15a (1), as repealed and recreated by chapter 339, laws of 1959, is repealed and recreated to read:

(Chapter 218, laws of 1899) Section 15a. (1) Whenever any party files his affidavit that he has good reason to, and does, believe that he cannot have a fair trial on account of the prejudice of a judge of the district court, or if a judge is otherwise disqualified to try the case, he shall immediately transfer the action to the then senior judge of the court who shall either accept the case or assign it to another judge of district court if available. If the affidavit is addressed to the then senior judge of the court, or if he disqualifies himself from the case, he in turn shall transfer it to one of the other branches of the court if available. When a judge of the district court is unavailable or disqualified, the senior judge or in his absence the judge next in time of service, may transfer the action to the civil court for assignment pursuant to the rules of the civil court and disposition according to the provisions of the district court act.

Approved January 21, 1960.

---