

1971 Senate Bill 139

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CHAPTER 137, Laws of 1971

AN ACT to amend 299.205 of the statutes, relating to substitution of judges in small claims actions.

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

299.205 of the statutes is amended to read:

299.205 (title) **SUBSTITUTION OF JUDGE.** (1) On the return date of the summons or at least 2 weeks prior to the trial date ; ~~upon the filing by any either party of an affidavit that he has good reason to, and does, believe that he cannot have a fair trial on account of the prejudice of the judge, naming him and motion thereon, the judge shall thereupon be disqualified to act in relation to that matter may file with the clerk a written request for a substitution of a new judge.~~ The time for filing such affidavit and making such motion written request may be extended for cause but not more than 10 days.

(2) Upon the filing of such request in the proper form and within the proper time, the judge named in the request shall be without authority to act further in the case.

(3) In a county having more than 3 branches such affidavit may name 2 judges. The case shall then be referred to the clerk who, in courts containing 3 or more branches, shall request a judge from another branch of that court to attend and hold court in such matter. In a single or 2 branch courts, or if no other judge is able to serve Upon a proper filing under sub. (1), the clerk shall request the chief justice of the supreme court, assignment of another judge pursuant to s. 251.182 ; to designate and assign another judge to attend and hold court in such matter.