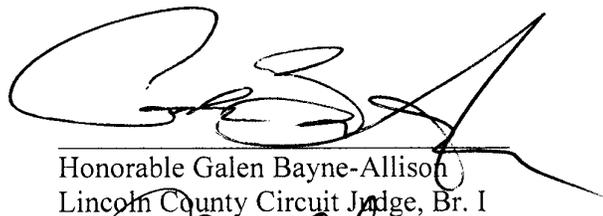


LINCOLN COUNTY – CIRCUIT COURT RULES

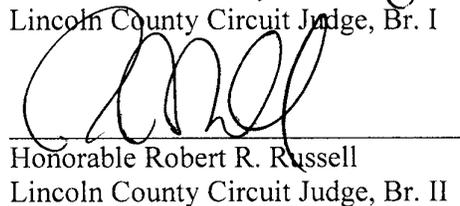
- Rule #1: Payments with Coins or Tainted Currency
Rule #2: Small Claims Procedure
Rule #3: Felony Arraignment Procedure
Rule #4: Facsimile Transmission of Documents to the Court
Rule #5: Preparation of Order to Produce in Criminal Matters
Rule #6: Payment of Guardian ad Litem and Attorney Fees
Rule #7: Guardian ad Litem Appointments
Rule #8: Media Regulations
Rule #9: Appearances in Children in Need of Protection and Services (CHIPS) and Juveniles in Need of Protection and Services (JIPS) Proceedings by Incarcerated Party
Rule #10: Judicial Transfer of Subsequent Criminal Cases

The above-stated rules as amended are adopted as the complete list of Lincoln County local rules.

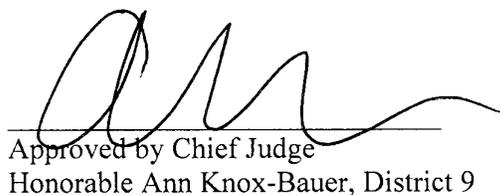
Dated this 20 day of November, 2024.



Honorable Galen Bayne-Allison
Lincoln County Circuit Judge, Br. I



Honorable Robert R. Russell
Lincoln County Circuit Judge, Br. II



Approved by Chief Judge
Honorable Ann Knox-Bauer, District 9

Lincoln County Rule #1: Payments with Coins or Tainted Currency

101. Review Date: 08-26-2024 Revised Effective Date: 01-01-2025
102. Understanding that the Clerk of Court/Register in Probate/Clerk of Juvenile Court accepts a variety of payment methods including cash, checks, money order, cashier checks, and through outside vendors that accept payment via credit card online. The Clerk of Court/Register in Probate/Clerk of Juvenile Court will refuse payment of financial obligations if/when the debt is attempted to be paid in more than \$5.00 in mostly rolled or unrolled coins. The Payer will be referred to a bank near the Courthouse to have the coins counted and converted to a form of payment that can be reasonably and efficiently processed.
103. The Clerk of Court/Register in Probate/Clerk of Juvenile Court shall not be required to accept as payment of a fee or other obligation owed to the county any currency or coin which, in the Clerk's/Register's determination, has been soiled, contaminated, tainted or polluted with any human or animal bodily secretions, or any other substance that may pose a risk to health or safety.

Lincoln County Rule #2: Small Claims Procedure

201. Original Effective Date: 11-16-2001 Revised Effective Date: 01-01-2014
Reviewed date: 06-03-2019 Reviewed Date: 08-26-2024
Revised Effective Date: 01-01-2025
202. All small claims initial return dates shall be set by the Clerk of Court. The plaintiff and the defendant are not required to appear at the return date. The return date is not a hearing before the Court.
203. The Clerk of Court will provide service of the summons and complaint by first class mail on behalf of the plaintiff for a fee unless it is an eviction or replevin action, or if the defendant resides outside of Lincoln County. The plaintiff also has the option of personal service, however, the plaintiff must then effect service and provide a certificate of service prior to the initial return date or the case will be dismissed.
204. All defendants who contest the matter must file a written answer to the complaint against them. The written answer shall set forth the defendant's defense to the claims in the complaint.
- a) The original of any answer shall be filed with the Clerk of Court. The defendant must provide a copy to the plaintiff's attorney, or if unrepresented, to the plaintiff.
 - b) Any failure to file an answer as required here shall result in a default judgment being entered against the defendant in accord with the demand in the complaint together with statutory costs.
205. If a default judgment is entered, the parties will receive the judgment. If an answer is filed, the Judicial Assistant will contact the parties to schedule the trial.
206. There shall be no adjournment of the initial return date except by order of the Court based upon agreement of the parties in writing or upon showing good cause by a party in writing.
207. No judgments granted in small claims court will be docketed until the docketing fee has been tendered to the Clerk of Court.
208. If the claim is for an eviction, the Court shall attempt to give the matter the first available trial date on its calendar.
209. In eviction actions, the plaintiff may file an amended summons and complaint for monetary damages within 21 calendar days of the date of judgment granting the eviction.

Lincoln County Rule #2: Small Claims Procedure (Continued)

210. At trial, the parties will be limited to two (2) witnesses per side except as otherwise ordered by the Court based upon good cause shown by the party in writing.
211. At trial, if a party has exhibits they must have with them the original and three (3) copies of each exhibit.
212. At trial, if a party has digital exhibits they must have with them the original and one copy of the exhibit. A party that wishes to present digital exhibits is to utilize the courtroom equipment themselves and cannot rely on court staff.
213. If a jury trial has been demanded, the party requesting the jury trial is responsible for preparing a draft of the jury instructions and verdict. Those documents are to be submitted to the Court and opposing party fourteen (14) calendar days before the jury trial.

Lincoln County Rule #3: Felony Arraignment Procedure

301. Original Effective Date: 11-16-2001 Revised Effective Date: 09-01-2014
 Reviewed Date: 06-03-2019 Reviewed Date: 08-26-2024
 Revised Effective Date: 01-01-2025
302. In felony criminal matters, the arraignment shall occur immediately at the conclusion of the preliminary hearing in which there has been a bind over or immediately after any waiver of the preliminary hearing, unless good cause is shown to arraign the defendant at a separate hearing.

Lincoln County Rule #4: Facsimile Transmission of Documents to the Court

(ONLY applicable to non-filing parties)

401. Original Effective Date: 02-16-2004 Revised Effective Date: 09-01-2014
 Reviewed Date: 06-03-2019 Reviewed Date: 08-26-2024
 Revised Effective Date: 01-01-2025
402. Documents submitted via email for filing in a Lincoln County case are not permitted. The Clerk of Court/Register in Probate/Clerk of Juvenile Court will not accept documents for filing via email.
403. Facsimile documents to be filed in a Lincoln County court case shall be transmitted directly to the Clerk of Court or Register in Probate/Clerk of Juvenile Court (dependent on the case type). Documents shall be accepted for filing only at **715-536-0361**, for the Clerk of Court, and **715-539-2762**, for the Register in Probate/Clerk of Juvenile Court pursuant to the following provisions:
- a) The document does not exceed fifteen (15) pages in length.
 - b) No filing fee is required.
 - c) No additional fee or charge must be paid by the circuit court for accepting or receiving the facsimile document.
 - d) Papers filed by facsimile transmissions completed after regular business hours of the Clerk of Court's office are considered same day filing if filed by 11:59 PM. The regular business hours of the Lincoln County Circuit Courts are 8:00 AM to 4:30 PM, Monday through Friday.
 - e) Facsimile documents are considered filed upon receipt by the Clerk of Court and are the official record of the court and may not be substituted. The transmitting party shall send no additional copies of the facsimile transmission. The Clerk of Court shall discard any duplicate papers subsequently received by the Clerk of Court, assigned Judge or Court Commissioner. Parties who have transmitted documents by facsimile to the court shall retain in their own files any "original" document that was used for the facsimile transmission. In the event the authenticity of the faxed document is challenged, the party who faxed the document to the court shall have the burden of showing authenticity.

Lincoln County Rule #4: Facsimile Transmission of Documents to the Court (Continued)

404. The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt. The Clerk of Court/Register in Probate/Clerk of Juvenile Court is not responsible for:
- a) Errors of failures in transmission that result in missing or illegible documents.
 - b) Periods when a circuit court facsimile machine is not operational for any reason.
405. If documents are transmitted to a plain-paper facsimile machine of a non-court agency, party or company for the receipt, transmittal and delivery to the Clerk of Court/Register in Probate/Clerk of Juvenile Court, papers are to be accepted for filing only if the transmission complies with the foregoing court rule or has been approved by the assigned Judge or Court Commissioner and certified by the party or attorney.
406. A judge assigned to a particular matter may authorize, in advance, the filing of particular documents in that case that do not conform to these rules if good cause is shown and they are conforming to Wis. Statute Sec. 801.16. Facsimile documents exceeding fifteen (15) pages in length must certify that the assigned Judge or Court Commissioner has approved such filing.
407. Documents that are not to be filed but are to be used by the Court for reference may be transmitted by facsimile transmission at the discretion of the Judge, Clerk of Court, Register in Probate, or Clerk of Juvenile Court.

Lincoln County Rule #5: Preparation of Order to Produce in Criminal Matters

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|------|-------------------------------------|-------------------------------------|
| 501. | Original Effective Date: 11-15-2004 | Revised Effective Date: 09-01-2014 |
| | Revised Effective Date: 02-24-2016 | Revised Effective Date: 01-01- 2018 |
| | Reviewed Date: 06-03-2019 | Revised Effective Date: 12-01-2021 |
| | Reviewed Date: 08-26-2024 | Revised Effective date: 01-01-2025 |
502. Defendants who appear in Lincoln County Circuit Court may be incarcerated in the state prison system, the juvenile system, or other county jails.
503. It is beneficial to the Court, the prosecution, and the defense to have certainty as to who is to prepare an Order to Produce.
504. The District Attorney’s office will be obligated to prepare the Order to Produce if the defendant is in the state prison system, juvenile system, or if the defendant is being held in another county’s jurisdiction, whether on Lincoln County charges or on a different county’s charges.
505. The Order to Produce shall be electronically filed with the Court for signature by the Judge preferably a minimum of seven (7) calendar days before the hearing date, but not later than three (3) calendar days before the hearing date.
506. It shall be the responsibility of the person preparing the Order to Produce to provide an electronic copy of the Order to Produce, after it has been signed by the Judge, to the Lincoln County Sheriff’s Department at the following email address:
LINCOLN.SHERIFF.CORRECTIONS.SERGEANTS@co.lincoln.wi.us

Lincoln County Rule #6: Payment of Guardian ad Litem and Attorney Fees

601. Original Effective Date: 11-23-2004 Revised Effective Date: 09-01-2014
 Reviewed Date: 06-03-2019 Reviewed Date: 08-26-2024
 Revised Effective Date: 01-01-2025
602. In order for any attorney who has been appointed as Guardian ad Litem or attorney appointed by the Lincoln County Circuit Court to receive payment for their services from Lincoln County, they must submit an itemized bill together with a proper Proposed Order for Payment to the Clerk of Court/Register in Probate/Clerk of Juvenile Court (depending on who appointed them), no later than the 15th of each month for services rendered the month prior. The attorney is responsible for the distribution of bills to parties.
603. When an appointment is ongoing, the attorney must submit an up-to-date itemized billing statement together with the proper Proposed Order for Payment no later than January 15th of each year for services rendered in the previous calendar year.
604. Parties in the action must be compliant with court ordered payments and deposits. Failure to do so may result in delay or termination of services.
605. In cases outside of Children’s Court, a deposit of \$750.00 is due within thirty (30) days of the order and prior to the appointment of an attorney. Monthly payments must be made after the initial deposit at a minimum rate of \$125.00 per month payable no later than the 15th day of each month, commencing with the next month.

Lincoln County Rule #7: Guardian ad Litem Appointments in Family and Paternity Cases

701. Original Effective Date: 11-15-2005 Revised Effective Date: 01-01-2014
Revised Effective Date: 04-01-2017 Reviewed Date: 06-03-2019
Revised Effective Date: 10-19-2021 Reviewed Date: 08-26-2024
Revised Effective Date: 01-01-2025
702. In any family or paternity action in which it is necessary for the Court to appoint a Guardian ad Litem, each party, unless determined to be indigent or eligible for a payment plan, shall be required to make to the Clerk of Court the following payments for the appointment and continued services of the Guardian ad Litem.
703. \$750.00 is due within thirty (30) days of the Guardian ad Litem's appointment. A minimum of \$125.00 per month payable no later than the 15th day of each month, commencing with the next month. Monthly payments may be set by the Clerk of Court. The Guardian ad Litem shall not begin any duties as party of appointment until 1) the Guardian ad Litem signs the Order Authorizing Appointment; and 2) the required fees are posted by the parties, unless approved by the Court.
704. The Clerk of Court shall hold all payments in trust until a request for payment is received from the Guardian ad Litem and approved by the Court, at which time each party will be credited with the amount that party has paid toward the share of the Guardian ad Litem fees. The Clerk of Court shall refund to a party any excess amounts paid at the conclusion of the proceedings.
705. A party's failure to pay any of the required amounts may subject that party to potential sanctions for contempt of Court, and amongst other available sanctions, can result in a judgment being entered against the party.
706. Guardian ad Litem shall submit to the Clerk of Court monthly detailed statements of the services rendered and Affidavits for payment on any case(s) for which the Guardian ad Litem completed work during the prior month. Copies of the monthly statement shall also be sent by the Guardian ad Litem to each of the parties, or their legal counsel if represented, for their information.
707. An attorney appointed to serve as Guardian ad Litem shall submit a report and recommendation, or correspondence as to case status to the Court, and shall provide copies to the parties, or their legal counsel if represented, within ninety (90) days of the required payment made by the parties and/or a signed Order Appointing a Guardian ad Litem, whichever happens last, unless an extension is approved by the Court.

Lincoln County Rule #7 Guardian ad Litem Appointments in Family and Paternity Cases
(Continued)

708. The duties and appointment of the Guardian ad Litem shall terminate upon completion of the proceedings, unless the Court orders otherwise.

Lincoln County Rule #8: Media Regulations

801. Original Effective Date: 09-01-2014 Reviewed Date: 06-03-2019
Reviewed Date: 08-26-2024 Revised Effective Date: 01-01-2025

802. It is the Lincoln County Circuit Court's policy that the public be given an opportunity to know and understand the judicial court process as well as have knowledge of pending cases. As to bona fide members of the news media, this will be accomplished by encouraging open and accessible proceedings. This shall be subject, however, to such reasonable restrictions necessary to protect the public's access to the legal process to peacefully resolve disputes, to preserve the rights of persons seeking the protection of law, to encourage the search for the truth and to foster dignity in all judicial proceedings.

803. General Media Regulations:

- a) Adoption of Supreme Court Rules: The manner, method and restrictions as to media coverage is as set forth in Chapter 61 of the Wisconsin Supreme Court Rules. A current copy of such rules will be furnished to the media upon request.
- b) Courtroom Decorum: The same rules of courtroom decorum shall apply to the media and to all others observing court proceedings.

804. Closure Orders:

Unless deemed impractical by the trial judge, a party requesting any judicial proceeding be closed to the news media must notify the court and opposing counsel at least 72 hours prior to the time set to hear such a request. The purpose of this rule is to permit legal counsel to appear on behalf of the media and to be heard. The burden shall be upon the moving party to show cause why Wis. Stat. §757.14 should not apply.

805. Location of Media Equipment

- a) Location Generally: Pursuant to Supreme Court Rule 61.05, the trial judge shall designate the location in the courtroom for any camera equipment and operators so that media coverage will not obstruct the view of others in the courtroom. Any media member planning to cover any court proceeding shall advise the court in advance so the court may instruct where to place media equipment.
- b) Microphones: Unless otherwise authorized, only four microphones will be permitted in the courtroom; one on the Judge's bench, one on the witness stand, and one on each counsel table.
- c) Cameras: Cameras allowed in the courtroom shall be used in a manner that does not disrupt courtroom proceedings.
- d) Removal of Equipment: The disassembly and removal of media equipment will occur during breaks in court proceedings, unless it can be done without disrupting court.

Lincoln County Rule #8 Media Regulations (Continued)

806. Photography & Recording

- a) **Persons Protected:** There shall be no visual photography in any form or any audio recording of any of the following, except upon request and specific advance authorization for each separate proceeding:
 - I. Juveniles
 - II. Victims of sex crimes
 - III. Undercover agents
 - IV. Police informants
 - V. Relocated witnesses
 - VI. Any juror called or selected to serve

- b) **Other Persons Protected:** Any other person as deemed appropriate by the Court and in any manner deemed by a, b, or c.

- c) **Manner Protection Enforced:** To ensure compliance with this provision, all handheld or mounted cameras and microphones shall be capped, turned away from such persons or dismounted entirely during the testimony of any such persons, unless otherwise authorized in advance.

Lincoln County Rule #9: Appearances in Children in Need of Protection and Services (CHIPS) and Juveniles in Need of Protection and Services (JIPS) Proceedings by Incarcerated Party

901. Original Effective Date: 12-01-2018 Revised Effective Date: 04-01-2019
 Reviewed Date: 06-03-2019 Reviewed Date: 08-26-2024
 Revised Effective Date: 01-01-2025
902. If a party is incarcerated in a county jail, a state prison, or a federal prison, the Clerk of Juvenile Court will schedule Zoom video appearances for each hearing.
903. Whether or not a video conference request can be accommodated will be dependent on the availability of the jail or prison where the party is incarcerated.

Lincoln County Rule #10: Judicial Transfer of Subsequent Criminal Cases

1001. Original Effective Date: 11-10-2020 Reviewed Date: 08-26-2024
Revised Effective Date: 01-01-2025
1002. If a defendant with an open criminal case in one branch of the Lincoln County Circuit Court is charged in a subsequent criminal case filed in the other branch of the Lincoln County Circuit Court, that subsequent case shall be transferred to the branch that presently presides over the prior open case.
1003. Cases shall be transferred pursuant to this policy upon the entry of a plea or pleas (upon the completion of the Initial Appearance in a misdemeanor case or Arraignment in a felony case).
1004. This rule applies to all class H felonies and below.
1005. This rule also applies to class G felonies and above if the defense attorney requests in writing that the case be transferred pursuant to this policy and the presiding judges in both branches approve.
1006. Notwithstanding 1004 and 1005, this rule does not apply to any case where the defendant has properly requested the substitution of the presiding judge.