

Guidelines for Transferring a Case to the Commercial Docket

1. Purpose, authority.

Pursuant to [Section 10 of the Interim Rule 6/29/2022](#) for the Commercial Court Pilot Project,

- a) The purpose of these guidelines is to allow, upon petition and within the discretion of the Chief Judges for the 2nd, 3rd, 5th, 8th, and 10th Judicial Districts, parties from counties that do not have a dedicated trial court judicial docket for large claim business and commercial cases (commercial docket) to have their cases administered within a commercial docket.
- b) These guidelines are intended to incorporate and comply with the [Interim Rule 6/29/2022](#) and rule adopted in S. Ct. Order 16-05, 2017 WI 33 (issued Apr. 11, 2017, eff. July 1, 2017) (Commercial Docket Rule).

2. Procedure for transfer.

[Section 10 of the Interim Rule 6/29/2022](#)

Transferring a Case to the Commercial Court Docket. Parties from counties that do not have a dedicated Commercial Court docket may petition to have their cases administered within a Commercial Court docket.

- a. Such parties may jointly petition for transfer of the case to a Commercial Court docket if all of the following are true:
 - i. The case is a type identified in Section 4 of the interim commercial court rule. The case is not ineligible for assignment to a Commercial Court docket under Section 6 of the interim commercial court rule.
 - ii. The parties agree to use the forms and procedures developed for use in the Commercial Court docket pilot project.
 - iii. The parties agree that all proceedings will be conducted in the county where the case is assigned under paragraph b) of this section, except that if the case proceeds to trial, the trial will be conducted in the county where the case was originally filed.
- b. The procedure for a joint petition for transfer shall be as follows:
 - i. A joint petition for transfer of a case ([Form CV-970](#)) under this section shall be submitted to the District Court Administrator for the Eighth Judicial District. The District Eight Court Administrator shall refer the petition to the Chief Judges for the Second, Third, Fifth, Eighth, and Tenth Judicial Administrative Districts.
 - ii. The Chief Judges shall consider the caseload of the judges designated for the Commercial Court docket, the nature of the case, and the work requirements for cases already pending in the Commercial Court docket when determining whether to allow the transfer of a case under this paragraph.
 - iii. The Chief Judges shall, upon allowing a transfer, assign the cases to the Commercial Court docket and to one of the judges designated for the Commercial Court docket in Dane County, Waukesha County, or within the Second, Eighth, or Tenth Judicial Administrative District.
 - iv. In the event of a request for judicial substitution, the procedure set forth in Section 7 b) of the interim commercial court rule applies.
- c. No party may withdraw his or her request for transfer to the Commercial Court docket after a judicial assignment has been made under paragraph b) of this section.