



Wisconsin Court System

Municipal Courts

Municipal courts, where they have been created by the governing body of the municipality, have exclusive jurisdiction over ordinance violations where the penalty is a forfeiture. If a municipality does not have a municipal court, ordinance violations are heard in circuit court. Cities, villages and towns are authorized to establish either single municipality courts or joint municipal courts which servemore than one municipality.

As of 2022 there were 227 municipal courts and 229 municipal judges in Wisconsin. Milwaukee has the largest municipal court, with three full-time judges handling more than 53,000 cases annually. Madison has the only other full-time municipal court in the state.

Municipal Judges

Municipal judges are elected in non-partisan elections in the spring and take office May 1. The municipality determines the judge's salary. The term of office is four years unless the municipality reduces the term to two years by the passage of a charter ordinance. Under state law, municipal judges are not required to be licensed attorneys, but a municipality may enact such a restriction by ordinance. Of the sitting judges, approximately 50 percent are attorneys.

Caseload

The majority of municipal court cases involve traffic and ordinance matters, including first-time OWI. Juvenile matters, such as truancy, underage drinking, drug offenses and curfew violations have become a large part of municipal court caseloads. Municipal courts handle a significant portion of the statewide court caseload in these areas.

Creating Municipal Courts

Municipalities may enact ordinances to create a municipal court. A guide to doing so is available on line at: <https://www.wicourts.gov/courts/municipal/docs/startcourt.pdf> This includes statistics about municipal courts, sample ordinances, answers to commonly asked questions, ethics advice and general information. Municipalities may



The bench of Municipal Court Judge Daniel P. Koval in the City of Madison

also join together to form a single joint court. The contracting municipalities need not be contiguous or even in the same county.

Appellate Rights

In municipal court, there are no jury trials; all cases are decided by a judge. However, both the municipality and the defendant have the right to a jury trial in the event they choose to appeal a municipal court judgment. Such an appeal is available in the circuit court. A person charged with a first OWI offense may seek a jury trial in circuit court within 20 days of an initial municipal court appearance on OWI/PAC/OCS (operating while intoxicated/ prohibited alcohol content/ operating with a restricted controlled substance); all other defendants must wait until the municipal court renders judgment following

a trial. An appeal to circuit court will be a review of the record unless either party requests a new trial before a judge. The appealing party may also request a six-person jury trial.

Fees

Court fees, in municipal courts are significantly less than the fees in Circuit Court. An individual who is ticketed for a municipal ordinance violation in a community that does not have a municipal court will have to pay over \$50-\$100 more because the case will be heard in circuit court. The forfeiture amount that the municipality receives is the same regardless of which level of court hears the violation. When there is no municipal court, the municipality pays a \$5 fee per citation to the circuit court to hear its ordinance violations.

Judicial Education

Supreme Court rules require that municipal judges earn at least four judicial education credits per year and that municipal court clerks attend the annual Municipal Court Clerk's Seminar at least once every two years. The Office of Judicial Education is staffed by Program Attorney Todd Meurer and Program Assistant Carol Koschel. Municipal judge and clerk education is entirely funded through an annual fee paid by each municipality that has a municipal court.

The Office of Judicial Education offers the following seminars:

- The Municipal Judge Orientation Institute**
All new municipal judges are required to attend his three and one-half day orientation seminar. The orientation discusses the nuts and bolts of judging, and provides an in-depth study of elements of law. Non-attorney municipal judges may attend the final two days of this seminar as a review.

- Trial Seminar**
Topics generally include ethics, new laws and new cases, evidence, breakout sessions on various trial topics and procedures before, during and after trial.
- Traffic Seminar**
Topics generally include updates on standardized field sobriety tests and speed equipment, and defense perspective on OWI/drugged driving, ethics, new laws/new cases, and a question & answer session with the Department of Transportation.
- The Municipal Court Clerk Seminar**
The general agenda includes topics on juvenile issues, costs & fees in Municipal Court, legal update, and a new clerk orientation, and a good portion of a morning spent discussing traffic issues and procedures with Department of Transportation personnel.
- The Municipal Judge Special Topic Seminar**
The content of this seminar changes each year depending on what the Municipal Judge Education Committee feels will be of most interest and importance to municipal judges.
- Law and Humanities Seminar**
Held every two years, the Law and Humanities Seminar brings in a state or national author or speaker to talk about law and social issues usually from a historical perspective.

Publications

The Office of Judicial Education publishes the *Municipal Judge Benchbook*, the *Municipal Court Directory*, and the *Municipal Court Clerk's Manual*.