

## **TCA Rules – as approved by Chief Judges on May 21, 2019**

### **UNIFORM RULES FOR TRIAL COURT ADMINISTRATION**

#### **TCA 1: ADOPTION OF RULES PURSUANT TO SCR 70.34**

(a) Rules shall be numbered, and each subsection shall be individually designated.

(b) Rules shall be printed and distributed by the Director of State Courts. Distribution shall be to chief judges, district court administrators, circuit judges, State Law Library, and State Bar of Wisconsin; others as necessary.

(c) Uniform rules for judicial administration may be adopted or amended by the Director as required, after consultation with the chief judges. In emergency situations the Director may adopt or amend those rules subject to consultation with the chief judges at their next regularly scheduled meeting.

(Readopted: 04/06/90)

(Readopted: 03/10/95)

#### **TCA 2: CONTINUING JURISDICTION, ASSIGNMENT OF CASES**

(a) Where practical, post-judgment matters shall be assigned to the trial judge who entered judgment.

(b) Under guidelines established in TCA 4, the chief judge may reassign post-judgment matters on a case-by-case basis as necessary.

(Readopted: 04/06/90)

#### **TCA 3: DISQUALIFICATION OF JUDGES**

(a) Prior to the reassignment of an action, the self-disqualification of a judge shall be reviewed by the chief judge.

(b) The chief judge may request further clarification of the reasons for self-disqualification, prior to approving or disapproving same.

(c) The chief judge shall review the self-disqualification for conformity with statutes, Supreme Court Rules, and existing guidelines.

(Readopted: 04/06/90)

(Readopted: 01/13/95)

#### **TCA 4: REASSIGNMENT OF CASES**

Upon the approval of a request for assignment pursuant to substitution or disqualification, the chief judge shall reassign the case or request reassignment by the Director of State Courts. Reassignment shall be made using the following criteria:

- (1) availability of judges;
- (2) physical proximity of judges;
- (3) equalization of caseload; and

(4) other appropriate administrative considerations.

(Readopted: 04/06/90)

(Renumbered from TCA 5 to TCA 4 and readopted: 01/13/95)

(Amended: 06/10/11)

### **TCA 5: OUT OF COUNTY JURIES**

Before ordering a change in trial location or requiring a jury to be drawn from another county under ss. 971.22, 971.223 or 971.225, Stats., the judge and/or clerk of circuit court, shall contact the district court administrator. The DCA will work with the trial judge and clerks of both counties to ensure that the proposed court has the staff, juror and facility resources to comply with the request within the time frame requested by the trial judge. If the proposed court is in another judicial administrative district, the DCA shall contact and work with the DCA from the other district. If the proposed court is unable or declines to assist, the DCA(s) shall offer alternatives to the trial judge. Once a new court is chosen, the DCA will confirm scheduling arrangements in consultation with the trial judge and clerks.

(Adopted: 01/12/90)

(Readopted: 04/06/90)

(Renumbered from TCA 6 to TCA 5 and readopted: 01/13/95)

(Amended: 06/10/11)

### **TCA 6: COURT REPORTERS**

(a) Each judicial administrative district shall develop a policy governing the following procedures:

- (1) determining when official court reporters are available for assignment to other courts as needed to assure adequate coverage of all reported proceedings;
- (2) recording instances of substitute court reporter assignments, whether official or freelance; and
- (3) advising the district court administrator of arrangements court reporters make between themselves for short-term, urgent assistance, obtaining prior approval if required by district policy.

These procedures shall be approved by the chief judge and implemented by the district court administrator.

(b) When a court commissioner acts in the absence of the circuit judge, the official court reporter in that branch or any other court reporter assigned by the chief judge or district court administrator shall be responsible for making the court record. When a record is required for any other court commissioner hearing, it is the responsibility of the county to provide a means of making a record. A county may request assistance in the form of an official state court reporter if unanticipated absences, emergencies, unexpected equipment failure or other extraordinary circumstances would result in the cancellation of the court commissioner proceeding. Such requests shall be granted and coordinated by the district court administrator as court reporter availability permits. Equally, county court reporters are expected to assist in circuit court under the same criteria.

(c) Whenever it appears necessary to provide assistance to a real-time court reporter so that reasonable accommodations may be made under the Americans with Disabilities Act, the chief

judge or district court administrator shall assign additional court reporters. Assistance may take the form of one court reporter making the record and the other providing real-time, or by having the court reporters spell each other while providing real-time and making the record simultaneously. The chief judge or district court administrator shall take into consideration the overall circumstances, the experience of the court reporters, and the preferences of the trial judge in determining the appropriate assistance.

(d) If the verbatim record was captured by a digital audio recording not monitored by an official court reporter, the transcript should be prepared by the court reporter assigned to the responsible court official. The chief judge or district court administrator may re-assign the transcript as needed.

(Renumbered from TCA 7 to TCA 8 and readopted: 04/06/90)

(Renumbered from TCA 8 to TCA 6 and readopted: 01/13/95)

(Amended: 02/08/02)

(Amended: 05/21/2019)

### **TCA 7: PER DIEM COURT REPORTERS' NOTES**

(a) The notes of per diem court reporters shall be delivered to the clerk of circuit court of the county in whose jurisdiction the notes were taken, or his or her designee under paragraph (b).

(b) The clerk of circuit court may designate as physical custodian of per diem court reporters' notes:

(1) in the First Judicial Administrative District, the office of the district court administrator.

(2) in all other districts, the official court reporter in whose branch the notes were taken.

(c) The clerk of circuit court or other designated custodian shall have the authority to release to a court reporter the custody of said notes for the purpose of preparing a transcript, without further order of the court.

(Renumbered from TCA 9 to TCA 10 and readopted: 04/06/90)

(Renumbered from TCA 10 to TCA 7 and readopted: 01/13/95)

(Amended: 06/10/11)

### **TCA 8: THREATS TO THE JUDICIARY AND COURT EMPLOYEES**

The circuit judges of each county shall develop a single policy which addresses threats to judges and court staff. The policy shall include, but is not limited to, the following guidelines:

(a) A law enforcement agency in each county shall be identified as the primary law enforcement agency to receive reports of threats and investigate such reports within their normal investigative procedures. The designated law enforcement agency should be encouraged to identify a liaison officer for reporting purposes.

(b) If a threat does not appear to impose imminent danger, the threat shall be reported to the law enforcement agency in a prescribed manner. If a threat appears to be immediate, the prescribed law enforcement agency shall immediately be notified and requested to provide an independent evaluation concerning the emergency of the threat and recommendation as to further procedures.

(c) All threats, regardless of their degree, shall be reported in order to allow for an independent evaluation by law enforcement.

(d) In conjunction with law enforcement, written procedures shall be developed which assist the threatened person in collecting and preserving the appropriate evidence needed by law enforcement for investigative purposes.

(e) Judges and court staff shall inform the chief judge or designee of any threat and the subsequent steps that have been taken pursuant to the guidelines. The chief judge or designee shall develop a mechanism for logging reported threats.

(Adopted: 01/10/92)

(Renumbered from TCA 11 to TCA 8 and readopted: 01/13/95)

### **TCA 9: WORKLOAD ASSISTANCE FOR OFFICIAL COURT REPORTERS**

(a) Workload assistance requests from official court reporters shall be made to the district court administrator or their designee when seeking assistance to prepare a transcript in a timely manner where an expedited transcript request or Notice of Appeal has been filed with the clerk of court or register in probate. For the purpose of appeal, such assistance should not be provided for more than ten days prior to the due date for the specifically requested transcript. The official court reporter must coordinate the request for assistance with their appointing judge.

(b) Requests for assistance will be reviewed, granted or denied utilizing the following criteria:

- (1) the amount of time the court reporter is scheduled in court;
- (2) the length of time required to complete an expedited copy request;
- (3) daily copy requests;
- (4) court caseload;
- (5) vacations requested in close proximity of the transcript due date;
- (6) the estimated number of pages due; and (7) the number of other appeals and requests for extensions.

(c) Daily copy: If workload assistance is requested to accommodate a daily copy request, assistance may be provided as long as there is no cost to the state.

(Adopted: 12/10/92)

(Renumbered from TCA 12 to TCA 9 and readopted: 01/13/95)

(Amended: 02/08/02)

(Amended: 08/08/03)

(Amended: 05/21/2019)

### **TCA 10: RESERVE JUDGES**

(a) Assignment Plan: After qualification as a reserve judge but prior to each annual appointment, the chief judge of the reserve judge's home district shall confer with the reserve judge as determined by the Office of Court Operations. Under certain circumstances, the chief judge may waive this requirement and rely on information provided by the reserve judge to the Office of Court Operations.

Items to be discussed may include the number and types of cases the reserve judge is willing to handle, counties in which he or she is willing to act, times when unable to serve, whether he or she intends to engage in the practice of law or provide private resolution services, judicial education which may be appropriate, nature of staff support and resources desired, and other matters which might affect assignments.

The chief judge shall establish an assignment plan consistent with the skills and availability of the reserve judge and the needs of the court system, and shall provide a copy to the Director of State Courts.

Nothing contained herein shall affect the validity of any assignment or the validity of any order, judgment or action of an assigned reserve judge.

(b) Judicial Education and Mentoring: A reserve judge may request, or the chief judge require, that the reserve judge complete a mentoring period prior to assignment. Any reserve judge who has not been assigned to act for an extended period may, at his or her request or that of the chief judge, be required to attend the Judicial College or designated Judicial Education programs prior to assignment.

(c) Notice of assignments: Notice that a reserve judge has been assigned shall be given to the chief judge of the district in which he or she has been assigned and to the chief judge of the reserve judge's "home district".

(d) Filing: All papers to be filed in matters to which a reserve judge is assigned shall be filed with the clerk of court in the county of venue. The reserve judge may require that copies be provided to him or her by the person filing.

(Adopted: 04/3/93)

(Renumbered from TCA 13 to TCA 10 and readopted: 03/10/95)

(Readopted: 08/14/98)

(Amended: 06/10/11)

#### **TCA 11: MOTION/PETITION TO MODIFY OR ENFORCE A JUDGMENT FILED FROM ANOTHER COUNTY**

(a) Upon the filing of a petition or motion to modify or enforce a family judgment under §767.281, if the clerk of court determines that the original judgment was rendered in another Wisconsin county, the clerk shall notify the judge assigned to the motion/petition that it has been filed, the county where the judgment was rendered, and the name of the judge of record.

(b) No later than 20 days after filing, but prior to any hearing on the motion/petition, the assigned judge in the county of filing shall ensure that communication between the filing court and the court of original jurisdiction takes place to determine if venue is at issue. The court's decision regarding venue shall consider the degree to which the court of record was involved in the judgment. Communication between the courts shall take place even though it may not be requested by the parties.

(c) If the court or the parties disputes venue, the judge of record shall conduct a teleconference under §807.13(3) to determine venue. If it is determined that the motion/petition will be heard in the new county, venue of the case will be changed to the new jurisdiction pursuant to §801.52.

(Adopted 04/08/94)

(Renumbered from TCA 14 to TCA 11 and readopted: 03/10/95)

(Statute cite updated: 06/10/11)

### **TCA 12: Repealed. MANDATORY CONTINUING LEGAL EDUCATION FOR COURT COMMISSIONERS**

(Adopted: 01/11/96)

(Repealed: Approved 12/11/98 - repeal effective 01/01/99)

### **TCA 13: VENUE IN MOTIONS TO CONTEST THE ADMINISTRATIVE ENFORCEMENT OF A SUPPORT OBLIGATION**

(a) If the obligor or a third party receives notice from the Department of Workforce Development that an administrative enforcement action allowed by statute is being pursued, the notice shall direct the obligor or third party where to file their motion to contest the administrative procedure.

(b) All motions shall be filed with the court in the county in which the order or judgment seeking to be enforced has been entered.

(Adopted: 09/11/98)

(Amended 11/10/03)

### **TCA 14: EXTENSION OF TIME TO DECIDE A MATTER – NOTIFICATION TO PARTIES**

Each Judicial Administrative District shall develop a procedure which ensures that the parties or their attorneys are notified in writing when the period of time to decide a matter has been extended for an additional 90 day period as authorized by SCR 70.36(1)(a). This procedure is in addition to any other requirement mandated by SCR 70.36.

(Adopted: 02/12/99)

### **TCA 15: VOLUNTEER INTER-DISTRICT ASSIGNMENTS**

In the event a circuit court judge offers to work in another judicial administrative district, a request shall be submitted in writing to the chief judge and district court administrator of his or her home district. The chief judge shall review the calendar and workload status of the judge who volunteers and determine whether the judge may be authorized to work in another district. If no specific district is proposed by the volunteering judge, the chief judge may notify the Director of State Courts office of the availability of the volunteering judge to work in another district.

If a specific county is requested/proposed by the volunteer judge, the request shall be submitted to the home district chief judge who shall review and approve or deny the request. The home district chief judge shall notify the proposed district chief judge of the approval or denial of the request. If both chief judges approve the assignment, they shall notify the Director of State Courts office which shall make the assignment.

(Adopted as temporary rule: 06/8-9/00)

(Adopted as permanent rule: 06/7-8/01)

### **TCA 16: COURT REPORTER TRANSCRIPT REQUESTS**

(a) Court reporters may require prepayment of transcript fees before a transcript is filed and/or delivered. This section does not apply to transcripts requested by the State of Wisconsin or a political subdivision thereof.

(b) Court reporters may require transcript requests to be in writing. However, court reporters are encouraged to accommodate requests for transcripts in circumstances that do not allow for the submission of a written request.

(Adopted: 02/08/02)

### **TCA 17: STANDARD JURY YEAR AND WRITTEN ANNUAL EVALUATION**

Effective January 1, 2008, the circuit court jury year will run from January 1 to December 31. The calendar year will be the basis for the cycle of qualification, summoning and serving in each county. CCAP will distribute to each circuit court lists of prospective juror names in sufficient time to accommodate the qualification process.

The Chief Judge of each administrative judicial district shall direct the Clerks of Circuit Court in the district to file with the District Court Administrator a written report no later than April 1 of each year, commencing April 1, 2009. The District Court Administrators shall forward a copy of each report to the Director of State Courts Office. This report shall comply with the provisions of SCR 73.01 and will measure jury system performance against standards adopted by the Director of State Courts.

(Adopted: 12/15/06)

(Amended: 1/25/07)

### **TCA 18: NEW JUDGE MENTORING AND EDUCATION**

(a) Prior to taking office: After election or appointment as a new judge but prior to taking the bench, the chief judge of a new judge's home district shall meet with the new judge, in accordance with the New Judge Mentoring Guide.

(b) Mentoring plan: The chief judge shall establish a mentoring plan consistent with the New Judge Mentoring Guide. The chief judge shall assign the new judge to work with one or more judges in that judicial district for a period of observation and practice appropriate to the judge's needs. A new judge shall complete this mentoring promptly after taking the bench. The chief judge may extend the mentoring period as needed.

(c) Judicial education: A new judge shall comply with the mandatory requirements of judicial education, including attendance at all sessions of the next Judicial College. A new judge may

attend other judicial education programs, if available, prior to taking the bench with the approval of the chief judge.

(Adopted 6/9/17)