

Guidelines for Transferring a Case to the Commercial Docket

1. Purpose, authority.

- a) The purpose of these guidelines is to allow, upon petition and within the discretion of the Chief Judges for the 3rd and 8th 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 rule adopted in S. Ct. Order 16-05, 2017 WI 33 (issued Apr. 11, 2017, eff. July 1, 2017) (Commercial Docket Rule).
- c) These guidelines are adopted by the Chief Judges of the 3rd and 8th Judicial Districts and by the district court judges who administer a commercial docket.

2. Effective date; initial application. These guidelines are effective on April 1, 2019 and first apply to a petition for transfer submitted on that date.

3. Procedure for transfer.

a) Parties whose case is filed in a county that does not have a commercial docket may jointly petition for transfer of the case to a commercial docket if all of the following is true:

1. The case is a type identified in Section 4. of the Commercial Docket Rule.
2. The case is not ineligible for assignment to a commercial docket under Section 6. of the Commercial Docket Rule.
3. The parties agree to use the forms and procedures developed for use in the Commercial Docket Pilot Project.
4. 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) 1. A joint petition for transfer of a case under this Section shall be submitted to the District Court Administrator for the 8th Judicial District. The District Eight Court Administrator shall refer the petition to the Chief Judges for the 3rd and 8th Judicial Districts.

2. The Chief Judges shall consider the caseload of the judges designated for the commercial docket, the nature of the case, and the work requirements for cases already pending in the commercial docket when determining whether to allow the transfer of a case under this paragraph.

3. The Chief Judges shall, upon allowing a transfer, assign the case to the commercial docket and to one of the judges designated for the commercial docket in Waukesha County or within the 8th Judicial District.

4. In the event of a request for judicial substitution, the procedure set forth in Section 7 b) of the Commercial Docket Rule applies.

c) No party may withdraw his or her request for transfer to the commercial docket after a judicial assignment has been made under paragraph b) of this section.