

CURRENT RULE:

6.4 Mandatory Mediation

- (1) Within ten (10) calendar days of receiving the Notice of Hearing from the Clerk of Circuit Court, the party filing the case must contact a mediator and schedule mediation with the adverse party(ies). Failure timely to initiate the scheduling of mediation may be grounds for dismissal. The cost of mediation will be divided equally between the parties. The parties may use any mutually agreed upon mediator. If the parties cannot mutually agree upon a mediator, the parties will mediate with Mediation Resolutions or a mediator designated by the Court.
- (2) Each party must personally appear at the mediation with or without an attorney. Organizational parties must comply with Civ. L. R. 6.3. The mediation process must be completed prior to any scheduled contested hearing. Failure to attend mediation may be grounds to grant judgment or dismissal against the offending party. The Court or court commissioner may grant judgment or dismissal upon the Court's own motion or upon the motion of a party.
- (3) The mediation requirement does not apply to the claim for a writ of restitution in an eviction case. The parties are required to mediate all claims for monetary damages in eviction actions (e.g. past due rent or damage to property, etc.) after the claim for a writ of restitution is decided.
- (4) Any mediated settlement must be signed by each party with the signor's name typed or printed legibly beneath his/her signature. Attorneys signing any stipulation or settlement agreement must insert their State Bar number on the document. Failure to comply with this rule may result in the rejection of the settlement until corrected.
- (5) The Court will not enforce a provision in an agreement that permits entry of judgment against a defaulting party without notice. A party aggrieved by another party's non-compliance with a settlement agreement and dismissal of the case must file a notice of motion and motion to reopen the case, serve the notice of motion and motion on the alleged defaulting party, and file a proposed order under Civ. L.R. 1.5.

REVISED RULE:

6.4 Mandatory Mediation

- (1) The Waukesha County Circuit Court Civil Division has designated Waukesha Mediations as the default mediators for small claims cases. Within ten (10) calendar days of receiving the Notice of Hearing from the Clerk of Circuit Court, the party filing the case must contact Waukesha Mediations and schedule mediation with the adverse party(ies). Failure timely to initiate the scheduling of mediation may be grounds for dismissal. The cost of mediation will be divided equally between the parties.

(2) If a party wishes to use a mediator other than one from the panel of mediators utilized by Waukesha Mediations, the party must advise the opposing party of their desire to use a mediator different than Waukesha Mediations, inform the party that they must voluntarily consent to use a different mediator, and obtain written consent to use a different mediator. Said written consent shall be filed with the Court. The parties shall use the approved consent form provided at: waukeshacounty.gov/circuit-courts/civil-court/mandatory-mediation/

(3) Each party must personally appear at the mediation with or without an attorney. Organizational parties must comply with Civ. L. R. 6.3. The mediation process must be completed prior to any scheduled contested hearing. Failure to attend mediation may be grounds to grant judgment or dismissal against the offending party. The Court or court commissioner may grant judgment or dismissal upon the Court's own motion or upon the motion of a party.

(4) The mediation requirement does not apply to the claim for a writ of restitution in an eviction case. The parties are required to mediate all claims for monetary damages in eviction actions (e.g. past due rent or damage to property, etc.) after the claim for a writ of restitution is decided.

(5) Any mediated settlement must be signed by each party with the signor's name typed or printed legibly beneath his/her signature. Attorneys signing any stipulation or settlement agreement must insert their State Bar number on the document. Failure to comply with this rule may result in the rejection of the settlement until corrected.

(6) The Court will not enforce a provision in an agreement that permits entry of judgment against a defaulting party without notice. A party aggrieved by another party's non-compliance with a settlement agreement and dismissal of the case must file a notice of motion and motion to reopen the case, serve the notice of motion and motion on the alleged defaulting party, and file a proposed order under Civ. L.R. 1.5.