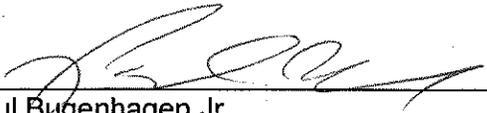


Dated at Waukesha, Wisconsin the 20 Day of January, 2026

BY THE COURT:



Paul Bugenhagen Jr.
Chief Judge

STATE OF WISCONSIN

CIRCUIT COURT
THIRD JUDICIAL DISTRICT

WAUKESHA COUNTY
26-SO-02 (67)

IN THE MATTER OF:
Adoption of the revised
Local Criminal Court Division Rules

ORDER

WHEREAS, the Waukesha County Judges, on January 20, 2026, approved the revisions to the entire Waukesha County Criminal Division local rules; and

WHEREAS, the Chief Judge of the Third Judicial Administrative District, under SCR 70.21(15e) and section 753.35(1)&(2) Wis. Stats., has authority to approve local circuit court rules; and

NOW, THEREFORE IT IS ORDERED that effective January 21, 2026, the attached Waukesha Criminal Division local rules replaces all prior changes

**RULES OF THE WAUKESHA COUNTY CIRCUIT COURT
CRIMINAL COURT DIVISION**

Last Revised: January 14, 2026

Effective: January 21, 2026

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Rule 1: Case Administration

1.1 Communication with the Court

Any communication with the Court must be in writing, provided to all parties, and clearly identify the names of the parties or counsel copied on the communication.

1.2 Filings by Represented Defendants:

The Court will not accept substantive pro se filings from represented defendants.

1.3 Submission of Proposed Order, Findings or Similar Document:

Proposed orders, findings, or similar documents must be filed in Word format with a three-inch top margin on the first page to allow for the Court's signature block. A party filing a proposed order, findings or similar document must serve all parties with the document and advise the Court in writing whether the other parties approve the document or that it is filed under the 11-day rule contained herein. If there is no agreement on the form of the proposed submission, within eleven (11) calendar days from the date the proposed submission is filed any party objecting to it must file an alternative proposed version, along with a cover letter identifying the basis for the objection. Absent good cause, objections filed after expiration of eleven (11) calendar days are forfeited.

1.4 Facsimile Transmission of Document to the Court

(1) A facsimile document transmitted directly to the Court will be accepted for filing only if all the following criteria are met:

(a) The party submitting the document to the Court is not a voluntary eFiler or an individual required to use the electronic filing system pursuant to Wis. Stat §801.18(3);

(b) The party submitting the document complies with all statutes and local rules regarding communications to the Court (see Crim. L. R. 1.1 and 1.2 above) and service;

(c) The document does not exceed 15 pages in length excluding cover sheet. A cost of \$3.00 per page above the limit will be assessed unless an exception has been approved by the Court or court commissioner on a case-by-case basis. The party or attorney must certify that the assigned judge or court commissioner has approved the exception to the 15-page limit;

(d) No filing fee is required for the filing of the document.

(2) Facsimile documents transmitted to a non-court agency, party, or company for the receipt, transmittal, and delivery to the Clerk of Circuit Court will be accepted for filing only if

the transmission complies with this local rule or has been approved by the Court or court commissioner and certified by the transmitting party or attorney.

(3) The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt. The Clerk of Circuit Court is not responsible for errors or failures in transmission that result in missing or illegible documents, or when a Clerk of Circuit Court's facsimile machine is not operational for any reason.

(4) If a document is transmitted by facsimile machine, no additional copies may be filed with the Clerk of Circuit Court. The Clerk of Circuit Court will discard all duplicate papers subsequently received by the Clerk of Circuit Court, Court, or court commissioner. Original documents are to be maintained by the transmitting party or his/her attorney.

(5) Pursuant to Wis. Stat. §801.16(2)(f), documents filed by facsimile transmission completed after regular business hours of the Clerk of Circuit Court's office are considered filed on a particular day if the submission is made by 11:59 pm CST, as recorded by the Clerk of Circuit Court's facsimile machine. Documents submitted by facsimile transmission after 11:59 pm are considered filed the next business day.

1.5 Remote Hearings

(1) The Court, in its discretion, may utilize videoconferencing or telephone conferencing in lieu of in-person appearances. The Notice of Hearing will state whether a hearing is scheduled to occur via video or telephone conferencing. The Clerk of Circuit Court will maintain a working online calendar of remote meeting login IDs and passcodes for each Court, which may be shared with members of the bar but will not otherwise be publicly circulated.

(2) Remote hearings are formal court proceedings, and participants are subject to contempt of court for non-compliance with court rules. All parties must dress and conduct themselves as if physically present in the courtroom. Parties must appear by both video and audio means unless otherwise approved by the Court. Parties, witnesses, and attorneys must display their full first and last name electronically so that the Court can clearly identify each participant. Parties are responsible for ensuring appropriate lighting and audio during the hearing, and that there are no inappropriate backgrounds or distractions. Any recording of a remote hearing, other than by the court reporter or official court audio recording system is prohibited.

(3) All parties who provide their cellular telephone number to the Court will receive a text message reminder at least 24 hours prior to the hearing with login information.

(4) GF-308 provides further instructions for how to appear remotely.

1.6 Media

Media requests to record a scheduled hearing must be directed to the Court and must comply with the Clerk of Circuit Court's media policy. This policy will be updated and made available at Waukesha County Circuit Courts Media Requests.

1.7 Restricted Access to Filings and Filing Papers Under Seal

(1) The Court will consider any document or material filed with the Court to be public unless, at the time of filing, it is accompanied by a separate motion requesting that: (a) access to the document be restricted to the Court and counsel for the parties; or (b) that the document or material, or portions thereof, be sealed by the Court under Wis. Stat. §801.21. No motion is necessary to seal or restrict a document or material otherwise protected from disclosure under Wis. Stat. §801.19, or other statute or local rule.

(2) The separate motion to restrict or seal must be publicly filed and must describe the general nature of the information withheld from the public record. The Clerk of Circuit Court will file the document or material under temporary seal unless otherwise ordered by the Court.

(3) Any motion to restrict access or seal must be supported by sufficient facts demonstrating good cause for withholding the document or material from the public record. If the documents or materials sought to be restricted or sealed have been designated confidential by someone other than the filing party, the filing party may explain in the motion that the documents or materials are being filed under seal pursuant to a court-approved protective order or otherwise, and that the filing party supports, objects to, or takes no position on the continued sealing of the documents or materials. In response, the person or party that originally designated the documents or materials as confidential may, if it chooses, provide sufficient facts demonstrating good cause to continue sealing the documents or materials. Absent a sufficient factual basis demonstrating good cause sufficient to seal the documents or materials, the motion will be denied and the documents or materials will be publicly filed by the Clerk of Circuit Court, unless otherwise ordered by the Court.

(4) Any party seeking to restrict access to documents or materials or to file confidential documents or materials under seal, whether pursuant to a court-approved protective order or otherwise, must include in the motion a certification that the parties have conferred in a good faith attempt to avoid the motion or to limit the scope of the documents or materials subject to sealing under the motion.

(5) The following documents or materials do not require a separate motion to be filed under seal: (a) presentence investigation reports; (b) "protected information" as defined in Wis. Stat. §801.19(1)(a); and documents identified by the Director of State Courts pursuant to Wis. Stat. §801.20(1).

(6) To the extent that any documents filed or to be filed with the Court contain material designated as confidential, these documents, or any portion thereof, must be filed under

temporary seal by the filing party with the Clerk of Circuit Court as follows:

Pro Se Paper Filers: Document(s) must be filed with the Clerk of Circuit Court's office in an envelope marked "SEALED".

Efilers: When submitting the document(s) via the eFiling system, the filer must check the "Seal" check box.

All documents submitted under seal will remain under temporary seal until the Court rules on the motion or otherwise ordered by the Court.

(7) Any party filing material claimed to be confidential under subsection (6) must include with that filing either: (1) a motion to seal the material pursuant to this rule; or (2) an objection to the designation of the material as confidential and a statement that the objection to the designation has been provided to the person claiming confidentiality. If such an objection is made, the person having designated the material as confidential may file a motion to seal under this rule within 21 days of the objection.

(8) The designation of a paper as confidential under the terms of a protective order is not sufficient to establish the basis for filing that document under seal. The party seeking to withhold the document from the public record must file a motion to seal in accordance with this rule.

1.8 Interpreters

(1) If a party or witness needs the assistance of an interpreter for a hearing, the party or his/her attorney or the party calling the witness must submit a written request using state form GF-149 for an interpreter sufficiently in advance of the hearing to permit the retention and appearance of an interpreter.

(2) If an interpreter is requested for a hearing or trial, the parties to the case must notify the Court within seven (7) calendar days of the hearing or trial if there is a request to adjourn or cancel the hearing or trial. Failure to comply with this rule or the failure to resolve a matter by a court-ordered deadline contained in a pretrial order may result in the Court imposing costs upon the parties.

Rule 2: Case Scheduling

2.1 Notifications Provided at Initial Appearance

At any initial appearance, the court commissioner must notify the defendant of the judge assigned to the trial of the action and, if defendant appears without counsel, advised of his/her right to counsel, and if appropriate, referred to the State Public Defender's Office.

2.2 Initial Appearance/Arraignment (Non-Felony Matters)

(1) In misdemeanor, criminal traffic, traffic, and non-traffic forfeiture cases, the defendant will have an initial appearance and arraignment before the court commissioner. If a defendant pleads not guilty, the matter will be given a date on the trial Court's calendar for further proceedings that is within thirty (30) days following said plea. If a defendant wishes to enter a guilty or no contest plea in a criminal matter, the court commissioner will schedule the case for a plea and sentencing hearing before the assigned judge within thirty (30) days. If a defendant wishes to enter a guilty or no contest plea in a non-criminal matter, the court commissioner will immediately proceed to disposition.

(2) A default judgment may be entered against a defendant in any non-criminal matter who fails to appear personally or by counsel at any scheduled proceeding.

2.3 Initial Appearance/Preliminary Examination/Arraignment (Felony Matters)

(1) Unless otherwise waived by the defendant on the record, all felony cases will be scheduled for a preliminary examination within ten (10) days of the initial appearance before a court commissioner if the defendant is in custody or within twenty (20) days of the initial appearance if the defendant is not in custody. In any case, in the event of a waiver of time limits, the preliminary examination should be held within thirty (30) days of the initial appearance. If a defendant appears without counsel, the matter of status of counsel must be addressed prior to the scheduling of any preliminary hearing. This may be modified where good cause is demonstrated by either party.

(2) If the defendant is bound over for trial at the conclusion of the preliminary examination, the state whenever possible will file the information, and arraignment shall occur at that time. In all cases, the arraignment should be held within thirty (30) days of the preliminary examination.

(3) If an individual intends to waive his/her preliminary hearing, and a preliminary hearing waiver has been filed with the Court no less than two (2) business days in advance of the hearing, the defendant may appear for a waiver hearing by remote appearance.

2.4 Motions Before Trial

(1) Unless otherwise ordered by the assigned judge, all motions must be filed with the Court in conformance with the statutes but, in any event no later than sixty (60) days after arraignment, and must be scheduled to be heard prior to trial. Absent good cause, no motion will be scheduled for hearing prior to it having been filed in writing with the Court.

(2) Absent Court approval, a movant's brief must not exceed 25 pages, a responding brief must not exceed 25 pages, and a reply brief must not exceed 10 pages (excluding any caption, cover page, table of contents, table of authorities, and signature block). The Court may disregard any briefs exceeding the permitted length, or ones that contain non-standard typeface or margins to

avoid compliance with this rule.

2.5 Adjournment of a Hearing

Before requesting an adjournment of a hearing, the person seeking the adjournment must contact every other party to the case, or if represented, the party's attorney, and determine if there is any objection to the request. The motion or letter requesting the adjournment must inform the Court whether the other party(ies) (as well as the alleged victim(s), if any) join in or stipulate to the requested adjournment or if one or more parties object to the request. Failure to comply with this rule may result in the Court summarily denying the request.

2.6 Jury Status Hearings

A jury status hearing will be held preceding the trial date for the purposes of accepting any change of plea and to determine the order and number of cases set for trial before the Court. Unless approved by the Court, the attorneys assigned for trial and the defendant must appear in person for the jury status. Absent a motion to adjourn or other good cause, the parties must be prepared to enter a plea of guilty/no contest or proceed to trial. Absent good cause, any cases continued from the trial calendar will be rescheduled to a date no later than sixty (60) days from the date continued.

Rule 3: Trials

3.1 Adjournment

A request for an adjournment of a trial must be in writing and comply with Crim. L. R. 2.5, and must set forth specific reasons for the request. Cases that resolve or are adjourned after the final jury status but before a jury is selected may have costs assessed associated with the expense of having jurors report for service.

3.2 Conduct During Trial

Unless approved by the Court, only one person may conduct voir dire on behalf of a party, and only one person on behalf of a party may examine a particular witness, lodge objections related to a witness, or argue motions.

3.3 Exhibits

(1) Mandatory/Voluntary eFilers. Unless otherwise ordered by the Court, all proposed exhibits (other than documents used for rebuttal or impeachment) must be eFiled no later than the morning of trial via the File Exhibit link in the Circuit Court eFiling system.

(2) Paper Filers. Unless otherwise ordered by the Court, all proposed exhibits (other than

documents used for rebuttal or impeachment) must be available in hard copy form the morning of the trial, with additional copies for the opposing side and the Court.

(3) Absent good cause, failure to file exhibits as specified above or in a court order, and the failure to provide copies of the proposed exhibits to the opposing party(ies) at or before the time filed with the Court may result in the proposed exhibit(s) not being admitted or considered by the Court.

(4) It is the responsibility of the parties to display exhibits using the Court's audio/visual technology. Court staff will not play any type of media or otherwise connect any technology to courtroom computers. Please refer to our Court Technology AV Guide with information as to built-in presentation technology.

(5) The Clerk of Circuit Court must maintain a complete and accurate electronic or digital copy of all evidence received at trial and, unless otherwise ordered by the Court, the offering party is responsible for producing all exhibits in electronic form.

3.4 Restricted Use of Electronic Devices

Electronic communication equipment, including, but not limited to cellular telephones, pagers, laptop computers, scanners and recording devices, may not be used by jurors in the courtroom or deliberation room without the specific approval of the judge.

Rule 4: Case Assignment

4.1 Bail Jumping Cases

All bail jumping cases filed with the criminal traffic division will be assigned to the same judge assigned to hear the underlying case.

4.2 Refusal Cases

All refusal cases will be filed with the judge assigned to hear the OAWI/BAC/PAC/cases.

4.3 Assignment of Civil Citations

Judges hearing criminal traffic cases will be assigned all civil citations arising out of the same incident.

4.4 Multiple Defendant Cases

The judge assigned to the first case filed with the Criminal Traffic Division will be assigned

to hear the codefendant's case(s).

4.5 Sentencing After Revocation

All sentencings after revocation will be heard by the judge who placed the defendant on probation or, if the judge subsequently rotated out of the Criminal/Traffic division, by the judge who assumed the sentencing judge's caseload.

Rule 5: Bail

5.1 Bail Motions

Unless otherwise agreed, all bail motions must be in writing, comply with victim's rights, and filed and served at least two (2) business days prior to being heard. Scheduling bail motions is the responsibility of the moving party and done through the appropriate calendar clerk. Absent good cause, any motion to modify bail or conditions of bond imposed by a court commissioner will be heard by the assigned judge.

5.2 Bail Modifications

When a Court modifies bail, the defendant must immediately sign a new bail bond.

5.3 Warrant Returns

If the warrant states that the defendant has no bail and must appear before a particular judge, it must be scheduled before that judge unless the judge approves scheduling to the daily lock up calendar or another judge.

5.4 Removal of Cosigner Signatures

When a court official has required the signature of a cosigner upon a bond, that cosigner's name may only be removed upon request and with the consent of the Court.

Rule 6: Required Attendance by Defendant and Authorizations to Appear

In addition to the requirements of § 971.04, defendants must appear for all scheduled court dates unless an authorization for defense counsel to appear has been filed and approved by the Court. Irrespective of an authorization to appear, absent express approval, Defendants must appear for all evidentiary hearings, plea dates, trial dates and jury status dates. Defendants nor their counsel need to appear if they have been informed in advance by the District Attorney's Office that the case is scheduled for dismissal.

Rule 7: Restitution

Prior to entry of a plea or proceeding to trial, the District Attorney and the defendant or his/her counsel must confer and engage in reasonable efforts to address and resolve any claim for restitution. If the defendant stipulates to the requested restitution, the Court may order the agreed sum to be paid by the defendant as part of a sentence or disposition. If there is no stipulation because the defendant contests some or all of the requested restitution, the Court will set the matter for a restitution hearing within sixty (60) days. Where appropriate, the parties should file partial stipulations on matters for which there is no dispute in order to eliminate the potential need for the alleged victim's appearance at the restitution hearing and to preserve judicial resources.

Rule 8: Attorney's Fees

All Court ordered reimbursements for court appointed attorney's fees will be collected by the Department of Administration Collection Division. This will include, but is not limited to, defendants placed on supervision with the Department of Corrections.

Rule 9: Victim Impact Panel Meetings

All defendants convicted of third or greater OWI/PAC offenses or of OWI/PAC causing injury or death to another must attend a victim impact panel meeting on a date ordered by the Court. Alternate jail sentences of up to 30 days consecutive to any other sentences may be imposed for failure to attend a victim impact panel meeting.

Rule 10: Jail or Huber Sentence Credits

Upon notification from the jail, trustees will be given credit toward their sentences of one day sentence credit for each 24 hours of trustee work. The jail personnel must notify the Court of the number of hours accrued and provide recommendations for granting said credit.

Rule 11: Enforcement Policy for Monetary Penalties and Other Monetary Conditions of a Sentence or Disposition

11.1 Monetary Penalties and Other Monetary Conditions of a Sentence or Disposition

Monetary penalties and other monetary conditions of a sentence or disposition imposed by the

Circuit Judges and Court Commissioners pursuant to statutes may include, but are not limited to, fines, forfeitures, costs, assessments, surcharges, restitution and reimbursement. Reimbursement includes services paid for by Waukesha County, such as attorney's fees, jury costs or witness fees or any other costs or charges owed to or through the Circuit Court. Monetary penalties and other monetary conditions of a sentence or disposition which the Court makes a condition of probation or parole are not subject to these rules.

11.2 Delegation of Authority to Establish Payment Agreements

The Criminal/Traffic Circuit Court Judges delegate the authority to establish and coordinate Payment Agreements for all monetary penalties and other monetary conditions of a sentence or disposition to the Clerk of Circuit Court, Business Center. The Clerk of Circuit Court, Business Center may coordinate activities to collect monetary penalties and other monetary conditions of a sentence or disposition with the Department of Administration, Collections Division. All Payment Agreements established pursuant to this rule are enforceable in the same manner as if established by judges or court commissioners in open court or otherwise.

11.3 Financial Disclosure Statements

Defendants must complete and submit Financial Disclosure Statements if requesting time to pay their monetary penalties and other monetary conditions of a sentence or disposition. The Clerk of Circuit Court, Business Center may require that defendants submit updated financial documentation if their Payment Agreements extend more than one (1) year.

11.4 Delegation of Authority to Collect Monetary Penalties and Other Monetary Conditions of a Sentence or Disposition

The Criminal/Traffic Circuit Court Judges delegate the collection of monetary penalties and other monetary conditions of a sentence or disposition from defendants who fail to comply with their Payment Agreements to the Clerk of Circuit Court, Business Center or Department of Administration, Collections Division who will carry out these duties as set forth in this rule. The Department of Administration, Collections Division acts as a collection agency for the Clerk of Circuit Court, Business Center, pursuant to § 59.40(4), Wis. Stats. The Department of Administration, Collections Division, in addition to usual collections activities as part of collection efforts, may request a civil judgment against defendants who own property (after pursuing a voluntary property lien first), recalcitrant defendants who can pay but refuse to do so, or in situations of long-term payment agreements.

11.5 Policy Questions & Interpretations

Policy questions or issues related to the payment for all monetary penalties and other monetary conditions of a sentence or disposition should be submitted in writing to the Business Manager of Circuit Courts.