



MARATHON
COUNTY

Kelly Schremp
Clerk of Court

500 Forest Street
Wausau, WI 54403

P: 715-261-1310
F: 715-261-1319

CIVIL/FAMILY DIVISION
P: 715-261-1310

CRIMINAL/TRAFFIC DIVISION
P: 715-261-1270

JUVENILE DIVISION
P: 715-261-1273

PROBATE DIVISION
P: 715-261-1260

SMALL CLAIMS DIVISION
P: 715-261-1310

March 12, 2026

RE: Addition to Marathon County Local Court Rules

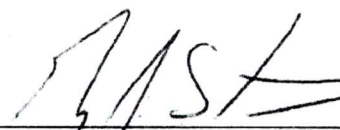
Effective Date: April 1, 2026

Rule 5.70 DIVORCE BY AFFIDAVIT

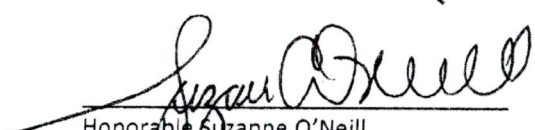
Divorce by Affidavit, pursuant to Wis. Stat. § 767.235, may be granted in Marathon County Circuit Court, if all of the following conditions are met:

1. There is full compliance with all conditions set forth under Wis. Stat. § 767.235(1).
2. If either party is receiving public assistance, the affidavit required under Wis. Stat. § 767.235(b)(4) shall identify that assistance and further confirm that the Marathon County Corporation Counsel's Office has been given notice of the filing of the divorce and the terms of the marital settlement agreement related to child support and has approved the agreement, if there are benefits being received.

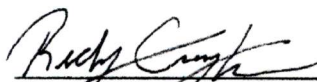
Presiding Judge Gregory Strasser, Judge Suzanne O'Neill, Judge Rick Cveykus, Judge LaMont Jacobson, Judge Michael Moran, and Judge Scott Corbett have reviewed the Marathon County Local Court Rules, and the addition of Local Court Rule 5.70 – Divorce by Affidavit.



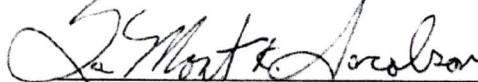
Honorable Gregory Strasser
Circuit Court Judge, Branch 4
March 12th, 2026



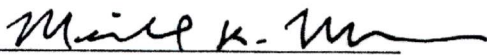
Honorable Suzanne O'Neill
Circuit Court Judge, Branch 1
March 13, 2026





Honorable Rick Cveykus
Circuit Court Judge, Branch 2
March 17th, 2026



Honorable LaMont Jacobson
Circuit Court Judge, Branch 3
March 3/19, 2026


Honorable Michael Moran
Circuit Court Judge, Branch 5
March 12th, 2026


Honorable Scott Corbett
Circuit Court Judge, Branch 6
March 19th, 2026


Honorable Ann Knox-Bauer
Chief Judge, Ninth Judicial District
March 23, 2026

Marathon County Circuit Court Rules

(Ninth Judicial District)

Revision Date: January 1, 2025

COURT RULES & POLICIES: CHAPTER 1

CHAPTER 2: CASE MANAGEMENT

CHAPTER 3: CRIMINAL and TRAFFIC PROCEDURES

CHAPTER 4: CIVIL ACTIONS

CHAPTER 5: FAMILY MATTERS

CHAPTER 6: JUVENILE PROCEDURES & POLICIES

CHAPTER 7: PROBATE MATTERS

CHAPTER 1: COURT RULES & DECORUM

1.01 ADOPTION OF COURT RULES

The Marathon County Circuit Court Judges, in order to provide for a system of efficient court administration, and to encourage uniformity between the various branches of this court, hereby codify, adopt and promulgate the following rules and policies effective January 1, 2025. All previous rules and policies not otherwise incorporated herein shall have no force or effect after this effective date.

1.02 AMENDMENT OF COURT RULES

(1) Enactment of Changes: The Marathon County Circuit Court Judges expressly retain their inherent right and power to amend, add to, or delete from these rules and policies as needs and circumstances require, either with or without prior opportunity of any persons to comment.

(2) Policy of Procedure: It will be the policy of the Marathon County Judges to give adequate prior notice of changes to these rules and policies to the Marathon County Bar Association through the president thereof and the Association may, from time to time and as circumstances permit, seek comment on any proposed changes through the Bar Association.

1.10 COURT DRESS STANDARD

Counsel, courtroom staff, litigants, and witnesses shall dress in a manner appropriate to the dignity of the legal process. Attorneys shall wear business attire.

1.11 CALLING OF COURT

The court shall call the case by case name and number which commences the recorded proceedings. The Attorney for plaintiff or petitioner shall then state the appearances for the record.

1.12 COURT ROOM CONDUCT

Lawyers shall conduct themselves in a manner that enhances the dignity of the proceedings in the eyes of the jury and the public by observing the minimum standards of conduct established by Supreme Court Rule 62 and these rules:

- (1) Manner of Address: The judge and opposing counsel shall be addressed formally.
- (2) Position Upon Examining Witnesses: Unless otherwise permitted, lawyers shall examine witnesses from a position at counsel table or at the lectern, except when handling exhibits.
- (3) Eating and Smoking: Smoking, eating or drinking in the courtroom is prohibited.

Electronic Devices: Electronic devices shall be silenced in the courtroom.

1.20 WEAPONS IN COURT FACILITIES

(1) General Prohibition: Except as provided herein below, no weapons are permitted in the Marathon County Courthouse Circuit Court facilities.

(2) Law Enforcement Exception:

(a) Security Holsters: Except as provided in subsection (3), uniformed law enforcement officers may carry weapons in the circuit court facilities if the weapons are in a holster approved by their department and designed to ensure the weapons can only be removed from the holster by the law enforcement officer.

(b) Holster Policies: Each law enforcement agency in Marathon County shall establish policies regarding holsters that meet the criteria set forth in subsection (2)(a).

(3) Law Enforcement As Party To Action: In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant or other interested party, and outside the scope of their employment, shall not be permitted to bring weapons into the circuit court facilities.

1.31 GENERAL MEDIA REGULATIONS

(1) Adoption of Supreme Court Rules: The manner, method and restrictions as to media coverage is as set forth in Chapter 61 of the Wisconsin Supreme Court Rules. A current copy of such rules will be furnished to the media upon request.

(2) Use of Media Coordinator: In order to minimize multiple requests, whenever time permits all requests and communications between media outlets and the courts should be through the court appointed Media Coordinator.

(3) Courtroom Decorum: The rules of courtroom decorum shall apply to the media and to all others observing court proceedings.

1.32 CLOSURE ORDERS

Unless deemed impractical by the trial judge, a party requesting any judicial proceeding be closed to the news media must notify the court, media coordinator and opposing counsel at least 72 hours prior to the time set to hear such a request. The purpose of this rule is to permit legal counsel to appear on behalf of the media and to be heard. The burden shall be upon the moving party to show cause why Wis. Stat. § 757.14 should not apply.

1.35 LOCATION OF MEDIA EQUIPMENT

(1) Location Generally: Pursuant to Supreme Court Rule 61.05, the trial judge shall designate the location in the courtroom for any camera equipment and operators so that media coverage will not obstruct the view of others in the courtroom. Any media member planning to cover any court proceeding shall advise the court in advance so the court may instruct where to place media equipment.

(2) Microphones: Unless otherwise authorized, only four microphones will be permitted in the courtroom; one on the judge's bench, one on the witness stand and one on each counsel table.

(3) Cameras: Cameras allowed in the courtroom shall be used in a manner that does not disrupt courtroom proceedings.

(4) Removal of Equipment: The disassembly and removal of media equipment will occur during breaks in court proceedings, unless it can be done without disrupting court.

1.36 PHOTOGRAPHY & RECORDING

(1) Persons Protected: There shall be no visual photography in any form or any audio recording of any of the following, except upon request and specific advance authorization for each separate proceeding;

- (a) Juveniles;
- (b) Victims of sex crimes;
- (c) Undercover agents;
- (d) Police informants;
- (e) Relocated witnesses, and;
- (f) Any juror called or selected to serve.

(2) Manner Protection Enforced: To ensure compliance with this provision, all hand-held or mounted cameras and microphones shall be capped, turned away from such persons or dismantled entirely during the testimony of any such persons, unless otherwise

authorized in advance.

CHAPTER 2: CASE MANAGEMENT

2.12 FACSIMILE TRANSMISSIONS

(1) Filing By Facsimile Transmissions Permitted: Facsimile documents transmitted to the either the Clerk of Courts or the Register in Probate shall be deemed suitable for filing if sent to the respective facsimile number and otherwise complies with this rule.

Clerk of Courts (715) 261-1319
Register in Probate (715) 261-1269

(2) When Permitted; Direct Court Filing: Facsimile documents may be directly transmitted to the courts and shall be accepted for filing only if;

(a) The sender is not an e-filer;

(b) Length: The document does not exceed fifteen (15) pages in length, excluding the cover sheet;

(c) Filing Date: Papers filed by facsimile transmissions after the regular business hours of the Clerk of Court's or Register in Probate's offices shall be considered filed on the next business day. The regular court hours are 8:00 a.m. to 4:30 p.m. week days.

(d) Singular Filing: The facsimile document shall be date stamped by the Clerk of Court's or Register in Probate's offices and docketed.

(3) Judicial Authorizations: Documents that do not conform to these rules may be transmitted only if the judge assigned to a particular matter authorizes, in advance, the filing of non-conforming documents in that case if good cause is shown and they are in conformance with Wis. Stat. 801.16. Facsimiles exceeding fifteen (15) pages in length must bear a certification that the assigned judge or court commissioner has approved it.

2.13 THE CLERK OF COURTS OFFICE WILL NOT ACCEPT CIRCUIT COURT DOCUMENTS FOR FILING VIA EMAIL.

2.14 CONFIDENTIALITY OF COURT REPORTS

(1) Reports Deemed Confidential: In all actions and proceedings, all reports to the court are confidential until such time as released by the court. The original report shall be provided to the court. In addition, the author of confidential reports shall provide copies to all attorneys of record in the proceeding, including any guardian ad litem.

(2) Responsibilities and Limits Upon Counsel: Counsel for any party may make such report available to their client for viewing only in the presence of counsel or counsel's representative. Unless approved by the court in advance, counsel shall not make a copy of the report or permit the report to be viewed or disseminated to any other person.

2.18 FILE REVIEW

Subject to any legal restrictions, access to court files may be in an area provided by the Clerk of Court/Register in Probate upon proper identification.

2.21 COURT APPOINTED ATTORNEYS (NON-FAMILY LAW CASE)

(1) Rate of Pay: Whenever the court appoints an attorney to act in a case the county shall compensate the attorney at the rate established by Wisconsin Supreme Court Rule 81.02 whenever the county becomes responsible for the payment.

(2) Compensation Limits: Compensation shall be for time the attorney devotes to the case and not time incurred by paralegals, secretaries or other law firm personnel, unless authorized by the court in advance.

(3) Allocation of Reimbursement: The judge shall approve the billing before payment, allocate the bill between the parties if appropriate and, whenever the party has ability, order reimbursement by the party together with a payment plan.

2.25 CONSOLIDATION OF CASES

(1) Consolidation of Cases: To promote efficiency, the Marathon County Circuit Court Judges shall attempt to transfer for consolidation any action involving a related case already pending in another branch of circuit court. This policy is meant to cover, but is not limited to, juvenile, family, criminal and civil court actions involving the same parties and similar issues.

(2) Newly Filed Criminal Cases: To be assigned to the intake branch, except:

(a) Cases with charges filed as a result of a dismissal shall be assigned to the branch that ordered the dismissal, and

(b) Cases with charges filed against a defendant with an open criminal case shall be assigned to the branch with the pending case(s).

2.30 MOTION PRACTICE

(1) Attorneys Duty to Give Notice: In all civil and family matters the moving party or their attorney is responsible for providing notice of hearing on any motion filed by that party. Prior to sending out such notice, the party or their attorney shall call the judicial assistant for the assigned branch to set an appropriate date and time.

(2) Piggy-Back Practice: No attorney or party shall schedule additional motions on a pre-existing motion date for the same case without first advising the court, to determine if sufficient time has been set aside for an additional motion and, if not, to get another date for the motion.

2.31 SCHEDULING CONFERENCES

Scheduling conferences will be held at a party's request, or if the judge believes a conference will define the issues and assist the attorneys in preparing the case for trial.

2.32 24-HOUR FILING RULE

If a party efiles a document less than 24 hours prior to a scheduled hearing, that party must give actual notice to the court and other parties of the filing.

2.35 FINAL PRETRIAL CONFERENCES

Final pretrial conferences shall be held pursuant to Wis. Stat. § 802.11 and counsel shall observe these additional rules:

(1) Proposed Jury Verdict and Instructions: Attorneys shall file their proposed verdicts and jury instructions with the judge and opposing counsel at the time of the final pretrial conference unless a different procedure is set forth in the scheduling order.

(2) Appearance By Trial Counsel: Unless otherwise allowed, each party shall be represented by the attorney who will be trying the case, who shall be prepared to discuss the case's specifics.

(3) Discovery: All discovery, including any video depositions for use at trial, shall be completed no later than the time set for the pretrial, unless the court otherwise orders.

2.40 SCHEDULING CONFLICT

(1) Conflict With Schedule of Judge: No case shall be taken before a judge of another branch without the consent of the judge initially assigned to the case or a written transfer by the chief judge.

(2) Conflicts Between the Courts: If a conflict arises between the circuit court judges where two or more judges have trials scheduled with the same attorney, the judges shall consult with each other to determine which case should have priority based upon type of case, age of case and other factors. One of the judges shall then make the necessary arrangements to notify the parties.

2.52 EXHIBITS

In order to limit unnecessary waiting for jurors, witnesses, counsel and the court:

Copies of Exhibits: Whenever counsel expects to have a witness rely on a detailed exhibit, such as a medical report, a financial statement, a stipulation or a contract, the attorney shall be responsible for **presenting an extra copy to the judge** and opposing counsel.

CHAPTER 3: CRIMINAL and TRAFFIC PROCEDURES

3.05 DA's STATEMENT OF APPEARANCE

At the beginning of any criminal case other than the initial appearance, and after the court has called the case, the district attorney shall state the parties appearances and whether victim's rights legislation has been complied with.

3.11 BOND ON MISDEMEANOR WARRANTS

Return Date; Bond Posted: Whenever bond on a misdemeanor arrest is posted during a weekend to secure a defendant's appearance before the Marathon County Circuit Court, the defendant shall be ordered to appear as follows;

Domestic — Monday @ 2:00 p.m.

All others — Tuesday @ 2:00 p.m.

3.17 RETRIEVING NECESSARY PERSONAL BELONGINGS

The court minutes shall specifically reflect that the court has ordered as a condition of bond that the defendant be allowed to retrieve his or her necessary personal belongings from the alleged victim's residence only in the presence of law enforcement officers. Law enforcement officers shall be responsible for carrying out the order. Arrangements to effectuate retrieval shall be made between the law enforcement agency and the defendant. It shall be the responsibility of the defendant to contact the appropriate law enforcement agency to make those arrangements.

3.22 INSTANT ARRAIGNMENT

If the district attorney has any information prepared for filing immediately after bind over at the preliminary hearing, arraignment may follow without delay. A defendant's plea entered at this time is subject to the defendant's right to request substitution of judge or other motions filed within ten (10) days thereafter.

3.35 WRITTEN PLEA ADVISEMENT REQUIRED

At the time of the taking of any plea, defendant's counsel shall present to the court a completed, state approved, written plea advisement signed by the defendant and their attorney.

3.62 LIABILITY FOR RESTITUTION

Unless otherwise ordered by the court for cause, all restitution orders shall be joint and several with any other co-defendant to help ensure the earliest recovery by crime victims.

3.69 OWI SENTENCING GUIDELINES; POLICY

(1) Adoption of OWI Guidelines: The 9th Judicial District and Marathon County Circuit Courts, in recognition of the danger and devastation caused by those operating motor vehicles under the influence of intoxicants, and consistent with the requirements of law, automatically adopt the guidelines, updated from time to time, for sentencing those convicted of Operating a Motor Vehicle While Under the Influence of an Intoxicant, or with a Blood/Breath Alcohol Concentration as adopted by the 9th Judicial District.

(2) Adoption of OAR Guidelines: The 9th Judicial District and Marathon County Circuit Courts, in order to encourage uniformity within the district, adopt the 9th District Operating After Revocation Sentencing guidelines, as well as future amendments to the guidelines, for sentencing those convicted of Operating After Revocation or Suspension.

(3) Collection of Alcohol Assessment Fee: Any defendant residing in Marathon County who is convicted of a Marathon County offense of Operating a Motor Vehicle While Intoxicated or having a Prohibited Breath/Blood Concentration may be ordered to pay the state mandated OWI assessment to the Clerk of Courts Office. The amount of this assessment shall be set by the Executive Committee of North Central Health Care. The Clerk of Court will disburse the assessment funds to the local service provider.

3.70 BILLING FOR TRAVEL BY COURT APPOINTED ATTORNEYS

Court appointed attorneys may bill for travel to and from the Marathon County Courthouse, provided the attorney resides outside of Marathon County. Attorneys shall attempt to schedule court appointed cases in Marathon County in daily groups, and billing for travel on such days shall be pro-rated, based upon the number of cases in that group.

3.71 AUTHORITY OF CLERK OF COURT WHEN RECORD IS SILENT AS TO STATUTORILY MANDATED ACTION

In those cases where the record is silent regarding certain statutorily mandated actions related to an offense for which a defendant has been convicted, the clerk of court shall notify the court where the defendant was convicted of the omission in the record and that the clerk intends to address compliance with the statutory mandate by taking any of the following steps necessary to:

- a) Revoke or suspend driving privileges including for the applicable minimum revocation or suspension, unless the court orders otherwise.
- b) Require an alcohol and other drug abuse assessment.
- c) Assess any domestic abuse surcharge or sample, if applicable.
- d) Assess any DNA surcharge or sample, if applicable.
- e) Assess any restitution surcharges ordered by the court.
- f) Assess all other mandatory costs, fees or surcharges.