

JUDICIAL COURT COMMISSIONER

DEFINITION

Under direction of the Fifth Judicial District Chief Judge, Judicial Court Commissioner positions are assigned as needed in the following judicial areas: juvenile, criminal and traffic, family, probate, mental health and small claims. Contained below are examples of duties for each of these areas and the employment standards for all of these areas.

JUVENILE

EXAMPLES OF DUTIES

Judicial Court Commissioners assigned to the juvenile area may, under the authorization of the Juvenile Court Judges, perform the following duties: issue summonses, conduct temporary custody hearings and order a child held in or released from custody, make final dispositions in undisputed cases, conduct plea hearings, enter into consent decrees, conduct pre-hearing conferences, conduct all proceedings on petitions or citations under Wisconsin Statutes, and perform other duties as directed by the Juvenile Court Judges including research, liaison duties with schools, agencies, courts and service providers.

CRIMINAL AND TRAFFIC

EXAMPLES OF DUTIES

In criminal matters issue summonses, arrest warrants or search warrants and conduct initial appearances of persons arrested and set bail to the same extent as a judge. Conducts preliminary hearings. At the initial appearance, the court commissioner shall when necessary inform the defendant of his/her rights in accordance with State Statutes. If the defendant appears or claims to be unable to afford counsel, the court commissioner may refer the person to the state public defender for an indigency determination and appointment of counsel under State Statutes.

Conduct initial appearances in all traffic cases, in traffic regulation cases receive non-contested forfeiture pleas and impose monetary penalties according to a schedule adopted by a majority of the Circuit Court Judges, and refer applicable cases to court for enforcement for nonpayment.

In either criminal or traffic cases; will issue warrants and capiases for those who do not appear as summoned; directs cases to the proper court if the defendant wishes to enter a plea after intelligent waiver of rights. Performs related duties as required.

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FAMILY

EXAMPLES OF DUTIES

Conducts preliminary hearings in all family proceedings and enters temporary orders for child support, maintenance, custody of children, attorney's fees and use of property; orders custody and/or visitation studies or evaluations; expedites the appointment of a guardian ad litem to represent interests of minor children when necessary; institutes actions necessary to obtain payments in maintenance and/or child support; conducts post-judgment contempt hearings as a hearing officer for the Family Court Judges; conducts hearings on motions to amend temporary orders or judgments; conducts conferences with parties and private attorneys regarding legal aspects of domestic actions; aids attorneys in the proper and efficient conduct of domestic proceedings; assists in settling complaints arising from Family Code proceedings; reviews requests for waivers of various filing fees; enters domestic abuse temporary restraining orders; conducts domestic abuse injunction hearings; conducts income assignment hearings, tax intercept hearings, uniform reciprocal enforcement of support act hearings and interstate income assignment hearings; performs related duties as required.

PROBATE/MENTAL HEALTH

EXAMPLES OF DUTIES

Examines papers in proceedings brought to the probate court; checks final accounts, inventories, tax receipts and other papers necessary to the administration of estates; confers with attorneys and the public with regard to probate matters; certifies copies of judgments and other legal papers; administers mental commitment, guardianship and adoption proceedings; performs related duties as required.

SMALL CLAIMS

EXAMPLES OF DUTIES

Conducts small claims conciliation conferences, hearings and trials; examines pleadings and identifies issues; issues decisions or judgments including default judgments; approves stipulations; evaluates small claims rules and procedures to make recommended revisions on same; performs related duties as required.

(NEXT PAGE)

JUDICIAL COURT COMMISSIONER (continued)

Page 3

CIRCUIT COURT COMMISSIONER EMPLOYMENT STANDARDS

Education and Experience: Graduation from an accredited law school, being licensed to practice law in the State of Wisconsin a minimum of three years and knowledge of probate statutes and procedures is desirable. Also requires the ability to deal effectively with the public, attorneys and court personnel to conduct hearings in a judicious manner and to exercise professional judgement. Note: May be assigned, as needed, to the following judicial areas:

Juvenile: Three years of significant legal practice experience in the juvenile justice system which may include such areas as representing juveniles and parents; guardian ad litem appointments and appointment as a part-time Juvenile Court Commissioner.

Criminal and Traffic: Three years of significant legal practice experience in the criminal and traffic justice system which may include such areas as representing clients in criminal and traffic courts and appointment as a part-time Criminal and Traffic Court Commissioner.

Family: Three years of significant legal practice experience in domestic/family law which may include such areas as representing clients in divorce related litigation, representing clients in paternity actions; guardian ad litem appointments and appointment as a part-time Family Court Commissioner.

Probate/Mental Health: Three years of significant legal practice experience in probate related matters and, preferably, experience with mental commitments and guardianships.

Small Claims: Three years of significant legal practice experience in small claims and civil litigation.

Knowledge, Skills and Abilities: Extensive knowledge of all Wisconsin State Statutes applicable to the Judicial Court Commissioner duties; extensive knowledge of state and federal constitutional law; extensive knowledge of criminal and civil judicial and quasi-judicial procedures; working knowledge of office administration methods and practices; possession of effective oral and written communication skills; ability to analyze legal documents and instruments; ability to deal effectively with officials, attorneys and the public; ability to conduct judicial proceedings such as initial appearances; ability to conduct conciliatory conferences; ability to manage cases in order to expedite case processing; ability to exercise professional judgment in making those decisions authorized by the Statutes and the Chief Judge.