

No. 357, A.]

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CHAPTER 339

AN ACT to repeal and recreate chapter 218, laws of 1899, section 8, as last amended by chapter 454, laws of 1957, and section 15a (1), as last amended by chapter 356, laws of 1957; and to create chapter 218, laws of 1899, section 2n, relating to an additional branch and judge in the district court for Milwaukee county, and related matters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 218, laws of 1899, section 2n, is created to read:

(Chapter 218, laws of 1899) Section 2n. (1) There is hereby created and established in and for the county and city of Milwaukee an additional branch of the district court which shall be known as branch 3. Unless the context requires otherwise, as used in this act "judge" and "court" include the judges and courts of the 3 branches of the court. The judge of branch 3 shall have the same qualifications and shall be entitled to salary in the same amount as the other judges. Whenever a vacancy shall occur in the office of said judge, from any cause whatever, the governor shall appoint a district judge for said branch and the person so appointed shall fill said vacancy pursuant to s. 17.21 (2), 1957 Stats.

(2) The qualified electors of the county of Milwaukee shall, on the first Tuesday of April 1961, elect a judge of branch 3 to take office on the first Monday in June 1961 for a term to expire on the first Monday in January 1966. Thereafter the terms of office shall be 6 years. The elections shall be held, conducted, returned, canvassed and certificates of election given as in the election of county judges.

(3) The judge who is senior in time of service shall be the senior judge of the court and shall allocate the work of the court. In the absence or inability of the senior judge to perform his duties as such, the judge next in time of service shall so act. Each judge shall appoint his own reporters and other personnel.

(4) The purpose of creating branch 3 of the district court is to primarily afford relief in the assignment of traffic cases by the clerk of the municipal and district courts to branch 2 of the district court and to otherwise assist branch 1 of the district court in the disposition of pending cases and to further assist in the dispatch of court work whenever the judges of branches 1 and 2 are either absent or otherwise disqualified.

(5) The senior judge who is required to allocate the work of the court shall do so daily when the court is open for business, except Saturday mornings, consult with the clerk of the court and shall establish a calendar of cases

for assignment to branch 3 to relieve congestion in the other branches whenever there appears to be an overload of cases in either branch 1 or branch 2 or if either judge is otherwise absent or disqualified in any pending matter.

SECTION 2. Chapter 218, laws of 1899, section 8, as last amended by chapter 454, laws of 1957, is repealed and recreated to read:

(Chapter 218, laws of 1899) Section 8. Said district court shall be held in the city of Milwaukee in some suitable place to be provided and suitably furnished by said city and county of Milwaukee, and it shall open for business every morning (Sundays and legal holidays excepted) but on Saturday mornings only one judge need be in attendance. No district judge shall voluntarily absent himself from the duties of his office for more than 40 days in any one year, except for illness. The judges of the district court shall not be voluntarily absent from the duties of their office at the same time except for illness. In case of absence, sickness or temporary disability of any district judge, the clerk of the district court shall notify the senior judge who shall assign himself or his associate judge, if available, to try cases or hold preliminary examinations, as the case may be, as to such actions or proceedings that may have been heretofore assigned or would ordinarily be assigned to the branch or branches of the district court whose judge is either absent, ill or otherwise temporarily disabled. In the event of an accumulation of cases in a branch of the district court in any one day or any period of time, one of the other judges shall, if available, upon request of the senior judge, assist in the trial or hearing of, or proceedings in such cases so as to relieve congestion in the court, but whenever possible said cases shall ordinarily be assigned to branch 3 of the court if that judge is available.

SECTION 3. Chapter 218, laws of 1899, section 15a (1), as last amended by chapter 356, laws of 1957, is repealed and recreated to read:

(Chapter 218, laws of 1899) Section 15a. (1) In the event that any party shall file his affidavit that he has good reason to, and does, believe that he cannot have a fair trial on account of the prejudice of a judge of the district court, or if a judge is otherwise disqualified to try the case, he shall immediately transfer the action to the senior judge of the court who shall either accept the case or assign it to the other judge if available. If the senior judge is unavailable it shall automatically be assigned to the remaining branch of the court. If the affidavit is addressed to the senior judge of the court, or if he disqualifies himself from the case, he in turn shall transfer it to one of the other branches of the court. If the affidavit is addressed to a judge who is acting as senior judge in the absence or inability of the senior judge to perform his duties or if the acting senior judge disqualifies himself from the case, he shall then assign it to the other branch of the court whose judge is available.

Approved August 26, 1959.