

## FORM SUMMARY

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**Name of Form:** Order Appointing/Authorizing Circuit Court Commissioner

**Form Number:** GF-146

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**Statutory Reference:** SCR 75; Ch. 48, §§19.01, 757.68, 757.69, 757.72, 767.13, 767.242, Ch. 938, Wisconsin Statutes. SCO 97-10.

**Purpose of Form:** To appoint or authorize circuit court commissioners.

**Who Completes It:** Chief Judge making the appointment or authorization.

**Distribution of Form:** Original to clerk of court, chief judge who makes appointment, district court administrator, circuit court judge appointed as supervisor, court commissioner, register in probate/probate registrar (if applicable), juvenile clerk (if applicable), small claims clerk (if applicable), and any other court official affected by the circuit court commissioner's powers.

**Accompanying Forms:** Oath of office for circuit court commissioners appointed under SCR 75.02(1).

**New Form/Modification:** Modification, last update 11/99.

**Modifications:** Added new powers authorized by the Supreme Court by amendment of Supreme Court Order 97-10 and caveat requested by the Supreme Court.

**Comments:** If judges want court commissioners to do the newly authorized duties, new appointment forms must be prepared and forward to their chief judge for appointment/approval.

Previous comments: RMC believes the basic intent of the Supreme Court in creating SCR 75 is to:

- Define a "circuit court commissioner" to include"
  - Persons appointed by the chief judge as a "circuit court commissioner" under SCR 75.02(1); and,
  - Persons appointed by a circuit court judge (whether part of full time) as a "supplemental court commissioner" under §757.68(2), Wisconsin Statutes, and who have been authorized by the chief judge under SCR 75.02(3) to perform additional specific duties.
- Place the appointment and/or authorization of duties for all circuit court commissioners with the chief judge.
- Require supervision and recertification of all circuit court commissioners.
- Limit the duties of a "supplemental court commissioner" appointed solely by a circuit court judge with no additional

authorization from the chief judge to perform only those judicial and quasi-judicial duties in §757.69(3), Wisconsin Statutes.

- Impose continuing education requirements on all circuit court commissioners appointed under SCR 75.02(1) and on those supplemental court commissioners authorized under SCR 75.02(3) whose performance of authorized duties during the calendar year requires 40 or more hours.
- Eliminate the ceremonial and honorary appointments (to conduct weddings or supplemental proceedings, among other duties spelled out in §757.69(3), Wisconsin Statutes), from chief judge appointment or authorization.

Paragraphs 1 and 3 are self explanatory. Some comments about 2, 4 and 5 are appropriate.

Paragraph 2 establishes a time frame during which the circuit court commissioner can act. Although a similar line was on the prior version of the form, the rule now requires annual evaluation and "recertification." RMC believes this means reappointment or reauthorization of all circuit court commissioners on an annual basis. In the past, when appointments were made by the circuit court judge, many court commissioners were simply appointed once during a judge's term and/or tenure on the bench. Such a procedure would seem to be, if not disallowed completely now, certainly not favored.

Paragraph 4 allows two choices in the authorization of powers:

- To authorize all the powers and duties authorized by statute and approved by the Supreme Court; or,
- To authorize only specific powers and duties authorized by statute and approved by the Supreme Court. (If this second checkbox is used, the appointing chief judge must indicate the specific powers being granted.)

Finally, there is only one signature block at the end of the form for the chief judge. SCR 75.02(1) requires that the selection process for a circuit court commissioner be by merit. The rule requires the process to be approved by the chief judge and the circuit court judges of the county(s) in which the commissioners will serve. RMC believes it unnecessary to include in the order any specific reference to the selection process or a "recommendation" from a circuit judge.

**About this form:**

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**