

COMMON CIVIL FAQ's (frequently asked questions).

Q. What is a civil case?

A. There are many different types of civil case types and any particular case can get very complicated. A basic case begins with pleadings in which the parties state claims and responses. The parties then have an opportunity to investigate the claims and gather evidence through a process called discovery.

Q. What types of civil cases are there?

A. The most common civil suits involve claims for money or property worth over \$10,000.00. Civil suits **include** but are not limited to products liability, other contracts, minor settlement, personal injury, medical malpractice, abusive & other types of restraining orders, garnishment, other debtor action, name change, foreclosures, petition for various writs, condemnation, amortization of debt, declaratory judgments, and appeals from government agency decisions. A complete listing of civil case classifications can be accessed on line through the Wisconsin Court website @ <https://www.wicourts.gov/courts/circuit/circuitcodes.htm>

Q. I want to file a civil case, how do I do that?

A. A civil lawsuit is usually commenced with the filing of a **Summons** and **Complaint**, or **Petition**. A **Summons** is a notice that informs the person being sued that a lawsuit has been filed. A **Complaint or Petition** is a document in which the person who files the lawsuit says why they are suing and what they want the court to do. The litigant is responsible for filing the case in the proper county through the Clerk of Court. For information on the Eau Claire County Clerk of Court (COC) [Case Filing Policy](#), access the civil page under the COC website.

Q. Do I need to E-file?

A. Circuit Court E-filing is mandatory for attorneys and high volume filers in most case types, and optional for other litigants. For information on E-filing, access the following link: <https://www.wicourts.gov/ecourts/efilecircuit/index.jsp>

Q. How much does it cost to file a civil case?

A. The filing fee depends on the type of case and/or whether there are dollar amounts claimed. The current fee schedule is available on-line under www.wicourts.gov

Q. Where do I find the necessary forms to commence a civil action?

A. With exception for name changes, garnishments, abusive or harassment restraining orders, and certain county courtesy forms, **the State does not have standardized forms for civil case types**. A party seeking to file a civil case needs to assess and secure the proper forms on their own, or consult with an attorney or someone qualified to give legal advice.

Q. Do I have to have a lawyer or can I represent myself?

A. You have a right to represent yourself however the Court will hold you to the same standards as if you were a lawyer. Some cases are simple and straightforward, others are complex and difficult. You need to consider what is at stake for you if you decide to go ahead without a lawyer. For information on representing yourself in court, access the "Self-help law center" available on-line through the Wisconsin Court website under www.wicourts.gov (Services>for the public). Other legal resources include consulting or securing advice from a qualified source (attorney) or attending a legal clinic in the community.

Q: What happens after I file and when do I get to go to court?

A. The litigant filing a new civil case is responsible for arranging for proper and timely service of relevant documents on the opposing party(s). After an opposing party is served, they have a statutory time period to formally respond. Court activity varies by case type and may be scheduled through the assigned Court upon written request or by the Court after statutory service and answering times have passed. If the claim is challenged, it is likely that the Court will establish necessary discovery and filing deadlines or order other things to happen. If the claim is not challenged, the Court may grant judgment as requested. If the claim has not been pursued, a dismissal order may be issued. When you receive notice for scheduled hearings, you need to appear at the appointed date, time, and place in order to pursue or defend filed claims.

Q. I was served with a summons and complaint, or other legal document. Do I have to answer or respond? How do I answer? When do I need to have my answer in?

A. A party served with legal documents needs to make their own assessment of what to do. If you disagree with or want to challenge the claim requested, it is **important** to timely and properly respond. If you don't know what to do, seek prompt legal advice from an attorney, legal clinic, or someone qualified to give it as **the clerk can not answer these questions**.

Q. What is discovery?

A. Wisconsin law allows each party to find out about the evidence and witnesses that the other party may use at trial. Some discovery is done in writing (Interrogatories and Requests for Production of Documents). Some discovery is done in person (Depositions). The court cannot help you with discovery. A Legal Resource Center may have more information about the various types of discovery.

Q. What happens at trial? Do I get to tell the judge or jury my story?

A. Civil trials are formal events. If you do not have an attorney, you must act as your own attorney. The judge cannot assist you because they must remain neutral. You must prove your case to the judge or jury by submitting evidence and having witnesses testify for you. You can also testify on your own behalf. The defendant (or their attorney) may question your witnesses and you can question theirs. There are rules about the evidence and testimony that can be presented and the judge will make you follow those rules. Information on Wisconsin Law can be accessed under <http://wilawlibrary.gov/> Information on Eau Claire County Circuit Court rules can be found under the State Bar of WI website under legal research @ www.wisbar.org

Q. What happens if I object to the final judgment or case disposition?

A. Any case party may challenge a final judgment or case disposition through an appeals process. For information on circuit court appeals, access the following:
<https://www.wicourts.gov/publications/guides/docs/proseappealsguide.pdf>

Q. What happens if I was granted a money judgment?

A. If the civil claim resulted in a money judgment, the party owed the money (creditor) often needs to take further action against the party who owes money (debtor) to enforce collection of the money judgment. In addition to paying for entry of the judgment on the judgment/lien docket (\$5), a creditor may enforce the judgment through actions such as wage garnishment.

Q. How do I get a judgment or file a lien?

A. **Judgments** result from legal proceedings that have been commenced. A money judgment can be granted in a variety of case types, but are most common in civil and small claims. **The lien process** is covered in the statutes and involves timing, completing/ noticing the proper forms, and then filing the appropriate paperwork with the clerk along with payment of a \$5 filing/recording fee.

Q. How do I collect on my judgment?

A. For information on how to enforce or collect on a judgment, access the following link through the State of Wisconsin Circuit Court website: www.wicourts.gov , (services>for the public>self-help law center>small claims). Though this **Procedures** information is outlined under the “Small Claims” section it applies in general to most circuit court money judgments.

Q. How do I find out if there are any judgments or liens against me or another person?

A. Circuit court judgments and liens are available for public inspection on-line through the State of Wisconsin website www.wicourts.gov . A party may also come to the Clerk of Court office to review those records at no cost through available electronic work stations. If you want the clerk to do the judgment/lien search, you will need to complete a search form and pay \$5.00 per party or business name to be searched. The Clerk will process the request as soon as possible, however is allowed up to 10 days. An extensive or complicated search can take longer.

Q. Judgments shows up on my credit report that are not mine, what can I do?

A. It is not uncommon for judgments to include debtor parties who have names that are common or similar to others. In this type of situation, a credit reporting agency may include someone else’s judgment (with a similar name to yours) on your credit report. If you have these types of credit issues, you may be able to remedy some of the problem by completing an “affidavit of identity” form which is available as a courtesy through the Eau Claire County Clerk of Court. This form basically sets forth that you are not the same “person” who a judgment was entered against. This affidavit needs to be signed before a notary and then it will then be up to you to provide a copy to the credit agency causing the problem on your credit report.

Q. I am being garnished and can’t afford to have any money taken out, what can I do?

A. If you are the debtor on an earnings garnishment and have a hardship, there is a garnishee answer form which you can complete and provide to your employer, who then needs to copy the creditor. If the creditor objects, they can bring the matter to court. This form is available on line through www.wicourts.gov, (under circuit court forms) but may also be part of the forms served on the debtor by the creditor.

Q. I am a renter and was served with a garnishment, what do I do?

A. If you were served with a non-earnings garnishment, don’t ignore it. If your landlord is listed as a debtor, you need to respond to avoid future liability. If the attorney for the creditor is unable to answer your questions, it is best to secure legal advice.

Q. My drivers license was revoked due to a money judgment, how can I get it back?

A. A parties’ driver license can be suspended due to a damage judgment. A damage judgment is a court action taken by a plaintiff against an uninsured defendant as a result of a motor vehicle crash with unpaid damages of \$500.00 or more. For information on damage judgments, access the following Wisconsin Department of Transportation link:
<http://wisconsindot.gov/Pages/dmv/license-drvs/rcd-crsh-rpt/judgment.aspx>.

Q. How do I change my name, or my child's name?

A. For information on the name change process, access the Wisconsin Circuit Court website under: www.wicourts.gov (Forms>Circuit court forms>civil>Name Change). Forms and information are also available through the Eau Claire County Clerk of Court Office or website.

Q. How can I get a name or factual information on a vital record corrected or changed?

A. If you are unable to make corrections on a vital record directly through the State Vital Record Agency, you may be able to petition the Circuit Court for such an order. *The Clerk of Court in Eau Claire County has a common courtesy form available* for a party seeking to pursue this type of relief. Upon filing of the petition along with payment of applicable fees, the proposed order would be submitted to the assigned Court Official for review. Information on this process is available through the Eau Claire County Clerk of Court Office or website.

Q. I am being foreclosed on, how much time do I have before I have to be moved out?

A. Usually occupants need to vacate the premise when a new owner takes over, and that generally happens after a foreclosure sale is confirmed. If the occupant is not out by the time a foreclosure sale is confirmed, the new owner can request a writ of assistance which then authorizes the sheriff to move the occupants out.

Q. When is a certain property going up for foreclosure sale?

A. For a listing of foreclosure sales, access the Eau Claire County Sheriff's Department website under "Civil Process".

Q. What information is available for successful bidders at a sheriff's sale?

A. On the Eau Claire County Sheriff's department webpage where the foreclosure sales are listed, there is a link to "[Winning bid info](#)".

Q. I am interested in buying foreclosed property but how do I find out if there are any judgments or liens against the property?

A. Circuit court judgments and liens are available for public inspection on-line through the Wisconsin court website @ www.wicourts.gov . A party may also come to the Clerk of Court office to review those records at no cost through available electronic work stations. If you want the clerk to do the judgment/lien search, you will need to complete a search form and pay \$5.00 per party or business name to be searched. It is also possible for other departments to have records which affect the property (ie, non-compliance orders through the zoning or health departments). You may wish to consult or retain a title/abstract business for these services.

Q. How do I contact the Clerk of Court Office?

A. Clerk of Court staff may be contacted by email @: eauclaire.info@wicourts.gov, through phone @715.839.4816, or in person during Monday to Friday business hours. The Clerk's office is located on the 2nd floor of the Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire WI 54703. Closed major holidays. The Eau Claire County Clerk of Court website can be accessed through the following link:
<http://www.co.eau-claire.wi.us/departments/departments-a-k/clerk-of-courts>