

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.

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 the complexities, specific issues involved in your case, and what is at stake for you if you decide to go ahead without a lawyer. If you go ahead and later find that representing yourself is too difficult, you **may** have the option to hire a lawyer to represent you (**depends on where the case is at**). For information and questions on whether to represent yourself, access the self-help center available on-line through the State of Wisconsin website under www.wicourts.gov. Other legal resources include securing professional advice from an attorney or through a legal clinic in the community.

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

A. The State does not have a standardized guide on "How to file a Civil Case". Parties seeking to file a civil case are best served by securing legal advice from a qualified source.

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

A. Except for name change, garnishments, and abusive or harassment restraining orders, the State does not have standardized forms. Civil cases are traditionally commenced after someone (usually an attorney) legally drafts the proper documents or forms. A person not trained in the law may still proceed on their own behalf but then become responsible for roles an attorney would otherwise handle. That would include assessing, drafting, and following through on the necessary documents and processes appropriate for the claim.

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

A. See Name Change Procedure set forth on the State of Wisconsin website under: www.wicourts.gov (access FORMS under CIRCUIT COURT, then CIVIL, then NAME CHANGE). Forms and information are also available through the Clerk of Courts Office.

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. Upon filing of the petition and payment of applicable fees, the proposed order would be submitted to the assigned Court Official for review.

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

A. The clerk can not professionally answer these questions. A party served with paperwork needs to make their own assessment of what to do. If you disagree and/or want to challenge the claim requested, it is important to timely and properly respond. To find out what your rights are, it is best to seek professional legal advice through an attorney, legal clinic, or someone qualified to give legal advice. Otherwise you take on the legal responsibility and will need to make decisions based on your own study and conclusion of the law.

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 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. See listing of Foreclosure Sales under the Dunn County website. <https://www.co.dunn.wi.us/sheriffsales>

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. Judgments and certain liens are recorded through the Clerk of Court and are available for public inspection on-line under the State of Wisconsin website www.wicourts.gov. You can also pay the clerk \$5 to do a judgment/lien search under a party name or business, or you can do this yourself on-line. You may also wish to contact a title/abstract business for professional assistance plus it is wise to check with the local zoning or health department for non-compliance orders.

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

- **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 find out if there are any judgments or liens against me or another person?

A. Judgments and certain liens are recorded through the Clerk of Court and are available for public inspection on-line under the State of Wisconsin website www.wicourts.gov. You can pay the clerk \$5 to do a judgment/lien search under a party name or business, or you can do this yourself on-line.

Q. How do I collect on my judgment?

A. The Small Claims Guidebook includes helpful information on how to enforce collection of a judgment. This guide is available on-line under: www.wicourts.gov

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 parties who have names that are common or similar to others. This situation can result in a judgment getting reported in error on another's credit report. The Clerk of Court has a courtesy "affidavit of identity" form which basically sets forth that you are not the same "Jane or John Doe" who a judgment was entered against etc." (form available by request). A person in this situation could secure, complete, and sign this affidavit form before a notary, and then provide a completed original to the credit agency wrongfully reporting the information.

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

A. You may contact the attorney who handled the case for the creditor. Possibly payment arrangements could be made and that documentation provided to motor vehicles so the revocation hold can be lifted. If the debtor later defaults, then the court has to approve the 2nd payment arrangement.