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Wisconsin Justice Initiative



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KNOW YOUR RIGHTS

Pocket Guide
for Navigating
Wisconsin
Municipal Courts



*[Disclaimer] This information
is not intended as legal
advice. Laws can change.*

For more information on **specific municipal courts and their procedures**, go to the specific city or village website and look for a tab for court information, or call the court's clerk. Contact information for Milwaukee-area municipal courts may be found on a special page on the Wisconsin Justice Initiative website, www.wjiinc.org.

Advice on **representing yourself in municipal court** may be available through the following organizations. See their websites or call them for further information on intake hours, locations, and services.

- **Marquette Volunteer Legal Clinic**
414-933-1300 or 414-384-3100
see website for other location phone numbers and for addresses
<https://law.marquette.edu/mvlc/services-hours-locations>
- **The Mobile Legal Clinic**
mkemobilelegalclinic@gmail.com
www.mkemobilelegalclinic.com
- **Legal Aid Society of Milwaukee**
414-727-5300
728 N. James Lovell St.
Milwaukee WI 53233
<https://lasmilwaukee.com/get-help/>
- **Legal Action of Wisconsin**
855-947-2529
www.legalaction.org
- **Community Justice, Inc.**
608-204-9642
214 N. Hamilton St.
Madison WI 53703
www.communityjusticeinc.org
- **Milwaukee Bar Association Lawyer Referral and Information Service**
414-274-6768
- **State Bar of Wisconsin Lawyer Referral and Information Service**
800-362-9082

KNOW YOUR RIGHTS IN CASE . . .

YOU ARE STOPPED BY THE POLICE

Let the officer know if you need to reach into a pocket or bag to get your ID or your car registration. Don't get angry or get into an argument with the officer.

If you are stopped on the street the police are allowed to pat you down for weapons; do not physically resist. However, the police may not search you or your car without a warrant unless there is evidence giving them probable cause (such as the sight or smell of illegal drugs) or you give permission. If you don't give them permission, say "No, I do not consent to a search of my person or property." It is unlawful for police to arrest you for refusing to consent to a warrantless search. Refusing to consent is not probable cause.

Other than providing basic information regarding your license or vehicle registration, do not say anything. Remember that anything you say or do can be used against you.



YOU ARE GIVEN ONE OR MORE TICKETS

Stay calm and accept the ticket; otherwise you can be arrested. You can fight the ticket in court later.

You are entitled to a copy of your ticket. Keep it; it provides important information such as the community (city, village, or county) issuing the ticket, the offense, the ticket amount, and the date and time of your court appearance. If you lose the ticket but know what agency stopped you, call the municipal or county court for that community to ask for your court date and time and any other available information. For example, if the Milwaukee Police Department issued your ticket, contact Milwaukee Municipal Court, but if the Milwaukee County Sheriff's Office issued your ticket, contact the Milwaukee County Courthouse.

You have the right to a court hearing to discuss the ticket or ticket amount with the judge. Your ticket may say you do not have to appear in court, but that is true only if you are going to pay the ticket in full right away. If you want to fight the ticket or discuss payment with the judge, you must appear in court as scheduled. If you cannot appear on the scheduled date, call the court immediately and ask to reschedule.

You can negotiate with the city or village prosecutor to reduce the charges, ticket amount, or points on your license. Go to your court date to learn how to do this. Some judges or prosecutors reduce the ticket amount or points if you show up. Again, if you cannot appear on the scheduled date, call the court in advance to ask if you can set up a meeting with the prosecutor or if the court will give you another date.



YOU ARE ORDERED TO PAY A PENALTY YOU CAN'T AFFORD

If the judge finds you committed an offense, you will be found guilty and ordered to pay money as a penalty. If you fail to pay on time, the judge may suspend your driver's license, start debt collection activity, order confiscation of your tax refund, or even commit you to jail.

Municipal courts often give defendants about 60 days to pay, and you may be able to pay in person, by mail, or online (there may be an extra fee for paying with a credit card).

You have the right to ask for more time to pay if you need it or for a payment plan that will let you pay in installments. Some judges may let you pay as little as \$10 or \$20 per month. Go to your court hearing to ask, or call the court at least a few days before your court date to see if they will accept a written request.

You can ask to do community service instead of paying the penalty amount. You must ask the judge, but the judge does not have to grant the request. Go to your court hearing to ask, or call the court at least a few days before your court date to see if they will accept a written request.

If you cannot pay the penalty amount (even on a payment plan) because of poverty, you cannot be jailed or have your license suspended for not paying, but you have to let the judge know you cannot afford the penalty due to poverty. Go to your court hearing to tell the judge, or file a letter with the court at least a few days before your hearing date. The judge must find that you cannot pay because of poverty if you receive public-assistance benefits such as FoodShare, BadgerCare, SSI, W-2, or

YOU FAILED TO GO TO COURT OR TO PAY

veteran's benefits. Take some proof of those benefits to your hearing if possible. Even if you do not receive public-assistance benefits, you may be found unable to pay the penalty amount based on your income, assets, and expenses.



If you missed your court date and the court has entered judgment against you, you can ask for the case to be reopened so you can talk with the judge about the charges or your inability to pay. The judge does not have to grant the request, and there may be a fee for reopening the case. Call the court for information on how to ask to reopen a case or send the court a written request.

If you failed to meet your payment plan deadlines or to pay the penalty in full when due, call the court to see whether you can ask for more time to pay or to get another court hearing if you cannot afford to pay. **Again, if you cannot pay the penalty amount (even on a payment plan) because of poverty, you cannot be jailed or have your license suspended for not paying, but you have to let the judge know that is why you are not paying.**

Do not think that the amount you owe has gone away, even if you don't receive a notice about it or nothing happens right away. If you have failed to pay, contact the court before you have to deal with debt collectors, lose your license, or are taken to jail. If you aren't sure what to do if you can't pay, contacting the court by phone or going to court on a day it is in session may prevent larger problems later.