

MINUTES OF THE MEETING OF THE JUDICIAL COUNCIL
MADISON, WISCONSIN
January 19, 2007

The Judicial Council met at 9:00 a.m., Room 328 NW, State Capitol, Madison, Wisconsin.

MEMBERS PRESENT: Marla J. Stephens, Chair; Honorable Ann Walsh Bradley, Michael R. Christopher, Susan L. Collins, Allan M. Foeckler, Professor Jay Grenig, Beth E. Hanan, Honorable Edward E. Leineweber, Honorable James Mason, Robert L. McCracken, Bruce Munson, Professor David E. Schultz, A. John Voelker, Greg M. Weber, Honorable Ted E. Wedemeyer, Jr., Honorable Maxine A. White, Senator Lena Taylor.

MEMBERS EXCUSED: Kathleen E. Grant, Representative Mark Gundrum, Honorable Mary K. Wagner, one vacancy (Governor's district attorney appointment).

OTHERS PRESENT: Honorable Earl W. Schmidt, Mike Tobin, James Alexander.

I. Call to Order and Roll Call

Chairperson Stephens called the meeting to order at 9:00 a.m.

Chairperson welcomed Senator Lena Taylor to the Judicial Council and to the Council meeting.

II. Approval of Minutes of November 17, 2006, meeting

MOTION: Judge Wedemeyer moved, seconded by Greg Weber to approve the minutes of the November 17, 2006, meeting.

Motion passed unanimously.

III. Committee Reports

A. Appellate Procedure Committee

Marla Stephens said that the committee has not met and will not meet until the Council completes the criminal procedure code revision project.

B. Evidence and Civil Procedure

Judge Mason said that he had the same report for his committee as that of the appellate procedure committee. The evidence and civil procedure committee will also not meet until the Council finishes with the criminal procedure code revision.

C. Strategic Planning Committee

Judge Leineweber said that the committee is waiting for a proposal from the Center for State Courts on assistance in the strategic planning process. The committee will meet briefly after the full Council meeting.

D. Internal Operating Procedure

Bruce Munson had no report.

E. PPAC

Judge Leineweber reported that the video conferencing subcommittee is nearing completion of its work and will soon be making its full report to PPAC.

IV. Chapter 975 – Criminal Procedure Revision

Professor Schultz once again led the Council in review and discussion of Legislature Reference Bureau (LRB) drafts and drafts prepared by the Council after the original study. Professor Schultz provided a summary of the Council's review on November 17, 2006, a copy of that summary is attached to these minutes. The Council began by reviewing a redraft of § 975.11, which was required by the recent U.S. Supreme Court case *Sell v. U.S.* The redraft was approved.

The Council moved on to §§ 975.17 and 975.18. The LRB revision split the Council draft of § 975.13 into these two statutes. Earlier, the Council decided that there should be a single statute as originally drafted by the Council with the addition of a section addressing a situation where the guilt phrase was resolved by a plea. The Council approved the draft of § 975.17, but directed additional research in to the section allowing jurors to be excused at the responsibility phrase and continuing with the jurors that remain.

The Council approved § 975.19 as drafted by LRB as well as § 975.20 and § 975.21.

The Council then reviewed § 975.22 and approved the LRB draft, but asked that a new subsection be drafted regarding the maximum period of commitment to be reduced by jail time credit.

V. Other Business

The Council will meet at 9:30 am on February 16, 2007.

VI. Adjournment

The Council meeting was adjourned by consensus at 11:38 a.m.