



STATE OF WISCONSIN – JUDICIAL COUNCIL

MINUTES OF THE MEETING OF THE WISCONSIN JUDICIAL COUNCIL MADISON, WISCONSIN November 15, 2019

The Judicial Council met at 9:35 a.m. in Room 328NW of the State Capitol Building, Madison, Wisconsin.

MEMBERS PRESENT: Chair William C. Gleisner; Judge Gene Gasiorkiewicz; Christian Gossett; Steven Kilpatrick; Margo Kirchner; Dennis Myers; Judge Scott Needham (by phone); John R. Orton; Adam Plotkin; Thomas L. Shriner; Adam Stevenson; Judge Robert VanDeHey; Senator Van Wanggaard (by phone); Judge Jeff Wagner (by phone); and Sarah Zylstra.

MEMBERS EXCUSED: Sarah Walkenhorst Barber; Dennis Myers; Diane Fremgen; Representative Ott; Ben Pliskie; and Sara Ward-Cassidy;

SPECIAL GUESTS: Michaela Paukner (Wisconsin Law Journal); Julie Tessmer Robinson (State Law Library); Lsia Roys (Wisconsin Bar Association); and Paige Scobeck (Hamilton Consulting).

I. Roll Call and approval of the Minutes of the Meeting.

The roll call was completed and the minutes of the October 18, 2019 meeting were duly approved.

II. Work of the Special Committee on Judicial Council Procedures.

The Council's meeting was devoted to a discussion of a preliminary Report from the Special Committee on Judicial Council Procedures and Workflow. This Committee consists of Margo Kirchner, John Orton and Sarah Zylstra. The discussion of this Report occupied most of the Council's meeting on November 15, 2019. The following is a summary of the main points made by that Committee during the meeting.

The Special (or ad hoc) Committee provided a report on their progress in drafting a procedure for the collection and review of pending legislation. The committee presented its “Working Draft #2,” and explained that Draft #1 contained errors which had been identified by Sen Wanggaard and had been corrected. A general discussion then ensued regarding Draft #2, and the questions listed at the end of Draft #2. Comments were elicited from the Council to these questions, and the Committee agreed to revise Draft #2 based upon those comments and further investigation.

It is hoped that the work of this Special Committee will result in a set of internal rules for the Council which will enable it to meet its statutory mandates under Wis. Stat. §758.13, which mandates include a duty to stay advised of pending legislation, judicial decisions and other developments regarding procedures and practice of the courts and making recommendations to the Legislature regarding statutes on pleading, practice, procedure and related matters. The Council discussed the ad hoc committee's Working Draft #2 as well as concerns raised by Council members regarding the Council's role related to proposed legislation. The Council also discussed questions raised by the ad hoc committee regarding voting and abstentions and suggested that a simple majority of those both present and voting would be appropriate to include in the proposed policy.

The Committee hopes to complete its work by the January meeting, at which time it hopes to present a Final Draft for adoption.

III. Committee Reports.

A. Evidence & Civil Procedure Committee.

Chair Shriner reported that the Evidence & Civil Procedure Committee (ECP) was continuing to focus on possible proposed revisions to Wisconsin’s rules concerning injunctive relief.

B. Criminal Procedure Committee.

Chair VanDeHey reported that no new work was planned by his committee.

C. Appellate Procedure Committee.

Acting Chair Adrews was not present.

IV. Adjournment.

Meeting adjourned at approximately 11 a.m.