

**SUPREME COURT OF WISCONSIN**

## NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 09-05

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**In the matter of amendment of Supreme Court Rule 71.01 regarding required reporting of court proceedings.**

**FILED****DEC 11, 2009**

David R. Schanker  
Clerk of Supreme Court  
Madison, WI

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On June 5, 2009, the Director of State Courts, on the recommendation of the Committee of Chief Judges and District Court Administrators, petitioned this court to amend Supreme Court Rule (SCR) 71.01(2) governing the reporting of court proceedings. An addendum to the petition was filed October 5, 2009. The petitioners requested expedited review, and a public hearing was conducted on October 29, 2009. Chief Judge Jeffrey A. Kremers presented the petition to the court. Ozaukee County Court Reporter Kathy Jagow spoke in support of the petition. State Public Defender Appellate Division Director Marla Stephens spoke in opposition to the petition. The court also considered written submissions from the Wisconsin District Attorneys' Association, the Office of the State Public Defender, Attorney David D. Leeper, and Court Reporter Ann Albert on behalf of the official court reporters of the State of

Wisconsin. At the ensuing open administrative conference, the court voted unanimously to adopt the petition and order as amended to include a comment regarding Wis. Stat. § 885.42(4). The court also requested that the Committee of Chief Judges and District Court Administrators promptly review Wis. Stat. § 885.42(4) in consultation with appellate practitioners and other interested persons to evaluate whether amendments to Wis. Stat. § 885.42(4) may be warranted.

The court determined that given the expedited nature of this proceeding, a January 1, 2010, effective date was necessary and appropriate for judicial efficiency. Therefore,

IT IS ORDERED that, effective January 1, 2010, the Supreme Court Rules are amended as follows:

**SECTION 1.** SCR 71.01 (2) (e) of the Supreme Court Rules is created to read:

SCR 71.01 (2) (e) Audio recordings of any type that are played during the proceeding, marked as an exhibit, and offered into evidence. If only part of the recording is played in court, the part played shall be precisely identified in the record.

**SECTION 2.** The following Comment to Supreme Court Rule 71.01(2) is created to read:

Comment

Those seeking to admit at trial videotape depositions or other testimony presented by videotape should consult Wis. Stat. § 885.42(4).

IT IS FURTHER ORDERED that the Comment to SCR 71.01(2) is not adopted, but will be published and may be consulted for guidance.

IT IS FURTHER ORDERED that, at its earliest opportunity, the Committee of Chief Judges and District Court Administrators shall collaborate with appellate practitioners and other interested parties to evaluate whether amendments to Wis. Stat. § 885.42(4) may be warranted.

IT IS FURTHER ORDERED that notice of the creation of SCR 71.01(2)(e) shall be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 11th day of December, 2009.

BY THE COURT:

David R. Schanker  
Clerk of Supreme Court

