

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. 09-12

In the matter of amendment of Wis. Stat.
§ 904.085(4)(e) relating to communications in
mediation as evidence.

FILED

APR 29, 2010

David R. Schanker
Clerk of Supreme Court
Madison, WI

On October 29, 2009, the Wisconsin Judicial Council petitioned this court for an order amending Wis. Stat. § 904.085(4)(e), Communications in mediation, to provide that the hearing contemplated under this section be held *in camera*. The court conducted a public hearing on this matter on April 27, 2010. At the ensuing open administrative conference the court voted to adopt the petition. Therefore,

IT IS ORDERED that, effective July 1, 2010, 904.085(4)(e) of the statutes is amended to read:

904.085 (4) (e) In an action or proceeding distinct from the dispute whose settlement is attempted through mediation, the court may admit evidence otherwise barred by this section if, after an *in camera* hearing, it determines that admission is necessary to prevent a manifest injustice of sufficient

magnitude to outweigh the importance of protecting the principle of confidentiality in mediation proceedings generally.

IT IS FURTHER ORDERED that notice of this amendment of Wis. Stat. § 904.085(4)(e) 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 29th day of April, 2010.

BY THE COURT:

David R. Schanker
Clerk of Supreme Court

