

# 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. 19-19

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**In re the Matter of the Proposed Amendment  
to Wisconsin Statutes § 809.86 (Petitions  
for Review: Online access)**

**FILED**

**JAN 29, 2020**

Sheila T. Reiff  
Clerk of Supreme Court  
Madison, WI

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On September 26, 2019, Mark A. Neuser, Supreme Court Commissioner, on behalf of the State Bar of Wisconsin Appellate Practice Section Board (the "Board"),<sup>1</sup> filed a rule petition asking the court to facilitate online access to petitions for review and responses, in the same manner that appellate briefs are viewable online on the Wisconsin Supreme Court and Court of Appeals case access website. In order to safeguard the identity of victims and others, the petition proposes the court amend Wis. Stat. § (Rule) 809.86, to require petitions for review and

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<sup>1</sup> The Appellate Practice Section Board is comprised of the following members: Hon. Brian Blanchard, Atty. Frances Philomene Colbert, Atty. Joseph S. Diedrich, Atty. James Eric Goldschmidt, Atty. Amy Hetzner, Atty. Melissa Eleanor Love Koenig, Atty. Lisa M. Lawless, Atty. Anne-Louise T. Mittal, Comm. Mark A. Neuser, Atty. Aaron R. O'Neil, Atty. Eric G. Pearson, Atty. Jeremy C. Perri, Atty. Donald L. Romundson, Atty. Michelle L. Velasquez, Atty. Donald J. Wall. Board member Atty. Clayton P. Kowski did not participate in this petition.

responses to comply with the same privacy considerations presently required for appellate briefs.

The court voted to seek written comments and conduct a public hearing. A letter soliciting comments was sent to interested persons on November 4, 2019. The court received one comment from Diane Duffey, on behalf of the Law Librarians Association of Wisconsin, Government Relations Committee, supporting the petition.

The court conducted a public hearing on January 17, 2020. Mark A. Neuser, Supreme Court Commissioner, presented the petition to the court on behalf of the Board.

At an ensuing closed administrative rules conference, the court voted to grant the petition and to revise the rule as requested. Therefore,

IT IS ORDERED that effective July 1, 2020:

**SECTION 1.** 809.86 (title) of the statutes is amended to read:

**809.86 Rule (Identification of victims and others in briefing, petitions for review, and responses to petitions for review).**

**SECTION 2.** 809.86(1) of the statutes is amended to read:

**809.86(1) DECLARATION OF POLICY.** By enacting this rule, the supreme court intends to better protect the privacy and dignity interests of crime victims. It requires appellate briefs, petitions for review, and responses to petitions for review to identify crime victims by use of identifiers, as specified in sub. (4), unless there is good cause for noncompliance. The rule protects the identity of victims in appellate briefs, petitions for review, and responses to petitions for review that the courts make available online.

**SECTION 3.** 809.86(4) of the statutes is amended to read:

**809.86(4)** BRIEFS, PETITIONS FOR REVIEW, AND RESPONSES TO PETITIONS FOR REVIEW.

In an appeal specified under sub. (2), the briefs of the parties, petitions for review, and responses to petitions for review shall not, without good cause, identify a victim by any part of his or her name but may identify a victim by one or more initials or other appropriate pseudonym or designation.

SECTION 4. A Comment to 809.86 of the statutes is created to read:

**COMMENT**

By S. Ct. Order 19-19, 2020 WI 6 (issued Jan. 29, 2020, eff. July 1, 2020) the court extended the privacy protections of this rule to petitions for review and responses to petitions for review, so that they may be posted on the Wisconsin Supreme Court and Court of Appeals case access website, along with appellate briefs, in a manner that respects victim privacy concerns.

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's website. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 29th day of January, 2020.

BY THE COURT:

Sheila T. Reiff  
Clerk of Supreme Court

