



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Patience D. Roggensack
Chief Justice

16 East State Capitol
Telephone 608-266-6828
Fax 608-267-0980

Hon. Randy R. Koschnick
Director of State Courts

April 12, 2019

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Wisconsin Supreme Court
110 East Main Street
P.O. Box 1688
Madison, WI 53701-1688

CLERK OF SUPREME COURT
OF WISCONSIN

RE: Petitioner's Response to the Proposed Modifications to Petition 19-01

Honorable Justices of the Wisconsin Supreme Court,

Thank you for the opportunity to comment on your proposed modifications to Petition 19-01. I appreciate your consideration of this petition, and your thoughtful attention to the comments heard at the public hearing on April 8, 2019.

I agree with the Court's decision to remove references to the Wisconsin Public Records law in proposed SCR 71.03(3), 71.03(4), and 71.03(5).

Petition 19-01's intention was to modify supreme court rules and statutes to reflect existing practices across the state. The creation of SCR 71.03(5) mirrors those practices and clarifies that all court reporters (digital court reporters, stenographic court reporters, etc...) should be held to the same standard in recognizing when proceedings are occurring on or off the record. Just as a stenographic court reporter does not take notes when a part of a proceeding is not on the record, a digital court reporter pauses the audio recording when a part of the proceeding is not on the record. In addition, while a stenographic court reporter may unintentionally overhear attorney-client conversations, the court reporter would never include those discussions in his/her stenographic notes. The same standards would apply to a digital court reporter, who would reduce the audio volume to avoid capturing those conversations that are not a part of the proceeding. In both instances, those attorney-client communications would not appear in the transcript that becomes the official record of the proceeding.

In addition, I have reviewed the supplemental comments that the Court received from the Wisconsin Court Reporters Association, and my position on Petition 19-01 remains the same.

I am confident the Court's proposed modifications will improve the rule and ensure that the Wisconsin Court System can continue to effectively take and make the record.


Randy Koschnick
Director of State Courts