
**In re amendment of SCR 60.04,
relating to performing the duties of
judicial office impartially and diligently.**

**PETITION
19-**

For the reasons set forth in the accompanying supporting memorandum, the Judicial Conduct Advisory Committee respectfully petitions the court to amend Supreme Court Rule 60.04 relating to performing the duties of judicial office impartially and diligently. This petition is made pursuant to the court’s rulemaking authority under Wis. Stat. § 751.12 and its administrative authority over all courts conferred by Article VII, § 3 of the Wisconsin Constitution.

TEXT OF PROPOSED CHANGES

SECTION 1. SCR 60.04 (1) (d) is amended to read:

60.04 (1) (d) ~~A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity and shall require similar conduct of lawyers, staff, court officials and others subject to the judge’s direction and control.~~ During trials and hearings, a judge shall act so that the judge’s attitude, manner, or tone toward counsel or witnesses does not prevent the proper presentation of the cause or the ascertainment of the truth. A judge may properly intervene if the judge considers it necessary to clarify a point or expedite the proceedings.

SECTION 2. SCR 60.04 (2) (a) is amended to read:

60.04 (2) (a) A judge shall diligently discharge the judge’s administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and

~~should~~ shall cooperate with other judges and court officials in the administration of court business.

SECTION 3. SCR 60.04 (9) is created to read:

60.04 (9) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, staff, court officials, and others with whom the judge deals in an official capacity and shall require similar conduct of lawyers, staff, court officials and others subject to the judge's direction and control.

SECTION 4. SCR 60.04 (10) is created to read:

60.04 (10) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

Respectfully submitted this ____ day of November, 2019.

Honorable D. Todd Ehlers
Chair, Judicial Conduct Advisory Committee