

## SUPREME COURT AGENDA

### Open Administrative Conference

### Supreme Court Hearing Room

Wednesday, October 31, 2012

9:00 a.m.

(agenda to be continued, if necessary, on next rules conference date)

### Open Administrative Conference

- I. Information Item: Rule Petition 08-01A (Juries). Rule Petition 08-01 amended ch 756, specifically changing the number of jurors for a misdemeanor case from 6 to 12 under Wis. Stat. § 756.06(2)(am). Wis Stat. § 972.02(2) references a misdemeanor jury of 6; needs clean-up amendment. Staff memo and draft order circulated 9/5/12. Court discussed at 9/19/12 open conference. **Court agreed to refer to legislature. Communication made to Nancy Rottier.**
- II. Information Item: Rule Petition 09-07: In the Matter of: The Petition of the State Bar of Wisconsin to Modify Chapter 72 of the Supreme Court Rules filed 06/30/09 by Diane S. Diel, President, State Bar of Wisconsin. Amended petition filed 10/27/09 by Douglas W. Kammer, President, State Bar of Wisconsin. **Pending before Legislative Committee of Judicial Conference.**
- III. Information Item: Rule Petition 10-09: In the Matter of the Petition for Amendment of various Rules in Chapter SCR 20 filed 10/21/10 by John Nicholas Schweitzer. **Returned to Mr. Schweitzer.**
- IV. Rule Petition 11-08: In the Matter to Amend SCR 40.02(2) and to Create SCR 40.055 and 40.14(3)(i) Relating to the Legal Competence Requirements of Graduates of Law Schools in Other Nations; Fees. Filed 11/18/11; Follow-up letter to BBE—response due 2/15/12. Staff preliminary memo circulated 2/15/12. Court discussed at 2/27/12 open administrative conference. Court voted to hold public hearing. Public hearing scheduled for 5/16/12; notice issued 3/2/12; public input letter sent 3/28/12. Hearing held 5/16/12. Court voted unanimously to return petition to BBE for further development (with directions to consult with reps of UW Law School & Atty. Shneidman). Order issued 7/5/12. Amendment filed by BBE 8/15/12. Staff memo with revised draft circulated 9/12/12. Court discussed at 9/19/12 open conference. Court approved draft rule. **Draft order and cover memo circulated 10/16/12; if approvals not received, then discuss at 10/31/12 open administrative conference.**
- V. Rule Petition 12-03: Inadvertent disclosure of privileged information. Preliminary memo circulated 3/28/12. Court discussed at 4/25/12 open administrative conference. Court voted to hold public hearing. Public hearing scheduled for 9/19/12 (notice of

hearing issued 7/3/12); public input solicited by e-mail on 8/1/12. Staff memo circulated 9/10/12. Public hearing held 9/19/12. Court discussed at 9/19/12 open conference. Court voted unanimously to approve petition. Draft order to include the federal advisory committee comments to the federal rules. Awaiting Judicial Council submission of changes suggested by court. **Awaiting Judicial Council submission of changes requested by court; order to circulate; discuss at 10/31/12 open administrative conference if order circulated.**

- VI. Rule Petition 12-05: Petition to amend SCRs 72.01, 72.03, 72.04, 72.05, and Wis. Stat. §§ 801.17, 807.06, and 809.15 relating to record retention and electronically or optically stored records. Preliminary memo circulated 6/25/12. Court discussed at 6/28/12 open administrative conference. Court voted to hold public hearing. Public hearing held 9/19/12 (notice of hearing issued 7/3/12); public input solicited by e-mail on 8/2/12. Letter to petitioner seeking additional information sent 8/7/12 (response received). Staff memo circulated 9/13/12. Public hearing held 9/19/12. Court agreed unanimously to approve petition with minor revisions. **Draft order and cover memo circulated 10/11/12; approvals received from ABW, NPC, PDR, AKZ, MJG; awaiting SSA and DTP. If approvals not received, discuss at 10/31/12 open administrative conference.**
- VII. Information Item: Rule Petition 12-06: Petition to Amend SCR 99.01(4)(e), Construction of Supreme Court Rules - filed 06/29/12, by Chief Justice Shirley S. Abrahamson. Staff memo and draft order circulated 9/5/12. Court discussed at 9/19/12 open conference. **Order issued 10/16/12.**
- VIII. Rule Petition 12-07: Petition to amend SCRs 70.03 and 70.12(1)(c)(3) and create SCR 70.12(5), (6) and 70.16, relating to the Supreme Court Finance Committee – filed 7/6/12 by Justice Patience Drake Roggensack. Materials filed by Chief Justice Shirley S. Abrahamson. Preliminary memo circulated 9/18/12. Court discussed at 9/19/12 open conference. Court voted 6-1 to solicit public comment and schedule for further discussion at future open conference (AWB would have held public hearing). **Public comment letter sent 10/18/12; schedule for discussion at December open administrative conference.**
- IX. Information Item: Rule Petition 12-08: Petition to create SCR 74.02, Appointment of the Judicial Commission Members – filed 7/31/12 by Chief Justice Shirley S. Abrahamson. Preliminary memo circulated 9/17/12. Court discussed at 9/19/12 and 9/25/12 open conferences. Court voted 4-3 not to hold public hearing and to dismiss petition. **Draft order circulated on 10/15/12; Approvals received from NPC, PDR; AWB-Hold; votes needed from AKZ, MJG; SSA writing to follow.**
- X. Information Item: Rule Petition 12-09: In the matter of creation of Rules under Supreme Court Rules Ch. 80 and amendment of Supreme Court Rule 98.07, Publication of Rules by Publication Committee. Preliminary memo circulated 9/7/12. Court discussed at 9/19/12 open conference. Court voted to schedule public hearing. **Notice of 1/15/13 public hearing issued 10/11/12.**

- XI. Information Item: Rule Petition 12-10: Petition to amend Supreme Court Rule 22.24 Relating to Costs Assessments in the Lawyer Regulation System, filed by OLR on 9/11/12. Preliminary memo circulated 9/24/12. Court discussed at 9/27 open administrative conference. Court voted unanimously to solicit public comment on the petition from standard list as well as those other persons/entities as stated on the record and schedule for further discussion at future open administrative conference. **Public comment letter sent 10/17/12; schedule for discussion at 11/30/12 open administrative conference.**
- XII. Information Item: 2011 Wisconsin Act 209 creating a fee waiver program for veterans. Under the legislation, veterans who meet the eligibility requirements would receive a waiver of the initial licensing fee for most licenses granted by state agencies. The act also requests the Supreme Court to promulgate a rule waiving the initial admission fee for lawyers admitted to practice. See § 751.153. Letter to BBE & State Bar (sent 6/7/12) referring the matter for consideration and determination of whether a petition seeking a change to the court rules might be appropriate; response received. Staff memo circulated 9/7/12. Court discussed at 9/25/12 open conference. Court voted to request that BBE file rule petition. **Letter to BBE requesting filing of rule petition sent 10/16/12.**
- XIII. DTP's memorandum on Justice on Wheels. Court agreed to place this item on open administrative conference. **Memo from Amanda Todd circulated 10/22/12 for discussion at 10/31/12 open administrative conference.**
- XIV. Information Item: Rules Petition 12-01: Report on Court's Rule Making Function—**awaiting PDR's draft.**