

# SUPREME COURT OF WISCONSIN

No. 13-14

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In the matter of the petition to amend Supreme  
Court Rule 60.04

**FILED**

**FEB 22, 2017**

Diane M. Fremgen  
Clerk of Supreme Court  
Madison, WI

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By order dated July 1, 2014, this court granted a rule petition filed by the Wisconsin Access to Justice Commission (Commission) and amended Supreme Court Rule (SCR) 60.04 and its comment to clarify that a judge's reasonable efforts to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard are consistent with a judge's obligation to perform all judicial duties fairly and impartially. See S. Ct. Order 13-14, 2014 WI 49 (July 1, 2014) (Prosser, J., concurring). The court's order provided that the court would evaluate the impact of this rule on the Wisconsin court system three years after the effective date of the rule. The court asked the Committee of Chief Judges to confer with the Wisconsin Court of Appeals and convene a committee charged with filing a report proposing criteria and a protocol to evaluate this amendment.

A committee was convened, including the Honorable Joan F. Kessler, the Honorable Paul Lundsten, the Honorable Lisa K. Stark, the Honorable James P. Daley, the Honorable James J. Duvall, and the

Honorable Gregory J. Potter. The Office of Court Operations Attorney Marcia L. Vandercook staffed the committee. The committee filed its initial report on December 12, 2014.

The court discussed the report in open rules conference on February 26, 2015 and directed the Office of Judicial Education offer an educational session informing judges about the rule changes. At the Judicial Conference on November 12, 2015, a presentation on this rule change was offered and judges were surveyed about the effect of the rule change.

On January 22, 2016, the committee filed a follow up report sharing the results of the survey. Based on the results of the survey, the committee concluded that the rule is working as intended from the judicial perspective.

On May 5, 2016, the court by letter requested that the committee conduct a similar survey of circuit court commissioners and clerks of circuit court.

On January 6, 2017, the committee filed its final report reflecting an informational presentation and survey offered to circuit court commissioners and clerks of circuit court.

The committee advised this court that the results of these surveys are consistent with the results of the judicial survey taken a year previously. The committee concludes that the rule is working as intended.

The court conducted the scheduled review of the amendment of SCR 60.04 at an open rules conference on February 16, 2017 and unanimously agreed that the 2014 amendment to SCR 60.04 is operating as expected and that no action is required. The court expresses its

sincere appreciation to each member of the committee for their assistance to the court.

IT IS ORDERED that the court takes no action on SCR 60.04, as amended by S. Ct. Order 13-14, 2014 WI 49 (July 1, 2014) (Prosser, J., concurring).

IT IS ORDERED that a copy of this order and the committee reports dated December 12, 2014, January 22, 2016, and January 6, 2017 will be available on the court's website at <https://www.wicourts.gov/scrules/1314.htm>.

Dated at Madison, Wisconsin, this 22nd day of February, 2017.

BY THE COURT:

Diane M. Fremgen  
Clerk of Supreme Court

