



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

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Telephone (608) 266-7442

August 5, 2014

To: April M. Southwick, Wisconsin Judicial Council

Re: Rule Petition 14-01, Petition to create Wis. Stat. § (Rule) 809.86 relating to crime victim privacy in appellate briefing and appellate court decisions

Dear Ms. Southwick:

I am assisting the Wisconsin Supreme Court with its consideration of Rule Petition No. 14-01, filed by the Wisconsin Judicial Council on January 21, 2014. The court discussed this petition at open rules conference on June 25, 2014, and voted to schedule a public hearing. That hearing has been scheduled for September 22, 2014, at 9:45 a.m. The court also requested that I seek additional information about the rule proposal prior to the public hearing. Specifically, your response to the following issues or questions is sought at this time:

- Proposed s. 809.86 (4), entitled “protective order,” provides that “[f]or good cause the court may make any order necessary to protect the identity of a victim or other person, or to excuse compliance with this section.”

The court perceives this provision as very broad. Please explain what is intended by “or other person” and provide examples of how this phrase might be utilized. Please also explain when it might be appropriate to excuse compliance with this section, and the procedure by which a protective order would be sought.

- The proposed Judicial Council Note states that the proposed “rule does not extend to other appellate filings, including appendices, because these documents are not currently posted electronically.” What is the Judicial Council’s recommendation in the event these documents are posted electronically in the future?

Please file your response by September 2, 2014, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, e-mail a Microsoft Word version of your response to clerk@wicourts.gov.

The court may take any action it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.

- (c) Circulate the rule petition for comment without a public hearing.
- (d) Schedule the rule petition for public hearing.
- (e) Refer the rule petition to another entity for its review and recommendation.
- (f) Request further information or analysis from the petitioner or interested persons or entities.

You might wish to consult the court's web site at <http://wicourts.gov/scrules/supreme.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office are posted on the web site.

If you have specific questions regarding this request, please contact me at (608) 261-6641 or julie.rich@wicourts.gov.

Yours very truly,

/s/

Julie Anne Rich

Supreme Court Commissioner

cc: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David T. Prosser, Jr.
Justice Patience Drake Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman

List of Interested Parties for Supreme Court Rules Matters

Badger State Sheriffs Association, Attention: Executive Director
Board of Bar Examiners
Chief Circuit Court Judges
Christian Gossett, Winnebago County District Attorney
Circuit Court Judges
Court of Appeals, Attention: Chief Staff Attorney
Court of Appeals Judges
Diane M. Fremgen, Clerk of Supreme Court
Director of State Courts
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
League of Women Voters
Legal Action of Wisconsin, Attention: John F. Ebbott
Marquette Law School, Attention: Joseph D. Kearney
Office of State Public Defender, Attention: Kelli S. Thompson
Office of the Attorney General, Attention: J.B. Van Hollen
Shelley M. Fite, Local Attorney Manager, State Public Defender-Appellate Division
State Bar of Wisconsin, Attention: George Brown
State Bar of Wisconsin, Attention: Lisa Roys
State Bar of Wisconsin, Attention: Patrick J. Fiedler
Steven Levine, Attorney
U.W. Law School, Attention: Margaret Raymond
Western District Bar Association of Wisconsin, Attention: Lynn M. Stathas
Wisconsin Asian Bar Association, Attention: Robin Dalton
Wisconsin Association for Justice, Attention: Jane E. Garrott, Executive Director
Wisconsin Association of African American Lawyers, Attn: DeAngela Luna
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Alice Rudebusch
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Clerks of Circuit Court Association, Attention: Pam Radtke
Wisconsin Counties Association, Attention: David Callender
Wisconsin Defense Counsel, Attention: Jane Svinicki and Andy Cook
Wisconsin District Attorneys Association, Attention: Margaret Drees, Executive Director
Wisconsin Family Court Commissioners Association, Attention: Sandra Grady, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Micabil Diaz Martinez
Wisconsin Judicare, Inc., Attention: Rosemary Elbert
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke
Wisconsin Judicial Council, Attention: April Southwick
Wisconsin Juvenile Court Clerks Association, Attention: Joy Pecha
Wisconsin Municipal Judges Association, Attention: Honorable Scott Letteney
Wisconsin Newspaper Association, Attention: Executive Director
Wisconsin Registers in Probate Association, Attention: Nancy Dowling
Wisconsin Sheriff & Deputy Sheriff Association, Attention: James I. Cardinal, Exec. Dir.
Wisconsin State Attorneys Association, Attention: Nancy Wettersten
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuench
Wisconsin Tribal Judges Association, Attention: Amanda Rockmann, President

List of Additional Interested Parties – if any

Dane County District Attorney's Office – Victim Witness Unit
Jerome F. Buting, Buting, Williams & Stilling, S.C.
Milwaukee County District Attorney's Office – Victim/Witness Services
State Bar Appellate Practice Section, Attention: William L. Gansner, Chairperson
Wisconsin Association of Criminal Defense Lawyers, Attention: Ellen Henak
Wisconsin Coalition Against Domestic Violence, Attention: Sarah E. Wood, Legal Intern
Wisconsin Coalition Against Sexual Assault, Attention: Ian Henderson, Director
Wisconsin Department of Corrections Office of Victim Services & Programs
Wisconsin Department of Justice Office of Crime Victim Services