

SUPREME COURT AGENDA

Open Rules Petition Conference & Rules Hearing

Supreme Court Hearing Room

Tuesday, January 15, 2013
9:30-10:40 a.m.; 2:00-5:30 p.m.

(agenda to be continued, if necessary, on next available
open rules petition date: Jan. 22, 2013)

Public Hearing

- I. 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 public hearing issued 10/11/12.

Open Rules Petition Conference

- II. Rule Petition 12-09 (see description above)
- III. 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. Comments available at <http://wicourts.gov/scrules/1207.htm>. **Staff memo to be distributed before 1/15/13.**
- IV. Rules Petition 12-01: Report on Court's Rule Making Function (held by PDR, April 2012) **PDR's draft proposal (11/28/12).**
- V. 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. Discussed and adopted on 11/30/12. **Draft order circulated 12/10/12; needs approval from DTP.**
- VI. Rules Petition 12-11: In re Matter of the creation of a Judicial Code Review Committee - filed 12/27/12 by Chief Justice Shirley S. Abrahamson. **Preliminary staff memo to be distributed before 1/15/13.**

Information Items for Future Open Administrative Conferences

- A. 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. Proposed bill distributed to court by e-mail 11/29/12.**
- B. 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.**
- C. 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.**
- D. 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 deny petition. **Draft order circulated on 10/15/12; approvals received from all justices; SSA writing to follow.**
- E. 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.**
- F. Information Item: 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. **SSA e-mail 12/7/12 to court and Amanda Todd re: further outreach proposals.**