



Supreme Court of Wisconsin

OFFICE OF THE CLERK

110 E. MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Patience Drake Roggensack
Chief Justice

Telephone (608) 266-1880

TTY Users: Call WI TRS at 1-800-947-3529; request (608) 266-1880

Fax (608) 267-0640

Web Site: www.wicourts.gov

Hon. Randy R. Koschnick
Director of State Courts

Sheila T. Reiff
Clerk of Supreme Court

WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2018-2019 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2018 through August 31, 2019. Included are statistics on case filings, opinions, and dispositions issued by the Court and information about the creation or amendment of rules governing pleading, practice and procedure in judicial proceedings in all Wisconsin courts.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 157 cases¹ during the 2018-2019 term.

	<u>2017-18</u>	<u>2018-19</u>
Total number of cases resolved by opinion	<u>109</u>	<u>89</u>
Attorney discipline cases	41	27
Judicial discipline cases	1	2
Bar admission cases	0	0
Civil cases	42	58
Criminal cases	27	23

¹ The number of authored opinions for the term may differ from the number of cases resolved by opinion for the term; multiple cases resolved by one opinion (consolidated cases) and *per curiam* opinions (by the court as a whole) account for this difference.

Petitions for Review

A total of 609 petitions for review were filed during the term. A petition for review asks the Supreme Court to review the decision of the Court of Appeals. The Supreme Court's jurisdiction is discretionary, meaning that review is granted in selected cases only. During the 2018-2019 term, the Supreme Court disposed of 712 petitions for review, of which 53 petitions were granted. At the end of the term, the Court had 146 petitions for review pending.

	<u>2017-18</u>	<u>2018-19</u>
Petitions for Review filed	<u>737</u>	<u>609</u>
Civil cases	315	183
Criminal cases	422	426
Petition for Review dispositions	<u>748</u>	<u>712</u>
Civil cases (petitions granted).....	341 (39)	200 (24)
Criminal cases (petitions granted)	407 (15)	512 (29)

Petitions for Bypass

This term, the Supreme Court received 13 petitions for bypass and disposed of 13 petitions for bypass, of which 5 were granted. In a petition for bypass, a party requests that the Supreme Court take jurisdiction of an appeal or other proceeding pending in the Court of Appeals. A matter appropriate for bypass is usually one which meets one or more of the criteria for review by the Supreme Court and one the Supreme Court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues. A petition for bypass may also be granted where there is a clear need to hasten the ultimate appellate decision. At the end of the term, the Court had 3 petitions for bypass pending.

	<u>2017-18</u>	<u>2018-19</u>
Petitions for Bypass filed	<u>15</u>	<u>13</u>
Civil cases	8	9
Criminal cases	7	4
Petition for Bypass dispositions.....	<u>16</u>	<u>13</u>
Civil cases (petitions granted).....	8 (2)	7 (4)
Criminal cases (petitions granted)	8 (3)	6 (1)

Requests for Certification

During the 2018-2019 term, the Supreme Court received 5 requests for certification and disposed of 5 requests for certification, of which 4 was granted. In a request for certification, the Court of Appeals asks the Supreme Court to exercise its appellate jurisdiction before the Court of Appeals hears the matter. A request for certification is decided on the basis of the same criteria as a petition to bypass. At the end of the term, the Court had 1 request for certification pending.

	<u>2017-18</u>	<u>2018-19</u>
Requests for Certification filed.....	<u>7</u>	<u>5</u>
Civil cases	4	3
Criminal cases.....	3	2
Request for Certification dispositions.....	<u>10</u>	<u>5</u>
Civil cases (requests granted)	5 (4)	3 (3)
Criminal cases (requests granted)	5 (3)	2 (1)

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2018-19 term, a total of 46 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 56 petitions for supervisory writ, which ask the Supreme Court to order the Court of Appeals or a circuit court to take a certain action in a case. Eleven original actions were filed and 5 certified questions. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. Opinions disposing of cases in these categories are included in “Opinions Issued by the Court” above; statistics on dispositional orders are listed below. At the end of the term, the Court had 108 regulatory matters and 15 petitions for supervisory writ pending.

	<u>2017-18</u>	<u>2018-19</u>
<u>Filings</u>		
Attorney discipline.....	62	46
Judicial discipline.....	2	3
Bar admission.....	2	1
Petitions for Supervisory Writ	45	56
Other (including Original Actions).....	5	11
<u>Dispositions by Order</u>		
Attorney discipline.....	5	27
Judicial discipline.....	0	1
Bar admission.....	0	1
Petitions for Supervisory Writ	43	46
Other (including Original Actions).....	6	20

Rules Petitions

Each term, the Court notices and holds public hearings on petitions for the creation or amendment of rules governing pleading, practice and procedure in judicial proceedings in all courts, provided that the Court deems the petition to have arguable merit. In the term just ended, the Court held 4 rules hearings and convened 1 open administrative conference at which 7 petitions were discussed. During the term, the Court issued 24 orders, 16 of which were amendments or new rules governing practice and procedure in Wisconsin.

New and Amended Rules

The Court entered the following rule orders during the term:

Petition 12-09A: In re Matter of Publication of Supreme Court Orders – creation of rules under Supreme Court Rules Cho. 80 and amendment of Supreme Court rule 98.07, Publication of Rules. Effective September 7, 2018, the Court Ordered that no action will be taken with respect to the amendments adopted pursuant to S. Ct. Order 12-09, 2-15 WI 86.

Petition 13-15: In the Matter of Petition to Establish Pilot Project and Create Rule Governing Appointment of Counsel in Civil Cases. On September 7, 2018, the petition was dismissed.

Petition 18-03: In re proposed amendment to Wisconsin Statute § 806.02. IT IS ORDERED that:

SECTION 1. 806.02(1) is amended to read as follows:

806.02 (1) A default judgment may be rendered in favor of any party as provided in subs. (1) to (4) if no issue of law or fact has been joined on any claim asserted in a complaint, counterclaim, or cross claim and if the time for joining issue has expired. Any defendant appearing in an action shall be entitled to notice of motion for judgment.

SECTION 2. A Judicial Council Committee Note to 806.02(1) of the statutes is created to read:
JUDICIAL COUNCIL COMMITTEE NOTE

Wis. Stat. s. 802.06(1) currently requires defendants to file an answer to the complaint. It also requires parties served with a counterclaim or a cross complaint to serve a reply to the counterclaim or an answer to the cross-claim. Wis. Stat. s. 806.02 currently permits a plaintiff to obtain a default judgment against a defendant who fails to comply with s. 802.06(1), but it does not permit any other party to obtain a default judgment when an opposing party fails to comply with s. 802.06(1) by filing a response to a counterclaim or cross claim. The Council could find no logical basis for this disparity in treatment. Furthermore, the Council noted that No. 18-03 Rule 55 of the Federal Rules of Civil Procedure allows any party to obtain judgment against another party who has failed to plead or otherwise defend against a complaint, counterclaim, or cross claim.

SECTION 3. 806.02(2) is amended to read as follows:

806.02 (2) After filing the complaint, counterclaim, or cross claim and proof of service thereof of the summons on one or more of the defendants and after filing an affidavit that the defendant the party against whom judgment is sought is in default for failure to join issue, the plaintiff a party may move for judgment according to the demand of the complaint, counterclaim, or cross claim. If the amount of money sought was excluded from the demand for judgment, as required under s. 802.02(1m), the court shall require the plaintiff the moving party to specify the amount of money claimed and provide that information to the court and to the other parties appearing in the action

prior to the court rendering judgment. If proof of any fact is necessary for the court to give render judgment, the court shall receive the proof.

SECTION 4. 806.02(5) is amended to read as follows:

806.02 (5) A default judgment may be rendered against any defendant party who has appeared in the action but who fails to appear at trial. If proof of any fact is necessary for the court to render judgment, the court shall receive the proof.

IT IS FURTHER ORDERED that the effective date of this order is January 1, 2019.

IT IS FURTHER ORDERED that the Judicial Council Committee Note to Wis. Stat. § 806.02 is not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule. No. 18-03.

IT IS FURTHER ORDERED that the rule adopted pursuant to this order shall apply to court proceedings commenced after the effective date of this rule and to any proceedings within a court proceeding then pending, except insofar as, the opinion of the circuit court, application of the rule change would not be feasible or would work injustice, in which event the former rule applies. Dated October 23, 2018.

Petition 18-05: In the matter of the petition to amend Supreme Court Rule (SCR) 14.03(2), regarding Access to Justice Commission.

IT IS ORDERED that, effective the date of this order:

SECTION 1. Supreme Court Rule 14.03(2)(intro.) is amended as follows:

SCR 14.03(2) The Commission shall consist of a 17-member and an 18-member board of directors as follows:

SECTION 2. Supreme Court Rule 14.03(2)(i) is created to read as follows:

SCR 14.03(2)(i) One member designated by the President of the Wisconsin Tribal Judges Association. Dated November 12, 2018.

Petition 18-04: In the matter of the Petition to Amend Supreme Court Rule (SCR) 10.03(4), Regarding Pro Hac Vice Admission for Nonresident Counsel Appearing in Matters Involving the Indian Child Welfare Act. IT IS ORDERED that, effective the date of this order:

SECTION 1. Supreme Court Rule 10.03(4)(cm) is created to read as follows:

SCR 10.03(4)(cm) A court in this state may allow a nonresident attorney who seeks to appear for the limited purpose of participating in a child custody proceeding pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. s. 1901, et seq., while representing a tribe, without being in association with an active member of the state bar No. 18-04 of Wisconsin and without being subject to any application fees required by this rule.

IT IS FURTHER ORDERED that the court has attached to this order a version of the form that appears in Appendix A to SCR Chapter 10, modified for use by nonresident counsel seeking admission pro hac vice under SCR 10.03(4)(c) or (cm). The Forms Subcommittee of the Wisconsin Court Records Management Committee is directed to take such steps as are necessary to implement and distribute this version of the form as an alternative to the standard form that requires association with local counsel and payment of a fee. Dated February 12, 2019.

Petition 18-06: In the matter of the Petition to Amend Supreme Court Rule (SCR) 60.05(8) (b) and SCR 60.07(2). IT IS ORDERED that, effective February 25, 2019, Supreme Court Rule 60.05(8)(b) is amended to read as follows: **SCR 60.05(8)(b)** Financial reports. Except as provided in SCR 60.07, a judge shall file with the ethics board commission a timely financial report as required by section 19.43 of the statutes. The report shall also be filed by commissioners of the supreme court, staff attorneys of the court of appeals, and the director of state courts. IT IS FURTHER ORDERED that the request to amend SCR 60.07(2) and the related Comment to SCR 60.05(8) is denied.

Petition 18-07: In the matter of the Petition to Amend Supreme Court Rule (SCR) Chapter 40, Regarding Admission to the Bar. IT IS ORDERED that, effective August 1, 2019:

SECTION 2. Supreme Court Rule 40.08(6), is renumbered to 40.08(6)(a), and amended to read: (6) Review by board. (a) Except as provided in par. (b), ~~An~~ applicant may seek review of an adverse determination by filing a written request with the board within 30 days of the date of mailing of the adverse determination. ~~A request for review shall be granted only on the basis of a material error of law or fact, or the discovery of new evidence sufficiently strong to reverse the adverse determination. The board shall notify the applicant of its decision by mailing a copy to the applicant at the last address furnished by the applicant in writing to the board. The board's decision shall contain a statement identifying the date of mailing.~~

SECTION 3. Supreme Court Rule 40.08(6)(b) is created to read:

(b) An applicant may seek expedited review of an adverse determination under SCR 40.04(3m) by filing a written request within 14 days of the date of mailing of the adverse determination. The written request shall clearly request expedited review.

SECTION 4. Supreme Court Rule 40.08(6)(c) is created to read:

(c) A request for review shall be granted only on the basis of a material error of law or fact, or the discovery of new evidence sufficiently strong to reverse the adverse determination. The board shall notify the applicant of its decision by mailing a copy to the applicant at the last address furnished by the applicant in writing to the board. The board's decision shall contain a statement identifying the date of mailing.

SECTION 5. Supreme Court Rule 40.08(7) is renumbered to 40.08(7)(a) and amended to read:

(7) Review by supreme court. (a) Except as provided in par. (b), ~~An~~ applicant may seek review of an adverse determination by filing a petition for review with the supreme court and serving a copy on the board within 30 days of the date of mailing of the board's adverse determination. ~~However, if the applicant has filed a timely request for review under sub. (6), the deadline for seeking review by the supreme court shall be within 30 days of the date of mailing of the board's disposition of the applicant's request to review.~~

SECTION 6. Supreme Court Rule 40.08(7)(b) is created to read:

(b) An applicant may seek expedited review of an adverse determination under SCR 40.04(3m) by filing a petition for review with the supreme court and serving a copy on the board within 14 days of the date of mailing of the adverse determination. The petition for review shall clearly request expedited review.

SECTION 7. Supreme Court Rule 40.08(7)(c) is created to read:

(c) However, if the applicant has filed a timely request for review by the board under sub. (6), the deadline for seeking review by the supreme court shall be within 30 days of the date of mailing of the board's disposition of the applicant's request to review, provided, that an applicant may seek expedited review of an adverse determination under SCR 40.04(3m) by filing a petition for review with the supreme court and serving a copy on the board within 14 days of the

date of mailing of the adverse determination. The petition for review shall clearly request expedited review.

SECTION 6. Supreme Court Rule 40.13 is amended to read:

The board may delegate its authority under this chapter to a committee, a member or its director. An applicant who receives an adverse determination made by a committee, a member, or the director under this rule may seek review of that decision pursuant to SCR 40.08(6) and (7).

Petition 19-02: In re Petition for the Creation of a Pilot Project and Interim Rule Governing Electronic Filing in the Court of Appeals and Supreme Court.

IT IS ORDERED that the petition is granted and the interim rule set forth in Appendix A, attached hereto is adopted. The Clerk of the Supreme Court and Court of Appeals, in collaboration with the Consolidated Court Automation Programs, the Court of Appeals, and the Supreme Court, is authorized to convene a working group and commence a pilot project to facilitate the development and testing of procedures to permit exclusive electronic filing of documents in the Court of Appeals and Supreme Court.

IT IS FURTHER ORDERED that the pilot project may commence effective the date of this order, or as soon thereafter as reasonably practicable. The pilot project shall continue until further order of the court.

IT IS FURTHER ORDERED that the interim rule set forth in Appendix A, attached hereto, shall apply to cases in the pilot project.

IT IS FURTHER ORDERED that on or before September 1, 2019, and at six month intervals thereafter until the conclusion of the pilot project or further order of this court, the Clerk of Supreme Court and Court of Appeals shall submit a written progress report to the Wisconsin Supreme Court that addresses, to the extent practicable, the progress of the pilot project; modifications to the interim rule, if any; and any other relevant matter that should be brought to the attention of the Wisconsin Supreme Court. A copy of this progress report will be made available to the public and placed on the court's rules website, at <https://www.wicourts.gov/scrules/1902.htm>.

Petition 19-01: In re amendment of SCR 68.10, 68.12, 70.01, 70.245, 71.01, 71.02, 71.03, 71.04, 71.05, and Wis. Stats. §§ 751.02, 751.025, 757.46, and 757.57, relating to making the record.

IT IS ORDERED that effective July 1, 2019:

SECTION 1. Supreme Court Rule 61.09 is amended to read: Notwithstanding any film, videotape, photography or audio reproduction made in a court proceeding as a result of this chapter, the official court record of the proceeding is the transcript of the ~~original notes~~ verbatim record of the court reporter made in open court or pursuant to an order of the court.

SECTION 2. Supreme Court Rule 68.10(5)(h) is amended to read:

(5)(h) A court reporter's work place located to provide an unobstructed view of all participants and to permit the court reporter to clearly hear all statements of the judge, attorneys and witnesses.

SECTION 3. Supreme Court Rule 68.12(3) is amended to read: (3) Each circuit judge should appoint a full-time court reporter to serve primarily in the branch to which the judge was elected or appointed.

SECTION 4. The Comment to Supreme Court Rule 68.12(3) is amended to read:

COMMENT

Current law provides for each circuit judge to appoint a court reporter for his or her court or branch of court, s. 751.02, stats. Additionally, where "floating" court reporter positions have

been created and assigned to specific judicial administrative districts, the chief judge or district court administrator assigns the court reporter to fill in where needed because of illness, vacations, leaves of absence, or backlog problems. Historically, the court reporter was the only staff directly responsible to the judge and in many cases assumed a number of clerical and administrative duties for the judge's court. It is wasteful of an important court resource to have court reporters performing tasks other than ~~stenographic recording and transcription taking and transcribing the verbatim record.~~ When a court reporter's services are not required by the appointing judge, the The court reporter shall be available to assist in other circuit court branches as assigned by the chief judge or district court administrator to assure adequate coverage of all reported proceedings.

SECTION 5. Supreme Court Rule 70.01(4) is amended to read: (4) The director of state courts may require each judge to verify and certify vouchers for the judge, his or her court reporter and any assistant court reporters and, in certifying such salaries and expenses to the department of administration, may rely on the certifications received by the judges.

SECTION 6. Supreme Court Rule 70.245(1) is amended to read: (1) The chief judge or district court administrator may assign any official court reporter, as needed, to any court within the district, to assure adequate coverage of all reported proceedings. Interdistrict assignments may be made with the approval of the director of state courts.

SECTION 7. Supreme Court Rule 70.245(2) is repealed.

SECTION 8. Supreme Court Rule 71.01(1) is repealed.

SECTION 9. Supreme Court Rule 71.01(2) is amended to read:

(2) ~~At~~ A verbatim record of all proceedings in the circuit court shall be reported made, except for the following:

SECTION 10. Supreme Court Rule 71.01(3) is amended to read: (3) The director of state courts shall develop ~~rules~~ policies for the use of alternative means of making a verbatim record. The verbatim record may be made by stenographic reporting, voice reporting, monitored digital audio recording, or other means approved by the director of state courts.

SECTION 11. Supreme Court Rule 71.02 (title) is amended to read: **Recording Minute record.**

SECTION 12. Supreme Court Rule 71.02(1) is amended to read:

(1) In this ~~rule,~~ "recording" section, "minute record" means ~~the making of~~ a record comprised of notes or minutes prepared by the clerk or other person directed by the court.

SECTION 13. Supreme Court Rule 71.02(2) is amended to read:

(2) ~~There shall be a recording~~ The circuit court shall keep a minute record of all court proceedings as provided by statute. In initial appearances, ~~a recording of the minute record shall include the court's advice and the defendant's reply shall be made by the clerk or other person directed by the court.~~

SECTION 14. Supreme Court Rule 71.03 (title) is amended to read: **Reporters' Court reporters' notes or, digital audio recordings, and other verbatim record.**

SECTION 15. Supreme Court Rule 71.03 is renumbered to Supreme Court Rule 71.03(1) and amended to read: (1) The original stenographic notes of all court reporters, voice recordings, digital audio recordings, or other verbatim record required under SCR 71.01(2), made in open court on the record or pursuant to an order of the court, constitute part of the records of the court in which made and are not the property of the court reporter.

SECTION 16. Supreme Court Rule 71.03(2) is created to read: (2) The verbatim record is intended to assist in the preparation of a transcript. The transcript, and not the verbatim record, is the official record of the proceedings.

SECTION 17. Supreme Court Rule 71.03(3) is created to read: (3) The verbatim record includes all of the following: (a) The original notes of a stenographic court reporter.

(b) The original voice recording of a voice writer. (c) An audio recording of any part of a proceeding that is on the record and made as the primary means of taking the verbatim record.

SECTION 18. Supreme Court Rule 71.03(4) is created to read: (4) Any words spoken in the courtroom that are off the record, privileged, or otherwise not part of a proceeding, hearing, or trial of a specific case are not part of the verbatim record of the case.

SECTION 19. Supreme Court Rule 71.03(5) is created to read: (5) The director of state courts shall develop policies for copying and charging a fee for an audio recording under sub. (3)(c).

SECTION 20. Supreme Court Rule 71.04(1) is amended to read: (1) ~~Reporters' notes or other verbatim record~~ The verbatim record required under SCR 71.01(2) need not be transcribed unless required by this rule, any statute or court order.

SECTION 21. Supreme Court Rule 71.04(2) is amended to read: (2) The original transcript of any proceeding, whether complete or partial, shall be filed with the court and shall be the official record of the proceedings. The cost of such transcript shall be borne as provided in this rule and in s. 814.69, stats. ~~Any unedited, uncertified transcript furnished pursuant to 71.04(9)(b) is not the official record.~~

SECTION 22. Supreme Court Rule 71.04(3) is amended to read: (3) A court may order ~~the a~~ a court reporter to transcribe and file all or any part of the testimony and proceedings in any action or proceeding in the court.

SECTION 23. Supreme Court Rule 71.04(3m) is created to read: (3m) A court reporter may transcribe any proceeding as needed when the verbatim record was made by another court reporter or other person.

SECTION 24. Supreme Court Rule 71.04(4) is amended to read: (4) Except when requested by a party or by a guardian ad litem appointed in the proceedings, ~~reporters' notes or other the~~ the verbatim record of ~~proceedings a proceeding~~ a proceeding under chs. 48, 767 ~~and or~~ 938 of the statutes, stats., shall be transcribed only upon order of the court.

SECTION 25. Supreme Court Rule 71.04(6) is amended to read: (6) Except as provided in sub. (4), every court reporter, upon the request of any party to an action or proceeding, shall make a typewritten transcript, and as many duplicates thereof as the party requests, of the ~~testimony and proceedings reported by him or her~~ verbatim record in the action or proceeding, or any part thereof specified by the party, the transcript and duplicate thereof to be duly certified by him or her to be a correct transcript thereof. Any unedited, uncertified transcript furnished pursuant to SCR 71.04(9)(b) is not the official record.

SECTION 26. Supreme Court Rule 71.04(7) is amended to read: (7) In any action in which the court orders a compulsory reference, the court may direct the court reporter ~~thereof~~ to attend the referee's hearing, report the testimony and proceedings and furnish a typewritten transcript thereof to the referee.

SECTION 27. Supreme Court Rule 71.04(9) is amended to read: (9) A court reporter may make a special charge, pursuant to an arrangement with the requesting party, for furnishing any of the following:

SECTION 28. Supreme Court Rule 71.04(10)(a) is amended to read: (10)(a) If a transcript of any court proceeding is required to be provided under a statute, rule, or court order and the original court reporter is unavailable to the court having jurisdiction in the matter to be transcribed, the ~~court~~ chief judge or district court administrator may order that another court reporter prepare the transcript.

SECTION 29. Supreme Court Rule 71.04(10)(b) is amended to read: (10)(b) A court reporter who prepares a transcript under par. (a) shall certify that it is a verbatim transcript of the proceedings as recorded in the ~~notes or other~~ verbatim record of the original court reporter.

SECTION 30. Supreme Court Rule 71.04(10m)(a) is amended to read: (10m)(a) If before trial the court approves a stipulation by all parties, an independent, freelance court reporter may take the official record, or a portion of the official records, upon taking the official oath of office.

SECTION 31. Supreme Court Rule 71.04(10m)(b) is amended to read: (10m)(b) If after trial the court approves a stipulation by all parties, an independent, freelance court reporter's record of proceedings may be the official record or a portion of the official record.

SECTION 32. Supreme Court Rule 71.04(10m)(c) is amended to read: (10m)(c) Before approving a stipulation under par. (a) or (b), the court shall consider the availability of an official court reporter, including the ability of the official court reporter to meet requests for providing daily transcripts.

SECTION 33. Supreme Court Rule 71.04(10m)(d) is amended to read: (10m)(d) An independent, freelance court reporter authorized under par. (a) or (b) shall comply with all of the requirements under this chapter relating to the production of an official record and transcripts and charges for transcripts.

SECTION 34. Supreme Court Rule 71.04(12) is amended to read: (12) ~~Upon request and payment for a certified paper copy of a transcript, a court reporter may provide an electronic copy of the transcript. A reporter may charge an additional \$10 for the electronic copy of the transcript.~~ In electronically filed cases, a court reporter shall comply with the provisions of s. 801.18(15), stats.

SECTION 35. Supreme Court Rule 71.05(1) is amended to read: (1) The person reporting a court activity or proceeding may use electronic alternative means not approved by the director of state courts under SCR 71.01 if any of the following conditions is met:

SECTION 36. Supreme Court Rule 71.05(1)(a) is repealed.

SECTION 37. Supreme Court Rule 71.05(1)(c) is amended as follows: (1)(c) The circuit court judge, with the approval of the chief judge of that district, determines that the use of electronic alternative means is necessary and the alternative means chosen are appropriate.

SECTION 38. Supreme Court Rule 71.05(2) is amended to read: (2) ~~The electronic~~ Any record made by alternative means shall be maintained in compliance with SCR 72.05 for the length of time required in SCR 72.01(47) or for the time required for the case type under SCR 72.01, whichever is shorter.

SECTION 39. Supreme Court Rule 71.05(3) is amended to read: (3) If a transcript of any proceeding ~~that is electronically recorded~~ reported under sub. (1) is required, the court shall order that a transcript be prepared. The court reporter who prepares the transcript under this subsection shall certify that it is a verbatim transcript of the ~~electronic recording of the proceeding~~ verbatim record. Transcripts under this subsection shall comply with SCR 71.04.

SECTION 40. Supreme Court Rule 71.05(4) is repealed.

SECTION 41. 751.02 of the statutes is amended to read: **751.02 Employees.** The supreme court may authorize the employees it considers necessary for the execution of the functions of the supreme court and the court of appeals and the court reporting functions of the circuit courts and may designate titles, prescribe duties and fix compensation. Compensation and benefits of employees should be consistent with that paid to state employees in the classified service for services involving similar work and responsibility. Each justice and court of appeals judge may appoint and prescribe the duties of a ~~secretary~~ judicial assistant and a law clerk to assist the justice or judge in the performance of his or her duties. Each circuit judge may appoint a court reporter to serve primarily in the court or branch of court to which he or she was elected or appointed if the court reporter is certified as qualified by the director of state courts. The chief judge or district court administrator may assign that court reporter to other courts to assure adequate coverage of all reported proceedings. A person appointed by the supreme court or a

justice or court of appeals judge or a circuit judge serves at the pleasure of the court or the justice or judge.

SECTION 42. 751.025 of the statutes is amended to read: **751.025 Temporary use of court reporters.** ~~If the court reporter appointed by the judge is not available or if an additional court reporter is needed, the judge, in cooperation with the~~ The chief judge and or district court administrator ~~for that the~~ judicial district; shall attempt to locate and use a court reporter from another branch of court before hiring a private court reporter.

SECTION 43. 757.46 of the statutes is amended to read: **757.46 Reporter Court reporter not to take statements of injured persons.** No ~~phonographic~~ court reporter for any court of record in the state of Wisconsin or any of his or her assistants may be employed by any person or corporation to take the statement of any injured or other person in any way relating to the manner in which the person was injured or killed or the extent of personal injuries, and any court reporter or assistant violating this section shall be removed and shall not be permitted to testify in any court concerning any such statement taken in violation of this section. The taking, transcribing or reporting testimony given by deposition or otherwise according to law, is not prohibited by this section.

SECTION 44. 757.57(2) of the statutes is amended to read: **757.57 (2)** In any criminal action or proceeding the court may order, and when required by s. 973.08 the court shall order, a transcript of the testimony and proceedings to be made and certified by ~~the a~~ a court reporter and filed with the clerk of court. Certified duplicates of transcripts prepared in compliance with s. 973.08 shall be filed with the warden or superintendent of the institution to which sentenced persons have been committed. The cost of the transcript is prescribed in s. 814.69(1). In case of application for a pardon or commutation of sentence the duplicate transcript shall accompany the application.

SECTION 45. 757.57(5) of the statutes is amended to read: **757.57(5)** Except as provided in SCR 71.04(4), every court reporter, upon the request of any party to an action or proceeding, shall make a typewritten transcript, and as many copies thereof as the party requests, of the ~~testimony and proceedings reported by him or her~~ verbatim record in the action or proceeding, or any part thereof specified by the party, the transcript and each copy thereof to be duly certified by him or her to be a correct transcript thereof. For the transcripts the court reporter is entitled to receive the fees prescribed in s. 814.69(1)(b) and (bm).

SECTION 46. 801.18(15)(i) of the statutes is amended to read: **801.18(15)(i)** A court reporter notes reporter's verbatim record that is required to be stored under SCR 71.03, SCR 72.01(47), and Rule of Trial Court Administration 7 shall continue to be stored in its original medium.

SECTION 47. 809.104(2)(c) of the statutes is amended to read:

809.104(2)(c) The appellant shall request a copy of the transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings for each of the parties to the appeal and make arrangements to pay for the transcript and copies within 5 days after the filing of the notice of appeal under par. (b).

SECTION 48. 809.105(4)(h) of the statutes is amended to read: **809.105(4)(h)** A transcript of the ~~reporter's notes~~ court reporter's verbatim record.

SECTION 49. 809.105(5) of the statutes is amended to read: **809.105(5)** TRANSCRIPT OF REPORTER'S NOTES COURT REPORTER'S VERBATIM RECORD. At the time that a minor or member of the clergy files a notice of appeal, the minor or member of the clergy shall make arrangements with the reporter for the preparation of a transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings under s. 48.375 (7). The reporter shall file the transcript with the trial court within 2 calendar days after the notice of appeal is filed. The county of the court that held the proceeding under s. 48.375 (7) shall pay the expense of transcript preparation under this subsection.

SECTION 50. 809.107(4)(a) of the statutes is amended to read: **809.107(4)(a)** *State public defender appointment of counsel.* Within 15 days after the state public defender appellate intake office receives the materials from the clerk of circuit court under sub. [\(3\)\(a\)](#), the state public defender shall appoint counsel for the appellant and request a transcript of the ~~reporter's notes~~ court reporter's verbatim record and a copy of the circuit court case record.

SECTION 51. 809.107(4)(b) of the statutes is amended to read: **809.107(4)(b)** *Person not represented by public defender.* An appellant who does not request representation by the state public defender for purposes of postdisposition or appellate relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record within 15 days after filing the notice of intent under sub. [\(2\)\(bm\)](#). An appellant who is denied representation by the state public defender for purposes of postdisposition or appellate relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record, within 30 days after filing a notice of intent under sub. [\(2\)\(bm\)](#).

SECTION 52. 809.107(5)(c) of the statutes is amended to read: **809.107(5)(c)** *Requesting transcripts for other parties.* The appellant shall request a copy of the transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings for each of the parties to the appeal and make arrangements to pay for the transcript and copies within 5 days after the filing of the notice of appeal.

SECTION 53. 809.11(4)(a) of the statutes is amended to read: **809.11(4)(a)** The appellant shall request a copy of the transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings for each of the parties to the appeal and make arrangements to pay for the transcript and copies within 14 days after the filing of the notice of appeal.

SECTION 54. 809.15(1)(a)13. of the statutes is amended to read: **809.15(1)(a)13.** Transcript of ~~reporter's notes~~ court reporter's verbatim record;

SECTION 55. 809.15(3) of the statutes is amended to read: **809.15(3)** DEFECTIVE RECORD. A party who believes that the record, including the transcript of the ~~reporter's notes~~ court reporter's verbatim record, is defective or that the record does not accurately reflect what occurred in the circuit court may move the court in which the record is located to supplement or correct the record. Motions under this subsection may be heard under s. [807.13](#).

SECTION 56. 809.15(4)(b) of the statutes is amended to read: **809.15(4)(b)** *Late transcript.* If the reporter fails to file the transcript within the time limit specified in the statement on transcript, the clerk of circuit court shall transmit the record not more than 90 days after the filing of the notice of appeal, unless the court of appeals extends the time for filing the transcript of the ~~reporter's notes~~ court reporter's verbatim record. If the court extends the time for filing the transcript of the ~~reporter's notes~~ court reporter's verbatim record, the clerk of circuit court shall transmit the record within 20 days after the date that the transcript is filed.

SECTION 57. 809.30(2)(e) of the statutes is amended to read: **809.30(2)(e)** *State public defender appointment of counsel; transcript and circuit court case record request.* Within 30 days after the state public defender appellate intake office receives the materials from the clerk of circuit court under par. [\(c\)](#), the state public defender shall appoint counsel for the person and request a transcript of the ~~reporter's notes~~ court reporter's verbatim record and a copy of the circuit court case record, except that if the person's indigency must first be determined or redetermined the state public defender shall do so, appoint counsel, and request transcripts and a copy of the circuit court case record within 50 days after the state public defender appellate intake office receives the material from the clerk of circuit court under par. [\(c\)](#).

SECTION 58. 809.30(2)(f) of the statutes is amended to read:

809.30(2)(f) *Person not represented by public defender; transcript and circuit court case record request.* A person who does not request representation by the state public defender for purposes of postconviction or postdisposition relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record, within 30 days after filing a notice under par. (b). A person who is denied representation by the state public defender for purposes of postconviction or postdisposition relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record, within 90 days after filing a notice under par. (b).

SECTION 59. 809.31(5) of the statutes is amended to read: **809.31(5)** The defendant or the state may seek review of the order of the circuit court by filing a motion in the court of appeals under s. 809.14. The party seeking review must attach to its motion a copy of the judgment of conviction or other final judgment or order, the circuit court order regarding release pending appeal, the circuit court statement of reasons for the decision regarding release pending appeal, and the transcript of any release proceedings in the circuit court or a statement explaining why no transcript is available. The party filing the motion shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record for any proceeding in the circuit court regarding release pending appeal for all parties to the appeal and make arrangements to pay for the transcript within 7 days after the entry of the circuit court order regarding release pending appeal. Within 7 days after the date on which the transcript was requested and arrangements were made for payment, the reporter shall serve copies of the transcript on the parties to the appeal, file the transcript with the circuit court, and notify the clerk of the court of appeals and the parties to the appeal that the transcript has been filed and served. The motion shall be filed within 21 days after the entry of the circuit court order. The opposing party may file a response within 14 days after the filing of the motion.

SECTION 60. 968.04(1)(d) of the statutes is amended to read: **968.04(1)(d)** An examination of the complainant or witness under sub. (1) may take place by telephone on request of the person seeking the warrant or summons unless good cause to the contrary appears. The judge shall place each complainant or witness under oath and arrange for all sworn testimony to be recorded, either by a ~~stenographic~~ court reporter or by means of a voice recording device. The judge shall have the record transcribed. The transcript, certified as accurate by the judge or reporter, as appropriate, shall be filed with the court. If the testimony was recorded by means of a voice recording device, the judge shall also file the original recording with the court.

SECTION 61. 968.12(3)(d) of the statutes is amended to read: **968.12(3)(d)** *Recording and certification of testimony.* When a caller informs the judge that the purpose of the call is to request a warrant, the judge shall place under oath each person whose testimony forms a basis of the application and each person applying for the warrant. The judge or requesting person shall arrange for all sworn testimony to be recorded either by a ~~stenographic~~ court reporter or by means of a voice recording device. The judge shall have the record transcribed. The transcript, certified as accurate by the judge or reporter, as appropriate, shall be filed with the court. If the testimony was recorded by means of a voice recording device, the judge shall also file the original recording with the court.

IT IS FURTHER ORDERED that the Comments to Supreme Court Rule 68.12(3) are not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule.

IT IS FURTHER ORDERED that the rules adopted pursuant to this order shall apply to proceedings commenced after the effective date of this rule and, insofar as is just and practicable, to proceedings pending on the effective date.

Petition 13-11B: In the matter of the petition for amendment to Supreme Court Rule 10.03(4)(b)2 relating to pro hac vice applications.

IT IS ORDERED that, effective July 1, 2019, the Wisconsin Comment to SCR 10.03(4) is amended to read:

WISCONSIN COMMENT

The Wisconsin Supreme Court has directed ~~the Office of Lawyer Regulation to provide that the fee established in SCR 10.03(4)(b)2 is to be paid as follows: \$100-50 to the Office of Lawyer Regulation, and \$200 to the State Bar of Wisconsin \$100 to Wisconsin Trust Account Foundation, Inc., and \$50 to the Wisconsin Access to Justice Commission.~~ See S. Ct. Order 13-11, 2014 WI 42 (issued Jun. 20, 2014, eff. Jul. 1, 2014) (Abrahamson, C.J. and Bradley, J., dissenting); See S. Ct. Order 13-11A, 2015 WI 23 (Mar. 6, 2015); S. Ct. Order 13-11B, 2019 WI XX (issued May 16, 2019, eff. Jul. 1, 2019).

Petition 19-03: In the matter of the Petition to amend Supreme Court Rule (SCR) Chapter 10, Regarding Conduct of Voting in State Bar Elections and Referenda.

IT IS ORDERED that, effective July 1, 2019, the Supreme Court Rules are amended as follows:

SECTION 1. Supreme Court Rule 10.08(4) is amended to read:

(4) Governors may initiate. The board of governors may, by the affirmative vote of two-thirds of its membership, refer to the active members of the association for determination by ~~mail~~ ballot any appropriate question of public policy, as provided in sub. (3).

SECTION 2. Supreme Court Rule 10.08(9) is amended to read:

(9) Publication of question. As to all questions to be submitted to the members by referendum, space in a reasonable amount shall be provided to both the proponents and the opponents of the proposition. This space shall be made available without charge in the state bar's official publication one month prior to ~~mailing~~ distribution of the referendum ballots or in another state bar ~~mailing~~ distribution to all eligible voters. State bar mailing lists shall be equally available at the same costs to both proponents and opponents of any referendum.

SECTION 3. Supreme Court Rule 10.08(10) is amended to read:

(10) Conduct of election. The ~~mailing~~ distribution of the ballots, the return of the ballots, the counting of the ballots and the reporting of the results shall be conducted in the same manner as set forth in article 3, sections 4 through 8 of the bylaws for the election of the board of governors.

Petition 19-15: In the Matter of the Creation of Supreme Court Rule 32.015 Relating to the Structure of the Wisconsin Judicial College.

IT IS ORDERED that effective the date of this order:

SECTION 1. Supreme Court Rule 32.015 (title) is created to read as follows:

SCR 32.015 Wisconsin Judicial College

SECTION 2. Supreme Court Rule 32.015(1) is created to read as follows:

(1) The Wisconsin judicial college is an annual, one week, two-part judicial orientation and education program for Wisconsin state court judges. Newly appointed or elected circuit court judges shall attend the Wisconsin judicial college together with an associated two-and one-half-day new judge orientation that is next scheduled after the new judge's election or appointment. Thereafter, all circuit court judges are required to attend the Wisconsin judicial college at least once during every six-year term. Wisconsin court of appeals judges and supreme court justices may attend the Wisconsin judicial college, space permitting.

SECTION 3. Supreme Court Rule 32.015(2) is created to read as follows:

(2) The Wisconsin judicial college planning committee is a subcommittee of the judicial education committee, staffed by the office of judicial education. The Wisconsin judicial college planning committee is responsible for all aspects of planning and operating the Wisconsin judicial college. The Wisconsin judicial college planning committee shall be constituted as follows:

SECTION 4. Supreme Court Rule 32.015(2)(a) is created to read as follows:

(a) One dean, appointed by the chief justice of the supreme court or his or her designee, for a six-year term. The dean shall chair the Wisconsin judicial college planning committee and shall have prior experience as an associate dean, so long as a current or former associate dean is willing to serve. In the event no current or former associate dean is willing to serve, the dean appointed shall have significant experience in planning and teaching judicial education programs and meet the criteria set forth in sub. (b) below for appointment as an associate dean. The dean is eligible for reappointment, but shall not serve more than two consecutive full terms. A supreme court justice may not serve as dean.

SECTION 5. Supreme Court Rule 32.015(2)(b) is created to read as follows:

(b) Six associate deans, each appointed by the chief justice of the supreme court or his or her designee, for a three-year term. The Wisconsin judicial college planning committee shall make timely recommendations to the chief justice for associate dean appointments. Associate deans shall have a minimum of five years of experience on the circuit court and have completed faculty development training provided by the office of judicial education. An associate dean is eligible for reappointment, but shall not serve more than two consecutive full terms. Supreme court justices and court of appeals judges may not serve as associate deans.

SECTION 6. Supreme Court Rule 32.015(2)(c) is created to read as follows:

(c) The membership of the Wisconsin judicial college planning committee should reflect the gender, racial, ethnic, and geographic diversity of the state, and should include an associate dean representing each of the following:

1. Milwaukee County.
2. A one-judge county.
3. A northern Wisconsin county.
4. Central Wisconsin or the Fox River Valley.
5. Southwest Wisconsin.
6. Dane, Waukesha, Racine, Kenosha or Rock Counties.

SECTION 7. Supreme Court Rule 32.015(2)(d) is created to read as follows:

(d) Vacancies on the Wisconsin judicial college planning committee shall be filled by the chief justice of the supreme court or his or her designee, in the same manner as original appointments. A dean or associate dean appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed holds the position for the remainder of that term. Completion of a predecessor's unfinished term shall not be included when determining eligibility for reappointment. An appointment as dean or associate dean ends if the individual ceases to be a member of the Wisconsin judiciary. Dated: June 12, 2019.

Petition 19-17: In the Matter of the Petition to Amend Supreme Court Rule (SCR) Chapter 40, Regarding Admission to the Bar.

IT IS ORDERED that effective January 1, 2020, Supreme Court Rule 40.14(3) is amended as follows:

(3) The following fees are payable to the board:	
(a) Bar examination fee	\$450
(b) Late fee for bar examination	\$200
(c) Fee for application for admission on proof of practice elsewhere	\$850
(d) [Deleted]	
(e) Fee for reinstatement, readmission, late admission on diploma privilege or late enrollment in the bar	\$200
(f) [Deleted]	
(g) Fee for a character and fitness investigation under SCR 40.06(3m)	\$210
(h) Late fee for a character and fitness investigation under SCR 40.06(3m)	\$200
(i) Fee for admission for graduates of law schools in other nations	\$850

Petition 19-04: In re Petition of the OLR Process Review Committee's Subcommittee on Referees for an order repealing and recreating SCR 21.08 and amending SCR 21.11(4), SCR 22.09(2), SCR 22.13(3), SCR 22.16(6), SCR 22.25(6) (c), SCR 22.30(1), SCR 22.34(10), and SCR 22.36(5) (Referee Appointment and Training).

IT IS ORDERED that effective January 1, 2020:

SECTION 1. Supreme Court Rule 21.08 is repealed and recreated to read:

SCR 21.08 Referees.

(1) The referee panel consists of no more than 15 lawyers and reserve judges appointed by the supreme court. Referees shall be members of the State Bar of Wisconsin in good standing. Referees serve staggered four-year terms. A referee may be reappointed to serve consecutive terms. If a referee's term ends while an assigned matter remains pending, the referee may oversee completion of the matter unless, on its own motion or on motion of the parties, the supreme court directs the appointment of a new referee.

(2) Referees function under the supervision of the supreme court.

(3) The duties of a referee are:

(a) To preside over and conduct hearings on complaints of attorney misconduct, on petitions alleging attorney medical incapacity, and on petitions for license reinstatement, and to issue orders necessary to advance the proceeding.

(b) To make written findings, conclusions, and recommendations, and to submit them to the supreme court for review and appropriate action.

(c) To review consensual discipline under SCR 22.09.

(d) To conduct hearings, make written findings, conclusions, and recommendations on other matters as the supreme court may direct.

(4) Referees shall function pursuant to the procedures set forth in SCR chapter 22.

(5) Each referee shall participate in mandatory referee training developed by the office of judicial education, as follows:

(a) Each newly appointed referee shall attend the earliest one-half day new referee orientation seminar offered following his or her appointment, unless a period of extension is granted by the

office of judicial education, upon prior application by the referee. A referee reappointed to serve a consecutive term need not repeat the new referee orientation seminar.

(b) Each referee shall attend a one-half day referee training seminar every two years during the referee's four-year term when offered by the office of judicial education.

(c) If a referee fails to comply with the mandatory referee training, the office of judicial education shall advise the supreme court and the supreme court may, following notice to the referee, remove the referee from the referee panel provided in SCR 21.08.

SECTION 2. Supreme Court Rule 21.11(4) is amended to read:

(4) ~~Staff of the supreme court shall provide formal~~ Formal training to the referees shall be provided as set forth in SCR 21.08.

SECTION 3. Supreme Court Rule 22.09(2) is amended to read:

(2) The director shall request the appointment of a referee by providing in confidence to the clerk of the supreme court the names of the grievant and respondent, the address of the respondent's principal office, and the date of the consent agreement. The clerk or deputy clerk of the supreme court shall select a an available referee from the panel provided in SCR 21.08, based on ~~availability and geographic proximity to~~ the location of the respondent's principal office. The chief justice or, in his or her absence, the ~~senior justice~~ chief justice's delegee shall appoint the referee selected by the clerk or deputy clerk. The director shall submit the agreement, accompanied by the respondent's public and private disciplinary history, to the appointed referee for review and approval. The director shall send a copy of the agreement to the grievant. The grievant may submit a written response to the director within 30 days after being notified of the agreement, and the director shall submit the response to the referee. The respondent and the director may submit comments to the referee regarding the grievant's response. The agreement, the grievant's response, and the comments of the respondent and director shall be considered by the referee in confidence.

SECTION 4. Supreme Court Rule 22.13(3) is amended to read:

(3) Except as provided in SCR 22.12, upon receipt of proof of service of the complaint, the clerk or deputy clerk of the supreme court shall select a an available referee from the panel provided in SCR 21.08, based on ~~the availability and geographic proximity to~~ the location of the respondent's principal office, ~~and the~~ The chief justice or, in his or her absence, the ~~senior justice~~ chief justice's delegee shall issue an order appoint ~~appoint~~ the referee selected by the clerk or deputy clerk to conduct a hearing on the complaint.

SECTION 5. Supreme Court Rule 22.16(6) is amended to read:

(6) Within 30 days after the conclusion of the hearing, ~~or~~ the filing of the hearing transcript, or the filing of a final post-hearing brief, whichever is later, the referee shall file with the supreme court a report setting forth findings of fact, conclusions of law regarding the respondent's misconduct, if any, and a recommendation for dismissal of the proceeding or the imposition of specific discipline, or a statement advising the court why the referee cannot comply with this deadline and the date by which the referee will file the report and recommendation.

SECTION 6. Supreme Court Rule 22.25(6)(b) is amended to read:

Following resubmission, if the special preliminary review panel determines that the special investigator has failed to establish cause to proceed, it shall dismiss the matter and notify in writing the special investigator, the respondent, and the grievant of the dismissal. The panel's decision to dismiss after resubmission is final and there is no further review.

SECTION 7. Supreme Court Rule 22.25(6)(c) is repealed.

SECTION 8. Supreme Court Rule 22.30(1) is amended to read:

(1) The clerk or deputy clerk of the supreme court shall select a an available referee from the panel provided in SCR 21.08, based on ~~availability and geographic proximity to~~ the location of

the petitioner's place of residence, and the chief justice or, in his or her absence, the ~~senior justice~~ chief justice's delegee shall issue an order appoint ~~appointing~~ the referee selected by the clerk or deputy clerk to conduct a hearing on the petition for reinstatement. In the case of a license suspension, the hearing shall not be held prior to the expiration of the period of suspension. Following the appointment of a referee, the parties shall file all papers and pleadings with the supreme court and serve a copy on the referee.

SECTION 9. Supreme Court Rule 22.34(10) is amended to read:

(10) The petition may be accompanied by a stipulation of the director and the respondent to a suspension or to the imposition of conditions on the respondent's practice of law. The supreme court may consider the petition and stipulation without the appointment of a referee. If the supreme court approves the stipulation, it shall issue an order consistent with the stipulation. If the supreme court rejects the stipulation, the clerk or deputy clerk of the supreme court shall select ~~a~~ an available referee from the panel provided in SCR 21.08, based on ~~availability and geographic proximity to the location of the respondent's place of residence,~~ the ~~The~~ chief justice or, in his or her absence, the ~~senior justice~~ chief justice's delegee shall issue an order appoint ~~appointing~~ the referee selected by the clerk or deputy clerk, and the matter shall proceed as a petition filed without a stipulation. A stipulation rejected by the supreme court has no evidentiary value and is without prejudice to the respondent's defense of the proceeding or the prosecution of the petition.

SECTION 10. Supreme Court Rule 22.36(5) is amended to read:

(5) Following the investigation, the petition shall be submitted to a referee, ~~selected by the~~ The clerk or deputy clerk of the supreme court shall select an available referee from the panel provided in SCR 21.08, based on geographic proximity to the location of the respondent's place of residence, and appointed by the chief justice or, in his or her absence, the senior justice chief justice's delegee shall issue an order appointing the referee selected by the clerk or deputy clerk to review the petition.

IT IS FURTHER ORDERED that the proposed changes to the court's Internal Operating Procedures pertaining to appointment and selection of referees, as set forth in the petition, will be made accordingly.

Petition 19.05: In re Petition of the PLR Process Review Committee for an order repealing and recreating SCR 22.12 and SCR 22.17, amending SCR 21.09(1), SCR 21.16(2)(c), SCR 22.21(4), SCR 22.22(2)(b), (3) (intro) and (b), and (6), SCR 22.24(1), (1m) (intro), (2) and (3), creating SCR 21.08(1)(b), 21.09(1m), 22.16(6) (b) and (7)(b), 22.22(2m) and (4m) and 22.23(1m), renumbering and amending SCR 21.08(1), and 22.16(6) and (7) (Referee Authority).

IT IS ORDERED that rule petition 19-05, In re Petition of the OLR Process Review Committee for an order repealing and recreating SCR 22.12 and SCR 22.17, amending SCR 21.09(1), SCR 21.16(2)(c), SCR 22.21(4), SCR 22.22(2)(b), (3)(intro) and (b), and (6), SCR 22.24(1), (1m)(intro), (2), and (3), creating SCR 21.08(1)(b), 21.09(1m), 22.16(6)(b) and (7)(b), 22.22(2m) and (4m), and 22.23(1m), renumbering and amending SCR 21.08(1), and 22.16(6) and (7), is held in abeyance pending further order of the court. The court may conduct further proceedings on the matter as it so chooses, in light of the pending implementation of referee training established by S. Ct. Order 19-04, 2019 WI 77 (issued June 26, 2019, eff. Jan. 1, 2020) and the consideration of the other pending OLR Procedure Review Committee petitions.

Petition 13-11C: In the matter of the petition for amendment to Supreme Court Rule 10.03(4)(b)(2) relating to pro hac vice applications. Dissenting: Justice Daniel Kelly and Justice Rebecca Grassl Bradley.
IT IS ORDERED that the Memorandum of Understanding required by S. Ct. Order 13-11B, 2019 WI 52 (issued May 16, 2019, eff. July 1, 2019) is approved by the court.