

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 01-15

In the matter of the creation of a provision regarding stipulated reversal or stipulated vacatur of a lower court decision

FILED

JUL 2, 2003

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

On October 22, 2002, the court held a public hearing on a petition filed by the Judicial Council seeking to amend Wis. Stat. § (Rule) 809.18 in order to clarify that a lower court decision may not be reversed or vacated by the parties' stipulation as a condition of dismissal of an appeal. The court has considered the presentations made at the public hearing.

IT IS ORDERED that the petition is granted in part and denied in part as follows:

Section 1. Section 809.18 of the statutes is amended to read:

809.18 Voluntary dismissal. An appellant may dismiss a filed appeal by filing a notice of dismissal in the court or, if the appeal is not yet filed, in the ~~trial~~ circuit court. The dismissal of an appeal by the appellant or by agreement of the parties or their counsel does not affect the status of a lower

court decision, the status of a cross-appeal, or the right of a respondent to file a cross-appeal.

Section 2. IT IS ORDERED that further amendment of Wis. Stat. § (Rule) 809.18 is denied.

IT IS ORDERED that these amendments shall be effective the date of this order.

IT IS ORDERED that notice of this amendment of Wis. Stat. § (Rule) 809.18 be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 2nd day of July, 2003.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

