

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. 01-04

In the matter of the amendment of Wis. Stat. § 809.23 regarding publication of court of appeals opinions.

FILED

DEC 20, 2001

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

On November 28, 2001, the court held a public hearing on the petition filed on March 12, 2001, by the Judicial Council seeking to amend Wis. Stat. § 809.23 to allow for the partial publication of a court of appeals opinion.

The court has considered the petition and the matters presented at the public hearing. The court agrees with the proposal to amend the references to be res judicata and collateral estoppel under Wis. Stat. § 809.23 (3). The court is not convinced of the need for the creation of a seemingly cumbersome partial publication procedure. The court is concerned that extracting a legal issue from its context and issuing two opinions may raise rather than resolve problems without reducing the court of appeals' workload.

IT IS ORDERED that, effective July 1, 2002, 809.23 (3) of the statutes is amended to read:

809.23 (3) UNPUBLISHED OPINIONS NOT CITED. An unpublished opinion is of no precedential value and for this reason may not be cited in any court of this state as precedent or authority, except to support a claim of ~~res-judicata~~ claim preclusion, ~~collateral estoppel~~ issue preclusion, or the law of the case.

IT IS FURTHER ORDERED that insofar as the petition seeks to create a section under Wis. Stat. § 809.23 to provide for partial publication of court of appeals opinions, the petition is denied.

IT IS FURTHER ORDERED the notice of this amendment to Wis. Stat. § 809.23 (3) shall 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 20th day of December, 2001.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

