

FILED

OCT 5, 1999

SUPREME COURT OF WISCONSIN

Marilyn L. Graves
Clerk of Supreme Court
Madison, WI

In the Matter of the Amendment of
the Rules of Civil and Criminal
Procedure: Wis. Stat. §§ 758.18,
807.001, and 971.025; Creation of
Supreme Court Rule 70.153 -
Creation and Use of Forms in the
Circuit Court

ORDER
No. 98-01

At public conference May 24, 1999, the court considered the petition of the Wisconsin Records Management Committee filed June 11, 1998, seeking the creation of Rules of Civil and Criminal Procedure requiring the Wisconsin Judicial Conference to develop standard court forms for mandatory use in civil and criminal actions and proceedings in the circuit court. The proposed rules specified that a party's failure to use a mandatory form would not constitute cause to dismiss a case, to refuse a filing, or to strike a pleading, but the party would be required to submit a corrected form, and the court could impose statutory fees or costs. The petition had been presented to the court at a public hearing September 17, 1998, following which the court withheld action in order to permit the State Bar of Wisconsin to review current forms that have been prepared by the Records Management Committee and notify the court of any objection it might have in respect to particular forms.

At the May 24, 1999 public conference, the court decided to adopt rules providing for the adoption and use of standard court forms in civil and criminal actions and proceedings in the circuit court, as well as a procedure for interested persons to review the standard court forms prior to their implementation and make objection to them to the Records Management Committee.

IT IS ORDERED that, effective January 1, 2000, 758.18 of the statutes is created to read:

758.18 Judicial conference: standard court forms. The judicial conference shall adopt standard court forms for use by parties and court officials in all civil and criminal actions and proceedings in the circuit court.

IT IS FURTHER ORDERED that, effective January 1, 2000, 971.025 of the statutes is created to read:

971.025 Forms. (1) In all criminal actions and proceedings and actions and proceedings under chapters 48 and 938 in circuit court, the parties and court officials shall use the standard court forms adopted by the judicial conference under s. 758.18, commencing the date on which the forms are adopted.

(2) A party or court official may supplement a standard court form with additional material.

(3) A court may not dismiss a case, refuse a filing or strike a pleading for failure of a party to use a standard court form or to follow the format rules but shall require the party

to submit, within 10 days, a corrected form and may impose statutory fees or costs or both.

(4) If the judicial conference does not create a standard court form for an action or pleading undertaken by a party or court official, the party or court official may use a format consistent with any statutory or court requirement for the action or pleading.

IT IS FURTHER ORDERED that, effective July 1, 2000, 807.001 of the statutes is created to read:

807.001 Forms. (1) In all civil actions and proceedings in circuit court, the parties and court officials shall use the standard court forms adopted by the judicial conference under s. 758.18, commencing the date on which the forms are adopted.

(2) A party or court official may supplement a standard court form with additional material.

(3) A court may not dismiss a case, refuse a filing or strike a pleading for failure of a party to use a standard court form or to follow the format rules but shall require the party to submit, within 10 days, a corrected form and may impose statutory fees or costs or both.

(4) If the judicial conference does not create a standard court form for an action or pleading undertaken by a party or court official, the party or court official may use a format consistent with any statutory or court requirement for the action or pleading.

IT IS FURTHER ORDERED that, effective January 1, 2000, 70.153 of the Supreme Court Rules is created to read:

70.153 Judicial conference, forms. (1) The standard court forms that the judicial conference is required to adopt under section 758.18 of the statutes shall be developed by the records management committee, an advisory committee to the director of state courts office.

(2) Under article VIII of the bylaws of the judicial conference, the judicial members of the records management committee act on behalf of the judicial conference in the adoption of standard court forms.

(3) Each standard court form shall include a notice that the form may be supplemented with additional material.

(4) (a) Upon adoption of a standard court form, the records management committee shall distribute or make a copy of the form available to the clerks of circuit court, the circuit court judges, the state bar of Wisconsin and other persons who are required to use the form.

(b) Within 90 days after the date of distribution of a standard court form under par. (a), an interested person may file with the records management committee a written objection to the mandatory use of the form, to the content of the form or to both the use and the content.

(c) The records management committee shall respond to the objector under par. (b) in writing within 90 days after receipt of the objection.

(d) Within 30 days after the date on which he or she receives the written response of the records management committee to an objection filed under par. (b), the person filing the objection may file with the clerk of the supreme court a petition for review of the decision of the records management committee. The supreme court may request a response from the records management committee and establish a schedule for submission of the matter to the supreme court for determination.

IT IS FURTHER ORDERED that the standard court forms under §§ 807.001 and 971.025 include the court forms that have been adopted by the judicial conference prior to the date of this order.

IT IS FURTHER ORDERED that notice of the creation of Wis. Stat. § 758.18, the amendment of the Rules of Civil and Criminal Procedure, and the creation of SCR 70.153 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 5th day of October, 1999.

BY THE COURT:

Marilyn L. Graves,
Clerk of Court

