

FILED

SEP 12, 1997

SUPREME COURT OF WISCONSIN

Marilyn L. Graves
Clerk of Supreme Court
Madison, WI

In the Matter of the Amendment of
Supreme Court Rules: SCR 70.16 -
Definitions; SCR 70.21 -
Additional Authority of the Chief
Judge; SCR 70.28 -- Trial Court
Services; SCR 70.30 -- Additional
District Court Administrators; SCR
70.31 -- Assistant to the Chief
Judge and District Court
Administrator; SCR 70.35 --
Reserve Judge Eligibility; SCR
32.08 -- Reserve Judges; SCR 71.04
-- Transcripts

ORDER
No. 97-04

The court held a public hearing September 9, 1997 on the petition of the Director of State Courts seeking the amendment of numerous Supreme Court Rules of Judicial Administration, including the rules concerning the appointment of district court administrators, reserve judge eligibility, and transcripts of reporters' notes and other records of court proceedings. The court has considered the presentation at the public hearing and the material filed with the court in the matter.

IT IS ORDERED that, effective the date of this order, the Supreme Court Rules are amended as follows.

SECTION 1. 70.16 (2) of the supreme court rules is repealed.

SECTION 2. 70.16 (3) of the supreme court rules is repealed.

SECTION 3. 70.16 (4) of the supreme court rules is amended to read:

70.16 (4) "District court administrator" means a person who is a state employe and qualified to provide administrative and technical assistance as well as to assist the chief judge in carrying out his or her duties and responsibilities.

SECTION 4. 70.16 (8) of the supreme court rules is amended to read:

70.16 (8) "Technical assistance" means assistance in trial court administration with respect to records management~~+~~, caseflow management, court reporting management, jury management, statistical analysis, computerization, grant application, and education of support personnel.

SECTION 5. 70.21 (4) of the supreme court rules is amended to read:

70.21 (4) ~~Section~~ Sections 48.06 (1) (a) 2~~+~~ . and 938.06 (1) (a) 2.: policy formulation and supervision of ~~child court center~~ court services related to juvenile matters.

SECTION 6. 70.21 (5) of the supreme court rules is amended to read:

70.21 (5) ~~Section~~ Sections 48.06 (2) and 938.06 (2): approval of circuit judge's policy governing juvenile intake workers.

SECTION 7. 70.21 (6) of the supreme court rules is amended to read:

70.21 (6) ~~Section~~ Sections 48.065 (1) and 938.065 (1):
appointment of juvenile court commissioners.

SECTION 8. 70.21 (7) of the supreme court rules is amended
to read:

70.21 (7) ~~Section~~ Sections 48.067 (6) and (9) and 938.067
(6) and (9): guidance and assistance of juvenile intake workers.

SECTION 9. 70.21 (8) of the supreme court rules, as
affected by 1997 Supreme Court Order 97-02, is repealed.

SECTION 10. 70.21 (8e) of the supreme court rules, as
affected by 1997 Supreme Court Order 97-02, is repealed.

SECTION 11. 70.21 (8s) of the supreme court rules is
created to read:

70.21 (8s) Sections 48.38 (5) and 938.38 (5): permanency
planning review panel involvement.

SECTION 12. 70.21 (9) of the supreme court rules is amended
to read:

70.21 (9) Section ~~59.38 (2)~~ 59.40 (1) (b): approval of
appointment of deputy clerks.

SECTION 13. 70.21 (11) of the supreme court rules is
created to read:

70.21 (11) Section 751.025: Court reporting management
involvement.

SECTION 14. 70.21 (15m) of the supreme court rules is
repealed.

SECTION 15. 70.21 (16) of the supreme court rules is
created to read:

70.21 (16) Section 756.001 (5): designation of a circuit judge to supervise the jury system.

SECTION 16. 70.21 (20c) of the supreme court rules is created to read:

70.21 (20c) Section 938.22 (1) (b) and (3) (a): approval of policy and the appointment of a superintendent of secure detention facilities.

SECTION 17. 70.21 (20e) of the supreme court rules is created to read:

70.21 (20e) Sections 938.245 (2) (a) 8. a., 938.32 (1m) (a), 938.34 (2m) (a), 938.342 (1) (f) 1., 938.343 (2m) (a) and 938.344 (2g) (a) 4. a.: approval of teen court programs.

SECTION 18. 70.21 (20m) of the supreme court rules is created to read:

70.21 (20m) Section 938.346 (5): establishment of a procedure for notifying victims of juveniles' acts.

SECTION 19. 70.21 (26) of the supreme court rules is amended to read:

70.21 (26) Sections 48.29 (1m), 345.315 (1m), 799.205 (2), 800.05 (3), 801.58 (2), 938.29 (1m) and 971.20 (8): determination of substitution requests and reassignment of judges.

SECTION 20. 70.28 of the supreme court rules is repealed.

SECTION 21. 70.30 of the supreme court rules is repealed and recreated to read:

70.30 District court administrators; creation.

(1) Judicial administrative districts 1 to 10 shall each employ a district court administrator.

(2) The director of state courts may recommend to the supreme court that assistant district court administrator positions be created in one or more judicial administrative districts.

SECTION 22. 70.31 of the supreme court rules is amended to read:

70.31 District court administrators ~~and assistants to the chief judges~~ shall be appointed by the respective chief judges from a list of candidates supplied by the director of state courts, who is responsible for recruiting for these positions. The chief judge may reject the list and request one additional list of candidates.

SECTION 23. 70.35 of the supreme court rules is repealed and recreated to read:

70.35 Reserve judge eligibility.

(1) To be eligible for appointment as a reserve judge to perform marriages, a person must be eligible under s. 753.075 (2), stats.

(2) To be eligible for appointment as a reserve judge to perform judicial assignments, a person must meet all of the following conditions:

(a) Be eligible under s. 753.075 (2), stats.

(b) Be eligible for appointment under SCR 32.08.

(c) Subject to sub. (3), have in force and on file with the office of the director of state courts a written consent to

eligibility for appointment as a reserve judge. The written consent shall be renewed in writing for each successive calendar year and in the form provided under sub. (5).

(3) If a consent form under sub. (2) (c) is not renewed for a successive calendar year before the end of the calendar year for which it has been filed, the person is not eligible to be a reserve judge until at least 6 months after his or her most recent consent form under sub. (2) (c) expires.

(4) A person may withdraw, in writing, a consent to eligibility for appointment as reserve judge. If a consent is withdrawn, the person may not file a consent form under sub. (2) (c) for six months from the effective date of the withdrawal.

(5) (a) The written consent form for permanent reserve judges shall be in the following form:

"If I am appointed a permanent reserve judge, as that term is defined in section 753.075 of the Wisconsin Statutes, I consent to be bound by all provisions of the Code of Judicial Conduct (Supreme Court Rules chapter 60) from the date of that appointment and until its expiration."

(b) The written consent form for all other reserve judges shall be in the following form:

"In consideration of being eligible for appointment and assignment as a reserve judge during . . . (year), I consent to be bound for that year by the provisions of the Code of Judicial Conduct (Supreme Court Rules chapter 60) applicable to reserve judges."

SECTION 24. 32.08 (1) of the supreme court rules is amended to read:

32.08 (1) To be eligible for appointment or reappointment as a reserve judge to perform judicial assignments, a person otherwise entitled to appointment shall earn 5 credits during the calendar year immediately preceding appointment or reappointment. The director of state courts shall determine ~~the~~ which judicial education programs ~~for which the~~ may be attended to earn the required 5 credits ~~may be earned~~. One credit is awarded for each half-day of attendance at programs sponsored or approved by the judicial education committee. Reserve judges are not required to comply with SCR 32.04.

SECTION 25. 71.04 (4) of the supreme court rules is amended to read:

71.04 (4) Reporters' notes or other verbatim record of proceedings under ~~chapters~~ chs. 48 ~~and~~ , 767 and 938 of the statutes shall be transcribed only upon order of the court.

IT IS FURTHER ORDERED that notice of these amendments of the Supreme Court Rules 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 12th day of September, 1997.

BY THE COURT:

Marilyn L. Graves, Clerk