

SUPREME COURT OF WISCONSIN

No. 16-05E

**In the matter of Creation of a Pilot Project
for Dedicated Trial Court Judicial Dockets for
Large Claim Business and Commercial Cases**

FILED

June 19, 2024

Samuel A. Christensen
Clerk of Supreme Court
Madison, WI

In the fall of 2016, then-Chief Justice Patience Drake Roggensack established the Business Court Advisory Committee ("Committee") to explore commercial court dockets in Wisconsin. On October 26, 2016, the Committee filed Rule Petition 16-05 requesting authorization for a three-year pilot project to create dedicated trial court judicial dockets for large claim business and commercial cases in Waukesha County and in the circuit courts of the Eighth Judicial Administrative District ("pilot project"). The court discussed the petition at an open rules conference on November 7, 2016, and voted to approve the pilot project by a vote of 5:2 (then-Justice Shirley S. Abrahamson and Justice Ann Walsh Bradley opposed, preferring to defer a decision until after a public hearing). The court also voted to solicit written comment and to hold a public hearing to obtain additional input regarding the pilot project. On December 19, 2016, a letter was sent to interested persons seeking input, and the court received several comments. The court held a public hearing on February 16, 2017. Following the public hearing, this court again voted to

approve the pilot project and issued S. Ct. Order 16-05, 2017 WI 33 (issued Apr. 11, 2017; eff. July 1, 2017), which formally created the requested pilot project, subject to certain amendments, and adopted related interim rules governing the project. The initial pilot project ran from July 2017 to July 2020. Id.

The pilot project was thereafter expanded to additional circuit courts and extended for an additional two years, until July 2022, and the interim rules were amended. See S. Ct. Order 16-05A (Feb. 12, 2020) (extending and expanding pilot project to the Second and Tenth Judicial Administrative Districts following the Committee's filing of Rule Petition 16-05A); S. Ct. Order 16-05B (Feb. 20, 2020) (extending pilot project to Third Judicial Administrative District); and S. Ct. Order 16-05C (Mar. 13, 2020) (adding Dane County and Iron County to the pilot project). On February 11, 2022, the Committee filed Rule Petition 16-05D, seeking an amendment to the interim rules to extend the pilot project by an additional two years. On June 29, 2022, after soliciting and receiving additional public comments, this court further extended the duration of the pilot project until July 30, 2024, and further amended the interim rules. S. Ct. Order 16-05D (June 29, 2022). No additional public hearings were held prior to any of these extension orders.

This Court's June 29, 2022 Order directed that "on or before July 1, 2023, the Committee shall either file a formal rule petition asking the court to amend the rules to adopt a permanent business court or shall advise the court in writing that it recommends the court permit the pilot project to expire." Id. at 3. That Order also provided that "[t]he pilot project will begin and end as authorized by order of the

Supreme Court." Id. The Committee did not file a rule petition asking the court to amend the rules to adopt a permanent business court or to extend the pilot project by the July 1, 2023 deadline set by S. Ct. Order 16-05D.

On May 30, 2024, the Committee filed Rule Petition 16-05E, seeking an amendment to the interim rules governing the pilot project to extend the pilot project until July 1, 2026.

Upon the foregoing,

IT IS ORDERED that the pilot project for dedicated trial court judicial dockets for large claim business and commercial cases is temporarily extended pending this court's disposition of Rule Petition 16-05E and the existing interim rules shall remain in effect until further order of this court.

Samuel A. Christensen
Clerk of Supreme Court

