

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. 19-22

**In the Matter of Amending Supreme Court Rules
32.002, 32.01, 32.04, 32.05, 32.06, 32.07,
32.08(1), 60.05(8), 60.07(2), 75.01, and
75.05(3) Pertaining to Continuing Education
for the Wisconsin Judiciary and Circuit Court
Commissioners (Judicial Education Requirements)**

FILED

MAY 18, 2020

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On November 8, 2019, the Honorable Jason Rossell, on behalf of the Chief Judges' Subcommittee on Judicial Education (the Committee), filed a rule petition asking the court to amend several rules pertaining to continuing education for the Wisconsin judiciary and circuit court commissioners.

The court discussed the petition at a closed administrative rules conference on January 17, 2020. It voted to seek written comments. The court issued its standard interested persons letter on January 23, 2020 requesting public comment. The Honorable Shelley J. Gaylord and Jennifer D. Andrews, Chief Staff Attorney, Wisconsin Court of Appeals, filed comments in support of the petition. The Honorable Juan B. Colás recommended the court reject the proposal to allow judicial education credit for serving as a chief judge because Supreme Court Rule (SCR) 70.19(5) already permits a chief judge to adjust caseload to reflect administrative duties. The petitioner filed a response on March 5,

2020 agreeing with the friendly amendment proposed by Attorney Andrews and maintaining its request to permit credit for service as a chief judge.

The court discussed the matter again at a closed administrative rules conference on April 30, 2020. After discussion, the court concluded that it would accept the petition in part and deny the petition in part. Therefore,

IT IS ORDERED that effective July 1, 2020 the petition is granted, in part, as follows:

SECTION 1. Consistent with Section 1 of the petition, Supreme Court Rule 32.002 is amended to read:

32.002 Applicability. The commissioners of the supreme court and staff attorneys of the court of appeals are subject to the educational requirements of this chapter in the same manner as judges, are~~as~~ defined in SCR 32.001.

SECTION 2. Consistent with Section 3 of the petition, Supreme Court Rule 32.04 is amended to read:

32.04 Required programs. During each 6-year period, a judge shall attend at least once the Wisconsin judicial college, the child welfare law orientation, the criminal law-sentencing institute and the prison tour. This rule does not apply to commissioners of the supreme court and staff attorneys of the court of appeals. The requirement to attend the child welfare law orientation applies only to judges whose most recent term of office begins on or after August 1, 2020. Credit earned for attendance at these programs is to be included as part of the required 60 credits.

SECTION 3. Consistent with Section 4 of the petition, Supreme Court Rule 32.05 is amended to read:

32.05 Minimum and maximum. A judge shall during each year earn no ~~less~~ fewer than 5 nor more than 15 credits at an in-state educational activity. The 15 credit maximum may be waived upon prior approval granted by the judicial education committee or its designee upon application of an individual judge. The 15 credit maximum does not apply to the year the judge attends the Wisconsin judicial college, the child welfare law orientation, and/or the criminal law-sentencing institute and prison tour. A trial judge may not earn more than 24 credits for attendance at national educational activities in any 6-year period. A judge is not required to attend any national educational activity.

SECTION 4. Consistent with Section 5 of the petition, Supreme Court Rule 32.06 is amended to read:

32.06 Programs receiving credit. Credit shall be granted for attendance at all programs for judges sponsored or approved by the judicial education committee. In addition, credit for other programs shall be given for that portion of the program addressed to judicial education and approved by the judicial education committee.

SECTION 5. Consistent with Section 7 of the petition, Supreme Court Rule 32.08(1) is amended to read:

(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~~ 4 credits during the calendar year immediately preceding appointment or reappointment. The director of state courts shall determine which judicial education programs may be attended to

earn the required ~~5~~ 4 credits. 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.

IT IS FURTHER ORDERED that the following proposals set forth in the petition are denied: Section 2 (proposing to add the chair of the committee of chief judges to the judicial education committee); Section 6 (proposing to award a judge 3 credits for each 12-month period the judge serves as chief judge for the judge's judicial administrative district, but noting that chief judges may request judicial education credit for additional educational-related service);¹ Section 8 (proposing to amend the Comment to SCR 60.05(8)); Section 9 (proposing to amend SCR 60.07(2) to increase the hours threshold for part-time service as a circuit court commissioner); Section 10 (proposing to amend the Comment to SCR 60.07(2)); and Section 11 (proposing to amend SCR 75.05(3) to increase the threshold for part-time work as a circuit court commissioner for purposes of judicial education).²

IT IS FURTHER ORDERED that the rules amended pursuant to this order are subject to a temporary administrative order issued by this court on April 3, 2020, which temporarily modified certain judicial education

¹ Kelly and Hagedorn, J.J., dissent from the court's decision on Section 6 of the rule petition. They would permit additional judicial education credit for service as a chief judge.

² See In the Matter of the Petition to Amend Supreme Court Rule (SCR) 60.05(8)(b) and SCR 60.07(2), S. Ct. Order 18-06, 2019 WI 18 (issued Feb 25, 2019, eff. Feb. 25, 2019).

requirements and deadlines in response to the public health emergency caused as a result of the COVID-19 pandemic.³

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's website. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 18th day of May, 2020.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

³ See <https://www.wicourts.gov/news/docs/covid19juded.pdf>.

