

**In re amendment of SCR 32.09
regarding continuing education for
Wisconsin Judiciary**

PETITION

The Director of State Courts, on the recommendation of the Judicial Education Committee, hereby petitions the court to make two amendments to the Supreme Court Rules regarding continuing education for Wisconsin Judiciary, pursuant to the court's rulemaking authority under §751.12 and its administrative authority over all courts conferred by Article VII, §3 of the Wisconsin Constitution. The proposed amendment is merely a technical amendment and does not alter existing practice.

SCR 32.09 should be amended to clarify that the sanctions set forth in this section are applicable to a judge who does not obtain 60 credits each period of the 6 years as required by SCR 32.02. As currently written SCR 32.09 only references failure to meet the requirements of SCR 32.04 (attendance at judicial college, criminal law-sentencing institute, and prison tour) and 32.05 (annual 5 credit in-state educational activity) but does not reference SCR 32.02 (60 credits each period of 6 years).

The lack of reference to SCR 32.02 in SCR 32.09 creates ambiguity as to whether there is a sanction available for failure of a judge to comply with SCR 32.02. To remove any ambiguity in this rule, the Director of State Courts Office respectfully requests that the court make the following amendments to SCR 32.09:

SCR 32.09 Noncompliance.

(1) If a judge fails to ~~meet the requirements of SCR 32.04 or 32.05,~~ comply with the provisions of this chapter, the director of judicial education shall send the judge a notice of noncompliance by registered or certified mail. The nature of noncompliance shall be specified in the notice. Copies of the notice shall be sent to the director of state courts and to the chief judge of the court of appeals or administrative district. The notice shall inform the judge that an extension is being granted for compliance. The director of judicial education shall have the authority to set the period of extension up to six months, which will be of such duration to reasonably allow compliance. For good cause, the judicial education committee may extend the period for compliance.

(2) After the period of the extension has passed and the judge has not complied with this order, the director of judicial education shall refer the violation to the judicial education committee for a hearing and send the judge a notice of the hearing by registered or certified mail.

(3) If the judicial education committee finds the judge has not complied with ~~SCR 32.04 or 32.05~~ this chapter, it shall refer the matter to the supreme court for such action as it deems appropriate. Notice of such referral shall be sent to the director of state courts and the chief judge of the court of appeals or appropriate administrative district.

Respectfully submitted this ____ day of 2007.

A. John Voelker
Director of State Courts