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September 9, 2024

Chief Justice Ziegler and
Justices of the Wisconsin Supreme Court
c/o Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

RECEIVED

SEP 09 2024

**CLERK OF SUPREME COURT
OF WISCONSIN**

*(Sent electronically to clerk@wicourts.gov, and hand delivered,
9/9/2024)*

Re: Rule Petition 16-05E- Business Court Pilot Project

Dear Honorable Chief Justice Ziegler and
Honorable Justices of the Wisconsin Supreme Court:

Thank you for the opportunity to comment on the above noted Rule Petition to extend the Pilot Project for Dedicated Trial Court Judicial Dockets for Large Claim Business and Commercial Cases ("Business Court Pilot Project"). By way of background, the undersigned are attorneys who have utilized or will likely utilize the Business Court Pilot Project, representing litigants on the commercial docket, both Plaintiffs and Defendants, including large and small entities. They join in this letter requesting that the program be extended for a final two-year period as requested.

The undersigned support this worthwhile program. It helps deliver justice in civil litigation evenhandedly, promptly, and in a way that conserves judicial resources and generally serves litigants in our State Court system very well.

For these reasons, we strongly encourage the Court to extend the Business Court Pilot Project for a final two-year period to allow for further improvement and evaluation, with input from the Bench and Bar.

Not unlike similar previous innovations within our Courts that improved the delivery of justice in Wisconsin by creating focused and specialized dockets, such as the Small Claims Court, Drug Courts, Family Law Courts and Veterans Courts, the Business Court docket likewise streamlines the resolution of generally complex commercial litigation. The judges assigned to the Business Court Pilot Project have volunteered for this duty are doing well and they may have comments about the project and ideas for improvements. Our clients have been generally well served. Many other states have similar specialty dockets for business cases that have worked well, and it is important

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that Wisconsin likewise evaluate the possibility of having a similar method of dealing with complex commercial cases.

We recognize that there have been past criticisms of the program, many of them received after some publications contained misstatements about the program. It appears most of the comments come from individuals who did not have hands-on experience with the program and yet their criticisms encourage this Court to just terminate the program. This would be ill-advised and a tremendous waste of time and effort. Better to continue the program, take heed of legitimate criticisms, and look to improve what is already a fine program.

We believe that many of the criticisms leveled against the program do not stand up and are based on misperceptions. There may be ways to improve the program, and a final two-year period in which to evaluate it would be worthwhile. We believe Wisconsin needs to emulate the dozens of other states that have recognized that Commercial Law is a specialized area deserving of focused development by judges qualified by experience or training to deal with these types of disputes. It should be noted that the Judges on the Business Court docket maintain a full caseload in addition to performing work on cases in the pilot program. We commend their dedication and hard work.

We thank you for considering the opinion of commercial law litigators in Wisconsin, including many who have represented litigants in the business courts, and ask that you extend the project for a final two-year period, improve it with ongoing constructive input, and then provide an opportunity for final comments on whether to make it permanent.

Very truly yours,

Paul G. Swanson,
Swanson Sweet LLP, on his behalf
of the attorney's list in the attached
document, with their consent

CC: Attorney Laura A. Brenner, Chair, Business Court Advisory Committee
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Names in Support

Laura A. Brenner, Reinhart Boerner Van Deuren s.c.
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