



STATE OF WISCONSIN – JUDICIAL COUNCIL

AMENDED MINUTES OF THE
MEETING OF THE WISCONSIN JUDICIAL COUNCIL
MADISON, WISCONSIN
September 20, 2024

The Judicial Council met at 9:30 a.m. on September 20, 2024 in Room 328NW.

MEMBERS PRESENT: Chair William Gleisner; Vice Chair Margo Kirchner; Judge Hannah Dugan; Judge Thomas Hruz; Judge Audrey Skwierawski (by designee Karley Klein); Senator Van Wanggaard (by phone); Professor Lanny Glinberg; Sarah Barber; Daniel J. Blinka; Saveon Grenell; Rebecca Maki-Wallandar; Molly McNab; Adam Plotkin; Tom Shriner; Sarah Zylstra.

EXCUSED MEMBERS: Justice Brian Hagedorn; Judge Eugene Gasiorkiewicz; Steven Kilpatrick; Scott Needham; Judge Kristine Snow; Rep. Ron Tusler;

Roll call was taken and the June 28, 2024 Minutes were approved.

Discussion was had concerning the Appellate Venue Petition which both Assistant Attorney General Kilpatrick and the Appellate Procedure Committee (APC) had worked on for several months. It was explained by APC Chair Judge Hruz that the decision had been made that the venue petition would only be submitted on behalf of the Justice Department, despite the fact that the APC had devoted a significant amount of work to formulate and draft the venue petition. Judge Hruz explained that the APC did not believe that the APC's signature added anything to the petition. No member of the Council voiced an objection to permitting the Justice Department to proceed with the Appellate Venue Petition as sole signatory and so no further action was taken by the Council on the matter.

Next Adam Plotkin delivered a report on the ad hoc Budget Committee's work during the past summer, culminating in the submission of a timely budget submission and request on behalf of the Council before the September 15, 2024 deadline. Mr. Plotkin signaled his intention to proceed as he had in previous years, with the exception that he would attempt a meeting with Justice Hagedorn to learn if he could provide any guidance on how to proceed differently this year in prosecuting our request for inclusion in the Governor's Budget. Gleisner asked if any thought had been given to seeking to provide testimony to the Joint Finance Committee. Mr. Plotkin said no. Gleisner asked Senator Wanggaard if he would help witnesses from the Budget Committee to appear in person to provide testimony to the Joint Finance Committee and, as he has done often in the past, Senator Wanggaard

kindly stated he would offer what assistance he could to assist the Council in providing live testimony to the Joint Finance Committee.

During the meeting on September 20, 2024, Chair Gleisner was surprised by an item which was not on the Agenda regarding the need to appoint a liaison between the Council and the Office of Court Administrator concerning DAR issues. Gleisner reacted by appointing Judge Gasiorkiewicz as that liaison. Sarah Zylstra then raised a point of order concerning that appointment. Gleisner sustained Zylstra's point because the appointment was not on the 9/20/24 Agenda.

Committee reports were then given. Chair of the Evidence and Civil Procedure Committee (ECP), Tom Shriner, reported that the ECP Committee was continuing its work on the Rules of Evidence and was also endeavoring to complete work on improvements to the Wisconsin injunction law.

Appellate Procedure Committee (APC) Chair, Judge Hruz, reported in greater detail concerning work done on the Proposed Rule Concerning Implementation of Appellate Civil Venue Selection Statute, WIS. STAT. § 752.21(2). Judge Hruz also provided an update on implementation of WIS. STAT. RULE 809.109, which was created in response to the Judicial Council's Supreme Court Petition 23-05 (WIS. STAT. § 971.14/competency proceedings project).

Criminal Procedure Committee (CPC) Chair, Judge Dugan, reported that her committee would consider a number of issues during the September 20, 2024 CPC meeting and would report back to the Council on the results of that meeting.

Vice Chair Margo Kirchner reported on the recent accomplishments of the ad hoc Committee known as "Council Corner." In particular, she called attention to Judge Hruz's excellent article in the State Bar's "Inside Track" on August 21, 2024, entitled "New Rule Improves Procedures for Appeals of Prejudgment Incompetency & Involuntary Medication Orders in Criminal Cases." As noted by Judge Hruz in his August 21 Inside Track article: "In addition to the Judicial Council's Appellate Procedure Committee's (APC) members, the APC worked intently with – and benefited greatly from – the participation of numerous experts on this subject matter. These individuals included attorneys in the state's Department of Health Services, Public Defender's Office, and the Department of Justice. Over the years, these agencies and their attorneys were often at loggerheads in particular cases on the rights and procedures that courts should adopt to fill the 'rules void' in appeals of Wis. Stat. § 971.14 orders." Judge Hruz and the Appellate Procedure Committee are to be commended for their scholarship and their efforts in effecting important improvements to appellate procedure in Wisconsin. The next Inside Track article will concern the Council's Budget and hopefully will be published in November, 2024

The business meeting concluded at 10:30 a.m. on September 20, 2024.

Minutes prepared by Attorney Gleisner