



STATE OF WISCONSIN – JUDICIAL COUNCIL

AMENDED MINUTES OF THE
THE WISCONSIN JUDICIAL COUNCIL
MADISON, WISCONSIN
October 18, 2024

The Judicial Council met at 9:30 a.m. on October 18, 2024 in Room 328NW.

MEMBERS PRESENT: Chair William Gleisner; Vice Chair Margo Kirchner; Justice Brian Hagedorn (by phone); Judge Thomas Hruz; Judge Hannah Dugan; Judge Scott Needham; Judge Audrey Skwierawski; Judge Kristine Snow; Professor Lanny Glinberg; Sarah Barber; Daniel J. Blinka, Jr.; Saveon Grenell (by phone); Steven Kilpatrick; Rebecca Maki-Wallandar; Molly McNab; Adam Plotkin; Tom Shriner; Sarah Zylstra.

EXCUSED MEMBERS: Judge Eugene Gasiorkiewicz; Rep. Ron Tusler; and Senator Van Wanggaard.

Roll call was taken and the September 20, 2024 Minutes were approved.

The meeting began with a lengthy discussion of the rules which are supposed to govern the meetings of the Judicial Council and its Committees. Chair Gleisner discussed the history of the rules which are supposed to govern those meetings. According to Gleisner, the ABA Modern Rules of Order (2007) were adopted by the Judicial Council on November 20, 2009. Prior to the meeting, Gleisner had distributed a copy of ABA Modern Rules of Order from 2007 and the March and November 2009 Minutes of the Judicial Council which record the consideration of those rules and the adoption of those rules as the parliamentary rules which are supposed to govern all Council meetings.

This led to a discussion of the history of the Council and how to research it. Gleisner noted that the Council's Minutes are official public documents available in the Council's official archives. Gleisner noted that all Minutes of the Judicial Council from and after 1951 down to and including the present date are available in the archives of either the State Law Library or the Wisconsin State Historical Society. And the Minutes of the Council from 2007 down to and including the present date are additionally available on the Judicial Council's official website (<https://wilawlibrary.gov/judicialcouncil/minutes.htm>), which is also maintained by the State Law Library.

Sarah Zylstra and other members stressed the necessity that ample notice be given of all Council meetings in order to comply with the Open Meeting Law of Wisconsin. Gleisner suggested the possibility of establishing the post of "parliamentarian" to ensure compliance

with the ABA Model Rules of Order and all Open Meeting and Open Record Laws. However, our Council Member and Assistant Attorney General Steve Kilpatrick stressed that the danger in doing so is that the informal rules governing the meetings of the Council (i.e., ABA Model Rules of Order) may thus be confused with the absolute legal mandates in the Open Meeting and Open Record Law. Gleisner agreed and stated that it is imperative that the Judicial Council set the example by fully and meticulously complying with both the Open Meeting Law and the Open Record Law. The conversation of the ABA Model Rules did not proceed further.

Committee reports were then given.

1. 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 working on improvements to the Wisconsin injunction law.
2. 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) and also discussed 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).
3. Criminal Procedure Committee (CPC) Chair, Judge Dugan, reported that her committee had considered a number of issues. Judge Dugan then surprised the membership with the announcement that the October 18, 2024 meeting would be her last. Chair Gleisner thanked her for all her contributions to the Council and the Council members answered with a strong round of applause for Judge Dugan.
4. Vice Chair Margo Kirchner reported on the recent accomplishments of the ad hoc Committee known as "Council Corner." Gleisner commended Margo on her work and stated that the Council looks forward to further articles in the State Bar's Inside Track publication as well as the Wisconsin Lawyer magazine.

The business meeting concluded at 10:30 a.m. on October 18, 2024.

Minutes prepared by Attorney Gleisner