



Wisconsin Judicial Council

William Gleisner, III, Chair
Margo Kirchner, Vice-Chair

Minutes of the Meeting of the Wisconsin Judicial Council

March 20, 2026

MEMBERS PRESENT: Dan Blinka (by phone), Chair William Gleisner, Lanny Glinberg, Judge Rachel Graham, Saveon Grenell (by phone), Justice Brian Hagedorn (by phone), Vice Chair Margo Kirchner, Judge Emily Lonergan (by phone), Rebecca Maki-Wallander, Molly McNab (by phone), Judge Ryan Nilsestuen, Jaclyn Shelton (on behalf of Jeremy Perri), Tom Shriner, Judge Kristine Snow, Judge Audrey Skwierawski, Senator Van Wanggaard (by phone)

MEMBERS EXCUSED: Sarah Barber, AAG Samir Jabar, Representative Ron Tusler, Judge Beverly Wickstrom

The Judicial Council met at 9:30 a.m. on March 20, 2026, in Room 328NW.

I. Roll Call and Approval of Minutes

Roll call and quorum was confirmed by Chair Gleisner. Attorney Zylstra moved to approve the 2/20/26 minutes. Vice Chair Kirchner seconded the motion. Vote was taken and none opposed. The 2/20/26 minutes were approved.

II. REPORT FROM JUDGE GASIORKIEWICZ REGARDING “DAR” (DIGITAL AUDIO RECORDING)

Judge Gasiorkiewicz presented a PowerPoint presentation, “Access to Digital Audio Recordings: Proposed Amendments to SCR 71,” identifying proposed changes the DAR Workgroup believes will address the problems with public release of DAR recordings. Director of State Courts Audrey Skwierawski assisted in the presentation and answered questions regarding the petition and workgroup.

Attorney Zylstra questioned how the amended rule would apply to confidential proceedings and suggested an internal process be established. Vice Chair Kirchner asked if there was an appellate process and how it would work. Attorney Shelton voiced that the SPD was in the process of an appeal now and were working out a system, but one did not presently exist. Judge Graham concurred and indicated there may be need for the Appellate Procedure Committee to consider this question should the rule petition pass.

Attorney Shelton questioned whether the proposed rule change reconciles with public records law, stating that the DAR recordings are inherently public records and an agency cannot exempt itself. Professor Glinberg agreed transparency is an important concern. Judge Gasiorkiewicz stated his belief that the proposed rule amendment did not violate public record law. Judge Skwierawski indicated that the goal of the petition is to preserve the eminence of the official record and that a transcript created by a stenographer is assembled from multiple sources. A stenographer's recording is considered a "note" under public records law and is not open to public record. The issues with DAR, including inadvertent recordings of privileged conversation, are novel.

Senator Wanggaard questioned whether the legislature could be helpful on this issue. Judge Gasiorkiewicz stated the intent was not to disturb current public record law and for this reason the workgroup was not pursuing a legislative change.

The proposed rule petition is being circulated to other interested stakeholders. At a future meeting, Judge Gasiorkiewicz may ask the Council to take action on the petition, including a possible request for support or to join the petition.

III. ECP CHAIR SHRINER'S OFFICIAL PRESENTATION OF THE PROPOSED RESTYLING OF OUR RULES OF EVIDENCE

Attorney Shriner informed the Council of the need to update the rules of evidence, specifically Wis. Stats. §§ 901-911 (excluding Wis. Stat. § 905), for modernization and consistency with the federal rules. Attorney Shriner stated that the committee has been through multiple revisions and is in consensus on the final product but noted the "comments" section was not finalized. Attorney Shriner also noted that recent legislative changes to Wis. Stats. §§ 907.02 and 908.08 will need to be reflected in the project before distribution.

Attorney Shriner stated he was not seeking specific feedback from the Council at this meeting, but was providing an update on the plan to seek stakeholder feedback generally. Attorney Shriner, Vice Chair Kirchner, and Professor Blinka will work with Attorney Zibolski to establish a mechanism to publish the proposed rule changes and solicit feedback from stakeholder groups. There was general consensus on this plan. The hope is that the project can be published on the updated website (Attorney Zibolski opined the launch date of the website is hopefully in May) and that commentary can be posted on the website as well. Attorney Shriner stated that stakeholders will have ample time to submit commentary before the ECP formalizes the project and requests the Council approve a rule petition.

IV. Committee Report Outs

Attorney Blinka stated the Criminal Procedure Committee met last week and was continuing discussion of updates to Wis. Stat. Sec. 973.046, the DNA surcharge statute. The committee will meet again in the next month.

Judge Snow stated that the Committee on Municipal Court Interpreters has scheduled its first meeting for April 21, 2026, and further updates will follow.

Judge Graham stated that the Appellate Procedure Committee has had changes in membership from the Department of Justice and State Public Defender, and is in a transition period. The committee continues to work on amendments related to Wis. Stat. § 809.109 and issues related to transferring the circuit court record for appeal. The committee hopes to schedule something in April.

Vice Chair Kirchner stated that the next Council Corner has been submitted and should come out soon in Inside Track. She intends the next one will be related to the Rules of Evidence Project.

Prior to conclusion, Chair Gleisner informs the Council that there will be a budget meeting with DOA on Monday.

Attorney Blinka left the meeting at 10:36. Judge Nilsestuen left the meeting at 10:58.

V. Adjournment.

Attorney Zylstra moved to adjourn. Judge Graham seconded. No objections. Adjournment.

Minutes prepared by Attorney Zibolski