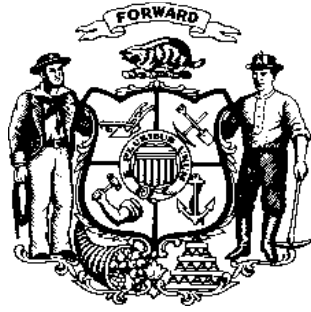




Wisconsin Judicial Council

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

Minutes of the Meeting of the Wisconsin Judicial Council

May 15, 2026

MEMBERS PRESENT: Sarah Barber, Dan Blinka, Chair William Gleisner, Lanny Glinberg (by phone), Judge Eugene Gasiorkiewicz, Saveon Grenell, Vice Chair Margo Kirchner, Judge Emily Lonergan, Rebecca Maki-Wallander (by phone), Molly McNab, Judge Ryan Nilsestuen, Jaclyn Shelton (on behalf of Jeremy Perri), Tom Shriner, Judge Kristine Snow (by phone), Judge Audrey Skwierawski (by phone), Senator Van Wanggaard (by phone), AAG Samir Jabar, Sarah Zylstra

MEMBERS EXCUSED: Judge Rachel Graham (initially called in by phone briefly), Justice Brian Hagedorn, Representative Ron Tusler, Judge Beverly Wickstrom

Also present: Staff Attorney Natalie Zibolski, Jason Luckzak, Professor Dan Blinka

The Judicial Council met at 9:30 a.m. on May 15, 2026, in Room 328NW.

I. Roll Call and Approval of Minutes

Roll call and quorum was confirmed by Chair Gleisner. There was initial discussion about considering Zoom or other technology updates in the future for meetings. Turning to the March minutes, Ms. Barber noted that she was mistakenly included in attendance and asked that mistake be corrected. Vice Chair Kirchner moved to approve the amended 3/20/26 minutes. AAG Jabar seconded the motion. Vote was taken and none opposed. The 3/20/26 minutes were approved with the recommended correction.

II. Introduction of Attorney Jason Luczak

Chair Gleisner welcomed the newest State Bar elected member, Jason Luczak. Attorney Luczak's term formally begins July 1. He will replace outgoing member Saveon Grenell. Attorney Grenell wished him well and acknowledged appreciation for his time on the council. Attorney Luczak will become a member of the Criminal Procedure Committee.

III. Report From Judge Gasiorkiewicz Regarding "DAR" (Digital Audio Recording)

Judge Gasiorkiewicz presented an update on the proposed rule petition to the Supreme Court, which was emailed to Council members before the meeting. He noted that the Chief Judges met and unanimously support the petition, and that the Chief Judges are interested in submitting the petition. He further offered that the court reporters association supports the proposal. Judge Gasiorkiewicz asks if the Council will support the petition.

Initially, Attorney Zylstra makes a motion to support the petition, seconded by AAG Jabar. Professor Glinberg asks for the opportunity for discussion and Chair Gleisner withholds a vote and facilitates discussion with those who request to be heard.

Professor Glinberg notes his opposition to the petition and thinks more study is necessary. He indicates that there are issues of fundamental fairness and transparency at stake, and the issues necessitating the petition require more transparency not more limitation. He indicates all should be aware what they say in court should be recorded.

Attorney Zylstra echoes the sentiment of Professor Glinberg, but notes that in her opinion this is not limiting but is a proper balancing test. She notes the burden on litigants and the courts is currently overwhelming, and the record that matters is the official record. She is concerned about the potential for violation of attorney/client privilege, and expects that if technology advances, issues like these will continue to be studied. For now, she supports the petition.

Judge Gasiorkiewicz stated the committee fully reviewed these concerns and that the microphones are picking up comments that would never be heard in a traditional courtroom. In his opinion, this is beyond what was intended for the general public and that pro se and inexperienced litigants don't realize the level of surveillance occurring. The official transcript is the transcript, not the DAR recording. There is no intent to deprive fair access.

Judge Lonergan indicates she supports the petition and that sometimes the courtroom is the only place lawyers and clients can have conversations. To delay access to that place would delay the wheels of justice.

Attorney Shelton states that the State Public Defender is vehemently opposed to the petition. She states that occurrences that are not strictly "on the record" still matter to litigants and are related to substantive issues. Their opinion is that this denies fair access. She provides examples of instances where the recording could possibly be necessary during litigation. She states the solution is addressing the public records process, not denying access.

Attorney Blinka states he agrees with Attorney Zylstra, and that as a practitioner it is impossible not to converse with a client in front of a microphone. He indicates that privilege must be protected and the burden of lengthy trials is significant.

Attorney McNab asks questions about the assignment of judges and solutions when the judge of record is not available.

Judge Nilsestuen states he supports the petition and that it balances difficult competing interests. DA Maki-Wallander concurs, indicating the petition strikes a balance between the reality of the courtroom and technology. There are always limitations and redactions, there isn't unfettered access to the court system.

When discussion was completed, Chair Gleisner called the vote on whether the Council would support the DAR petition. He took the vote by polling all members individually.

Sarah Barber - ABSTAINED

Dan Blink - YAY

Chair William Gleisner - ABSTAINED

Lanny Glinberg (by phone) - NAY

Saveon Grenell - YAY

Vice Chair Margo Kirchner - NAY

Judge Emily Lonergan - YAY

Rebecca Maki-Wallander - YAY

Molly McNab - YAY

Judge Ryan Nilsestuen - YAY

Jaclyn Shelton (on behalf of Jeremy Perri) - NAY

Tom Shriner - YAY

Judge Kristine Snow (by phone) - YAY

Judge Audrey Skwierawski (by phone) - ABSTAINED

Senator Van Wanggaard (by phone) - ABSTAINED

AAG Samir Jabar - YAY

Sarah Zylstra – YAY

Jason Luckzak - ABSTAINED

The total vote was 10 in favor, 3 opposed, and 5 abstentions. Chair Gleisner instructed that the vote passed and the Council would formally support the proposal.

IV. Evidence & Civil Procedure Committee's Proposed Restyling Of Our Rules Of Evidence

Attorney Shriner updated the Council on the next steps of the project and gave feedback on the document that will be distributed and posted on the website. He noted several corrections and will send final updates to Attorney Zibolski before posting. Professor Blinka added that updates had been made to Wis. Stats. §§ 907.02 and 908.08 based on recent legislative changes this past spring. Conversation began regarding the timeline of the project's release for feedback from stakeholders, which transitioned into Attorney Zibolski's website update.

V. Report by Staff Lawyer Zibolski on Council Web Site

Attorney Zibolski showed the Council members the unpublished website, explaining the pages and content. She navigated to the "Open for Comment" page and explained the

process of open comment, along with an example of the comment page and process for receiving comment. There was discussion about the layout of the form and the process for reviewing comments for appropriateness. There was discussion about whether independent comments could be received and if all comments would be publicly posted. Further, there was discussion on the degree of follow-up or information that should be provided to those who submit comments. Attorney Zibolski informed the Council the anticipated launch date for the website is May 27, and the open comment period for the ECP Rules Project would be May 29 – July 31.

VI. Discussion of Requests from State Bar Members

State Bar representatives Kirchner and Zylstra informed members that they both had received suggestions on procedural issues as a response to the recent State Bar article about the Council. Vice Chair Kirchner received a request to update Wis. Stat. § 799.12, which deals with process by mail and outdated practices of the U.S. Postal Service.

Attorney Zylstra received a request to consider whether it is appropriate that local court rules discuss attire. It was decided that Attorney Zibolski would keep track of ongoing project requests and the Council would take up new projects in the next fiscal year.

Attorney Shelton also stated that looking into the problem of e-filing and third-party filers would be a worthwhile project. She will follow up with Attorney Zibolski.

VII. Committee Report Outs

Attorney Blinka stated the Criminal Procedure Committee was continuing discussion of updates to Wis. Stat. Sec. 973.046, the DNA surcharge statute, and were waiting on an opinion from DOJ. The committee will not continue working on postconviction trial level competency issues, as this is actively being reviewed by another working group. Additionally, the committee determined that Wis. Stat. § 975 is now defunct and could be appealed. The committee is deciding when and how to address these issues.

Judge Snow stated that the Committee on Municipal Court Interpreters met and set future meetings for the next year. The committee is working on goals.

Attorney Shriner noted that any updates from the Evidence and Civil Procedure Committee were already addressed.

VIII. Nominations

The nominating committee has been created. Attorney Zibolski asked about the Budget Committee, which will be put on the agenda for June.

IX. Adjournment.

Prior to adjournment, Chair Gleisner asked for feedback on whom to invite to the June reception. There was consensus that all legislators should be invited.

Attorney Blinka moved to adjourn. Attorney Zylstra seconded. No objections. Adjournment.

Minutes prepared by Attorney Zibolski