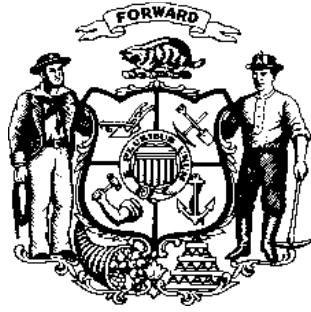




Wisconsin Judicial Council

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

Meeting Minutes

Wisconsin Judicial Council Appellate Procedure Committee

February 4, 2026. 1:30 – 2:30PM

Virtual Meeting

The Appellate Procedure Committee met at 1:30p.m. on February 4, 2026, by Zoom remote videoconferencing.

JUDICIAL COUNCIL MEMBERS PRESENT: Chair Judge Rachel Graham, Sarah Walkenhorst Barber

AD HOC COMMITTEE MEMBERS PRESENT: Christina Plum, AAG Abigail Potts, Sam Christensen, Faun Moses, Caleb Gerbitz

RULE 809.109 WORKING GROUP MEMBERS PRESENT: Allison Welch, AAG Michael Conway

EXCUSED MEMBERS: Molly McNab

I. Roll Call and Approval of Minutes.

Chair Graham called the meeting to order at 1:31pm. Roll call and quorum was confirmed by Chair Graham. Approval of the APC's October 28, 2025 Meeting Minutes was

addressed. Attorney Gerbitz moved to approve the minutes. Mr. Christensen seconded. Vote was taken and none opposed. The October 28, 2025 minutes were approved as drafted.

II. Introduction from Staff Attorney Natalie Zibolski

Attorney Zibolski introduced herself to the committee and discussed her background. Committee members further introduced themselves.

III. Update from working group reviewing implementation of WIS. STAT. RULE 809.109 to identify whether amendments are needed.

The working group members are: Attorney Moses, AAG Conway, and Attorney Welch. Attorney Moses gave an update from the working group, who met in the past few months. The working group could not reach a consensus on a recommendation regarding changes to Wis. Stat. 809.109.

Attorney Moses indicated that the Office of the State Public Defender would likely support an amendment that would extend the timeline for notice of appeal under Wis. Stat. 809.019, based on feedback from her staff.

AAG Conway indicated that the Attorney General's office likely would not support such an amendment, considering the limited timeline already in place regarding competency restoration among other concerns.

Attorney Welch stated that the Department of Health Services would not take a position, however, did note that the predictability of timelines is important to the doctors administering medications.

The committee discussed next steps regarding further evaluation of Wis. Stat. 809.109. There was consensus that the committee did not want to move forward on a decision without more formalized information. Chair Graham asked Attorney Zibolski to draft a memo on the question, identifying pros and cons to potential amendment, to be circulated to the committee for further consideration at the next meeting.

IV. Update on special project idea addressing potential amendment of WIS. STAT. RULE 809.10(4).

Attorney Gerbitz stated that there was no longer a need to pursue this project. Attorney

Gerbitz stated that a recent Court of Appeals – District 1 opinion¹ includes a footnote that answers the issue directly and clarifies the concerns raised by practitioners. Attorney Gerbitz did recommend that this information be shared with the Judicial Council and Chair Graham stated she would do so.

V. Update on special project idea addressing potential amendment of the WIS. STAT. ch. 809 rules for requesting oral argument and publication.

By consensus of the committee, this project was tabled for discussion because Molly McNab was not available to present on it.

VI. New Business

Chair Graham encouraged the committee to begin brainstorming bigger projects now that the Council has an available staff attorney. She requested the committee continue to solicit ideas and bring new ideas forward. Chair Graham thinks a comprehensive review of Wis. Stat. 809 would be a long-term project to consider, indicating the last comprehensive review was done maybe 20+ years ago. Attorney Zibolski volunteered to begin a historical review of the rule to ultimately update the committee.

Attorney Gerbitz reiterated that it would be worth considering as a project modifying the Rules of Appellate Procedure as suggested by Justice Dallet in ***Morway v. Morway***. The committee will continue to discuss this project idea at future meetings.

Mr. Christensen informed the group that the appellate court has updated its section of CCAP, which went live earlier in the week. He indicated that they are happy with the rollout and encouraged feedback.

AAG Potts left the call at 2:46pm. Quorum continued.

VII. Adjournment.

Adjournment occurred at 2:50pm.

Minutes prepared by Attorney Zibolski

¹ 2023AP905, *Jack Mani v. Selective Insurance Company of America*, Footnote 9. The decision was released on January 21, 2026, and is recommended for publication.