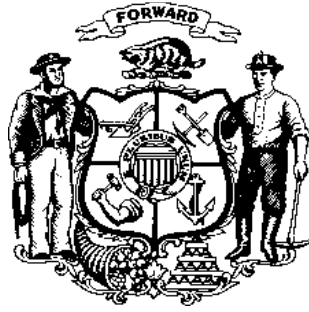




Wisconsin Judicial Council

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

Meeting Minutes

Wisconsin Judicial Council Appellate Procedure Committee

September 10, 2026. 9:30-10:30AM

Virtual Meeting

The Appellate Procedure Committee met at 9:30a.m. on September 10, 2026, by Zoom remote videoconferencing.

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

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

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

EXCUSED MEMBERS: Kara Jansen

I. Introductions and Role Call

Chair Graham called the meeting to order at 9:31a.m. Roll call and quorum was confirmed by Chair Graham. Chair Graham reminded the group of the Judicial Council's history and purpose, specifically the focus on procedural issues. She advised the focus of this Committee will continue as review of Wis. Stats. §§ 808 and 809. Attorney Zibolski provided an update on the Council.

II. Approval of minutes from last meeting

Attorney Gerbitz moved to approve the February 4, 2026, meeting minutes without change. Attorney Plum seconded. None opposed. The meeting minutes were approved.

III. Update on WIS. STAT. RULE 809.109 review

Chair Graham had previously asked Attorney Zibolski to draft a memo identifying pros and cons to potential amendment suggested by the working group, to be circulated to the committee for further consideration. In the intervening time, Faun Moses left the Public Defender's office and a replacement was sought. This project was paused. By consensus, the workgroup requests the memo be completed and this item remain on the agenda.

Attorney Zibolski will meet with Attorney Sobic to discuss the Public Defender's position. This issue will remain on the agenda for further discussion.

Assistant Attorney General Conway and Attorney Welch then exited the meeting.

IV. Discussion on proposed project to modernize rules of appellate procedure

Chair Graham states that she is hoping this Committee will stake a systemic look at Wis. Stats. §§ 808 and 809, which were meaningfully revised last in 2009. She wants this committee to look at both chapters as a whole and think about what can and should be done to modernize the appellate procedure code. She encourages the group to think from a practitioner's perspective and to engage with their own contacts and organizations regarding necessary updates. Chair Graham has also instructed Attorney Zibolski to begin meeting with identified stakeholders to start compiling recommendations.

V. Brainstorming project goals, timelines, and necessary partners

Attorney Zibolski updated the Committee on her contacts with various stakeholders, including the Supreme Court Clerk's Office, appellate court staff attorneys, and the Appellate Practice Section of the State Bar. Attorney Gerbitz also sits on that committee and will assist in communicating. Judge Graham notes that Attorney Zibolski will help keep track of and organize the project.

Chair Graham sought recommendations on project goals and organization. Attorney Gerbitz recommends reviewing each statute section numerically or by subject area in order in small sections, so nothing is missed. He notes that reaching out to stakeholders asking for all recommendations to modernize appellate procedure may be too big of a question, and more nuanced questions or topic areas may elicit better feedback. Attorney Plum agreed but encouraged the committee not to lose sight of the lofty project goal. Chair Graham recommends identifying problems areas first and then identifying a detailed

way to move toward the project goal. Assistant Attorney General Potts agreed this could be a helpful middle ground. Attorney Zibolski will reach out to DOA to discuss potential technology options that may assist the committee in working collaboratively. Attorney Zibolski also volunteered to put together project timeline recommendations to assist the committee in charting the project path.

Attorney Plum recalled the “pick you district” project and that the committee solicited feedback from the legal community at large, not just a select group of stakeholders. She noted that a few people gave helpful feedback as a result. Attorney Zibolski suggested an article in Inside Track that could be distributed to the State Bar. The committee supports this idea. Once the committee has developed some timelines, an article could be drafted to further solicit feedback and for transparency.

The committee further discussed considering expanding the necessary partner group and it was recommended to send ideas to Attorney Zibolski.

The committee set future meeting dates through the end of the year.

VI. New Business

Attorney Gerbitz requested that the discussion of Justice Dallet’s opinion in *Morway v. Morway* be included on the next agenda. Judge Graham agreed to review the decision and to include it on the next agenda.

VII. Adjournment.

Attorney Plum moved to adjourn. Attorney Gerbitz seconded the motion. None opposed. Meeting adjourned at 10:43am.

Minutes prepared by Attorney Zibolski