



STATE OF WISCONSIN – JUDICIAL COUNCIL

AGENDA

WISCONSIN JUDICIAL COUNCIL

NOVEMBER 16, 2018 – 9:30 A.M.

STATE CAPITOL, ROOM 328 NW

MADISON, WISCONSIN

**Members wishing to call in should call (563) 999-2090
at 9:30 a.m. and enter Access Code 842997**

INTRODUCTION

There is much work for the Judicial Council to do. At present, the Council has referred Act 235 to the Evidence & Civil Procedure Subcommittee (ECP). The ECP is studying Act 235 to determine: 1) How Act 235 compares to the Federal Rules of Civil Procedure? and 2) what types of actions should be exempt from some or all of the provisions of Act 235 (such as divorce or injunction proceedings)? However, just as important, how do the new rules created by Act 235 relate to Wisconsin's existing Rules of Civil Procedure? We will discuss that issue at the upcoming Council meeting by reference to just one existing concept under our Rules of Civil Procedure known as the "claw back rules." With that in mind, here is the agenda for the November 16, 2018 Council meeting. Materials relevant to that discussion are included with the email transmitting this Agenda and are available on request from Attorney Gleisner (wgleisner@sbcglobal.net).

11-16-18 AGENDA

- I. Roll Call and approval of the Minutes of October 19, 2018.
- II. Discussion of the Judicial Council's 2012 Petition to the Supreme Court which led to the creation of Wis. Stat. §§804.01(7), 805.07(d), 905.03(5) and 804.01(2)(c).
- III. In view of a recent article in the ABA magazine Litigation, entitled "A Guide to Remediating Document Discovery Mishaps," should there be any improvements or changes made to Wisconsin's claw back rule?
- IV. How is Wisconsin's claw back rule affected by Act 235?
- V. Should Act 235 or Wisconsin's claw back rules be changed in anyway?

COMMITTEE REPORTS

1. Report of the Evidence & Civil Procedure Committee.
2. Report of the Appellate Procedure Committee.
3. Report of the Criminal Procedure Committee. .

VI. Adjournment.

PUBLIC NOTICE

All meetings of the Judicial Council and its committees are open to the public. The above referenced October 19, 2018 Council meeting will take place in Room 328NW of the State Capitol Building. For more information, please contact the Acting Secretary of the Judicial Council, Attorney Bill Gleisner, at 414-651-3182 or wgleisner@sbcglobal.net.