



STATE OF WISCONSIN – JUDICIAL COUNCIL

AGENDA

WISCONSIN JUDICIAL COUNCIL

OCTOBER 15, 2021 – 9:00 A.M.

CONDUCTED ONLY BY ZOOM

MADISON, WISCONSIN

William Gleisner is inviting you to a scheduled Zoom meeting.

On 9/24/21 at 9 a.m., join the Council Meeting using the following URL: ¹
<https://us02web.zoom.us/j/84001494029?pwd=YTNHL3E2RFlYNHJYcmxYVWlITnRuQT09>

When prompted, enter passcode: 333

Members of the public will be permitted to attend this meeting but must agree to refrain from disrupting the meeting in any. If anyone is unsure how to sign into the meeting, please email Bill Gleisner (gleisnerwilliam@gmail.com) or call him at 414-651-3182.

- I. Roll Call and approval of the September 24, 2021 Minutes.
- II. Almost exactly one year ago, Gleisner suggested that an appropriate topic for study by the Judicial Council was the ongoing difficulties created for courts and counsel by the Covid 19 pandemic (see 10-19-20 Council Agenda, a copy of which is being supplied). Thank goodness, it is true that the pandemic appears to be nearing an end. There are many in the legal

¹ The following is additional information concerning the October 15, 2021 Zoom meeting:

Meeting ID: 840 0149 4029

Passcode: 333

Dial by your location

+1 312 626 6799 US (Chicago)
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)

Find other local number: <https://us02web.zoom.us/j/kdVzRSHEkn>

profession that contend that with the end of the pandemic “business may return to normal.” In fact, the Wisconsin Supreme Court issued an Order on June 18, 2021 which terminates special proceedings required by the pandemic as of June 30, 2021 (a copy of which is being supplied). As you know, for the past seventeen years Gleisner has co-authored a treatise with Marquette Law Professor Jay Grenig, entitled *e-Discovery & Digital Evidence* (Thomson Reuters 2021-2022). Gleisner just revised Chapter 18 of that treatise and argues in that Chapter that it would be wise to adopt permanent additions to the state and federal rules that can be quickly implemented in times of disasters or emergencies. Gleisner also advocates the adoption of certain ABA Model Opinions and one Pennsylvania Opinion into Wisconsin law. We will discuss the wisdom of doing so at the October 15, 2021 meeting. Included with this Agenda, please find the following items:

- A. October 19, 2020 Council Agenda.
- B. The June 18, 2021 Order of the Wisconsin Supreme Court.
- C. A galley proof of new Chapter 18 which has been clearly designated as the copyrighted property of Thomson Reuters and is being supplied just for use by the Wisconsin Judicial Council.
- D. A copy of ABA Formal Opinion 477R.
- E. A copy of ABA Formal Opinion 482.
- F. A copy of Pennsylvania Bar Formal Opinion 2020-300.

III. **Restyling the current Wisconsin Rules of Evidence.** As Tom Shriner has previously reported, Professor Dan Blinka (MU Professor of Evidence) is willing to become a “reporter” for a Council effort to update our Wisconsin Rules of Evidence by “restyling them.” It is recommended that the Council issue a formal invitation to Professor Blinka to join with the Evidence and Civil Procedure Committee as an ad hoc member so that he may act as a Reporter for the restyling project.

IV. Committee Reports.

- (a) Evidence & Civil Procedure Committee.
- (b) Criminal Procedure Committee.
- (c) Appellate Procedure Committee.

V. Adjournment.

PUBLIC NOTICE

All meetings of the Judicial Council and its committees are open to the public. The Council's October 15, 2021 meeting will be only conducted by Zoom. Members of the public are welcome to join the meeting by using the URL which is set forth above, or by using the Zoom application and entering Meeting No. 840 0149 4029 and, when prompted, passcode 333. However, members of the public must supply their name before they will be granted admission. In addition, the mikes of the public participants will be muted. If any member of the public disrupts the meeting in any way, they will be removed from the meeting and will be barred from readmission. For more information, please contact the Chair of the Judicial Council, Mr. Gleisner, at 414-651-3182 or gleisnerwilliam@gmail.com.