



STATE OF WISCONSIN – JUDICIAL COUNCIL

JANUARY 19, 2024 AGENDA

WISCONSIN JUDICIAL COUNCIL
FRIDAY, JANUARY 19, 2024 – 9:30 A.M.
WISCONSIN STATE CAPITOL
ROOM 328NW
MADISON, WISCONSIN

**Members wishing to call in should call
(339) 209-6255 at 9:30 a.m. on 11/17/23. There is no Access Code.**

- 1) Roll Call and approval of the Minutes from November 17, 2023.**
- 2) As is clear from the November 17, 2023 Minutes which accompany this Agenda, the November 17th meeting was cut short when Chair Gleisner inadvertently disconnected the telephone participants in that meeting. As he said then, Attorney Gleisner sincerely regrets this mistake. When the November 17, 2023 meeting ended the Council was discussing the composition and future of the Judicial Council's *DAR Recording Ad Hoc Committee*. As a reminder, the two co-chairs of that Committee are Judges Dugan and Gasiorkiewicz. We begin this meeting with a Report from Co-Chair Dugan.**
 - A) In her Report, it is anticipated that Judge Dugan will touch on a number of issues, including suggestions made by Justice Hagedorn, contacts made by the Co-Chairs of the Ad Hoc Committee with Chief Judge Jason A. Rossell, Committee Chair of the Committee of Chief Judges, and efforts to coordinate with the current and former Directors of State Courts.**
 - B) Judge Dugan will also discuss the composition of the Ad Hoc Committee, and its relationship to the Council's Criminal Procedure Committee.**
 - C) Judge Dugan will also confirm the present members of the Ad Hoc Committee, such as Council Members, Gleisner, Kilpatrick, Plotkin and Zylstra and accept suggestions for other members.**
 - D) It is expected that Judge Dugan will touch on a number of other issues, including some or all of the following:**

- i) Updates on communications about DAR Recording Rules.
- ii) Brainstorming regarding:
 - (1) Concerns regarding the current process of handling DAR recordings.
 - (2) Ideas for future processes.
 - (3) Rulemaking approach and limitations.
 - (4) Legislative approach and limitations.
 - (5) Two-pronged approach; some concerns addressed by legislative and some concerns addressed by rule making.
 - (6) Supreme Court's Making the Record Committee minutes review.
 - (7) Plan for Review of Districts' current policies/procedures.
- iii) It is also anticipated that Judge Dugan will also discuss in her Report how the Council can and should interact with other committees, authorities and other interested parties who are investigating how best to address the challenges of the DAR Recording phenomena.

E) It is anticipated that during and especially after Judge Dugan's Report, there will be a discussion by the Council of points raised by Judge Dugan in her Report.

F) As I mentioned at the last meeting, I spent two days at the Prosser State Law Library researching the issue of DAR and related technologies. I retrieved a number of interesting research materials from the Library. I am again supplying several items with this Agenda which may be consulted during the discussion which will follow Judge Dugan's report.

- 1) An excellent email authored by Judge Dugan.
- 2) March 2023 Wisconsin Supreme Court "Guiding Principles on the use of Digital Audio Recording (DAR)."
- 3) November 2016 American Association of Electronic Reporters and Transcribers White Paper: "Analysis and Advantages of Digital Court Reporting in the Courts..."
- 4) 2013 National Center for State Courts (NCSC): "Making the Record Utilizing Digital Electronic Recording."
- 5) 2017 National Center for State Courts (NCSC): Best Practices for Court Privacy Policy Formulation."
- 6) Guffin, "Digital Court Records Access: Social Justice and Judicial Balancing," 72 Maine Law Review 87 (2020).
- 7) A monograph from Liberty Digital Court Reporting discussing how digital court reporting is supported to work.

3) Reports by Committees:

A) Judge Thomas Hruz, Chair of the Council's Standing Committee on Appellate Procedure will give a report concerning recent developments in his committee and also concerning pending or soon to be filed petitions.

B) Thomas Shriner, Chair of the Council’s Standing Committee on Evidence and Civil Procedure will give a report.

C) Margo Kirchner, Chair of the ad hoc Committee on the “Council Corner” (a monthly report to the State Bar on the work of the Council) will give a report.

4) Adjournment.

This Agenda was prepared by Attorney Gleisner.

PUBLIC NOTICE

All meetings of the Judicial Council and its committees are open to the public. The Council’s January 19, 2024 meeting will only take place in person in Room 328NW of the Capitol Building. There will be no Zoom access to this meeting. Subject to limits imposed by the size of Room 328NW, members of the public are welcome. However, if any member of the public disrupts the meeting in any way, security will be called, and the disrupting member will be asked to leave. For more information, please contact the Chair of the Judicial Council, Mr. Gleisner, at 414-651-3182 or gleisnerwilliam@gmail.com.