



STATE OF WISCONSIN – JUDICIAL COUNCIL

AMENDED MARCH 21, 2025 AGENDA

WISCONSIN JUDICIAL COUNCIL

March 21, 2025 – 9:30 A.M. WISCONSIN

STATE CAPITOL
ROOM 328NW
MADISON, WISCONSIN

**Members wishing to join by telephone should call:
(339) 209-6255 at 9:30 a.m. on 3/21/25. There is no Access Code.**

Roll call and approval of minutes.

INTRODUCTION TO THE 3/21/25 AGENDA.

There was a spirited discussion at the February 21, 2025 Council Meeting about whether the Council should accept referral from the Supreme Court of an issue concerning municipal court interpreters. For those who wish to understand precisely what occurred at the last meeting, please see pages 3 to 6 of the accompanying draft Minutes for the February 21, 2025 Meeting.

There was a preliminary question raised before the 2/21/25 Meeting. That question was: “Should certain members of the Council recuse themselves from the discussion and vote concerning municipal court interpreters because they had participated in the Supreme Court regarding interpreters?” As Chair of the Council, I believe it is incumbent on me to rule on that question now.

THERE IS NO CONFLICT.

In my seventeen years on the Council, we have often debated controversial issues. There have often been sharp differences concerning such issues between Council members based on their personal views or the views of the constituent agencies which they represent. There were very sharp differences over proposals to reform criminal procedure, which proposals were authored by Professor David Schultz. There was an ongoing debate over whether the *Alt* rule should apply to more than just medical malpractice issues. And during my tenure on the Council, there have been others. The Council has always been a place to debate issues covered by our charter statute, Wis. Stat. §758.13, and debate of those issues can inevitably become heated.

Most of you were present last year when I pointed out that since at least 2007 the Council has recognized the ABA's Modern Rules of Order as governing the procedural conduct of the Judicial Council. I am providing another copy of the ABA Rules with this Agenda. There is nothing in those rules about conflicts of interest or how to resolve them, and the same is true of Wis. Stat. §758.13.

The Council is in effect a body made up for the most part of other agencies with their own rules and mandates, including rules related to conflicts of interest. Many times in the past, Justices of the Supreme Court, legislators and members of the Justice Department have abstained from a vote on a particular issue before the Council. I have always believed such abstentions represent decisions made based on the rules of a particular agency or body represented at the Council (like the Justice Dept. or the Supreme Court). I think it would be a mistake for the Council to attempt the application of a general rule on conflicts. If we did, we might end up censoring Council members when their own rules would permit them to speak or vote on an issue. In my opinion, each representative member of the Council who is also a member of a constituent body (e.g., the Supreme Court, Legislature or Justice Department) must decide based on the rules of the body they represent if they have a conflict of interest. And I think that is why we see various representatives abstaining from time to time.

Finally, if the Council begins to police what its members can or cannot say or support, the Council will be in danger of censoring what each member agency can or cannot say about an issue which is important to an agency.

It is my ruling as Chair of the Council that there is no conflict of interest which would prevent Margo Kirchner, Tom Shriner, Justice Hagedorn or any other Council member from participating in any phase of the debate on municipal court interpreters, or any vote concerning same.. Of course, pursuant to Rule 12 of the ABA's Modern Rules of Order any member of the Council may appeal my ruling at the March 21, 2025 meeting.

THE SPECIFIC AGENDA FOR THE 3/21/25 MEETING.

I. THE COUNCIL'S BUDGET.

At our February 21, 2025 meeting, Margo reported that once again the Governor did not provide any money for the Council in his Budget. As Margo noted, there are two things which we can still do to secure funding in the Legislature's Final Budget. 1) Members of the Council can approach the Chief Justice and see if she will write another letter on our behalf to the Legislature; 2) We can try to arrange meetings between Council members and certain legislators. Margo pointed out that the most important Legislators are those who are members of the Legislature's Joint Committee on Finance.

At our March 21, 2025 meeting, we will need to identify which Council members will approach the Chief Justice concerning a new letter to the Legislature, and

which Council members will approach the members of the Joint Committee on Finance, members of which are identified in the footnote set forth below.¹ Vice Chair Kirchner and Member Zylstra will a) discuss how we should approach the Chief Justice and Legislators and b) provide talking points that can be used with the Legislators.

II. THE ISSUE OF MUNICIPAL COURT INTERPRETERS.

Concerning other business which will be before the Council on March 21, 2025, no doubt the issue of municipal court interpreters will consume most of that Meeting. As noted *supra*, if anyone wishes to see what occurred during the preliminary debate of this issue at our February 21, 2025 meeting, please see pages 3 to 6 of the accompanying draft 2/21/25 Minutes of the Council.

For more information regarding this issue, members are directed to the following resources: A) The copy of the relevant Supreme Court's Order accompanying this Agenda. B) The Wisconsin Eye recording of the open rules conference that led to the attached order located at <https://wiseye.org/2024/12/17/wisconsin-supreme-court-rules-petition-open-conference/>. We also recommend that members also consider reviewing the recording of the oral arguments that led to the attached Order (lasting approximately 2 hours), which are located at <https://wiseye.org/2024/12/17/wisconsin-supreme-court-rules-petition-public-hearing/>. Council members may also benefit from a review of some of the documents which have been filed regarding the attached Order located at <https://www.wicourts.gov/srules/archive/2402.htm>.

III. OTHER BUSINESS OF THE 3/31/25 COUNCIL MEETING.

On March 21, 2025, we will hear from the following Council Committees:

- a) Thomas Shriner will give the Evidence and Civil Procedure (ECP) Committee Report, including a discussion of the upcoming recommendations to the Council of the ECP as to proposed improvements to the Wisconsin Rules of Evidence.

¹[Senator Mark Born \(Co-Chair\)](#)
[Senator Marklein \(Co-Chair\)](#)
[Representative Kurtz \(Vice-Chair\)](#)
[Senator Testin \(Vice-Chair\)](#)
[Senator Wimberger](#)
[Senator Stafsholt](#)
[Senator Bradley](#)
[Senator Quinn](#)
[Senator L. Johnson](#)
[Senator Roys](#)
[Representative Zimmerman](#)
[Representative Rodriguez](#)
[Representative Dallman](#)
[Representative Hurd](#)
[Representative McGuire](#)
[Representative Andraca](#)

- b)** Judge Hruz will give the Appellate Procedure Committee (APC) Report, including two Memos which will be considered at future meetings of the APC. Those Memos, which are being submitted with this Agenda, are as follows: 1) A memo by APC member Molly McNab regarding oral arguments and requests for publication; and 2) A memo by APC member Caleb Gerbitz regarding a proposed amendment to Wis. Stat. §809.10(4).
- c)** It is my understanding that Council member Dan Blinka, Jr. will not provide a committee report at the 3/21/25 meeting.
- d)** Council Vice Chair Margo Kirchner will report on “Council Corner” and recent articles authored by Council members and what we can expect in future “Council Corner” submissions in *The Wisconsin Lawyer* and *Inside Track*.

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 March 21, 2025 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.