

MINUTES OF THE MEETING OF THE JUDICIAL COUNCIL  
MADISON, WISCONSIN  
February 15, 2008

The Judicial Council met at 9:30 a.m., Room 328 NW, State Capitol, Madison, Wisconsin.

MEMBERS PRESENT: Marla J. Stephens, Chair; Honorable Ann Walsh Bradley; Michael R. Christopher; Professor J. Grenig; Beth E. Hanan; Vice-Chair; Honorable Edward E. Leineweber; Stephen R. Miller; Kathleen Ann Pakes; Professor David E. Schultz; A. John Voelker; Honorable Mary K. Wagner; Greg M. Weber; Honorable Maxine White.

MEMBERS EXCUSED: Allan M. Foeckler; Honorable Michael J. Gableman; Kathleen E. Grant; Representative Bill Kramer; Catherine A. La Fleur; Robert L. McCracken; Senator Lena Taylor; Honorable Ted E. Wedemeyer, Jr.

OTHERS PRESENT: James C. Alexander.

**I. Call to Order**

Chair Stephens called the meeting to order at 9:30 a.m.

**II. Approval of January 18, 2008 Minutes**

Chair Stephens called for any changes or corrections to the minutes. Hearing none, the minutes were approved by consensus.

**III. Hiring and Transition Report**

Chair Stephens said that Department of Administration personnel can now process Council financial transactions. She also reported that the space request for the Tenney Building is still pending. The Hiring Workgroup is meeting after the full Council meeting today with Margaret Brady, Supreme Court human resources manager, to begin screening applications. It is anticipated that the screening process and interviewing of candidates will be completed by the middle of March 2008.

**IV. Committee Reports**

A. Appellate Procedure

Marla Stephens reported that the trailer bills (SB 418, 419 and 420) for the three proposals to complete the amendment to the Rules of Appellate

Procedure were passed by the Senate, but remain pending in committee in the Assembly.

The Appellate Procedure Committee is still working on procedures and rules governing the use of presentence investigation reports before and after sentencing. The Committee will also review the use of a public defender appointment order as the basis for finding a person indigent for the purpose of waiving payment of filing fees.

**B. Criminal Procedure**

Professor Schultz said that he met with Robin Ryan of the Legislative Reference Bureau to coordinate drafting of a bill for the proposed new rules of criminal procedure.

**C. Evidence and Civil Procedure**

Judge Leineweber said that the Committee was meeting after the Council meeting today to continue its work on electronic discovery. Judge Leineweber said that he hoped a draft could be ready for Council consideration in the next couple of months.

**V. Other Business**

PPAC Report - Judge Leineweber said that the comment period set by the Supreme Court on the videoconferencing proposal ends today. The PPAC subcommittee on videoconferencing will then review the comments.

Justice Bradley suggested that the Council forward to the Supreme Court the memo the Council used when it considered the issues of citation of unpublished opinion. The Council will do that.

Chair Stephens said that the Council website should be changed to reflect that the Council is now a separate agency with its own staff.

The Council received a letter from Supreme Court Commissioner Julie Rich referring a request from Attorney Charles Senn to study SCR 81.02, in particular to approve an increase in the hourly rate paid to court appointed attorneys. The request will be on the agenda for the next Council meeting.

**VI. Adjournment**

The Council adjourned by consensus at 10:17 a.m.