

MINUTES OF THE MEETING OF THE JUDICIAL COUNCIL
MADISON, WISCONSIN
March 16, 2007

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

MEMBERS PRESENT: Marla J. Stephens, Chair; Michael R. Christopher, Susan L. Collins, Allan M. Foeckler, Kathleen E. Grant, Professor Jay Grenig, Beth E. Hanan, Honorable James Mason, Bruce Munson, Kathleen A. Pakes, Professor David E. Schultz, Senator Lena A. Taylor, Honorable Mary K. Wagner, Honorable Ted E. Wedemeyer, Jr., Honorable Maxine A. White.

MEMBERS EXCUSED: Honorable Ann Walsh Bradley, Representative Bill Kraemer, Honorable Edward E. Leineweber, Robert L. McCracken, A. John Voelker, Greg M. Weber.

OTHERS PRESENT: Robert D. Donohoo, Honorable Earl W. Schmidt, Jeff Pertl, Sue Ellingson, Robert Nelson, Brett Balinsky, James Alexander.

I. Call to Order and Roll Call

Chairperson Stephens called the meeting to order at 9:30 a.m. Senator Taylor introduced Sue Ellingson of MERGE who is accompanying Senator Taylor as she goes through her work day.

II. Approval of Minutes of February 16, 2007, meeting

MOTION: Judge Wedemeyer moved, seconded by Beth Hanan to approve the minutes of the February 16, 2007 meeting.

Motion passed unanimously.

III. Committee Reports

- A. Appellate Procedure
- B. Evidence and Civil Procedure
- C. Internal Operating Procedure

The above three committees had no report.

D. Strategic Planning Committee

Marla Stephens announced that SJI has awarded a grant to the Judicial Council to fund the strategic plan. The award amount is \$11,584, which will be used to help pay for a study to be conducted by the National Center for State Courts. The cash match for the Judicial Council is \$1,416.

Chairperson Stephens thanked Judge Leineweber for his work in securing the grant and the study, which could not have been accomplished without his persistence.

E. PPAC

Marla Stephens reported that the second draft of the video conference proposal is being circulated by the PPAC subcommittee for comment.

IV. Chapter 975 – Criminal Procedure Revision

Professor Schultz distributed a meeting summary of the February 16, 2007 Judicial Council meeting in regards to the Criminal Procedure Revision. A copy of the meeting summary is attached to these minutes.

Professor Schultz distributed the final draft as approved by the Council on February 16, 2007 of § 975.11 Anti-psychotic Medication at Trial.

Section 975.17 Trial of Actions Upon Plea of Not Guilty By Reason of Mental Disease or Defect, the proposed final draft dated March 16, 2007 reflecting decisions made at the February 16 meeting was approved.

Section 975.22 Commitment Order – revised draft, dated March 16, 2007 which reorders the subsections, restores subsection titles, adds a subsection addressing credit for time spent in custody, and adds a subsection addressing consecutive commitments and commitments consecutive to criminal sentences was approved.

Senator Taylor then addressed representatives of the Legislative Reference Bureau (LRB) who were attending the meeting at Senator Lena Taylor's request. Senator Taylor encouraged LRB to cooperate with the Council in moving the Criminal Procedure Revision forward. Professor Schultz explained to the LRB representatives the history of the project and how the current LRB draft is being revised so it conforms to current law and Judicial Council intent.

The Council then proceeded with review of the Code revisions.

Section 975.23 Revocation of Conditional Release approved as drafted by LRB with change to the title and reworded the last two sentences.

Section 975.24 the LRB draft with subsection titles back in was approved.

Section 975.25 LRB draft approved.

Section 975.26 LRB draft approved.

Section 975.27 LRB draft approved.

Section 975.28 LRB draft approved.

Section 975.28 completes review of Chapter 975, which is the last chapter of the LRB revisions in need of review.

The Council gave a hearty thanks to Judge Schmidt and Bob Donohoo for their work in assisting the Council on its review of Chapter 975. Professor Schultz was given a round of applause for his work.

V. Other Business

By consensus there will be no April Judicial Council meeting. The next Judicial Council meeting will be May 18, 2007.

VI. Adjournment

MOTION: Bruce Munson moved, seconded by Beth Hanan to adjourn. PASSED UNANIMOUSLY.

Council adjourned at 11:40 a.m.