

SUPREME COURT AGENDA

Public Hearing & Open Administrative Conference

Supreme Court Hearing Room

Wednesday, September 19, 2012

9:30 a.m.

(agenda to be continued, if necessary, on rules conference date)

Public Hearing

- I. Rule Petition 12-03: Petition to amend Wis. Stat. §§ 804.01, 805.07 and 905.03 relating to inadvertent disclosure of protected or privileged information.
- II. Rule Petition 12-05: Petition to amend SCRs 72.01, 72.03, 72.04, 72.05, and Wis. Stat. §§ 801.17, 807.06, and 809.15 relating to record retention and electronically or optically stored records.

Open Administrative Conference

- I. Discussion of Rule Petition 12-03: Inadvertent disclosure of privileged information. Staff preliminary memo sent 3/28/12. Court discussed at 4/25/12 open administrative conference. Court voted to hold public hearing. Public hearing scheduled for 9/19/12 (notice of hearing issued 7/3/12); public input solicited by e-mail on 8/1/12. *Staff memo to be circulated.*
- II. Discussion of Rule Petition 12-05: Petition to amend SCRs 72.01, 72.03, 72.04, 72.05, and Wis. Stat. §§ 801.17, 807.06, and 809.15 relating to record retention and electronically or optically stored records. Staff preliminary memo sent 6/25/12. Court discussed at 6/28/12 open administrative conference. Court voted to hold public hearing. Public hearing scheduled for 9/19/12 (notice of hearing issued 7/3/12); public input solicited by e-mail on 8/2/12. Letter to petitioner seeking additional information sent 8/7/12 (Response received). *Staff memo to be circulated.*
- III. Discussion of Rule Petition 08-01 (Juries). Rule Petition 08-01 amended ch 756, specifically changing the number of jurors for a misdemeanor case from 6 to 12 under Wis. Stat. § 756.06(2)(am). Wis Stat. § 972.02(2) references a misdemeanor jury of 6; needs clean-up amendment. *Staff memo and draft order circulated 9/5/12.*
- IV. Discussion of Rule Petition 11-08: In the Matter to Amend SCR 40.02(2) and to Create SCR 40.055 and 40.14(3)(i) Relating to the Legal Competence Requirements of Graduates of Law Schools in Other Nations; Fees. Filed 11/18/11; Follow-up letter to BBE—response due 2/15/12. Staff preliminary memo circulated 2/15/12. Court discussed at 2/27/12 open administrative conference. Court voted to hold public hearing.

Public hearing scheduled for 5/16/12; notice issued 3/2/12; public input letter sent 3/28/12. Hearing held: 5/16/12. Court voted unanimously to return the petition to the BBE for further development (with directions to consult with reps of U.W. Law School & Atty. Shneidman). Order issued 7/5/12. *Staff memo to be circulated.*

- V. Discussion of Rule Petition 12-06: Petition to Amend SCR 99.01(4)(e), Construction of Supreme Court Rules - filed 06/29/12, by Chief Justice Shirley S. Abrahamson. *Staff memo and draft order circulated to court on 9/5/12.*
- VI. Discussion of Rule Petition 12-07: Petition to amend SCRs 70.03 and 70.12(1)(c)(3) and create SCR 70.12(5), (6) and 70.16, relating to the Supreme Court Finance Committee – filed 7/6/12 by Justice Patience Drake Roggensack. Materials filed by Chief Justice Shirley S. Abrahamson. *Staff memo to be circulated.*
- VII. Discussion of Rule Petition 12-08: Petition to create SCR 74.02, Appointment of the Judicial Commission Members – filed 7/31/12 by Chief Justice Shirley S. Abrahamson. *Staff memo to be circulated.*
- VIII. Discussion of Rule Petition 12-09: In the matter of creation of Rules under Supreme Court Rules Ch. 80 and amendment of Supreme Court Rule 98.07, Publication of Rules by Publication Committee. *Staff memo to be circulated.*
- IX. Discussion of 2011 Wisconsin Act 209 creating a fee waiver program for veterans. Under the legislation, veterans who meet the eligibility requirements would receive a waiver of the initial licensing fee for most licenses granted by state agencies. The act also requests the Supreme Court to promulgate a rule waiving the initial admission fee for lawyers admitted to practice. See § 751.153. Letter to BBE & State Bar (sent 6/7/12) referring the matter for consideration and determination of whether a petition seeking a change to the court rules might be appropriate; response received. *Staff memo circulated 9/7/12.*
- X. Discussion of DTP’s memorandum on Justice on Wheels. Court agreed to place this item on open administrative conference.
- XI. Discussion of Rules Petition 12-01 Report on Court’s Rule Making Function—**awaiting PDR’s draft**
- XII. Information Item: The Guidelines Form and the “form” letters have been revised to ask the petitioner whether the rule has retroactive application.