

In re:

PROPOSED AMENDMENT TO

WIS. STAT. RULE 809.19 (BRIEFS AND APPENDIX)

PETITION

relating to the certification of compliance

with WIS. STAT. RULE 809.19(2)

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The Court of Appeals respectfully petitions the Supreme Court to create WIS. STAT. RULE 809.19(2)(a) as follows:

**(2) (a) Certification.** An appellant’s counsel shall append to the appendix a signed certification that the appendix meets the content requirements of s. 809.19(2) in the following form:

I hereby certify that filed with this brief, either as a separate document or as a part of this brief, is an appendix that complies with s. 809.19(2) and that contains: (1) a table of contents; (2) relevant trial court record entries; (3) the findings or opinion of the trial court; and (4) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the trial court’s reasoning regarding those issues.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using first names and last initials instead of full names or persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Signed:.....

Signature

**Note:** As the number of appeals has increased, the court's reliance on appendices during the decision-making process has increased. The Court of Appeals requests that WIS. STAT. RULE 809.19(2)(a) be created to require that appellant's counsel certify compliance with WIS. STAT. RULE 809.19(2) that requires an appellant's brief include an appendix and sets forth the contents of the appendix. The Court of Appeals believes that a certification requirement, similar to the form and length certification required by WIS. STAT. RULE 809.19(8)(d), will result in increased compliance with WIS. STAT. RULE 809.19(2) and improve the quality of appendices that are filed with the court. Therefore, the Wisconsin Court of Appeals respectfully requests that the Supreme Court adopt the proposed amendment to WIS. STAT. RULE 809.19(2), Rules of Appellate Procedure.

This petition is directed to the Supreme Court's rule-making authority under WIS. CONST., art. VII, sec. 3(1) and WIS. STAT. § 751.12.

Respectfully submitted on November \_\_\_\_, 2004.

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Thomas Cane  
Chief Judge  
Wisconsin Court of Appeals