

In re

PROPOSED AMENDMENTS TO
WIS. STAT. RULE 809.62(2)(f)
relating to content of Appendix
to Petitions for Review.

PETITION

The Clerk of the Supreme Court respectfully petitions the Supreme Court to amend WIS. STAT. RULE 809.62(2)(f). 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.

The goal of this petition is to require the filer of a petition for review to include in the appendix a copy of any unpublished opinion cited under ss. 809.23(3)(a) or (3)(b) on the basis that unpublished opinions are not available in the official case reporters. This petition is intended to complement the Court of Appeals' petition (Petition 10-01), which proposed a similar rule requiring that the appendix to a brief contain a copy of such unpublished opinions.

The need for this amendment was identified in the Interim Report of the Committee on the Citation of Unpublished Opinions. Members of that Committee included a Supreme Court justice, a Court of Appeals judge, the chief information officer of the Consolidated Courts Automation Project, the chief staff attorney of the Court of Appeals, the state law librarian, a representative of the Department of Justice, a representative of the State Public Defender, two appellate practitioners from the private bar, the editor of the Wisconsin Law Journal, the executive assistant to the Chief Justice, and the undersigned. This petition is being filed at the suggestion of that committee.

For these reasons, the Clerk of the Supreme Court respectfully requests that the Supreme Court adopt the following rule.

SECTION 809.62(2)(f) of the statutes is amended to read:

809.62(2) CONTENTS OF PETITION. Except as provided in s. 809.32(4), the petition must contain:

* * * * *

(f) An appendix containing, in the following order:

1. The decision and opinion of the court of appeals.
2. The judgments, orders, findings of fact, conclusions of law and memorandum decisions of the circuit court and administrative agencies necessary for an understanding of the petition.
3. Any other portions of the record necessary for an understanding of the petition.
4. A copy of any unpublished opinion cited under ss. 809.23(3)(a) or (3)(b).

Respectfully submitted on February 5, 2010.

David R. Schanker
Clerk of Supreme Court