

---

**In re Matter of the Petition for Amendment  
of Supreme Court Rule 60.04**

**PETITION  
13-\_\_\_**

---

This rule proposal comes before the Wisconsin Supreme Court upon the petition of the Wisconsin Access to Justice Commission.

This petition is made pursuant to the supreme court's administrative authority over all courts conferred by Article VII, Section 3 of the Wisconsin Constitution.

**SECTION 1.** Supreme Court Rule 60.04 (1) (g) is amended to read:

SCR 60.04 (1) (g) ~~A judge shall accord to every person who has a legal interest in a proceeding, or to that person's lawyer, the right to be heard according to law.~~ A judge may not initiate, permit, engage in or consider ex parte communications concerning a pending or impending action or proceeding except that:

**SECTION 2.** Supreme Court Rule 60.04 (1) (h) is amended to read:

SCR 60.04 (1) (h) A judge shall dispose of all judicial matters promptly, and efficiently ~~and fairly~~.

**SECTION 3.** Comment to Supreme Court Rule 60.04 (1) (h) is amended to read:

In disposing of matters promptly, and efficiently ~~and fairly~~, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. Containing costs while preserving fundamental rights of parties also protects the interests of witnesses and the general public. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. A judge should encourage and seek to facilitate settlement,

but parties should not feel coerced into surrendering the right to have their controversy resolved by the courts.

Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants and their lawyers cooperate with the judge to that end.

**SECTION 4.** Supreme Court Rule 60.04 (1) (i) is created to read:

SCR 60.04 (1) (i) A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially. A judge shall also afford to every person who has a legal interest in a proceeding, or to that person's lawyer, the right to be heard according to the law. It is consistent with this rule for a judge to make reasonable efforts to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.

**SECTION 5.** Comment to Supreme Court Rule 60.04 (1) (i) is created to read:

A judge should exercise discretion consistent with the law and court rules to help ensure that all litigants are fairly heard. A judge's responsibility to promote access to justice, combined with the growth in litigation involving self-represented litigants, warrants more frequent exercise of such discretion using techniques that enhance the process of reaching a fair determination in the case. While the appropriate scope of such discretion and how it is exercised will vary with the circumstances of each case, a judge's exercise of such discretion will not generally raise a reasonable question about the judge's impartiality. Reasonable steps that a judge may take in the exercise of such discretion include, but are not limited to, the following:

1. Construe pleadings to facilitate consideration of the issues raised.
2. Provide information or explanation about the proceedings.
3. Explain legal concepts in everyday language.
4. Ask neutral questions to elicit or clarify information.
5. Modify the traditional order of taking evidence.
6. Permit narrative testimony.
7. Allow litigants to adopt their pleadings as their sworn testimony.
8. Refer litigants to any resources available to assist in the preparation of the case or enforcement and compliance with any order.
9. Inform litigants what will be happening next in the case and what is expected of them.

Respectfully submitted this 12th day of September, 2013.

A handwritten signature in black ink, appearing to read "Gregg Moore". The signature is written in a cursive style with some loops and flourishes.

---

Gregg Moore, President  
Wisconsin Access to Justice Commission