

MINUTES OF THE MEETING OF THE JUDICIAL COUNCIL
MADISON, WISCONSIN
November 17, 2006

The Judicial Council met at 9:00 a.m., Room 328 NW, State Capitol, Madison, Wisconsin.

MEMBERS PRESENT: Marla J. Stephens, Chair; Michael R. Christopher, Allan M. Foeckler, Beth E. Hanan, Honorable Edward E. Leineweber, Honorable James Mason, Robert L. McCracken, Bruce Munson, Professor David E. Schultz, A. John Voelker, Honorable Mary K. Wagner, Greg M. Weber, Honorable Ted E. Wedemeyer, Jr.

MEMBERS EXCUSED: Honorable Ann Walsh Bradley, Susan L. Collins, Kathleen E. Grant, Professor Jay Grenig, Representative Mark Gundrum, Senator Dave Zien, two vacancies (Governor's district attorney appointment, Judicial Conference appointment).

OTHERS PRESENT: Robert D. Donohoo, Honorable Earl W. Schmidt, Sherie Sasso, James Alexander.

I. Call to Order and Roll Call

Chairperson Stephens called the meeting to order at 9:00 a.m.

II. Approval of Minutes of October 20, 2006, meeting

MOTION: Michael Christopher moved, seconded by Beth Hanan to approve the minutes of the October 20, 2006, meeting.

Motion passed unanimously.

III. Documentary and Record Evidence

Bruce Munson passed out information to Council members on a matter that was discussed at the last Council meeting requiring publication by the state as evidence of a state statute. Presently, the published statutes in the statute books are the only official statutes. The Revisor of Statutes has a revisor certificate pursuant to § 35.18, Stats., certifying that each section of the statutes printed in the statute books have been compared by the revisor with the original and appear to be correctly printed. Munson suggested that the Council may wish to review whether a change to § 889.01, Stats., should be made to allow electronic publication of those statutes by the state to also serve as evidence.

MOTION: Judge Leineweber moved, seconded by Judge Wagner to accept the project for review.

Motion passed unanimously.

Chairperson Stephens assigned the project to the Evidence and Civil Procedure Committee. Bruce Munson will assist the committee in that study.

IV. Committee Reports

A. Appellate Procedure Committee

Chairperson Stephens said the committee had no report.

B. Criminal Procedure Committee

Professor Schultz reported that the committee met with the full Council at the October 20, 2006, meeting. A summary of that meeting is attached to these minutes.

C. Evidence and Civil Procedure

Judge Mason reported that the committee had nothing to report and that the committee meeting following today's Council was cancelled.

D. Strategic Planning Committee

Judge Leineweber said that he has been in discussion with the Center for State Courts about the strategic plan and there is a possibility of obtaining a grant from the State Justice Institute to fund the study. Judge Leineweber will follow-up on these discussions.

Judge Leineweber also reported that he made a presentation to the Judicial Conference on the Judicial Council. He said that Milwaukee County Circuit Court Judge Maxine White is the new Judicial Conference appointee to the Council.

E. Internal Operating Procedure

Bruce Munson had no report.

F. PPAC

Judge Leineweber said that the video taping subcommittee also provided a report to the Judicial Conference and will probably complete its work in March 2007.

V. **Chapter 975 – Criminal Procedure Revision**

Professor Schultz led the discussion and the Council began to review Legislature Reference Bureau (LRB) drafts and Council drafts. The Council begin with § 975.11, but that section needs to be reviewed in light of the recent case *U.S. v. Sell* so the Council passed on that section. The Council completed review of §§ 975.12, 975.13, 975.14, 975.15, and 975.16.

The consensus of the Council was to combine LRB's §§ 975.17 and 975.18 into one statute as in the Council draft. The matter will be reviewed further at subsequent Council meetings.

VI. **Other Business**

The Council will meet at 9:00 am on December 15, 2006.

VII. **Adjournment**

The Council meeting was adjourned by consensus at noon.