

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 05-02

In the matter of the Adoption of Voluntary Court Forms Designed for Self-represented Litigants.

FILED

APR 15, 2005

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

On January 21, 2005, the Director of State Courts, on the recommendation of the Records Management Committee, filed a petition asking this court to amend Wis. Stat. §§ 758.18, 807.001, 971.025 and Supreme Court Rule 70.153 relating to the adoption of voluntary court forms for use by self-represented litigants. A public hearing on the petition was conducted on April 13, 2005. At the ensuing open administrative conference the court voted unanimously to adopt the petition, effective the date of this order as follows:

Section 1. 758.18 of the statutes is renumbered 758.18 (1) and amended to read:

758.18 (1) The judicial conference shall adopt standard court forms for use by parties and court officials in all civil

and criminal actions and proceedings in the circuit court as provided in ss. 807.001 (1) and 971.025 (1). If an applicable court form has been adopted under sub. (2), that form may be used in lieu of the standard court form.

Section 2. 758.18 (2) of the statutes is created to read:

758.18 (2) At the request of the director of state courts, the judicial conference may adopt forms created for voluntary use by self-represented litigants in the circuit court. The judicial conference shall identify which forms are intended for voluntary use.

Section 3. 807.001 (1) of the statutes is amended to read:

807.001 (1) In all civil actions and proceedings in circuit court, the parties and court officials shall use the standard court forms adopted by the judicial conference under s. 758.18 (1), commencing the date on which the forms are adopted. If an applicable court form has been adopted under s. 758.18 (2), that form may be used in lieu of the standard court form.

Section 4. 807.001 (2) and (3) of the statutes are amended to read:

807.001 (2) A party or court official may supplement a ~~standard~~ court form with additional material.

(3) A court may not dismiss a case, refuse a filing or strike a pleading for failure of a party to use a standard court form under sub. (1) or to follow ~~the~~ format rules but shall require the party to submit, within 10 days, a corrected form and may impose statutory fees or costs or both.

Section 5. 971.025 (1) of the statutes is amended to read:

971.025 (1) In all criminal actions and proceedings and actions and proceedings under chapters 48 and 938 in circuit court, the parties and court officials shall use the standard court forms adopted by the judicial conference under s. 758.18 (1), commencing the date on which the forms are adopted. If an applicable court form has been adopted under s. 758.18 (2), that form may be used in lieu of the standard court form.

Section 6. 971.025 (2) and (3) of the statutes are amended to read:

971.025 (2) A party or court official may supplement a ~~standard~~ court form with additional material.

(3) A court may not dismiss a case, refuse a filing or strike a pleading for failure of a party to use a standard court form under sub. (1) or to follow ~~the~~ format rules but shall require the party to submit, within 10 days, a corrected form and may impose statutory fees or costs or both.

Section 7. SCR 70.153(1) is amended to read:

SCR 70.153 (1) The ~~standard~~ court forms that the judicial conference is required to adopt under s. 758.18, stats., ~~of the statutes~~ shall be developed by the records management committee, an advisory committee to the director of state courts office.

Section 8. SCR 70.153 (2) is amended to read:

SCR 70.153 (2) Under article VIII of the bylaws of the judicial conference, the judicial members of the records management committee act on behalf of the judicial conference in the adoption of ~~standard~~ court forms.

Section 9. SCR 70.153 (3) is amended to read:

SCR 70.153 (3) Each ~~standard~~ court form shall include a notice that the form may be supplemented with additional material.

Section 10. SCR 70.153 (4) (a) is amended to read:

SCR 70.153 (4)(a) Upon adoption of a ~~standard~~ court form, the records management committee shall distribute or make a copy of the form available to the clerks of circuit court, the circuit court judges, the state bar of Wisconsin and other appropriate persons ~~who are required to use the form.~~

Section 11. SCR 70.153 (4) (b) is amended to read:

SCR 70.153 (4)(b) Within 90 days after the date of distribution of a standard court form adopted under ~~par. (a)s.~~ 758.18 (1), stats., an interested person may file with the records management committee a written objection to the mandatory use of the form, to the content of the form or to both the use and the content.

Section 12. SCR 70.153 (5) is created to read:

SCR 70.153 (5) Any voluntary form adopted under s. 758.18 (2), if properly completed, shall be received for filing or other appropriate action by the circuit court. If a clerk of circuit court distributes voluntary forms, the clerk shall use forms adopted under s. 758.18 (2), stats., whenever they are available for that purpose.

Section 13. The following comment to SCR 70.153 is adopted to read:

COMMENT

The amendments to SCR 70.153 made pursuant to this order reflect the authority of the judicial conference, acting at the request of the director of state courts, to adopt forms created for voluntary use by self-represented litigants in the circuit court as provided in s. 758.18 (2), stats.

IT IS ORDERED that notice of this amendment of Wis. Stat. §§ 758.18, 807.001, 971.025 and SCR 70.153 be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 15th day of April, 2005.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

