

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. 04-11

In the matter of Proposed Amendment to Wis. Stat. § (Rule) 809.19 (Briefs and appendix) Relating to the Certification of Compliance with Wis. Stat. § (Rule) 809.19(2)

FILED

OCT 28, 2005

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

On November 22, 2004, the Chief Judge of the Wisconsin Court of Appeals, the Honorable Thomas Cane, filed a petition seeking to amend Wis. Stat. § (Rule) 809.19 to require a certification of compliance with Wis. Stat. § (Rule) 809.19 (2). A public hearing on the petition was conducted on October 25, 2005. At the ensuing open administrative conference, the court voted to adopt the petition, effective January 1, 2006, as follows:

Section 1. 809.19 (2) of the statutes is renumbered 809.19 (2) (a) and amended to read:

809.19 (2) Appendix. (a) Contents. The appellant's brief shall include a short appendix providing relevant trial court record entries, the findings or opinion of the trial court and limited 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. The appendix shall include a table of contents. If the record is required by law to be confidential, the portions of the record included in the appendix shall be reproduced using first names and last initials instead of full names of 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.

Section 2. 809.19 (2) (b) of the statutes is created to read:

809.19 (2) (b) Certification. An appellant's counsel shall append to the appendix a signed certification that the appendix meets the content requirements of par. (a) 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) (a) 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 of 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

Comment

As the number of appeals has increased, the Court of Appeals' reliance on appendices during the decision-making process has increased. The Court of Appeals requests that Wis. Stat. § (Rule) 809.19 (2) (b) be created to require that appellant's counsel certify compliance with Wis. Stat. § (Rule) 809.19 (2) (a) (as renumbered by this order), 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 renumbered Wis. Stat. § (Rule) 809.19 (2) (a) and improve the quality of appendices that are filed with the court.

IT IS ORDERED that notice of this renumbering of Wis. Stat. § (Rule) 809.19 (2) as 809.19 (2) (a) and creation of Wis. Stat. § (Rule) 809.19 (2) (b) 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.

IT IS FURTHER ORDERED that the Comments to these rules are not adopted but shall be printed for information purposes.

Dated at Madison, Wisconsin this 28th day of October, 2005.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

