

# 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. 19-01

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In re amendment of SCR 68.10, 68.12, 70.01, 70.245, 71.01, 71.02, 71.03, 71.04, 71.05, and Wis. Stats. §§ 751.02, 751.025, 757.46, and 757.57, relating to making the record

**FILED**

**APR 22, 2019**

Sheila T. Reiff  
Clerk of Supreme Court  
Madison, WI

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On January 25, 2019, the Honorable Randy Koschnick, Director of State Courts, filed a rule petition asking the court to amend a number of court rules and procedural statutes<sup>1</sup> to address the ongoing anticipated shortage of stenographic court reporters and to deem monitored digital audio reporting an accepted court reporting method, in order to permit a blended system of stenographic and digital audio reporting. On February 22, 2019, the petitioner filed a minor amendment to Rule Petition 19-01.

At a closed administrative rules conference on February 19, 2019, the court voted to solicit written comments and schedule a public hearing.

On February 20, 2019, the court issued a letter seeking public comment. Over 20 comments were received. The petitioner filed a

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<sup>1</sup> Supreme Court Rules 68.10, 68.12, 70.01, 70.245, 71.01, 71.02, 71.03, 71.04, 71.05, and Wis. Stats. §§ 751.02, 751.025, 757.46, and 757.57.

response dated March 25, 2019 in which it noted some minor technical amendments needed for language consistency if the petition is approved. See, e.g., Supreme Court Rule (SCR) 61.09, Wis. Stat. chs. 801, 809, and 968.

The court conducted a public hearing on April 8, 2019. The Honorable Randy Koschnick, Director of State Courts, presented the petition to the court. Jean Bousquet, Chief Information Officer, Consolidated Court Automation Programs, testified providing additional context for the technical aspects of the proposed petition. Speaking in support of the petition were the Honorable Craig R. Day, Grant County Circuit Court; the Honorable Jason A. Rossell, Chief Judge, Second Judicial Administrative District; the Honorable James C. Babler, Barron County Circuit Court; Patrick G. Brummond, District Court Administrator, Seventh Judicial Administrative District; and Janet Harris, Vice-President, Corporate Development, American Association of Electronic Reporters and Transcribers. Requesting modifications to the petition were Jacqueline R. Rupnow, President, Wisconsin Court Reporters Association (WCRA); Sheri Piontek, Past President, WCRA; and former Judge David J. Wambach, on behalf of the WCRA. The WCRA provided the court with a follow up letter after the public hearing, and the court also received a letter in support of the petition from Ms. Carolyn Derginer.

At its closed administrative rules conference, the court discussed the petition and determined that the petition required some modification. Specifically, the court opted to remove any reference

or apparent reference to the Wisconsin Public Records Law, Wis. Stat. § 19.31, in proposed SCRs 71.03(3)-(5).

The court sent the petitioner a letter dated April 10, 2019 asking the petitioner to respond to the proposed modifications and requested additional information about proposed SCR 71.03(5) ("Any words spoken in the courtroom that are off the record, privileged, or otherwise not part of a proceeding, hearing or trial of a specific case are not part of the verbatim record of the case.")

The petitioner responded by letter dated April 12, 2019, indicating it agreed with the court's proposed changes. The petitioner clarified that proposed SCR 71.03(5) is intended to maintain current practice whereby a reporter - whether stenographic or a digital audio reporter - would not transcribe "off the record" conversations that may occur in the courtroom. The court's decision to remove any reference to public records law should not be construed to reflect any legal opinion on the matter. Therefore,

IT IS ORDERED that effective July 1, 2019:

**SECTION 1.** Supreme Court Rule 61.09 is amended to read:

Notwithstanding any film, videotape, photography or audio reproduction made in a court proceeding as a result of this chapter, the official court record of the proceeding is the transcript of the ~~original notes~~ verbatim record of the court reporter made in open court or pursuant to an order of the court.

**SECTION 2.** Supreme Court Rule 68.10(5)(h) is amended to read:

**(5)(h)** A court reporter's work place located to provide an unobstructed view of all participants and to permit the court

reporter to clearly hear all statements of the judge, attorneys and witnesses.

**SECTION 3.** Supreme Court Rule 68.12(3) is amended to read:

**(3)** Each circuit judge should appoint a full-time court reporter to serve primarily in the branch to which the judge was elected or appointed.

**SECTION 4.** The Comment to Supreme Court Rule 68.12(3) is amended to read:

**COMMENT**

Current law provides for each circuit judge to appoint a court reporter for his or her court or branch of court, s. 751.02, stats. Additionally, where "floating" court reporter positions have been created and assigned to specific judicial administrative districts, the chief judge or district court administrator assigns the court reporter to fill in where needed because of illness, vacations, leaves of absence, or backlog problems.

Historically, the court reporter was the only staff directly responsible to the judge and in many cases assumed a number of clerical and administrative duties for the judge's court. It is wasteful of an important court resource to have court reporters performing tasks other than ~~stenographic recording and transcription taking and transcribing the verbatim record.~~ When a court reporter's services are not required by the appointing judge, the The court reporter shall be available to assist in other circuit court branches as assigned by the chief judge or district court administrator to assure adequate coverage of all reported proceedings.

**SECTION 5.** Supreme Court Rule 70.01(4) is amended to read:

(4) The director of state courts may require each judge to verify and certify vouchers for the judge, his or her court reporter and any assistant court reporters and, in certifying such salaries and expenses to the department of administration, may rely on the certifications received by the judges.

**SECTION 6.** Supreme Court Rule 70.245(1) is amended to read:

(1) The chief judge or district court administrator may assign any official court reporter, as needed, to any court within the district, to assure adequate coverage of all reported proceedings. Interdistrict assignments may be made with the approval of the director of state courts.

**SECTION 7.** Supreme Court Rule 70.245(2) is repealed.

**SECTION 8.** Supreme Court Rule 71.01(1) is repealed.

**SECTION 9.** Supreme Court Rule 71.01(2) is amended to read:

(2) ~~All~~ A verbatim record of all proceedings in the circuit court shall be ~~reported~~ made, except for the following:

**SECTION 10.** Supreme Court Rule 71.01(3) is amended to read:

(3) The director of state courts shall develop ~~rules~~ policies for the use of alternative means of making a verbatim record. The verbatim record may be made by stenographic reporting, voice reporting, monitored digital audio recording, or other means approved by the director of state courts.

**SECTION 11.** Supreme Court Rule 71.02 (title) is amended to read:

**Recording Minute record.**

**SECTION 12.** Supreme Court Rule 71.02(1) is amended to read:

(1) In this rule, ~~"recording"~~ section, "minute record" means ~~the making of~~ a record comprised of notes or minutes prepared by the clerk or other person directed by the court.

**SECTION 13.** Supreme Court Rule 71.02(2) is amended to read:

(2) ~~There shall be a recording~~ The circuit court shall keep a minute record of all court proceedings as provided by statute. In initial appearances, ~~a recording of~~ the minute record shall include the court's advice and the defendant's reply ~~shall be made by the clerk or other person directed by the court~~.

**SECTION 14.** Supreme Court Rule 71.03 (title) is amended to read:

**Reporters' Court reporters' notes or, digital audio recordings, and other verbatim record.**

**SECTION 15.** Supreme Court Rule 71.03 is renumbered to Supreme Court Rule 71.03(1) and amended to read:

(1) The original stenographic notes of all court reporters, voice recordings, digital audio recordings, or other verbatim record required under SCR 71.01(2), made in open court on the record or pursuant to an order of the court, constitute part of the records of the court in which made and are not the property of the court reporter.

**SECTION 16.** Supreme Court Rule 71.03(2) is created to read:

(2) The verbatim record is intended to assist in the preparation of a transcript. The transcript, and not the verbatim record, is the official record of the proceedings.

**SECTION 17.** Supreme Court Rule 71.03(3) is created to read:

(3) The verbatim record includes all of the following:

(a) The original notes of a stenographic court reporter.

(b) The original voice recording of a voice writer.

(c) An audio recording of any part of a proceeding that is on the record and made as the primary means of taking the verbatim record.

**SECTION 18.** Supreme Court Rule 71.03(4) is created to read:

(4) Any words spoken in the courtroom that are off the record, privileged, or otherwise not part of a proceeding, hearing, or trial of a specific case are not part of the verbatim record of the case.

**SECTION 19.** Supreme Court Rule 71.03(5) is created to read:

(5) The director of state courts shall develop policies for copying and charging a fee for an audio recording under sub. (3)(c).

**SECTION 20.** Supreme Court Rule 71.04(1) is amended to read:

(1) ~~Reporters' notes or other verbatim record~~ The verbatim record required under SCR 71.01(2) need not be transcribed unless required by this rule, any statute or court order.

**SECTION 21.** Supreme Court Rule 71.04(2) is amended to read:

(2) The original transcript of any proceeding, whether complete or partial, shall be filed with the court and shall be the official record of the proceedings. The cost of such transcript shall be borne as provided in this rule and in s. 814.69, stats. ~~Any unedited, uncertified transcript furnished pursuant to 71.04(9)(b) is not the official record.~~

**SECTION 22.** Supreme Court Rule 71.04(3) is amended to read:

(3) A court may order ~~the~~ a court reporter to transcribe and file all or any part of the testimony and proceedings in any action or proceeding in the court.

**SECTION 23.** Supreme Court Rule 71.04(3m) is created to read:

(3m) A court reporter may transcribe any proceeding as needed when the verbatim record was made by another court reporter or other person.

**SECTION 24.** Supreme Court Rule 71.04(4) is amended to read:

(4) Except when requested by a party or by a guardian ad litem appointed in the proceedings, ~~reporters' notes or other~~ the verbatim record of ~~proceedings~~ a proceeding under chs. 48, 767 ~~and~~ or 938 ~~of the statutes, stats.,~~ shall be transcribed only upon order of the court.

**SECTION 25.** Supreme Court Rule 71.04(6) is amended to read:

(6) Except as provided in sub. (4), every court reporter, upon the request of any party to an action or proceeding, shall make a typewritten transcript, and as many duplicates thereof as the party requests, of the ~~testimony and proceedings reported by him or her~~ verbatim record in the action or proceeding, or any part thereof specified by the party, the transcript and duplicate thereof to be duly certified by him or her to be a correct transcript thereof. Any unedited, uncertified transcript furnished pursuant to SCR 71.04(9)(b) is not the official record.

**SECTION 26.** Supreme Court Rule 71.04(7) is amended to read:

(7) In any action in which the court orders a compulsory reference, the court may direct the court reporter ~~thereof~~ to attend the referee's hearing, report the testimony and proceedings and furnish a typewritten transcript thereof to the referee.



**SECTION 27.** Supreme Court Rule 71.04(9) is amended to read

(9) A court reporter may make a special charge, pursuant to an arrangement with the requesting party, for furnishing any of the following:

**SECTION 28.** Supreme Court Rule 71.04(10)(a) is amended to read:

(10)(a) If a transcript of any court proceeding is required to be provided under a statute, rule, or court order and the original court reporter is unavailable to the court having jurisdiction in the matter to be transcribed, the ~~court~~ chief judge or district court administrator may order that another court reporter prepare the transcript.

**SECTION 29.** Supreme Court Rule 71.04(10)(b) is amended to read:

(10)(b) A court reporter who prepares a transcript under par. (a) shall certify that it is a verbatim transcript of the proceedings as recorded in the ~~notes or other~~ verbatim record of the original court reporter.

**SECTION 30.** Supreme Court Rule 71.04(10m)(a) is amended to read:

(10m)(a) If before trial the court approves a stipulation by all parties, an independent, freelance court reporter may take the official record, or a portion of the official records, upon taking the official oath of office.

**SECTION 31.** Supreme Court Rule 71.04(10m)(b) is amended to read:

(10m)(b) If after trial the court approves a stipulation by all parties, an independent, freelance court reporter's record of proceedings may be the official record or a portion of the official record.

**SECTION 32.** Supreme Court Rule 71.04(10m)(c) is amended to read:

(10m)(c) Before approving a stipulation under par. (a) or (b), the court shall consider the availability of an official court reporter, including the ability of the official court reporter to meet requests for providing daily transcripts.

**SECTION 33.** Supreme Court Rule 71.04(10m)(d) is amended to read:

(10m)(d) An independent, freelance court reporter authorized under par. (a) or (b) shall comply with all of the requirements under this chapter relating to the production of an official record and transcripts and charges for transcripts.

**SECTION 34.** Supreme Court Rule 71.04(12) is amended to read:

~~(12) Upon request and payment for a certified paper copy of a transcript, a court reporter may provide an electronic copy of the transcript. A reporter may charge an additional \$10 for the electronic copy of the transcript. In electronically filed cases, a court reporter shall comply with the provisions of s. 801.18(15), stats.~~

**SECTION 35.** Supreme Court Rule 71.05(1) is amended to read:

(1) The person reporting a court activity or proceeding may use electronic alternative means not approved by the director of state courts under SCR 71.01 if any of the following conditions is met:

**SECTION 36.** Supreme Court Rule 71.05(1)(a) is repealed.

**SECTION 37.** Supreme Court Rule 71.05(1)(c) is amended as follows:

(1)(c) The circuit court judge, with the approval of the chief judge of that district, determines that the use of electronic alternative means is necessary and the alternative means chosen are appropriate.

**SECTION 38.** Supreme Court Rule 71.05(2) is amended to read:

(2) ~~The electronic~~ Any record made by alternative means shall be maintained in compliance with SCR 72.05 for the length of time required in SCR 72.01(47) or for the time required for the case type under SCR 72.01, whichever is shorter.

**SECTION 39.** Supreme Court Rule 71.05(3) is amended to read:

(3) If a transcript of any proceeding ~~that is electronically recorded~~ reported under sub. (1) is required, the court shall order that a transcript be prepared. The court reporter who prepares the transcript under this subsection shall certify that it is a verbatim transcript of the ~~electronic recording of the proceeding~~ verbatim record. Transcripts under this subsection shall comply with SCR 71.04.

**SECTION 40.** Supreme Court Rule 71.05(4) is repealed.

**SECTION 41.** 751.02 of the statutes is amended to read:

**751.02 Employees.** The supreme court may authorize the employees it considers necessary for the execution of the functions of the supreme court and the court of appeals and the court reporting functions of the circuit courts and may designate titles, prescribe duties and fix compensation. Compensation and benefits of employees should be consistent with that paid to state employees in the classified service for services involving similar work and responsibility. Each justice and court of appeals judge may appoint and prescribe the duties of a ~~secretary~~ judicial assistant and a law clerk to assist the justice or judge in the performance of his or her duties. Each circuit judge may appoint a court reporter to serve primarily in the court or branch of court to which he or she was

elected or appointed if the court reporter is certified as qualified by the director of state courts. The chief judge or district court administrator may assign that court reporter to other courts to assure adequate coverage of all reported proceedings. A person appointed by the supreme court or a justice or court of appeals judge or a circuit judge serves at the pleasure of the court or the justice or judge.

**SECTION 42.** 751.025 of the statutes is amended to read:

**751.025 Temporary use of court reporters.** ~~If the court reporter appointed by the judge is not available or if an additional court reporter is needed, the judge, in cooperation with the~~ The chief judge ~~and~~ or district court administrator for ~~that~~ the judicial district, shall attempt to locate and use a court reporter from another branch of court before hiring a private court reporter.

**SECTION 43.** 757.46 of the statutes is amended to read:

**757.46 ~~Reporter~~ Court reporter not to take statements of injured persons.** No ~~phonographic~~ court reporter for any court of record in the state of Wisconsin or any of his or her assistants may be employed by any person or corporation to take the statement of any injured or other person in any way relating to the manner in which the person was injured or killed or the extent of personal injuries, and any court reporter or assistant violating this section shall be removed and shall not be permitted to testify in any court concerning any such statement taken in violation of this section. The taking, transcribing or reporting testimony given by deposition or otherwise according to law, is not prohibited by this section.

**SECTION 44.** 757.57(2) of the statutes is amended to read:

**757.57 (2)** In any criminal action or proceeding the court may order, and when required by s. 973.08 the court shall order, a transcript of the testimony and proceedings to be made and certified by ~~the~~ a court reporter and filed with the clerk of court. Certified duplicates of transcripts prepared in compliance with s. 973.08 shall be filed with the warden or superintendent of the institution to which sentenced persons have been committed. The cost of the transcript is prescribed in s. 814.69(1). In case of application for a pardon or commutation of sentence the duplicate transcript shall accompany the application.

**SECTION 45.** 757.57(5) of the statutes is amended to read:

**757.57 (5)** Except as provided in SCR 71.04(4), every court reporter, upon the request of any party to an action or proceeding, shall make a typewritten transcript, and as many copies thereof as the party requests, of the ~~testimony and proceedings reported by him or her~~ verbatim record in the action or proceeding, or any part thereof specified by the party, the transcript and each copy thereof to be duly certified by him or her to be a correct transcript thereof. For the transcripts the court reporter is entitled to receive the fees prescribed in s. 814.69(1)(b) and (bm).

**SECTION 46.** 801.18(15)(i) of the statutes is amended to read:

**801.18 (15) (i)** A court reporter notes reporter's verbatim record that is required to be stored under SCR 71.03, SCR 72.01(47), and Rule of Trial Court Administration 7 shall continue to be stored in its original medium.

**SECTION 47.** 809.104(2)(c) of the statutes is amended to read:

**809.104(2)(c)** The appellant shall request a copy of the transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings for each of the parties to the appeal and make arrangements to pay for the transcript and copies within 5 days after the filing of the notice of appeal under par. (b).

**SECTION 48.** 809.105(4)(h) of the statutes is amended to read:

**809.105(4)(h)** A transcript of the ~~reporter's notes~~ court reporter's verbatim record.

**SECTION 49.** 809.105(5) of the statutes is amended to read:

**809.105(5)** TRANSCRIPT OF ~~REPORTER'S NOTES~~ COURT REPORTER'S VERBATIM RECORD.

At the time that a minor or member of the clergy files a notice of appeal, the minor or member of the clergy shall make arrangements with the reporter for the preparation of a transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings under s. 48.375 (7). The reporter shall file the transcript with the trial court within 2 calendar days after the notice of appeal is filed. The county of the court that held the proceeding under s. 48.375 (7) shall pay the expense of transcript preparation under this subsection.

**SECTION 50.** 809.107(4)(a) of the statutes is amended to read:

**809.107(4)(a)** *State public defender appointment of counsel.*

Within 15 days after the state public defender appellate intake office receives the materials from the clerk of circuit court under sub. (3)(a), the state public defender shall appoint counsel for the appellant and request a transcript of the ~~reporter's notes~~ court

reporter's verbatim record and a copy of the circuit court case record.

**SECTION 51.** 809.107(4) (b) of the statutes is amended to read:

**809.107(4) (b)** *Person not represented by public defender.* An appellant who does not request representation by the state public defender for purposes of postdisposition or appellate relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record within 15 days after filing the notice of intent under sub. (2)(bm). An appellant who is denied representation by the state public defender for purposes of postdisposition or appellate relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record, within 30 days after filing a notice of intent under sub. (2)(bm).

**SECTION 52.** 809.107(5) (c) of the statutes is amended to read:

**809.107(5) (c)** *Requesting transcripts for other parties.* The appellant shall request a copy of the transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings for each of the parties to the appeal and make arrangements to pay for the transcript and copies within 5 days after the filing of the notice of appeal.

**SECTION 53.** 809.11(4) (a) of the statutes is amended to read:

**809.11(4) (a)** The appellant shall request a copy of the transcript of the ~~reporter's notes~~ court reporter's verbatim record of the proceedings for each of the parties to the appeal and make

arrangements to pay for the transcript and copies within 14 days after the filing of the notice of appeal.

**SECTION 54.** 809.15(1)(a)13. of the statutes is amended to read:

**809.15(1)(a)13.** Transcript of ~~reporter's notes~~ court reporter's verbatim record;

**SECTION 55.** 809.15(3) of the statutes is amended to read:

**809.15(3)** DEFECTIVE RECORD. A party who believes that the record, including the transcript of the ~~reporter's notes~~ court reporter's verbatim record, is defective or that the record does not accurately reflect what occurred in the circuit court may move the court in which the record is located to supplement or correct the record. Motions under this subsection may be heard under s. 807.13.

**SECTION 56.** 809.15(4)(b) of the statutes is amended to read:

**809.15(4)(b)** *Late transcript.* If the reporter fails to file the transcript within the time limit specified in the statement on transcript, the clerk of circuit court shall transmit the record not more than 90 days after the filing of the notice of appeal, unless the court of appeals extends the time for filing the transcript of the ~~reporter's notes~~ court reporter's verbatim record. If the court extends the time for filing the transcript of the ~~reporter's notes~~ court reporter's verbatim record, the clerk of circuit court shall transmit the record within 20 days after the date that the transcript is filed.

**SECTION 57.** 809.30(2)(e) of the statutes is amended to read:

**809.30(2)(e)** *State public defender appointment of counsel; transcript and circuit court case record request.* Within 30 days after the state public defender appellate intake office receives the



materials from the clerk of circuit court under par. (c), the state public defender shall appoint counsel for the person and request a transcript of the ~~reporter's notes~~ court reporter's verbatim record and a copy of the circuit court case record, except that if the person's indigency must first be determined or redetermined the state public defender shall do so, appoint counsel, and request transcripts and a copy of the circuit court case record within 50 days after the state public defender appellate intake office receives the material from the clerk of circuit court under par. (c).

**SECTION 58.** 809.30(2)(f) of the statutes is amended to read:

**809.30(2)(f)** *Person not represented by public defender; transcript and circuit court case record request.* A person who does not request representation by the state public defender for purposes of postconviction or postdisposition relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record, within 30 days after filing a notice under par. (b). A person who is denied representation by the state public defender for purposes of postconviction or postdisposition relief shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record, and may request a copy of the circuit court case record, within 90 days after filing a notice under par. (b).

**SECTION 59.** 809.31(5) of the statutes is amended to read:

**809.31(5)** The defendant or the state may seek review of the order of the circuit court by filing a motion in the court of appeals under s. 809.14. The party seeking review must attach to its motion a copy of the judgment of conviction or other final judgment or order,

the circuit court order regarding release pending appeal, the circuit court statement of reasons for the decision regarding release pending appeal, and the transcript of any release proceedings in the circuit court or a statement explaining why no transcript is available. The party filing the motion shall request a transcript of the ~~reporter's notes~~ court reporter's verbatim record for any proceeding in the circuit court regarding release pending appeal for all parties to the appeal and make arrangements to pay for the transcript within 7 days after the entry of the circuit court order regarding release pending appeal. Within 7 days after the date on which the transcript was requested and arrangements were made for payment, the reporter shall serve copies of the transcript on the parties to the appeal, file the transcript with the circuit court, and notify the clerk of the court of appeals and the parties to the appeal that the transcript has been filed and served. The motion shall be filed within 21 days after the entry of the circuit court order. The opposing party may file a response within 14 days after the filing of the motion.

**SECTION 60.** 968.04(1)(d) of the statutes is amended to read:

**968.04 (1) (d)** An examination of the complainant or witness under sub. (1) may take place by telephone on request of the person seeking the warrant or summons unless good cause to the contrary appears. The judge shall place each complainant or witness under oath and arrange for all sworn testimony to be recorded, either by a ~~stenographic~~ court reporter or by means of a voice recording device. The judge shall have the record transcribed. The transcript, certified as accurate by the judge or reporter, as appropriate, shall be filed with the court. If the testimony was recorded by means of a

voice recording device, the judge shall also file the original recording with the court.

**SECTION 61.** 968.12(3)(d) of the statutes is amended to read:

**968.12(3)(d)** *Recording and certification of testimony.* When a caller informs the judge that the purpose of the call is to request a warrant, the judge shall place under oath each person whose testimony forms a basis of the application and each person applying for the warrant. The judge or requesting person shall arrange for all sworn testimony to be recorded either by a ~~stenographic~~ court reporter or by means of a voice recording device. The judge shall have the record transcribed. The transcript, certified as accurate by the judge or reporter, as appropriate, shall be filed with the court. If the testimony was recorded by means of a voice recording device, the judge shall also file the original recording with the court.

IT IS FURTHER ORDERED that the Comments to Supreme Court Rule 68.12(3) are not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule.

IT IS FURTHER ORDERED that the rules adopted pursuant to this order shall apply to proceedings commenced after the effective date of this rule and, insofar as is just and practicable, to proceedings pending on the effective date.

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 22nd day of April, 2019.

BY THE COURT:

Sheila T. Reiff  
Clerk of Supreme Court

