



Supreme Court of Wisconsin

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December 9, 2011

Honorable Michael O. Bohren, Co-Chair
PPAC Subcommittee on Court Security
Waukesha County Circuit Court

Hon. Sarah O'Brien, Co-Chair
PPAC Subcommittee on Court Security
Dane County Circuit Court

Re: Supreme Court Rule Petition 11-03, In the matter of repeal and recreation of SCR 70.38 - 70.39, relating to court security and facilities filed by A. John Voelker, Director of State Courts

Your Honors:

As you know, I am assisting the Wisconsin Supreme Court with its consideration of rule petition 11-03 to repeal and recreate SCRs 70.38 - 70.39, relating to court security and facilities filed June 30, 2011, by A. John Voelker, Director of State Courts on the recommendation of the Policy Advisory Committee (PPAC).

On November 7, 2011, the court discussed this petition in open administrative conference and voted to schedule a public hearing on this matter. The hearing is now scheduled for Wednesday, January 11, 2012. The court asks you to consider the following issues or questions and be prepared to discuss them at the public hearing:

- Will the enactment of the concealed carry legislation and subsequent policy decisions by the Department of Administration affect this petition?
- The court is advised that the committee does not oppose the request of the Wisconsin Counties Association to replace "shall" with "should" in SCR 68.06(2)(a) and (3) (Security: Structure and design). Do petitioners intend to change "shall" to "should" elsewhere in the draft rules? See, e.g., proposed SCRs 68.03(1)-(4), 68.04, 68.05(1), (3), (4)(a)-(w), 68.12(6), 68.13(1)-(6), and 68.14.

- There is a tension in the draft between statements that the standards are advisory or collaborative (see, e.g., SCR 68.01(2) (purpose) and Comment to SCR 68.07) and statements that vest significant authority with the chief judge (see, e.g., SCR 68.03(4), providing that the “chief judge shall review every new, remodeled or relocated court facility and grant or deny approval for its use, subject to review by the supreme court”). How will these competing tensions improve the rule?
- How would the supreme court review mentioned in SCR 68.03(4) occur?
- SCR 68.05 is entitled the “security and facilities committee.” Should one or more members of the public be included on the committee?
- SCR 68.05(3) provides that the securities and facilities committee (the membership of which is identified in SCR 68.05(1)) shall meet quarterly. How and why does this differ from the existing rule? Is this requirement workable and effective?
- How would the committee described in SCR 68.05(1) function in the six counties that share judges, namely, Buffalo/Pepin, Florence/Forest, and Shawano/Menominee. Are the directives in the rule overly burdensome for these paired communities?

If you have specific questions regarding this request, please contact me at (608) 261-6642 or julie.rich@wicourts.gov.

Sincerely,
/s/
Julie Anne Rich
Supreme Court Commissioner

JAR/skg

cc: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David T. Prosser, Jr.
Justice Patience Drake Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman
Michelle Cern

List of Interested Parties for Supreme Court Rules Matters

Board of Bar Examiners
Chief Circuit Court Judges

Circuit Court Judges
Court of Appeals Judges
Court of Appeals, Attention: Chief Staff Attorney
Director of State Courts
Legal Action of Wisconsin, Attention: John F. Ebbott
League of Women Voters
Marquette Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation
Office of State Public Defender, Attention: Kelli S. Thompson
Office of the Attorney General, Attention: J.B. Van Hollen
State Bar of Wisconsin, Attention: James Brennan
State Bar of Wisconsin, Attention: George Brown
State Bar of Wisconsin, Attention: Adam Korbitz
State Bar of Wisconsin, Attention: Margaret Porco
U.W. Law School, Attention: Margaret Raymond
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Western District Bar Association of Wisconsin, Attention: Andrew Clarkowski
Wisconsin Asian Bar Association, Attention: Yer L. Vang
Wisconsin Association for Justice, Attention: Jane E. Garrott, Executive Director
Wisconsin Association of African American Lawyers, Attn: Steven DeVougas
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Cedric Cornwall
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Clerks of Circuit Court Association, Attention: Lonnie Wolf
Wisconsin Counties Association, Attention: David Callender
Wisconsin Defense Counsel, Attention: Jane Svinicki and Andrew C. Cook
Wisconsin District Attorneys Association, Attention: Diane Schlipper
Wisconsin Family Court Commissioners Association, Attention: Commr. Leo Grill
Wisconsin Hispanic Lawyers Association, Attention: David A. Westrup, Treasurer
Wisconsin Judicare, Inc., Attention: Rosemary Elbert
Wisconsin Judicial Commission, Attention: James Alexander
Wisconsin Judicial Council, Attention: April Southwick
Wisconsin Juvenile Court Clerks Association, Attention: Vicki Gilbertson
Wisconsin Municipal Judges Association, Attention: Honorable JoAnn Eiring
Wisconsin Registers in Probate Association, Attention: Amy Franzen
Wisconsin State Attorneys Association, Attention: Quinn Williams/Nancy Wettersten
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuensch
Wisconsin Tribal Judges Association, Attention: Leland Wigg-Ninham, President

List of Additional Interested Parties – if any