

# Memorandum

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SUPREME COURT OF WISCONSIN  
COMMISSIONERS OFFICE



*DATE:* May 2, 2012  
*TO:* Rules File  
*FROM:* Julie Anne Rich, Supreme Court Commissioner  
*SUBJECT:* Rule Petition 11-09, Amendment to SCR 60.04(1)(g) relating to ex parte communications in treatment courts

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The court conducted a public hearing on this matter on Wednesday, April 25, 2012. At the ensuing open administrative conference the court unanimously approved the rule petition in concept and directed the petitioner to submit revised language responding to a couple specific issues identified by the court. The court agreed, in open conference, that with acceptable revisions, the court could approve the revision by email such that a subsequent open conference would not be needed.

On May 1, 2012, the petitioner provided the court with a revised draft rule provision.

The revision is as follows:

SCR 60.04(1)(g)6. A judge may initiate, permit, engage in or consider ex parte communications knowingly waived by a participant when ~~servicing on the judge is assigned to a~~ therapeutic, treatment or problem-solving ~~courts, mental health courts, or treatment courts.~~ In this capacity, judges may docket in which the judge must assume a more interactive role with participants, treatment providers, probation officers, social workers, and others.

The matter remains under advisement pending a decision from the court.