



WISCONSIN COURT OF APPEALS

TEN EAST DOTY STREET, SUITE 700
MADISON, WISCONSIN 53703-3397

DISTRICT I: MILWAUKEE

WILLIAM W. BRASH III, PRESIDING JUDGE
JOAN F. KESSLER, JUDGE
TIMOTHY G. DUGAN, JUDGE
JOSEPH DONALD, JUDGE

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DISTRICT III: WAUSAU

LISA K. STARK, PRESIDING JUDGE
THOMAS M. HRUZ, JUDGE
MARK A. SEIDL, JUDGE

DISTRICT II: WAUKESHA

LISA S. NEUBAUER, CHIEF JUDGE
PAUL F. REILLY, PRESIDING JUDGE
MARK D. GUNDRUM, JUDGE
JEFFREY O. DAVIS, JUDGE

DISTRICT IV: MADISON

MICHAEL R. FITZPATRICK, PRESIDING JUDGE
BRIAN W. BLANCHARD, JUDGE
JOANNE F. KLOPPENBURG, JUDGE
RACHEL A. GRAHAM, JUDGE
JENNIFER E. NASHOLD, JUDGE

February 5, 2020

Clerk of Supreme Court
Attn: Deputy Clerk-Rules
clerk@wicourts.gov

Re: Rule Petition 19-22

Dear Honorable Justices of the Supreme Court:

I am writing to suggest a friendly amendment to Rule Petition 19-22 relating to judicial education requirements. Petition 19-22 filed by the Chief Judges' Subcommittee on Judicial Education seeks to clarify that supreme court commissioners and court of appeals staff attorneys are treated as judges for judicial education purposes. This clarification is necessary because in late 2017, the definition in SCR 32.001 was amended to exclude appellate judges. See *In the Matter to Amend SCRs 32.001, 32.02 and 32.04*, 2017 WI 109, 378 Wis. 2d xxix (Dec. 21, 2017). Traditionally, for judicial education purposes, supreme court commissioners and court of appeals staff attorneys were treated like appellate judges. The proposed amendment to the definition of "judge" is needed to provide for continuing judicial education for supreme court commissioners and court of appeals staff attorneys.

The 2017 amendments to SCR ch. 32, also removed language in SCR 32.04 exempting appellate judges from mandatory attendance at the judicial college, criminal law-sentencing institute, and the prison tour. The 2017 amendment removed the sentence, "This rule does not apply to appellate judges." However, it remains that supreme court commissioners and court of appeals staff attorneys are not required to attend those programs and in fact, are not invited to participate in the judicial college.

Rule Petition 19-22 seeks to amend SCR 32.04 to include the child welfare law orientation as a required program for new circuit court judges. A friendly amendment to the petition would

clarify that supreme court commissioners and court of appeals staff attorneys are not required to attend any of the mandatory programs listed in SCR 32.04. Although the amendment I propose exempts supreme court commissioners and staff attorneys from mandatory attendance of the criminal law and sentencing program, they usually attend that program as most relevant to their work and would continue to do so.

I propose that SCR 32.04 be amended to read:

SCR 32.04 Required programs. During each 6-year period, a judge shall attend at least once the Wisconsin judicial college, the child welfare law orientation, the criminal law-sentencing institute and the prison tour. This rule does not apply to commissioners of the supreme court and staff attorneys of the court of appeals. The requirement to attend the child welfare law orientation only applies to judges whose most recent term of office begins on or after August 1, 2020. Credit earned for attendance at these programs is to be included as part of the required 60 credits.

Thank you for consideration of this proposed clarifying amendment to Petition 19-22.

Sincerely yours,

Jennifer Dean Andrews
Chief Staff Attorney

cc (via electronic mail):

Hon. Jason Rossell, Chair, Chief Judges' Subcommittee on Judicial Education

Chief Judge Lisa Neubauer

Krista Miller

Julie Rich