



Wisconsin Judicare, Inc.

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February 22, 2021

Clerk of Wisconsin Supreme Court

Attn: Deputy Clerk – Rules
PO Box 1688
Madison, WI 537031-1688
via email:
clerk@wicourts.gov

Re: April 7, 2021, public hearing on Rule Petition 20-09

Below please find the comments and concerns of Wisconsin Judicare, Inc. to Rule Petition 20-09. Generally, Wisconsin Judicare supports the Petition's goals of promoting and encouraging remote hearings, as we believe that allowing for remote hearings tends to improve access to justice for people like our clients. In furtherance of that general goal, and in keeping with our mission of protecting and defending the rights of victims of crime under Wisconsin law, Wisconsin Judicare submits the following comments:

SECTION 6. Section 757.14. Wisconsin Judicare requests language clarifying that the “electronic means being utilized to allow the public the ability to hear and see the proceedings” is live, not recorded. We further request language be added specifying that the viewing public is prohibited, under penalty of contempt of court, from making an audio or video recording of the proceedings except as provided under SCR Chapter 61.

SECTION 9. Section 885.52 (2) defining “Participants” to include litigants, counsel, judges, and essential court staff, but exclude other interested persons and the public at large, and SECTION 10. Section 885.54 (1) (d), permitting “parties and counsel” to request camera views of the courtroom. Wisconsin Judicare requests the definition of “Participants” be expanded to include “victims of the crime alleged, if applicable, as well as their representatives or attorneys.” The Wisconsin Constitution guarantees the right of crime victims to participate in all proceedings upon request, putting them in a separate category from “other interested persons.” In addition, in furtherance of the goal of permitting full participation by crime victims of all proceedings, Wisconsin Judicare submits that crime victims should be permitted to request camera views of the courtroom, on par with the rights of the parties to a criminal proceeding.

SECTION 14. Section 885.54 (1) (i) and Section 885.54 (2). Wisconsin Judicare submits that it may be helpful to separate out the rights of “crime victims” from the rights of “witnesses.” Crime victims are guaranteed certain rights to participation in criminal proceedings by the Wisconsin Constitution which are not guaranteed to witnesses. We propose Section 885.54 (1) (i) be amended to add language giving crime victims the opportunity to participate in any proceeding implicating their rights under the Wisconsin Constitution and Chapter 950. In addition, Wisconsin Judicare

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requests that language be added addressing potential technology problems that may prevent crime victims from being able to meaningfully participate in the proceedings. We submit that if videoconferencing technology problems on the Court's end prevents the victim from access to the hearing, the Court should attempt to reach the victim or their authorized representative, guardian, or attorney, by telephone. If the victim previously indicated an intent to participate or view the proceeding and they cannot be provided with videoconferencing access or reached by telephone, the hearing should be adjourned until the technology issue is resolved.

Wisconsin Judicare is grateful to be given the opportunity to comment on these proposed rules changes, and fully supports the efforts to expand remote access to the courts.

Respectfully Submitted,

/s/Kristin Slonski

Kristin Slonski
Litigation Director
Wisconsin Judicare, Inc.