

1999 DRAFTING REQUEST

Bill

Received: 09/25/98

Received By: nelsorpl

Wanted: As time permits

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing:

This file may be shown to any legislator: NO

Drafter: nelsorpl

May Contact:

Alt. Drafters:

Subject: Courts - courts/judges

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Substitution of judges

Instructions:

Use 97-2761 AB-441

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	nelsorp 1 09/27/98	gilfokm 09/29/98		_____			S&L
/1			jfrantze 09/30/98	_____	lrb-docadmin 09/30/98	lrb-docadmin 03/9/99	

FE Sent For: 03/9/99 .

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<END>



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I?	nelsorp 1	1-9-29 Hmg	9/30	9/30 ZP			

FE Sent For:

<END>



**Scott Walker**  
 Wauwatosa's Representative in the Wisconsin State Assembly

To: Robert P. Nelson, Legislative Reference Bureau

From: Rep. Scott Walker

Date: September 23, 1998

Re: Legislative Drafting Requests for the 1999-2000 Session

Listed below you will find bills which were drafted for me during the past legislative session. I would like to reintroduce this legislation for the upcoming 1999-2000 session. Please refer to the corresponding LRB and bill numbers below. At this time the legislation can be drafted the same as it was last session.

If you have questions or comments, please call me at 6-9 18 1. Thank you for your attention to this matter.

<u>Subject</u>	<u>Topic</u>	<u>LRB No.</u>	<u>Introduced</u>
			<u>As</u>
• Courts - courts/judges	Reserve judge qualifications	-1646/2	AB-149
• Courts - courts/judges	Court commissioners	-2758/1	AB-443
	/-----,---"----- powers-		
• Courts - courts/judges	Substitution of judges	-2761/1	AB-44 1



1999  
**1997 ASSEMBLY BILL 441**

July 1, 1997 – Introduced by Representatives WALKER, LADWIG, HUEBSCH, DUFF, DOBYNS, AINSWORTH, KELSO, ZIEGELBAUER, OLSEN, HAHN, SCHAFER, MUSSER, GUNDERSON, JENSEN, NASS, SYKORA and JESKEWITZ, cosponsored by Senators DARLING and ROESSLER. Referred to Committee on Judiciary.

- 1 **AN ACT** to repeal 971.20 of the statutes; **relating to:** eliminating substitution  
2 of judges in criminal matters.

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***Analysis by the Legislative Reference Bureau***

Under current law, there are 2 methods by which a judge who is scheduled to handle a case is replaced: disqualification and substitution. A judge is required to disqualify himself or herself in a case if the judge may be considered to have an interest in the matter, such as if the judge is related to a party, has previously been involved with the case as counsel or has a significant financial or personal interest in the outcome.

Substitution is the method by which parties in the case may have a judge who is scheduled to handle a case taken off the case without having to give a reason. Each party in a civil case and the defendant in a criminal case generally have a right to one substitution, except that additional substitution rights occur in certain cases if there is a successful appeal or if the judge who handles a preliminary hearing is assigned to handle the trial.

This bill retains the provisions relating to the disqualification of a judge, but eliminates the defendant's right to substitution of a judge in criminal matters.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***





**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 9/30/98

**To:** Representative Walker

**Relating to LRB drafting number:** LRB-0350

**Topic**

Substitution of judges

**Subject(s)**

Courts - courts/judges

1. **JACKET** the draft for introduction Rep. Walker  
in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction yes

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney  
Telephone: (608) 267-75 11