

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 11-09

In the matter of the petition to amend Supreme Court Rule 60.04(1)(g) relating to ex parte communications in treatment courts.

FILED**MAY 22, 2012**

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On December 12, 2011, A. John Voelker, Director of State Courts, filed a petition with the Wisconsin Supreme Court. The petition seeks to amend Supreme Court Rule (SCR) 60.04(1)(g) by adding a new provision regarding ex parte communications when a judge is assigned to a therapeutic, treatment or problem-solving docket, sometimes referred to as a "treatment court."

The court conducted a public hearing on the petition on Wednesday, April 25, 2012. At the ensuing open administrative conference the court voted, unanimously, to approve the petition in concept subject to certain revisions to be made by the petitioner in response to issues identified by the court.

On May 2, 2012, the petitioner provided the court with a revised version of the proposed rule provision. The revised proposed rule provision was posted on the court's Web site. The court agreed the proposed revision is responsive to the court's direction. The court

subsequently agreed to add additional language to the rule, to which the petitioners did not object. The court's revision was posted to the court's Web site.

IT IS ORDERED that effective July 1, 2012,¹ SCR 60.04(1)(g)6. of the supreme court rules is created to read:

60.04 (1) (g) 6. A judge may initiate, permit, engage in or consider ex parte communications knowingly waived by a participant when the judge is assigned to a therapeutic, treatment or problem-solving docket in which the judge must assume a more interactive role with participants, treatment providers, probation officers, social workers, prosecutors, defense counsel, and others.

IT IS ORDERED that notice of this amendment of the Supreme Court Rules be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 22nd day of May, 2012.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

¹ The court determined that a July 1, 2012 effective date was appropriate for judicial efficiency in this matter.

