

## CHAPTER 758

## JUDICIAL BRANCH AGENCIES AND COMMITTEES

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**758.01 State law library. (1)** The supreme court shall maintain a state law library for the use of officers and employes of this state, attorneys and the public. The supreme court may promulgate and enforce rules governing the use of the library and appoint and fix the compensation of a librarian and such staff as is necessary to operate the library.

**(2)** The supreme court may establish and charge fees for photocopying, microfilm copying, books, computer services and other services provided by the state law library. The fees are subject to the cost limitations under ss. 19.35 (3) and 20.908.

**History:** 1971 c. 152 ss. 7, 40; 1971 c. 254 ss. 1, 18; 1977 c. 29; 1977 c. 187 s. 97; Sup. Ct. Order, eff. 1-1-80; 1983 a. 27, 538.

**758.02 Exchanges.** The state law librarian may effect exchanges of official documents listed in s. 35.84 with law libraries of other states and foreign governments.

**History:** 1985 a. 29.

**758.03 Sentencing council. (1)** There is created a sentencing council. The council consists of 17 members as follows:

(a) The secretary of health and social services or his or her designee.

(b) The chairperson of the parole board.

(c) Four circuit judges nominated by the chief justice of the supreme court and appointed by the governor.

(d) The public defender or his or her designee.

(e) One attorney in private practice who has experience representing defendants in criminal actions, appointed by the governor.

(f) The attorney general or his or her designee.

(g) One prosecuting attorney appointed by the governor.

(h) Three members who are not attorneys and who have been victims of felonies or who have demonstrated sensitivity and concern for crime victims, appointed by the governor.

(i) One member each nominated by the speaker of the assembly, the senate majority leader and the minority leader in each house and appointed by the governor.

**(2)** The members shall be appointed under sub. (1) to provide geographic, racial, social and gender diversity on the council. Notwithstanding s. 15.09 (1), the members under sub. (1) (a), (b), (d) and (f) serve by reason of their offices and the members under sub. (1) (c), (e), (g), (h) and (i) shall serve 6-year terms expiring on July 1 of the odd-numbered years.

**(3)** Notwithstanding s. 15.09 (2), the governor shall designate one of the members of the council as chairperson.

**(4)** Except as provided in subs. (2) and (3), s. 15.09 applies to the sentencing council.

**(5)** The sentencing council shall advise the supreme court and the director of state courts regarding the promulgation of rules which provide guidelines for use by judges for sentencing defendants convicted of felonies.

**(6)** This section applies only if the authority to promulgate sentencing rules is not transferred to the sentencing commission under s. 751.13 (4) or (7).

**History:** 1983 a. 371.

**758.13 Judicial council. (1) MEMBERSHIP; APPOINTMENT; TERMS.** There is created a judicial council of 20 members as follows: a supreme court justice designated by the supreme court; a court of appeals judge designated by the court of appeals; the director of state courts or his or her designee; 4 circuit judges designated by the judicial conference; the chairpersons of the senate and the assembly committees dealing with judicial affairs or a member of each such committee designated by the respective chairperson; the attorney general or his or her designee; the revisor of statutes or an assistant designated by the revisor; the deans of the law schools of the university of Wisconsin and Marquette university or a member of the respective law school faculties designated by the deans; the state public defender or his or her designee; the president-elect of the state bar of Wisconsin or a member of the board of governors of the state bar designated by the president-elect and 3 additional members thereof selected by the state bar to serve 3-year terms; and 2 citizens at large appointed by the governor to serve 3-year terms. The names of the members shall be certified to the secretary of state by the executive secretary. Members shall hold office until their successors have been selected. Members shall receive no compensation, but shall be reimbursed from the appropriation made by s. 20.645 (1) for expenses necessarily incurred by them in attending council meetings.

**(2) POWERS AND DUTIES.** The council shall:

(a) Observe and study the rules of pleading, practice and procedure, and advise the supreme court as to changes which will, in the council's judgment, simplify procedure and promote a speedy determination of litigation upon its merits.

(b) Survey and study the organization, jurisdiction and methods of administration and operation of all the courts of this state.

(d) Receive, consider and in its discretion investigate suggestions from any source pertaining to the administration of justice and to make recommendations.

(e) Keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning pending legislation affecting the organization, jurisdiction, operation, procedure and practice of the courts.

(f) Recommend to the legislature any changes in the organization, jurisdiction, operation and methods of conducting the business of the courts, including statutes governing pleading, practice, procedure and related matters, which can be put into effect only by legislative action.

**(3) ORGANIZATION.** (a) The council shall elect a chairperson and vice chairperson.

(b) The council may promulgate and modify rules for the conduct of its proceedings in the exercise of its powers. The council may meet at such time and place as it determines but at least once every 3 months. It shall meet upon call of the chairperson or a call signed by 5 members of the council. Nine members shall constitute a quorum.

(c) The council may appoint regular and special committees of its members to investigate and report upon any

matters relating to its duties. The council or any committee thereof when so authorized by the council is empowered to hold public hearings at such times and places within the state as may be determined. Any member of the council or any committee thereof shall have the power to administer oaths to persons testifying before the council or committee. By subpoena issued over the signature of its chairperson or acting chairperson and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witnesses subpoenaed to appear before the council or committee thereof refuse to appear or answer inquiries propounded, the council or committee shall report the facts to the circuit court of Dane county and the court shall compel obedience to the subpoena.

(d) The council may determine the qualifications of, and appoint outside the classified service, an executive secretary and such technical and clerical help as it deems necessary. The council shall be provided with adequate office space in the state capitol.

(e) The council may call upon any department of the state or any county or municipality thereof or any court for such facilities and data as may be available, and such departments, counties, municipalities and courts shall cooperate with the council to the fullest extent.

(f) The council may make such reports as it deems proper or as are requested by the legislature or the supreme court. The council may publish such reports as it considers necessary.

**History:** 1971 c. 254 s. 6; 1975 c. 39, 199; 1977 c. 187 s. 97; 1977 c. 325, 449; Sup. Ct. Order, 88 W (2d) xiii; 1983 a. 377.

**758.171 Judicial conference: uniform citation.** The judicial conference shall adopt a uniform citation form for use as authorized under s. 968.085. A duly authenticated copy of this form shall be furnished to the secretary of state and kept on file in his or her office. The secretary of state shall transmit a copy of this form to the clerks of circuit court.

**History:** 1983 a. 433.

**758.19 Director of state courts. (1)** The director of state courts shall be included within the Wisconsin retirement system and ch. 40 applies to the director as it applies to justices of the supreme court.

**(2) (a)** The director may establish and charge fees for the provision of services or sale of documents concerning any of the following:

1. Uniform court forms.
2. Computer generated special reports of court information data.
3. Photocopies.
4. Pamphlets.

**(b)** The fees are subject to the cost limitations under ss. 19.35 (3) and 20.908.

**(3)** The director shall establish and charge fees for data processing services provided for the board of attorneys professional competence, the board of attorneys professional responsibility and the mediation system under ch. 655.

**History:** 1971 c. 254 s. 14; 1975 c. 37, 189, 199; 1977 c. 29; 1977 c. 187 ss. 97, 135; 1977 c. 305 s. 64; 1977 c. 449; Sup. Ct. Order, 88 W (2d) xiii; 1981 c. 96; 1983 a. 27; 1985 a. 29, 340.