

1987 Assembly Bill 95

Date of enactment: November 16, 1987
Date of publication: November 23, 1987

1987 Wisconsin Act 72

AN ACT to renumber 757.93 (4) (b); to renumber and amend 757.85 (1) and 757.93 (1); to amend 757.93 (2), 757.93 (4) (intro.), 757.93 (4) (a) and 757.97; and to create 19.42 (10) (j), 19.42 (13) (i), 757.85 (1) (b), 757.93 (1) (b), 757.93 (4) (b), 757.93 (4) (c) and 757.93 (4) (d) of the statutes, relating to the judicial commission.

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

SECTION 1. 19.42 (10) (j) of the statutes is created to read:

19.42 (10) (j) A member or the executive director of the judicial commission.

SECTION 2. 19.42 (13) (i) of the statutes is created to read:

19.42 (13) (i) A member or the executive director of the judicial commission.

SECTION 3. 757.85 (1) of the statutes is renumbered 757.85 (1) (a) and amended to read:

757.85 (1) (a) The commission shall investigate any possible misconduct or permanent disability of a judge. Misconduct constitutes cause under article VII, section 11, of the constitution. Except as provided in par. (b), judges, clerks, court reporters, court employes and attorneys shall comply with requests by the commission for information, documents and other materials relating to an investigation under this section.

SECTION 4. 757.85 (1) (b) of the statutes is created to read:

757.85 (1) (b) The judge who is under investigation is not subject to the request procedure under par. (a) but is subject to the subpoena procedure under sub. (2).

SECTION 5. 757.93 (1) of the statutes is renumbered 757.93 (1) (a) and amended to read:

757.93 (1) (a) All proceedings under ss. 757.81 to 757.99 relating to misconduct or permanent disability prior to the filing of a petition or formal complaint by the commission are confidential unless a judge waives the right to confidentiality in writing to the commission. Any such waiver does not affect the confidentiality of the identity of a person providing information under par. (b).

SECTION 6. 757.93 (1) (b) of the statutes is created to read:

757.93 (1) (b) Any person who provides information to the commission concerning possible misconduct or permanent disability may request that the commission not disclose his or her identity to the judge prior to the filing of a petition or a formal complaint by the commission.

SECTION 7. 757.93 (2) of the statutes is amended to read:

757.93 (2) If prior to the filing of a formal complaint or a petition an investigation of possible misconduct or permanent disability becomes known to the public, the commission may issue statements in order to confirm the pendency of the investigation, to clarify the procedural aspects of the disciplinary proceedings, to explain the right of the judge to a fair hearing without prejudgment, to state that the judge denies the allegations or, to state that an investigation has been completed and no probable cause was found or to correct public misinformation.

SECTION 8. 757.93 (4) (intro.) of the statutes is amended to read:

757.93 (4) (intro.) This section does not preclude the commission, in its sole discretion, from:

SECTION 9. 757.93 (4) (a) of the statutes is amended to read:

757.93 (4) (a) Referring to the director of state courts information relating to an alleged delay ~~of a judge of a court of record in complying with s. 757.025~~ or of ~~any an~~ alleged temporary disability ~~which may be of a temporary nature of a judge.~~

SECTION 10. 757.93 (4) (b) of the statutes is renumbered 757.93 (4) (e).

SECTION 11. 757.93 (4) (b) of the statutes is created to read:

757.93 (4) (b) Referring to an appropriate law enforcement authority information relating to possible criminal conduct or otherwise cooperating with a law enforcement authority in matters of mutual interest.

SECTION 12. 757.93 (4) (c) of the statutes is created to read:

757.93 (4) (c) Referring to an attorney disciplinary agency information relating to the possible misconduct or incapacity of an attorney or otherwise cooperating with an attorney disciplinary agency in matters of mutual interest.

SECTION 13. 757.93 (4) (d) of the statutes is created to read:

757.93 (4) (d) Disclosing to the chief justice or director of state courts information relating to matters affecting the administration of the courts.

SECTION 14. 757.97 of the statutes is amended to read:

757.97 Annual report. The commission shall issue an annual report on or before ~~February~~ April 1 of

each year which provides information on the number and nature of complaints received and their disposition, and the nature of actions it has taken privately concerning the conduct of judges. Information contained in the annual report shall be presented in a manner consistent with the confidentiality requirements under s. 757.93. The report shall be filed with the chief justice of the supreme court, the governor and the presiding officers of the senate and the assembly.

SECTION 15. **Nonstatutory provisions.** Notwithstanding the creation of section 19.42 (10) (j) and (13) (i) of the statutes, the following persons are initially required to file a statement of economic interests under section 19.43 of the statutes no later than April 30, 1988:

(1) Members of the judicial commission who are not judges and who are appointed by the supreme court.

(2) The executive director of the judicial commission.