

**1999 DRAFTING REQUEST**

**Bill**

Received: **06/09/1999**

Received By: **nelsorpl**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Joleen**

This file may be shown to any legislator: NO

Drafter: **nelsorpl**

May Contact:

Alt. Drafters: **jarlow**

Subject: **Courts - civil procedure**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Petitioning the supreme court for appellate review

**Instructions:**

See Attached

**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>
/?	nelsorp 1 06/10/1999			_____			
	jarlow 07/21/1999			_____			
/1	nelsorp 1 07/21/1999	chanaman 07/21/1999	mclark 07/22/1999	_____	lwilliam 07/22/1999		
/2			haugeca 07/26/1999	_____	lrb-docadmin 0712611999		
/3	nelsorp 1	j geller	jfrantze	_____	lrb-docadmin	lrb-docadmin	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/12/1999	08/12/1999	08/13/1999	_____	08/13/1999	09/27/1999	

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*Please jacket 13 (KRM)*

*8/13 J/mc  
8/13*

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/?	nelsorp 1 06/10/99 jarlow 07/21/99 nelsorp 1	cmh 2/1 1.	MRC 7/22	MRC/JF 7/22			

FE Sent For:

<END>





500a  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-31970

RPN + jeh / cm  
JEA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT <sup>generate</sup> relating to: <sup>public access to</sup> supreme court <sup>decisions regarding</sup> rules governing petitions for review.

<sup>bill</sup> **Analysis by the Legislative Reference Bureau** <sup>bill requires that</sup>

This <sup>the</sup> amendment ~~adds a sub-section to the section governing the rules for~~ petition for review. ~~The amendment~~ requires that the supreme court make available to the public a record of justices' votes on acceptances and denials of petitions for review. ~~The amendment would provide the the court keep~~ a record of the votes ~~to~~ be made available to members of the public upon request.

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

2 SECTION 1. 809.62 (6m) of the statutes is created to read: <sup>the</sup>

3 809.62 (6m) The supreme court shall keep a voting record of Justices' decisions on  
4 petition <sup>s</sup> for review. The record shall indicate the decision <sup>of</sup> of each judge on each  
5 petition that comes before <sup>the court</sup> it. The record shall be made available to members of the  
6 public upon request.

7 SECTION 2. Initial applicability.





STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (606) 264-6522

REFERENCE SECTION: (606) 266-0341  
REFERENCE FAX: (606) 266-5646

June 3, 1999

## MEMORANDUM

**To:** Representative Mark Gundrum

**From:** Robert Nelson, Senior Legislative Attorney

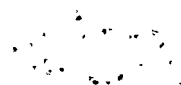
**Subject:** Decisions of supreme court to accept or deny petitions for review.

---

Enclosed is a copy of the internal operating procedures of the supreme court regarding how a decision is made to accept or deny an appellate review. See page 437. Section 809.62 of the statutes also discusses the procedure for petitioning the supreme court for review. Neither of these require the name of those who vote for or against a petition.

I could draft an amendment to s. 809.62 requiring the supreme court to publish the vote for and against a petition. However, the court may consider that a violation of the separation of powers requirement of the constitution. Please let me know if you would like a bill drafted.

*6/9 Toleen called. And  
stats. to require publishing  
of votes by Sup. Ct.  
to accept or deny petitions  
for appellate review.*





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-31977  
RPN:JE:cmh:mrc  
delete

**1999 BILL**

*John: Please don't jacket it;*

*Due 8 a.m. Monday*

*Caroline is doing a /2.*

Caroline:

*3/42*

1 **AN ACT to create** 809.62  
2 supreme court decisions I

*Please run this through quickly. Thanks  
John*

public access to

**Analysis by t.**

This bill requires that the of the justices' votes on accep requires that a record of the vc request.

public a record iew. The bill e public upon

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

3 **SECTION 1.** 809.62 (6m) of the statutes is created to read:  
4 809.62 (6m) The supreme court shall keep a voting record of the justices'  
5 decisions on petitions for review. The record shall indicate the decision of each judge  
6 on each petition that comes before the court. The record shall be made available to  
7 members of the public upon request.

8 **SECTION 2. Initial applicability.**



LRB-3197/0  
RPN:JEH:cmh:mrc  
stays  
delete

## 1999 BILL

Due 8 a.m. Monday

1 **AN ACT to create 809.62** (6m) of the statutes; **relating to:** public. access to  
2 supreme court decisions regarding petitions for review.

---

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

This bill requires that the supreme court make available to the public a record of the justices' votes on acceptances and denials of petitions for review. The bill requires that a record of the votes be made available to members of the public upon request.

---

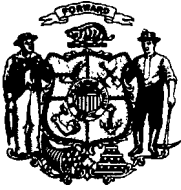
***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1. 809.62** (6m) of the statutes is created to read:

4 809.62 **(6m)** The supreme court shall keep a voting record of the justices'  
5 decisions on petitions for review. The record shall indicate the decision of each judge  
6 on each petition that comes before the court, The record shall be made available to  
7 members of the public upon request.

8 **SECTION 2. Initial applicability.**





Scan  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-31972-3  
RPN:cmh:ch  
L & Jlg

D-Note

1999 BILL

Regen

1 AN ACT to create 809.62 (6m) of the statutes; relating to: public access to  
2 supreme court decisions regarding petitions for review.

Insert analysis

**Analysis by the Legislative Reference Bureau**

1 This bill requires that the supreme court make available to the public a record  
of the justices' votes on acceptances and denials of petitions for review. The bill  
requires that a record of the votes be made available to members of the public upon  
request.

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

3 SECTION 1. 809.62 (6m) of the statutes is created to read:

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5 decisions on petitions for review. The record shall indicate the decision of each judge  
6 ~~on~~ <sup>For</sup> each petition that comes before the court. <sup>move</sup> The record shall be made available to  
7 members of the public upon request.

8 SECTION 2. Initial applicability.

in favor of or opposed to  
the petition



**BILL**

1 (1) This act ~~is~~ applies to petitions submitted on the effective date of this  
2 subsection.

3 (END)

*D-Note*

*PI expanded the analysis to explain  
current law regarding petitions  
for review.*

*RPN*

199943000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3 197/3ins  
RPN:cmh:ch

INSERT ANL

~~7/1/00~~ ~~insert and~~ Under current law, a party to an action may file a petition with the supreme court asking the court to review an adverse decision of the court of appeals. Review by the supreme court is a matter of court discretion, not of right and is granted under current law only when special and important reasons are presented. Current law includes criteria that the court considers when deciding to grant the petition. Currently, the vote of individual justices to grant or deny a petition is not made public.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3197/3dn  
RPN:cmh&jlg:jf

August 13, 1999

I expanded the analysis to explain current law regarding petitions for review.

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