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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy
(AC-JPP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Assembly

Record of Committee Proceedings

Committee on Judiciary and Personal Privacy

Assembly Bill 752

Relating to: public access to supreme court decisions regarding petitions for review.

By Representatives Gundrum, Musser and Albers; cosponsored by Senators Lazich and Farrow.

February 15, 2000 Referred to committee on Judiciary and Personal Privacy.

February 15, 2000 **PUBLIC HEARING HELD**

Present: (8) Representatives Huebsch, Gundrum, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Excused: (1) Representative Walker.

Appearances for

- Representative Mark Gundrum, 84th Assembly District

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- None.

March 1, 2000 **EXECUTIVE SESSION**

Present: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Excused: (0) None.

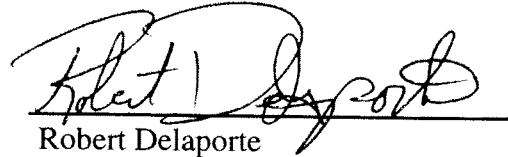
Moved by Representative Staskunas, seconded by Representative Suder, that **Assembly Bill 752** be recommended for passage.

Ayes: (6) Representatives Gundrum, Walker, Suder,
Grothman, Hebl and Staskunas.

Noes: (3) Representatives Huebsch, Sherman and
Colon.

Excused:(0) None.

PASSAGE RECOMMENDED, Ayes 6, Noes 3, Excused 0

A handwritten signature in black ink, appearing to read "Robert Delaporte", written over a horizontal line.

Robert Delaporte
Committee Clerk

Vote Record

Assembly Committee on Judiciary and Personal Privacy

Date: 3-1-00
 Moved by: Stask Seconded by: Suder
 AB: 752 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

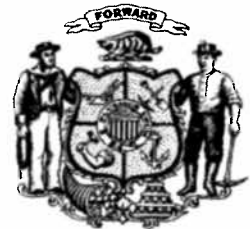
- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Michael Huebsch, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>3</u>	_____	_____

Motion Carried Motion Failed



WISCONSIN STATE LEGISLATURE





Representative Mark D. Gundrum
State Capitol, P.O. Box 8952, Madison, WI 53708
(608) 267-5158 ✉ (414) 425-2596

TO: All Legislators
FROM: State Representative Mark D. Gundrum
DATE: February 8, 2000
RE: Co-Sponsorship of LRB-3197/3: Relating to public access to Supreme Court decisions regarding petitions for review.

AB 752

***Bill to Make Wisconsin Supreme Court Decisions
on Petitions for Review Public Knowledge***

I was contacted by a constituent last year requesting that I introduce a bill which would grant public access to Supreme Court votes in favor of or opposed to granting petitions for review.

My constituent was involved in a contested probate case which had been on appeal to the Wisconsin Supreme Court. Despite his efforts to find out the reason why the Supreme Court had rejected his petition for review of the case and how the justices had voted, he was told this information was not public knowledge, not even to one of the parties directly involved in the case.

This legislation would make the justices' votes on acceptances and denials of petitions for review available to the public and give people like my constituent, who incidentally had spent a great deal of money on legal expenses, some answers with regard to their cases.

If you would like to co-sponsor LRB-3197/3, please contact my office at 267-5158 by **Friday, February 11, 2000.**

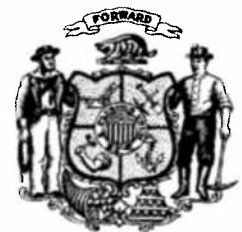
Analysis by the Legislative Reference Bureau

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.

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.



WISCONSIN STATE LEGISLATURE





Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice

119 Martin Luther King Jr. Blvd. Suite LL2
Telephone 608-266-6828
Fax 608-267-0980

J. Denis Moran
Director of State Courts

March 7, 2000

Speaker Scott Jensen
Wisconsin Assembly
211 West, State Capitol
Madison, WI 53702

RE: AB 752

AB 752
folder

Dear Speaker Jensen:

I am advised that the above-captioned bill has been recommended for passage by the Assembly Judiciary Committee and is eligible for floor action by the Assembly.

The bill, introduced by Representative Gundrum, would require the Supreme Court to keep and make public a voting record of the justices' decisions on petitions for review.

The Supreme Court is opposed to this legislation.

First, as a practical matter, dissents to the denial of a petition are, in fact, frequently recorded.

When three votes are obtained to grant a petition, dissents are not shown because all justices are now bound to hear the case. In effect, the Court casts a unanimous ballot to accept the case. To record publicly any initial internal dissents for petitions that are accepted would be unwise. Parties/counsel would be led or misled to read support for or opposition to their position based on individual justices' votes.

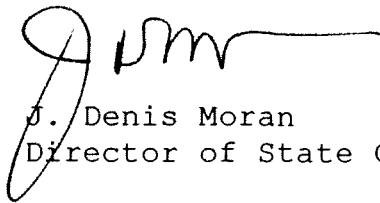
Second, the Court has a concern at the institutional level. The procedure for selecting its cases is a matter most appropriately dealt with in the Court's internal operating procedures. It is

as inappropriate, in our opinion, for the Legislature to impose procedural requirements on the Court as it would be for the Court to impose procedural requirements on the operation of the Legislature, its committees or caucuses. The proposal thus raises issues of separation of powers and comity.

I would ask on behalf of the Supreme Court that this legislation not be adopted by the Assembly.

Thanks for your consideration of what to us is an important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "JDM", with a long horizontal line extending to the right.

J. Denis Moran
Director of State Courts

JDM:jah

cc: Members of the Assembly
Supreme Court Justices
Sheryl Gervasi