

**2007 DRAFTING REQUEST**

**Bill**

Received: 11/14/2007

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Appellate court proceedings

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**Instructions:**

See Attached open all appellate court proceedings to the public

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**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>
/?	rnelson2 11/20/2007	bkraft 11/20/2007		_____			
/P1	rnelson2 11/28/2007	kfollett 12/07/2007	rschluet 12/07/2007	_____	cduerst 12/07/2007		
/1	rnelson2 12/12/2007	kfollett 12/12/2007	pgreensl 12/13/2007	_____	sbasford 12/13/2007	sbasford 01/16/2008	

FE Sent For:

*none*

**<END>**

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*12/12* *12/13* *see*  
*ps* **<END>**

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/?	rnelson2	1/11/07 12/7					

FE Sent For:

<END>



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3464/P1

RPN: [Signature]

[Handwritten initials]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: public access to appellate court conferences.

*Analysis by the Legislative Reference Bureau*

Currently, the supreme court and court of appeals conduct various conferences related to cases that are before those courts. Most of the conferences are closed to the public. This bill requires that all conferences held by the supreme court or court of appeals be open to the public.

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

2 SECTION 1. 751.16 of the statutes is created to read:

3 751.16 Public access to court conferences. All supreme court conferences,  
4 including pre-argument conferences, post-argument decision conferences, opinion  
5 conferences, decision conferences, and administrative conferences shall be open to  
6 the public.

7 SECTION 2. 752.42 of the statutes is created to read:

8 752.42 Public access to court conferences. All court of appeals  
9 conferences, including screening conferences, pre-argument conferences, tentative

1 decision conferences, motion conferences, opinion conferences, publication  
2 conferences, and decision conferences shall be open to the public.

3 (END)

*D-Note*



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

LRB-3464/P1dn

RPN: *Kyf*

*Date*

This draft may be challenged as a violation of the constitution's separation of powers doctrine.

This doctrine does two things: 1) it prohibits one branch of government from exercising the powers granted to another branch; and 2) in cases where branches of government share power, it prohibits one branch from unduly burdening or substantially interfering with another branch's essential role and powers. With respect to a power that is shared between branches, a statute may not unduly burden or substantially interfere with another branch's essential role and powers. State v. Unnamed Defendant, 150 Wis. 2d 352, 360 (1989). *three* *i*

*T* The Wisconsin Supreme Court has recognized that in specific cases it is difficult to classify an action as exclusively legislative, executive, or judicial. The court has said that the doctrine of separation of powers must be viewed as a general principle to be applied to maintain the balance between the 3 branches of government, to preserve their respective independence and integrity, and to prevent concentration of unchecked power in the hands of any one branch. State v. Washington, 83 Wis. 2d 808, 825-826 (1978). The Wisconsin Constitution permits a blending or sharing of powers among the three branches of government." Ahern Co. v. Building Commission, 114 Wis. 2d 69, 103 (Ct. App. 1983). *i*

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.wisconsin.gov

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

LRB-3464/P1dn  
RPN:kjf:rs

December 7, 2007

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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3464/P1  
RPN:kjf:rs

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2007 Bill

Reyen

1 AN ACT *to create* 751.16 and 752.42 of the statutes; **relating to:** public access  
2 to appellate court conferences.

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Currently, the supreme court and court of appeals conduct various conferences related to cases that are before those courts. Most of the conferences are closed to the public. This bill requires that all conferences held by the supreme court or court of appeals be open to the public.

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7 the public.

8 SECTION 2. 752.42 of the statutes is created to read:



**Basford, Sarah**

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**From:** Topp, Jessica  
**Sent:** Wednesday, January 16, 2008 10:12 AM  
**To:** LRB.Legal  
**Subject:** Rep. Schneider -LRB 3464/1

Representative Schneider requests to have a jacket for LRB 3464/1, opening up Supreme Court proceedings to the public.

Thank you.

**Jessica M. Topp**  
**Office of Representative Marlin Schneider**  
204 North, State Capitol  
(608) 266-0215 Office  
(888) 529-0072 Toll Free  
[jtopp@legis.wi.gov](mailto:jtopp@legis.wi.gov)

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Friday, February 15, 2008 9:27 AM  
**To:** Rep.Schneider; Topp, Jessica  
**Subject:** LRB 07-3314/1 & 07-3364/1 (attached - requested by Jessica)

**Attachments:** 07-3314/1; 07-3314/1dn; 07-3464/1



07-33141.pdf (42  
KB)



07-33141dn.pdf  
(10 KB)



07-34641.pdf (13  
KB)

**Mike Barman (Senior Program Assistant)**

State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)