

2007 DRAFTING REQUEST

Bill

Received: 11/15/2006

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Lena Taylor (608) 266-5810

By/Representing: Kory Kozloski

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies: Brett Balinsky

Submit via email: YES

Requester's email: Sen.Taylor@legis.wisconsin.gov

Carbon copy (CC:) to:

changed - see attached

Pre Topic:

No specific pre topic given

Topic:

Jury instructions in civil cases

Instructions:

See Attached 05 SB 159

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 11/15/2006	wjackson 11/30/2006		_____			S&L
/1	cduerst 12/06/2006		jfrantze 12/01/2006	_____	sbasford 12/01/2006	cduerst 12/06/2006	
				_____	mbarman 10/18/2007		

FE Sent For:

at intro
11/12/07

e-mail only

2007 DRAFTING REQUEST

Bill

Received: **11/15/2006**

Received By: **rnelson2**

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Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Barb**

This file may be shown to any legislator: **NO**

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/?	rnelson2	1 WJ 11/30					

FE Sent For:

<END>

0728/1

12/8

2005 SENATE BILL 159

2007 Bill

Lps: Please PWF

April 7, 2005 - Introduced by Senators DECKER, DARLING, HANSEN, RISSER and WIRCH, cosponsored by Representatives KESSLER, MUSSER, BIES, HAHN and NELSON. Referred to Committee on Judiciary, Corrections and Privacy.

Regen

- 1 AN ACT *to amend* 805.13 (4) of the statutes; **relating to:** providing the jury in
- 2 civil actions with an explanation regarding the results of their findings.

Analysis by the Legislative Reference Bureau

Under current law, the court is required to instruct the jury on the law involved in the case before the jury. In addition, the court provides the jury with a complete set of written instructions that provide the burden of proof and the substantial law to be applied to the case. This bill adds a requirement in civil actions that the court ~~must~~ explain to the jury the legal conclusions that will follow from the jury's possible findings. In addition, the bill permits counsel for each party to comment on the court's explanation.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

- 3 SECTION 1. 805.13 (4) of the statutes is amended to read:
- 4 805.13 (4) INSTRUCTION. The court shall instruct the jury before or after closing
- 5 arguments of counsel. Failure to object to a material variance or omission between
- 6 the instructions given and the instructions proposed does not constitute a waiver of

SENATE BILL 159**SECTION 1**

1 error. The court shall provide the jury with one complete set of written instructions
2 providing the burden of proof and the substantive law to be applied to the case to be
3 decided. In a civil action, the court shall explain to the jury the legal conclusions that
4 will follow from its possible findings and shall permit counsel for each party to
5 comment on the court's explanation.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies to actions commenced on the effective date of this
8 subsection.

9 (END)

Duerst, Christina

From: Worcester, Barbara
Sent: Tuesday, December 05, 2006 4:11 PM
To: LRB.Legal
Cc: Kozloski, Kory
Subject: LRB 0778/1

Please jacket LRB 0778/1 and send to the attention of Kory Kozloski in Senator Lena Taylor's office. Senator Decker requested the drafting instructions, but Senator Taylor will be introducing the legislation. Thank you for your attention to this matter.

Barbara Worcester
Senator Decker's Office

Barman, Mike

From: Lynch, Carrie
Sent: Thursday, October 04, 2007 11:41 AM
To: LRB.Legal
Subject: Decker bill draft

Hello. You may give Senator Lena Taylor's office a copy of Senator Decker's bill draft on jury instructions. Thank you.

Carrie Lynch
Office of Senator Russ Decker
(608)-266-2502

LRB - 0778/1

Duerst, Christina

From: Duerst, Christina
Sent: Thursday, October 04, 2007 12:02 PM
To: Sen. Taylor
Subject: LRB 07-0778/1 - attached - for your review

Attachments: 07-0778/1



07-07781.pdf (14
KB)

Duerst, Christina

From: Walsh, Patrick
Sent: Thursday, October 18, 2007 11:28 AM
To: LRB.Legal
Cc: Kozloski, Kory
Subject: LRB 0778/1

Please release LRB 0778/1 to Senator Taylor's office.

Thank you.

Patrick Walsh
Legislative Aide
Office of State Senator Russ Decker