

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

LRBs0020/2dn
GMM:wlj:ph

April 3, 2009

Russ and Jessica:

On further review, we do need to create a statutory right to a trial by jury. There is no constitutional right to a trial by jury in employment discrimination cases because a cause of action for employment discrimination did not exist at common law in 1848 when the state constitution was ratified. *Village Food & Liquor Mart v. H&S Petroleum, Inc.*, 2002 WI 92, 254 Wis. 2d 478.

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