

SUPREME COURT OF WISCONSIN

No. 17-07

In re proposed amendments to Wisconsin
Statutes §§ 809.15, 809.19, 809.30,
809.32, and 885.42

FILED

JAN 24, 2018

Diane M. Fremgen
Acting Clerk of
Supreme Court
Madison, WI

On May 26, 2017, Attorney April M. Southwick filed a rule petition on behalf of the Wisconsin Judicial Council asking this court to amend several rules of appellate procedure: Wis. Stats. §§ 809.15 (Record on Appeal), 809.19 (Briefs and Appendix), 809.30 (Appeal Procedure), 809.32 (No merits), and 885.42 (Videotape procedure; when available). The proposed amendments are intended to provide better clarity regarding supplementing or correcting the record on appeal, sealing of documents, preparation of transcripts, access to presentence investigation reports (PSIs), and inclusion of PSIs in the appellate record.

The court discussed this petition at open administrative rules conference on June 21, 2017 and voted to schedule a public hearing.

On October 31, 2017, a letter was sent to interested persons seeking input. The court received one response dated November 27, 2017 from Jennifer Andrews, Court of Appeals Chief Staff Attorney. On December 15, 2017, the Judicial Council submitted a letter

responding to certain changes suggested by the Legislative Reference Bureau.

The court conducted a public hearing on January 16, 2018. Attorney Jennifer Andrews presented the petition to the court on behalf of the Judicial Council. Attorney Jeremy Perri, Appellate Division, State Public Defender's Office, also appeared and spoke in favor of the petition.

At the ensuing closed rules conference, the court voted to deny the petition. The court was not persuaded that these changes were necessary to improve the clarity of the appellate rules. Accordingly,

IT IS ORDERED the petition is denied.

Dated at Madison, Wisconsin, this 24th day of January, 2018.

BY THE COURT:

Diane M. Fremgen
Acting Clerk of Supreme Court

¶1 SHIRLEY S. ABRAHAMSON, J. (*dissenting*). I would not deny or dismiss this petition. I would grant it. The changes proposed by the petition improve the clarity of the appellate rules. Furthermore, in the interest of transparency of court proceedings, the text of an order should reflect any dissent, because sometimes the order is printed or summarized without any reference to a dissent that accompanies the order.

¶2 I am authorized to state that Justice ANN WALSH BRADLEY joins this dissenting opinion.

