

PETITION FOR RULE-MAKING
IN THE SUPREME COURT OF WISCONSIN

COVER SHEET

IN THE MATTER OF

AMENDMENT

CREATION

OF SCR Chapter 60

(list statute, rule, or administrative matter)

1. Petitioner(s): Glenn Hartley, James Miller, Michael Kirchman, John Albert, Sue Bischel, Richard Brown, Fred Kawalski, Darryl Deets, Francis Wasielewski, James Evenson, Thomas Donegan, C.W. Foust, James Bolgert, Michael Lucci, Dale Pasell, Dennis Luebke, Michael Nowakowski, Moria Krueger, Susan Steingass, David Flanagan, Stuart Schwartz, Benjamin Proctor, Janine Geske, Michael Skwierawski, Robert Kinney, Gordon Myse, Gerald Nichol, Diane Sorensen, Andrew Bissonnette, Dennis Montabon, Daniel Moeser, William Stewart, Jr., Sarah O'Brien, Maryann Sumi, Gary Carlson, Russell Stamper, Sr., Donald Hassin, Jr., John Hoffmann, Charles Kahn, Louis Butler, Mark Frankel, Patrick Willis, James Mohr, Allan Deehr, John Perlich, Thomas Barland, Karen Christenson, Edward Brunner, Dennis Flynn, William Johnston, Dorothy Bain, Michael Malmstadt, Phillip Todryk, Neal Nettesheim.

Contact Person's Information

Name Justice Janine Geske (Ret.), Distinguished
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2. Subject matter of petition:

Rules concerning Judicial recusal

3. Type of petition (check all that apply):

- Pleading and practice (Wis. Stat. § 751.12)
- Supreme Court Rule
- Administrative matter (e.g. Electronic Filing)
- Other. Please explain.

4. Type of change (check all that apply):

- Creation of statute (Wis. Stat. § 751.12)
- Creation of Supreme Court Rule
- Creation of Administrative rule
- Amendment of existing statute (Wis. Stat. § 751.12)
- Amendment of existing Supreme Court Rule
- Amendment of existing Administrative rule

5. Supreme Court Rule, statute, or administrative matter to be amended or created:

60.01 and 60.04

6. Principal reason or purpose for this petition:

To amend Wisconsin rules on judicial recusal to be consistent with U.S. Supreme Court decisions regarding judicial recusal and due process concerns.

7. Identify Supreme Court Rule, statute, or administrative matter that may be affected by, or are in conflict with, the petition.

60.01 and 60.04

8. Rules that the supreme court promulgates to regulate pleading, practice, and procedure in judicial proceedings shall not abridge, enlarge, or modify the substantive rights of any litigant. Wis. Stat. § 751.12(1).

a. How would the petition affect any person's procedural rights?

Requiring disclosure of any large campaign contribution made to or on behalf of the justice or judge presiding over a case by a party or attorney appearing in the case.

b. How would the petition affect any person's substantive rights?

By protecting due process rights.

9. Potential fiscal impact of petition (further explanation may be provided in supporting memorandum to the petition).

None

10. Potential administrative impact of the petition (further explanation may be provided in supporting memorandum to the petition).

None

11. Identify any related pending petition. For a list of petitions, see http://wicourts.gov/supreme/petitions_audio.htm

None

12. Are you requesting a public hearing? If so, please explain.

Yes.

No.

This is a matter of widespread public concern. A 2002 Report of the American Bar Association Standing Committee on Judicial Independence Commission on Public Financing of Judicial Campaigns found a pervasive public perception that campaign contributions influence judicial decision-making.

13. Is expedited consideration necessary?

Yes. If so, please explain.

No.

14. Proposed effective date.

Note: A rule change under Wis. Stat. § 751.12 shall have an effective date of January 1 or July 1.

Upon adoption.

15. Will the proposed rule change have retroactive effect on any pending matter?

Amendment should apply to any pending matter in which a final decision has not been entered.

WISCONSIN SUPREME COURT
Guidelines for Rules Submissions

Any person may initiate a change in Supreme Court Rules, pleading, practice, and procedural statutes, and administrative matters by submitting a petition to the Supreme Court. See Wis. Stat. § 751.12 and Supreme Court Internal Operating Procedures II.B.5. and III. In order to insure the adequacy of a petition and to promote consistency in the format of petitions, the petitioner should follow these guidelines.

I. Forms for Submitting a Petition.

A. The petitioner should submit the following three documents:

1. Petition,
2. Supporting memorandum, and
3. Cover sheet.

B. The petition, supporting memorandum, and cover sheet shall be submitted in hard copy (include one original and nine copies). The paper copies shall be mailed to the Clerk of the Supreme Court, P.O. Box 1688, Madison, WI 53701.

The petitioner shall, if possible, email an electronic copy of the petition and supporting memorandum in MS Word to the Office of the Clerk of the Supreme Court at clerk@wicourts.gov and carrie.janto@wicourts.gov

II. Types of Petitions.

Many petitions fall into one of the following categories.

Pleading and practice. See Wis. Stat. § 751.12.
Examples: Electronic Discovery (Petition 09-02)
Videoconferencing in courts (Petition 07-12)

Supreme Court Rule.
Example: State Bar Membership classes (Petition 08-27)

Administrative matter. Wis. Const. Art. III, § 3; Supreme Court Internal Operating Procedures II.B.5. and III.
Example: Electronic Filing (Petition #06-08)

III. Contents of Petition.

The petition shall include the text of the proposal. If the proposal amends an existing rule, statute, or administrative matter, deleted portions should be shown and stricken through followed by new text that should be underlined.

IV. Contents of Memorandum in Support of a Petition.

The memorandum in support shall, at a minimum,

- explain whether the petitioner seeks to amend or create a statute or rule,
- identify the statute or rule being changed or created,
- provide a thorough, detailed explanation of each amendment and reasons for the change,
- explain how the proposed amendment would affect any person's procedural or substantive rights,
- identify experience of other state or federal courts, if applicable,
- analyze the fiscal and administrative impacts, if any, of the proposal,
- list any related petitions pending before the court (petitions are listed at http://www.wicourts.gov/supreme/petitions_audio.htm), and
- list the committees, agencies, and individuals that the petitioner has consulted about the proposal.