

# SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 06-02

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In the matter of the Petition To Amend Wis.  
Stat. § (Rule) 809.19(3)

**FILED**

**OCT 25, 2006**

Cornelia G. Clark  
Clerk of Supreme Court  
Madison, WI

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On March 8, 2006, the Department of Workforce Development filed a petition asking this Court to amend Wis. Stat. § (Rule) 809.19 (3) to clarify that when a respondent is not affected by any of the issues raised in the appellant's brief, that respondent need not file a brief, but may file a statement advising the court that no brief will be filed. On May 17, 2006, the Wisconsin Court of Appeals filed a letter proposing some alternate language intended to accomplish the same objective. The court of appeals indicates that the proposed amendment "improves the Rules of Appellate Procedure" by formalizing a process which is not currently contemplated by the Rules of Appellate Procedure. The Appellate Practice Section of the State Bar of Wisconsin and the State Bar Board of Governors support the petition, recommending a minor modification to the language proposed by the court of appeals.

A public hearing on the petition was conducted on October 24, 2006. At the ensuing open administrative conference, the court voted unanimously to adopt the petition, using the language proposed by the court of appeals, as modified by the Appellate Practice Section of the State Bar of Wisconsin.

Accordingly, effective January 1, 2007, Wis. Stat. ss. 809.19 (3) of the Rules of Appellate Procedure is to read:

**Section 1.** 809.19 (3) (a) 3. of the statutes is created to read:

809.19 (3) (a) 3. Within the time limits for filing a respondent's brief, a party who has been designated as a respondent may file a statement with the court that it will not be filing a brief because its interests are not affected by the issues raised in the appellant's brief or because its interests are adequately represented in another respondent's brief.

IT IS ORDERED that notice of this creation of 809.19 (3) (a) 3. be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 25th day of October, 2006.

BY THE COURT:

Cornelia G. Clark  
Clerk of Supreme Court