

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. 07-03

In the matter of the proposed Amendment to Wis.
Stat. Rule 809.19 (Briefs and Appendix)

FILED

NOV 1, 2007

David R. Schanker
Clerk of Supreme Court
Madison, WI

On March 27, 2007, the Wisconsin Court of Appeals petitioned this Court to amend Wis. Stat. § (Rule) 809.19 pertaining to briefs and appendix. A public hearing was held on October 5, 2007. Margaret Carlson, Chief Staff Attorney for the Court of Appeals, presented the petition on behalf of Chief Judge Richard Brown and offered testimony in support of the petition.

At the ensuing open administrative conference, the court voted unanimously to adopt the petition, with modifications. Accordingly, effective January 1, 2008, Wis. Stat. § (Rule) 809.19 is amended as follows:

Section 1. 809.19(2) is amended to read:

809.19(2) Appendix. (a) Contents. The appellant's brief shall include a short appendix ~~providing relevant trial court record entries,~~ containing, at a minimum, the findings or

opinion of the ~~trial~~-circuit court and limited portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the ~~trial~~-circuit court's reasoning regarding those issues. If the appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix shall also contain the findings of fact and conclusions of law, if any, and final decision of the administrative agency. The appendix shall include a table of contents. If the record is required by law to be confidential, the portions of the record included in the appendix shall be reproduced using first names and last initials instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

(b) Certification. An appellant's counsel shall append to the appendix a signed certification that the appendix meets the content requirements of par. (a) in the following form:

I hereby certify that filed with this brief, either as a separate document or as a part of this brief, is an appendix that complies with s. 809.19(2)(a) and that contains, at a minimum: (1) a table of contents; (2) ~~relevant trial court record entries;~~ (3) the findings or opinion of the ~~trial~~-circuit court; and (43) portions of the record essential to an understanding of the issues raised, including oral or written

rulings or decisions showing the ~~trial~~-circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using first names and last initials instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Signed: _____

Signature

Section 2. 809.19(3)(b) is amended to read:

809.19(3)(b) The respondent may file with his or her brief a supplemental appendix ~~in conformity with sub. (2).~~ If the record is required by law to be confidential, the supplemental appendix must comply with the confidentiality requirements under sub. 2(a). Any supplemental appendix shall include a table of contents and a signed certification that the appendix complies with the confidentiality requirements under sub. 2(a) in a form substantially similar to the confidentiality provision under sub. 2(b).

Section 3. 809.19(6)(f) is created to read:

809.19(6)(f) A respondent-cross-appellant must comply with the same appendix rules as an appellant under sub. 2(a) and (b), except that a respondent-cross-appellant shall not be required to include materials that are contained in the appellant's appendix.

IT IS ORDERED that notice of this amendment of Wis. Stat. § (Rule) 809.19 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 1st day of November, 2007.

BY THE COURT:

David R. Schanker
Clerk of Supreme Court

