



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

Nancy A. Kopp
David W. Runke
Mark A. Neuser
Timothy M. Barber
Commissioners

Telephone (608) 266-7442

May 26, 2023

To: Interested Persons – See Attached List

Re: Rule Petition 23-01, In the Matter of Amending Wis. Stat. § 809.12, Relating to Appellate Review of Motion for Relief Pending Appeal.

Greetings:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 23-01, filed on January 23, 2023, by Attorney Caleb R. Gerbitz and Attorney James M. Sosnoski of Meissner Tierney Fisher & Nichols S.C. This rule petition asks the court to amend Wis. Stat. § (Rule) 809.12 “to clarify the standard of review for a decision on a motion for a stay pending appeal.”

You have received this letter because you or your agency or organization potentially have an interest in this matter. A copy of the petition can be found on the court's website at <https://www.wicourts.gov/scrules/pending/2301.htm>.

At a closed conference on May 24, 2023, the court voted to obtain written comments and schedule a public hearing at a date to be determined for the fall of 2023. Please note, the court may take any action on a rule petition it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.
- (c) Schedule the rule petition for public hearing.
- (d) Refer the rule petition to another entity for its review and recommendation.
- (e) Request further information or analysis from the petitioner or interested persons or entities.

Any comment to the rule petition should be filed by Friday, June 23, 2023, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. Additionally, if you or your organization submit a comment, please email a Microsoft Word version of the same to clerk@wicourts.gov. See comment guidelines at the court's website at <https://www.wicourts.gov/scrules/process.htm>. The petitioner may file a response to any comments by Friday, July 7, 2023.

You might wish to consult the court's website at <https://www.wicourts.gov/scrules/index.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office will be posted on the website.

If you have specific questions or other comments regarding this matter, please contact me by mail at P.O. Box 1688, Madison, WI 53701-1688, by telephone at 608-266-7742, or by email at tim.barber@wicourts.gov.

Sincerely,

/s/

Timothy M. Barber

Supreme Court Commissioner

cc: Chief Justice Annette Kingsland Ziegler
Justice Patience Drake Roggensack
Justice Ann Walsh Bradley
Justice Patience Drake Roggensack
Justice Rebecca Grassl Bradley
Justice Rebecca Frank Dallet
Justice Brian K. Hagedorn
Justice Jill J. Karofsky
Attorney Caleb R. Gerbitz
Attorney James M. Sosnoski

List of Interested Persons for Supreme Court

Badger State Sheriffs' Association, Attention: Executive Director
Board of Administrative Oversight, Attention: Denis Donohoe, Chair
Board of Bar Examiners
Chief Circuit Court Judges
Circuit Court Judges
Clerk of Supreme Court and Court of Appeals, Sheila T. Reiff
Court of Appeals, Attention: Chief Staff Attorney
Court of Appeals Judges
Court Operations: Diane M. Fremgen, Deputy Director of State Courts, Court Operations
Court Operations: Ann Olson, Krista Miller, Amber Peterson, Trent Koerner
Dean Dietrich, Attorney
Department of Administration, State Prosecutors Office, Attention: Kasey Deiss, Director
Director of State Courts, Honorable Randy Koschnick
District Court Administrators
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Hamilton Consulting Group, Attention: Rebecca Hogan, R.J. Pirlot, Adam Jordahl
Legal Action of Wisconsin, Attention: Deedee Peterson, Executive Director
Legal Aid Society of Milwaukee, Attention: Colleen Foley, Executive Director
Marquette University Law School, Attention: Joseph D. Kearney, Dean
Office of Lawyer Regulation, Attention: Timothy Samuelson, Director
Office of State Public Defender, Attention: Kelli S. Thompson
Office of State Public Defender, Attention: Jeremy C. Perri
Office of the Attorney General, Attention: Josh L. Kaul
Preliminary Review Committee, Attention: Barry Boline
State Bar of Wisconsin, Attention: Larry Martin, Executive Director
State Bar of Wisconsin, Attention: Lisa Roys, Public Affairs Director
State Bar of Wisconsin, Attention: Margaret W. Hickey, President
University of Wisconsin Law School, Attention: Daniel Tokaji, Dean; Myra Sun, Exec. Asst.
Western District Bar Association of Wisconsin, Attention: Ann Peacock
Wisconsin Asian American Bar Association, Attention: Julius Kim, President
Wisconsin Association for Justice, Attention: Bryan Roessler, Executive Director; Jim Rogers,
Government Affairs Director
Wisconsin Association of African American Lawyers
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Susan Schaubel
Wisconsin Bankers Association, Attention: Kris Cleven, Vice President-Legal
Wisconsin Clerks of Circuit Court Association, Attention: Regina Kolbow, Carlo Esqueda
Wisconsin Counties Association, Attention: Marcie Rainbolt
Wisconsin Defense Counsel, Attention: Jenni Kilpatrick, Executive Director;
Andrew Hebl, President
Wisconsin District Attorneys Association, Attention: Greta Mattison, Executive Director
Wisconsin Family Court Commissioners Association, Attention: David Pruhs, Deputy Family
Court Commissioner; Lisa Krueger, Family Court Commissioner; Elizabeth Pfeuffer, Family
Court Commissioner; Peggy Miller, Family Court Commissioner
Wisconsin Hispanic Lawyers Association, Attention: Pamela M. Ritger
Wisconsin Judicare, Inc., Attention: Beth Ann Richlen, Executive Director
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke
Wisconsin Judicial Council, Attention: William C. Gleisner, III, Chair
Wisconsin Juvenile Court Clerks Association, Attention: Samuel Christensen
Wisconsin Municipal Judges Association, Attention: Honorable Robert Kupfer

Wisconsin Newspaper Association, Attention: Beth Bennett, Executive Director
Wisconsin Registers in Probate Association
Wisconsin Sheriffs & Deputy Sheriffs Association, Attention: Sandy Schueller
Wisconsin State Attorneys Association, Attention: John Gelhard
Wisconsin Trial Judges Association, Attention: Honorable Gregory Gill, Jr.
Wisconsin Tribal Judges Association, Attention: Honorable Gwendolyn Topping, President

List of additional interested persons

Attorney Elizabeth M. Pierson and Attorney Daniel S. Lenz, Law Forward Inc.
Attorney Jeffrey A. Mandell, Stafford Rosenbaum LLP
Attorney Scott E. Rosenow, WMC Litigation Center, Executive Director