
In the matter of amending Supreme Court Rules 32.002, 32.01, 32.04, 32.05, 32.06, 32.07, 32.08 (1), 60.05 (8), 60.07 (2), 75.01, and 75.05 (3) pertaining to continuing education for the Wisconsin judiciary and circuit court commissioners

PETITION 19-_____

PETITION OF the Chief Judges' Subcommittee on Judicial Education FOR AN ORDER AMENDING Supreme Court Rules 32.002, 32.01, 32.04, 32.05, 32.06, 32.07, 32.08 (1), 60.05 (8), 60.07 (2), 75.01, and 75.05 (3).

For the reasons set forth in the accompanying supporting memorandum, the Chief Judges' Subcommittee on Judicial Education, the Honorable Jason Rossell, Chair, respectfully petitions the Supreme Court to amend the following Supreme Court Rules pertaining to continuing education for the Wisconsin judiciary and circuit court commissioners.

TEXT OF PROPOSED CHANGES

Section 1. SCR 32.002 is amended to read:

SCR 32.002 Applicability. The commissioners of the supreme court and staff attorneys of the court of appeals are subject to the educational requirements of this chapter in the same manner as judges, as defined in SCR 32.001, are.

Section 2. SCR 32.01 is amended to read:

SCR 32.01 Judicial education committee. A judicial education committee is created consisting of the chief justice of the supreme court or his or her designee, the chief judge of the court of appeals or his or her designee, the chair of the committee of chief judges or his or her designee, the director of state courts, 2 circuit court commissioners appointed by the supreme court, 8 circuit court judges appointed by the supreme court, and the deans of the university of Wisconsin and Marquette law schools or their designees. The circuit court judge and circuit court commissioner members shall serve staggered 2-year terms and may serve not more than two successive 2-year terms. The dean of the Wisconsin Judicial College is a member ex officio of the committee and has voting privileges.

Section 3. SCR 32.04 is amended to read:

SCR 32.04 Required programs. During each 6-year period, a judge shall attend at least once the Wisconsin judicial college, the child welfare law orientation, the criminal law-sentencing institute and the prison tour. The requirement to attend the child welfare law orientation only applies to judges whose most recent term of office begins on or after August 1, 2020. Credit earned for attendance at these programs is to be included as part of the required 60 credits.

Section 4. SCR 32.05 is amended to read:

SCR 32.05 Minimum and maximum. A judge shall during each year earn no less than 5 nor more than 15 credits at an in-state educational activity. The 15 credit maximum may be waived upon prior approval granted by the judicial education committee or its designee upon application of an individual judge. The 15 credit maximum does not apply to the year the judge attends the Wisconsin judicial college, the child welfare law orientation, and/or the criminal law-sentencing institute and prison tour. A trial judge may not earn more than 24 credits for attendance at national educational activities in any 6-year period. A judge is not required to attend any national educational activity.

Section 5. SCR 32.06 is amended to read:

SCR 32.06 Programs receiving credit. Credit shall be granted for attendance at all programs for judges sponsored or approved by the judicial education committee. In addition, credit for other programs shall be given for that portion of the program addressed to judicial education and approved by the judicial education committee.

Section 6. SCR 32.07 is amended to read:

SCR 32.07 Credit for other educational activities. Credit may be granted by the judicial education committee for other educational activities undertaken by a judge such as writing or teaching. A judge may receive credit for teaching for which he or she is compensated if the teaching does not interfere with the judge's performance of his or her judicial duties and is performed outside of regular court hours or while the judge is on vacation. A judge shall receive 3 credits for each 12-month period he or she serves as chief judge for his or her judicial administrative district.

Section 7. SCR 32.08 (1) is amended to read:

SCR 32.08 Reserve judges. (1) To be eligible for appointment or reappointment as a reserve judge to perform judicial assignments, a person otherwise entitled to appointment shall earn 5 4 credits during the calendar year immediately preceding appointment or reappointment. The director of state courts shall determine which judicial education programs may be attended to earn the required 5 4 credits. One credit is awarded for each half-day of attendance at programs sponsored or approved by the judicial education committee. Reserve judges are not required to comply with SCR 32.04.

Section 8. Comment to SCR 60.05 (8) is amended to read:

COMMENT

The chapter does not prohibit a judge from accepting honoraria or speaking fees provided that the compensation is reasonable and commensurate with the task performed. A judge should ensure, however, that no conflicts are created by the arrangement. A judge must not appear to

trade on the judicial position for personal advantage. Nor should a judge spend significant time away from court duties to meet speaking or writing commitments for compensation. In addition, the source of the payment must not raise any question of undue influence or the judge's ability or willingness to be impartial.

See SCR 60.05 (4) (e) and sec. 19.56, Stats., regarding reporting of gifts and loans.

As provided in SCR 60.07 (2), sub. (8) does not apply to a judge serving on a part-time basis. Sub. (8) does not apply to a supplemental court commissioner authorized under SCR 75.02 (3) who has performed fewer than ~~40~~ 160 hours of circuit court commissioner duties in the preceding calendar year.

Section 9. SCR 60.07 (2) is amended to read:

SCR 60.07 (2) Part-time Judicial Service. A judge who serves on a part-time basis, including a reserve judge, a part-time municipal judge, or a part-time court commissioner, is not required to comply with the following: SCR 60.05 (3) (a), (b) and (c) 1. b., 2. a. and c., (4) (a) 1. b., (b), (c), (d) and (e), (5), (6), (7) and (8). All circuit court commissioners appointed under SCR 75.02 (1) and those supplemental court commissioners authorized under SCR 75.02 (3) who have performed ~~40~~ 160 hours or more of circuit court commissioner duties during the preceding calendar year shall comply with SCR 60.05 (8).

Section 10. Comment to SCR 75.01 is amended to read:

COMMENT

This chapter applies to persons appointed under SCR 75.02 (1) and to persons appointed under s. 757.68 (2), stats., and authorized by a chief judge under SCR 75.02 (3) to perform on a temporary or occasional basis specified duties other than those duties they are authorized by statute to perform on their own authority. A person appointed under s. 757.68 (2), stats., may perform duties specified in s. 757.69 (1), stats., only on authority delegated by a judge and with the approval of the chief judge of the judicial administrative district.

The performance evaluation and complaint procedures in SCR 75.04 and 75.06 apply to a circuit court commissioner's performance of the duties authorized by the chief judge, however limited. Continuing education requirements set forth in SCR 75.05 apply to circuit court commissioners appointed under SCR 75.02 (1) and to circuit court commissioners authorized under SCR 75.02 (3) who spend ~~40~~ 160 or more hours per year on duties authorized by a chief judge. This chapter does not apply to persons appointed by one or more circuit judges under s. 757.68 (2), stats., who are not authorized to perform activities other than those specified in s. 757.69 (3), stats., or to registers in probate authorized by a chief judge under SCR 75.02 (4) to perform the duties of a circuit court commissioner in probate matters.

Section 11. SCR 75.05 (3) is amended to read:

SCR 75.05 (3) A person authorized under SCR 75.02 (3) to perform specified duties of a circuit court commissioner on a temporary or occasional basis shall earn not less than 3 education credits in programs approved by the judicial education committee in any year in which the performance of those duties requires ~~40~~ 160 or more hours.

Respectfully submitted this ____ day of _____, 2019.

Honorable Jason Rossell
Chair, Chief Judges' Subcommittee on Judicial Education