

No. 238, S.]

[Published June 22, 1951.

**CHAPTER 392.**

AN ACT to amend 251.18 and to create 20.625 and 251.181 of the statutes, relating to rules of pleading and practice, creating a judicial council and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.625 of the statutes is created to read:

20.625 JUDICIAL COUNCIL. (1) There is appropriated from the general fund to the judicial council annually beginning July 1, 1951, \$20,000 for the execution of its functions under section 251.181. Of this appropriation there is allotted for the following purposes:

	1951-1952	1952-1953
Personal services .....	\$13,800	\$14,900
Materials and expense.....	4,700	4,700
Capital outlay .....	1,500	400

(2) The unencumbered balance on June 30, 1952, shall be nonlapsible until June 30, 1953.

SECTION 2. 251.18 of the statutes is amended to read:

251.18 The *state* supreme court \* \* \* shall, by rules promulgated by it from time to time, regulate pleading, practice and procedure in judicial proceedings in all courts \* \* \*, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify the substantive rights of any litigant. Such rules shall not become effective until 60 days after their adoption \* \* \*. All such rules shall be printed by the state printer and paid for out of the state treasury, and the court shall direct the same to be distributed as it may deem proper. All statutes relating to pleading, practice and procedure \* \* \* *may be* modified or suspended by rules promulgated pursuant hereto. No rule modifying or suspending such \* \* \* *statutes* shall be adopted until the court has held a public hearing with reference thereto, notice of which shall be given by publication for \* \* \* 3 successive weeks in the official state paper, the expense of such publication to be paid out of the state treasury. Nothing in this section shall abridge the right of the legislature to enact, modify or repeal statutes or rules relating to pleading, practice or procedure. \* \* \* *The judicial council shall act in an advisory capacity to assist the court in performing its duties under this section.*

SECTION 3. 251.181 of the statutes is created to read:

251.181 JUDICIAL COUNCIL. (1) MEMBERSHIP; APPOINTMENTS; TERMS. There is created a judicial council of 14 members as follows: a circuit judge designated by the board of circuit judges; a county judge designated by the board of county judges; the chairman of the senate judiciary committee or a member of the committee designated by him; the chairman of the assembly judiciary committee or a member of the committee designated by him; the attorney-general or one of his assistants designated by him; the revisor of statutes or an assistant designated by him; the deans of the law schools of the university of Wisconsin and Marquette university or a member of the respective law school faculties to be designated by said deans; the president-elect of the Wisconsin state bar associ-

tion and 3 additional members thereof selected by the association annually; and 2 citizens at large, appointed annually by the governor. The names of the members shall be certified to the secretary of state by the executive secretary. Members shall hold office until their successors have been selected. The members of the council shall receive no compensation, but shall be reimbursed from the appropriation made by section 20.625 for expenses necessarily incurred by them in attending meetings of the council outside the county of their residence.

(2) POWERS AND DUTIES. The council shall:

(a) Observe and study the rules of pleading, practice and procedure, and advise the supreme court as to changes which will, in the council's judgment, simplify procedure and promote a speedy determination of litigation upon its merits.

(b) Make a continuous survey and study of the organization, jurisdiction and methods of administration and operation of all the courts of the state, both courts of record and others, the volume and condition of business in said courts, the work accomplished and the results obtained.

(c) Collect, compile, analyze and publish judicial statistics.

(d) Receive, consider and in its discretion investigate suggestions from any source pertaining to the administration of justice and to make recommendations.

(e) Keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning pending legislation affecting the organization, jurisdiction, operation, procedure and practice of the courts.

(f) Recommend to the legislature any changes in the organization, jurisdiction, operation and methods of conducting the business of the courts which can be put into effect only by legislative action.

(3) ORGANIZATION. (a) The council shall elect a chairman and vice-chairman.

(b) The council may promulgate and modify rules for the conduct of its proceedings in the exercise of its powers. The council may meet at such time and place as it may determine, but at least once every 3 months. It shall meet upon call of the chairman or a call signed by 5 members of the council. Eight members shall constitute a quorum.

(c) The council may appoint regular and special committees of its members to investigate and report upon any matters relating to its duties. The council or any committee thereof when so authorized by the council is empowered to hold public hearings at such times and places within the state as may be determined. Any member of the council or any committee thereof shall have the power to administer oaths to persons testifying before the council or committee. By subpoena issued over the signature of its chairman or acting chairman and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witnesses subpoenaed to appear before the council or committee thereof shall refuse to appear or answer inquiries propounded, the council or committee shall report the facts to the circuit court of Dane county and it shall be the duty of such court to compel obedience to such subpoena.

(d) The council may determine the qualifications of and appoint an executive secretary and such technical and clerical help as it may deem necessary, without regard to the provisions of chapter 16. The council shall be provided with adequate office space in the capitol building.

(e) The council may call upon any department of the state or any county or municipality thereof for such facilities and data as may be available, and such department shall co-operate with the council to the fullest extent. The clerk, judge or justice of each court of the state shall furnish such statistics in such form as the council directs.

(f) The council shall submit to the legislature and the governor a biennial report in February of each odd-numbered year of its proceedings and of the work of the various courts of the state, the condition of business therein and its recommendations supporting any bills introduced at its request. It may during the legislative session make such further and supplemental reports as it may deem proper or as may be requested by the legislature. The council may publish such reports as it may consider necessary.

Approved June 14, 1951.