

5010 Buffalo Trail
Madison, WI 53705
February 21, 2012

Supreme Court of Wisconsin
P.O. Box 1688
Madison, WI 53703-1688

Re: Supreme Court's Rulemaking Function Docket 12-01

Dear Justices of the Court,

I have read the committee's report and suggested alternatives, and I have two comments. First, of the alternatives posited by the committee, I favor continuation of the present process of rulemaking petition accompanied by cover sheet and supporting memorandum. I favor this alternative for two reasons.

First, I believe the present system has worked relatively well, because it is easy to use, uncomplicated, and relatively expeditious. The other alternatives unnecessarily complicate and delay the process. I would continue the Court's current process, with the improvements suggested in the committee's report.

Second, I have one suggestion to improve the process. I suggest that any staff memoranda written to the Court in a rulemaking proceeding be placed on the Court's website, and participants in the proceeding be allowed to comment on them, similar to the procedure set forth in Wis. Stat. sec. 227.44(7). This will allow for the correction of any factual errors and for a response to policy arguments. It should be made part of the Court's regular rulemaking procedure.

Finally, I hope the Court does not decide to close its conferences concerning administrative matters. No good comes from secrecy in government, and democratically elected officials should act in public, so that the public has faith in its government. I do not believe that deciding these matters in private will reduce delay, while it may well reduce public trust and confidence.

Thank you for your consideration.

Sincerely,

/s/ Steven Levine

Steven Levine