



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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MADISON, WISCONSIN 53703

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June 21, 2013

To: Interested Parties – See Attached List

Re: Supreme Court Rule Petition 12-01, Judicial Rulemaking

Greetings:

The Wisconsin Supreme Court is seeking public comment on changes the court has made in the court's rulemaking function that strengthen, improve, and make more regular the rulemaking function. You have received this letter because you, your agency, or your organization have been identified as potentially having an interest in this matter or as having filed a rule petition with the supreme court in the past several years.

In May 2011 the Wisconsin Supreme Court Advisory Committee on Rule Procedures filed its report and recommendations with the supreme court. In appendix A of its report, the committee proposed rules governing the court's rulemaking process. The report and comments on the Advisory Committee's proposed rule are posted on the court's web site under Rule Petition 12-01 at <http://wicourts.gov/scrules/1201.htm>.

On November 28, 2012, Justice Patience Roggensack filed a rule proposal for the court's rulemaking function. Justice Roggensack proposes a calendar for establishing dates certain for filing rules petitions, for filing comments, and for court hearings. A copy of Justice Roggensack's November 28, 2012 rule proposal can be found at the court's web site under Responses to Rules Petition 12-01 at <http://wicourts.gov/scrules/1201.htm>.

On January 23, 2013, the court discussed the matter at an open rules conference and Justice Roggensack provided a redlined version of her rule proposal in which her changes to the Advisory Committee's rule proposal are indicated by strikethroughs and underlining. This document is also found at the court's web site under Responses to Rules Petition 12-01 at <http://wicourts.gov/scrules/1201.htm>.

On February 28, 2013, the court discussed the matter again and voted 4 to 3 to adopt the concept of a calendar cycle for rules matters that will identify deadlines and dates for filing and considerations of petitions, comments, and court hearings.

On June 3, 2013, Chief Justice Shirley S. Abrahamson filed an amendment to the pending judicial rulemaking petition 12-01, establishing dates certain for filing rules petitions, for filing comments, and for court hearings. A copy of Chief Justice Abrahamson's June 3, 2013 rule proposal can be found at the court's web site under Responses to Rules Petition 12-01 at <http://wicourts.gov/scrules/1201.htm>.

The court seeks comments on how best to implement the calendaring of rules petitions, including the time for filing rule petitions, the time for comments, and the time for court consideration of a rules petition. The court is interested in any of your comments on this matter, including comments on the following:

- how to facilitate your organization's participation in a calendar cycle for the rule making process (if, for example, your organization meets at designated times);
- alternative timelines for a calendar for rulemaking;
- how to facilitate the statutory filing and notice requirements under Wis. Stat. § 751.12 during the rules cycle;

Comments should be filed by August 16, 2013, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If an advisory committee cannot respond by this date, an extension may be requested. If possible, e-mail a Microsoft Word version of your response to clerk@wicourts.gov. See comment guidelines at the court's website at <http://wicourts.gov/scrules/petitioncomment.htm>.

Following the expiration of the comment period, the court will schedule an open rules petition conference to discuss this matter further. Written comments filed with the clerk's office will be posted on the court's web site, as will court communications on this matter. You might wish to continue to consult the court's web site for Rules Petition 12-01 at <http://wicourts.gov/scrules/supreme.htm> for developments on this matter.

If you have specific questions or other comments regarding this matter, please contact Susan Gray, c/o Office of the Director of State Courts, P.O. Box 1688, Madison, WI 53701-1688 (telephone: 608-266-6708) (e-mail: susan.gray@wicourts.gov).

Very truly yours,

/s/

Julie Anne Rich
Supreme Court Commissioner

JAR/skg

cc: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David T. Prosser, Jr.
Justice Patience Drake Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman

List of Interested Parties for Supreme Court Rules Matters

Board of Bar Examiners
Chief Circuit Court Judges
Circuit Court Judges
Court of Appeals Judges
Court of Appeals, Attention: Chief Staff Attorney
Director of State Courts
Legal Action of Wisconsin, Attention: John F. Ebbott
League of Women Voters
Marquette Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation
Office of State Public Defender, Attention: Kelli S. Thompson
Office of the Attorney General, Attention: J.B. Van Hollen
State Bar of Wisconsin, Attention: Patrick Fiedler
State Bar of Wisconsin, Attention: George Brown
State Bar of Wisconsin, Attention: Lisa Roys
State Bar of Wisconsin, Attention: Natasha Fahey-Flynn
U.W. Law School, Attention: Margaret Raymond
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Western District Bar Association of Wisconsin, Attention: Lynn M. Stathas
Wisconsin Asian Bar Association, Attention: Arman S. Rouf
Wisconsin Association for Justice, Attention: Jane E. Garrott, Executive Director
Wisconsin Association of African American Lawyers, Attn: Jazmin Taylor
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: AliceRudebusch
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Clerks of Circuit Court Association, Attention: Lonnie Wolf
Wisconsin Counties Association, Attention: David Callender
Wisconsin Defense Counsel, Attention: Jane Svinicki and Andy Cook
Wisconsin District Attorneys Association, Attention: Diane Schlipper, Executive Director
Wisconsin Family Court Commissioners Association, Attention: Sandra Grady, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Adria D. Maddaleni
Wisconsin Judicare, Inc., Attention: Rosemary Elbert
Wisconsin Judicial Commission, Attention: James Alexander
Wisconsin Judicial Council, Attention: April Southwick
Wisconsin Juvenile Court Clerks Association, Attention: Joy Pecha
Wisconsin Municipal Judges Association, Attention: Honorable Scott Letteney
Wisconsin Registers in Probate Association, Attention: Amy Franzen
Wisconsin State Attorneys Association, Attention: Francis X. Sullivan
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuench
Wisconsin Tribal Judges Association, Attention: Amanda Rockmann, President
Christian Gossett, Winnebago County District Attorney

List of Additional Interested Parties

American Board of Trial Advocates-Wisconsin Chapter
Association of Administrative Law Judges
Board of Administrative Oversight
Clerk of Wisconsin Supreme Court and Court of Appeals
Department of Workforce Development
Joint Legislative Council
Judicial Conduct Advisory Committee
Milwaukee County Bar Association
Preliminary Review Committee
Warren Weinstein, Assistant Attorney General
Attorney Brady Williamson
Wisconsin Trust Account Foundation
Wisconsin Manufacturers & Commerce
Wisconsin Municipal Court Clerks Association
Wisconsin REALTORS Association
Attorney Mike Wittenwyler
Christopher Wren, Assistant Attorney General