



STATE BAR OF WISCONSIN

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MEMORANDUM

To: Carrie Janto, Deputy Clerk, Supreme Court of Wisconsin
From: Nilesh Patel, Chair, Communications Committee
Copy: Executive Committee, State Bar of Wisconsin
George Brown, Executive Director, State Bar of Wisconsin
Date: January 4, 2013
Re: Supreme Court Rules – Public Input Request (Rule Petition 12-09)

Thank you for the invitation to comment on Rule Petition 12-09, filed by the Publication Review Committee and convened by Chief Justice Abrahamson. At the request of State Bar of Wisconsin leadership, I am responding on behalf of its Communications Committee, which serves as the *Wisconsin Lawyer* magazine's editorial advisory board. The Communications Committee has responsibility for developing and implementing effective means of communications between the State Bar, courts, attorneys, and the public. In this role, the Communications Committee evaluates and recommends policies for information published in the *Wisconsin Lawyer* and other State Bar communication channels. Our Committee is interested in changes to SCR 98.07 because the rule requires publication of Court actions in the *Wisconsin Lawyer*.

Support for changes to SCR 98.07, with request for amendment

The Communications Committee supports the proposed changes to SCR 98.07, which impact the State Bar of Wisconsin's publication of rules adopting, amending, or repealing a rule, statute, or policy. However, we respectfully request that the Court amend proposed SCR 98.07 as shown in bold face below:

SCR 98.07. All orders of the supreme court adopting, amending or repealing a rule, statute, or policy shall be published in the official state newspaper promptly after adoption publications designated in SCR 80.01, including the official publishers' online databases, **and by the state bar of Wisconsin, in its official publication and on the Wisconsin Court System's web site. The state bar of Wisconsin shall provide notice of such orders.**

The Communications Committee supports the change to SCR 98.07, with the above-noted revisions, for the following reasons:

1. The Publication Review Committee's proposed amendment provides effective notice of Supreme Court orders to interested parties via multiple channels.
2. The proposed amendment directs all interested parties of the Court's orders to one central location, the Court's website. There, interested parties may review the order in its entirety along with all the other documents related to the subject matter of the order. As a result, the amendment provides notice, directs interested parties to one central repository, and allows a comprehensive review of relevant documents.
3. Since the full order, along with related documents, will be available on the Court's website, there will be no need to republish the full order in a State Bar of Wisconsin publication. A proper notice, as described below, to interested parties will be shorter, will require fewer publication resources, and will result in cost-savings for the State Bar of Wisconsin.
4. Eliminating the requirement that information only be communicated via the "official publication" of the State Bar of Wisconsin will enable the State Bar to utilize other timely and effective communication channels as they develop. Currently, the State Bar is limited to publishing notices and orders only in print via the *Wisconsin Lawyer*, as that is the official publication of the State Bar. However, the State Bar of Wisconsin has other options, such as *InsideTrack*, an electronic publication, and will likely have more choices as technology advances. The proposed amendment will provide significant flexibility to the State Bar of Wisconsin to choose the most effective means of communicating Court notices, now and in the future.

The following section describes the Communications Committee's recommendations for implementing the proposed changes to SCR 98.07. These recommendations have been discussed with the State Bar's Governance Committee, a committee of the Board of Governors responsible for evaluating such recommendations for change.

How the State Bar expects to publish notice of rule orders

The Communications Committee recognizes that the Court's rule orders are significant developments that need to be communicated to State Bar members. In addition, State Bar members are accustomed to reviewing the information in the print magazine. In order to emphasize the importance of the rule orders and communicate the information in a familiar location, the Communications Committee recommends that dual notice be given to implement the proposed amendment to SCR 98.07.

First, notices of final orders will be printed in the monthly *Wisconsin Lawyer* magazine, in a standing boxed sidebar in the magazine's Supreme Court Digest column. Additionally, we recommend notice via the electronic publication, *InsideTrack*, which is published twice a month and delivered to nearly 90 percent of State Bar members, the percentage of members who have email addresses on file with the State Bar.

In both instances, interested readers will be directed to the Court's website page, which is a more complete repository for the Court's rules, hearing notices, petitions, comments, and other

materials related to the rule order. The Communications Committee agrees with the Court's Publication Review Committee that the recent redesign of the Court's website makes it easier to locate this official content.

By providing notice of Court orders in print in the *Wisconsin Lawyer* and electronically via *InsideTrack*, State Bar of Wisconsin members will receive multiple notices to make them aware of Court actions related to the adoption, amendment, or repeal of a rule, statute, or policy. By utilizing the more frequently published *InsideTrack* publication, the State Bar will be able to provide Internet links to take a reader directly to the relevant documents on the Court's website. At the same time, the State Bar will reduce printing costs associated with publishing entire rule change orders in the *Wisconsin Lawyer* magazine.

Summary

The Communications Committee of the State Bar of Wisconsin supports amending SCR 98.07 and respectfully requests the Court adopt the language proposed in this memorandum. The proposed amendment provides timely notice to interested parties, reduces publication expenses, and directs interested parties to a comprehensive collection of relevant documents on the Court's website. The amendment also updates SCR 98.07 so that the State Bar of Wisconsin can take advantage of online communication tools that can not only direct readers to the appropriate documents, but can do so more frequently and with less costs than print publishing. Lastly, the proposed amendment provides the flexibility for the State Bar of Wisconsin to evaluate and utilize new communication tools that become available as technology advances.