



# Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

Nancy A. Kopp  
Julie A. Rich  
David W. Runke  
Mark A. Neuser  
Commissioners

Telephone (608) 266-7442

September 24, 2013

To: Wisconsin Supreme Court Advisory Committee on Rule Procedures  
Chief Justice Shirley S. Abrahamson  
Justice David T. Prosser, Jr.  
Justice Patience Drake Roggensack  
Attorney Dean Dietrich  
Attorney Beth Hannan  
Attorney Russ Whitesel  
Attorney Lisa Roys  
Theresa Owens, Committee Reporter

Re: Rule Petition 12-01, Wisconsin Supreme Court Advisory Committee's Report and Recommendations submitted to the Supreme Court in May 2011 regarding the court's rule making function.

Members of the Advisory Committee:

You are receiving this letter because you served as a member of the Wisconsin Supreme Court Advisory Committee on Rules Procedures. This letter is to inform you of recent developments in this matter.

On February 28, 2013, the court discussed the matter 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/supreme/docs/1201commentsabrahamson4.pdf>.

On August 2, 2013, Justice Patience D. Roggensack filed an amendment to the procedures governing rulemaking process that the court adopted on February 28, 2013. A copy of Justice Roggensack's August 2, 2013 filing can be found at the court's web site under Responses to Rules Petition 12-01 at <http://wicourts.gov/supreme/docs/1201commentsroggensack2.pdf>.

On September 19, 2013, State Bar President Patrick J. Fiedler submitted comments on the petition. The State Bar's comments are also found at the court's web site under Responses to Rules Petition 12-01 at <http://wicourts.gov/supreme/docs/1201commentswisbar.pdf>.

On September 20, 2013, the Judicial Council advised the court that it takes no position on the proposals.

The court is seeking public comment 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 agency participation in a calendar cycle for the rule making process;
- alternative timelines for a calendar for rulemaking; and
- how to facilitate the statutory filing and notice requirements under Wis. Stat. § 751.12 during the rules cycle.

Comments should be filed by November 18, 2013, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, e-mail a Microsoft Word version of your response to [clerk@wicourts.gov](mailto:clerk@wicourts.gov). See comment guidelines at the court's website at <http://wicourts.gov/scrules/petitioncomment.htm>.

The court intends to 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](mailto:susan.gray@wicourts.gov)).

Yours very truly,

/s/

Julie Anne Rich

Supreme Court Commissioner

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