
**In re Matter of Publication of
Supreme Court Orders - creation of
Rules under Supreme Court Rules Ch. 80
and amendment of Supreme Court
Rule 98.07, Publication of Rules**

**PETITIONER'S
RESPONSE
TO COMMENTS**

Petition No. 12-09

The Publication Review Committee met on Tuesday, January 8, 2013, to discuss the comments filed with regard to the committee's proposal to adopt Supreme Court Rules 80.002 and 80.003 and amend Supreme Court Rule 98.07 to establish a procedure for the publication of court orders issued in cases and rule petition matters.

I. Response to Comment from the Office of Lawyer Regulation:

Director Keith Sellen, Office of Lawyer Regulation, brought to the committee's attention that Supreme Court Rule 22.23 excepts from publication those lawyer disciplinary decisions that result in dismissal or private reprimand. The committee has also identified other decisions including decisions in medical incapacity and conditional admission matters that may be excepted from publication.

In order to address this concern, the committee proposes the addition of the phrase "unless otherwise provided by law" to proposed Supreme Court Rules 80.002 and 80.003:

SCR 80.002. *Supreme Court Opinions.* Unless otherwise provided by law, ~~All~~ all supreme court opinions shall be published in the official publications designated in SCR 80.01.

SCR 80.003. *Supreme Court Orders.*

- (1) Unless otherwise provided by law, ~~A~~ a supreme court order shall be published if the order meets any of the following criteria:
- (a) The order disposes of any appeal, review, or proceeding before the supreme court and contains significant discussion or explanation of the grounds for disposition.
 - (b) The order resolves a motion for reconsideration of a supreme court opinion and contains further explanation, clarification, or modification of the court's opinion.
 - (c) The order resolves a bona fide and substantial request for recusal or disqualification of a justice.

(2) Unless otherwise provided by law, Orders orders of the supreme court other than those in sub. (1) may be published if the order meets one or more of the following criteria:

- (a) The order concerns a legal, factual, jurisdictional, or procedural issue of significant public interest or importance.
- (b) The order contains significant discussion or explanation of the state constitution, or any law, statute, or court rule.
- (c) The order enhances access to or transparency of the court's work to the general public.

II. Response to Comment from the State Bar of Wisconsin:

The State Bar of Wisconsin filed a comment specific to Supreme Court Rule 98.07. The committee has no objection to the revised version of rule 98.07 as set forth in the State Bar's comment.

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 website. **The State Bar of Wisconsin shall provide notice of such orders.**

Respectfully submitted this 10th day of January, 2013.

On behalf of the Publication Review
Committee, submitted by
Theresa Owens, Executive Assistant