

November 29, 2013

Ms. Carrie Janto
Supreme Court of Wisconsin
P.O.Box 1688
Madison, WI 53701

RE: Supreme Court Rule Petition 13-08, Response to Steven Levine's Comments

Copy: Executive Committee, State Bar of Wisconsin
George Brown, Executive Director, State Bar of Wisconsin

Dear Ms. Janto:

I write to address State Bar of Wisconsin Governor Steven Levine's comments regarding Supreme Court Rule Petition No. 13-08 and to supplement the response from the Petitioner, the State Bar of Wisconsin. I was Chair of the State Bar of Wisconsin's Communications Committee during the development of the Petition and had a significant role in developing the Publication Plan proposed with the Petition. I believe the State Bar has developed a thoughtful Petition and Publication Plan, both of which should be adopted without incorporating the changes suggested by Governor Levine.

The Publication Plan was developed after more than a year's effort and it provides more, rather than less, notice to members. Important notices such as Supreme Court Orders under SCR 98.07 and amendments to State Bar Bylaws under SCR 10.13(2) will continue to be printed in the *Wisconsin Lawyer*. However, they will also be published electronically in the *InsideTrack* electronic newsletter.

Under Rule Petition 12-09, the State Bar requested the ability to provide SCR 98.07 related notices in an abbreviated form in the *Wisconsin Lawyer* and in *InsideTrack*. The State Bar provided a detailed mock-up to the Court to demonstrate how the notices would appear in the two publications and how members would see the relevant information in a summarized format. The Court appeared to view the proposed changes favorably at its Administrative Conference on January 15, 2013.

The State Bar is not seeking any further modifications for how notices will be provided under SCR 98.07. Rather, the current Petition and the Publication Plan incorporate the previously discussed changes to SCR 98.07. Similarly, the State Bar is proposing that under SCR 10.13(2), amendments to State Bar Bylaws receive dual

notice in the same two publications. Therefore, contrary to Governor Levine's comments, the State Bar is not removing these important notices from the *Wisconsin Lawyer*. Rather, it is expanding plans to provide dual notice to members.

Governor Levine raises another concern that electronic communication methods may be taken less seriously than [printed] methods. While some members may prefer to receive information in print format, such a preference cannot be broadly or generally attributed to more than 24,000 State Bar members. Nor should that preference be the controlling factor in all instances, especially if electronic publications can provide other benefits, which are described in the next paragraph. Regardless, by publishing the Court's Orders and State Bar Bylaw amendments in print and electronically, the State Bar is decreasing the risk that members will miss those notices.

A small number of notices will be available only electronically, via the *InsideTrack* newsletter, via the news section on the State Bar's website, or in extremely rare or urgent instances, via email. One reason for this change to an electronic format is that publishing notices only via print is neither the most efficient method nor the best way to serve State Bar members. Moving to an electronic format allows for timelier notices over the magazine's monthly publication schedule; members can receive electronic notices twice a month via *InsideTrack*. Further, publishing some notices electronically means the magazine can plan for more content that is both interesting reading and relevant to members' law practice.

In his comments Governor Levine urges several changes to the Publication Plan, changes that do not serve the best interests of the State Bar or its members.

For one, he suggests an additional step of emailing notices to members. This step is unnecessary where notices are published in the magazine and electronically. Even where notices are published only electronically, it is better to consolidate them and publish them in one regularly scheduled and predictable medium, such as *InsideTrack*, rather than sporadic emails that may get ignored. Lastly, the State Bar would be doing a disservice, and risking complaints from members, if it is not considerate about the frequency or number of email communications.

Second, Governor Levine suggests the State Bar be required to provide notices via email to members of the public. Such a requirement is inappropriate and should not be considered. Governor Levine proposes a new duty that is beyond the notice requirements in the existing Supreme Court rules. The State Bar does not currently provide notices to the public and its duties should remain limited to providing notices for State Bar members.

In closing, I want to emphasize that the Publication Plan was developed after extensive discussion and modifications. The Plan provides for ample and timely notice to State Bar members while also freeing up space for more interesting and practice relevant content in the *Wisconsin Lawyer* magazine. I believe that the thorough manner in which the Plan was developed is responsible for its unanimous approval by the State Bar of Wisconsin's Communications Committee, the Governance Committee, and ultimately the Board of Governors.

Therefore, I respectfully request that the Court approve the Petition and the Publication Plan without any changes.

Truly,

Nilesh P. Patel