



## STATE BAR OF WISCONSIN

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### **In the matter of:**

The petition of the State Bar of Wisconsin proposing revisions to SCR 10.05(4)(a)(5) and SCR 10.05(4)(g) Board of Governors, Functions; SCR 10.06(2) Executive Committee, Powers; SCR 10.09(2) Disbursements; SCR 10.12 Official Publication; Notice to Members; SCR 10.13(2) Amendment, Amendment of Bylaws.

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### **SUPPORTING MEMORANDUM FOR REVISION OF SUPREME COURT RULE 10.05(4)(a)5 and SCR 10.05(4)(g), SCR 10.06(2), SCR 10.09(2), SCR 10.12, SCR 10.13(2)**

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

Filed with the Clerk of Court Diane Fremgen  
Clerk of Supreme Court  
110 E. Main Street, Suite 215  
Madison, WI 53703

The State Bar of Wisconsin petitions the Court for a revision to Supreme Court Rule 10.05(4)(a)5 and 10.05(4)(g), Board of Governors, Functions; SCR 10.06(2) Executive Committee, Powers; SCR 10.09(2) Disbursements; SCR 10.12 Official Publication, Notice to Members; and SCR 10.13(2) Amendment, Amendment of Bylaws. On June 12, 2013, the Board of Governors approved the filing of this petition by a unanimous vote.

The Governance and Communications committees of the State Bar reviewed the Supreme Court Rules and State Bar of Wisconsin bylaws related to requirements for publication and notice to members of various State Bar activities. The committees sought approval of amendments to SCR 10.12 regarding official publication and notice to members, along with related Supreme Court Rules and State Bar Rules and Bylaws.

### **Background**

Supreme Court Rules 98.07 and 10.12 control how the State Bar of Wisconsin delivers information to its members about changes to Supreme Court Rules and State Bar rules and bylaws. Recognizing print may no longer be the most timely and effective means for distributing

information to members about these matters, the Wisconsin Supreme Court and State Bar have considered changes to 98.07 and 10.12 that offer the State Bar greater flexibility in how it disseminates this information.

In early 2013, the Wisconsin Supreme Court considered amendments to SCR 98.07 that proposed to change its requirement that the State Bar of Wisconsin publish in full, in its official publication (currently the *Wisconsin Lawyer* magazine), Wisconsin Supreme Court orders adopting, amending, or repealing a rule or statute. The State Bar requested and received initial approval for modification to SCR 98.07 that allows the State Bar to publish “notice” of such matters.

Current SCR 10.12 requires the State Bar to publish official notices through its official publication. The State Bar is asking the Supreme Court to allow print or electronic dissemination of official notices. Such publication will constitute official notice to State Bar members.

The key proposed revision lies in SCR 10.12 which identifies the State Bar’s official publication and required notices to members. The petition would modify this section as follows:

#### **SCR 10.12: Official Publication, Notice to Members**

- (1) **Official Publication.** ~~The Wisconsin bar bulletin~~ Wisconsin Lawyer magazine or its successor is the official print publication of the state bar of Wisconsin. ~~All official notices shall be published therein or mailed first class to members entitled thereto at their address of record. Such publication shall constitute notice to all members. The publication shall be sent by mail to all members at their address of record.~~ The state bar may designate electronic media as official publication for the purpose of providing notices to members.
- (2) **Notice to Members.** The state bar shall publish notices required by supreme court rules or state bar rules and bylaws. Such publication shall constitute official notice to state bar members.
- (3) **Publication Plan.** The state bar board of governors shall approve a plan for how the state bar will publish notices to members required by supreme court rules or state bar rules and bylaws. That plan will be published in the Wisconsin Lawyer or its successor and on the state bar’s website. The state bar will provide notice to members whenever the plan is amended.

Other amendments to Supreme Court Rules included in this petition and associated bylaws amendments continue to implement the intent of the State Bar to provide flexibility for electronic publication of notices to members.

#### **Publications Plan, Official Publications**

The proposed revised SCR 10.12 implements the use of a “publication plan” for how the state bar will publish notices to the membership. The plan outlines how the State Bar will provide various required notices to members. The administration of this publication plan is delegated to the Communications Committee and Publications staff. The Executive Committee will review

this plan, including future substantive changes to it, and forward its recommendation to the Board of Governors for approval.

The State Bar will publish this plan in the *Wisconsin Lawyer*, in *WisBar InsideTrack*, and on its website, WisBar.org, as notice to its members. The State Bar also will provide notice to members whenever the plan is substantially amended.

The State Bar will designate print and electronic media as official publications. The State Bar may, after Executive Committee review, amend this list as other appropriate information delivery technologies evolve.

In support of this petition, please find enclosed:

- 1) A publications plan that outlines how the State Bar will provide various notices to members (Attachment A)
- 2) Amendments to related State Bar Bylaws, which bring uniformity to these rules and update references to outdated publishing practices. These bylaws revisions were adopted by a unanimous vote of the Board of Governors on June 12, 2013. (Attachment B)

Respectfully submitted this 28<sup>th</sup> day of June 2013.



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