

CHAPTER SCR 98

ADOPTION AND PUBLICATION OF SUPREME COURT RULES

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Judicial Council Committee’s Note, 1979: The following rules govern the method of adoption and publication of rules of the supreme court. SCR chapter 98 was adopted for the first time by the order of the supreme court promulgating SCR chapters 10 to 99.

Note: SCR Chapter 98 was amended June 27, 1996; amended August 7, 2015.

SCR 98.01 Definitions. In this chapter:

(1) “Adoption” includes the creation, amendment or repeal of a rule.

(2) “Rule” means an SCR rule or a supreme court rule under section 751.12 of the statutes.

(3) “SCR” or “SCR rule” means a supreme court rule not adopted under section 751.12 of the statutes and which is contained within SCR chapters 10 to 99.

SCR 98.02 Applicability of chapter. This chapter applies to all rules.

SCR 98.03 Review of language. Prior to adoption, a proposed rule shall be submitted to the director of state courts. Copies of the proposed rule shall be sent for review and suggestions as to drafting style and numbering to the chief of the legislative reference bureau and the revisor of statutes, who shall treat the review and any suggestions as confidential prior to the issuance of an order by the supreme court adopting the rule. The procedure specified in this rule shall be followed unless the supreme court determines there is insufficient time to use the procedure prior to the required adoption of a rule.

History: Sup. Ct. Order No. 96–09, 201 Wis. 2d xxvii (1996).

SCR 98.04 Rule style. The style of a rule shall be similar to the style required under section 35.18 (3) of the statutes. Any amendment or repeal of an existing rule required by a new rule shall be included in the order of the supreme court adopting the new rule.

SCR 98.05 Effective date. Orders adopting rules shall contain the effective date of the rules adopted.

SCR 98.06 Numbering of orders. Orders adopting rules shall be numbered consecutively and shall be filed and recorded separately in the office of the clerk of the supreme court.

SCR 98.07 Publication of rules orders. All orders of the supreme court adopting, amending or repealing a rule or statute shall be published in the official publications designated in SCR 80.01, including the official publishers’ online databases, and on the Wisconsin court system’s Web site. The State Bar of Wisconsin shall provide notice of such orders.

History: Sup. Ct. Order No. 12–09, 2015 WI 86, filed and eff. 8–7–15.

Comment: SCR 98.07 shall be applied with reference to Wis. Stat. s. 751.12 which provides, inter alia, that rules promulgated pursuant to Wis. Stat. s. 751.12 shall not abridge, enlarge, or modify the substantive rights of any litigant.

All supreme court orders disposing of a rule petition will be available on the Wisconsin court system’s Web site.

SCR 98.08 Biennial publication. All SCR chapters shall be published biennially in even-numbered years as a separate volume by the official publications designated in SCR 80.01. The judicial council shall assist in the preparation of the SCR chapters in proper form for publication.