

## 2022-013 Supreme Court Rule 51

Subcommittee Report

Date: 3/3/2023

Subcommittee: Justice Patrick E. Donovan, Hon. William Delker, Hon. Michael Garner, Attorney Abigail Albee, Attorney Lorrie Platt

The proposed amendments to Supreme Court Rule 51 are intended to remove redundant and unnecessary language in an effort to clarify and streamline the Court's rule making and amendment process. In addition, the proposal has been reorganized, reformatted and edited to employ the defined terms in order to make the rule more understandable and internally consistent and consistent with other Supreme Court Rules. For example, language in 51(d)(2)(B) has been stricken because it imposes obligations that appear to be beyond the Committee's mission or capacity. Because proposed and suggested rules are posted on the Court's website, the Advisory Committee should not be tasked with the obligation to "identify and solicit comments from those who are likely to be most affected by, or interested in, a suggested rule or rule amendment." The proposed amendments ensure that members of the bar and public will be notified as to any proposed rule or rule amendment and that the rule making process remains transparent.

In addition, the formality of distributing copies of proposed rules or rule amendments together with an invitation for comments to legislative leaders is unnecessary given that members of the legislature are, and will remain, standing members of the Advisory Committee. Regardless, members of the committee cannot recall receiving comments from these parties in recent memory. Accordingly, the proposed amendment seeks to reduce the administrative resources needed to comply with the former mandate.

The Subcommittee has also included language to permit non-Committee members to participate in subcommittee work. Finally, the proposed amendments attempt to clarify the rule docketing process currently employed by the Court for accepting comments on proposed rules and rule amendments.