

# SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 03-03A

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In the matter of amendments to Supreme Court  
Rules Chapter 36 - Eligibility for Appointment  
as Guardian Ad Litem for an Adult.

**FILED**

**FEB 17, 2012**

A. John Voelker  
Acting Clerk of  
Supreme Court  
Madison, WI

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The court on its own motion amends Supreme Court Rule (SCR) Chapter 36 to update and correct certain statutory citations contained in the chapter.

By order dated January 8, 2004, the court adopted a petition filed by the Judicial Council pursuant to which it created SCR Chapter 36, entitled "Eligibility for Appointment as Guardian Ad Litem for an Adult" (Justice Roggensack dissenting, joined by Justice Wilcox and Justice Prosser).

The court is advised that certain statutory citations contained in SCR Chapter 36 were subsequently repealed. Wis. Stat. ch. 880, "Guardians and Wards," was repealed in 2006. 2005 Wis. Act 387 renumbered most of chapter 880 relating to guardianships to chapter 54. In addition, the court omits references to chapter 51 in SCR Chapter 36 because guardians ad litem are not appointed under SCR Chapter 51. Therefore,

IT IS ORDERED that effective July 1, 2012, the supreme court rules are amended as follows:

**SECTION 1.** 36.01 (intro.) of the supreme court rules is amended to read:

36.01 (intro.) Commencing on July 1, 2004, a lawyer may not accept an appointment by a court as a guardian ad litem for an adult in an action or proceeding under chs. ~~51, 54 or 55, or 880,~~ 54 or 55, stats. unless any of the following conditions have been met:

**SECTION 2.** 36.02 (intro.) of the supreme court rules is amended to read:

36.02 (intro.) A lawyer's acceptance of appointment as a guardian ad litem for an adult in an action or proceeding under chs. ~~51, 54 or 55, or 880,~~ 54 or 55, stats., constitutes the lawyer's representation to the appointing court that the lawyer is eligible to accept the appointment under SCR 36.01 and is governed by SCR 20:3.3.

**SECTION 3.** 36.03 (1) of the supreme court rules is amended to read:

36.03 (1) The board of bar examiners shall approve courses of instruction at a law school in this state and continuing legal education activities that the board determines to be on the subject of the role and responsibilities of a guardian ad litem for an adult or on the subject matter of proceedings under chs. ~~51, 54 or 55, or 880,~~ 54 or 55, stats., and that are designed to increase the attendee's professional competence to act as guardian ad litem for an adult in those proceedings. The board of bar examiners may ~~only~~ approve courses of instruction or continuing legal education activities that are conducted after January 1, 1995.

IT IS FURTHER ORDERED that notice of this amendment of Supreme Court Rules chapter 36 be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 17th day of February, 2012.

BY THE COURT:

A. John Voelker  
Acting Clerk of Supreme Court

