

SUPREME COURT OF WISCONSIN

No. 11-05

In the matter of the petition to review change
in State Bar bylaw.

FILED

MAR 2, 2012

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

Pending before the court is a challenge to amendments to Article I, Section 5 of the bylaws of the State Bar of Wisconsin. The Board of Governors approved the changes in April 2011.¹ On April 15, 2011, these proposed bylaw changes were duly filed with the Supreme Court pursuant to SCR 10.13(2) and Article IX of the State Bar bylaws.² SCR 10.13(2) provides that:

[a] petition for review of any such change in the bylaws will be entertained by the court if signed by 25 or more active members of the association and filed with the clerk of the court within 60 days after publication of notice of the change. Hearing upon such a petition will be pursuant to notice in such manner as the court directs.

On July 6, 2011, 25 active members of the State Bar of Wisconsin filed a petition asking the court to review and void or amend the

¹ SCR 10.13(2) provides that the provisions of the bylaws of the State Bar are subject to amendment or abrogation by resolution adopted by vote of two-thirds of the members of the board of governors, or action of the members of the association expressed through the referendum procedure defined in SCR 10.08.

² The amendment was also duly published in the May 2011 Wisconsin Lawyer.

amendment. The bylaw amendment concerns the arbitration process used when a State Bar member asserts that an expenditure of State Bar dues by the State Bar was not for purposes of "regulating the legal profession" or "improving the quality of legal services," as required by SCR 10.03(5)(b)1.

The petitioners challenge the legal effect of the amendment, asserting that it may be inconsistent with Wis. Stat. Ch. 788 (Arbitration) by, inter alia, improperly providing for de novo judicial review of an arbitrator's decision. The petitioners propose alternative bylaw language which they ask this court to adopt.

The court discussed the matter at open administrative conference on September 15, 2011, and concluded it would benefit from additional information prior to proceeding on the petition. Accordingly, the petitioners and the State Bar filed letter briefs addressing aspects of the petition in November 2011. At its open administrative conference on February 27, 2012, the court discussed the matter again and voted unanimously to schedule a public hearing on the petition.

IT IS ORDERED that a public hearing on the petition shall be held in the Supreme Court Room in the State Capitol, Madison, Wisconsin, on Wednesday, May 16, 2012, at 9:30 a.m.

IT IS FURTHER ORDERED that the court's conference in the matter shall be held promptly following the public hearing.

IT IS FURTHER ORDERED that notice of the hearing be given by a single publication of a copy of this order and of the petition in the official state newspaper and in an official publication of the State Bar of Wisconsin not more than 60 days nor less than 30 days before the date of the hearing.

Dated at Madison, Wisconsin, this 2nd day of March, 2012.

BY THE COURT:

A. John Voelker
Acting Clerk of Supreme Court

