

**STATE OF WISCONSIN
SUPREME COURT**

In the matter of:

**The petition of the State Bar of Wisconsin
proposing revisions to SCR 10.04
concerning the officers of the State Bar of Wisconsin**

PETITION FOR REVISION OF SUPREME COURT RULE 10.04

To: The Honorable Justices of the Supreme Court

The State Bar of Wisconsin petitions the Court for a revision to Supreme Court Rule 10.04 governing the terms of office of the President and the Chairperson of the Board of Governors.

At the September 30, 2005, meeting of the Board of Governors, the Board supported a motion to direct then-President Guerin to appoint a committee to review a proposed amendment to Article II of the State Bar bylaws that would codify the State Bar's custom and practice of rotating officer candidates around certain regions of the state. In the context of its deliberations, the committee also examined the interrelated question of whether some officers, in particular the President and Chairperson of the Board of Governors, should be limited to one term. (Currently there is no term limit.) The committee ultimately recommended to the Board of Governors that the State Bar petition the Supreme Court to amend SCR 10.04 to limit the President and Chairperson each to one term in office. At its meeting on May 8-9, 2007, the Board of Governors adopted the committee's recommendation by a voice vote of greater than sixty percent. This petition, in particular Attachment #1, sets forth the Board of Governors' requested amendment to SCR 10.04 to limit the President and Chairperson to one term each.

The Election Bylaws Committee appointed in 2005 by then-President Guerin was chaired by Attorney Ken Knudson. The committee's members included the following attorneys: Lisa Arent, Milwaukee; Thomas Bertz, Stevens Point; Grant Birtch, Neenah; James Boll, Madison; Joseph Cardamone, Salem; James Carney, Janesville; John Macy, Waukesha; Mark Pennow, Green Bay; Deborah Smith, Madison; and Robert Swain, Appleton. The committee reported its recommendations to the Board of Governors on February 3, 2007, and as stated already, the Board of Governors approved those recommendation at its May 2007 meeting.

By way of background, and separately from the requested changes to SCR 10.04, the Election Bylaws Committee recommended to the Board of Governors numerous changes to the Article II of the State Bar bylaws. Those recommended changes were also approved in May 2007 by the

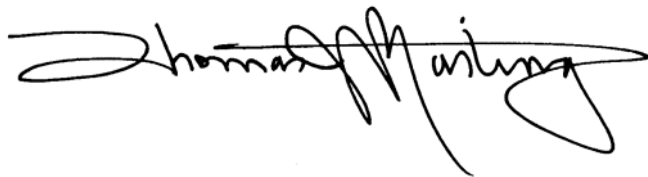
Board of Governors on a 42-1 vote and have been filed separately with the Court pursuant to SCR 10.13(2) and Article IX of the State Bar bylaws. These changes to the State Bar bylaws are explained here only to provide context for the requested change to SCR 10.04 regarding term limits. This petition does not constitute a request that the Court take any action regarding the Board of Governor's amendments to Article II of the State Bar bylaws. (For reference, the Board of Governors' amendments to Article II of the State Bar bylaws are appended to this petition as Attachment #2; as stated, they have been filed separately with the Court.)

For over twenty years, it had been the common practice of the Bar to nominate candidates to run for president-elect from one of three areas: Milwaukee County, Dane County, or all other counties combined in an area called Out-State. The April 2005 election was an Out-State year in which Attorney Steven Levine of Madison self-nominated to run against the two nominated candidates from outside Madison and Milwaukee. Candidate Levine prevailed, winning 40 percent of the vote while the two Out-State candidates split the remaining 60 percent of the vote, with neither of them receiving more than Levine's 40 percent. Candidate Levine's election was viewed by many in the Out-State district as a disenfranchisement and a great deal of concern was raised about the viability of future Out-State candidates if they would have to face self-nominated candidates from Milwaukee or Madison.

The Election Bylaws Committee appointed by President Guerin at the direction of the Board of Governors addressed the issue of how to amend the Supreme Court Rules and the State Bar bylaws to ensure that Out-State candidates would have a fair chance to serve as presidents of the State Bar of Wisconsin in the future. The Committee also took into consideration the proposal to include Waukesha County in the rotation in a manner more structured than previously adopted by the Board of Governors. In addition to the committee's recommendations regarding rotation that were incorporated into the Board of Governors' amendments to Article II of the bylaws, the committee recommended the change that is the subject of this petition, to amend SCR 10.04 to limit the President and the Chairperson to one term each.

Based on the foregoing, the State Bar of Wisconsin requests that the Supreme Court amend SCR 10.04 as reflected in Attachment #1 to this petition.

Respectfully submitted, this 18th day of July, 2007.

A handwritten signature in black ink, appearing to read "Thomas J. Basting, Sr.", written in a cursive style.

ATTY. THOMAS J. BASTING, SR.
President, State Bar of Wisconsin
PO Box 7158
Madison WI 53707-7158

Attachment #1: SCR Chapter 10: Regulations of the State Bar

SCR 10.04 Officers. (1) **Titles; Nomination and Election.** The officers of the state bar include a president, a president-elect, an immediate past-president, a chairperson of the board of governors, a secretary and a treasurer, who shall be nominated and elected in the manner provided by the bylaws. Only active members of the state bar residing and practicing law in Wisconsin are eligible to serve as officers of the association. The term of office of the president, president-elect, immediate past-president and chairperson of the board of governors is one year. The term of the secretary and the treasurer is 2 years, with the secretary elected in even-numbered years and the treasurer elected in odd-numbered years. The term of each officer runs until the qualification of a successor.

(2) **Duties of officers.** (a) *President.* The president is the chief executive officer of the association. He or she shall be a member-at-large of the board of governors and shall preside at all meetings and assemblies of the association and the executive committee. He or she shall make the appointments to and designate the chairperson of all standing committees, create and appoint special committees, and be a member, ex officio, of every committee.

(b) *President-elect and past president.* The president-elect and immediate past-president shall each be a member-at-large of the board of governors and the executive committee and shall perform all other duties assigned to them by the president or board of governors or under these rules or the bylaws. At the expiration of the one-year term of office of the president, the president-elect shall succeed to the office of president and the president shall succeed to the office of immediate past-president.

(c) *Chairperson, board of governors.* The chairperson of the board of governors shall be elected from the board membership by its members and shall be a member-at-large of the board of governors after his or her election. The chairperson shall be a member of the executive committee ex officio and shall preside at all meetings of the board of governors. The chairperson shall perform the duties of the president in the absence or disability of the president or in the event of a vacancy in the office of president.

(d) *Secretary.* The secretary shall be a member-at-large of the board of governors. The secretary shall confer with and generally supervise the executive director and the administrative staff of the state bar as to the keeping of proper minutes and records, the maintenance of correct membership files and mailing lists and the general operation of the headquarters office and he or she shall make recommendations thereon to the board of governors as required.

(e) *Treasurer.* The treasurer shall be a member-at-large of the board of governors. The treasurer shall confer with and generally supervise the executive director and administrative staff of the state bar as to the methods and procedures used in the receipt, collection and safekeeping of all funds of the state bar and the procedures for disbursement and audit of the funds. The treasurer shall assist the executive committee in preparing the annual budget and in presenting it to the board of

governors and shall make recommendations to the board of governors as to the association's financial affairs, as required.

(3) Term of Office. The office of President and Chairperson of the Board of Governors shall be for one term only. The offices of Secretary and Treasurer may be held for more than one term.

~~(3)~~ (4) Compensation. The officers of the association shall receive no compensation for their services, but shall receive reimbursement of their expenses as authorized and directed by the board of governors.

Attachment #2: State Bar By-Laws

Article II Officers

Section 1. Nominations. The President-Elect, the Secretary and the Treasurer of the State Bar shall be elected from a list of candidates nominated in the manners herein prescribed.

(a). The President of the Association with approval of the Board of Governors shall appoint ~~A~~ a committee of five members to nominate candidates for said offices to be voted on at the next annual election, ~~shall be appointed by the President of the Association with the approval of the Board of Governors~~ The nomination committee shall be approved at the first regularly scheduled Board meeting following the annual convention. ~~Such report~~ The committee shall issue a report naming ~~name~~ ~~one two~~ or more ~~candidates nominated by the committee~~ nominees for the Office of President-Elect, two or more ~~candidates nominated~~ nominees for the Office of Secretary and two or more ~~candidates nominated~~ nominees for the Office of Treasurer. Before making its report, the committee shall solicit from the membership the names of members interested in seeking nomination to any office scheduled for election. The committee shall make its report no later than December 15 in each year.

(b). Other persons may be nominated for any of said offices by petition ~~signed in the case of each~~ Each nominee must provide a petition signed ~~candidate~~ by not less than one hundred active members of the Association ~~;~~ ~~and~~ The petition must be filed in the Office of the Executive Director on or before the first business day of February of the year of the election ~~;~~ ~~provided that before the filing of such petition~~ Before such a petition may be filed, the nominee must consent in a written statement ~~shall be endorsed thereon by the nominee to the effect that the member consents~~ to nomination for the office designated in the petition.

Section 2. Voting and Canvass of Ballots. The provisions of Sections 4 to 8 inclusive of Article III of these By-Laws relating to the election of members of the Board of Governors shall be applicable also to the election of officers.

Section 3. Election of Chairperson of the Board of Governors. The Board shall elect a ~~A~~ Chairperson of the Board of Governors ~~shall be elected by the Board~~ from its members at its last regular meeting each fiscal year. The President shall appoint a nominating committee from the governors at the second to last regular Board meeting of the fiscal year. The committee shall ~~to~~ nominate one or more candidates for this office ~~at the second to last regular Board meeting of the fiscal year.~~ Those eligible for nomination and election to this office ~~shall be~~ are : all ~~who are then members of the current~~ Board members , including members whose second terms expire that June, except for the President and President-Elect. While serving ~~in that office~~ as Chairperson of the Board , the Chairperson of the Board shall be a governor at large and no longer a district governor.

Section 4. Commencement of Term of Office. The terms of all out-going officers of the Association and the Chairperson of the Board of Governors shall end, and the term of their successor shall commence, on the first day of July.

Section 5 Regional Diversity of Officers. In order to encourage participation by lawyers throughout the State in the leadership of the State Bar, any year's nominees for the office of President Elect shall be from only one of four areas within the State of Wisconsin. The area designated for a given year shall be on the rotation specified herein. The four geographic areas are (a) District 2 - the Milwaukee area, (b) District 9 - the Madison area, (c) District 6 - the Waukesha area, and (d) all other State Bar Districts - designated as the Out-State area. A nominee's area is determined by where he or she primarily practices law. The area from which a

candidate(s) shall be eligible to run in the election for President Elect shall rotate each year in the following order: District 2, District 9, and then Out-State Districts, with District 6 being added following the Out-State area in every third rotation, with such addition of District 6 being made for the April 2009 election. If no candidates are available for nomination from the designated area in a given year, candidates from the area for the succeeding year shall be solicited and the rotation moved up to reflect the area from which the candidates are nominated. This rotation throughout the State shall apply to candidates chosen by the nominating committee and those petitioning for nomination. The State Bar shall maintain a schedule of this rotation and the District eligible for each annual election for president of the State Bar.