
**In re Matter of the creation of
a Judicial Code Review Committee**

**PETITION
12-_____**

This matter comes before the Wisconsin Supreme Court upon the petition of Chief Justice Shirley S. Abrahamson of the Wisconsin Supreme Court to create a committee to review the Wisconsin Code of Judicial Conduct, Supreme Court Rule Chapter 60. The current Wisconsin Judicial Code of Conduct is based on the 1990 ABA Model Code of Judicial Conduct. In 2007 the American Bar Association (ABA) issued a revised Model Code of Judicial Conduct. In 2010 the ABA amended the 2007 model code. A memorandum in support accompanies this petition.

In the June 25, 2008 open administrative conference, the supreme court approved the creation of a committee to review the Wisconsin Code of Judicial Conduct. In the fall of 2008 the supreme court issued a solicitation for persons interested in serving on a review committee. In May 2009 the supreme court approved the following mission statement for a review committee:

The mission of the Committee to Study the Code of Judicial Conduct is to conduct a comprehensive review of the Wisconsin Code of Judicial Conduct including examining the American Bar Association's 2007 Model Code of Judicial Conduct as revised, other proposals for changes to Wisconsin's code, and developing law and codes of other states, and if warranted, to make recommendations for modifications to the Wisconsin Code of Judicial Conduct.

At that time, Dean Joseph Kearney of the Marquette Law School expressed a willingness to assist in recruiting a faculty member to serve as a reporter.

Following further discussion at an open administrative conference on April 28, 2010, a 4-3 majority of the supreme court¹ voted not to proceed with the decision to create a committee to review the code of judicial conduct.

As a result of the ABA's 2007 revision, twenty seven states (27) have approved a revised judicial code, and fifteen (15) states have established committees to review local judicial codes.²

This petition proposes the creation of a Judicial Code Review Committee as follows:

1. The supreme court shall create a Judicial Code Review Committee consisting of the following 24 persons representing a diverse group from the legal profession, business, academic institutions, and community organizations active in governmental affairs :
 - a. Three members selected by the dean of the University of Wisconsin law school: one lawyer, one non-lawyer, and one law professor.
 - b. Three members selected by the dean of the Marquette University law school: one lawyer, one non-lawyer, and one law professor.
 - c. Three members selected by the board of governors of the State Bar of Wisconsin: two lawyers and one non-lawyer.

¹ Justices Prosser, Roggensack, Ziegler, and Gableman voted in favor of the motion not to proceed; Chief Justice Abrahamson and Justices Bradley and Crooks voted against the motion.

² ABA Center for Professional Responsibility, State Adoption of Revised Model Code of Judicial Conduct, available at http://www.americanbar.org/groups/professional_responsibility/resources/judicial_ethics_regulation/map.html (last updated 12/07/2012); List of States Adopting Amendments Based Upon the 2007 ABA Model Code of Judicial Conduct http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/chronological_status_judicial_code.authcheckdam.pdf (last updated 11/19/2012).

- d. Two judge members and one court commissioner member of the Judicial Conduct Advisory Committee provided in SCR Ch. 60 Appendix, chosen by the court by lot.
 - e. One non-lawyer member selected by the board of directors of the Wisconsin League of Women Voters.
 - f. One non-lawyer member selected by the Wisconsin state governing board of Common Cause.
 - g. One non-lawyer member of the board of directors of the Wisconsin Chamber of Commerce Executives, chosen by the court by lot.
 - h. One lawyer member selected by the officers of the Wisconsin Association for Justice.
 - i. One district attorney or assistant district attorney selected by the executive board of the Wisconsin District Attorney's Association.
 - j. One lawyer member selected by the state public defender.
 - k. One member selected by the board of directors of the Wisconsin Defense Counsel.
 - l. The Executive Director of the Wisconsin Judicial Commission.
 - m. Three former members, one judge, one lawyer and one non-lawyer, of the Wisconsin Judicial Commission, chosen by the court by lot.
 - n. The Division Administrator of the Ethics Division of the Wisconsin Government Accountability Board, or his or her designee.
2. The mission of the Committee is to conduct a comprehensive review of the Wisconsin Code of Judicial Conduct including examining the American Bar

Association's 2007 Model Code of Judicial Conduct as revised, other proposals for changes to Wisconsin's code, and developing law and codes of other states, and if warranted, to make recommendations for modifications to the Wisconsin Code of Judicial Conduct.

3. The first meeting of the Committee shall be called by the chief justice. The Committee shall select a chairperson.
4. In the interest of providing full and fair consideration of these important public policy issues, the Committee shall solicit comments from the bench, bar, and public. The Committee may hold public hearings as it deems necessary. The Committee shall consider the state's fiscal condition and keep expenditures at a minimum, so far as consistent with conducting a comprehensive review.
5. The Committee may post on the court system's Web site information related to its proceedings including proposals and solicitations for comments.
6. The members of the Committee shall serve without compensation but shall be entitled to reimbursement for travel expenses necessarily incurred in carrying out their committee responsibilities, pursuant to rules and procedures applicable to court employees.
7. The Committee shall continue to assist the court in the court's review of its report. The terms of the Committee shall expire upon the conclusion of the project at the direction of the court.
8. The Director of State Courts' Office shall provide administrative support and legal assistance for the Committee and reporters.

9. The Chief Justice will communicate to the designated organizations regarding membership.
10. The Chief Justice will work with the deans of the two law schools to recruit reporters for the Committee.
11. The Committee shall submit its report to the supreme court within 18 months of date of the first meeting of the Committee. The Committee's recommendations for changes, if any, shall be filed in the form of a rule petition to the supreme court.

Respectfully submitted this 12th day of December, 2012.

Shirley S. Abrahamson
Chief Justice
Wisconsin Supreme Court