
SUPPORTING MEMORANDUM**19-**

In the Matter of AMENDING Supreme Court Rules 21.18 (1), 21.19, 22.21 (2) and (3), 22.34 (12), and 22.40 (1), RENUMBERING AND AMENDING Supreme Court Rule 22.001 (6), AND CREATING Supreme Court Rules 222.001 (6) (b), 22.03 (2g) and (2r), 22.03 (5) (c), 2.21 (2m), 22.34 (12m), and 22.40 (1g), (1m), and (8).

The Office of Lawyer Regulation Procedures Review Committee, the Honorable Gerald Ptacek, Chair, and Joseph Ranney, Chair of the Subcommittee on Confidentiality, respectfully petition the court to amend Supreme Court Rules 21.18 (1), 21.19, 22.21 (2) and (3), 22.34 (12), and 22.40 (1), renumber and amend Supreme Court Rule 22.001 (6), and create Supreme Court Rules 222.001 (6) (b), 22.03 (2g) and (2r), 22.03 (5) (c), 2.21 (2m), 22.34 (12m), and 22.40 (1g), (1m), and (8).

SUPREME COURT SUPERINTENDING AUTHORITY

The subject matter of the proposed rule changes falls within the power of the Wisconsin Supreme Court to regulate the practice of law in the state and protect the public from misconduct by persons practicing law in Wisconsin, pursuant to the constitutional responsibility to exercise superintending and administrative authority over all courts. The recommended procedural changes do not abridge the substantive rights of any participant in the attorney disciplinary process.

INTRODUCTION and BRIEF HISTORY

In 2016 the Wisconsin Supreme Court established a committee to review the Office of Lawyer Regulation (OLR) Procedures (Committee). The Honorable Gerald Ptacek was appointed as the Committee's chair. The Committee examined OLR procedures holistically and established its mission to review OLR procedures and structure, and to report to the Wisconsin Supreme Court recommendations that would increase the efficiency, effectiveness, and fairness of the OLR process.

The Committee established four subcommittees: the Charging Process subcommittee focused on OLR charging decisions, the Referees subcommittee focused on the appointment, training, and performance of referees assigned to disciplinary matters, the Confidentiality subcommittee focused on balancing the rights of respondent attorneys and the rights of complainants and the public at large, and the Process subcommittee focused on the procedural aspects of the disciplinary process.

The Confidentiality subcommittee (Subcommittee) sought to ensure that the Rules balance the rights of the respondent attorney who has merely been accused of misconduct, the rights of the public to protection, and the interest of assuring public confidence in the disciplinary process.

DISCUSSION

The Subcommittee inquired into whether, and for how far into the process, complaints alleging attorney misconduct or medical incapacity should be kept confidential in order to balance the rights of the respondent attorney and the interest of protecting the public. The subcommittee also examined whether, and at what stage of the process, the OLR should notify a respondent attorney's employer of a complaint against the attorney.

The Subcommittee found that practices vary widely among other states, with some states having disciplinary actions completely public from the time a grievance is filed and other states keeping matters confidential until after discipline is imposed. This Petition is intended to promote the best practices concerning public disclosure of attorney disciplinary proceedings.

The Subcommittee also strove to ensure that grievants' rights to be kept informed and involved while their grievances were adjudicated were protected. The Subcommittee determined, after much discussion and analysis, that some information related to a disciplinary action should be made public at an earlier stage than under current Rule, but that some documents or other information available under current Rule should not be made public unless it is filed in a proceeding following a misconduct complaint, medical incapacity petition, or petition for temporary license suspension.

DISCUSSION OF EACH PROPOSED RULE CHANGE IN CONFIDENTIALITY PETITION 1

Petition Sections 1 and 2.

Section 1. SCR 21.18 (1) is amended to read:

21.18 (1) Information, an inquiry, or a grievance concerning the conduct of an attorney shall be communicated to the director within ~~10~~ six years after the person communicating the information, inquiry or grievance knew or reasonably should have known of the conduct, whichever is ~~later~~ earlier, or shall be barred from proceedings under this chapter and SCR chapter 22.

Section 2. Supreme Court Rule 21.18 (2) is amended to read:

SCR 21.18 (2) The time during which a person who knew or should have known of the attorney's conduct is under a disability as provided in Wis. Stat. § 893.16 ~~(1997-98)~~ and the time during which the attorney acted to conceal the conduct from or mislead the person who knew or should have known of the conduct regarding the conduct are not part of the time specified in sub. (1).

Discussion. Under current Rule, an inquiry or a grievance concerning the conduct of an attorney must be filed within the later of ten years after the person filing the inquiry or grievance knew or reasonably should have known of the conduct.

The Petition seeks to reduce, from 10 years to six years, the limitations period for filing a grievance with the OLR. The Subcommittee noted that the limitations period for legal malpractice claims is three years or six years, depending on the nature of the claim. Additionally, the Subcommittee learned that OLR receives very few grievances involving actions that occurred more than five years before the grievance is filed. The Subcommittee believes that the proposed change promotes consistency without affecting accountability of the substantive rights of participants in the OLR process or precluding a significant number of grievances.

The proposed Rule also changes the limitations period from the later, to the earlier, of the times when the grievant (1) knew or (2) reasonably should have known of the conduct underlying the grievance. The Subcommittee found that the current Rule allowing the filing of a grievance at the later of the two times could prolong the limitations period indefinitely. The Subcommittee intends the proposed Rule to eliminate the open-ended statute of limitations in order to promote predictability and certainty to all participants in the disciplinary process.

Section 2. of the Petition is not intended to be a substantive change from current Rule; the section merely deletes an outdated reference to a statute. The current Rule indicates that the definition of a disability for purposes of the statute of limitations is found in Wis. Stat. s. 893.16, as amended by the 1997-98 legislative session. That definition has not been amended since that time, so the proposed amendment is intended to indicate that the Rules use the current statutory definition of a disability.

Petition Section 3. SCR 21.19 is amended to read:

21.19 Communications with the director, staff of the office of lawyer regulation, a district committee, a special investigator, retained counsel, the preliminary review committee, and a special preliminary review panel alleging attorney misconduct or medical incapacity and testimony given in an investigation or proceeding under SCR ch. 22 are privileged, except as provided under SCR 22.21, SCR 22.34, SCR 22.40 and SCR 22.03. ~~these communications~~ any privileged or non-privileged communications referenced in this Section may be instituted against any grievant or witness. The director, staff of the office of lawyer regulation, members of a district committee, special investigators, retained counsel, members of the preliminary review committee, members of a special preliminary review panel, referees, members of the board of administrative oversight, and persons designated by the director to monitor compliance with diversion agreements or with conditions imposed on the attorney's practice of law, shall be immune from suit for any conduct in the course of their official duties.

Discussion. Current Rules allow for several exceptions to the general Rule that papers, files, transcripts, communications and proceedings in an attorney disciplinary action are privileged and confidential until a misconduct complaint, medical incapacity petition, or petition for temporary license suspension is filed with the Supreme Court.

The proposed Rule reiterates the general Rule of privilege and confidentiality by indicating that there are certain, limited exceptions, which the proposed Rule identifies clearly. The proposed Rule clarifies that, under the Petition, the Rules regarding confidentiality vary among three disciplinary scenarios: actions involving motions for temporary suspension, where it appears the attorney's continued practice of law poses a threat to the interests of the public and the administration of justice, actions alleging medical incapacity, and the general procedures following the filing of a grievance against an attorney for misconduct.

Petition Sections 4. and 5.

Section 4. SCR 22.001 (6) is renumbered SCR 22.001 (6)(a) and amended to read:

22.001 (6) (a) "Grievant" means the person who presents a grievance, ~~except that~~. Except as provided in par. (b), a judicial officer or a district committee who communicates a matter to the office of lawyer regulation in the course of official duties is not a grievant.

Section 5. SCR 22.001 (6) (b) is created to read:

22.001 (6) (b) A judicial officer who communicates a matter to the office of lawyer regulation may, at any time during the course of proceedings related to the grievance, elect to be a designated as a grievant.

Discussion. Under current Rule, a grievant is defined as any person who presents a grievance, except that a judicial officer or a district committee who communicates a matter to OLR in the course of his or her official duties is not a grievant.

Under the proposed Rule, a judicial officer who communicates a matter to the OLR may elect to be designated as a grievant. This proposal reflects the Subcommittee's intention to ensure that a judicial officer is not precluded from being a grievant if he or she believes that is appropriate. The Subcommittee intends for this proposed Rule to promote accountability and provide full protection, via the disciplinary process, to all participants in the legal process.

Petition Sections 6. and 7.

Section 6. SCR 22.03 (2g) and (2r) are created to read:

22.03(2g) Upon receipt of a notice of investigation, the respondent shall promptly furnish a copy of the notice to the following:

(a) If the respondent practices in a law firm, a person in the law firm having supervisory authority over the respondent or, if no such person exists, any and all law firm partners and shareholders. In this paragraph, "law firm" has the same meaning as in SCR 20:1.0(d).

(b) If at the time of the events referenced in the notice of investigation the respondent practiced law in one or more law firms different from that in which the respondent practices at the time he or she receives the notice of investigation, a person in each such former law firm having supervisory authority over one or more other attorneys or, if no such person exists, at least one firm partner or shareholder. In this paragraph, "law firm" has the same meaning as in SCR 20:1.0(d).

(2r) The office of lawyer regulation may, in its discretion, inform the respondent in writing in the notice of investigation or in an accompanying paper of respondent's obligations under subsection (2g), and may, in its discretion, transmit a copy of the notice of investigation to any of the persons identified in subsections (2g)(a) and (b).

Petition Section 7. Section 7. SCR 22.03 (5) (c) is created to read:

22.03 (5) (c) The director may, in his or her discretion, provide the respondent a copy of the grievance and of any information supplied by the grievant that is not included in the grievance. In exercising such discretion, the director shall consider:

1. The grievant's interest in privacy.
2. The respondent's interest in being fully informed of the basis for the grievance and of any proceedings taken against him or her pursuant to the grievance.
3. Any effect that supplying or withholding a copy of the grievance and information supplied by the grievant may have upon the public interest.

Discussion. Under current Rule, when a grievance is filed with OLR, OLR staff conducts a preliminary evaluation of the grievance and determines whether to forward the matter to another agency, attempt to reconcile the matter between the grievant and the attorney if it is a minor dispute, close the matter for lack of sufficient information of cause to proceed, or refer the matter to the Director with a recommendation that the matter be investigated or diverted to an alternatives to discipline program. The Director, in turn, determines whether to close the matter for lack of an allegation of possible misconduct or medical incapacity or lack of sufficient information of cause to proceed, divert the matter to an alternatives to discipline program, or commence an investigation. Current Rule requires the Director to determine that there is sufficient information to support a finding of cause to proceed in order to commence an investigation.

Under current Rule, if the Director commences an investigation, he or she notifies the respondent attorney of the grievance (except under limited circumstances where the Director determines that the investigation requires otherwise). Except for this disclosure to the respondent, the matter is otherwise generally confidential until the Director files a misconduct complaint, medical incapacity petition, or petition for temporary license suspension with the Court.

The Petition proposes amending the Rule to require an attorney who receives a notice that an investigation is being undertaken by the OLR regarding an allegation that the attorney committed misconduct to provide a copy of the notice to a supervisor in his or her law firm, or the law firm where he or she worked at the time of the alleged misconduct.

The Petition allows OLR to inform respondent attorneys of their duties to inform under the proposed Rule, and to provide the copy of the notice to the law firm(s) if, in the Director's view, such action is warranted.

The proposed Rule reflects the Subcommittee's intent to balance the rights of the respondent attorney with the rights of others who may be affected by the allegation of misconduct. The Subcommittee acknowledged that the respondent attorney has a significant interest in protecting his or her personal and professional reputation. However, the Subcommittee noted that under the proposed Rule, the limited disclosure of the investigation comes only after OLR staff has found the allegation sufficient to forward to the Director for his or her evaluation and the Director has found that the grievance presents sufficient information to support a possible finding of cause to proceed. The Subcommittee believes that this limited disclosure will enable business partners of a respondent attorney to evaluate the grievance against the respondent in order to take any measures they believe necessary to protect themselves and the clients of the attorney.

By ensuring that this limited disclosure is required only after a grievance has been vetted, even if not yet fully investigated or resolved, the Subcommittee intends to balance the interests of all parties affected by a grievance filed against a respondent attorney.

The Petition also proposes allowing the Director, when he or she commences an investigation of a grievance, to provide the respondent attorney with a copy of the grievance received by OLR and any additional information provided by the grievant. Under the proposed Rule, the Director may do so only if, after weighing the grievant's right to privacy, the respondent attorney's interest in receiving full information regarding the grievance filed, and the effect the disclosure may have on the public, the Director believes the disclosure is appropriate.

This proposal reflects the Subcommittee's intent to provide a respondent attorney with sufficient information about the grievance against him or her to answer the allegation while ensuring that information regarding a grievant is not unduly disclosed. The proposed Rule also reflects the Subcommittee's belief that the Director has the expertise and sensitivity to the rights of all participants in the disciplinary process to make an appropriate determination on disclosure at this stage of the disciplinary proceeding.

Petition Sections 8., 9., and 10.

Section 8. SCR 22.21 (2) is amended to read:

22.21 (2) Before entering an order suspending an attorney's license under sub. (1), the supreme court shall order the attorney to show cause why the license to practice law should not be suspended temporarily. The attorney shall file with the supreme court a written response to the order and serve a copy of the response on the director within the time set forth in the order. The director, or special investigator acting under SCR 22.25, may file a memorandum in support of or in opposition to the temporary license suspension within 10 days after the attorney's response is filed. ~~All~~ Except as provided in sub. (2m) and (3), SCR 22.34 and SCR 22.40, all papers, files, transcripts, communications, and proceedings shall be confidential and shall remain are confidential ~~until the supreme court has issued an order to show cause.~~

Section 9. SCR 22.21 (2m) is created to read:

22.21 (2m) Following the issuance of the order to show cause under sub. (2), the motion under sub. (1), and the order to show cause are public information, except as follows:

(a) The name of the special investigator or any person alleging that the attorney committed an act of misconduct.

(b) Medical information regarding the attorney who is the subject of the order to show cause.

(c) Financial information regarding the attorney who is the subject of the order to show cause, or of any person alleging the attorney committed an act of misconduct, if the financial information is unrelated to the order to show cause.

(d) Information that is subject to legal privilege, including the attorney-client privilege, unless such privilege is waived in writing by the person or persons holding such privilege.

(e) As otherwise expressly provided in this chapter or by law or by order of the supreme court.

Section 10. SCR 22.21 (3) is amended to read:

22.21 (3) *Filing of Complaint.* The director, or a special investigator acting under SCR 22.25, shall file the complaint in the disciplinary proceeding within 4 months of the effective date of the temporary suspension imposed under this section, or shall show cause why the temporary suspension should continue. The respondent attorney may file a response with the supreme court within 10 days of service. The statement of cause to continue the temporary suspension and the attorney's response are public information, subject to the same exceptions set forth in sub. (2m) (a) to (d). Reinstatement under this section shall not terminate any misconduct investigation or disciplinary proceeding pending against the attorney.

Discussion. Under current Rule, the Court, on its own motion or upon the motion of the Director or a special investigator, may temporarily suspend an attorney's license to practice law where it appears that the attorney's continued practice of law poses a threat to the interests of the public and the administration of justice. If the Court intends to suspend an attorney's license under the Rule, it orders the attorney to show cause why his or her license should not be so suspended. Under current Rule, all papers, files, transcripts, communications, and proceedings related to the matter are confidential until the Court issues the Order to Show Cause. After the Court issues the Order, all papers, files, transcripts, communications, and proceedings related to the matter are public.

Under the Petition, when the Court issues an Order to Show Cause why an attorney's license to practice law should not be suspended temporarily, the motion for temporary suspension and the Order to Show Cause are public information, with certain exceptions. Under the proposed Rule, the following information remains confidential, even if it part of the motion or the Order: the name of a special investigator or any person alleging the misconduct, medical information regarding the respondent attorney, financial information regarding the respondent attorney, or of any person alleging the attorney committed an act of misconduct, if the financial information is unrelated to the Order to Show Cause, and information that is subject to legal privilege.

Under the Petition, papers, files, transcripts, communications, or other proceedings that are not part of the motion or Order remain confidential.

The proposed Rule reflects the Subcommittee's intent to balance the interests of the grievant, the respondent attorney, and the public at large in matters serious enough to warrant a motion for a temporary suspension. The proposed Rule allows for public disclosure of any motion for a temporary suspension and of the Order to Show Cause, while protecting potentially sensitive information that would be public information under current Rule.

The Subcommittee believes that the proposed Rules regarding the disclosure of relevant information regarding a temporary suspension of an attorney's license protects the interest of the public by informing them of the proceeding and the bases for the motion for temporary suspension. The Subcommittee also believes that the proposed Rules will promote respect for the privacy rights of participants. The Subcommittee intends these proposals to encourage participation in the disciplinary process and promote public confidence in the disciplinary process.

Petition Sections 11. and 12.

Section 11. SCR 22.34 (12) is amended to read:

22.34 (12) All papers, files, transcripts, communications and proceedings shall be confidential and shall remain ~~confidential until the supreme court has issued an order revoking, suspending indefinitely, or imposing conditions on the attorney's license to practice law,~~ except as provided in sub. (12m) and except that acknowledgement that a proceeding is pending and notification to another court before which a similar petition is pending may be made when considered necessary by the director and that any publication the supreme court considers necessary may be made.

Section 12. SCR 22.34 (12m) is created to read:

22.34 (12m) Following the issuance by the supreme court of an order revoking, suspending indefinitely, or imposing conditions on the attorney's license to practice law, the petition and all papers relating to the petition that are filed with the supreme court are public information.

Discussion. Under current Rule, in matters concerning an allegation of an attorney's medical incapacity, all papers, files, transcripts, communications and proceedings in the matter are generally confidential until the Court issues an order revoking, suspending indefinitely, or imposing conditions on an attorney's license to practice law. At that point, under current Rule, all papers, files, transcripts, communications and proceedings in the matter are public.

Under the Petition, following the issuance by the Supreme Court of an order revoking, suspending indefinitely, or imposing conditions on the attorney's license to practice law, the petition and all papers relating to the petition that are filed with the Supreme Court are public information. Other information received by OLR but not filed with the Supreme Court remains confidential.

The Subcommittee considered the sensitive nature of these allegations and concluded that, if no misconduct is being alleged, matters involving medical incapacity should remain confidential until the Court determines its order of suspension, revocation, or imposition of conditions is necessary. The proposed Rule does not change that; however, under the proposed Rule materials

received by OLR that are not contained in, or related to, the petition, remain confidential even after the Court issues the order.

The Subcommittee intends for this proposal to protect the privacy of an attorney whose ability to practice law may be compromised by a medical incapacity by ensuring that, even if the Court suspends, revokes, or restricts his or her practice, materials received in the course of the OLR investigation remain confidential unless they are part of, or related to, the petition. The Subcommittee believes that this amendment provides the public with information necessary for understanding the nature of the proceeding without disclosing irrelevant and potentially sensitive information. The Subcommittee believes that this balance will promote cooperation with the OLR investigation and protect the interests of all participants in matters involving an attorney's medical incapacity.

Petition Sections 13. and 14.

Section 13. SCR 22.40 (1) is amended to read:

22.40 (1) ~~Prior to the filing of a misconduct complaint, medical incapacity petition, or petition for temporary license suspension~~ Except as provided in sub. (1g) through (7) and SCR 22.21(2), all papers, files, transcripts, and communications in any matter relating to an allegation of attorney misconduct involving the office of lawyer regulation are to be held in confidence by the director and staff of the office of lawyer regulation, the members of the district committees, special investigators, the members of the special preliminary review panel, and the members of the preliminary review committee. Following the filing of a complaint or petition, the proceeding and all papers filed in it are public, except where expressly provided otherwise in this chapter or by law.

Section 14. SCR 22.40 (1g), (1m), and (8) are created to read:

22.40 (1g) Following the issuance by the preliminary review panel of a written Cause to Proceed Determination finding cause to proceed on at least one count of misconduct, the written Cause to Proceed Determination is public information, except as follows:

- (a) The name of the grievant.
- (b) The names of the voting preliminary review committee members, the vote count and other information relating to how each member voted, and information relating to counts or allegations for which cause to proceed was not found.
- (c) Medical information regarding the grievant and the attorney who is the subject of the Cause to Proceed Determination.
- (d) Financial information regarding the grievant and the attorney who is the subject of the Cause to Proceed Determination, if the financial information is unrelated to any allegation of misconduct for which there is Cause to Proceed.
- (e) Information that is subject to legal privilege, including the attorney-client privilege, unless such privilege is waived in writing by the person or persons holding such privilege.

(f) As otherwise expressly provided in this chapter or by law or by order of the supreme court.

(1m) Following the filing by the director in the supreme court of a complaint alleging at least one count of misconduct, the proceeding, the complaint, and all papers relating to the complaint that are filed with the supreme court are public information, except where expressly provided otherwise in this chapter or by law.

(8) Subsections (1g) and (1m) do not apply to a proceeding under SCR 22.34 where there is no allegation of misconduct against the attorney who is the subject of the proceeding.

Discussion. Under current Rule, when a grievance is filed with OLR, OLR staff conducts a preliminary evaluation of the grievance and refers appropriate matters to the Director with a recommendation that the matter be investigated or diverted to an alternatives to discipline program. The Director, in turn, determines whether to close the matter for lack of an allegation of possible misconduct or medical incapacity or lack of sufficient information of cause to proceed, to divert the matter to an alternatives to discipline program, or to commence an investigation.

After the investigation, the Director may obtain the attorney's consent to a reprimand or submit the results of the investigation to the Preliminary Review Committee (PRC). If the PRC finds that the Director has established cause to proceed, it issues a written Cause to Proceed Determination and the Director may file a complaint with the Court alleging misconduct.

Under current Rule governing misconduct grievances, the grievance, any investigation, and any documents, communications, reports, or findings received or produced by the Director or the PRC related to the grievance are confidential until a complaint is filed or the respondent agrees to a public reprimand. If a grievance is closed before investigation, closed after investigation or diverted, or if the director obtains the respondent's consent to a private reprimand, the matter generally remains entirely confidential.

Current Rule provides a few exceptions to the general Rule of confidentiality. Under current Rule, the Director may provide information related to an investigation to the respondent, the grievant, to other attorney or judicial disciplinary agencies, to jurisdictions investigating qualifications for admission to practice, and to law enforcement agencies investigating qualifications for government employment. Additionally, the Court may authorize the release of confidential information to other persons or agencies. If the Director finds there is substantial evidence of possible criminal misconduct, he or she may provide relevant information to a district attorney or U.S. attorney.

Current Rule allows the Director to issue an explanatory statement if there is publicity concerning the fact that an attorney is the subject of an investigation or disciplinary or medical incapacity proceeding. Additionally, the Director may issue an explanatory statement regarding a determination that there was no basis for further proceedings. Finally, under current Rule the Director may provide relevant information to the Court when seeking the temporary suspension

of an attorney's license and to the state bar lawyer assistance program when he or she refers an attorney to that program.

Under the Petition, when the PRC issues a written Cause to Proceed Determination, the Written Cause to Proceed Determination is public information, except that the following remain confidential at that stage: the name of the grievant, the names of voting PRC members, the vote count, and information relating to other allegations for which cause to proceed was not found, medical information regarding the grievant and the attorney, financial information regarding the grievant and the attorney if the financial information is unrelated to any allegation of misconduct for which there is Cause to Proceed, and privileged information.

Under the Petition, when the Director files a complaint alleging at least one count of misconduct with the Court, the complaint and all papers related to the complaint that are filed with the Court are public information. Other information that was received by OLR but is not part of the complaint or filed with the Court in relation to the complaint remains confidential. The Petition does not change the other exceptions to the general Rule of confidentiality.

The Subcommittee, in its proposed Rule regarding confidentiality for misconduct allegations, seeks to strike the appropriate balance between the public's right to receive information about problematic conduct by an attorney and the personal and professional interests of grievants and of attorneys. The Subcommittee believes that earlier release of limited, relevant information found in a Written Cause to Proceed Determination appropriately informs the public while the proposed Rule holds back from public view, at this stage of the proceeding, certain sensitive or irrelevant information. The Subcommittee acknowledges that this disclosure of a matter at an earlier stage than under current Rule will have an impact on respondent attorneys but believes that the proposal will protect the general public and underscore the Court's commitment to promoting excellence, accountability, and ethics in the legal profession.

The Subcommittee intends its proposal to provide additional protection to respondent attorneys than under current Rule by shielding permanently from public view materials received by OLR that are not submitted to the Court as part of a complaint against an attorney. This recommendation reflects the Subcommittee's goal of finding the right balance between complete disclosure and the interests of the respondent attorney. The subcommittee believes that the proposed changes promote openness and cooperation with the disciplinary process and will enhance public confidence in the disciplinary process.

CONCLUSION

For the reasons set forth in this Memorandum, the Office of Lawyer Regulation Procedures Review Committee and the Subcommittee on Confidentiality ask the Court to amend its Rules as proposed in order to establish clear and effective guidelines for confidentiality in actions involving motions for temporary suspension, actions alleging medical incapacity, and actions alleging attorney for misconduct.

Respectfully submitted this ____ day of _____, 2019.

Hon. Gerald P. Ptacek, Chair, OLR Procedure Review Committee

Joseph Ranney, Chair, Confidentiality Subcommittee