

SUPREME COURT OF WISCONSIN

No. 19-05

**In re Petition of the OLR Process Review
Committee for an order repealing and recreating
SCR 22.12 and SCR 22.17, amending SCR 21.09(1),
SCR 21.16(2)(c), SCR 22.21(4), SCR 22.22(2)(b),
(3)(intro) and (b), and (6), SCR 22.24(1),
(1m)(intro), (2), and (3), creating SCR
21.08(1)(b), 21.09(1m), 22.16(6)(b) and (7)(b),
22.22(2m) and (4m), and 22.23(1m), renumbering
and amending SCR 21.08(1), and 22.16(6) and (7)
(Referee Authority)**

FILED

JUN 26, 2019

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On March 13, 2019, the Office of Lawyer Regulation (OLR) Procedure Review Committee ("Committee") filed a rule petition asking the court to modify the Supreme Court Rules to afford referees more authority to rule on certain matters. The petition was filed on behalf of the Committee by its Chair, the Honorable Gerald P. Ptacek.

The court discussed the petition at a closed administrative rules conference on March 21, 2019, and voted to seek written comments and conduct a public hearing. A letter soliciting comment was sent to interested persons on March 29, 2019, as well as to referees and counsel involved in the lawyer regulation process.

The court received six written responses in regard to proposed rule changes from the Board of Administrative Oversight (BAO); Keith L. Sellen, Director, Office of Lawyer Regulation; Attorney Dean R. Dietrich, Dietrich Vanderwaal Law Group; John Nicholas "Nick" Schweitzer, Attorney and Referee; State Bar of Wisconsin; and

Attorney David C. Rashid. The petitioner filed a response to the comments on May 14, 2019.

The court conducted a public hearing on June 6, 2019. The Honorable Gerald P. Ptacek, Chair of the Committee, presented the petition to the court. Attorney Dean R. Dietrich appeared as Chair of the State Bar of Wisconsin's Committee on Professional Ethics and stated that the State Bar of Wisconsin did not support the petition as drafted. In his capacity as an attorney, Attorney Dietrich proposed some modifications to the petition. On behalf of the BAO, Attorney Donald J. Christl and Attorney Joseph M. Russell, Chair, spoke in support of the petition and offered modifications consistent with their written comments, and the BAO's own 2018 report to the court, and also proposed a Referee Code of Conduct. The Honorable Charles P. Dykman and Attorney Paul W. Schwarzenbart also offered suggestions and proposed modifications to the petition. After the public hearing, Attorney Donald J. Christl submitted follow-up letters dated June 12 and June 14, 2019.

At an ensuing closed administrative rules conference, the court voted to hold this petition in abeyance, pending the implementation of the referee training established by S. Ct. Order 19-04,¹ and consideration of the other pending OLR Procedure Review Committee petitions, which the court will consider during the 2019-2020 term. Therefore,

¹ See S. Ct. Order 19-04, 2019 WI 77 (issued June 26, 2019, eff. Jan. 1, 2020).

IT IS ORDERED that rule petition 19-05, In re Petition of the OLR Process Review Committee for an order repealing and recreating SCR 22.12 and SCR 22.17, amending SCR 21.09(1), SCR 21.16(2)(c), SCR 22.21(4), SCR 22.22(2)(b), (3)(intro) and (b), and (6), SCR 22.24(1), (1m)(intro), (2), and (3), creating SCR 21.08(1)(b), 21.09(1m), 22.16(6)(b) and (7)(b), 22.22(2m) and (4m), and 22.23(1m), renumbering and amending SCR 21.08(1), and 22.16(6) and (7), is held in abeyance pending further order of the court. The court may conduct further proceedings on the matter as it so chooses, in light of the pending implementation of referee training established by S. Ct. Order 19-04, 2019 WI 77 (issued June 26, 2019, eff. Jan. 1, 2020) and the consideration of the other pending OLR Procedure Review Committee petitions.

Dated at Madison, Wisconsin, this 26th day of June, 2019.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

