

SUPREME COURT OF WISCONSIN

No. 07-13

In the matter of a petition to review State Bar
bylaw amendment

FILED

OCT 1, 2007

David R. Schanker
Clerk of Supreme Court
Madison, WI

On July 17, 2007, pursuant to SCR 10.13(2) and Article IX of the State Bar of Wisconsin bylaws, the State Bar of Wisconsin by its President, Thomas J. Basting, Sr., filed a certificate of bylaw amendment regarding amendments to Article II of the State Bar of Wisconsin's Bylaws. These amendments were approved by the Board of Governors at its May 2007 meeting on a 42 to 1 vote.

On September 21, 2007, Attorney Steven Levine filed a timely petition seeking review of this bylaw amendment, signed by 25 or more active members of the State Bar of Wisconsin. See SCR 10.13(2). Supreme Court Rule 10.13(2) provides that a hearing upon such a petition will be pursuant to notice in such manner as the court directs.

On December 10, 2007, a public hearing is scheduled in Rule No. 07-10, In the matter of the Petition for Revision of SCR 10.04 Concerning the Officers of the State Bar of Wisconsin. This petition proposes term limits on the office of the State Bar president and chair of the State Bar Board of Governors.

The memorandum in support of rules petition No. 07-10 indicates these proposals and the bylaw amendment that is the subject of the pending petition were discussed as part of a single initiative. Therefore, the court deems it appropriate to consider these matters on the same date.

The bylaw amendment provides as follows:

RESOLVED, that State Bar Bylaw Article II, be amended as follows:

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 reportThe 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.

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 December 10, 2007, at 9:45 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 in the official state newspaper and in an official publication of the State Bar of Wisconsin not more than 60 days nor less than 20 days before the date of the hearing.

IT IS FURTHER ORDERED any interested persons may file with the Court a written submission regarding this matter no later than December 1, 2007.

Dated at Madison, Wisconsin, this 1st day of October, 2007.

BY THE COURT:

David R. Schanker
Clerk of Supreme Court

