

In the Matter of the Petition to
amend Supreme Court Rule 12.07
Relating to the Assessment of Attorneys
for the Wisconsin Lawyers' Fund for Client
Protection

PETITION

To: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David Prosser, Jr.
Justice Patience D. Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman

Filed with the Clerk of the Supreme Court

Clerk of Supreme Court Office
110 East Main Street, Suite 215
Madison, WI 53703

The Wisconsin Lawyers' Fund for Client Protection, by its chair, Deborah M. Smith, hereby petitions the Supreme Court of Wisconsin for an order amending Supreme Court Rule 12.07 relating to the annual assessment of attorneys for the operation of the Fund. The amended rule would provide a more reliable and predictable source of income for payment of eligible claims. A separate memorandum supporting this requested amendment is attached.

Requested Amendment

SCR 12.07 Assessment of attorneys; enforcement.

(1) Initial assessment. Every attorney shall pay to the fund an initial assessment of \$5.

(2)(a) Annual assessments. Commencing with the state bar's July 1, ~~1982~~ 2012 fiscal year, every attorney shall pay to the fund ~~such an~~ an annual assessment of \$20. ~~as is necessary to maintain a balance in the fund of \$250,000, but in no event shall any annual assessment exceed \$25.~~ An attorney whose annual state bar membership dues are waived for hardship shall be excused from the payment of the annual assessment for that year. An attorney shall be excused from the payment of the annual assessment for the fiscal year during which he or she is admitted to practice in Wisconsin.

(b) Reserve. As of May 1 of each year, any funds in excess of those required for payment of approved claims shall be maintained in a reserve account.

(3) ~~Certificate of sufficiency~~ (a) Sufficiency of the fund. The committee shall determine the net value of the fund as of May 1 of each year. ~~Whenever the value of the fund shall equal or exceed \$250,000, The committee shall determine the net value of the fund,~~

including the reserve, after deducting all claims which the committee has determined to pay and which are not disposed of at the date of valuation, deferred claims, claims received but not yet considered by the committee, and all expenses properly chargeable against the fund, .

(b)Report. † The committee shall file a report of the net value of the fund with the supreme court by May 31 of each year. ~~a certificate of sufficiency to that effect~~ ~~When a certificate of sufficiency is filed with the supreme court, there shall be no annual assessment for the next fiscal year.~~

(4) Collection; failure to pay. The initial assessment and annual assessments shall be collected at the same time and in the same manner as the annual membership dues for the state bar are collected. An attorney who fails to timely pay the initial assessment or any annual assessment shall have his or her right to practice law suspended pursuant to SCR 10.03(6).

(5) Periodic Review: The Court shall review SCR 12.07 every five years to determine if the assessment and reserve fund is adequate to timely meet the legitimate claims of clients.

Dated this 17th day of December, 2010.

Respectfully Submitted,



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