

SUPPORTING MEMORANDUM

In the Matter of the Petition
For Amendment to Supreme Court
Rule 22.12 Relating to Stipulations
in Lawyer Disciplinary Proceedings

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

Filed with the Clerk of Court Diane M. Fremgen
Clerk of Supreme Court
110 E. Main Street
Suite 215
Madison, WI 53703

The Office of Lawyer Regulation provides the following memorandum in support of the petition to amend Supreme Court Rules (SCR) 22.12(3).

Presently, when the Supreme Court reviews a stipulation filed in a lawyer disciplinary case pursuant to SCR 22.12, the Court may either approve the stipulation, or reject the stipulation and appoint a referee to proceed on the complaint without a stipulation.

In certain circumstances, the Court may wish to ask the parties whether a modification to the stipulation would

be appropriate. A modification may be acceptable to the parties and obviate the need for a formal proceeding; however, the current rule does not provide a procedure for modification.

A show cause procedure would provide another alternative and improve efficiency. Should the parties agree to modify the stipulation, significant time and expense will be saved. Should the parties not agree to modify the stipulation, the Supreme Court may then appoint a referee to conduct a formal hearing on the complaint.

SCR 22.12(4) would remain and provide that a stipulation rejected by the Supreme Court has no evidentiary value and is without prejudice to the respondent's defense of the proceeding or the prosecution of the complaint.

For these reasons, the petition respectfully requests that the Court amend SCR 22.12(3) as provided in Appendix A.

Respectfully submitted this ___ day of _____, 2013.

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