



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

Nancy A. Kopp
Julie A. Rich
David W. Runke
Mark A. Neuser
Commissioners

Telephone (608) 266-7442

July 7, 2015

To: Keith Sellen, Director
Office of Lawyer Regulation

Re: Rule Petition 14-06, Petition to Amend Supreme Court Rules 22.001(2), 22.02(6)(c),
22.03(1), 22.25(3), and 22.25(4)

Dear Mr. Sellen:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 14-06, which the Office of Lawyer Regulation filed on December 15, 2014. The court discussed this petition at open rules conference on January 20, 2015, and voted to schedule a public hearing. That hearing has been scheduled for September 21, 2015, at 9:00 a.m. The court also requested that I seek additional information about the rule proposal prior to the public hearing. Specifically, your response to the following issues or questions is sought at this time:

- The rule proposal makes several references to the OLR having “sufficient information to support ~~an allegation~~ a possible finding of cause to proceed ~~possible misconduct or medical incapacity~~.” Why include “possible finding”?
- The memorandum in support of the petition advises the court that if the petition is adopted, the OLR intends to consider factors such as the *de minimus* nature of a violation, whether the attorney acknowledges the violation, whether the violation caused harm and whether the attorney has remediated any harm, and whether the violation is part of a pattern of misconduct or is repeated misconduct. The petition does not propose including these factors in the rules. Please explain in more detail why these criteria should not be included in the text of the proposed rule.
- The memorandum in support of the petition advises the court that the proposed changes will enable the OLR to prioritize resources on matters where there is harm and to complete them more promptly. This is an important policy statement. Should this be incorporated into the rule?

The court’s discussion of this petition occurred on January 20, 2015, and can be reviewed on WisconsinEye’s video archive at 1:09:11-1:33:37.

<http://www.wiseye.org/Programming/VideoArchive/ArchiveList.aspx?cv=35>

Please file your response by August 28, 2015, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, email a Microsoft Word version of your response to *clerk@wicourts.gov*.

The court may take any action on a rule petition it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.
- (c) Circulate the rule petition for comment without a public hearing.
- (d) Schedule the rule petition for public hearing.
- (e) Refer the rule petition to another entity for its review and recommendation.
- (f) Request further information or analysis from the petitioner or interested persons or entities.

You might wish to consult the court's website at <http://wicourts.gov/scrules/supreme.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office are posted on the website.

If you have specific questions regarding this request, please contact me at (608) 261-6642 or *julie.rich@wicourts.gov*.

Yours very truly,

/s/

Julie Anne Rich

Supreme Court Commissioner

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

List of Interested Parties for Supreme Court Rules Matters

Badger State Sheriffs Association, Attention: Executive Director
Board of Bar Examiners
Chief Circuit Court Judges
Christian Gossett, Winnebago County District Attorney
Circuit Court Judges
Court of Appeals, Attention: Chief Staff Attorney
Court of Appeals Judges
Diane M. Fremgen, Clerk of Supreme Court
Director of State Courts
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Legal Action of Wisconsin
Legal Aid Society of Milwaukee, Attention: Kimberly Walker, Executive Director
Marquette Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation, Attention: Keith Sellen, Director
Office of State Public Defender, Attention: Kelli S. Thompson
Office of the Attorney General, Attention: Brad D. Schimel
Shelley M. Fite, Local Attorney Manager, State Public Defender-Appellate Division
State Bar of Wisconsin, Attention: George Brown, Executive Director
State Bar of Wisconsin, Attention: Lisa Roys, Public Affairs Director
State Bar of Wisconsin, Attention: Ralph M. Cagle, President
Steven Levine, Attorney
U.W. Law School, Attention: Margaret Raymond
Western District Bar Association of Wisconsin, Attention: Lynn M. Stathas
Wisconsin Asian Bar Association, Attention: Robin Dalton
Wisconsin Association for Justice, Attention: Jane E. Garrott, Executive Director
Wisconsin Association of African American Lawyers, Attn: DeAngela Luna
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Alice Rudebusch
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Clerks of Circuit Court Association, Attention: Pam Radtke
Wisconsin Counties Association, Attention: David Callender
Wisconsin Defense Counsel, Attention: Jane Svinicki and Andy Cook
Wisconsin District Attorneys Association, Attention: Margaret Drees, Executive Director
Wisconsin Family Court Commissioners Association, Attention: Sandra Grady, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Micabil Diaz Martinez
Wisconsin Judicare, Inc., Attention: Rosemary Elbert
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke
Wisconsin Judicial Council, Attention: April Southwick
Wisconsin Juvenile Court Clerks Association, Attention: Joy Pecha
Wisconsin Municipal Judges Association, Attention: Honorable Scott Letteney
Wisconsin Newspaper Association, Attention: Executive Director
Wisconsin Registers in Probate Association, Attention: Nancy Dowling
Wisconsin Sheriff & Deputy Sheriff Association, Attention: James I. Cardinal, Exec. Dir.
Wisconsin State Attorneys Association, Attention: Nancy Wettersten
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuensch
Wisconsin Tribal Judges Association, Attention: Amanda Rockmann, President

List of Additional Interested Parties – if any

Attorneys representing respondents in pending (and recent) OLR matters

Board of Administrative Oversight, Attn: Rod W. Rogahn, Chair

Current referees in the lawyer regulation system

Preliminary Review Committee, Attn: Francis H. LoCoco, Chair

Special Investigative Panel Members

Special Preliminary Review Panel, Attn: Thomas A. Cabush, Chair