



STATE BAR OF WISCONSIN
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April 26, 2019

Sent Via Electronic Mail

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688
clerk@wicourts.gov

RE: Written Comments Regarding Rule Petition 19-04 and 19-05

Dear Clerk of Supreme Court:

I am writing on behalf of the State Bar of Wisconsin to advise the Court regarding action taken by the Board of Governors of the State Bar of Wisconsin in regard to Petition 19-04 and 19-05. The Board of Governors of the State Bar of Wisconsin discussed these Petitions at its meeting on April 12, 2019 and took formal action as identified in this letter.

With regard to Petition 19-04, the Board of Governors adopted a motion to support this Petition as presented. The Board of Governors understands there is various debate about the number of Referees that should be appointed by the Court and does not take a position regarding the appropriate number of designated Referees. The Board of Governors strongly supports the proposal of additional training for Referees to ensure the quality and consistency of decisions by the Referees or recommendations for decisions to be made by the Court. The Board of Governors believes that the training requirements identified in this proposed Rule change will result in a more efficient and consistent process for review of lawyer discipline matters.

With regard to Petition 19-05, the Board of Governors of the State Bar of Wisconsin opposes the Petition especially as it relates to the designation of authority to a Referee to issue discipline in the form of a public/private reprimand or a license suspension of up to three months. The Board of Governors recognizes the authority of the Supreme Court to monitor and oversee the legal profession and address discipline of lawyers after a proper proceeding has been held to consider the facts and circumstances surrounding the lawyer conduct. The Board of Governors does not believe that this is a matter that should be delegated to a Referee but rather should be subject to review and a decision by the Supreme Court. The Board of Governors supports the current system which provides for a Hearing before a Referee and a Report with Recommendations issued by a Referee to the Supreme Court for its review and decision.

The Board of Governors does understand that the Petition provides for the authority for a Referee to approve either a stipulated agreement for discipline or consensual discipline as part of the prosecution process and is amenable to the Court considering those instances where the Office of

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Lawyer Regulation and the Respondent Attorney have reached an agreement for a certain level of discipline being subject to a final decision made by a Referee without further review or consideration by the Court.

The State Bar requests the opportunity to present this and other information to the Court at the hearing on June 6, 2019. Representatives from the State Bar will be at attendance at this hearing.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dean R. Dietrich". The signature is written in a cursive style with a large, stylized initial "D".

Dean R. Dietrich
State Bar of Wisconsin
Board of Governors