

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 06-03

**In the matter of the Amendment of
Supreme Court Rule 12.11-Confidentiality
and the Creation of Supreme Court Rule
12.12-Immunity, Supreme Court Rule 12.13-
Reimbursement from the Fund is Discretionary,
and Supreme Court Rule 21.16(5m)-Restitution**

FILED**MAY 11, 2007**

David R. Schanker
Clerk of Supreme Court
Madison, WI

On April 3, 2006, the Board of Governors of the State Bar of Wisconsin filed a petition proposing amendments to the Supreme Court Rules Chapters 12 (Client Protection) and 21 (Lawyer Regulation System). Specifically, the petition proposed amendments to SCR 12.11, Confidentiality, and the creation of SCR 12.12, regarding immunity, SCR 12.13, providing that reimbursement from the Lawyers' Fund for Client Protection is discretionary, and SCR 21.16(5m), regarding restitution.

A public hearing was conducted on December 11, 2006. At the ensuing open administrative conference the Court granted part of the petition and voted to hold part of the petition in abeyance. At its March 21, 2007 open administrative conference, the Court noted that it had been advised the petitioner voluntarily withdrew the language proposing creation of SCR 12.12, regarding immunity. On April 12, 2007, the Court

conducted an open administrative conference on Petition 06-04, which addressed amendments to SCR 21.16 regarding restitution. Therefore,

IT IS ORDERED that the portion of the petition seeking to create SCR 21.16(5m) regarding restitution is dismissed. The Court considered this proposal together with Supreme Court Rules Petition 06-04, proposing amendments affecting SCR 20:1.15, the "trust account rule." See S.Ct. Order 06-04, 2007 WI 48, ___ Wis. 2d ___, ___ N.W.2d ___ (May 2, 2007).

IT IS FURTHER ORDERED that effective the date of this order SCR 12.11 of the Supreme Court Rules is repealed and recreated to read:

SCR 12.11 Confidentiality.

(1) Claims, proceedings and reports involving claims for reimbursement are confidential until the fund authorizes payment to the claimant, except as otherwise provided by these rules or by law. After payment of a claim, the fund may publicize the nature of the claim, the amount of the payment, and the name of the lawyer. The fund may not publicize the name and address of the claimant unless authorized by the claimant.

(2) The fund at any time may do any of the following:

(a) Authorize access to relevant information by professional discipline agencies or law enforcement authorities.

(b) Release statistical information that does not disclose the identity of the attorney or the claimant.

(c) Use any information in its possession to pursue its subrogation rights.

IT IS FURTHER ORDERED that effective the date of this order SCR 12.12 of the Supreme Court Rules is created to read:

SCR 12.12 Reimbursement from the fund is discretionary.

The fund's decision regarding payment of claims under ss. 12.08 and 12.09 is discretionary. Any such decision of the fund is not appealable.

IT IS FURTHER ORDERED that notice of these amendments 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.

Dated at Madison, Wisconsin, this 11th day of May, 2007.

BY THE COURT:

David R. Schanker
Clerk of Supreme Court

