

SUPREME COURT OF WISCONSIN

No. 19-07

**In the Matter of Petition of the OLR Process
Review Committee's Subcommittee on
Confidentiality for an Order Amending Supreme
Court Rules 21.18(1), 21.19, 22.21(2) and (3),
22.34(12), and 22.40(1), Renumbering and
Amending Supreme Court Rule 22.001(6), and
Creating Supreme Court Rules 22.001(6)(b),
22.03(2g) and (2r), 22.03(5)(c), 22.21(2m),
22.34(12m), and 22.40(1g), (1m), and (8)
(OLR Confidentiality)**

FILED

OCT 10, 2019

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On March 13, 2019, the Office of Lawyer Regulation (OLR) Procedure Review Committee ("Committee") filed a rule petition asking the court to consider amending its confidentiality rules to balance the interests of an accused attorney against the public's right to know and to be protected in lawyer disciplinary cases. The petition was filed on behalf of the Committee by the Honorable Gerald P. Ptacek, Chair, and Joseph Ranney, Chair of the Subcommittee on Confidentiality.

The court discussed the petition at a closed administrative rules conference on June 6, 2019, and voted to seek written comments and conduct a public hearing. A letter soliciting comment was sent to interested persons on July 10, 2019.

The court received two written responses in regard to the proposed rule changes, from the State Bar of Wisconsin Board of Governors, and from Attorney Dean R. Dietrich.

The court conducted a public hearing on September 16, 2019. The Honorable Gerald P. Ptacek, Chair of the Committee, and Joseph Ranney, Chair of the Subcommittee on Confidentiality, presented the petition to the court. Attorney Dean R. Dietrich appeared and opposed aspects of the petition both in his personal capacity and on behalf of the State Bar of Wisconsin Board of Governors. Mr. Mark Baker, Attorney Michael B. Apfeld, and Attorney Paul W. Schwarzenbart appeared and spoke in support of the petition.

At an ensuing closed administrative rules conference, the court voted to grant the petition in part. The court voted to grant section 1 (shortening the statute of limitations), section 2 (accepting a technical change), section 3 (clarifying exceptions to confidentiality and/or privilege), section 7 (giving the respondent a copy of the grievance), sections 8, 9, and 10 (modifying the confidentiality rules pertaining to temporary suspensions), sections 11 and 12 (modifying the confidentiality rules pertaining to medical incapacity), and section 13 (clarifying exceptions to confidentiality). The court voted to deny sections 4 and 5 (amending the definition of grievant relating to judicial officers), section 6 (requiring the provision of notice of an investigation to the respondent's law firm), and section 14 (providing that a cause to proceed determination be public). Mindful that several other rule petitions proposing amendments to the OLR rules are pending, the court will hold issuance of the order delineating the specific rule changes in abeyance pending its consideration of the other pending OLR Procedure Review Committee's rule petitions. At that time, the court will issue a final order reflecting all the changes. In the

interim, a marked version of SCRs chs. 21 and 22, reflecting the rule changes approved to date is available on the court's website at <https://www.wicourts.gov/scrules/pending.htm>. Therefore,

IT IS ORDERED that effective July 1, 2020, rule petition 19-07, In the matter of Petition of the OLR Process Review Committee's Subcommittee on Confidentiality for an Order amending Supreme Court Rules 21.18(1), 21.19, 22.21(2) and (3), 22.34(12), and 22.40(1), renumbering and amending Supreme Court Rule 22.001(6), and creating Supreme Court Rules 22.001(6)(b), 22.03(2g) and (2r), 22.03(5)(c), 22.21(2m), 22.34(12m), and 22.40(1g), (1m), and (8) (OLR Confidentiality) is granted in part and denied in part.

IT IS FURTHER ORDERED that the court's final order setting forth changes to SCRs chs. 10, 20, 21, 22, and 31 is held in abeyance pending the court's resolution of the remaining Office of Lawyer Regulation Procedure Review Committee petitions; Rule Petition 19-06 (OLR Reinstatements); Rule Petition 19-08 (OLR Process); Rule Petition 19-09 (OLR Enforcement of Orders); Rule Petition 19-10 (Permanent Revocation); Rule Petition 19-11 (OLR Charging Process); Rule Petition 19-12 (Reporting Misconduct).

Dated at Madison, Wisconsin, this 10th day of October, 2019.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

