

SUPREME COURT OF WISCONSIN

No. 19-08

In the Matter for an Order Amending Supreme Court Rules 22.02(2)(d), 22.25(3) and (4)(intro), and 22.26, Repealing Supreme Court Rules 21.01(1)(b) and 21.06, Repealing and Recreating Supreme Court Rule 22.03(4), and Creating Supreme Court Rules 21.01(1)(bg), 22.02(6)(d), and 22.25(3m) (OLR Process)

FILED

DEC 18, 2019

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On March 13, 2019, the Office of Lawyer Regulation (OLR) Procedure Review Committee ("Committee"), by its Chair, the Honorable Gerald P. Ptacek, and by Professor Marsha Mansfield, Chair of the Subcommittee on Process, filed a rule petition asking the court to amend certain Supreme Court Rules (SCR) in chs. 21 and 22 to streamline the disciplinary process, including eliminating District Committees, allowing the OLR to reach an earlier resolution of grievances in appropriate circumstances, and to promote cooperation between the OLR and attorneys.

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 comments was sent to interested persons, including District Committee members, on August 22, 2019. The court received seven written responses in regard to the proposed rule changes. The petitioners responded to the comments.

The court conducted a public hearing on October 29, 2019. The Honorable Gerald P. Ptacek, Chair of the Committee, and Professor Marsha Mansfield, Chair of the Subcommittee on Process, presented the petition to the court. Attorney Joseph Russell and Attorney Donald Christl spoke

in support of section 6 of the petition, on behalf of the Board of Administrative Oversight. Attorney Dean R. Dietrich spoke in opposition to certain aspects of the petition on behalf of the State Bar of Wisconsin Board of Governors. Keith Sellen, Director, Office of Lawyer Regulation, also presented testimony to the court.

At an ensuing closed administrative rules conference, the court discussed the petition at some length and voted to grant the petition in part. The court voted to grant sections 2, 7, 8, and 9 (pertaining to special investigators), sections 4 and 5 (pertaining to consensual reprimands), section 6 (pertaining to suspension for noncooperation during the investigative process), and section 10 (pertaining to SCR 22.25). The court voted to hold in abeyance its decision on sections 1 and 3 (pertaining to elimination of District Committees) pending further consideration. 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. 10, 21, 22, and 31, 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 19-08, In the Matter for an Order Amending Supreme Court Rules 22.02(2)(d), 22.25(3) and (4)(intro), and 22.26, Repealing Supreme Court Rules 21.01(1)(b) and 21.06, Repealing and Recreating Supreme Court Rule 22.03(4), and Creating Supreme Court Rules 21.01(1)(bg), 22.02(6)(d),

and 22.25(3m) (OLR Process) is granted in part, subject to issuance of a further order by this court.

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.

Dated at Madison, Wisconsin, this 18th day of December, 2019.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

