

In the Matter of the Petition
For Lawyer Support and Monitoring
And Procedures for Referrals from
The Office of Lawyer Regulation

PETITION

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

Filed with the Clerk of Court David Schanker
Clerk of Supreme Court Office
110 E. Main Street
Suite 215
Madison, WI 53703

The State Bar of Wisconsin, and the Office of Lawyer Regulation (OLR), hereby petition the Supreme Court of Wisconsin for an order establishing procedures for lawyer support and monitoring within the State Bar (Appendix A) and for OLR to refer lawyers for assessment, treatment, and monitoring (Appendix B).

Petitioners recognize a substantial correlation of lawyer professional misconduct with alcoholism, depression, other mental and physical conditions, or other problems. Addressing the underlying problems serves the public interest by enabling lawyers to practice to professional

standards. Early recognition and response to underlying problems serves to prevent harm.

Petitioners also recognize the usefulness and effectiveness of the Wisconsin Lawyers Assistance Program (WisLAP), which provides confidential assistance to lawyers and their family members, and the Law Office Management Assistance Program (LOMAP), which helps lawyers effectively and efficiently manage law practice.

Current policies, however, require OLR to keep matters confidential. When OLR learns information indicating that a lawyer's ability to practice may be affected by alcoholism, depression, or other mental and physical conditions, OLR is not permitted to inform WisLAP.

When lawyers seek assistance on their own initiative, WisLAP and LOMAP would continue their policies regarding confidentiality. When OLR refers lawyers, WisLAP and LOMAP would keep information confidential, except cases where the lawyer consents as part of an alternative to discipline program, and cases where the Court has imposed conditions and the information is necessary to monitor the conditions.

Petitioners believe the public interest would be served by providing a means for OLR to refer lawyers whose ability to practice may be affected by alcoholism,

depression, other mental and physical conditions, or other problems for assistance from WisLAP or LOMAP.

Petitioners believe that Appendices A and B provide appropriate authority and guidance, consistent with the interests of the public and practitioners who may be the subject of referrals.

Respectfully submitted this ____ day of _____, 2008.

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