



# Wisconsin Court System

## Office of Lawyer Regulation

*The Wisconsin Supreme Court has authority over all attorneys licensed to practice law in the State of Wisconsin. The Supreme Court has established rules governing attorney conduct and has made the Office of Lawyer Regulation responsible for investigating attorneys who may have violated those rules.*

The Office of Lawyer Regulation consists of the Director, intake and investigative staff, staff counsel and retained counsel.

The office is responsible for screening, investigating, and prosecuting cases. The Director, appointed by and serving at the pleasure of the Court, is responsible for investigating attorney misconduct and medical incapacity allegations. In appropriate cases, the Director presents results to the **Preliminary Review Committee**.

The Preliminary Review Committee is an independent committee appointed by the Wisconsin Supreme Court and consists of 14 members, nine lawyers and five non-lawyers, who come from all parts of the state. Their diverse backgrounds and experiences help to assure fair and consistent treatment of misconduct throughout the state. The committee divides itself into two rotating panels consisting of lawyers and non-lawyers. A panel will carefully review the matter presented by the Director and determine whether there is cause to proceed to more formal disciplinary action. If the panel finds cause to proceed, the Director will then determine the appropriate action to take.

If the Preliminary Review Committee has found cause to proceed and the Director seeks revocation or suspension, or seeks to impose other discipline or conditions on practice to which the attorney has declined to consent, a complaint is filed with the Supreme Court. This begins a lawsuit. The procedure is very similar to that followed in the trial of a civil (non-criminal) lawsuit. The accused lawyer can file a written answer and motions. A hearing is scheduled. The Director, through counsel, presents the evidence of misconduct. This evidence will usually include testimony from the person complaining, other witnesses and relevant documents. The accused lawyer has a full opportunity to

defend the case by presenting evidence and cross-examining the Director's witnesses.

The case is heard by a **Referee** who acts as a judge. The referee comes from a permanent panel of Referees appointed by the Supreme Court to hear lawyer disciplinary actions. At the conclusion of the hearing the Referee can recommend discipline. The accused attorney or the Director can appeal, or the Supreme Court will review without an appeal. **Only the Supreme Court can suspend or revoke an attorney.**

In some cases, the Director obtains investigative assistance from a **District Committee**. There are 16 district committees throughout the state. The membership includes non-lawyers and lawyers who donate their time for this service. The findings from that investigation along with any recommendation the committee makes are returned to the Office of Lawyer Regulation.

When all of the needed information is obtained, staff makes a recommendation as to the appropriate disposition of the grievance, and reports findings to the Director, who will make a decision as to what further action is required. If there is insufficient evidence of unethical conduct, the Director will dismiss the matter.

The Director may, with the attorney's consent, agree to imposition of a private or public reprimand or require the attorney to participate in an **"alternatives to discipline"** program. If the attorney does not consent to the proposed action, or if the Director believes there is clear and convincing evidence of serious misconduct that would potentially result in a suspension or revocation of the attorney's license, the Director presents the matter to a panel of the Preliminary Review Committee.

Other components of the lawyer regulation system include:

### Board of Administrative Oversight

A 12-person board composed of eight lawyers and four non-lawyers appointed by the Supreme Court meets four times per year. It monitors the fairness, effectiveness and efficiency of the system and proposes substantive and procedural rules related to the system for consideration by the Court.

### Special Investigators

A panel of lawyers appointed by the Supreme Court who are currently not participating in the lawyer regulation system investigates allegations of possible misconduct made against a current participant in the lawyer regulation system, i.e., a member of a district committee, a lawyer member of the preliminary review committee, a lawyer member of the board of administrative oversight, or a referee. The director will refer the matter to a special investigator when it is received. The special investigator evaluates, investigates, and prosecutes matters as guided and regulated by SCR 22.25.

### Special Preliminary Review Panel

A panel of seven members, consisting of four lawyers and three non-lawyers, appointed by the Supreme Court who are not currently participating in the lawyer regulation system reviews investigative reports received from the

special investigators and determines whether there is cause to proceed based on the information gathered by the special investigators. The panel also reviews dismissed matters upon request of a grievant to determine whether further investigation should occur.

### Lawyer and Non-Lawyer Volunteers Needed

Lawyers and non-lawyers interested in serving on the bodies described in this article should send a letter and resume to: Clerk of the Supreme Court, P.O. Box 1688, Madison, WI 53701-1688, or fax to: (608) 267-0640 or e-mail to: [clerk@wicourts.gov](mailto:clerk@wicourts.gov). Positions are filled on a continual basis and resumes will be kept on file for consideration for future opportunities.

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## ORGANIZATION OF THE LAWYER REGULATION SYSTEM

