

SUPREME COURT OF WISCONSIN

No. 19-12

**In the Matter of the Petition of the OLR
Process Review Committee's for an Order
Amending Supreme Court Rules 20:1.8(h)(3)
and 20:8.3 (Reporting Misconduct)**

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 filed a rule petition asking the court to modify its ethics rules, specifically Supreme Court Rule (SCR) 20:1.8(h)(3) and SCR 20:8.3 and related comments, to encourage greater reporting of professional misconduct by lawyers.

The court voted to seek written comments and conduct a public hearing. A letter soliciting comment was sent to interested persons on September 30, 2019. The court received one written response from Attorney Dean R. Dietrich, on behalf of the State Bar of Wisconsin Board of Governors, supporting section 1 of the petition and opposing section 2 of the petition.

The court conducted a public hearing on December 9, 2019. Attorney Michael Apfeld presented the petition to the court. The Honorable Gerald P. Ptacek, Chair of the Committee, spoke in support of the petition. Attorney Dean R. Dietrich, on behalf of the State Bar of Wisconsin Board of Governors, spoke in opposition to the proposed modification of SCR 20:8.3. At an ensuing closed administrative rules

conference, the court voted to grant the petition in part. The court agreed to amend SCR 20:1.8(h)(3) and the related comment. The court declined to amend the standard for reporting misconduct in SCR 20:8.3 but opted to add certain language to the accompanying comment to clarify the rule. Mindful that several other rule petitions proposing amendments to the OLR rules are pending, the court will hold issuance of a final 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 SCR ch. 20, reflecting the rule changes approved in this rule matter, 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 19-12, In the Matter of the Petition of the OLR Process Review Committee's for an Order Amending Supreme Court Rules 20:1.8(h)(3) and 20:8.3 (Reporting Misconduct) is granted in part and denied 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 SCR ch. 20 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

