

STATE OF WISCONSIN  
IN SUPREME COURT  
RULEMAKING DOCKET 11-01

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PETITION FOR A VOLUNTARY STATE BAR OF WISCONSIN

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Attorneys Steven Levine (former President, State Bar of Wisconsin) and James Thiel (member, State Bar Board of Governors) hereby petition the Supreme Court to amend, repeal, or recreate SCR Ch. 10 -- and to make whatever other changes are necessary -- to create a voluntary State Bar of Wisconsin. A hearing is requested.

This petition is presented to the Court for the following reasons:

1. In *Keller v. State Bar of California*, 496 U.S. 1, 13-14 (1990) the court set forth two activities which justify an integrated state bar and the collection of mandatory dues to support those activities: regulating the legal profession and improving the quality of legal services offered by members of the bar.
2. The State Bar of Wisconsin is not a regulatory agency.
3. While the State Bar of Wisconsin does offer continuing legal education programs and publications designed to elevate the ethical and educational standards of bar members, these programs and publications are supported by user fees and not by State Bar dues.
4. A majority of State Bar of Wisconsin members favor a voluntary bar.
5. Since 2005, three of the six lawyers elected president-elect of the State Bar of Wisconsin -- Steven Levine, Douglas Kammer, and James Boll -- have explicitly advocated a voluntary State Bar as part of their campaign platforms.

6. A voluntary Bar would be a more independent bar, free to take positions in the best interests of the public and its own members without the constraints of Supreme Court control.

7. On June 25, 2010, the State Bar Board of Governors voted 25-17 to petition this Court to consider the issue of whether State Bar membership should be voluntary or mandatory. That vote was one vote short of the super-majority of 60% required by the Bar to petition this Court.

No specific rule amendments, repeals, or creations are being proposed at this time. After attempting to draft amendments and repeals to SCR Ch. 10 to create a voluntary State Bar of Wisconsin, petitioners have come to believe that the mere amendment and/or repeal of current Supreme Court rules establishing and regulating the State Bar would probably be insufficient to accomplish transition of the Bar's status from mandatory to voluntary. New rules and an entirely new framework are probably necessary. Petitioners suggest that if the Court decides to endorse the concept of a voluntary bar, the Court appoint a committee to recommend how best to accomplish that transition, including perhaps the drafting of an entirely new SCR Ch. 10. The initial policy issue presented by this petition is whether State Bar membership should be mandatory or voluntary.

A memorandum in support of this petition is attached.

Respectfully submitted,

*/s/ Steven Levine*

*/s/ James Thiel*

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