

PETITION

In the Matter of the Petition
To Amend Supreme Court Rules 22.001(2),
22.02(6)(c), 22.03(1), 22.25(3), and
22.25(4)

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

Filed with the Clerk of Court Diane Fremgen
Clerk of Supreme Court
110 E. Main Street
Suite 215
Madison, WI 53703

The Office of Lawyer Regulation petitions the Supreme Court of Wisconsin for an order amending Supreme Court Rules (SCR) 22.001(2), 22.02(6)(c), 22.03(1), 22.25(3), and 22.25(4).

Petitioner submits Appendix A (the text of proposed rule), Supporting Memorandum, and Cover Sheet in support of this request.

Respectfully submitted this ____ day of _____, 2014.

Keith L. Sellen
Director
Office of Lawyer Regulation
State Bar No. 1001088

SCR 22.001 Definitions.

In SCR chapter 21 and this chapter:

(2) "Cause to proceed" means a reasonable belief based on a review of an investigative report that an attorney has engaged in misconduct that warrants discipline or has a medical incapacity that may be proved by clear, satisfactory and convincing evidence.

SCR 22.02 Intake.

(6) The director shall review each matter referred by staff and do one or more of the following:

(c) Commence an investigation when there is sufficient information to support an allegation a possible finding of cause to proceed. possible misconduct or medical incapacity.

SCR 22.03 Investigation.

(1) The director shall investigate any grievance that presents sufficient information to support an allegation a possible finding of possible misconduct cause to proceed.

SCR 22.25 Misconduct and malfeasance allegations against lawyer regulation system participants.

(3) If the special investigator determines that there is not sufficient information to support an allegation a possible finding of possible misconduct cause to proceed, the special investigator may close the matter. The special investigator shall notify the grievant in writing that the grievant may obtain review by the special preliminary review panel of the closure by submitting a written request to the special investigator. The request for review must be received by the special investigator within 30 days after the date of the letter notifying the grievant of the closure. The special investigator shall send the request for review to the special preliminary review panel consisting of 4 lawyers and 3 public members appointed by the supreme court and having a quorum of 4 members. Members of the special

preliminary review panel serve staggered 3-year terms. A member may serve not more than 2 consecutive 3-year terms. Upon a timely request by the grievant for additional time, the special investigator shall report the request to the chairperson of the special preliminary review panel, who may extend the time for submission of additional information relating to the request for review. If the panel affirms the investigator's determination, the special preliminary review panel shall inform the grievant. The panel's decision affirming closure of the matter is final. If the panel does not concur in the investigator's determination, it shall direct the investigator to initiate an investigation of the matter.

(4) If the special investigator determines that the information provided is sufficient to support ~~an allegation~~ a possible finding of ~~possible misconduct~~ cause to proceed, the special investigator shall conduct an investigation of the matter. Upon completion of the investigation, the special investigator shall do one of the following: