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September 16, 2017

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Petition 17-04

Dear Deputy Clerk of Rules for the Supreme Court:

I write in support of the reform of the State Bar, as sought in Rule Petition 17-04.

SCR 10.03 (5)(b)1 provides, *inter alia*, “The State Bar may not use the compulsory dues of any member who objects pursuant to SCR 10.02(5)(b)3 for activities that are not necessarily or reasonably related to the purposes of **regulating the legal profession** or **improving the quality of legal services.**” (emphasis added)

The petitioner fairly complained of four specific instances of the State Bar lobbying the state legislature in support of political positions backed by the Bar. For the sake of brevity, I will only discuss the Bar's \$41,000.00-plus efforts to effectuate amending the Wisconsin Constitution regarding the election of the Wisconsin Supreme Court Justices.

Sometime in September of 2013, the State Bar Judicial Task Force released its report and offered the following proposal (at page 8):

Proposed New Language

Art. VII, § 4, Wis. Constitution

(1) The supreme court shall have 7 members who shall be known as justices of the supreme court. Justices shall be elected for 16-year terms of office commencing with the August 1 next succeeding the election. Only one justice may be elected in any year. No person shall be elected to the office of justice more than once, but this provision shall not prevent any person who may be holding the office of justice during the term within which this provision becomes operative from being elected to the office of justice for one additional term. Any 4 justices shall constitute a quorum for the conduct of the court's business.

<http://www.wisbar.org/SiteCollectionDocuments/Publications/JudicialTaskForce-September2013-FINAL.pdf>

On September 28, 2013, the Bar reported that, "The State Bar of Wisconsin's Board of Governors voted today (37-4) to support a proposal that would limit the terms of Wisconsin Supreme Court justices to one, 16-year term..."

<http://www.wisbar.org/newspublications/pages/general-article.aspx?articleid=11060>

Therefore, one of the clear tasks before this court on this petition is to determine whether such a proposed constitutional amendment directly connected to this court and its membership is *necessarily* or *reasonably* related to the purposes of **regulating the legal profession or improving the quality of legal services**.

I assume there is no meritorious argument that the supreme court, in developing SCR Chapter 10, proposed that the State Bar should regulate it - the Wisconsin Supreme Court - or be charged with improving the 'quality' of the legal services provided by the supreme court to the citizens of Wisconsin (although, I strongly suspect that many members of the State Bar would relish the opportunity to do so). I believe the supreme court has undoubtedly delegated and reserved the responsibility of regulating itself and improving its services solely to itself. See, SCR Chapter 74, *Supreme Court Administration*; SCR Chapter 60, *Code of Judicial Conduct*.

If I am incorrect and the Wisconsin Supreme Court had indeed offered the State Bar (or, more precisely, 60% of the Board of Governors of the State Bar) the authority to 'regulate' it or lobby the legislature for procedures ostensibly designed to improve the Wisconsin Supreme Court's '*legal services*', we all will look forward to learning from this court the parameters under which it contemplates this authority may be exercised.

If this court has not granted such authority to the State Bar, then it must consider all the meritorious arguments advanced in the petition which should require all, or at least some form of the reforms requested.

Respectfully submitted,

/S/ John B. Edmondson

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cc: State Bar of Wisconsin
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