

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 04-10

In the matter of the Petition for Amendment to Supreme Court Rules relating to District Committees in the Lawyer Regulation System

FILED

MAY 5, 2005

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

On November 2, 2004, the Office of Lawyer Regulation (OLR) filed a petition seeking to amend Supreme Court Rules 21.06, 21.07, 21.10, 21.11, 22.04 and 22.25 relating to district committees within the lawyer regulation system.

A public hearing on the petition was conducted on April 13, 2005. At the ensuing open administrative conference the court voted unanimously to adopt the petition with certain minor modifications, effective the date of this order, as follows:

Section 1. SCR 22.001 (9m) is created to read as follows:

22.001 (9m) "Public member" means an individual who is eligible to vote in the state of Wisconsin, but who is not a member of the state bar of Wisconsin.

Section 2. 21.06 (1) of the Supreme Court Rules is amended to read:

21.06 (1) A district committee in each of the state bar districts established under SCR 10.05 (2) consists of lawyers and ~~nonlawyers~~public members appointed by the supreme court. The number of members of each committee shall be in proportion to the geographic and population size of the district, ~~and t~~. To the extent feasible, at least one-third and preferably two-fifths, of the members shall be ~~nonlawyers~~public members. Members serve staggered 3-year terms. A member may serve not more than 3 consecutive 3-year terms.

Section 3. 21.07 (1) and (2) of the Supreme Court Rules are amended to read:

21.07 (1) The 14-member preliminary review committee consists of 9 lawyers and 5 ~~nonlawyers~~public members appointed by the supreme court. Members serve staggered 3-year terms. A member may serve not more than 2 consecutive 3-year terms.

21.07 (2) The preliminary review committee, having a quorum of 8 members, is comprised of 2 7-member panels, each having at least 4 lawyers and 2 ~~nonlawyers~~public members and a quorum of 4 members. The chairperson of the preliminary review committee shall designate the members of each panel and shall devise and implement a rotation system by which each member of the committee serves on each panel during each 3-year period.

Section 4. 21.10 (1) of the Supreme Court Rules is amended to read:

21.10 (1) The 12-member board of administrative oversight of the lawyer regulation system consists of 8 lawyers and 4 ~~nonlawyers~~public members appointed by the supreme court. Members serve staggered three-year terms. A member may serve not more than two consecutive three-year terms.

Section 5. 21.11 (2) of the Supreme Court Rules is amended to read:

21.11 (2) The director shall provide formal training in procedural and substantive ethics rules to the members of the district committees. Committee members shall attend at least one training session within the first year of appointment as a condition of appointment, unless the director extends the time to fulfill the training requirement.

Section 6. 21.11 (6) of the Supreme Court Rules is amended to read:

21.11 (6) The training provided in (1) through (3) and (5) shall emphasize the role and the importance of the contributions of ~~nonlawyer~~public member participants in the lawyer regulation system.

Section 7. 22.04 (3) of the Supreme Court Rules is amended to read:

22.04 (3) The district committee shall conduct an investigation and file an investigative report with the director within 90 days after the date ~~of referral~~the respondent's right to request substitution of the investigator assigned to the

matter under sub. (2) as a matter of right terminates or has been waived. The committee chairperson, with notice to the grievant and respondent, may request an extension of time to complete the investigative report from the director. The committee chairperson shall set forth the reasons for the request and the date by which a report will be filed in a written request for the extension. The director may approve or deny the request, in the director's discretion. The investigative report shall outline the relevant factual allegations and identify possible misconduct, if any, and may make a recommendation as to the disposition of the matter. The district committee shall include in reports to the director all relevant exculpatory and inculpatory information obtained.

Section 8. 22.25 (3) of the Supreme Court Rules is amended to read:

22.25 (3) If the special investigator determines that there is not sufficient information to support an allegation of possible misconduct, 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 ~~nonlawyers~~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.

IT IS ORDERED that notice of this amendment of Supreme Court Rules 21.06, 21.07, 21.10, 21.11, 22.04 and 22.25 be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 5th day of May, 2005.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

