

**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. 06-06

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**In the matter of Petition of the State Bar of  
Wisconsin to Amend Chapter 20 of the Supreme  
Court Rules**

**FILED****JUL 30, 2008**

David R. Schanker  
Clerk of Supreme Court  
Madison, WI

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On November 20, 2006, the State Bar of Wisconsin filed a petition seeking to amend Supreme Court Rules 20:5.5, 20:8.5, and 10.03 (4). The petition proposed changes to the Supreme Court Rules pertaining to the temporary practice of law by lawyers not licensed to practice in the state of Wisconsin as well as changes to the rules governing admission pro hac vice. A public hearing was conducted on April 12, 2007. Numerous comments were received. The court discussed this petition and additional comments at open administrative conferences on April 12, 2007; January 9, 2008; February 22, 2008; and April 24, 2008. On April 24, 2008, the court voted unanimously to adopt the petition, with certain amendments.

The court added comments where it adopted changes that differed substantively from the ABA Model Rule or where it deemed additional guidance appropriate ("Wisconsin Comments").

The Wisconsin Comments and comments to the ABA Model Rules are not adopted, but will be published and may be consulted for guidance in interpreting and applying the Rules of Professional Conduct for Attorneys. Therefore,

IT IS ORDERED that effective January 1, 2009:

**SECTION 1.** Supreme Court Rule 20:5.5 is repealed and recreated to read:

**20:5.5 Unauthorized practice of law; multijurisdictional practice of law**

(a) A lawyer shall not:

(1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction except that a lawyer admitted to practice in Wisconsin does not violate this rule by conduct in another jurisdiction that is permitted in Wisconsin under SCR 20:5.5 (c) and (d) for lawyers not admitted in Wisconsin; or

(2) assist another in practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by this rule or other law, establish an office or maintain a systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to the practice of law in this jurisdiction.

(c) Except as authorized by this rule, a lawyer who is not admitted to practice in this jurisdiction but who is admitted to practice in another jurisdiction of the United States and not disbarred or suspended from practice in any jurisdiction for disciplinary reasons or for medical incapacity, may not provide legal services in this jurisdiction except when providing services on an occasional basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter; or

(2) are in, or reasonably related to, a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized; or

(3) are in, or reasonably related to, a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within subsections (c)(2) or (c)(3) and arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted to practice in another United States jurisdiction or in a foreign jurisdiction, who is not disbarred

or suspended from practice in any jurisdiction for disciplinary reasons or medical incapacity, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates after compliance with SCR 10.03 (4) (f), and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) A lawyer admitted to practice in another jurisdiction of the United States or a foreign jurisdiction who provides legal services in this jurisdiction pursuant to sub. (c) and (d) above shall consent to the appointment of the Clerk of the Wisconsin Supreme Court as agent upon whom service of process may be made for all actions against the lawyer or the lawyer's firm that may arise out of the lawyer's participation in legal matters in this jurisdiction.

#### Wisconsin Comment

See also SCR 10.03(4) (requirements for admission pro hac vice and registration of in-house counsel).

This Wisconsin Supreme Court Rule differs from the Model Rule in that an attorney is not precluded from seeking admission pro hac vice if the attorney is administratively suspended from practice in a jurisdiction other than the attorney's primary jurisdiction of practice. An attorney must not be suspended or disbarred in his or her primary jurisdiction of practice. Due to substantive and numbering differences, special care should be taken in consulting the ABA Comment.

#### ABA Comment

[1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or

may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person.

[2] The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work. See Rule 5.3.

[3] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

[4] Other than as authorized by law or this Rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1(a) and 7.5(b).

[5] There are occasions in which a lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraphs (d)(1) and (d)(2), this Rule does not authorize a lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.

[6] There is no single test to determine whether a lawyer's services are provided on a "temporary basis" in this

jurisdiction, and may therefore be permissible under paragraph (c). Services may be "temporary" even though the lawyer provides services in this jurisdiction on a recurring basis, or for an extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or litigation.

[7] Paragraphs (c) and (d) apply to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia and any state, territory or commonwealth of the United States. The word "admitted" in paragraph (c) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically admitted is not authorized to practice, because, for example, the lawyer is on inactive status.

[8] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this paragraph to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.

[9] Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a lawyer does not violate this Rule when the lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a lawyer who is not admitted to practice in this jurisdiction to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this Rule requires the lawyer to obtain that authority.

[10] Paragraph (c)(2) also provides that a lawyer rendering services in this jurisdiction on a temporary basis does not violate this Rule when the lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only in another jurisdiction may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the lawyer

is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.

[11] When a lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate lawyers may conduct research, review documents, and attend meetings with witnesses in support of the lawyer responsible for the litigation.

[12] Paragraph (c)(3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

[13] Paragraph (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.

[14] Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of factors evidence such a relationship. The lawyer's client may have been previously represented by the lawyer, or may be resident in or have substantial contacts with the jurisdiction in which the lawyer is admitted. The matter, although involving other jurisdictions, may have a significant connection with that jurisdiction. In other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary relationship might arise when the client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their lawyer in assessing the relative merits of each. In addition, the services may draw on the lawyer's

recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally-uniform, foreign, or international law. Lawyers desiring to provide pro bono legal services on a temporary basis in a jurisdiction that has been affected by a major disaster, but in which they are not otherwise authorized to practice law, as well as lawyers from the affected jurisdiction who seek to practice law temporarily in another jurisdiction, but in which they are not otherwise authorized to practice law, should consult the [*Model Court Rule on Provision of Legal Services Following Determination of Major Disaster*].

[15] Paragraph (d) identifies two circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.

[16] Paragraph (d)(1) applies to a lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The lawyer's ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the lawyer's qualifications and the quality of the lawyer's work.

[17] If an employed lawyer establishes an office or other systematic presence in this jurisdiction for the purpose of rendering legal services to the employer, the lawyer may be subject to registration or other requirements, including assessments for client protection funds and mandatory continuing legal education.

[18] Paragraph (d)(2) recognizes that a lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal or other law, which



includes statute, court rule, executive regulation or judicial precedent.

[19] A lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) or otherwise is subject to the disciplinary authority of this jurisdiction. See Rule 8.5(a).

[20] In some circumstances, a lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction. For example, that may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. See Rule 1.4(b).

[21] Paragraphs (c) and (d) do not authorize communications advertising legal services to prospective clients in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to 7.5.

**SECTION 2.** Supreme Court Rule 20:8.5 is repealed and recreated to read:

**SCR 20:8.5 Disciplinary authority; choice of law**

(a) **DISCIPLINARY AUTHORITY.** A lawyer admitted to the bar of this state is subject to the disciplinary authority of this state regardless of where the lawyer's conduct occurs. A lawyer not admitted to the bar of this state is also subject to the disciplinary authority of this state if the lawyer provides or offers to provide any legal services in this state. A lawyer may be subject to the disciplinary authority of both this state and another jurisdiction for the same conduct.

(b) **CHOICE OF LAW.** In the exercise of the disciplinary authority of this state, the Rules of Professional Conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct,

(i) if the lawyer is admitted to the bar of only this state, the rules to be applied shall be the rules of this state.

(ii) if the lawyer is admitted to the bars of this state and another jurisdiction, the rules to be applied shall be the rules of the admitting jurisdiction in which the lawyer principally practices, except that if particular conduct clearly has its predominant effect in another jurisdiction in which the lawyer is admitted to the bar, the rules of that jurisdiction shall be applied to that conduct.

(iii) if the lawyer is admitted to the bar in another jurisdiction and is providing legal services in this state as allowed under these rules, the rules to be applied shall be the rules of this state.

(c) A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

#### Wisconsin Comment

SCR 20:8.5 differs from the ABA Model Rule 8.5. Due to substantive and numbering differences, special care should be taken in consulting the ABA Comment.

#### ABA Comment

#### **Disciplinary Authority**

[1] It is longstanding law that the conduct of a lawyer admitted to practice in this jurisdiction is subject to the

disciplinary authority of this jurisdiction. Extension of the disciplinary authority of this jurisdiction to other lawyers who provide or offer to provide legal services in this jurisdiction is for the protection of the citizens of this jurisdiction. Reciprocal enforcement of a jurisdiction's disciplinary findings and sanctions will further advance the purposes of this Rule. See, Rules 6 and 22, ABA Model Rules for Lawyer Disciplinary Enforcement. A lawyer who is subject to the disciplinary authority of this jurisdiction under Rule 8.5(a) appoints an official to be designated by this Court to receive service of process in this jurisdiction. The fact that the lawyer is subject to the disciplinary authority of this jurisdiction may be a factor in determining whether personal jurisdiction may be asserted over the lawyer for civil matters.

### **Choice of Law**

[2] A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a particular court with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. Additionally, the lawyer's conduct may involve significant contacts with more than one jurisdiction.

[3] Paragraph (b) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of a lawyer shall be subject to only one set of rules of professional conduct, (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions, and (iii) providing protection from discipline for lawyers who act reasonably in the face of uncertainty.

[4] Paragraph (b)(1) provides that as to a lawyer's conduct relating to a proceeding pending before a tribunal, the lawyer shall be subject only to the rules of the jurisdiction in which the tribunal sits unless the rules of the tribunal, including its choice of law rule, provide otherwise. As to all other conduct, including conduct in anticipation of a proceeding not yet pending before a tribunal, paragraph (b)(2) provides that a lawyer shall be subject to the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in another jurisdiction, the rules of

that jurisdiction shall be applied to the conduct. In the case of conduct in anticipation of a proceeding that is likely to be before a tribunal, the predominant effect of such conduct could be where the conduct occurred, where the tribunal sits or in another jurisdiction.

[5] When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this Rule.

[6] If two admitting jurisdictions were to proceed against a lawyer for the same conduct, they should, applying this rule, identify the same governing ethics rules. They should take all appropriate steps to see that they do apply the same rule to the same conduct, and in all events should avoid proceeding against a lawyer on the basis of two inconsistent rules.

[7] The choice of law provision applies to lawyers engaged in transnational practice, unless international law, treaties or other agreements between competent regulatory authorities in the affected jurisdictions provide otherwise.

**SECTION 3.** Supreme Court Rule 10.03 (4) is repealed and recreated to read:

SCR 10.03 (4) (a) No individual other than an enrolled active member of the state bar may practice law in this state or in any manner purported to be authorized or qualified to practice law.

(b) A court or judge in this state may allow a nonresident counsel to appear and participate in a particular action or proceeding in association with an active member of the state bar of Wisconsin who appears and participates in the action or proceeding. An order granting nonresident counsel permission to appear and participate in an action or proceeding shall continue through subsequent appellate or circuit court actions or

proceedings in the same matter, provided that nonresident counsel files a notice of the order granting permission with the court handling the subsequent appellate or circuit court action or proceeding.

1. Counsel who seek to provide legal services under SCR 10.04 (4)(b) shall provide the information listed in Appendix A to this rule. The applicant may also include additional information supporting the request for admission pro hac vice.

2. Counsel who seek to provide legal services under SCR 10.04 (4)(b) shall pay a nonrefundable fee of fifty dollars (\$50) to the Office of Lawyer Regulation for each application for admission pro hac vice. The fee shall be waived if the application certifies that the attorney is employed by an agency providing legal services to indigent clients and will be appearing on behalf of an indigent client, or that the applicant will otherwise be appearing on behalf of an indigent client in the proceeding and will be charging no fee for the appearance.

(c) A court in this state may allow a nonresident military counsel to appear and participate in a particular action or proceeding representing military personnel without being in association with an active member of the state bar of Wisconsin and without being subject to any application fees required by this rule.

(d) If representing a party before an agency of this state is limited to lawyers, an administrative law judge or hearing examiner for a state agency may, using the same standards and procedures as a court, allow a nonresident counsel who has been

retained to appear in a particular agency proceeding to appear and participate in that proceeding without being in association with an active member of the state bar of Wisconsin.

(e) A court or judge may, after hearing, rescind permission for a nonresident counsel to appear before it if the lawyer by his or her conduct manifests incompetency to represent a client in a Wisconsin court or unwillingness to abide by the rules of professional conduct for attorneys or the rules of decorum of the court.

(f) Counsel not admitted to the practice of law in this jurisdiction but admitted in any other U.S. jurisdiction or foreign jurisdiction, who is employed as a lawyer in Wisconsin on a continuing basis and employed exclusively by a corporation, association, or other nongovernmental entity, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, shall register as in-house counsel within 60 days after the commencement of employment as a lawyer or if currently so employed then within 90 days of the effective date of this rule, by submitting to the Board of Bar Examiners the following:

1. A completed application in the form set forth in Appendix B to this rule;

2. An annual nonrefundable fee of two hundred and fifty dollars (\$250) to the Board of Bar Examiners;

3. Documents proving admission to practice law in the primary jurisdiction in which counsel is admitted to practice law; and

4. An affidavit from an officer, director, or general counsel of the employing entity attesting to the lawyer's employment by the entity and the capacity in which the lawyer is so employed.

Wisconsin Comment

A registered in-house lawyer is authorized to provide legal services to the entity, client, or its organizational affiliates, including entities that control, are controlled by, or are under the common control with the employer, and for employees, officers, and directors of such entities, but only on matters directly related to their work for the entity and only to the extent consistent with SCR 20:1.7. A lawyer registered under this section may provide pro bono legal services to qualified clients of a legal service program. Counsel who provide legal services in this jurisdiction under SCR 20:5.5(d)(1) that desire to appear, either in person, by signing pleadings, or by being designated as counsel in actions filed in courts, administrative agencies, or other tribunals in this state, must file a separate motion for pro hac vice admission.

Wisconsin Comment

SCR 60.01(8) defines "judge" as "a justice of the supreme court, a judge of the court of appeals, a judge of the circuit court, a reserve judge, a municipal judge, a court commissioner, and anyone, whether or not a lawyer, who is an officer of the judicial system and who performs judicial functions."

SECTION 4. Supreme Court Rule 10.03 (4) (Appendix A) is created to read:

APPENDIX A

STATE OF WISCONSIN, CIRCUIT COURT \_\_\_\_\_ COUNTY

CASE CAPTION: APPLICATION FOR ADMISSION  
PRO HAC VICE

Case Number:

I declare under penalty of perjury:

- (1) That I seek to appear pro hac vice in order to represent \_\_\_\_\_ in the above-captioned matter;
- (2) That I am admitted to practice law in the highest court(s) of the state(s) or country(ies) of \_\_\_\_\_;
- (3) That there are no disciplinary complaints filed against me for violation of the rules of those courts (if so, please explain) \_\_\_\_\_;
- (4) That I am not suspended or disbarred from practice for disciplinary reasons or reason of medical incapacity in any jurisdiction (if yes, please explain) \_\_\_\_\_;
- (5) That I am associated with Attorney \_\_\_\_\_, State Bar No. \_\_\_\_\_, an active member of the State Bar of Wisconsin (name the member of the State Bar of Wisconsin and provide his/her Member Number)
- (6) That I do not practice or hold out to practice law in the State of Wisconsin;
- (7) That I acknowledge the jurisdiction of the courts of the State of Wisconsin over my professional conduct, and I agree to abide by the rules of the relevant division of the Circuit Court of the State of Wisconsin and the Wisconsin Court of Appeals and the Rules of Professional Conduct for Attorneys, if I am admitted pro hac vice;
- (8) That I have complied fully with SCR Rule 10.03 (4);
- (9) That I am applying for admission pro hac vice for the following reasons: \_\_\_\_\_



I have applied for admission pro hac vice in the courts of the State of Wisconsin \_\_\_\_\_times previously in this calendar year.

I attach hereto evidence of my payment or prior payment of the pro hac vice fee to the Office of Lawyer Regulation.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date:  
Address:  
Telephone Number:

**SECTION 5.** Supreme Court Rule 10.03 (4) (Appendix B) is created to read:

**APPENDIX B**

STATE OF WISCONSIN  
SUPREME COURT

**In-House Counsel Registration**

I, \_\_\_\_\_, request to be registered as in-house counsel for \_\_\_\_\_, a corporation, association, or other nongovernmental entity with an office in Wisconsin pursuant to Wisconsin Supreme Court Rules 20:5.5(d)(1) and SCR 10.03(4).

Wisconsin address of corporation/entity:

Wisconsin telephone number:

I declare under penalty of perjury that:

(1) I am employed as a lawyer by the above-named corporation/entity and that my employment conforms to the requirements of SCR 10.03 (4) (f).

(2) The above corporation, association or non-governmental entity is in good standing with the state of Wisconsin.

(3) I am admitted to practice law in the following jurisdictions, \_\_\_\_\_, without any restriction on my eligibility to practice law. I understand my obligation to notify this court immediately of any change

respecting the status of my license to practice law in any jurisdiction in which I am licensed to practice law.

(4) I acknowledge that I am subject to the Wisconsin Supreme Court Rules, including the Rules of Professional Conduct for Attorneys.

(5) I understand that, as a registered in-house counsel, I am permitted to practice law in Wisconsin but only on behalf of the corporation, association or non-governmental entity for which I am employed, its directors, officers, and employees in their respective official or employment capacities, and/or its commonly owned or controlled organizational affiliates. I understand that I shall not appear in the courts of Wisconsin or in any agency or municipal proceeding that I have reason to believe prior to the proceeding is contested, unless pro hac vice admission is required and I am admitted pro hac vice pursuant to SCR 10.03(4).

I attach hereto the documents required by SCR 10.03 (4) (f).

I attach hereto evidence of my payment of the annual in-house counsel registration fee to the Board of Bar Examiners.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address and Telephone Number

IT IS FURTHER ORDERED that the Wisconsin comments and the comments to the ABA Model Rules of Professional Conduct 5.5 and 8.5 are not adopted, but will be published and may be consulted for guidance in interpreting and applying the Wisconsin Rules of Professional Conduct.

IT IS FURTHER ORDERED that the Board of Bar Examiners shall amend its rules and procedures to provide that the practice of law by in-house counsel registered pursuant to SCR 10.03(4)(f) shall be considered the active practice of law for purposes of SCR 40.05(1)(b).

IT IS FURTHER ORDERED that notice of this repeal and recreation of SCRs 20:5.5, 20:8.5 and 10.03 (4) shall be given by a single publication of notice in the official state newspaper and in an official publication of the State Bar of Wisconsin. Because of the length of this order, this notice requirement may be satisfied by publication of the Notice of Rule Change attached hereto as Appendix 1.

IT IS FURTHER ORDERED that the full text of the order repealing and recreating SCRs 20:5.5, 20:8.5, and 10.03 (4) shall be made available on the Web site of the Wisconsin Supreme Court, <http://wicourts.gov>, and the Web site of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 30th day of July, 2008.

BY THE COURT:

David R. Schanker  
Clerk of Supreme Court

# 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. 06-06

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In the matter of the Petition for Amendment to  
Supreme Court Chapter 20 - Rules of  
Professional Conduct for Attorneys:

**FILED**

**JUL 30, 2008**

NOTICE OF RULE CHANGE

David R. Schanker  
Clerk of Supreme Court  
Madison, WI

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IT IS ORDERED that effective January 1, 2009, SCRs 20:5.5, 20:8.5, and 10.03 (4) of the Supreme Court Rules are repealed and recreated to read as set forth in the order of this court dated July 30, 2008;

IT IS FURTHER ORDERED that the full text of the order repealing and recreating SCRs 20:5.5, 20:8.5, and 10.03 (4) shall be made available on the Web site of the Wisconsin Supreme Court, <http://wicourts.gov>, and the Web site of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 30th day of July, 2008.

BY THE COURT:

David R. Schanker  
Clerk of Supreme Court

