

No. 348, S.]

[Published July 9, 1949.

**CHAPTER 412.**

AN ACT to amend 256.28 (8), (10) (12), (13) (introductory paragraph) and (16) of the statutes, relating to complaints against attorneys and disbarment proceedings.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 256.28 (8), (10), (12), (13) (introductory paragraph) and (16) of the statutes are amended to read:

256.28 (8) Three or more residents of the state, one of whom shall be the district attorney of the county wherein the misconduct complained of occurred, or the board of

state bar commissioners, or a county bar association having as members more than 500 attorneys licensed to practice law in this state by its president in its name upon resolution of its governing body, after an investigation, may make written complaint against any person described in subsection (7), except that a county bar association may file a complaint only against an attorney practicing or residing in its county. The complaint may be either positive, or on information and belief, and must be signed and verified by the oath or affirmation of those who make it. It must be entitled in the name of the state of Wisconsin against the defendant, and be addressed to the justices of the supreme court, contain the name and residence of the defendant and state with clearness and certainty the facts constituting the alleged misconduct of the defendant. It shall be presented to a justice of the supreme court.

(10) ATTORNEY FOR COMMISSIONERS AND IN DISCIPLINARY ACTION.

The supreme court as occasion may require shall appoint a competent attorney who is a member of the bar of the supreme court to act as counsel for the state bar commissioners or for the parties making the complaint and to conduct investigations and prosecute disbarment proceedings. The district attorney of the county of the defendant's residence shall in his county render such assistance in investigations and preparation for trial as such counsel shall reasonably request.

(12) Upon the filing of the defendant's answer the supreme court shall appoint a referee to hear the cause and to report his findings to the court, together with his recommendations as to the judgment to be made. The referee shall give to the defendant and counsel for the board of state bar commissioners or the counsel appointed for the parties making the complaint at least 20 days' notice in writing of the time and place of trial. The proceeding shall be a civil action triable without a jury, governed by the rules and practice in equitable actions, except as different procedure is herein prescribed. At the commencement of the trial or during its progress the sittings may be changed as often as may be found convenient from one county to any other including that of the defendant's residence, upon the request of either party or on motion of the referee, if it shall appear that the convenience of the parties or witnesses or the speeding of the cause will be served thereby. All proceedings shall be carefully taken down by a stenographer to be appointed by the court, and the same together with all the testimony and evidence shall be transcribed in longhand or typewritten and certified and filed by him with other papers in the case.

(13) (introductory paragraph) Upon the filing of the report of the referee, including his findings of fact and recommendations as to the judgment to be entered, notice thereof shall be served on the defendant or such attorney as shall have appeared for him and on the counsel for the board of state bar commissioners or for the parties making the complaint, and such objections or motions as the defendant or such counsel shall see fit to make thereto shall be filed within 20 days thereafter. The court shall thereupon set the cause down to be heard not less than 20 days after the date of the filing of such objections and exceptions. By the judgment the court may adjudge as follows:

(16) The counsel for the state bar commissioners or for the parties making the complaint and the referee herein provided for shall take and subscribe and file with the clerk of the supreme court the usual and customary oath of office.

SECTION 2. Amendments to section 256.28 (8) made by this act shall not apply to any case wherein complaint was made under said subsection prior to the effective date of this act.

Approved July 6, 1949.

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