

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. 13-03

In the matter of the petition to amend Supreme Court Rules 10.03(3) and (7) relating to inactive members requesting active status and readmission after resignation from the State Bar.

FILED

OCT 1, 2013

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On May 22, 2013, the Board of Administrative Oversight, State Bar of Wisconsin (State Bar), the Office of Lawyer Regulation (OLR), and the Board of Bar Examiners filed a joint petition seeking to amend Supreme Court Rules 10.03(3) and (7) relating to the procedure for inactive members to request active status, and to provide a procedure for readmission after resignation from the State Bar.

The court conducted a public hearing on this rule petition on Thursday, September 12, 2013. Keith Sellen, Director of the OLR, presented the petition on behalf of the petitioners. George Brown, Executive Director of the State Bar, also testified in support of the petition.

At its ensuing open conference, the court voted unanimously to adopt the petition, with amendments. Therefore,

IT IS ORDERED that, effective January 1, 2014, the Supreme Court Rules are amended as follows:

SECTION 1. 10.03 (3) (b) of the Supreme Court Rules is repealed and recreated to read:

10.03 **(3)** (b) 1. Any inactive member in good standing who has actively practiced law in this state during the last 10 years may change his or her classification to that of an active member by filing with the secretary a written request for transfer to the class of active members and by paying the dues required of active members.

2. a. Any inactive member in good standing who has not actively practiced law in this state during the last 10 years may change his or her classification to that of an active member by filing with the secretary a written request for transfer to the class of active members, paying the dues required of active members, and obtaining supreme court approval as provided in subd. 2. b.

b. Any inactive member described in subd. 2. a. seeking to change his or her classification to that of an active member shall file a copy of his or her request for transfer to active membership with both the board of bar examiners and the office of lawyer regulation. The member shall pay \$200 each to the board of bar examiners and the office of lawyer regulation, which payment shall accompany the copy of the request. Within 90 days after receipt of the copy of the request, the board of bar examiners shall make a determination regarding compliance with continuing legal education requirements and file its finding with the clerk of the supreme court. Within 90 days after receipt of the copy of the request, the director of the office of lawyer regulation shall investigate the eligibility of the requestor and file a response with the clerk of the supreme court in support of or in opposition to the request.

Following receipt of the determination of the board of bar examiners and the response of the office of lawyer regulation, the supreme court shall consider and approve or disapprove the inactive member's request for transfer to active membership.

SECTION 2. 10.03 (3) (bf) of the Supreme Court Rules is created to read:

10.03 **(3)** (bf) Any judicial member who is no longer serving in a judicial office may change his or her classification to that of an active member by filing with the secretary a written request for transfer to the class of active members and paying the dues required of active members.

SECTION 3. 10.03 (7) of the Supreme Court Rules is renumbered 10.03 (7) (a).

SECTION 4. 10.03 (7) (b) of the Supreme Court Rules is created to read:

10.03 **(7)** (b) 1. An attorney who has resigned as a member of the state bar may be readmitted to the state bar with approval of the supreme court as provided in subd. 2.

2. The attorney shall file an original petition for readmission to the state bar with the clerk of the supreme court and shall file copies of the petition with the board of bar examiners and the office of lawyer regulation. The member shall pay \$200 each to the board of bar examiners and the office of lawyer regulation which payment shall accompany the copy of the petition. Within 90 days after receipt of the copy of the petition for readmission, the board of bar examiners shall make a determination regarding the eligibility of the petitioner for readmission and file its finding with the clerk of the

supreme court. Within 90 days after receipt of the copy of the petition for readmission, the director of the office of lawyer regulation shall investigate the eligibility of the petitioner for readmission and file a response with the clerk of the supreme court in support of or in opposition to the petition. Following receipt of the determination by the board of bar examiners and the response of the office of lawyer regulation, the supreme court shall consider and approve or disapprove the petition for readmission.

SECTION 5. The following Comment to 10.03 (3) and (7) of the supreme court rules is created to read:

Wisconsin Comment

Information regarding continuing legal education requirements is set forth in SCR ch. 31. See also CLE 3.015. The standards the OLR uses to investigate a requestor's eligibility for reinstatement are described in In re Reinstatement of Polk, 2007 WI 51, ¶10, 300 Wis. 2d 280, 732 N.W.2d 419 (explaining that "investigation of eligibility for reinstatement . . . is akin to the review conducted by the BBE during an initial application for a license to practice law in this state" such that the applicant must demonstrate that he or she has good moral character and the fitness to practice law). See also SCR 40.06(1) and (3) and Rule BA 6.01-6.02.

IT IS FURTHER ORDERED that the comment to SCR 10.03 (3) and (7) is not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule.

IT IS FURTHER ORDERED that notice of this amendment of SCR 10.03(3) and SCR 10.03(7) be given by a single publication of a copy of this order in the official publications designated in

SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 1st day of October, 2013.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

