

SUPREME COURT OF WISCONSIN

No. 13-09

In the matter of petition to amend Supreme Court Rule 10.03(3) and (5) relating to classes of membership and membership dues and reduction of dues.

FILED

JUN 24, 2014

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On July 3, 2013, the State Bar of Wisconsin (State Bar), by its then-president, Kevin Klein, filed this rule petition asking the court to amend Supreme Court Rule (SCR) 10.03(3) and (5) relating to classes of membership and membership dues and reduction of dues. The petition sought to modify membership status of State Bar members to include senior emeritus membership and active emeritus membership categories and raise the age for emeritus membership to 75. In addition, the proposed amendments would grant a waiver of one-half dues to those members admitted to practice five or fewer years, rather than three or fewer years.

This court discussed this matter in an open rules conference on September 12, 2013, and decided to solicit public comment, request additional information from the State Bar about the proposed amendments, and hold a public hearing. The court received a response from the State Bar and comments from Attorney Steven Levine, Attorney William C. Sturm, and Attorney John F. Wilcox, Senior Lawyers Division President-Elect at the State Bar.

On January 21, 2014, the court held a public hearing on the petition. State Bar President Patrick Fiedler presented the petition to the court. Attorney John F. Wilcox and State Bar Executive Director George Brown spoke in favor of the petition. Attorney Steve Levine and Office of Lawyer Regulation (OLR) Director Keith Sellen spoke in opposition to the petition. Attorney Levine noted that the State Bar's petition does not provide clear guidance to State Bar members who do not bill on an hourly basis and provides no data to support the claim that all lawyers who have recently entered the profession require "extended economic relief," and suggested that raising the age for emeritus status is a disservice to these lawyers. OLR Director Sellen expressed concern about the anticipated adverse impact the proposed amendments would have on the OLR's budget. Attorney Levine filed additional written comments on February 10, 2014.

The court discussed the petition at an open rules conference on April 4, 2014. Members of the court expressed both technical and substantive concerns about the petition including: whether there is sufficient evidence that newly admitted lawyers need the proposed longer period of reduced bar dues; whether self-selection of emeritus status should be monitored; how billable hours should be defined particularly for lawyers who do not regularly bill hours; whether billable hours should be measured over a calendar year or consistent with the State Bar's dues cycle; and the ramifications of the anticipated revenue loss. Chief Justice Shirley S. Abrahamson expressed concern that the State Bar was advocating a proposal that would voluntarily reduce revenue at the same time it was reducing

funding for the Wisconsin Access to Justice Commission. Justice Annette Kingsland Ziegler stated she shared these concerns. An initial vote was taken. Justice Patience Drake Roggensack, Justice David T. Prosser, and Justice Michael J. Gableman would have adopted the petition. Chief Justice Abrahamson, Justice N. Patrick Crooks, Justice Ann Walsh Bradley, and Justice Ziegler opposed the petition. After some further discussion, the court voted 6:1 (Justice Roggensack dissenting) to return the petition to the State Bar for further refinement.

IT IS ORDERED that the petition is returned to the State Bar of Wisconsin for consideration of the issues identified by the court at its open rules conference on April 4, 2014.

Dated at Madison, Wisconsin, this 24th day of June, 2014.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

