



Supreme Court of Wisconsin

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January 13, 2023

**CLERK OF SUPREME COURT
OF WISCONSIN**

Clerk of Supreme Court
Attention: Susan Stephens, Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Petition 22-05, In the Matter of amendment of Supreme Court Rules 20:1.15 and 20:1.0, Relating to Electronic Banking

Dear Ms. Stephens:

In preparation for the Court's hearing on rule petition 22-05, it came to our attention that if the petition is granted, the Wisconsin Comment to SCR 20:1.5(g) should also be revised slightly from the proposal in the petition as it relates to SCR 20:1.15(b) and SCR 20:1.15(f)(3) to be consistent with the proposed amendments.

The final two paragraphs of the Wisconsin Comment to SCR 20:1.5(g) currently state:

SCR 20:1.5(g) applies only to advanced fees for legal services. Cost advances must be deposited into the lawyer's trust account.

Advanced fees deposited into the lawyer's business account pursuant to this subsection may be paid by credit card, debit card, prepaid or other types of payment cards, or an electronic transfer of funds. A cost advance cannot be paid by credit card, debit card, prepaid or other types of payment cards, or an electronic transfer of funds under this section. Cost advances are subject to SCR 20:1.15(b)(1) or SCR 20:1.15(f)(3)b.

Both current SCR 20:1.15(b)(1) and proposed SCR 20:1.15(b)(6) relate to cost advances; the latter allows cost advances paid by electronic transaction to be temporarily deposited to a non-trust account and then promptly transferred to a trust account. If rule petition 22-05 is granted as previously proposed, it would create an apparent conflict with these comments. Further, the proposed amendments omit SCR 20:1.15(f)(3). If the rule petition is granted, the reference to this subsection should be omitted from the comments.

OLR proposes the final two paragraphs to the Wisconsin Comment to SCR 20:1.15(g) be amended as follows:

SCR 20:1.5(g) applies only to advanced fees for legal services. Cost advances must be held in the lawyer's trust account, pursuant to SCR 20:1.15(b)(1) and SCR 20:1.15(b)(6).

Advanced fees deposited into the lawyer's business account pursuant to this subsection may be paid by credit card, debit card, prepaid or other types of payment cards, or an electronic transfer of funds. A cost advance cannot be paid by credit card, debit card, prepaid or other types of payment cards, or an electronic transfer of funds under this section. Cost advances are subject to SCR 20:1.15(b)(1) and SCR 20:1.15(b)(6).

These amendments to the comments were not addressed in rule petition 22-05. We are able to distribute amended appendices upon request. Thank you for your consideration.

Very truly yours,

Handwritten signature of Timothy C. Samuelson in black ink, followed by the initials "/jmb".

Timothy C. Samuelson
Director

Handwritten signature of Travis J. Stieren in blue ink.

Travis J. Stieren
Trust Account Program Administrator