



STATE BAR OF WISCONSIN
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FILED

DEC 27 2023

**CLERK OF SUPREME COURT
OF WISCONSIN**

December 27, 2023

Clerk of the Supreme Court
Attn: Deputy Clerk-Rules
PO Box 1688
Madison, WI 53701-1688

RE: Petition 23-04 (Section Leaders Council Representative)

Dear Honorable Justices of the Supreme Court:

I write in response to Attorney Zales' December 8, 2023 comments in opposition to Petition 23-04. Petition 23-04 proposes an amendment to SCR 10.03(5)(1) "to provide for a designated voting section leaders council representative to the Board of Governors of the State Bar." Attorney Zales' comments oppose the petition on the grounds that it was not properly presented to the Board of Governors in a manner providing fair notice to the members of the Board. As explained below, this issue has been presented to the Board on numerous occasions over the past 20 years and has been repeatedly approved by that body.

The history of updates to the State Bar's bylaws and associated rules under SCR Chapter 10 spans nearly two decades. The proposal that is the subject of Petition 23-04 has been included in all of the proposals submitted to the State Bar of Wisconsin Board of Governors (Board of Governors) for consideration over that period, including in a package of recommendations adopted by the Board of Governors in 2004.

State Bar Practice Sections and the Section Leaders Council

The State Bar of Wisconsin provides opportunities for members to engage in bar activities through committees, as authors and speakers, and through practice sections. Sections are focused on fields of substantive law and practice. The State Bar's Board of Governors establishes sections as required under SCR 10.05(d) and approves the sections' bylaws. The section members, however, choose the leadership of each group's governing board. The section boards establish their own budgets, including any membership fees, the activities of each group, including conferences, newsletters, and other section benefits.

Sections were first established in 1940 with an amendment to the Wisconsin Bar Association constitution. Sections continued to exist and flourish after integration of the State Bar of Wisconsin. During the 1970s, sections were granted authority to take public policy positions without first gaining approval from the Board of Governors. At that time, sections were also required by the Court to collect section dues to cover the cost of legislative programs to ensure

non-section-members' dues were not used for those purposes. (See SCR 10.05(4)(e)) As section activities grew, section boards also began to establish their own membership fees above those required for lobbying purposes.

As section membership and programming expanded, a Section Leaders Advisory Council (SLAC now SLC) was established to assist section leaders with management of the sections and provide mentoring and networking opportunities among the leaders. The council consists of representatives from each of the 24 sections. The leadership of the SLC is elected by the section representatives on the council. Membership in sections is voluntary, unlimited and open to all who wish to participate. Today, over 7,700 State Bar members hold membership in at least one section. State Bar members participate actively in the activities, programming and professional education provided by State Bar sections.

History of State Bar Rules and Bylaws Revisions

A detailed timeline of the relevant Board of Governors actions relating to the addition of a voting representative of the SLC is attached for your information. It is summarized below.

In 2004, the Board of Governors considered a large package of proposed modifications to SCR Chapter 10 and the State Bar bylaws. The package moved significant portions of SCR 10 to the bylaws in order to better respond to what was considered day-to-day management of State Bar matters. At the time, Attorney Zales was a member of the Board of Governors and expressed opposition to the addition of a voting section representative to the Board of Governors. In May of 2004, he placed a motion to remove the provision on the floor for consideration by the Board. The motion failed by a vote of 15 to 27 and the full package was approved on a vote of 41-1. The package was not submitted to the Court for consideration at the time, however.

In the following years, the chair of the Section Leaders Council endeavored to evaluate and make recommendations on how to strengthen the State Bar's practice sections. A task force was established in 2014 that eventually provided a report to the Board of Governors. The task force again recommended to the Board that a voting representative for the section leaders be added to the Board of Governors. Governor Zales was not a member of the Board of Governors at that time.

Work on the most recent set of updates began in 2016-17, with the Board of Governors Committee on Governance reviewing and considering all past efforts related to section participation and presenting a new set of recommendations for consideration. The revised proposal was considered in April and September of 2016 and again February and April of 2017. The Executive Summary prepared by the Governance Committee that was presented to the Board included a specific bullet point on the matter of representation of the section leaders.

“Based on the comments and discussions at the BOG meeting in September 2016, the Governance Committee recently made four more, material changes to the amendments.

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Third, the Section Leaders Council is given a permanent seat on the BOG, thus increasing the size of the BOG by one.”

The minutes of those meetings indicate that Governor Zales was in attendance at each. Four days after the April 2017 Board meeting, on April 25, 2017, former President Steve Levine filed a petition to change the nature of the integrated bar association based in part on the newly approved bylaws and rules (see Petition 17-04). As the proposed revisions had not yet been submitted to the Court, the Board of Governors took no further action while Petition 17-04 was pending. A decision to deny the petition was issued a year later in April of 2018.

During this same period, the State Bar was managing multiple federal lawsuits and petitions for the dissolution of the State Bar and no further action was taken on the rule and bylaw revisions approved in 2017. Instead, several petitions addressing significant matters of importance to the State Bar were developed, approved and submitted to the Court for consideration including: Petitions 19-18 (LRIS Confidentiality), 20-06 (Emeritus Status) and 21-02 (Non-resident CLE Requirements).

Beginning in 2020, the State Bar again endeavored to review and update its bylaws and SCR Chapter 10 to clarify and modernize them. A substantial portion of the amendments proposed in 2020-21 included typo corrections, correcting the use of hyphens, changing numbers and symbols to conform to Legislative Reference Bureau style, adding other clarifying verbiage (such as “board of governors”), and changing language to make certain terms non-gender specific (“the member” rather than “his or her”). The proposed amendments were also streamlined, eliminating the changes that would have moved large portions of SCR Chapter 10 to the bylaws. However, the drafters made clear that the substantive changes, including the provision to permanently add a practice section representative as a voting member of the Board of Governors, remained throughout the 19-year history of the revision of rules and bylaws.

The State Bar’s Board of Governors approved a package of modifications to SCR Chapter 10 and State Bar bylaws after a discussion at its June 2020 meeting, with a final vote on September 9, 2020. After the vote, the Board’s Governance Committee sought to address two final matters unrelated to the addition of a SLC representative and sought a confirmation vote at the June 2021 meeting. The matter that is the subject of this petition was a part of that package and was unchanged throughout the process. Attorney Zales received materials and attended all of the meetings in question. No documented concerns over an SLC representative were raised by Attorney Zales or any other member of the Board.

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Conclusion

The State Bar of Wisconsin maintains that the matter is properly before this Court having considered and supported the addition of a voting practice section representative.

Respectfully submitted,

/ss/

Dean R. Dietrich, President
State Bar of Wisconsin

Attachment

Attachment:

| 2004 Rules and Bylaws discussions at BOG | |
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| January 16, 2004 | <p>(Agenda not available online)</p> <p>From the minutes: “Governor Zales said he was concerned about the potential of conflicts of interest with a SLAC leader on the Board, especially when sections come before the Board with one section wanting to vote one way and one section wanting to vote another way. He noted that the secretary position was elected by the entire membership while the SLAC representative would not be. Past President Ballman said the thought of the Rules and Bylaws Committee was that the SLAC representative would represent the interests of sections in general, as opposed to a particular section’s position.”</p> |
| March 19, 2004 | <p>(Agenda not available online)</p> <p>From the minutes: “Governor Zales commented on the elimination of the position of Secretary of the Bar. He said he was opposed (to) the elimination of the position and felt the position had no conflicts of interest, while the SLAC position could have constant conflicts of interest. He stated that the Board should be an elected Board as much as possible and did not feel anybody should be appointed to the Board because there was no accountability.”</p> |
| May 7-8, 2004 | <p>(Agenda not available online)</p> <p>From the minutes: Rules and Bylaws Committee Report. (Attachment B) “Atty. John Bermingham, chairperson of the Rules and Bylaws Committee, and Past President Gerry Mowris, a member of the committee, appeared before the Board to discuss the proposed Rules and Bylaws.</p> <p>“President-elect Behnke reminded the Board that members had been asked to indicate in advance of the meeting those sections in the Rules and Bylaws that they wanted to discuss separately. She said notice had been received regarding restoration of the secretary position and discussion on the SLAC position on the Board of Governors.</p> <p>“President-elect Behnke moved approval of the proposed Rules and Bylaws with the exception of the two items regarding restoration of the secretary position and the SLAC position on the Board of Governors which would be discussed separately. Governor Hemming seconded the motion.</p> <p>“Governor Zales moved that the officer position of State Bar secretary be restored on the same terms as the office now exists with the added proviso that this position be a “governor at large.” Governor Quinn seconded the motion. Governor Zales addressed the motion and said there was a need to keep the position of secretary because it gave many people an opportunity to sit on the Board of Governors who otherwise could never get on the Board, and more importantly, this person would have no conflicts of interest. The person holding this position would be someone who would be elected directly by State Bar members.</p> <p>“Atty. Bermingham responded that the committee respected the position of secretary, but continued to be of the consensus that the elimination of the secretary position would make the Board a little smaller and more efficient, which would be in the best interest of the smooth operation of the Bar itself.</p> <p>“Past President Mowris also responded that it appeared to the committee that the former duties of the secretary were now being done primarily by staff people and the secretary did not have any official duties that were necessary.</p> <p>...</p> |

“Governor Zales moved to delete Section 5.6.4 in the proposed Bylaws which would grant a Section Leaders Advisory Council (SLAC) appointee a seat on the Board of Governors. Governor Pouroos seconded the motion.

“Governor Zales addressed the motion and praised sections for all their hard work, but said he was fundamentally opposed to a SLAC seat on the Board because it was an appointed position and not directly elected by State Bar members.

“President-elect Behnke stated that the work of the sections was one of the things that was impressed upon the Rules and Bylaws Committee as the committee worked through the task of revising the Rules and Bylaws. It was felt that section leaders needed to be involved in decisions with regard to sections that were being made by the Board of Governors. By elevating SLAC, it would provide expertise with regard to various section issues and would be an important step in an effort to make sections feel a part of the Bar as opposed to being put upon by the Bar. She said that for many people, section involvement is their only connection to the Bar. She indicated that this proposal would require SLAC to have bylaws that would articulate how SLAC would elect their representative to the Board of Governors.

“Past President Mowris spoke in opposition to Governor Zales’ motion. He said he felt very strongly that sections were the backbone of the Bar and that it was important to have a representative from the sections on the Board in order to give the Board section input and feedback on various issues.

“Governor Burke pointed out that every year a governor was appointed as a liaison to a section in order to let the Board know what sections were thinking. She wondered if this practice would be discontinued if a SLAC representative was on the Board.

“President-elect Behnke responded that the practice of a governor being appointed as a liaison to a section would continue, and said that it was felt that an elected governor from a particular district, who was a section liaison, would be inclined to vote on an issue in accordance with the views of their district and not the section. She indicated it would be helpful to have someone look at an issue from a section standpoint only.

“Governor Burke stated that sections do not always agree and one section representative would not be able to speak for each and every section. She said that Board liaisons to sections, in certain votes, have expressed the viewpoint of the section to which they are a liaison. She said she wasn’t necessarily against the idea of a SLAC representative on the Board, but felt it might be duplicative if Board members are being paid to get feedback from the sections and report it to the Board, and to also have a SLAC representative on the Board.

“Atty. Bermingham stated that it was hoped that the viewpoint of the SLAC representative would be what would be best for the sections as a whole.

“The motion to delete Section 5.6.4 in the proposed Bylaws which would grant a Section Leaders Advisory Council (SLAC) appointee a seat on the Board of Governors failed on a 15 to 27 roll call vote.

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“The motion to approve the proposed Rules and Bylaws as amended passed by a by a 41-1 roll call vote, which is greater than the required two-thirds of the total membership of the Board of Governors.”

| <u>Section Leaders Council Task Force on Strengthening the State Bar/Section Relationship</u> | | | |
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| DATE | GROUP | AGENDA ITEM | NOTES (Minutes or excerpts from documents) |
| September 19-20, 2014 BOG Meeting Presentation | BOG | <u>Discussion Item 5. Section Leaders Council Task Force on Strengthening the State Bar/Section Relationship (Attachment N)</u> In the fall of 2013, Atty. Margaret Hickey, Chair of the Section Leaders Council, appointed the Task Force on Strengthening the State Bar/Section Relationship aimed at taking steps to improve the relationship between the sections and the State Bar. Chair Hickey recognized the important role played by the sections in furthering the practice of law in specific areas, providing professional education and engaging such a large percentage of State Bar members. The Task Force was designed to include both members of the Board of Governors, section leadership, and State Bar staff as a means of providing the framework to gather feedback, provide input and to come up with a reasonable, workable approach to address concerns. Based on a request from the Task Force, the Executive Committee unanimously voted at its September 5 meeting to place this report on the September Board agenda as a reporting item. Task Force Chairperson Natalie Fleury will present the Task Force's report. | (Zales not present) From the minutes: "Section Leaders Council Task Force on Strengthening the State Bar/Sections Relationship. (Attachment F) "Section Leaders Council Task Force on Strengthening the State Bar/Sections Relationship Chairperson Natalie Fleury presented the Task Force's report to the Board. She outlined the reasons the Section Leaders Council (SLC) felt there was a need to appoint a Task Force with a mission to identify specific, practical and tangible ways in which the relationship between the State Bar and sections could be strengthened and make recommendations to the Board of Governors and Section Leaders Council. She said the Task Force identified the following six areas that would address the concerns raised by the SLC including communication, integration of sections into the overall operations of the State Bar, incorporation of sections into the budgeting and strategic planning processes, providing guidance to sections on minimum services that needed to be provided to members, having a better collaboration between sections and PINNACLE® when developing CLE programming, and offering an appropriate level of staff support for sections. She said the Task Force reviewed these different areas and came up with recommendations related to each and divided the recommendations between the Board, SLC, and State Bar staff as a way of identifying which group was most appropriate to take responsibility and oversee implementation. She indicated that the SLC was recommending the creation of an implementation committee with a member from the Board, SLC and State Bar staff to insure that the three groups were following through on their commitments." |
| January 30, 2015 | BOG | <u>Action Item 2. Section Leaders Council Task Force on Strengthening the State Bar/Section Relationship (Attachment I)</u> In the fall of 2013, Atty. Margaret Hickey, Chair of the Section Leaders Council, appointed the Task Force on Strengthening the State Bar/Section Relationship aimed at taking steps to improve the relationship between | (Zales not attending) From the minutes: "Section Leaders Council Task Force on Strengthening the State Bar/Sections Relationship. (Attachment F) Treasurer Lyons moved to approve the Section Leaders Council Task Force on Strengthening the State Bar/Sections Relationship Report, as well as direct Executive Director Brown and President Gagan to |

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| | | <p>the sections and the State Bar. Chair Hickey recognized the important role played by the sections in furthering the practice of law in specific areas, providing professional education and engaging such a large percentage of State Bar members. The Task Force was designed to include both members of the Board of Governors, section leadership, and State Bar staff as a means of providing the framework to gather feedback, provide input and to come up with a reasonable, workable approach to address concerns. The Task Force reported on its recommendations at the September and December Board meeting. At its January 16 meeting, the Executive Committee voted to place this on the January Board agenda as an action item, but given the fact that it is a multi-pronged report, the Executive Committee is asking the Board to accept the report and allow Executive Director Brown and President Gagan to refer various recommendations of the report to the appropriate entities for review. (Simple majority for approval)</p> | <p>proceed to the implementation phase described in the report. Governor Casey seconded the motion. The motion passed unanimously.”</p> |
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Rules and Bylaws 2016-17

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| <p>April 29, 2016</p> | <p>BOG</p> | <p><u>Discussion Item 5:</u> Amendments to the State Bar Rules and Bylaws (Attachment I) The BOG Governance Committee would like to give an oral presentation at the April Board meeting on the proposed amendments to State Bar Rules and Bylaws and answer any questions from the floor. Redlined and clean versions of the rules and bylaws, along with an executive summary, are attached to assist in the Board’s review. The BOG Governance Committee requested that this presentation be placed on the April Board agenda as a discussion item and the June Board agenda as an action item. At its April meeting, the Executive Committee unanimously voted to place this on the April Board agenda as a discussion item.</p> | <p>(Zales Attending) From the Minutes: “Amendments to State Bar Rules and Bylaws. (Attachment M) Governor Buck, chair of the BOG Governance Committee, said that the committee had been working on changes to the Rules and Bylaws. He noted that the State Bar’s Bylaws had not been updated in over 10 years and any Rule changes would need to be approved by the Supreme Court. He said that if the Rule changes were adopted by the Supreme Court, there would be Bylaw changes that would accompany them. However, the proposed changes to the Bylaws would only become effective if the Supreme Court were to approve the Rule changes. He outlined the most important Supreme Court Rule changes and how these changes would affect the State Bar. He also outlined the proposed changes to the State Bar Bylaws, in particular, changes to State Bar committees. He noted that if these changes took place it would be easier for the State Bar to make changes to the Bylaws.”</p> <p>“The Board discussed the proposed changes with particular discussion being directed to the change to the committee</p> |
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| | | | structure including the appointment of committee members. The discussion also focused on the reduction of one district governor on the Board to accommodate the addition of an at-large member appointed by the Section Leaders Council.” |
| June 15, 2016 | BOG | <u>Report from the Governance Committee Only</u> | (Zales Attending) From the Minutes: BOG Governance Committee. Governor Buck, chair of the BOG Governance Committee, said the committee met earlier in the day to consider revisions to the proposed changes to the Rules and Bylaws that were discussed at the April Board meeting. He said it was anticipated the revised Rules and Bylaws would be an action item on the September Board agenda. |
| September 16-17, 2016 | BOG | <u>Discussion Item 2.</u> Amendments to the State Bar Rules and Bylaws (Attachment E) The BOG Governance Committee has prepared a revision of the State Bar Rules and Bylaws. Attached are redlined and clean copies of the proposed Rules and Bylaws, along with a memorandum summarizing the most significant changes. BOG Governance Committee chairperson Doug Buck will present the proposed revisions to the Board of Governors. Following his presentation, President-elect Paul Swanson will lead the Board of Governors in a discussion of the proposed revisions. The Executive Committee requests that Governors carefully review the proposed revisions and be prepared to discuss them and identify concerns in order to determine next steps. As part of the attachment, you will find a list of potential issues developed by members of the Executive Committee that may help guide your analysis. | (Zales Attending) From the Minutes: “Amendments to the State Bar Rules and Bylaws. (Attachment D) Governor Buck, chair of the BOG Governance Committee, talked about the changes to the State Bar Rules and Bylaws and noted that there were a number of changes that had met with some fairly stiff opposition and, because of that opposition, the Executive Committee felt the matter was not yet ready to come before the Board for a vote. He said the committee discussed the concerns and decided to abandon some of its more controversial changes in order to focus on the changes that would allow the Board to be more flexible and nimble in its own governance and more reactive to its membership. The committee also discussed having an open dialogue with the Supreme Court to get their opinion on the changes prior to submitting the changes to the Supreme Court in the form of a petition. “President-elect Swanson thanked Governor Buck and the rest of the committee for all its hard work. (See also comments from Pres. Deisinger and Pres.-Elect Swanson reports)” |
| December 2, 2016 | BOG | <u>Report from the Governance Committee Only</u> | (Zales Attending) From the minutes: “BOG Governance Committee. Governor Buck, chair of the BOG Governance Committee, said based on comments from the Board, the committee had made revisions to the proposed revised Rules and Bylaws that had been originally presented to the Board. He felt there was a much more palatable slate of amendments to put before the Board for comments prior to the February Board meeting. He stated that the committee would consider |

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| | | | the additional comments and make a presentation at the February Board meeting.” |
| February 10, 2017 | BOG | <p><u>Discussion item 2.</u> Amendments to the State Bar Rules and Bylaws (Attachment E) The BOG Governance Committee requests time at the February 10 Board of Governors meeting to present revisions to State Bar Rules and Bylaws. Attached are redlined and clean copies of the Governance Committee’s proposed Rules and Bylaws, along with a memorandum summarizing the most significant changes. At the request of President Deisinger and President-elect Swanson, this packet was distributed to BOG members for their advanced review the week of January 23, providing a two-week comment period. The Governance Committee will consider any comments and questions received during the comment period and address those issues during its February 10 presentation. The Governance Committee anticipates requesting Board approval of these revisions at the April 21 meeting. At its January 27 meeting, the Executive Committee voted unanimously to place this on the February Board agenda as a discussion item.</p> | <p>(Zales attending) First page of “Executive Summary of Proposed Revisions to State Bar Bylaws.</p> <p>“Based on the comments and discussions at the BOG meeting in September, 2016, the Governance Committee recently made four more, material changes to the amendments. . . . Third, the Section Leaders Council is given a permanent seat on the BOG, thus increasing the size of the BOG by one.” (At least one other reference to the same matter w/in the attachment.)</p> <p><u>From the minutes:</u> “Amendments to the State Bar Rules and Bylaws (Attachment G) Governor Buck, chair of the BOG Governance Committee, said based on comments from the Board, Executive Committee and various State Bar entities, the Governance Committee revised the proposed amendments to the Rules and Bylaws that had been originally presented to the Board. He summarized the revisions that had been made and felt there was a much more palatable slate of amendments to put before the Board for action at the April meeting. He talked about the procedure to be used to approve the amendments to the Bylaws which was dependent on approval of the changes to the Supreme Court Rules by the Supreme Court.</p> <p>Governor Buck thanked the committee members for all their hard work and State Bar staff for their help on this huge undertaking.”</p> |
| April 21, 2017 | BOG | <p><u>Action Item 3.</u> Amendments to the State Bar Rules and Bylaws (Attachment G) Attached are redlined and clean copies of the Governance Committee’s proposed Rules and Bylaws, along with a memorandum summarizing the most significant changes. At the request of President Deisinger and President-elect Swanson, this information was distributed to BOG members in advance of its February 10 meeting, providing a two-week comment period, and it was included in the February 10 Board materials as a discussion item. Separate and apart from the revision package, the</p> | <p>(Zales Attending) Attachment: First page of “Executive Summary of Proposed Revisions to State Bar Bylaws.</p> <p>“Based on the comments and discussions at the BOG meeting in September, 2016, the Governance Committee recently made four more, material changes to the amendments. . . . Third, the Section Leaders Council is given a permanent seat on the BOG, thus increasing the size of the BOG by one.”</p> |

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| | | <p>Governance Committee also expects to discuss a matter recently brought to its attention by George Brown related to the interpretation of “principal office” in SCR 10.05(3). (Because this proposal encompasses both rule changes and bylaw changes, the higher standard is 2/3 vote of the entire Board for approval)</p> | <p>page 4, Attachment G</p> <p>4. State Bar Sections. The proposed amendments to the State Bar Bylaws also officially formalized the Section Leaders Council (SLC), a State Bar entity which has functioned informally for nearly ten years. The SLC is composed of the leadership (Chair or equivalent) of each section. The proposed amendments also make a SLC representative a permanent and voting member of the BOG – a request from the Taskforce on Improving State Bar/Section Relations Report unanimously passed by the BOG in January, 2015.</p> <p>Article VII, Section Organization and Activities: BOG Packet pg. 106</p> <p>From the Minutes: Amendments to the State Bar Rules and Bylaws. (Attachment E) Governor Buck, chair of the BOG Governance Committee, noted that this had been a discussion item at the February Board meeting and would be an action item at this meeting and briefly outlined the proposed revisions to the Supreme Court Rules and State Bar Bylaws.</p> <p>Governor Buck moved to approve the proposed amendments to the State Bar Rules and Bylaws recommended by the BOG Governance Committee. Governor Wenzler seconded the motion. The motion passed unanimously.</p> <p>Governor Buck thanked the committee members for all their hard work and State Bar staff for their help on this huge undertaking.</p> |
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Rules Petition 17-04

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| April 25, 2017 | SCR Petition | Petition to Repeal and Replace SCR 10.03(5)(b) with SCR 10.03(5)(b)-(e) and to Amend SCR 10.03(6). | Requiring the State Bar to prepare two budgets to include only “regulatory” matters under mandatory dues. Decision April 12, 2018 |
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US Supreme Court Decision – Janus v. American Federation of State, County and Municipal Employees

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| June 27, 2018 | SCOTUS | Overtures <i>Aboud v. Detroit Bd. Of Ed., 431 U.S. 209 (1977)</i> | |
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| <i>Twenty-five petitions were submitted in 2019</i> | | | |
| Rules Petition 19-03 | | | |
| March 13, 2019 | SCR Petition | In the Matter of the Petition to Amend Supreme Court Rule (SCR) Chapter 10, Regarding Conduct of Voting in State Bar Elections and Referenda | Allow electronic voting in State Bar elections and referenda |
| Jarchow v. State Bar of WI, et al | | | |
| April 8, 2019 | Western District Court | | Denial of Cert June 1, 2020 |
| Schuyler File v. Margaret Hickey, et al | | | |
| July 25, 2109 | Eastern District Court | | Denial of Cert April 29, 2022 |
| Rules Petition 19-14 | | | |
| May 2, 2019 | SCR Petition | Petition to amend SCR 10.01(1) and SCR 10.02 (1), and to repeal SCR 10.03(1), (2), (3),(4)(a), (5), and (6) - to create a voluntary state bar of Wisconsin and memorandum in support of petition | Establishes a voluntary bar association and largely deletes SCR Chapter 10. Decision July 1, 2019 |
| Rules Petition 19-18 | | | |
| June 25, 2019 | SCR Petition | In the Matter of the Petition to Amend Supreme Court Rule 10.05(4)(m)1 | LRIS Confidentiality Decision December 10, 2019 |
| Rules Petition 19-25 | | | |
| December 23, 2019 | SCR Petition | Annual Assessments for Wisconsin Lawyers' Fund for Client Protection. | Increased the annual assessment from \$20 to \$25. Decision March 8, 2021 |
| Rules and Bylaws 2020-21 | | | |
| June 10, 2020 | BOG (Zales attending as guest new governor) | <u>Discussion Item 2.</u> Amendments to the State Bar Bylaws and Supreme Court Rules (Attachment E) The BOG Governance Committee brings a new State Bar Supreme Court Rules and Bylaws streamlined package to the BOG for approval. This new package comes from the April, 2017 package which was authorized and approved by the BOG at that time, and which was reviewed by the Governance Committee as requested by State Bar leadership. The Committee is providing a redlined copy of the proposed Rules and Bylaws package, along with a summary of changes made to the 2017 package. The streamlined package maintains the substance and spirit of the previous package, and the Governance Committee recommends moving it forward in a petition to the Supreme Court. | From the meeting materials: SCR 10.05 Board of Governors. (1) Composition of the board. “. . . division pursuant to its bylaws, one governor selected by the senior lawyers division pursuant to its bylaws, <u>one member selected by the section leaders council pursuant to its bylaws</u> , and three <u>3</u> nonlawyers appointed by the supreme court for staggered two-year terms.” From the minutes: Amendments to the State Bar Bylaws and Supreme Court Rules. (Attachment D) “Governor Donohue, chair of the BOG Governance Committee, outlined the proposed changes. She said there was nothing particularly controversial and it was her understanding that the Supreme Court would be receptive to these changes. Governor |

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| | | | <p>Donohue noted that although the Board had approved a package of revisions to the State Bar Bylaws and Supreme Court Rules at its April 2017 meeting, the Governance Committee felt there was enough change with these amendments that they should be brought back before the Board for discussion and approval.</p> <p>“There was no discussion on this agenda item.”</p> |
| August 21, 2020 (Virtual) | Executive Committee | <p>Proposed BOG Agenda Item B: Amendments to the State Bar Bylaws and Supreme Court Rules (Attachment N) The BOG Governance Committee brings a new State Bar Supreme Court Rules and Bylaws streamlined package to the BOG for approval. This new package comes from the April, 2017 package which was authorized and approved by the BOG at that time, and which was reviewed by the Governance Committee as requested by State Bar leadership. The Committee is providing a redlined copy of the proposed Rules and Bylaws package, along with a summary of changes made to the 2017 package. The streamlined package maintains the substance and spirit of the previous package, and the Governance Committee recommends moving it forward in a petition to the Supreme Court. This was a discussion item at the June 10 Board of Governors meeting and there was no discussion on this agenda item at that meeting. (Because this proposal encompasses both rule changes and bylaw changes, the higher standard is 2/3 vote of the entire Board for approval)</p> | <p>From meeting materials: SCR 10.05 Board of Governors. (1) Composition of the board. “. . . division pursuant to its bylaws, one governor selected by the senior lawyers division pursuant to its bylaws, <u>one member selected by the section leaders council pursuant to its bylaws</u>, and three <u>3</u> nonlawyers appointed by the supreme court for staggered two-year terms.”</p> <p>From Actions Taken: Action Agenda A. Approval of the Nomination Committee B. Amendments to the State Bar Bylaws and Supreme Court Rules</p> |
| September 9, 2020 | BOG | <p>Action Item 3: Amendments to the State Bar Bylaws and Supreme Court Rules (Attachment G) The BOG Governance Committee brings a new State Bar Supreme Court Rules and Bylaws streamlined package to the BOG for approval. This new package comes from the April, 2017 package which was authorized and approved by the BOG at that time, and which was reviewed by the Governance Committee as requested by State Bar leadership. The Committee is providing a redlined copy of the proposed Rules and Bylaws package, along with a summary of changes made to the 2017 package. The streamlined package maintains the substance and spirit of the previous package, and the Governance Committee recommends moving it forward in a petition to the Supreme</p> | <p>(Zales Attending) From Meeting Materials: SCR 10.05 Board of Governors. (1) Composition of the board. “. . . division pursuant to its bylaws, one governor selected by the senior lawyers division pursuant to its bylaws, <u>one member selected by the section leaders council pursuant to its bylaws</u>, and three <u>3</u> nonlawyers appointed by the supreme court for staggered two-year terms.”</p> <p>From the Minutes: “Amendments to the State Bar Bylaws and Supreme Court Rules. (Attachment E) Governor Donohue moved that the State Bar Board of Governors approves the modification to State Bar Bylaws and authorizes the filing of the petition modifying SCR Chapter 10 as recommended by the</p> |

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| | | Court. This was a discussion item at the June 10 Board of Governors meeting and there was no discussion on this agenda item at that meeting. (Because this proposal encompasses both rule changes and bylaw changes, the higher standard is 2/3 vote of the entire Board for approval) | BOG Governance Committee. Past President Kastner seconded the motion. Governor Donohue explained the steps taken up to this point to bring a streamlined package of new Supreme Court Rules and State Bar Bylaws to the Board for approval. She stated the new package was based on an April 2017 package that was authorized and approved by the Board at that time and was ultimately sent to the BOG Governance Committee for further review. She noted the new streamlined package maintained the substance and spirit of the previous package and most modifications were procedural in nature or “scrivener” changes that updated the Bylaws. The motion passed unanimously. ” |
| Rules Petition 20-06 | | | |
| October 19, 2020 | SCR Petition | In the Matter of Modification of the Emeritus Status, Penalties for Late Payment of Dues and Fees, Technical Corrections, and Continuing Education Requirements | Decision March 2, 2021 |
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| November 13, 2020 | Executive Committee | NOTHING TO REPORT | Considered non-resident petition |
| December 4, 2020 | BOG | NOTHING TO REPORT | |
| February 5, 2021 | Executive Committee | NOTHING TO REPORT | |
| February 26, 2021 | BOG | Governance Committee Report | From the Minutes: “Report from the Bylaws/SCR Working Group currently undertaking a review of the bylaws and SCR language with an eye to identify anything that might be considered a barrier to diversity and inclusion in the State Bar, and changing gender specific language to more broad, comprehensive gender neutral terms. Additionally, an emergency clause is being added to the bylaws addressing process in the event of a state or national emergency. The Working Group includes Nicole Homer and Anna Munoz. Additional volunteers joining the group today include Jim Casey, Anu Chudasama, Mary Lynne Donohue, John Macy, and Amy Wochos.” |
| March 26, 2021 | Executive Committee | NOTHING TO REPORT | Considered ethics committee petition (SPD conflicts) Mandatory DEI Credits |
| April 7, 2021 | BOG | NOTHING TO REPORT | Considered ethics committee petition (SPD conflicts) |

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| | | | Mandatory DEI Credits |
| May 21, 2021 | Executive Committee | <p>Gender Neutral and Emergency clause added.</p> <p>5. Proposed Changes to the Supreme Court Rules and State Bar Bylaws (Attachment F) At the request of the Racial Justice Task Force, the Governance Committee has conducted a review and passed a package of proposed changes, and is requesting the Executive Committee to approve the package as an information item on the June BOG meeting agenda followed by an action item on the September Board meeting agenda. The proposed package includes two main items: gender-specific Bylaws or SCR language identified as a potential barrier to members was changed to more broad, comprehensive gender-neutral terms; adding an emergency clause creating a process in the event of a state or national emergency.</p> | <p>SCR 10.05 Board of Governors. (1) Composition of the board. “. . . division pursuant to its bylaws, one governor selected by the senior lawyers division pursuant to its bylaws, <u>one member selected by the section leaders council pursuant to its bylaws</u>, and three <u>3</u> nonlawyers appointed by the supreme court for staggered two-year terms.”</p> <p>Also, considered ethics committee petition on harassment</p> <p>From Actions Taken: 6) Unanimously voted to make an additional change to the proposed changes to the Supreme Court Rules and the State Bar Bylaws to increase the number of members eligible to serve on the State Bar’s Audit Committee from five to seven and to then place all of the amended Rules and Bylaws on the Consent Agenda for the June Board meeting.</p> |
| Rules Petition 21-02 | | | |
| June 8, 2021 | SCR Petition | In the Matter of Modification of the Process by which Members Qualify for Transfer from Inactive to Active Status | (Non-Resident CLE Requirements) Decision December 17, 2021 |
| June 9, 2021 | BOG | <p>Consent Agenda: Proposed Changes to the Supreme Court Rules and State Bar Bylaws (Attachment E) At the request of the Racial Justice Task Force, the BOG Governance Committee has conducted a review and passed a package of proposed changes. The proposed package includes two main items: gender-specific bylaws or SCR language identified as a potential barrier to members was changed to more broad, comprehensive gender-neutral terms; and adding an emergency clause creating a process in the event of a state or national emergency. At its May 21 meeting, the Executive Committee unanimously voted to make an additional change to the proposed changes to the Supreme Court Rules and the State Bar Bylaws to increase the number of members eligible to serve on the State Bar’s Audit Committee from five to seven. This language can be found on page 41, lines 20 and 24 of the redline document. The Executive Committee then voted unanimously to place all of the amended Rules and Bylaws on the Consent Agenda. Upon approval, the seven</p> | <p>From the Minutes: (Zales Attending)</p> <p><u>“Approval of Agenda.</u> Chairperson Stertz said that a voice vote would be taken on the two items on the Consent Agenda related to amendments to the Supreme Court Rules and State Bar Bylaws to make sure they passed by a certain majority as outlined in the Rules and Bylaws. He noted that although a vote was being taken, these two agenda items would remain on the Consent Agenda.</p> <p><u>“Consent Agenda.</u> The following items on the Consent Agenda, Proposed Changes to the Supreme Court Rules and State Bar Bylaws (Attachment D) and Administration Recommendations for Bylaws Revisions (Attachment E), both passed by a voice vote of more than two-thirds of the entire Board of Governors.”</p> |

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| | | members of the Audit Committee for FY 22 will be: Atty. Marcia Lucas, Chair, Atty. Grant Birtch, Atty. Noah Fenceroy, Atty. Dave Gorwitz, Atty. Tom Phillips, Atty. David Werwie and Ms. Melody Rute. | |
| Petition 22-01 | | | |
| March 22, 2022 | SCR Petition | In the Matter of Diversity, Equity, Inclusion and Access Training for Continuing Legal Education Credits (22-01) | DEIA Education Credit Final order issued July 13, 2023 |
| Petition 22-02 | | | |
| March 23, 2022 | SCR Petition | In the Matter of the Amendment of Supreme Court Rule SCR 20:8.4 (22-02) | Ethics Committee petition on harassment Final Order issued July 11, 2023 |