

In the Matter of the Petition to  
amend Supreme Court Rule 12.07  
Relating to the Assessment of Attorneys  
for the Wisconsin Lawyers' Fund for Client  
Protection

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AMENDED  
PETITION

To: Chief Justice Shirley S. Abrahamson  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David Prosser, Jr.  
Justice Patience D. Roggensack  
Justice Annette Kingsland Ziegler  
Justice Michael J. Gableman

Filed with the Clerk of the Supreme Court

Clerk of Supreme Court Office  
110 East Main Street, Suite 215  
Madison, WI 53703

The Wisconsin Lawyers' Fund for Client Protection, by its chair, Deborah M. Smith, hereby petitions the Supreme Court of Wisconsin for an order amending Supreme Court Rule 12.07 relating to the annual assessment of attorneys for the operation of the Fund. The amended rule would provide a more reliable and predictable source of income for payment of eligible claims. A separate memorandum supporting this requested amendment is attached.

### **Requested Amendment**

#### **SCR 12.07 Assessment of attorneys; enforcement.**

##### **SCR 12.07(1) is repealed.**

~~(1) Initial assessment. Every attorney shall pay to the fund an initial assessment of \$5.~~

##### **SCR 12.07 (2) is renumbered SCR 12.07(2)(a) and amended to read:**

(2) Annual assessments. (a) Commencing with the state bar's July 1, ~~1982~~ 2012 fiscal year, every attorney shall pay to the fund ~~such~~ an annual assessment of \$20 ~~as is necessary to maintain a balance in the fund of \$250,000, but in no event shall any annual assessment exceed \$25.~~ An attorney whose annual state bar membership dues are waived for hardship shall be excused from the payment of the annual assessment for that year. An attorney shall be excused from the payment of the annual assessment for the fiscal year during which he or she is admitted to practice in Wisconsin.

**SCR 12.07(2)(b) is created to read:**

(b) As of May 1 of each year, any funds in excess of those required for payment of approved claims shall be maintained in a reserve account.

**SCR 12.07(3) is amended to read:**

(3) ~~Certificate of sufficiency~~ Valuation and Report. The committee shall determine the net value of the fund as of May 1 of each year. ~~Whenever the value of the fund shall equal or exceed \$250,000,~~ The committee shall determine the net value of the fund, including the reserve, after deducting all claims which the committee has determined to pay and which are not disposed of at the date of valuation, deferred claims, claims received but not yet considered by the committee, and all expenses properly chargeable against the fund. ~~the~~ The committee shall file a report of the net value of the fund with the supreme court prior to by May 31 of that each year a certificate of sufficiency to that effect. When a certificate of sufficiency is filed with the supreme court, there shall be no annual assessment for the next fiscal year.

**SCR 12.07(5) is created to read:**

(5) Periodic Review: The Court shall review SCR 12.07 every five years to determine if the assessment and reserve fund is adequate to timely meet the legitimate claims of clients.

Dated this 7th day of January, 2011.

Respectfully Submitted,



Deborah M. Smith  
Chair, Wisconsin Fund for Client Protection  
State Bar No. 1008970  
315 North Henry Street, 2<sup>nd</sup> Floor  
Madison, WI 53703  
(608) 261 - 8856