

STATE OF WISCONSIN
IN SUPREME COURT

SUPPORTING MEMORANDUM In the Matter of
the Petition To Amend Supreme Court Rule
31.05(6)

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

Filed with the Clerk of Court Diane Fremgen
Clerk of Supreme Court
110 E. Main Street, Suite 215
Madison, WI 53703

MEMORANDUM IN SUPPORT OF PETITION TO AMEND SUPREME COURT

RULE 31.05(6)

The Preliminary Review Committee, Special Preliminary Review Panel, Board of Administrative Oversight, and Office of Lawyer Regulation petition the Wisconsin Supreme Court to amend Supreme Court Rule ("SCR") § 31.05(6) as follows:

(6) Each hour of service on the office of lawyer regulation Preliminary Review Committee, Special Preliminary Review Panel, district committee or as an office of lawyer regulation special investigator may be used to satisfy the requirements of SCR 31.02, to a

maximum of 3.0 hours of legal ethics and professional responsibility credit per reporting period, provided that the office of lawyer regulation maintains a roster verifying service and provides the roster to the board if requested.

Reasons and Grounds

The petition requests the Wisconsin Supreme Court to amend SCR § 31.05(6) to grant the attorney members of the Preliminary Review Committee and the Special Preliminary Review Panel the same service-based legal ethics and professional responsibility credit granted to district committee members and special investigators for purposes of satisfying the attorney's obligations under SCR § 31.02.

The Preliminary Review Committee ("PRC") is a quasi-judicial body which reviews Office of Lawyer Regulation investigative reports concerning grievances against attorneys for purposes of determining whether or not cause to proceed exists in the matter. SCR §§ 22.05(1)(d) and 22.07(1),(3) Also, the PRC reviews decisions by the Director of the Office of Lawyer Regulation to dismiss a grievance. SCR § 22.05(1)(d).

The PRC reviews the investigations of the District Committees.

The PRC's work requires the PRC members to apply the terms of the involved Rule(s) of Professional Conduct for Attorneys to

the facts reported in the Office of Lawyer Regulation investigative reports submitted for review. Accordingly, the PRC's work requires each PRC member to have a working knowledge of the terms and intent of the involved Rule(s) of Professional Conduct for Attorneys and of the middle burden of proof to evaluate the sufficiency of the evidence presented in the Office of Lawyer Regulation investigative reports.

The PRC convenes four times each year. Each PRC meeting lasts between four and five hours on average. At each meeting the PRC reviews between 10 and 15 cases on average. The majority of the cases reviewed involve claimed violations of more than one of the Rules of Professional Conduct for Attorneys, SCR Chapter 20. Preparation for a PRC meeting requires between 15 and 25 hours on average.

The Special Preliminary Review Panel (SPRP) is a quasi-judicial body which reviews investigative reports of special investigators concerning grievances against attorneys for purposes of determining whether or not cause to proceed in the matter. SCR §§ 22.25(4). Also, the SPRP reviews decisions by special investigators to close or to dismiss a grievance. SCR § 22.25(3) & (4(a)).

The SPRP's work requires the members to apply the terms of the involved Rule(s) of Professional Conduct for Attorneys to the facts reported in the special investigative reports

submitted for review. Accordingly, the SPRP's work requires each SPRP member to have a working knowledge of the terms and intent of the involved Rule(s) of Professional Conduct for Attorneys and of the middle burden of proof to evaluate the sufficiency of the evidence presented in the special investigative reports.

The SPRP convenes three or four times each year. Each SPRP meeting lasts between one and two hours on average. At each meeting the SPRP reviews between 1 and 3 cases on average. Preparation for an SPRP meeting requires between 1 and 3 hours on average.

Respectfully submitted this _____ day of _____2013.

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