



February 5, 2015

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CLERK OF SUPREME COURT
OF WISCONSIN

Ms. Julie Ann Rich
Supreme Court Commissioner
Supreme Court of Wisconsin
Office of Court Commissioners
110 E. Main Street, Suite 440
P.O. Box 1688
Madison, WI 53701-1688

RE: Rule Petition 14-05, Petition to amend Supreme Court Rule 20:3.4(a)

Dear Ms. Rich:

This letter is in response to your December 29, 2014, correspondence regarding proposed changes to SCR 20:3.4(a) of the Wisconsin Rules of Professional Conduct. I appreciate the opportunity to comment regarding the proposed change. I wish to disclose that I am Chair of the Committee on Professional Ethics of the State Bar of Wisconsin; however, I am writing in my personal capacity and my comments should not be construed as comments from the Committee on Professional Ethics.

I do not recommend that the Supreme Court authorize a change to the language of SCR 20:3.4 and particularly SCR 20:3.4(a). The language of the current Rule is the same language as is found in the Model Rules of Professional Conduct adopted and approved by the American Bar Association and which, of course, form the basis for the Wisconsin Rules of Professional Conduct. Changes to the language of the Model Rules that have been incorporated into the Wisconsin Rules of Professional Conduct are done with a very specific purpose to address issues or concerns of the Wisconsin Supreme Court. This proposed change, which would vary significantly from the language of the Model Rules, is not based upon an identified problem or an identified circumstance that has been reviewed and studied by Wisconsin lawyers. In fact, the

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proposed change has not been reviewed by any other parties that I am aware of. I understand there is a concern that the word "unlawful" may be confusing; however, it is language that has existed for a long period of time and I am not aware of any proposals or concerns expressed by other jurisdictions regarding this language.

I would appreciate the opportunity to appear before the Supreme Court if this matter is scheduled for a public hearing. Thank you for the opportunity to provide comments regarding this Petition.

Very truly yours,

RUDER WARE

A handwritten signature in black ink, appearing to read "Dean R. Dietrich", written in a cursive style.

Dean R. Dietrich