



Supreme Court of Wisconsin

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January 28, 2015

Supreme Court of Wisconsin
c/o Clerk of Supreme Court, Attention: Deputy Clerk – Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Petition 14-05 [Petition to amend Supreme Court Rule 20:3.4(a)]

Dear Chief Justice and Justices:

I write on behalf of the Office of Lawyer Regulation (OLR). The petitioner seeks three amendments to SCR 20:3.4(a): deletion of the word “unlawfully” in two instances and addition of the phrase “unless through legal process.” OLR opposes the petition.

For over 26 years and since its adoption, the language of Wisconsin’s SCR 20:3.4(a) has been the same.

The current language of Wisconsin’s SCR 20:3.4(a) is identical to the current language of ABA Model Rule 3.4(a). The current comments to Wisconsin’s rule are identical to the ABA comments. OLR submits that this consistency with the Model Rule is important. It provides for uniform application of the rule and allows the Court to consider relevant precedent from other jurisdictions.

Petitioner claims in his supporting memorandum that “*the words ‘unlawfully’ are misleading, in that it is contrary to OLR’s apparent interpretation.*” To the contrary, OLR interprets SCR 20:3.4(a) as requiring that the conduct be unlawful. OLR relies on the comments to the rule as well as precedent from Wisconsin and other jurisdictions to interpret that standard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "WILLIAM J. WEIGEL".

WILLIAM J. WEIGEL
Litigation Counsel

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