

SUPREME COURT OF WISCONSIN

No. 15-03

**In the Matter of Petition for Amendments to
Rules of Professional Conduct for Attorneys**

FILED

NOV 20, 2015

**[corrected
DEC 2, 2015]**

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On June 30, 2015, the State Bar of Wisconsin, by then-President Robert Gagan, filed a rule petition on behalf of the State Bar's Standing Committee on Professional Ethics, seeking to amend to various aspects of Supreme Court Rules Chapter 20, the Rules of Professional Conduct for Attorneys. The petition explains that the proposed amendments primarily reflect American Bar Association ("ABA") Ethics 20/20 amendments to the Model Rules of Professional Conduct that will "assist Wisconsin lawyers with guidance that takes account of the realities of contemporary legal practice," as well as certain other proposed amendments that the petitioners believe would provide enhanced guidance for Wisconsin lawyers.

In view of the scope of the proposed changes and their importance to the practice of law, the court will conduct two public hearings on this petition.

On January 22, 2016, the court will conduct a public hearing on proposed amendments derived from the ABA Model Rules. These include

proposed changes to the following rules: SCR 20:1.6 (Confidentiality) (proposed rule requiring that lawyers must make reasonable efforts to safeguard information relating to the representation of clients); SCR 20:1.18 (Duties to prospective client) (proposed amendments to clarify the definition of prospective client and the duties owed to prospective clients); SCR 20:4.4 (Respect for rights of 3rd persons) (proposed amendments to include inadvertently sent electronic information as also requiring prompt notification of sender upon receipt); SCR 20:5.5 (Unauthorized practice of law; multijurisdictional practice of law) (proposed amendments to clarify that lawyers who are not admitted in Wisconsin but who practice for the federal government or practice federal law are not prohibited from establishing a systematic and continuous presence in Wisconsin); and adoption of SCR 20:5.8 (Responsibilities regarding law-related services).

These also include proposed changes to comments to the following rules: SCR 1.0 (Terminology); SCR 20:1.1 (Competence); SCR 20:1.4 (Communication); 20:1.6 (Confidentiality); SCR 20:1.17 (Sale of a law practice); SCR 20:1.18 (Duties to prospective client); SCR 20:4.4 (Respect for rights of 3rd persons); SCR 20:5.3 (Responsibilities regarding nonlawyer assistants); SCR 20:7.1 (Communications concerning a lawyer's services); SCR 20:7.2 (Advertising); and SCR 20:7.3 (Direct contact with prospective clients).

On February 23, 2016, the court will conduct a public hearing on proposed changes that were not part of or differ from the ABA Model Rule changes. These include proposed amendments to the following rules: SCR 20:1.6 (Confidentiality) (recommendation of a rule to

permit disclosure of limited information about the identities of clients and matters to detect and resolve conflicts without limitation as to circumstance); SCR 20:4.4 (Respect for rights of 3rd persons) (proposed rule to impose a duty to cease review and abide by sender's instructions when a lawyer receives an inadvertently sent document that is subject to lawyer-client privilege or work product protection); and SCR 20:5.7 (Limited liability legal practice) (proposed amendments to clarify that lawyers who are otherwise authorized to practice in Wisconsin may practice in firms organized under SCR 20:5.7). These also include proposed changes to the comments to the following rules: SCR 20:1.8 (Conflict of interest: prohibited transactions); and SCR 20:5.5 (Unauthorized practice of law; multijurisdictional practice of law).

IT IS ORDERED that a public hearing on the petition shall be held in the Supreme Court Room in the State Capitol, Madison, Wisconsin, on Friday, January 22, 2016, at 9:30 a.m.

IT IS FURTHER ORDERED that a second public hearing on the petition shall be held in the Supreme Court Room in the State Capitol, Madison, Wisconsin, on Tuesday, February 23, 2016, at 9:30 a.m.

IT IS FURTHER ORDERED that the court's conferences in the matter may be held promptly following the public hearings.

IT IS FURTHER ORDERED that notice of the hearings be given by a publication of a copy of this order together with the petition in the official state newspaper once each week for three consecutive weeks, and in an official publication of the State Bar of Wisconsin not more

than 60 days nor less than 30 days before the date of the hearings, respectively.

IT IS FURTHER ORDERED that the full text of the proposed rules, including changes, if any, in existing rules, shall be placed on the Internet site maintained by the director of state courts for the supreme court. See www.wicourts.gov.

Dated at Madison, Wisconsin, this 20th day of November, 2015.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

