

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 09-08

In the matter of petition to amend
Supreme Court Rule 10.03(5)(b)1.

FILED

NOV 17, 2010

A. John Voelker
Acting Clerk of Supreme
Court
Madison, WI

On August 24, 2009, Jon Kingstad, Steven Levine, James Thiel and 40 other members of the State Bar of Wisconsin petitioned this court to amend Supreme Court Rule 10.03(5)(b)1. by removing the words "political or ideological."

The court held this matter in abeyance due to pending federal litigation. On September 9, 2010, the Seventh Circuit Court of Appeals issued an opinion in Kingstad v. State Bar of Wisconsin, ___ F.3d ___, 2010 WL 3504735 (7th Cir. 2010) (No. 09-4080). On September 22, 2010, plaintiffs-appellants Jon Kingstad, Steven Levine, James Thiel filed a petition for rehearing with the Seventh Circuit Court of Appeals. On September 27, 2010, petitioners filed a letter with the court requesting further amendments to Supreme Court Rule 10.03(5)(b)1. At an administrative conference on October 18, 2010, the court voted to hold the matter in abeyance. On October 21, 2010,

the Seventh Circuit Court of Appeals denied petitioners' petition for rehearing. The court is awaiting petitioners' decision on whether they will file a petition for writ of certiorari with the United States Supreme Court.

IT IS ORDERED that rule petition 09-08 shall be held in abeyance pending the final disposition of all federal litigation of Kingstad v. State Bar of Wisconsin and until the petitioners file an amended petition and memorandum in support or a statement that they are not amending the petition and wish to proceed. Petitioners shall notify this court upon conclusion of litigation in this matter.

Dated at Madison, Wisconsin, this 17th day of November, 2010.

BY THE COURT:

A. John Voelker
Acting Clerk of Supreme Court

