



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

Nancy A. Kopp
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Commissioners

Telephone (608) 266-7442

July 11, 2022

To: Interested Persons – See Attached List

Re: Rule Petition 22-02, In the Matter of the Amendment of Supreme Court Rule 20:8.4

Greetings:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 22-02, filed on March 23, 2022 on behalf of the State Bar of Wisconsin's Standing Committee on Professional Ethics by its Chair, Clinical Professor Emeritus, Ben Kempinen. The petition asks the court to amend Supreme Court Rule (SCR) 20:8.4 (i)¹ by replacing it with American Bar Association (ABA) Model Rule 8.4 (g).²

You have received this letter because you or your agency or organization potentially have an interest in this matter. A copy of the petition can be found on the court's website at <https://www.wicourts.gov/scrules/pending/index.htm>.

The court has voted to solicit written comment. The court will decide whether to conduct a public hearing on this petition after reviewing the written comments it receives. Please note, the court may take any action on a rule petition it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.

¹ SCR 20:8.4(i) provides: "It is professional misconduct for a lawyer to ... (i) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status in connection with the lawyer's professional activities. Legitimate advocacy respecting the foregoing factors does not violate par. (i)."

² ABA Model Rule 8.4(g) provides: "It is professional misconduct for a lawyer to ... (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules."

- (b) Reject the rule proposed without further comment.
- (c) Schedule the rule petition for a public hearing.
- (d) Refer the rule petition to another entity for its review and recommendation.
- (e) Request further information or analysis from the petitioner or interested persons or entities.

Any comment to the rule petition should be filed by Tuesday, August 16, 2022 with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. Please also email a Microsoft Word version of your response to clerk@wicourts.gov. See comment guidelines at the court's website at <https://www.wicourts.gov/srules/process.htm>. The petitioner may file any response to the comments by Tuesday, August 30, 2022.

You might wish to consult the court's website at <https://www.wicourts.gov/srules/pending/index.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office will be posted on the website.

If you have specific questions or other comments with regard this matter, please contact me by mail at P.O. Box 1688, Madison, WI 53701-1688, by telephone at 608-266-7442, or by email at julie.rich@wicourts.gov.

Very truly yours,

/s/

Julie Anne Rich

Supreme Court Commissioner

cc: Chief Justice Annette Kingsland Ziegler
Justice Ann Walsh Bradley
Justice Patience Drake Roggensack
Justice Rebecca Grassl Bradley
Justice Rebecca Frank Dallet
Justice Brian Hagedorn
Justice Jill J. Karofsky
Clinical Professor Ben Kempinen, Chair,
State Bar of Wisconsin, Standing Committee on Professional Ethics
Tim Pierce, State Bar of Wisconsin
Aviva Kaiser, State Bar of Wisconsin

List of Interested Persons for Supreme Court

Badger State Sheriffs' Association, Attention: Executive Director
Board of Administrative Oversight, Attention: Lori S. Kornblum, Chair
Board of Bar Examiners
Chief Circuit Court Judges
Circuit Court Judges
Clerk of Supreme Court and Court of Appeals, Sheila T. Reiff
Court of Appeals, Attention: Chief Staff Attorney
Court of Appeals Judges
Court Operations: Diane M. Fremgen, Deputy Director of State Courts, Court Operations
Court Operations: Ann Olson, Krista Miller, Amber Peterson, Beth Barroilhet
Dean Dietrich, Attorney
Department of Administration, State Prosecutors Office, Attention: Kasey Diess, Director
Director of State Courts, Honorable Randy Koschnick
District Court Administrators
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Hamilton Consulting Group, Attention: Rebecca Hogan, R.J. Pirlot, Adam Jordahl
Legal Action of Wisconsin, Attention: Deedee Peterson, Executive Director
Legal Aid Society of Milwaukee, Attention: Colleen Foley, Executive Director
Marquette University Law School, Attention: Joseph D. Kearney, Dean
Office of Lawyer Regulation, Attention: Timothy Samuelson, Director
Office of State Public Defender, Attention: Kelli S. Thompson
Office of State Public Defender, Attention: Jeremy C. Perri
Office of the Attorney General, Attention: Terri Surita
State Bar of Wisconsin, Attention: Larry Martin, Executive Director
State Bar of Wisconsin, Attention: Lisa Roys, Public Affairs Director
State Bar of Wisconsin, Attention: Margaret W. Hickory, President
University of Wisconsin Law School, Attention: Daniel Tokaji, Dean
Western District Bar Association of Wisconsin, Attention: Ann Peacock
Wisconsin Asian American Bar Association, Attention: Bryant Park
Wisconsin Association for Justice, Attention: Bryan Roessler, Executive Director
Wisconsin Association of African American Lawyers
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Susan Schaubel
Wisconsin Bankers Association, Attention: Kris Cleven, Vice President-Legal
Wisconsin Clerks of Circuit Court Association, Attention: Regina Kolbow, Carlo Esqueda
Wisconsin Counties Association, Attention: Marcie Rainbolt
Wisconsin Defense Counsel, Attention: Jenni Kilpatrick, Executive Director;
Andrew Hebl, President
Wisconsin District Attorneys Association, Attention: Greta Mattison, Executive Director
Wisconsin Family Court Commissioners Association, Attention: David Pruhs, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Pamela M. Ritger
Wisconsin Judicare, Inc., Attention: Beth Ann Richlen, Executive Director
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke
Wisconsin Judicial Council, Attention: William C. Gleisner, III, Chair
Wisconsin Juvenile Court Clerks Association, Attention: Samuel Christensen
Wisconsin Municipal Judges Association, Attention: Honorable Robert Kupfer
Wisconsin Newspaper Association, Attention: Beth Bennett, Executive Director
Wisconsin Registers in Probate Association
Wisconsin Sheriffs & Deputy Sheriffs Association, Attention: Sandy Schueller
Wisconsin State Attorneys Association, Attention: John Gelhard

Wisconsin Trial Judges Association, Attention: Honorable Gregory Gill, Jr.
Wisconsin Tribal Judges Association, Attention: Honorable Gwendolyn Topping, President