



Supreme Court of Wisconsin

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**CLERK OF SUPREME COURT
OF WISCONSIN**

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Timothy C. Samuelson

Trust Account Program

Program Administrator
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March 15, 2023

Clerk of Supreme Court
Attention: Susan Stephens, Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Petition 22-05, In the Matter of amendment of Supreme Court Rules 20:1.15 and 20:1.0, Relating to Electronic Banking

Dear Ms. Stephens:

On March 14, 2023, the Court entered a final order granting petition 22-05, as amended. After the Court's hearing on petition 22-05, we proposed, in a letter dated March 2, 2023, additional amended language to petition 22-05 and SCR 20:1.15(f)(1) relating to shortfalls in trust accounts caused by chargebacks, reversals, and surcharges. This proposed language was included in the Court's final order granting the petition.

We now have learned that an inconsistency exists in the comment to SCR 20:1.15(f)(1). In short, the comment to now-amended SCR 20:1.15(f)(1) did not account for the language proposed in our March 2, 2023 letter. We therefore propose amending the first paragraph of Section 9 of the final order granting petition 22-05 regarding the comment to SCR 20:1.15(f)(1) as follows:

SCR 20:1.15(f)(1) Security of transactions.

SCR 20:1.15(f)(1) takes into account the modern banking and payments industry, allowing for electronic transfers to and from the trust account, so long as such transfers are authorized in advance by a lawyer in the law firm or a person under a lawyer's direct supervision. Should there be any chargeback, surcharge, or ACH reversal of an electronic payment to the trust account, the lawyer is responsible for replacing any and all such funds within three business days of actual notice of the chargeback, surcharge, or ACH reversal, and the lawyer must reimburse the account prior to disbursing funds from the trust account.

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We are able to distribute amended appendices upon request. Thank you for your consideration.

Very truly yours,

Handwritten signature of Timothy C. Samuelson in black ink, followed by the initials "/jmb".

Timothy C. Samuelson
Director

Handwritten signature of Travis J. Stieren in blue ink.

Travis J. Stieren
Trust Account Program Administrator

TCS:tjs

cc: Commissioner Timothy M. Barber (Tim.Barber@wicourts.gov)
Attorney Timothy J. Pierce (tpierce@wisbar.org)