

SUPPORTING MEMORANDUM

In the Matter of the Petition  
For Amendment to Supreme Court  
Rule 22.24 Relating to Costs  
Assessments in the Lawyer  
Regulation System

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TO: Chief Justice Shirley S. Abrahamson  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David T. Prosser, Jr.  
Justice Patience D. Roggensack  
Justice Annette Kingsland Ziegler  
Justice Michael J. Gableman

Filed with the Clerk of Court Diane M. Fremgen  
Clerk of Supreme Court  
110 E. Main Street  
Suite 215  
Madison, WI 53703

The Office of Lawyer Regulation provides the following memorandum in support of the petition to amend Supreme Court Rules (SCR) 22.24(2).

Presently, in the appeal of disciplinary cases, SCR 22.24(2) provides that "a supplemental statement of costs and recommendation regarding the assessment of costs shall be filed within 14 days after the appeal is assigned for submission to the court."

This deadline is timely when the Court orders oral argument. The submission date is the date of oral argument. The Office of Lawyer Regulation incurs costs that may be assessed through that date.

This deadline is not timely when the Court considers appeals on briefs. In those cases, the Office of Lawyer Regulation incurs costs that may be assessed through the date of filing of the last brief, and may file the supplemental statement of costs before the appeal is assigned for submission to the Court.

Therefore, petitioner proposes amending SCR 22.24(2) to require submission of the supplemental statement of costs after the date of oral argument, or if no oral argument is held, after the filing date of the last brief on appeal.

Amending SCR 22.24(2) in this way eliminates delay in appeals considered on briefs. Supplemental statements of costs, objections, and replies would be submitted before, rather than after, the matter is assigned for submission to the Court.

The Office of Lawyer Regulation further requests that the Court change the time period for submitting the supplemental statement of costs from 14 days to 20 days.

This is consistent with other deadlines, including the deadline for submitting the initial costs statement.

In addition, in the situation where the respondent lawyer appeals but does not file a reply brief, a 14-day period would expire before the Office of Lawyer Regulation knew the deadline. A 20-day period avoids this situation.

For these reasons, the petition respectfully requests that the Court amend SCR 22.24(2) as provided in Appendix A.

Respectfully submitted this \_\_\_ day of \_\_\_\_\_, 2012.

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