



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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MADISON, WISCONSIN 53703

Nancy A. Kopp
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Telephone (608) 266-7442

August 5, 2013

To: State Bar of Wisconsin – President
Board of Administrative Oversight
Office of Lawyer Regulation

Re: Rule Petition 13-04, Petition to amend rules relating to referees in the Lawyer Regulation System

Dear Petitioners:

I am assisting the Wisconsin Supreme Court with its consideration of your rule petition requesting the court amend the supreme court rules relating to referees in the Lawyer Regulation System (Rule Petition No. 13-04), which you filed on May 22, 2013. The court briefly discussed this petition in open rules conference on June 11, 2013, and requested that I seek additional information about the proposed amendments. Specifically, your response to the following issues or questions is sought at this time:

- How many hours per week do you estimate each of the four proposed referees would be required to invest on lawyer disciplinary matters?
- How many referees will be members of an auxiliary panel?
- How would an auxiliary group of referees be selected?
- What constitutes “substantial judicial or litigation experience” for purposes of the proposed rule?
- What is the anticipated nature of the “contractual arrangement” between the referees and the court?
- Should geographic considerations be part of the referee selection process?
 - Do you anticipate increased travel time and related costs for these referees?
- How would substitution requests be handled under the proposed amendment?
- How should the court select the four referees?

- Explain how the proposal is likely to have a “beneficial fiscal impact” as stated in the Supporting Memorandum.
- Will the amendments have retroactive application?
- The court also seeks information about the current referee panel and the process for selecting and assigning referees to disciplinary cases. Please respond to the following questions:
 - How many referees are currently on the permanent panel?
 - What regions are they from?
 - How many of these referees have been appointed in the past three years?
 - How much time, on average, does a referee invest in a disciplinary case?
 - What are the average fees and costs reported by referees?
- Finally, comments from the Legislative Reference Bureau were provided by e-mail on June 3, 2013. Keith Sellen responded by e-mail on June 11, 2013, on behalf of the OLR. The joint petitioners are asked to please respond to the comments with any amendments they deem necessary. If there are no additional comments, please state that fact.

Please file your response(s) by September 30, 2013, with the Clerk of Supreme Court, Attention: Carrie Janto, Deputy Clerk, P.O. Box 1688, Madison, WI 53701-1688. If possible, e-mail a Microsoft Word version of the response(s) to carrie.janto@wicourts.gov or clerk@wicourts.gov.

The court may request further information prior to a public hearing or open rules conference. The court has scheduled this rule petition for a public hearing on Friday, October 25, 2013, at 9:30 a.m., in the Supreme Court Room in the State Capitol, Madison, Wisconsin, to discuss this matter. The court may take any action it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.
- (c) Circulate the rule petition for comment without 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.

You might wish to consult the court's Web site at <http://wicourts.gov/scrules/supreme.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office are posted on the Web site.

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If you have specific questions regarding this request, please contact me at (608) 261-6641 or julie.rich@wicourts.gov.

Yours very truly,

/s/

Julie Anne Rich

Supreme Court Commissioner

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

List of Interested Parties for Supreme Court Rules Matters

Board of Bar Examiners
Chief Circuit Court Judges
Circuit Court Judges
Court of Appeals Judges
Court of Appeals, Attention: Chief Staff Attorney
Director of State Courts
Legal Action of Wisconsin, Attention: John F. Ebbott
League of Women Voters
Marquette Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation
Office of State Public Defender, Attention: Kelli S. Thompson
Office of the Attorney General, Attention: J.B. Van Hollen
State Bar of Wisconsin, Attention: Patrick J. Fiedler
State Bar of Wisconsin, Attention: George Brown
State Bar of Wisconsin, Attention: Lisa Roys
U.W. Law School, Attention: Margaret Raymond
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Western District Bar Association of Wisconsin, Attention: Lynn M. Stathas
Wisconsin Asian Bar Association, Attention: Robin Dalton
Wisconsin Association for Justice, Attention: Jane E. Garrott, Executive Director
Wisconsin Association of African American Lawyers, Attn: DeAngela Luna
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Alice Rudebusch
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Clerks of Circuit Court Association, Attention: Pam Radtke
Wisconsin Counties Association, Attention: David Callender
Wisconsin Defense Counsel, Attention: Jane Svinicki and Andy Cook
Wisconsin District Attorneys Association, Attention: Margaret Drees, Executive Director
Wisconsin Family Court Commissioners Association, Attention: Sandra Grady, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Micabil Diaz Martinez
Wisconsin Judicare, Inc., Attention: Rosemary Elbert
Wisconsin Judicial Commission, Attention: James Alexander

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Wisconsin Judicial Council, Attention: April Southwick
Wisconsin Juvenile Court Clerks Association, Attention: Joy Pecha
Wisconsin Municipal Judges Association, Attention: Honorable Scott Letteney
Wisconsin Registers in Probate Association, Attention: Amy Franzen
Wisconsin State Attorneys Association, Attention: Nancy Wettersten
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuensch
Wisconsin Tribal Judges Association, Attention: Amanda Rockmann, President
Christian Gossett, Winnebago County District Attorney
Steven Levine, Attorney

List of Additional Interested Parties – if any

Supreme Court Commissioners
Human Resources Officer Margaret Brady
Budget and Policy Officer Deborah Brescoll
Chief Deputy Clerk Christopher Paulsen
Current referees in the Lawyer Regulation System
Reserve Judges
Attorneys representing respondents in OLR matters