

September 11, 2015

VIA ELECTRONIC TRANSMISSION (clerk@wicourts.gov)

Wisconsin Supreme Court
Attention: Commissioner Julie Rich
P.O. Box 1688
Madison, WI 53701

RE: Comment regarding Supreme Court Petition 14-06

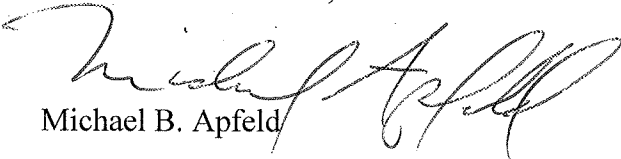
I write in support of Petition 14-06, which is designed to give OLR more discretion to resolve *de minimis* matters. I am submitting this letter on my own behalf and not on behalf of my firm or any other organization or person. Nevertheless, my comments are informed by my experience on my law firm's Ethics & Loss Prevention Committee for over 30 years as well as my more recent service on the State Bar Ethics Committee.

The need for executive discretion is fundamental. In any system with limited resources, some degree of discretion is necessary to ensure that resources will be allocated in a manner that will best serve the goals of the system. In the case of OLR, the absence of prosecutorial discretion necessarily diverts at least some of those scarce resources from important matters to trivial ones, engendering waste and delay to the ultimate detriment of worthy grievants and the reputation of the system. The present rule, which requires an investigation of any grievance that presents sufficient information to support an allegation of possible misconduct, also invites abuse, since almost any information is sufficient to support a bare allegation of a mere possibility. The use of discretion, by contrast, will allow the Office to focus on redressing grievances that have some reasonable possibility of actually warranting discipline.

Thank you for the opportunity to comment.

Very truly yours,

GODFREY & KAHN, S.C.


Michael B. Apfeld

MBA:bss

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