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Clerk of the Supreme Court
Attention: Deputy Clerk – Rules
P.O. Box 1688
Madison, WI 53701-1688
hand-delivered and sent by email to clerk@wicourts.gov

RE: Comments on Supreme Court Rules Petitions 19-04 and 19-05

Dear Clerk of the Supreme Court:

Thank you for the invitation to review and comment on the proposed rule changes in Petitions 19-04 and 19-05.

I have only a few specific comments on the proposed changes:

- With regard to the conflict between the two proposals, each seeking to change SCR 21.08(1), I will express a preference for the language in 19-05, since my personal opinion is that establishing a maximum number of referees and limiting their terms is unnecessary. (I won't pretend that my opinion isn't colored by my being on the panel since 1992.)
- Transferring the responsibility for referee training to the Judicial Education Office would almost certainly be an improvement, since the Court has not conducted it for many years (despite at least one offer from Judge Bob Kinney and me to organize it.)
- Although I always appreciated, and I think met, the strict timeline for my reports, giving a little more flexibility -- by mentioning the filing of post-hearing briefs in the rule and by allowing the referee to advise the court of a date for filing -- would not be out of place.

More importantly, my general reaction to the petitions is very positive. I agree that offloading some of the work of the less serious disciplinary proceedings is a not-inappropriate step for the Court to take, acknowledging that, as stated in one of the petitions, "...this level of involvement by the Court uses an inordinate amount of the Court's time, resources and effort." And personally, I would be comfortable with the additional responsibilities proposed.

Sincerely,

John Nicholas ("Nick") Schweitzer