



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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MADISON, WISCONSIN 53703

Nancy A. Kopp
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Commissioners

Telephone (608) 266-7442

March 29, 2019

To: Interested Persons – See Attached List

Re: Rule Petition 19-05, Petition of the OLR Procedure Review Committee for an order repealing and recreating SCR 22.12 and SCR 22.17, amending SCR 21.09(1), SCR 21.16(2)(c), SCR 22.21(4), SCR 22.22(2)(b), (3)(intro) and (b), and (6), SCR 22.24(1), (1m)(intro), (2), and (3), creating SCR 21.08(1)(b), 21.09(1m), 22.16(6)(b) and (7)(b), 22.22(2m) and (4m), and 22.23(1m), renumbering and amending SCR 21.08(1), and 22.16(6) and (7). (Referee Authority)

Greetings:

In 2016, the Wisconsin Supreme Court established a committee to review Office of Lawyer Regulation (OLR) procedures and structure ("Committee"), and directed the Committee to report to the Court recommendations that would increase the efficiency, effectiveness, and fairness of the OLR process. The Honorable Gerald P. Ptacek was appointed as the Committee's chair. In October 2018, the Committee forwarded its final report to the Court. On March 13, 2019, nine administrative rule petitions were filed, proposing various changes to existing OLR rules and procedures. This letter pertains to one of those rule petitions.

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 19-05 filed March 13, 2019, by Judge Ptacek, Chair, on behalf of the Committee. The petition asks the court to consider modifying the Supreme Court rules to afford referees more authority to rule on certain matters. The Committee recognizes the significance of these proposed modifications and recommends deferring a decision or implementation until referee training rules have been decided and established. The court is currently seeking preliminary input to assist in the consideration of other rule petitions.

You have received this letter because you have significant experience and expertise regarding the roles of referees in attorney disciplinary matters. You are invited to provide this court with feedback regarding the proposed changes to the rules pertaining to the authority of referees in certain attorney regulatory matters. A copy of the petition can be found on the court's website at <https://www.wicourts.gov/scrules/pending.htm>.

At the closed rules conference on March 21, 2019, the court conducted a preliminary discussion of this matter and voted to obtain written comments and schedule a public hearing. The public

hearing will be conducted on June 6, 2019. Please note, the court may take any action on a rule petition 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.
- (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.

Any comment to the rule petition should be filed by April 26, 2019, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, email a Microsoft Word version of your response to clerk@wicourts.gov. See comment guidelines at the court's website at <https://www.wicourts.gov/scrules/petitioncomment.htm>. The petitioners may file any response to the comments by May 10, 2019.

You might wish to consult the court's website at <https://www.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 will be posted on the website.

If you have specific questions or other comments regarding this matter, please contact me by mail at P.O. Box 1688, Madison, WI 53701-1688, by telephone at 608-261-6642, or by email at julie.rich@wicourts.gov.

Very truly yours,
/s/

Julie Anne Rich
Supreme Court Commissioner

cc: Chief Justice Patience Drake Roggensack
Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice Annette Kingsland Ziegler
Justice Rebecca Grassl Bradley
Justice Daniel Kelly
Justice Rebecca Frank Dallet
Judge Gerald P. Ptacek
Peggy Hurley, Court Operations

List of Referees and Interested Counsel

Allan E. Beatty
James C. Boll
William Eich
James R. Erickson
Richard M. Esenberg
John A. Fiorenza
Dennis J. Flynn
Jonathan V. Goodman
Lisa C. Goldman
Robert E. Kinney
James W. Mohr Jr.
John B. Murphy
Kim M. Peterson
J. N. Schweitzer
James J. Winiarski

Ross A. Anderson, Husch Blackwell, LLP
James E. Bartz, Boardman & Clark LLP
Nathaniel Cade, Cade Law LLC
Richard J. Cayo, Halling & Cayo, S.C.
Michael J. Chernin, Chernin Law Office
Anthony Cotton, Kuchler and Cotton, S.C.
Raymond M. Dall'osto, Gimbel, Reilly, Guerin & Brown, LLP
Dean R. Dietrich, Dietrich Vanderwaal, S.C.
Jeffery J. Drach, Drach Elder La Center LLC
Peyton B. Engel, Hurley Burish, S.C.
Saul C. Glazer, Axley Brynelson LLP
Jama S. Graves, Carlson Koeck Kirk & Graves Ltd.
Michael D. Guerin, Gimbel, Reilly, Guerin & Brown, LLP
Chris L. Hartley, Hartley & Pecora LLC
Jevon Jones Jaconi, Antiphon Law Offices
Terry E. Johnson, Von Briesen & Roper
Christina Katt, Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
James C. Koppelman, Schmitt & Koppelman, S.C.
Donna J. Kuchler, Kuchler & Cotton
Dean P. Laing, O'Neil, Cannon, Hollman, De Jong & Laing, S.C.
Jeremy P. Levinson, Halling & Cayo, S.C.
Kenneth J. Quincey, Quincey, Becker, Schuessler, Chase & Devitt, S.C.
David C. Rashid, Law Office of David Rashid
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Michael J. Short, Michael J. Short Law Office
Michael F. Torphy, Law Office of Michael Torphy
Monte Weiss, Weiss Law Office, S.C.
Michael R. Younglove

Additional Interested Persons

Gerald P. Ptacek, Chair, OLR Procedure Review Committee
Jacquelynn B. Rothstein, Chair, Reinstatement and Referees Subcommittees
Paul Schwarzenbart, Chair, Charging Process Subcommittee
Marsha Mansfield, Chair, OLR Process Subcommittee