

SUPREME COURT OF WISCONSIN

IN RE THE MATTER OF ATTORNEY REGULATORY
MATTERS

FILED

MAY 26, 2021

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

You are hereby notified that the Court has issued the following interim order, which terminates and supersedes the Court's order of June 8, 2020, regarding the resumption of in-person proceedings in attorney regulatory matters:

WHEREAS the Supreme Court has administrative and superintending authority over the courts and judicial system of this state and a duty to promote the efficient and effective operation of the state's judicial system, Wis. Const. Art. VII, § 3; In re Kading, 70 Wis. 2d 508, 519-20, 235 N.W.2d 409 (1976); and

WHEREAS the number of newly confirmed cases of COVID-19 has decreased significantly as the number of vaccinated individuals has increased in Wisconsin, and the United States Centers for Disease Control and Prevention declared on May 16, 2021, that, "[f]ully vaccinated people can resume activities without wearing a mask or physically distancing," thereby causing the Court to re-examine the restrictions that the Court has previously placed on court proceedings, including attorney regulatory proceedings, due to the pandemic; and

WHEREAS the Court nonetheless concludes that it is necessary to issue an interim order for a limited period of time regarding certain procedures in attorney regulatory matters that have been permitted during the COVID-19 pandemic and that may warrant consideration of their continued use on a permanent basis, with the expectation that a petition for the adoption of a permanent rule addressing these procedures will be filed with and considered by the Court;

NOW THEREFORE, IT IS HEREBY ORDERED that the Court's order of June 8, 2020, entitled "In re the Matter of the Resumption of In-Person Proceedings in Attorney Regulatory Matters During the COVID-19 Pandemic," is terminated as of 8:00 a.m. on June 1, 2021, and the following provisions shall take effect on an interim basis from June 1, 2021, to December 1, 2021; and

IT IS FURTHER ORDERED that, notwithstanding anything in the Court's current rules to the contrary, the referee in each attorney regulatory matter shall exercise reasoned discretion, in light of all the circumstances, including the advantages and disadvantages of remote conferencing technology, and with due regard for the safety of all participants, concerning whether to conduct the final hearing or any other proceeding in the matter in person or remotely using available technologies, including teleconferencing or video conferencing; and

IT IS FURTHER ORDERED that if the referee determines that the final hearing in the matter should be conducted remotely, the referee shall ensure that the public has access to that final hearing and that notice of the final hearing is provided to the public in the same manner as notice would be provided for an in-person final hearing; and

IT IS FURTHER ORDERED that the referee in each attorney regulatory matter shall exercise reasoned discretion, in light of all the circumstances and with due regard for the safety of all participants, concerning whether to require safety measures for in-person proceedings; and

IT IS FURTHER ORDERED that, to the extent that the referee determines that certain items are needed to safely conduct an in-person proceeding, the referee may order the Office of Lawyer Regulation to provide the necessary items; and

IT IS FURTHER ORDERED that this interim order shall expire on December 1, 2021. The Court expects that during the period in which this interim order is in effect, a rule petition

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regarding the use of remote hearings in attorney regulatory matters will be filed with and considered by the Court; and

IT IS FURTHER ORDERED that the Clerk of this Court shall serve a copy of this order upon all currently serving referees, upon the Office of Lawyer Regulation, and upon all attorneys who are currently parties to an attorney regulatory proceeding or who represent attorneys who are currently parties to an attorney regulatory proceeding. In addition, a copy of this order will be posted on the Wisconsin Court system website, www.wicourts.gov.