



OFFICE OF LAWYER REGULATION

WISCONSIN COURT SYSTEM

The Wisconsin Supreme Court has authority over all attorneys licensed to practice law in the state of Wisconsin.

The Court has established rules governing attorney conduct and has made the Office of Lawyer Regulation responsible for investigating attorneys who may have violated those rules.

The Lawyer Regulation System consists of the Office of Lawyer Regulation, Preliminary Review Committee, Board of Administrative Oversight, Special Investigators, Special Preliminary Review Panel, Supreme Court-appointed Referees, and the Supreme Court itself. The System is supported by volunteer lawyers and public members from all across the State. Persons interested in volunteering for the System should contact the Clerk of the Supreme Court Clerk at clerk@wicourts.gov.

The **Office of Lawyer Regulation (OLR)** evaluates, investigates, and prosecutes allegations of professional misconduct and medical incapacity. The Supreme Court appoints the OLR Director, who serves at the pleasure of the Court. OLR consists of the Director;

Intake and Investigative Counsel; Assistant Litigation Counsel; and external retained counsel.

Most allegations are presented to OLR by persons referred to as “grievants.” Although grievants are often a respondent lawyer’s clients or former clients, any person may present an allegation of professional misconduct. OLR preliminarily evaluates all grievances but only investigates those that present sufficient information of cause to proceed. After evaluation, OLR may investigate or close a grievance matter, divert a respondent lawyer to an “alternatives to discipline” program, or offer a consensual private or public reprimand that is considered by a Supreme Court-appointed Referee.

After investigating, OLR may dismiss the allegation *or* present the results of the investigation to an independent panel of the **Preliminary Review Committee (PRC)** to determine whether there is probable cause to proceed to litigation. PRC consists of 14 Supreme Court-appointed members from across the state — nine lawyers and five public members. PRC divides itself into two rotating panels, each of which must include both lawyers and public members.

If a PRC panel finds cause to proceed, OLR may file a public disciplinary complaint with the Supreme Court that proceeds as a civil (*not* criminal) lawsuit. The Court appoints a Referee to preside over the proceeding, during which the parties — both OLR and the respondent lawyer — may engage in discovery and motion practice.

OLR has the burden of proof. It must establish by clear, satisfactory, and convincing evidence that a respondent lawyer has engaged in professional misconduct or is medically incapacitated. At hearing, OLR litigation counsel presents evidence of the alleged misconduct, which may include testimony from the grievant or other witnesses and introducing relevant documents. The respondent lawyer may call or cross-examine witnesses and present other evidence. After hearing, the Referee prepares a written report to the Supreme Court, which includes proposed factual findings and legal conclusions, and a recommended disciplinary sanction. The parties may appeal. The Supreme Court reviews the Referee’s report and recommendations and makes a final decision, including disciplinary sanction.

Only the Supreme Court may suspend or revoke a lawyer's license.

The Lawyer Regulation System is overseen by the **Board of Administrative Oversight**. The Board consists of 12 Supreme Court-appointed members from across the state, including eight lawyers and four public members. This Board monitors the fairness, effectiveness, and efficiency of the Lawyer Regulation System, including OLR.

If a participant in the Lawyer Regulation System is alleged to have committed professional misconduct, Supreme Court-appointed Special Investigators fill OLR's role of evaluating, investigating, and prosecuting allegations. The Court designates a panel of lawyers who are not otherwise participating in the System to serve as **Special Investigators**. After investigating, a Special Investigator may dismiss the allegation or present the results of the investigation to the **Special Preliminary Review Panel** to determine whether there is probable cause to proceed to litigation. The Special Panel consists of seven Supreme Court-appointed members from across the state — four lawyers and three public members. If the Special Panel finds cause to proceed, the Special Investigator or an external retained counsel may file a public disciplinary complaint with the Supreme Court.

LAWYER AND PUBLIC VOLUNTEERS NEEDED



Lawyers and members of the public who are interested in serving within the Lawyer Regulation System should send an application and resume to: Clerk of the Supreme Court, P.O. Box 1688, Madison, WI 53701-1688; or email to: clerk@wicourts.gov. Positions are filled on a continual basis and resumes will be kept on file for consideration for future opportunities.

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Organization of Wisconsin's Lawyer Regulation System

