

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 23-02

**In the matter of the amendment of SCR 22.19 re:
appointment of referees in consensual license
revocation cases**

FILED**FEB 22, 2023**

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

The Court, on its own motion, has determined that it is appropriate to amend Supreme Court Rule 22.19, which governs petitions for consensual license revocation. The current rule is unclear as to whether a referee must be appointed when an attorney petitions for consensual license revocation in a pending disciplinary proceeding before the court may consider the petition. The following technical amendment to SCR 22.19 is intended to clarify that a referee need not be appointed in a consensual license revocation matter filed after a disciplinary proceeding is commenced, if a referee has not previously been appointed, before the court may consider the petition. Because this is a ministerial, non-substantive amendment, a public hearing is not required. See S. Ct. IOP IV. A. The court, by its Commissioners, has consulted with the Director of the Office of Lawyer Regulation, Timothy Samuelson, who supports this amendment.

Therefore,

IT IS ORDERED that effective the date of this Order,

SECTION 1. SCR 22.19(3) is amended to read:

(3) If a complaint has not been filed or if a referee has not been appointed in a pending disciplinary proceeding, the petition shall be filed in the supreme court and shall include the director's summary of the misconduct allegations being investigated. Within 20 days after the date of filing of the petition, the director shall file in the supreme court a recommendation on the petition. Upon a showing of good cause, the supreme court may extend the time for filing a recommendation.

SECTION 2. SCR 22.19(4) is amended to read:

(4) If a complaint has been filed and a referee has been appointed, the petition shall be filed in the supreme court and served on the director and on the referee to whom the proceeding has been assigned. Within 20 days after the filing of the petition, the director shall file in the supreme court a response in support of or in opposition to the petition and serve a copy on the referee. Upon a showing of good cause, the supreme court may extend the time for filing a response. The referee shall file a report and recommendation on the petition in the supreme court within 30 days after receipt of the director's response.

IT IS FURTHER ORDERED that the rule adopted pursuant to this order shall apply to proceedings commenced after the effective date of this rule and, insofar as is just and practicable, to proceedings pending on the effective date.

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 22nd day of February, 2023.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

