

APPENDIX A

SCR 22.21m Public notice of formal investigation.

(1) The supreme court, on its own motion, upon the motion of the director or upon the motion of a special investigator acting pursuant to SCR 22.25, may authorize the director or special investigator to issue public notice of a pending formal investigation into an attorney's possible misconduct or medical incapacity. The supreme court may authorize public notice when:

(a) the attorney's continued practice of law presents substantial risk of physical, financial, or legal harm to the attorney's clients or other persons,

(b) an attorney is unable to adequately attend to clients' interests due to physical absence, abandonment of the practice, or physical or medical incapacity,

(c) the attorney is engaged in a pattern of conduct involving the receipt of advanced fees and the subsequent failure or inability to perform legal services for which the fees were advanced,

(d) the attorney is engaged in a pattern of criminal or fraudulent conduct, or

(e) in the judgment of the supreme court, other good cause exists.

(2) Before authorizing the director or special investigator to issue public notice of a pending formal investigation under sub. (1), the supreme court shall order the attorney to show cause why the notice should not issue. The attorney shall file with the supreme court a written response to the order and serve a copy of the response on the director within the time set forth in the order. The director, or special investigator acting under SCR 22.25, may file a reply within 10 days after the attorney's response is filed. All papers, files, transcripts, communications, and proceedings shall be confidential and shall remain confidential.

(3) *Public notice of pending formal investigation.* Upon the authorization of the supreme court to issue public notice of a pending formal investigation, the director, or special investigator acting under SCR 22.25 shall post notice of the formal investigation on the office of lawyer regulation website. The director or special investigator shall complete the formal investigation within 6 months of the issuance of the notice of formal investigation, or shall show cause why the investigation cannot be completed. The director or special investigator shall remove the notice upon any of the following:

(a) The director or special investigator has dismissed the matter for lack of sufficient evidence of cause to proceed as provided in SCR 22.05(1)(a) or SCR 22.25(4)(a).

(b) The respondent has signed an agreement to divert the matter to an alternatives to discipline program as provided in SCR 22.10.

(c) The referee appointed as provided in SCR 22.09 has approved an agreement to the imposition of a private or public reprimand.

(d) The director or special investigator has filed a complaint with the supreme court as provided in SCR 22.11.