

SUPREME COURT OF WISCONSIN

No. 13-13

In the matter of the petition to review State
Bar Bylaws Amendments.

FILED

OCT 2, 2013

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

Pending before the court is a challenge to recent amendments to Article II, Section 7(b), and Article III, Section 10(b), of the bylaws of the State Bar of Wisconsin. The Board of Governors approved the changes on June 12, 2013.¹ On July 3, 2013, these proposed bylaw changes were duly filed with the clerk of Supreme Court pursuant to SCR 10.13(2) and Article IX of the State Bar bylaws.² Supreme Court Rule 10.13(2) provides, in relevant part:

A petition for review of any such change in the bylaws will be entertained by the court if signed by 25 or more active members of the association and filed with the clerk of the court within 60 days after publication of notice of the change. Hearing upon such a petition will be pursuant to notice in such manner as the court directs.

On September 10, 2013, 27 active members of the State Bar of Wisconsin filed a petition asking this court to review and reject

¹ SCR 10.13(2) provides that the provisions of the bylaws of the State Bar are subject to amendment or abrogation by resolution adopted by vote of two-thirds of the members of the board of governors, or action of the members of the association expressed through the referendum procedure defined in SCR 10.08.

² The amendment was also duly published in the July 2013 Wisconsin Lawyer.

Article II, Section 7(b), and Article III, Section 10(b), of the bylaw amendments. The challenged bylaw amendments concern procedures relating to the manner of succession in the event of a vacancy among officers or governors of the State Bar, the definition of a vacancy, and the terms under which an officer or member of the Board of Governors could be removed.

The petitioners argue the challenged bylaws are inconsistent with SCRs 10.04(1) and 10.05(3) and are therefore void. In addition, the petitioners argue the bylaw amendments are unacceptably vague, threaten governors' First Amendment rights, and are undemocratic and unnecessary. The petitioners request the court reject these bylaw amendments.

The court discussed the matter at open conference on September 12, 2013, together with pending rule petition 13-07, Petition to Amend SCRs 10.04 and 10.05 relating to Officers and the Board of Governors of the State Bar of Wisconsin. The court deemed it appropriate to consider rule petition 13-07 and the pending bylaw challenge together at a future public hearing. The court also concluded it would benefit from additional information prior to proceeding on these matters. Therefore,

IT IS ORDERED that on or before January 3, 2014, the petitioners and the State Bar of Wisconsin shall each file and exchange letter briefs addressing the proposed bylaws and the challenge filed. Responsive letter briefs may be filed within ten (10) days of receipt of the initial letter briefs.

IT IS FURTHER ORDERED the letter briefs ordered above shall be submitted in hard copy (include one original and nine copies). The

paper copies shall be mailed to the Clerk of the Supreme Court, P.O. Box 1688, Madison, WI 53701, and an electronic copy of the letter briefs (in MS Word format) shall be e-mailed to the Office of the Clerk of the Supreme Court at clerk@wicourts.gov.

IT IS FURTHER ORDERED that the court will consider this matter together with rule petition 13-07 at a future public hearing.

Dated at Madison, Wisconsin, this 2nd day of October, 2013.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

