

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. 10-09

In the matter of the amended petition to amend various Rules in Chapter 20 of the Supreme Court Rules.

FILED**OCT 1, 2013**

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On October 21, 2010, Attorney John Nicholas Schweitzer petitioned this court for an order amending various rules in Chapter 20 of the Supreme Court Rules, Rules of Professional Conduct for Attorneys. On February 24, 2011, the court discussed this matter in open conference. A majority of the court voted to request the petitioner convene a working group including the Office of Lawyer Regulation, Board of Administrative Oversight, and the State Bar Standing Committee on Professional Ethics, to discuss and potentially refine his proposal. After convening the working group, Attorney Schweitzer filed an amended petition on April 23, 2013, which proposed two amendments to the rules: (1) a change to SCR 20:4.1 (Truthfulness in statements to others), and (2) an additional comment in SCR 20:8.4 (Misconduct). The court discussed the amended petition at its open conference on June 11, 2013, and voted to schedule a public hearing, which was conducted on September 12, 2013.

Attorney Schweitzer presented the petition to the court at the public hearing. No other testimony was given.

At its ensuing open conference, the court voted to deny the amended petition in part, and grant the amended petition in part. The court voted 5 to 2 (Chief Justice Abrahamson and Justice Crooks, dissenting) to deny the part of the petition relating to the proposed amendment to SCR 20:4.1.

The court then voted unanimously to grant the part of the petition relating to the proposed additional comment to SCR 20:8.4, as modified. Therefore,

IT IS ORDERED that, effective the date of this order, the following Comment to Supreme Court Rule 20:8.4(b) is created to read:

Wisconsin Comment

In addition to the obligations in this rule, Wisconsin attorneys should note the obligations concerning notification set forth in SCR 21.15(5) and SCR 22.22(1).

IT IS FURTHER ORDERED that the comment to SCR 20:8.4(b) is not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule.

IT IS FURTHER ORDERED that notice of this amendment of the supreme court rules 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 1st day of October, 2013.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

