

SUPREME COURT OF WISCONSIN

NOTICE

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No. 24-06

**In the Matter of Amendment of Supreme Court
Rule 21.06 and Related Rules Regarding the
Lawyer Regulation System's District Committees**

FILED

OCT 30, 2025

Samuel A. Christensen
Clerk of Supreme Court
Madison, WI

On December 23, 2024, the Office of Lawyer Regulation's Board of Administrative Oversight filed a rule petition asking the court to repeal Supreme Court Rule (SCR) 21.06 and two other rules enabling district committees, SCRs 21.01(1)(b) and 22.04, and amend 13 other rules regarding the organization and operation of the lawyer regulation system to remove references to district committees—SCRs 21.03(6)(k), 21.03(7), 21.11, 21.12, 21.13, 21.14, 21.19, 21.21, 22.001(6), 22.25(1) & (8), 22.40(1), and 22.42(1).

A letter soliciting public comments was sent to interested persons on March 26, 2025. The court received comments from the State Bar of Wisconsin and from the Office of Lawyer Regulation by its Director Timothy C. Samuelson.

A public hearing notice was issued on August 19, 2025, and the court held a public hearing on October 14, 2025, during which William R. Jones, Member of the Office of Lawyer Regulation's Board of

Administrative Oversight, presented the petition to the court. Past State Bar President Dean R. Dietrich indicated that the State Bar did not oppose the petition. Director Samuelson spoke in favor of the petition on behalf of the Office of Lawyer Regulation.

At the ensuing open administrative conference, the court voted unanimously to grant the petition and modify the rules as requested, with minor technical changes. Therefore,

IT IS ORDERED that, effective the date of this order:

SECTION 1. Supreme Court Rule 21.01(1)(b) is repealed.

SECTION 2. Supreme Court Rule 21.01(1)(bg) is renumbered Supreme Court Rule 21.01(1)(b).

SECTION 3. Supreme Court Rule 21.03(6)(k) is repealed and amended to read:

21.03(6)(k) Repealed.

SECTION 4. Supreme Court Rule 21.03(7) is repealed and amended to read:

21.03(7) Repealed.

SECTION 5. Supreme Court Rule 21.06 is repealed and amended to read:

SCR 21.06 Repealed.

SECTION 6. Supreme Court Rule 21.11(2) is repealed.

SECTION 7. Supreme Court Rule 21.11(3), (4), and (5) are renumbered Supreme Court Rule 21.11(2), (3), and (4).

SECTION 8. Supreme Court Rule 21.11(6) is renumbered Supreme Court Rule 21.11(5) and, as renumbered, is amended to read:

21.11(5) The training provided in (1) through (~~3~~2) and (~~5~~4) shall emphasize the role and the importance of the contributions of public member participants in the lawyer regulation system.

SECTION 9. Supreme Court Rule 21.12 (title) and 21.12 are amended to read:

SCR 21.12 Roles of office of lawyer regulation and, grievant, ~~and district committees~~.

In the investigation process and in the prosecution of complaints alleging attorney misconduct and petitions alleging attorney medical incapacity, the director and staff of the office of lawyer regulation ~~and the district committees~~ do not represent the complaining person, the attorney against whom a grievance has been made, the bar generally, or any other person or group. The director and staff of the office of lawyer regulation ~~and district committees~~ represent the interests of the supreme court and the public in the integrity of the lawyer regulation system in its search for the truth. A grievant is not a party to a misconduct or medical incapacity proceeding brought by the office of lawyer regulation.

SECTION 10. Supreme Court Rule 21.13(3) is repealed.

SECTION 11. Supreme Court Rule 21.13(4), (5), (6), (7), (8), and (9) are renumbered Supreme Court Rule 21.13(3), (4), (5), (6), (7), and (8).

SECTION 12. Supreme Court Rule 21.14(1)(c) is repealed.

SECTION 13. Supreme Court Rule 21.14(1)(d), (e), (f), (g), (h), and (i) are renumbered Supreme Court Rule 21.14(1)(c), (d), (e), (f), (g), and (h).

SECTION 14. Supreme Court Rule 21.14(2) is amended to read:

21.14(2) Allegations of misconduct or malfeasance against the director, staff of the office of lawyer regulation, retained counsel, ~~a member of a district committee~~, a special investigator, a member of the preliminary review committee, a member of a special preliminary review panel, a referee, an attorney designated by the director to monitor an attorney's participation in a diversion from discipline program or compliance with conditions imposed on the attorney's practice of law, or a member of the board of administrative oversight shall be governed by the procedures under SCR 22.25.

SECTION 15. Supreme Court Rule 21.19 is amended to read:

SCR 21.19 Privileges, immunity.

Communications with the director, staff of the office of lawyer regulation, ~~a district committee~~, a special investigator, retained counsel, the preliminary review committee, and a special preliminary review panel alleging attorney misconduct or medical incapacity and testimony given in an investigation or proceeding under SCR ch. 22 are privileged, except as provided under SCRs 22.03, 22.21, 22.34 and 22.40. No lawsuit predicated on any privileged or non-privileged communications referenced in this section may be instituted against any grievant or witness. The director, staff of the office of lawyer regulation, ~~members of a district committee~~, special investigators, retained counsel, members of the preliminary review committee, members of a special preliminary review panel, referees, members of the board of administrative oversight, and persons designated by the director to monitor compliance with diversion agreements or with conditions imposed on the attorney's practice of law, shall be immune from suit for any conduct in the course of their official duties.

SECTION 16. Supreme Court Rule 21.21 is amended to read:

SCR 21.21 Cost of lawyer regulation system.

The cost of the office of lawyer regulation, ~~the district committees,~~ the preliminary review committee, all matters relating to investigation and prosecution of possible attorney misconduct and medical incapacity, reinstatement investigations and hearings, and the board of administrative oversight shall be paid from the appropriation provided in s. 20.680 (3) (h), 1997 stats.

SECTION 17. Supreme Court Rule 22.001(6) is amended to read:

22.001(6) "Grievant" means the person who presents a grievance, except that a judicial officer ~~or a district committee~~ who communicates a matter to the office of lawyer regulation in the court of official duties is not a grievant.

SECTION 18. Supreme Court Rule 22.04 is repealed and amended to read:

SCR 22.04 Repealed.

SECTION 19. Supreme Court Rule 22.25(1) is amended to read:

22.25(1) Allegations of misconduct against the director, a lawyer member of staff, retained counsel, ~~a lawyer member of a district committee,~~ a lawyer member of the preliminary review committee, a lawyer member of the board of administrative oversight, or a referee shall be assigned by the director for investigation to a special investigator. The supreme court shall appoint lawyers who are not currently participating in the lawyer regulation system and are not among the lawyers from whom retained counsel is selected under SCR 21.05 to serve as special investigators. The director shall assign a special investigator in rotation. A special investigator may discuss

confidential matters with other special investigators. All records of matters referred to a special investigator or to the special preliminary review panel shall be retained by the director as required under SCR 22.44 and 22.45.

SECTION 20. Supreme Court Rule 22.25(8) is amended to read:

22.25(8) Allegations of malfeasance against the director, retained counsel, ~~a member of a district committee,~~ a member of the preliminary review committee, a member of the board of administrative oversight, a special investigator, a member of the special preliminary review panel, or a referee shall be referred by the director to the supreme court for appropriate action.

SECTION 21. Supreme Court Rule 22.40(1) is amended to read:

22.40(1) Except as otherwise provided in this chapter, all papers, files, transcripts, and communications relating to an allegation of attorney misconduct, an investigation pursuant to SCR Chapters 10, 22, and 31, and monitoring compliance with conditions, suspension, or revocation imposed by the supreme court, are to be held in confidence by the director and staff of the office of lawyer regulation, ~~the members of the district committees,~~ special investigators, the members of the special preliminary review panel, and the members of the preliminary review committee. Following the filing of a complaint or petition, the proceeding and all papers filed in it are public, except where expressly provided otherwise in this chapter, by court order, or by law.

SECTION 22. Supreme Court Rule 22.42(1) is amended to read:

22.42(1) In any matter under investigation, the director, ~~district committee,~~ or a special investigator acting under SCR 22.25, may require

the attendance of lawyers and witnesses and the production of documentary evidence. A subpoena issued in connection with a confidential investigation must so indicate on its face. It is not a breach of confidentiality for a person subpoenaed to consult with an attorney.

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 this 30th of October, 2025, at Madison, Wisconsin.

Samuel A. Christensen
Clerk of Supreme Court

