

# 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. 11-01

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In the matter of the petition for a voluntary  
State Bar of Wisconsin.

**FILED**

**JUL 6, 2011**

A. John Voelker  
Acting Clerk of Supreme  
Court  
Madison, WI

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On February 14, 2011, Attorneys Steven Levine and James Thiel filed a petition requesting this court to amend, repeal, or recreate Supreme Court Rule (SCR) Chapter 10 to create a voluntary State Bar of Wisconsin. On Wednesday, June 1, 2011, the court met in open administrative conference to discuss whether to conduct public hearings on several rules petitions, including this one.

The petition asks the court to "take whatever steps may be necessary" to convert the State Bar of Wisconsin from a mandatory bar to a voluntary bar. It does not propose amendments to the current rules to effectuate the requested rule change. The petitioners acknowledge that SCR Ch. 10 would have to be substantially restructured if the court were to make state bar membership voluntary. The petition proposes that the court "appoint a committee to propose a new SCR Ch. 10 and how the transition should occur" if the court does decide to grant the petition.

At the open administrative conference, the court noted that current guidelines for administrative rule petitions require petitioners to provide a thorough, detailed explanation of each amendment and reasons for the change. The court discussed whether the petitioners should be required to propose draft rule language that would effectuate the policy change requested in this petition.<sup>1</sup> The court acknowledged that crafting draft rules to effectuate the proposal to disband the mandatory bar would be a significant undertaking. Some members of the court questioned whether the petitioners should be required to prepare proposed rules with no certainty that the court would be favorably inclined toward

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<sup>1</sup> The current guidelines for rule petitions state that the petition shall, at a minimum:

- explain whether the petitioner seeks to amend or create a statute or rule,
- identify the statute or rule being changed or created,
- provide a thorough, detailed explanation of each amendment and reasons for the change,
- explain how the proposed amendment would affect any person's procedural or substantive rights,
- identify experience of other state or federal courts, if applicable,
- analyze the fiscal and administrative impacts, if any, of the proposal,
- list any related petitions pending before the court, and
- list the committees, agencies, and individuals that the petitioner has consulted about the proposal.

establishing a voluntary bar. The court noted that a concrete proposal for discussion will foster more specific feedback from interested parties and will better enable the court to identify or clarify issues that would arise if the petition is granted.

Ultimately, the court voted to dismiss the petition based on form because it does not contain proposed rule language to effect the policy proposal contained in the petition. The petitioners retain the option of resubmitting a petition that includes the elements set forth in footnote 1, above. Justices Annette Kingsland Ziegler and Michael J. Gableman dissented from the court's decision.

IT IS ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that notice of the dismissal of this petition be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 6th day of July, 2011.

BY THE COURT:

A. John Voelker  
Acting Clerk of Supreme Court

