

## SCR CHAPTER 11

### REGULATION OF MEMBERS OF THE STATE BAR

JUDICIAL COUNCIL COMMITTEE'S NOTE, 1979: The following rules govern the members of the state bar of Wisconsin and have been clarified and numbered SCR 11.01 to 11.08 for uniformity and convenience. The following chart shows the new rule and the 1977 statute from which it was derived.

| <u>Rule</u> | <u>Statute</u> |
|-------------|----------------|
| SCR 11.01   | 757.29         |
| SCR 11.02   | 757.27         |
| SCR 11.03   | 757.285        |
| SCR 11.04   | 757.287        |
| SCR 11.05   | 757.293        |
| SCR 11.06   | 757.294        |
| SCR 11.07   | 753.076        |
| SCR 11.08   | 757.32         |

The following statutes also govern members of the state bar of Wisconsin and are listed here for reference purposes:

757.22 Judge not to act as attorney, etc.; attorneys not to have office with judge.

757.295 Barratry.

757.30 Penalty for practicing without license.

757.45 Sharing of compensation by attorneys prohibited.

**SCR 11.01 Attorneys regulated.** An attorney is subject to discipline for professional misconduct, as provided in SCR 20:8.4.

**SCR 11.02 Appearance by attorney.** (1) Authorized. Every person of full age and sound mind may appear by attorney in every action or proceeding by or against the person in any court except felony actions, or may prosecute or defend the action or proceeding in person.

(2) Service of notice. Upon the service of notice of appearance or retainer generally, by an attorney for any party, any other party may file the notice and have the appearance of the party

entered as of the time when the notice was served.

(3) Substitution of attorneys. No order for the substitution of an attorney for a party may be made without consent signed by the party and his or her attorney; or for cause shown and upon such terms as shall be just, and on such notice as the court or judge shall direct.

**SCR 11.03 [Deleted.]**

**SCR 11.04 Suspension for nonpayment of support, noncompliance with subpoena or warrant.**

(1) In this rule:

(a) “Subpoena or warrant” means a subpoena or warrant issued by the department of workforce development or a child support agency and relating to paternity or support proceedings.

(b) “Support” means support as defined in 42 United States Code section 654(4)B.

(2) Upon receipt of certification from the department of workforce development pursuant to section 49.857, stats., that a person licensed to practice law in this state is delinquent in making court-ordered payments of support or is not in compliance with a subpoena or warrant, the supreme court may suspend the license of that person to practice law for up to 5 years in the case of delinquency in making court-ordered payments of support or for up to 6 months in the case of failure to comply with a subpoena or warrant.

(3) Before entering an order suspending an attorney’s license under sub. (2), the supreme court shall issue an order requiring the attorney to show cause why his or her license to practice law should not be suspended.

The supreme court may inquire into the reasons for the delinquency or any other matters the court considers appropriate. The court may enter such orders as it deems appropriate.

(4) The supreme court may return the certification to the department of workforce development upon a showing by the attorney that the department failed to provide notice of its intent to seek license suspension and that, as a result, the attorney was not aware of the right to a hearing as provided by section 49.857, stats., or has not had a reasonable opportunity to pay the delinquency or resolve the noncompliance with the subpoena or warrant.

(5) A license to practice law suspended under sub. (2) shall be reinstated as follows upon whichever of the following first occurs:

(a) Automatically upon the expiration of the period for which suspended.

(b) By order of the supreme court upon notification by the department of workforce development that the attorney has paid the delinquent support or has made satisfactory alternative payment arrangements or has satisfied the requirements under the subpoena or warrant.

(6) An attorney whose license to practice law is suspended under sub. (2) shall comply with the provisions of SCR 22.26.

(7) The supreme court may disclose the social security number of a member of the state bar to the department of workforce development for the purpose of administering s. 49.22.

**SCR 11.05 [Deleted.]**

**SCR 11.06 Group or prepaid legal services plans.** (1) A "group or prepaid legal services plan" means a plan by which legal services are rendered to a person participating in the plan by an attorney recommended or selected as provided in the plan.

(2) An attorney may furnish legal services in this state pursuant to a group or prepaid legal services plan which complies with the following conditions:

(a) The plan shall be written and provide:

1. The benefits to be provided, including all exclusions and conditions;

2. Procedures for the review and resolution of disputes arising under the plan, but the plan may not require a client to submit to binding arbitration of any grievance or dispute related to an attorney's professional services;

3. That a person participating in the plan may obtain legal services independently of the plan;

4. That an attorney furnishing legal services under the plan is free to exercise independent professional judgment.

**[11.06(2)(a)5., (4), (5), (6), (7), (8), and (9) are repealed.]**

**Comment**

Lawyers participating in prepaid legal service plans are reminded of their responsibility to comply with the Rules of Professional Conduct for Attorneys, SCR Chapter 20.

**SCR 11.07 Reserve judges; service and practice.** A reserve judge who has served as a circuit judge under section 753.075 of the statutes shall not appear as an attorney nor act as counsel in any contested matter in any court in the county in which he or she has so served for a period of one year after the service. A reserve judge

who has served as a court of appeals judge under section 753.075 of the statutes shall not appear as an attorney nor act as counsel in any matter in the court of appeals for a period of one year after the service. Neither the act of serving as a reserve judge, nor the performance of conciliation or pretrial duties under section 807.09 of the statutes affects his or her eligibility to engage in the practice of law.

**SCR 11.08 [Deleted.]**

Amended December 29, 1980; November 1, 1982; July 1, 1983; March 21, 1986; June 10, 1987; November 6, 1990; April 10, 2001; November 14, 2001; January 23, 2002; and November 14, 2007.