

**STATE OF WISCONSIN
SUPREME COURT**

In the matter of:

**The petition of the State Bar of Wisconsin
proposing revisions to SCR 13.015 and SCR 13.045
concerning the assessment on attorneys for WisTAF**

PETITION FOR REVISION OF SUPREME COURT RULES 13.015 AND 13.045

To: The Honorable Justices of the Supreme Court

The State Bar of Wisconsin petitions the Court for a revision to Supreme Court Rules 13.015 and 13.045 governing the assessment on attorneys for WisTAF. In April 2006, State Bar President D. Michael Guerin appointed a task force to study issues related to the Wisconsin Supreme Court's order, effective March 18, 2005, to collect \$50 annually from all active-licensed attorneys to provide funding for civil legal services for people who cannot afford an attorney. The State Bar collects the \$50-supreme court assessment on its dues statement and pays it to the Wisconsin Trust Account Foundation (WisTAF) via the Public Interest Legal Services Fund.

President Guerin's charge to the task force was to review possible revisions including, "modifying the current rule to allow attorneys the option of donating to a specific law-related civil legal services entity other than WisTAF; making uniform or otherwise modifying the classes of membership that pay the assessment to WisTAF; permitting credit for nonresident members who must pay a similar assessment in their home state; or any other responses that may be appropriate."

Task force members included: James C. Boll Sr., Madison, chair; President-elect Thomas Basting, Madison; Andrew Chevez, West Allis; Rex Ewald, Monroe; Ken Knudson, Superior; President Steve Levine, Madison; and John P. Macy, Waukesha.

The task force advanced six possible modifications to the State Bar's Board of Governors at the December 2006 BOG meeting. On March 9, 2007, the Board of Governors approved two of the six modifications; those modifications are presented to the Court in this petition. The Board of Governors requests that the Supreme Court modify Supreme Court Rule 13.045 so that:

1. Attorneys who are currently subject to the WisTAF assessment be allowed the option of donating money to a specific law-related civil legal service entity other than WisTAF. (The Board of Governors approved this proposal on a 29-11 vote.)

2. The classes of membership subject to the assessment be modified to include all judicial members. (The Board of Governors approved this proposal on a voice vote, with one member abstaining.)

PROPOSED AMENDMENTS:

SCR 13.015 In this chapter, unless the context otherwise requires:

(4m) “Law Related Civil Legal Service Entity” means a not for profit entity granted status as a 501(c)(3) entity for tax purposes by the Internal Revenue Service, whose stated mission is to provide direct legal services to persons of limited means in non-criminal matters. Qualification under this definition shall be determined by criteria established by the Board of Governors of the State Bar of Wisconsin.

SCR 13.045 Assessment of attorneys for fund; enforcement. (1) Annual assessments. Commencing with the State Bar’s July 1, 2005 fiscal year, every attorney who is an active member **or judicial member** of the state bar, ~~and all Supreme Court Justices,~~ shall pay to the fund an annual assessment, to be determined by the supreme court. The assessment shall be \$50.00. ~~Emeritus members, judicial members, and inactive members of the state bar are excused from the annual assessment. An attorney whose annual state bar membership dues are waived for hardship shall be excused from the payment of the annual assessment for that year. An attorney shall be excused from the payment of the annual assessment for the first fiscal year during which he or she is required to pay dues and assessments.~~ **for any year for which:**

- (a) **The attorney’s annual state bar membership dues are waived for hardship; or**
- (b) **The attorney is required to pay dues and assessments for the first time; or**
- (c) **The attorney certifies on such attorney’s annual State Bar dues statement that during the fiscal year immediately proceeding such year the attorney has donated the sum of at least \$50.00 to a law related civil legal service entity other than WisTAF with eligible programs for the purposes specified in SCR 13.03(2)(a)(1).**

(2) Collection: Failure to pay. The annual assessment shall be collected at the same time and in the same manner as the annual membership dues for the state bar are collected, together with the assessments imposed to pay the costs of the lawyer regulation system and the continuing legal education function of the board of bar examiners, as set forth in SCR 10.03 (5) (a). An attorney who fails to timely pay the annual assessment shall have his or her right to practice law suspended pursuant to SCR 10.03 (6).

(3) Reinstatement. An attorney suspended from the practice of law for failure to pay the annual assessment may petition for reinstatement pursuant to SCR 10.03 (6m).

Respectfully submitted, this 8th day of May, 2007.

A handwritten signature in black ink, appearing to read "Thomas J. Basting, Sr.", written in a cursive style.

ATTY. THOMAS J. BASTING, SR.
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