

APPENDIX B

PROPOSAL FOR OFFICE OF LAWYER REGULATION REFERRALS TO THE WISCONSIN LAWYERS ASSISTANCE PROGRAM

SCR 21.03 OFFICE OF LAWYER REGULATION – director

Add a new subsection, subsection (9)

(9) The director, with notice to the lawyer concerned, may refer a lawyer to the Wisconsin Lawyers Assistance Program for any of the following reasons.

(a) The lawyer has agreed to enter an alternative to discipline program and the director determines that the Wisconsin Lawyers Assistance Program would be the appropriate entity to monitor conditions.

(b) The lawyer is subject to conditions on the continued practice of law or conditions on seeking license reinstatement and the director determines the Wisconsin Lawyers Assistance Program would be the appropriate entity to monitor conditions.

(c) The lawyer has pleaded impairment or medical incapacity in response to an investigation or a complaint.

(d) The lawyer has exhibited or engaged in other behavior that provides a reasonable belief that the lawyer may be impaired or incapacitated.

SCR 21.19 – Privileges, immunity.

Amend the rule, changing the third sentence to read as follows:

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 ~~attorneys~~ 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.

SCR 22.40 - Confidentiality

Add a Subsection:

(7) The director may provide relevant information to the Wisconsin Lawyers Assistance Program when making a referral pursuant to SCR 21.03 (9).