

**STATE OF WISCONSIN
SUPREME COURT**

In the matter of:

**The petition of the State Bar of Wisconsin
proposing revisions to SCR 12.02(6) and SCR 12.03(7)
concerning the Lawyers Assistance Corporation.**

PETITION FOR REVISION OF SUPREME COURT RULE 12.02(6) AND 12.03(7)

To: The Honorable Justices of the Supreme Court

The State Bar of Wisconsin petitions the Court for a revision to Supreme Court Rules 12.02(6) and 12.03(7), concerning the relationship of attorneys appointed as trustees to handle the law practices of sole practitioners who have died, disappeared or become medically incapacitated and the Lawyers Assistance Corporation, which was created by the State Bar of Wisconsin in response to these Rules. The Board of Governors approved this petition on February 26, 2010, by a unanimous vote, adopting the recommendation of the board of directors of the Corporation.

A memorandum supporting this petition is attached.

Proposed Change

SCR 12.02 Sole practitioners; medical incapacity.

(6) The trustee attorney appointed under sub.(1)(a) shall ~~be an employee of the Lawyers Assistance Corporation, a nonstock, nonprofit corporation created by the state bar of Wisconsin. That corporation shall procure and maintain professional liability insurance coverage through a Wisconsin-admitted legal malpractice insurance carrier, which coverage shall insure all trustee attorneys acting under this section. In addition, each trustee attorney shall have his or her own professional liability coverage with a carrier admitted to do insurance business in this state and whose coverage language clearly covers the work of the trustee attorney acting under this section, which individual coverage shall act as secondary coverage only.~~

SCR 12.03 Sole practitioners; death or disappearance.

(7) The trustee attorney appointed under sub. (1)(a) or (2)(a) shall ~~be an employee of the Lawyers Assistance Corporation, a nonstock, nonprofit corporation created by the state bar of Wisconsin. That corporation shall procure and maintain professional liability insurance coverage through a Wisconsin-admitted legal malpractice insurance carrier, which coverage shall insure all trustee attorneys acting under this section. In addition, each trustee attorney shall have his or her own professional liability coverage with a carrier admitted to do insurance business in this state and whose coverage language clearly covers the work of the trustee attorney acting under this section, which individual coverage shall act as secondary coverage only.~~

In addition, the State Bar of Wisconsin is authorized, in its discretion, to dissolve the Lawyers Assistance Corporation.

Respectfully submitted, this 29th day of June, 2010



Douglas W. Kammer
President, State Bar of Wisconsin
PO Box 7158
Madison WI 53707-7158