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VIA E-MAIL AND MAIL
Clerk of the Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

RECEIVED
SEP 10 2013
CLERK OF SUPREME COURT
OF WISCONSIN

Re: Rule petition 13-04, Petition to amend rules relating to referees in the Lawyer Regulation System

Dear Sir/Madam:

I write in response to Ms. Rich's August 5 letter soliciting comments on petition 13-04 and in the support of that petition.

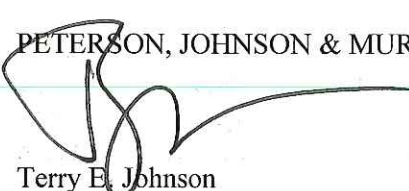
I have handled a number of hearings before referees on complaints brought by the Office of Lawyer Regulation. In general I have found the quality of the work done by the referees to be very good, even when, unfortunately, some of these proceedings have resulted in determinations adverse to my client. However, if there is a weakness with some referees, it is that hearings are not conducted strictly in accordance with the rules of evidence and are sometimes conducted in a fashion that departs significantly and inappropriately from trial proceedings. I attribute those departures to the fact that a significant number of referees who have never been judges and appear not to have had any significant trial experience. The risk of these problems in hearings in the future would be reduced, if not eliminated, if the petition were granted and appropriate reserve judges or lawyers with substantial trial experience were exclusively utilized as referees.

If I have any disagreement whatsoever with the petition, it is the description of the appropriate qualifications for referees who are not reserve judges as attorneys with trial or litigation experience. While most lawyers with substantial litigation experience are also lawyers with substantial trial experience, that is not universally true. In my mind, having substantial experience in how trials are conducted and in the use and application of the rules of evidence is the important criteria. A lawyer who has substantial litigation experience but little trial experience would in my opinion not meet that criteria.

I thank you for this opportunity to comment and for the court's consideration of my comments.

Very truly yours,

PETERSON, JOHNSON & MURRAY, S.C.


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