



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

Nancy A. Kopp
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Commissioners

Telephone (608) 266-7442

August 5, 2013

To: State Bar of Wisconsin – President
Board of Administrative Oversight
Office of Lawyer Regulation

Re: Rule Petition 13-05, Petition to Create Procedure for Enforcement of Supreme Court Disciplinary Orders

Dear Petitioners:

I am assisting the Wisconsin Supreme Court with its consideration of your rule petition requesting the court create a procedure for enforcement of its disciplinary orders (Rule Petition No. 13-05), which you filed on May 29, 2013. The court briefly discussed this petition in open rules conference on June 11, 2013, and has requested that I seek additional information about your request. The court requested more specific information about how this proposal would work in practice. Your response to the following issues or questions is sought at this time:

- How do other states enforce disciplinary orders?
- How does the OLR currently handle issues arising relating to enforcement of disciplinary orders?
- How often do you anticipate the OLR would need to invoke the proposed rule?
- Proposed SCR 22.18m provides for the filing of a “motion for contempt or enforcement.” When might a motion for contempt be appropriate? When would a motion for enforcement be appropriate?
- Should such a motion be verified and/or supported by affidavit?
- Does the petition contemplate enforcement of all kinds of disciplinary orders or only orders imposing a financial obligation such as fees, costs, or restitution? In particular, should the proposal encompass enforcement of a lawyer’s failure to comply with an order imposing conditions related to medical issues, mental health, substance abuse, and/or addiction-related matters?
- How does this proposal relate to SCR 21.16(2m)(c)?
- Would this proposal be used to assist private victims of attorney misconduct who have been unable collect court ordered restitution?

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- Whether the amendments will have retroactive application?
- Comments from the Legislative Reference Bureau were previously provided by e-mail on June 3, 2013. Keith Sellen responded by e-mail on June 3, 2013, on behalf of the OLR. The joint petitioners are asked to please respond to the comments with any amendments they deem necessary. If there are no additional comments, please state that fact. Thank you.

Please file your response(s) by September 30, 2013, with the Clerk of Supreme Court, Attention: Carrie Janto, Deputy Clerk, P.O. Box 1688, Madison, WI 53701-1688. If possible, e-mail a Microsoft Word version of the response(s) to carrie.janto@wicourts.gov or clerk@wicourts.gov.

The court may request further information prior to a public hearing or open rules conference. The court has scheduled this rule petition for a public hearing on Friday, October 25, 2013, at 9:30 a.m., in the Supreme Court Room in the State Capitol, Madison, Wisconsin, to discuss this matter. The court may take any action it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.
- (c) Circulate the rule petition for comment without a public hearing.
- (d) Refer the rule petition to another entity for its review and recommendation.
- (e) Request further information or analysis from the petitioner or interested persons or entities.

You might wish to consult the court's Web site at <http://wicourts.gov/scrules/supreme.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office are posted on the Web site.

If you have specific questions regarding this request, please contact me at (608) 261-6641 or julie.rich@wicourts.gov.

Yours very truly,

/s/

Julie Anne Rich

Supreme Court Commissioner

cc: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David T. Prosser, Jr.
Justice Patience Drake Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman

List of Interested Parties for Supreme Court Rules Matters

Board of Bar Examiners
Chief Circuit Court Judges
Circuit Court Judges
Court of Appeals Judges
Court of Appeals, Attention: Chief Staff Attorney
Director of State Courts
Legal Action of Wisconsin, Attention: John F. Ebbott
League of Women Voters
Marquette Law School, Attention: Joseph D. Kearney
Office of State Public Defender, Attention: Kelli S. Thompson
Office of the Attorney General, Attention: J.B. Van Hollen
U.W. Law School, Attention: Margaret Raymond
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Western District Bar Association of Wisconsin, Attention: Lynn M. Stathas
Wisconsin Asian Bar Association, Attention: Arman S. Rouf
Wisconsin Association for Justice, Attention: Jane E. Garrott, Executive Director
Wisconsin Association of African American Lawyers, Attn: Jazmin Taylor
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Alice Rudebusch
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Clerks of Circuit Court Association, Attention: Pamela Radtke
Wisconsin Counties Association, Attention: David Callender
Wisconsin Defense Counsel, Attention: Jane Svinicki and Andy Cook
Wisconsin District Attorneys Association, Attention: Diane Schlipper, Executive Director
Wisconsin Family Court Commissioners Association, Attention: Sandra Grady, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Adria D. Maddaleni
Wisconsin Judicare, Inc., Attention: Rosemary Elbert
Wisconsin Judicial Commission, Attention: James Alexander
Wisconsin Judicial Council, Attention: April Southwick
Wisconsin Juvenile Court Clerks Association, Attention: Joy Pecha
Wisconsin Municipal Judges Association, Attention: Honorable Scott Letteney
Wisconsin Registers in Probate Association, Attention: Amy Franzen
Wisconsin State Attorneys Association, Attention: Francis X. Sullivan
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuench
Wisconsin Tribal Judges Association, Attention: Amanda Rockmann, President
Christian Gossett, Winnebago County District Attorney
Steven Levine, Attorney
Badger State Sheriffs Association, Attention: Executive Director
Wisconsin Sheriff & Deputy Sheriff Association, Attention: James I. Cardinal, Exec. Dir.
Wisconsin Newspaper Association, Attention: Executive Director

List of Additional Interested Parties – if any

Supreme Court Commissioners
Diane M. Fremgen, Clerk of Wisconsin Supreme Court
Linda Albert, WisLAP