

Referees Proposed Internal Operating Procedures

VI. Attorney Regulatory Process

A. Referees

1. **Qualifications of Referees.** Individuals appointed to serve as referees in attorney regulatory matters will be granted the powers of and have many of the same obligations as a trial court judge presiding over and trying a civil action from initiation through trial/hearing and decision. See SCR 22.16(1). In appointing individuals to the panel of referees, the court therefore looks for individuals with relevant experience and demonstrated ability to handle case-management and trial responsibilities. Individuals appointed to the panel of referees shall be members of the State Bar of Wisconsin in good standing. The court generally prefers candidates with a minimum of ten years of experience participating in trials. Such experience may have been gained in a variety of ways, including presiding over trials as a judge, participating in trials as a practitioner, or presiding over administrative or regulatory matters as a referee or an administrative law judge.

2. **Application for and Appointment to Panel of Referees.** Every two years, at least 75 days prior to the expiration of the terms of certain referees, the court issues a call for applications for appointment to the panel of referees. To referees whose terms are about to expire, the court sends a letter asking whether the individual wishes to be considered for reappointment to another term and whether the individual wishes to supplement his/her prior application. The court also places public notices inviting interested individuals to submit a written application for appointment to the panel of referees. At least 20 days prior to the start of the term, the court then appoints referees for the upcoming four-year term from the pool of individuals who have applied. The court maintains the written application form on its website. Referee applications are not made public.

3. **Appointments to Replace a Referee on the Panel.** If there is an opening in the panel of referees, the court appoints an individual to the panel of referees to serve out the remainder of the four-year term. The court may appoint an individual from the pool of applications from the most recent appointment process or may issue a special call for the submission of written applications.

4. **Assignment of Referees.** In assigning referees to particular matters, the clerk or deputy clerk of the supreme court considers the geographic location of the respondent attorney and the availability of potential referees, and discusses with potential referees whether any conflict of interest would lead the referee to recuse himself or herself if appointed. Subject to these considerations, the clerk or deputy clerk of the supreme court seeks to maintain a uniform distribution of matters among the referees on the panel. The chief justice or, in his or her absence, the chief justice's delegee signs the appointment order but typically is not otherwise involved in the referee assignment process for a particular matter.

5. **Training of Referees.** Training programs for referees shall be administered by the judicial education office, with the assistance of the supreme court commissioners. The director of judicial education may establish a committee to plan the referee training programs. While the subject(s) of any one training program shall be established by the judicial education office or the

committee, training sessions generally provide information about how to maintain a record; the handling of pretrial matters; the conduct of evidentiary hearings, including making evidentiary rulings; how to draft reports, including how to make findings of fact, conclusions of law, and recommendations; and other matters pertaining to the responsibilities of serving as a referee.

The training programs are held once every other year, typically within 60 days of the start of the new term for referees. The training program for new appointees to the panel of referees (new referee orientation seminar) is a half-day program. The training program for all referees on the panel is a half-day program that follows the program for new appointees. The judicial education office endeavors to allow live, remote participation in the training programs.