



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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MADISON, WISCONSIN 53703

Nancy A. Kopp
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Commissioners

Telephone (608) 266-7442

March 29, 2019

To: Interested Persons – See Attached List

Re: Rule Petition 19-05, Petition of the OLR Procedure Review Committee for an order repealing and recreating SCR 22.12 and SCR 22.17, amending SCR 21.09(1), SCR 21.16(2)(c), SCR 22.21(4), SCR 22.22(2)(b), (3)(intro) and (b), and (6), SCR 22.24(1), (1m)(intro), (2), and (3), creating SCR 21.08(1)(b), 21.09(1m), 22.16(6)(b) and (7)(b), 22.22(2m) and (4m), and 22.23(1m), renumbering and amending SCR 21.08(1), and 22.16(6) and (7). (Referee Authority)

Greetings:

In 2016, the Wisconsin Supreme Court established a committee to review Office of Lawyer Regulation (OLR) procedures and structure ("Committee"), and directed the Committee to report to the Court recommendations that would increase the efficiency, effectiveness, and fairness of the OLR process. The Honorable Gerald P. Ptacek was appointed as the Committee's chair. In October 2018, the Committee forwarded its final report to the Court. On March 13, 2019, nine administrative rule petitions were filed, proposing various changes to existing OLR rules and procedures. This letter pertains to one of those rule petitions.

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 19-05 filed March 13, 2019, by Judge Ptacek, Chair, on behalf of the Committee. The petition asks the court to consider modifying the Supreme Court rules to afford referees more authority to rule on certain matters. The Committee recognizes the significance of these proposed modifications and recommends deferring a decision or implementation until referee training rules have been decided and established. The court is currently seeking preliminary input on this petition to assist in the consideration of other rule petitions.

You have received this letter because you or your agency or organization has been identified as potentially having an interest in this matter. A copy of the petition can be found on the court's website at <https://www.wicourts.gov/scrules/pending.htm>.

At the closed rules conference on March 21, 2019, the court conducted a preliminary discussion of this matter and voted to obtain written comments and schedule a public hearing. The public hearing will be conducted on June 6, 2019. Please note, the court may take any action on a rule petition 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.
- (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.

Any comment to the rule petition should be filed by April 26, 2019, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, email a Microsoft Word version of your response to clerk@wicourts.gov. See comment guidelines at the court's website at <https://www.wicourts.gov/scrules/petitioncomment.htm>. The petitioners may file any response to the comments by May 10, 2019.

You might wish to consult the court's website at <https://www.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 will be posted on the website.

If you have specific questions or other comments regarding this matter, please contact me by mail at P.O. Box 1688, Madison, WI 53701-1688, by telephone at 608-261-6642, or by email at julie.rich@wicourts.gov.

Very truly yours,

/s/

Julie Anne Rich

Supreme Court Commissioner

cc: Chief Justice Patience Drake Roggensack
Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice Annette Kingsland Ziegler
Justice Rebecca Grassl Bradley
Justice Daniel Kelly
Justice Rebecca Frank Dallet
Judge Gerald P. Ptacek
Peggy Hurley, Court Operations

List of Interested Persons for Supreme Court Rules Matters

Badger State Sheriffs Association, Attention: Executive Director
Board of Bar Examiners
Chief Circuit Court Judges
Christian Gossett, Winnebago County District Attorney
Circuit Court Judges
Court of Appeals, Attention: Chief Staff Attorney
Court of Appeals Judges
Deputy Director of Court Operations, Diane M. Fremgen
Court Operations, Kat Carpenter
Court Operations, Peggy Hurley
Court Operations, Ann Olson
Dean Dietrich, Attorney
Clerk of Supreme Court and Court of Appeals, Sheila T. Reiff
Director of State Courts, Honorable Randy Koschnick
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Hamilton Consulting Group, Attention: Andrew C. Cook
Legal Action of Wisconsin, Attention: David Pifer, Executive Director
Legal Aid Society of Milwaukee, Attention: Colleen Foley, Executive Director
Marquette University Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation, Attention: Keith Sellen, Director
Office of State Public Defender, Attention: Kelli S. Thompson
Office of State Public Defender, Attention: Jeremy C. Perri
Office of the Attorney General, Attention: Terri Surita
State Bar of Wisconsin, Attention: Larry Martin, Executive Director
State Bar of Wisconsin, Attention: Lisa Roys, Public Affairs Director
State Bar of Wisconsin, Attention: Christopher E. Rogers, President
Steven Levine, Attorney
University of Wisconsin Law School, Attention: Margaret Raymond
Western District Bar Association of Wisconsin, Attention: Ann Peacock
Wisconsin Asian Bar Association, Attention: Robin Dalton
Wisconsin Association for Justice, Attention: Bryan Roessler, Executive Director
Wisconsin Association of African American Lawyers, Attn: Jessica Butler
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Susan Schaubel
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Bankers Association, Attention: Rose Oswalk Poels, CEO
Wisconsin Clerks of Circuit Court Association, Attention: Penny Carter
Wisconsin Counties Association, Attention: Marcie Rainbolt
Wisconsin Defense Counsel, Attention: Jane Svinicki, Executive Director
Wisconsin District Attorneys Association, Attention: Greta Mattison, Executive Director
Wisconsin Family Court Commissioners Association, Attention: David Pruhs, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Cynthia Herber
Wisconsin Judicare, Inc., Attention: Kimberly Haas, Executive Director
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke
Wisconsin Judicial Council, Attention: Thomas W. Bertz
Wisconsin Juvenile Court Clerks Association, Attention: Samuel Christensen
Wisconsin Municipal Judges Association, Attention: Honorable Robert Kupfer
Wisconsin Newspaper Association, Attention: Beth Bennett, Executive Director
Wisconsin Registers in Probate Association
Wisconsin Sheriffs & Deputy Sheriffs Association, Attention: Sandy Schueller
Wisconsin State Attorneys Association, Attention: John Gelhard

Wisconsin Trial Judges Association, Attention: Honorable Gregory Gill, Jr.
Wisconsin Tribal Judges Association, Attention: Honorable Eugene White-Fish, President

Additional Interested Persons

Gerald P. Ptacek, Chair, OLR Procedure Review Committee
Jacquelynn B. Rothstein, Chair, Reinstatement, and Referees' Subcommittee
Paul Schwarzenbart, Chair, Charging Process Subcommittee
Marsha Mansfield, Chair, OLR Process Subcommittee