



STATE BAR OF WISCONSIN

Leaders in the Law. Advocates for Justice.®

September 25, 2019

Sent Via Electronic Mail and Regular Mail

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688
clerk@wicourts.gov

RE: Position of State Bar of Wisconsin Regarding Rule Petition 19-10 Submitted by OLR
Process Review Committee

Dear Clerk of Supreme Court:

We are writing on behalf of the Board of Governors of the State Bar of Wisconsin in regard to Petition 19-10 submitted by the OLR Process Review Committee. We have previously communicated with the Court indicating that the Board of Governors of the State Bar of Wisconsin would be reviewing this matter at its meeting on September 21 (see attached correspondence).

The Board of Governors of the State Bar of Wisconsin debated the merits of Petition 19-10 at its meeting on September 21. After extensive debate, the Board of Governors passed a motion (by a vote of 32 - 9) to oppose Petition 19-10. The Board of Governors recognizes the discretion vested in the Supreme Court to oversee the conduct of Wisconsin lawyers but does not support the adoption of a new Supreme Court Rule 21.16(1m)(a), which provides for the permanent revocation of an attorney's license.

The background for the action of the Board of Governors includes the following:

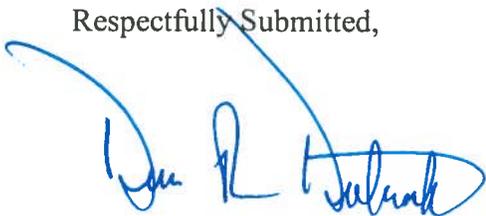
- While the Board of Governors recognizes that some behaviors may warrant permanent revocation of the license of an individual to practice law in Wisconsin, the Board also believes that the current procedure which would allow a lawyer to seek reinstatement of a law license after a period of five years provides a proper vehicle for the Supreme Court to exercise discretion regarding the appropriateness of an individual being licensed to practice law in Wisconsin. The Board of Governors believes that the Supreme Court properly exercises its discretion when considering the possible reinstatement of a license and believes that the process used by the Court to review the reinstatement request actually provides a far greater factual background and basis for making a decision on whether or not an individual should be allowed to practice law in Wisconsin;

- The Board of Governors is concerned about the lack of clear circumstances or situations that would warrant consideration of a permanent revocation of a law license and believes that there should be more clarity regarding potential areas of lawyer conduct that would form the basis for consideration of the permanent revocation of a law license;
- The Board of Governors is also concerned that the limited procedures and process for consideration of the permanent revocation of a license places a lawyer at an inappropriate disadvantage if the lawyer is not notified that the Office of Lawyer Regulation and/or the Supreme Court is considering the permanent revocation of a license such that the lawyer may not be adequately informed of the potential for a permanent revocation in order to effectively address that consideration before the Court.
- The Board of Governors believes that every lawyer should be given the opportunity to request the Court to consider reinstatement of a revoked license based upon the conduct and the rehabilitation efforts undertaken by the lawyer after revocation of the law license.

Based upon these considerations, the Board of Governors of the State Bar of Wisconsin opposes the creation of SCR 21.16(1m)(a) as identified in Petition 19-10. The Board of Governors supports the current reinstatement procedure used by the Supreme Court when considering whether or not a particular person should be allowed to practice law in Wisconsin.

Thank you for considering this matter. We respectfully request the opportunity to present this information and answer any questions that the Court may have at the Hearing on October 29, 2019.

Respectfully Submitted,



Dean R. Dietrich
State Bar of Wisconsin
Board of Governors



STATE BAR OF WISCONSIN
Leaders in the Law. Advocates for Justice.®

September 11, 2019

Sent Via Electronic Mail and Regular Mail

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688
clerk@wicourts.gov

RE: Written Comments Regarding Rule Petition 19-10 of the OLR Process Review
Committee and the Subcommittee on Process

Dear Clerk of Supreme Court:

We are writing on behalf of the Board of Governors of the State Bar of Wisconsin to provide comments regarding Rule Petition 19-10. This Rule Petition provides a procedure for the Court to decide that the license of an attorney may be permanently revoked thereby preventing the attorney from seeking reinstatement of his/her law license at any time.

The Board of Governors of the State Bar of Wisconsin is meeting on Saturday, September 21 for a final discussion regarding the content of this Rule Petition. We respectfully request the opportunity to supplement this letter with further information after the Board of Governors has had an opportunity to fully discuss and deliberate regarding the content of this Rule Petition.

We also respectfully request the opportunity to present further information to the Court at the time that this matter is scheduled for hearing before the Court.

Respectfully Submitted.

A handwritten signature in black ink that reads "Dean R. Dietrich".

Dean R. Dietrich
State Bar of Wisconsin
Board of Governors