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November 24, 2009

**BY HAND DELIVERY AND
VIA E-MAIL**

Theresa M. Owens
Executive Assistant to the Chief Justice
16 East State Capitol
P.O. Box 1688
Madison, WI 53701-1688

Rule Petitions 08-25 and 09-10

Dear Ms. Owens:

A draft order is under consideration by the Supreme Court granting the Wisconsin Realtors Association's (the "Realtors") Rule Petition 08-25 and Wisconsin Manufacturers & Commerce's ("WMC") Rule Petition 09-10 and making the formal amendments to the rules in the Code of Judicial Conduct as proposed by the Realtors and WMC. We write to note an inconsistency in the two rule petitions. While Rule Petition 08-25 refers to campaign contributions from "an individual or entity involved in the proceeding," Rule Petition 09-10 refers to independent communications sponsored directly or indirectly by "a party to the proceeding." This inconsistency was inadvertent.

While we have no objection to the language adopted by the Court in its conference, we also have no objection to a modification so that the new rules are consistent in their wording. For both petitioners, we intended no different treatment in the two rules. Accordingly, the rule proposed in Rule Petition 09-10 could be amended to read as follows, with the changes to the original text of Rule Petition 09-10 highlighted:

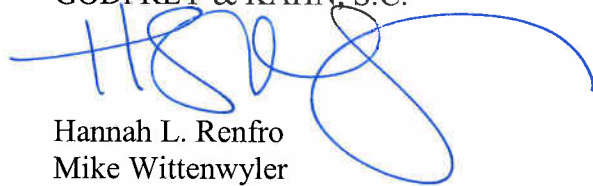
EFFECT OF INDEPENDENT COMMUNICATIONS. A judge shall not be required to recuse himself or herself in a proceeding where such recusal would be based solely on ~~a party to the proceeding's~~ the sponsorship of an independent expenditure or issue advocacy communication (collectively, an "independent communication") ~~by an individual or entity involved in the proceeding or by a party to the proceeding donating a donation to an organization that sponsors an independent communication by an individual or entity involved in the proceeding.~~

Theresa M. Owens
November 24, 2009
Page 2

This change would eliminate any inconsistency. As always, please do not hesitate to contact us with any questions.

Kindest regards,

GODFREY & KAHN, S.C.

A handwritten signature in blue ink, appearing to read 'H. Renfro', with a large, stylized flourish extending to the right.

Hannah L. Renfro
Mike Wittenwyler

cc: Virginia Bartelt