

# SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 08-27 and 06-09

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In the matter of amendment of Supreme Court Rule 10.03(3) relating to classes of membership in the State Bar.

**FILED**

**NOV 24, 2009**

In the matter of the petition of the United States Administrative Law Judges Appointed under 5 U.S.C. § 3105 to Amend SCR 10.03(3)(a).

David R. Schanker  
Clerk of Supreme Court  
Madison, WI

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On April 12, 2007, this court asked the State Bar of Wisconsin (State Bar) to study State Bar judicial membership classification and report back to the court with a recommendation.<sup>1</sup> On September 1, 2007, then-State Bar President Thomas Basting, Sr., appointed a State Bar Membership Categories

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<sup>1</sup> The court's request derived from rule petition 06-09, In the Matter of the Petition of the United States Administrative Law Judges Appointed Under 5 U.S.C. § 3105 to Amend SCR 10.03(3)(a). In that petition five federal administrative law judges asked the court to amend SCR 10.03(3) to explicitly provide that they could elect judicial membership status. At the April 12, 2007, public hearing on this petition, questions were raised about judicial membership under SCR 10.03(3). The court requested the State Bar study judicial membership classification under SCR 10.03(3).

Committee to study the issue further.<sup>2</sup> On May 7, 2008, the committee presented its recommendations to the State Bar's Board of Governors. On September 12, 2008, the Board of Governors approved the modifications.

On October 31, 2008, the State Bar, by its then-President, Diane S. Diel, filed this petition asking the court to amend Supreme Court Rule (SCR) 10.03(3) relating to classes of membership in the State Bar.

The court conducted a public hearing on the petition on October 29, 2009. At the open administrative conference following the public hearing, the court discussed this petition, together with Rule 06-09, In the Matter of the Petition of the United States Administrative Law Judges Appointed Under 5 U.S.C. § 3105 to Amend SCR 10.03(3)(a). The court voted unanimously to adopt the petition. Therefore,

IT IS ORDERED that, effective March 1, 2010, the Supreme Court Rules are amended as follows:

**SECTION 1.** SCR 10.03 (3) (a) of the Supreme Court Rules is amended to read:

SCR 10.03 (3) (a) The members of the state bar are divided into 4 classes: active members, judicial members, inactive members and emeritus members. The class of active members includes all members of the state bar except the judicial

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<sup>2</sup> Committee members included: Kent Carnell, Madison, chair; James Alexander, Madison; Ronald Bernoski, Milwaukee; George Brown, Madison; Margaret Carlson, Madison; Lori Gendelman, Milwaukee; G. Jeffrey George, La Crosse; David Hass, Madison; John Kosobucki, Madison; Jacquelynn Rothstein, Madison; and Keith Sellen, Madison.

members and inactive members. The class of inactive members includes those persons who are eligible for active membership but are not engaged in the practice of law in this state and have filed with the secretary of the association written notice requesting enrollment in the class of inactive members. ~~Judges of courts of record, full-time family court commissioners, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges~~ The class of judicial members includes the following persons: supreme court justices, court of appeals judges, circuit court judges, full-time circuit court commissioners, full-time municipal court judges, supreme court commissioners, court of appeals staff attorneys, federal district court judges, federal appellate court judges, federal bankruptcy judges, federal magistrate judges, federal administrative law judges, and retired justices and judges who are eligible for temporary judicial assignment and are not engaged in the practice of law ~~are classed as judicial members, except that any~~. Any judicial member may elect to become an active member with all rights of active membership except to hold office as an officer or governor or to practice law. The class of emeritus members includes those persons who are either active or inactive members in good standing but who are at least 70 years of age and have filed with the executive director of the association a written notice requesting enrollment in the class of emeritus members. An emeritus member has all the privileges of membership in the state bar and need not pay

membership dues for the years following the year in which he or she attains the age of 70.

**SECTION 2.** SCR 10.03 (3) (bm) of the Supreme Court Rules is created to read:

SCR 10.03 (3) (bm) Any inactive member in good standing may change his or her classification to that of an emeritus member if otherwise qualified to become an emeritus member provided that no inactive member who has not actively practiced law in this state or in another state during the last two years may be transferred to emeritus status until the board of bar examiners certifies that the member has completed the continuing legal education requirements required for transfer to active status and the transfer is approved by the supreme court.

IT IS ORDERED that notice of the amendment of SCR 10.03(3)(a) and creation of SCR 10.03(3)(bm) be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

IT IS FURTHER ORDERED that rule matter 06-09, In the Matter of the Petition of the United States Administrative Law Judges Appointed Under 5 U.S.C. § 3105 to Amend SCR 10.03(3)(a), is dismissed.

Dated at Madison, Wisconsin, this 24th day of November,  
2009.

BY THE COURT:

David R. Schanker  
Clerk of Supreme Court

