



Law Office of Theodore D. Kafkas

P.O. Box 320072
Franklin, Wisconsin 53132
(414) 751-4304

kafkaslaw@gmail.com

October 30, 2017

Via Email to: clerk@wicourts.gov

Honorable Justices of
Supreme Court, State of Wisconsin
16 East State Capitol
PO Box 1688
Madison, WI 53701-1688

Re: Petition No. 17-04

Dear Justices,

I respectfully request that the Supreme Court please grant Atty. Steven Levine's petition to repeal SCR 10.03(5)(b), to adopt a new SCR 10.03(5)(b)-(e), and to amend SCR 10.03(6) as follow: Adopt SCR 10.03(5)(b)-(e) for the following reasons:

1. Constitution. First and most importantly, under the U.S. and Wisconsin Constitution, attorneys should not be required to pay non-regulatory dues to the State Bar of Wisconsin. Attorneys should have the liberty and freedom to choose whether or not to belong to non-regulatory organizations.

2. Why does it matter? I personally oppose mandatory dues to the State Bar of Wisconsin because of the following:

a. Freedom of commerce brings the best services. Competition is good. If attorneys have the freedom to choose, new non-regulatory bar associations and other organizations will compete and provide a variety of cost-efficient services. Attorneys would be better served which would result in better services to the public.

b. Unreasonable financial burden on attorneys - public is negatively affected. Many unreasonably large costs of the State Bar of Wisconsin are passed on to members. Years ago, I tried to find out how much the president and executive director were paid. I understand that the president is elected and not paid. (Note: I use the terms president, president-elect and past president interchangeably.) (However, one president told me that it was a large burden on his family and that the State Bar of Wisconsin had hired his wife as a paid staff of the State Bar of Wisconsin.) Years ago, I could not find out the amount the executive director was paid. Also years ago, I was told by a president of the State Bar of Wisconsin that even he could not find out how much the executive director was paid. The amount of member dues in the State Bar of Wisconsin is high because of the high costs within the State Bar of Wisconsin. For example, from a recent conversation with Steven Levine, I currently understand the executive director (who is not elected by the members) is paid somewhere between **\$200,000.00 to \$300,000.00/yr.** (Is the State Bar a nonprofit?) I have seen other large expenses for exorbitant trips and other things that are not very helpful (or not helpful at all) to members. Obviously, attorneys that are part-time, doing only pro bono, etc., are the most affected by these high costs. (I understand that the State Bar has recently allowed a hardship waiver for a maximum of 3 years. This is not the best solution. For example, what if the attorney is doing only pro bono for more than 3 years?) If these attorneys cannot afford the high State Bar dues and if these attorneys do not renew their licenses, the public loses the opportunity to have these part-time and pro bono

To: Wisconsin Supreme Court
Re: Petition No. 17-04
Oct. 30, 2017
Page 2 of 2

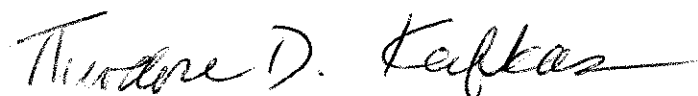
attorneys. What about other attorneys that can afford the high cost of the State Bar dues? The high State Bar dues are passed onto the public via increased legal costs by attorneys that do maintain their law licenses. So, with the high cost of State Bar dues, the difference between those people that can afford attorneys, and those that cannot afford attorneys, widens.

c. The State Bar of Wisconsin is unresponsive to the needs of members and has sections that are not democratic – the public is harmed. I understand that some sections within the State Bar of Wisconsin do not have contested elections. Years ago, I was told that some sections' boards just appoint themselves without elections. I also found that the sections just nominated themselves (or nominated those close to the board) to empty positions, so that elections are moot. So, becoming a board member has been basically by invitation only. Also years ago, I even received an email from someone on the State Bar Board of governors that questioned whether inclusive, fair and easily accessible elections historically lead to better efficiency and effectiveness. (I believe that it is a foundation of our nation's and the State of Wisconsin's principles that inclusive, fair and easily accessible elections are beneficial to governance.) The lack of a true republic/democratic governance in the State Bar of Wisconsin remains. For example, for the last election of the Elder Law Section of the State Bar of Wisconsin, when I indicated I was interested in running for the board, I was told by a person directly and highly involved with the section's board that people on the board would be mad if I ran. I also found that the Elder Law Section did not have a contested election in at least 10 years (as far back as records would go). I still gathered nominations. I was literally yelled at after I provided my nomination papers. I found the election process to be very difficult, biased and inappropriate. There is a clique mentality in many sections of the State Bar of Wisconsin. When I complained to the State Bar of Wisconsin (mother bar), I was told that the State Bar does not have much power over sections. What does it matter if there are elections in the sections of the State Bar of Wisconsin? The sections have dues that are largely non-responsive to the needs of members. (Note: The sections use the State Bar of Wisconsin's building, website, name, etc. This makes the sections strong and powerful.) This results in skewed economics for some types of law. Therefore, even though there are many attorneys that could work (supply) in areas of law that have high public demand, the public does not receiving needed legal services. In addition, I have personally been involved with a nonprofit legal services (I only write this personally and not for the nonprofit), and I found the State Bar's pro bono program to not be very helpful to serve the public.

d. The State Bar of Wisconsin has been political. The State Bar of Wisconsin has revealed to me many times over the years that a controlling faction has a political agenda. For example, years ago, I saw on the State Bar of Wisconsin website that Planned Parenthood was using a room in the State Bar of Wisconsin's building. When I called to question this use, I was told that the schedule was correct, but that only the room was used by the Planned Parenthood meeting.

I urge you to grant petition 17-04. Thank you for considering my opinion.

Respectfully Submitted,



Theodore D. Kafkas, State Bar #: 1001223
Attorney at Law