



Supreme Court of Wisconsin

LAWYER REGULATION SYSTEM BOARD OF ADMINISTRATIVE OVERSIGHT

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September 13, 2019

Wisconsin Supreme Court
16 East State Capitol
P.O. Box 1688
Madison, WI 53701

Messrs. and Mesdames Justices: Re: Petition 19-08

The Board of Administrative Oversight joins the OLR Procedure Review Committee in proposing that the Court adopt section 6 of Petition 19-08, repealing and recreating Supreme Court Rule 22.03(4).

1. Background. SCR 21.10(2) directs the Board to: "monitor the...efficiency of the attorney regulation system...[including] the time required for disposition of an allegation of attorney misconduct...report its findings to the supreme court...[and] propose for consideration by the supreme court [changes in]...procedural rules related to the regulation of lawyers."

Pursuant to such charge and the urgings of a Supreme Court Justice, the Board began its review of states' disciplinary systems in 2015, appointed a committee to address the Wisconsin system in 2016, acted on the committee's recommendations in 2017 and submitted its report to you and the OLR Procedure Review Committee (the "Study Committee") on January 5, 2018 (the "2018 Report"). Representatives of the Board discussed the 2018 Report with you in late January of that year, during a meeting you convened for the components of the disciplinary process.

To develop the 2018 Report, the Board's committee consulted with OLR officers, studied multiple analyses prepared by OLR, surveyed most every professional involved in the disciplinary process and personally interviewed many of those professionals (including attorneys who regularly represent respondents before OLR and the Court).

2. Findings and Recommendations. Our examination discovered that, during the periods studied, the duration of a contested disciplinary matter (from initiation to resolution) averaged 43 months. Finding the time consumed by a contested matter as undesirably

excessive--"justice delayed is justice denied"--the Board proposed 11 changes in the disciplinary process, six of which would require revisions in the Supreme Court Rules.

3. Petitions. The Study Committee submitted its report to the Court in 2018 and reduced its proposals to Petitions in 2019. The Study Committee addressed topics of a far broader scope than did the Board. Where, however, the Study Committee and Board's analyses intersected, the resulting proposals proved almost identical. The Study Committee's report and Petitions repeated all six of the Board's proposed Rule changes. Petitions 19-04 and 19-05 covered five of those changes and Petition 19-08, section 6, addresses the sixth.

In light of the above and for the reasons recited in the Petition plus supporting materials, the Board of Administrative Oversight respectfully urges that the Court adopt section 6 of Petition 19-08.

Respectfully submitted,

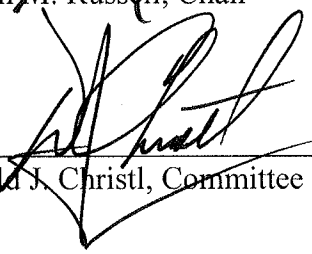
Board of Administrative Oversight

By:



Joseph M. Russell, Chair

By:



Donald J. Christl, Committee Chair

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cc Hon. Gerald P. Ptacek
Ms. Marsha M. Mansfield
Mr. Keith Sellen