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November 4, 2019

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

Mesdames and Messrs. Justices:

Re: Petition 19-08, section 3

I understand that you held for further consideration the proposal appearing in section 3 of Petition 19-08, the elimination of District Committees. Please entertain the following comments when examining that issue.

As with my earlier letter, I submit the following observations on only my own behalf, not as a representative of the Board of Administrative Oversight or of any other entity.

District 2 Committee. The District Committees extend back before the 2000 restatement of SCR Chapters 21 and 22, establishing OLR and the present disciplinary system. In fact, I served the maximum number of terms permitted as a member of the District 2 Committee (Milwaukee County), nine years, beginning in the early '90s. (To open one of my last District Committee meetings, the chair introduced then-Colonel Keith Sellen as Director of the newly created Office of Lawyer Regulation.)

During my membership, the Committee met monthly, considering two or more cases each meeting, over 30 matters per year. Individual Committee members interviewed grievants, respondents and witnesses. As panels, Committee members conducted investigative and reinstatement hearings. Marquette Law School students attended the Committee's public functions and, with appropriate approval from the parties, even otherwise private hearings. Over the years, the Committee's reports to BAPR and then OLR improved in format and sophistication. The Committee appeared to contribute significantly in advancing the cases considered, approached its responsibilities seriously and diligently--BAPR's Deputy Director for District 2, Jean Anne Danner, would have it no other way-- and, at times, rather creatively and

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innovatively. Committee members displayed an enthusiasm for their work and derived satisfaction from having contributed to the administration of justice.

Committee Duties. SCR 21.06(3) defines five duties for District Committees: educate the bar and public, report possible misconduct or medical incapacity, assist in investigations, monitor attorneys' compliance with (in effect) diversion requirements and resolve attorney-client disputes. In my years as a member, the District 2 Committee, the largest District Committee in the state, only assisted in investigations as described above. I know of no other District Committee performing any other function. (Although, at the invitation of OLR and seemingly unrelated to my having served on a District Committee, for two years I mentored an attorney upon the resumption of his practice following a suspension.)

Local Knowledge. Thorough investigation of some grievances requires sensitivity to local conditions and local practices. For example, a fee proven reasonable in Racine may prove surprisingly low in Milwaukee and, possibly, unreasonably high in Hayward. District Committees provided that local input. Over the decades, though, OLR investigators refined their ability economically and expeditiously to glean the necessary information by discreetly consulting local practitioners and local judiciary; thereby, as to that function at least, rendering District Committees redundant.

Community Involvement. In last Tuesday's hearing, someone referred to the District Committee as a device for exposing the disciplinary process to the public and building public confidence in the profession. I served with about 40 others on District Committee 2, around 15 of whom were members of the public. As a result, from a community of over one million, 15 lay members came to understand and respect the system. Candidly, over 99 percent of the public (and almost a like portion of the profession) had no knowledge of, or interest in, the disciplinary process. Existence of the District Committee did not change that fact.

Committee Caseloads. As also mentioned last Tuesday, times change. In the 19 years of its existence, OLR's capabilities and expertise have grown considerably. At the same time and for a variety of reasons, the volume of disciplinary cases has dropped significantly. The confluence of both factors--reduced caseload and increased effectiveness--allows OLR now expertly and efficiently to address the matters presented without need for input from District

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Committees. (The number of cases OLR referred to all District Committees has hovered near zero in recent years. OLR has referred no cases to any District Committee this year.) The absence of Committee involvement expedites resolution of cases by eliminating that, sometimes extended, step and economizes by eliminating the consumption of resources needed to communicate with the Committees and manage their deliberations.

OLR's Effectiveness. In my years as a member of the Preliminary Review Committee (maximum terms) and Board of Administrative Oversight (maximum terms) and throughout the BAO's detailed examination of the system, I encountered no indication of OLR deficiencies, or anyone's dissatisfaction with the disciplinary process, due to the lack of District Committee involvement.

Volunteers. Both within the legal profession and in the general public, Wisconsin enjoys a limited but valuable store of volunteer energy and expertise. As the Chief Justice noted, joining a District Committee has frustrated that volunteer desire for public members in recent years. Continuing the existence of the Committees and assigning matters to them--unless the Court defines purposes for the Committees beyond the five appearing in SCR 21.06(3)--merely for the entertainment of their members would prove counter-productive and would squander the valuable resource of volunteer zeal.

If an attorney or member of the public wishes involvement in enforcing the Rules of Conduct, that individual would best join the Board of Administrative Oversight, the Preliminary Review Committee, the State Bar's Fee Arbitration Committee (an extremely important public service and a function I chaired for years on behalf of both the Milwaukee Bar and Wisconsin Bar) or any other entity seeking both attorney and public participation.

Conclusion. I valued and enjoyed my membership on a District Committee. Other volunteers valued and enjoyed their membership, too. Over the years, District Committees enhanced the investigation of many grievances. The time has come, however, to acknowledge that District Committees no longer contribute to the disciplinary process.

In light of the information discussed above, (i) the highest and best use of volunteers recommends redirecting those interested away from District Committees and (ii) the efficient

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administration of justice and the conservation of limited resources dictate adopting the proposal appearing in Petition 19-08, section 3, elimination of the District Committees.

Respectfully Submitted,

/s/

Donald J. Christl

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