

SUPREME COURT OF WISCONSIN

In the Matter of the Amendment of
Supreme Court Rules: SCR 20:8.3(c):
Exceptions to Requirement to Report
Misconduct

ORDER
No. 95-14

The court held a hearing November 14, 1995 on the petition of the State Bar of Wisconsin and the Board of Attorneys Professional Responsibility to amend SCR 20:8.3(c) to except from an attorney's obligation to report attorney misconduct any information acquired by an attorney mediating or arbitrating disputes concerning law firm dissolutions and termination or departure of lawyers from a law firm in the course of that mediation or arbitration. The court has considered the petition and the presentations made at the public hearing.

IT IS ORDERED that, effective the date of this order,

1. Supreme Court Rule 20:8.3(c) is amended to read:

20:8.3(c) This rule does not require disclosure of any of the following:

(1) ~~information~~ Information otherwise protected by Rule 1.6~~7~~
~~of.~~

(2) ~~information~~ Information acquired by ~~a~~ one of the
following:

(i) A member of any committee or organization approved by any bar association to assist ill or disabled lawyers where such information is acquired in the course of assisting an ill or disabled lawyer.

2. Supreme Court Rule 20:8.3(c)(2)(ii) is created to read:

20:8.3(c)(2)(ii) Any person selected by a court or any bar association to mediate or arbitrate disputes between lawyers arising out of a professional or economic dispute involving law firm dissolutions, termination or departure of one or more lawyers from a law firm where such information is acquired in the course of mediating or arbitrating the dispute between lawyers.

COMMENT: The provision in (c)(2)(ii) in no way relieves the lawyers or the law firm participating in the mediation or arbitration process from their responsibilities under SCR 20:8.3(a), nor does it immunize them from professional discipline.

The term "law firm" is to be broadly construed to include but not be limited to entities such as service corporations, partnerships and sole proprietorships.

IT IS FURTHER ORDERED that the Comment accompanying the rule amendment proposal is not adopted but shall be printed for information purposes.

IT IS FURTHER ORDERED that notice of this amendment of the Supreme Court Rules shall 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.

Dated at Madison, Wisconsin, this 15th day of November, 1995.

BY THE COURT:

Marilyn L. Graves, Clerk