

**Responses to the Future of the State Bar:  
Mandatory/Voluntary Membership Study**

**Responses 12/05/2009 through 12/11/2009**

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Nancy L. Trueblood, chairperson, Solo and Small Firm Practice Committee

Committee members responding are split on how conversion would affect the committee's mission, role in State Bar governance, relationship to the court system and resources and finances. While one member believes a voluntary Bar would mean greater recognition of the committee's importance in serving solo and small firm practitioners – who make up most of the Wisconsin bar – others greatly fear that reduced Bar resources would negatively impact the committee's ability to gain funding for its activities, possibly curtail the Practice 411 program (which has been a great boon to solos) and clear the way for large-firm domination of the State Bar. Even those in favor of a voluntary Bar acknowledge that it would mean less funding for all Bar entities, including this committee. Another member believes those attorneys who are most in need of the support and guidance of a bar association will be left out or choose not to participate under a voluntary bar, and therefore the Bar as a whole will suffer. Frankly, newer attorneys, older attorneys, those attorneys who are struggling to keep up or struggling financially – particularly those that are in solo or small firm practice – may not have (and may not be able to afford) the support system that large firm attorneys enjoy, and therefore will be most likely to not participate in a voluntary bar association because of fiscal and time constraints. Members also question whether the personal savings achieved by those lawyers who would opt out of a voluntary Bar would be worth what they will lose in Bar publications, educational opportunities, lobbying power and opportunities for involvement in Bar activities.

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George C Fields

Enclosed please find the Membership Study sent to me on October 5, 2009 that I am supplementing with this letter. The Membership Study asks lawyers whether the State Bar should be voluntary, and I wish to convey my opinion that it should be voluntary. Even if compulsory membership is discontinued, I will most likely continue to subscribe to the State Bar because I appreciate the benefits of the website, CLEs, practice manuals, and the Ultimate Pass. However, I find it interesting that the State Bar began scrambling to develop enhanced services immediately following the election of Attorney Kammer as president-elect. For example, Fast Case legal research and the Ultimate Pass were quickly introduced following the election of Attorney Kammer. Who ran on the election platform of making the bar voluntary, thusly creating an impetus for the State Bar to quickly add value to its services. Additionally, I find it highly offensive that the State Bar is permitted to keep its finances secret. It flies in the face of American ideals for Wisconsin lawyers to be compelled to pay dues to an organization that will not divulge how it spends their money. If the bar remains compulsory, I would support an amendment to Article VII of Wisconsin's Constitution imposing the equivalent of § 19.31 Wis. Stats. upon all aspects of the Judiciary, including the State Bar. A voluntary bar will strengthen the organization by having members who truly believe in its merits, and are not members because they simply have no choice. I hope that the State Bar either becomes voluntary, or in the alternative, opening its books to the professionals that are forced to financially support it. Generally, the only people who are opposed to open books are those who are misappropriating or State Bar Strategic Planning Committee misdirecting funds, or those who are perhaps themselves a lot of money to perform a pretty easy job. Lastly, I sincerely hope that this "Membership Study" asking lawyers whether or not voluntary bar membership is a good idea is not simply an exercise pretending to consider changing to voluntary membership. When "Business As Usual" had already been selected as the pre-determined outcome. Thank you for considering my opinion and input please contact me using the information on this letterhead if you have any questions.

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Ernesto Fabela

A mandatory bar adds to the message to the public who relies on the regulation of attorneys is actively being sought. This can be seen by studies that are supported by fees and other functions that bring the concerned bar together to study and converse the issues that are at issue with the law. Certainly those who dissent from the organized bars decision have a voice to express their dissent. I believe that the organized bar actually streamlines ideas and provides for an organized forum.

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Sally Atkinson

I think the State Bar of WI should become a voluntary bar association. I have been concerned about the organization's lack of disclosure to the members it professes to serve. Also, the cost of CLE is way too high, especially in light of the high cost of dues. What does the State Bar do with my dues anyway? Voluntary associations provide better service and value to its members

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David E Andrews

State Bar should be voluntary bar Assn- similar to the ILLINOIS BAR- (voluntary). Bar Assn can provide the services and benefits that the market wants/demands; I believe the bar dues will become more "competitive" when there are other bar assns competing in the state, i.e., a "Milwaukee/Madison Bar Assn, an "Outstate" bar.

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Susan Herro

While there are certainly some benefits we receive from the SBW (FastCase, annual directory), it hardly seems to justify the annual fee. Rather, we see much waste to the organization, including multiple mailings for the same events\*, insane marketing costs, and refrigerator magnets! Seriously, if there was any question as to the need, it was answered at the receipt of this magnet (member included LRIS promotional magnet with submission). P.S. We all know about the cocktail parties funded by our dues, to which we are not invited! \*Use the electronic alternative

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Ronald L. Petak

I believe the Bar should be voluntary. The Bar needs to be responsive to its members. We are captive when membership is mandatory and have no real control over staff or decisions. The Bar needs to be responsive to its members. While much of the staff may be good, there's still no control.

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Mary Ruedinger - Member Services Director

Member Services Department Voluntary / Mandatory Bar Impact Summary This report is to identify the possible effects on the Member Services department resulting from a change to a voluntary Bar. Following the guidelines from the Strategic Planning Committee, we are assuming the repeal of SCR 10 if bar membership becomes voluntary. However, this report does not duplicate the reports coming from the individual sections, divisions, and programs housed within this department. The following assumptions were made: first, we assume that even in a voluntary bar association, the degree of member interest in networking opportunities will remain constant. Although the volume may decrease if membership declines, even voluntary members are likely to continue valuing the benefits they receive from networking opportunities provided through a statewide bar association. Second, we assume that most of the services and programs currently offered through this department would be desirable to retain or attract members in a voluntary association. Without Ethics, LOMAP, WisLAP and pro bono programs, the bar might be less attractive to current and potential members. So, finally, we assume that we will need to find a way to continue these programs in a business model that does not depend so heavily on dues income. From the assumption that member needs will remain the same it follows that we may need to either adjust our priorities for allocation of resources or raise additional non-dues income. The department, in concert with member leadership, would regularly assess the impact that programs have on our members, determine which programs would continue, realign department priorities if necessary, and look for additional resources to fund and support the programs. Some of these services provided by the Member Services department which are not addressed in reports from other entities include: o Coordination and staffing of the State Bar booth at the annual convention o The Solo and Small Firm Conference o Participation in auxiliary legal groups such as WALA The Volunteer Lawyers Recognition

Celebration at Annual Convention o Coordination and staffing for State Bar participation in outside entity table/fundraising events for recruitment purposes o Admissions o Mentoring Program o Law School Outreach programs such as lunch with lawyers, the Law Student Associate Program, Lawyering Skills classes and participation in law school orientations and Head's Up to Graduation o Services provided to State Bar Sections such as Section listservs, stand-alone seminars (this includes marketing, registration, accounting, web services, administration, reserving the space, etc.), newsletters (also includes technology to deliver the newsletters and web services), elections, meetings (this includes reserving the space and following up on projects after the meetings), and recruitment. Networking opportunities become more important in a voluntary organization. It is expected that there would be an increased level of visibility of staff at networking, awards and social events for member recruitment efforts. As is the case in some State Bars, there may be advantages of having regional offices to serve attorneys more locally. Resources to operate member services could change: o In order to provide services that members rely on and use in determining whether to continue their membership in the Bar, the MS Department will need to become more oriented towards revenue generation in its programs. o We will need to focus on member recruitment, including taking advantage of surveys of other voluntary organizations to find the underlying reasons why members join and continue their membership. This will require either new staff or the reallocation of existing staff away from current programs. o It may become necessary to find new sources of funding for one-on-one services like LOMAP and Ethics counseling. o Programs for which funding is unavailable may close – some states with voluntary bars do not offer services such as LOMAP or Ethics advice. In Wisconsin, the heaviest users of LOMAP and the Ethics Counsel program are solo and small firms. A bar association in which those practitioners do not predominate may not retain these programs because larger firms often have such expertise on staff. o There is the possibility that we will become a fee for service entity where members pay for the services that they use in addition to organizational dues. o We will need to substantially increase our marketing and public relations efforts which may increase staffing needs or require reallocation of staff away from current programs o With reduced revenue from membership dues, there is the possibility that the courts would order a special assessment to fund programs like WisLAP, LOMAP and Ethics. These programs may be rolled into current government offices under the supervision of the Supreme Court (e.g. OLR or BBE). o Grants and initiatives would be more difficult to fund, including local bar and pro bono grants, website and e-list hosting for local bars. New sources of revenue would be needed to support these programs if they were to continue.

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Attorney Michael Rosenberg, Chair

The Legislative Oversight Committee has considered the questions posed by the Strategic Planning Committee regarding the possible effect of a voluntary bar on both the committee and on the lobbying program of the State Bar of Wisconsin. The Committee struggled with formulating specific responses to the questions, because the answers would depend largely on what structure a voluntary bar would take. If the Bar had the same structure and by-laws as it currently does, only that membership was now voluntary, some things would change, but not as much as if the structure was totally overhauled. Thus, answering how a voluntary bar would affect the Committee and the Bar's lobbying specifically is difficult, if not impossible to answer. The Legislative Oversight Committee does believe, however, that a few things are certain under the scenario proposed by the Strategic Planning Committee, in which SCR Chapter 10 is repealed by the Supreme Court and the State Bar of Wisconsin converts to a voluntary bar association. One certainty is that existing restrictions placed on the State Bar by the Wisconsin Supreme Court – specifically the restrictions on operating a Political Action Committee or endorsing candidates for public office – would no longer apply. Likewise, the restrictions placed on the use of mandatory dues by the Keller decision and its progeny would also no longer apply. The lifting of both of these restrictions on the State Bar's political activity would accord the association and its members a much greater degree of freedom in regard to both electoral activity and in lobbying the state legislature and Congress. In that sense, the State Bar may be more vulnerable to being perceived as a partisan organization and being labeled as such. Being an explicitly partisan organization may have benefits for members as well as obvious drawbacks. Under the voluntary bar scenario, the State Bar would also lose claim to its unique relationship with the Supreme Court. One final certainty presented by the voluntary bar scenario is that the hypothetical voluntary bar could no longer claim to speak for all lawyers, since it obviously would not do so, resulting in a loss of both members and of revenue for lobbying. This may also result in a dilution of the power of the State Bar's voice in the Legislature. Another possible result would be the potential balkanization of the legal profession, in which each segment of the profession forms its own lobbying organization to pursue its own potentially self-serving objectives. Aside from the above certainties, several unknowns for the State Bar's lobbying program are posed by the voluntary bar scenario. What body would govern the public policy positions and lobbying program of a voluntary bar? Would a voluntary bar even have a lobbying program? Would practice sections continue to exist in such an organization? If they did, would the association permit them to lobby on their own, as they can now? If sections could lobby under a voluntary bar, how would conflicting policy positions of sections be resolved or handled? How would section lobbying be financed under a voluntary bar? None of these questions can be answered without knowing what form the hypothetical voluntary bar association would take. A review of the practices of voluntary state bars around the country offers little assistance in answering these questions, since the hypothetical voluntary Wisconsin bar association would not be bound by any existing organizational precedent. While all voluntary state bar associations in the United States have practice sections, 94% of these impose some guidelines on sections regarding lobbying. Only 17% of voluntary state bars permit sections or committees to adopt positions separate from the bar on federal legislation, and only 33% of voluntary bars permit sections or committee to adopt positions separate from the bar on state legislation. Of those voluntary bars that do permit sections to take separate positions on federal or state matters, 50% require bar approval before those positions are communicated to governmental entities.

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Neil Bradley

December 4, 2009 To: Strategic Planning Committee I am submitting this statement of why I oppose mandatory bar association membership solely on my own behalf. However, for the committee's information, I spent 37 of the 39 years of my legal career working for a civil rights organization. My main work during those years was to sue governments, and this included representing a number of civil rights lawyers who faced disciplinary proceedings initiated by bar associations or judges. I was raised and educated in Wisconsin, and have remained a member of this bar though I have spent my career in another state (also with a mandatory bar association). I oppose mandatory bar association membership for two related reasons. First, it makes lawyers members of a government entity which detracts from their ability to be an independent source to challenge the policies of government. Second, supportive of the first, is that I believe compulsory membership—however unintentionally—misleads the public regarding the nature of the organization and denies bar members the right to exercise their own judgment to be a member or not, according to their principles and what they think of the merits of the organization. Lawyers are potential forces to challenge government policies. But making all lawyers members of a government entity, making the entity the bar association, limits that potentially independent advocational voice. This is reflected in the creating statute, SCR § 10.02(2), which sets out the purpose of the association. The Wisconsin Bar web page refers to this purpose as its “mission.” That statutorily mandated “mission” includes such things as “to carry on a continuing program of legal research in the technical fields of substantive law, practice and procedure and make reports and recommendations thereon within legally permissible limits.” (Emphasis added.) That governmental admonition (telling lawyers they should obey the law) should stick in the craw of anyone who believes in the right to criticize the government and to join together as an association to make that criticism. This language is an example what I believe to be the fundamental flaw of compulsory membership in a governmental entity. Compelled association is not freedom to associate and by its nature includes restrictions on speech. Wisconsin has made the restrictions explicit, and it is worse because of its ambiguity. And more fundamentally, making the association a government entity means the speech is that of a government, not a voluntary association of interested lawyers. Regardless of the good faith and works of those who participate in the compulsory bar, what they say, report or recommend is different than what could or would be said speaking outside the context of the government institution. My second objection, that the compulsory bar is misleading and denies lawyers the right to choose membership exercising their own judgment, is based on the both the compulsory element and that the legislature denominated this government entity an “association.” See SCR § 10.02(1): “Creation of Association. All persons licensed to practice law in this state are organized as an association to be known as the ‘state bar of Wisconsin...’” Bar literature adopts the term “association” as well. E.g., the October 5, 2009 memo inviting bar members to comment on “remaining a mandatory bar association or becoming a voluntary bar.” I believe “association” is correctly perceived as being as meaning “voluntary association,” and I believe the lay public

understands that truly volunteer associations do not speak for all members of a profession. They understand that not all lawyers join the American Bar Association and that not all physicians join the American Medical Association. The public also understands that not all members of a voluntary association will agree with all positions of the association. And they also appropriately believe that if one strongly disagrees with a position one's association takes, he or she is free to, or perhaps should, withdraw from membership. The legislature in removing the freedom to not join, chose a title that implies this freedom to join or not, and it is misleading and can be unfair to lawyers who find themselves in the minority on an issue. I believe it likely that most lay persons think of the state bar association as an advocacy group, similar to the ABA and AMA, formed of professionals who have joined of their own volition and who stay as members because they believe in the association.. (I doubt the lay public generally appreciates what an "integrated" bar is, that it means membership is compulsory.) Wisconsin lawyers are not able to exercise their judgment to not to associate, to protest by withdrawing. The public may impute to us all the views of those with whom we disagree. The right to resign or withdraw from a group based on principle has a long and honored history in this and other free countries.. It is sadly missing from the current structure. Thank you for your consideration of my views. Sincerely, Neil Bradley

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Ted Kafkas

UPL, Delivery of Legal Services, and the Need for Change to the Mandatory State Bar of Wisconsin Sections and Divisions By Atty. Ted Kafkas, State Bar Member, Bar # 1001233 Two positions are addressed in this paper. First, the unauthorized practice of law (hereafter, UPL) should be stopped to protect the public. Second, at the same time, UPL should not be analyzed and remedied without looking at the full picture of the economic market of legal services. Looking at the fuller picture, it is seen that the State Bar of Wisconsin (hereafter, SBW) needs to be more efficient and effective to meet the needs of the public. I. UPL Should be Stopped. UPL has been on the minds of many attorneys for many years. The protection of the public requires the regulation of many professions. Lawyers are licensed after intense education and testing. Afterwards, lawyers are regulated by the Office of Lawyer Regulation with rules established by the Wisconsin Supreme Court. Lawyers also must complete continuing education. Non-lawyers do not follow the same education, licensing, ethical standards, or continuing education requirements as lawyers. Clearly, UPL results in injuries to the public. However, the protection to the public made by lawyer licensing and regulation is lost in a huge loophole if non-lawyers are able to do the work of lawyers. Why is there a demand for UPL? Someone in Wisconsin will always want to practice law without a license. Non-lawyers do not always understand the risks of giving legal advice without the appropriate licensure. Further, someone will always want to save money by going to a non-lawyer instead of paying for a lawyer. The public does not always understand the risks of receiving legal services from a non-lawyer that does not have the requisite education and research skills. Therefore, as the Board of Governors proposes, a new court rule would be appropriate to define the practice of law and to create a system to administer the rule. I believe that stopping the unauthorized practice of law is only a partial answer to helping the public. An objective look at the market is needed to see the full-picture of the market. Non-lawyers are not needed to provide legal services resulting in UPL. An oversupply of attorneys exists as is evidenced by various law schools' statistics showing some large percentage of graduates not getting jobs. The number of lawyers is sufficient to provide legal services. If there are so many attorneys, why does the public have any demand for UPL? Some market niches of lawyers are too expensive to meet the public's demand. In the discipline of economics, we hold factors constant to show how market forces work if one factor changes. For example, all other factors constant, the fewer the number of attorneys in a submarket (niche/practice area) of law, the higher the market price for those lawyers. (Of course, some very low-income people will not be able to afford an attorney even in a fully supplied, competitive market if lawyers do not provide some pro bono work. However, this is not the present case of lawyers, since lawyers are looking for work and the issue is how to get the lawyers to the people with the legal needs.) Why are lawyers not just practicing in areas of law that have a high demand? In other words, why aren't lawyers fully supplying legal services that fully meet the public's demand? A license to practice law is not the only factor that encourages a lawyer to practice law in market niches. In addition, in order to ethically practice in an area of law, continuing education, marketing, networking, resources and other factors affect the market niche. Respectfully, if the Wisconsin Supreme Court only enacts rules to prevent UPL and does not make the SBW more efficient, problems will continue to exist for the delivery of legal services in Wisconsin. In the short run, some market niches/areas of practice (SBW sections) will still not have enough attorneys to meet the market demand. Unaffordable fees will continue to exist. (Even if the lawyers' fees were a constant like in those set by worker's compensation law or unemployment compensation law, the number of lawyers in market niches would not be sufficient.) Respectfully, the Supreme Court's \$50 per mandatory fee imposed upon only Wisconsin attorneys will continue to not be enough and the problem will be like trying to plug a leaking hole with mud. In addition, in the short run, many low-income and moderate income people with real legal needs will go completely without legal help. In the long run, non-lawyers (UPL) will again attempt to fill the demand of these legal markets in different ways. Since the demand will continue to exist, people will continue to find whatever legal services they can find – even if only some unscrupulous non-lawyers will attempt to supply legal services. With the World Wide Web Internet, any UPL rules enforcement regarding legal advice will be even more difficult. The best way to stop UPL is to provide excellent legal services by as many Wisconsin lawyers as possible. Why are some parts of the legal services market not working efficiently or effectively? The answer to many of the problems with the delivery of legal services in Wisconsin are in found in economics and elections. Think of the legal economic market as an intersection of roads. On one road are the lawyers with legal skills. On the other road are the public with the legal needs. How do we encourage the attorneys to meet the unmet needs of the public? II. Make the State Bar more Efficient and Effective to Meet the Needs of the Public by Elections. We encourage the attorneys to meet the unmet needs of the public by making one part of the road more efficient and effective. What is the part of the road? Our mandatory SBW. How do we increase the efficiency and effectiveness of SBW? This would be accomplished by making the SBW sections and divisions more easily accessible and without barriers. A general economic legal market exists. However, more precisely, many legal submarkets exist. The State Bar has established sections and divisions to provide organizational support to lawyers in different markets. The sections/divisions heavily affect the corresponding specific legal markets. For example, the lack of training and networking of attorneys in a specific legal market is affected by a respective State Bar section. The inefficiency of divisions/sections causes a decrease in number of attorneys practicing/entering some legal market niches or not practicing in the niche at all. In the short term, the lack of attorneys (supply) in some legal submarkets causes the price for legal services to go up and decreases access to those types of legal services. In addition, the lack of supply of lawyers in a market niche also affects pro bono services. The efficiency and effectiveness of SBW's sections and divisions would be increased by easily accessible, full, and fair elections. All of SBW's sections and divisions did not have such elections. For example, I am attaching Ms. Salud Garcia's (State Bar of Wisconsin's staff) July 28, 2005-response to me that shows that not all sections of the State Bar of Wisconsin (SBW) have elections. (Ms. Garcia separated her response into two parts. Ms. Garcia indicated in her email that, "The first response to each question, in bold, gives information for the divisions. The second response, in Courier font, gives information for the sections. " Regarding elections, on page 4 of her response, Ms. Garcia stated, "Other sections operate more as the directors of a nonprofit and appoint rather than elect their directors." I understand that elections have not always taken place, but I do not agree with Ms. Garcia's analogy. The SBW should not be viewed as a private non-profit organization run by board of directors that perpetuates itself. Dues paying members should have full, easily accessible, and fair election rights. In addition, I am attaching an August 2, 2005-email that Atty. Greg Herman sent to me. Although Atty. Herman and I disagree, I appreciate that he stated his position and was willing to debate the issue. Atty. Herman stated in his email

I, "The advantage of the uncontested election is that it avoids the bitter feelings which can arise from having winners and losers. The advantage of the contested election is that it leads to more accountability from the elected." Atty. Herman has a valid point, but the pros of elections far outweigh the cons. History shows that fully open and fair elections will lead to increased efficiency. Some SBW sections have elections at the annual SBW conference. Although a division/section could have many thousands of members, very few people attend the annual SBW conference to vote at elections. The State of Wisconsin is a large geographic state and not everyone will travel to the annual convention to vote. Often, the result is that only the existing board members along with possibly one or two others sometimes vote. I also believe that some sections offer no real opportunity to get involved. Sometimes, SBW sections have no active committees to join. Other times, committees exist with no meetings/activities for members. Thus, some sections'/divisions' by-laws encourage leadership to perpetuate itself/its own ideas with no active competition. (Again, this could be easily seen in the language of some by-laws and in the number of votes cast. Likewise, the result of this inefficiency can be seen as there is often only one (1) nomination per position in some

sections. I have tried to gather some data from the SBW to prove all my points, but my efforts have been unsuccessful to gather needed data. However, the some proof is made by Ms. Garcia and Atty. Herman's responses.) Some sections'/divisions' elections are much more inclusive, fair and active compared to other sections/divisions. Sections/divisions have different election procedures. The idea is to have uniform election procedures that make sense.) Therefore, sections and divisions should have election procedures by mail in the same manner as the State Bar's Board of Governors. (I also suggested a model for elections with access to sections'/divisions' election information, election results, finances, etc. This would increase accountability and competition.) Efficiency is obtained by giving a voice to the members through elections. Once this efficiency of the SBW sections/divisions is accomplished, lawyers will more efficiently meet the needs of the public in the corresponding section's/division's specific legal market areas. With full, fair and open elections, the State Bar's sections' members would be actively voting "for" the types of services they need to meet the public's legal needs. For example, the candidates would "compete" by suggesting how many CLE's, and what type of CLE's, the section would offer. Likewise, if the cost for training is too high, the lawyers will elect leaders who will provide this type of training at a cost low enough for market entry. Candidates would "compete" by offering what networking, brief banks, form banks, activities they would provide to members. Money from dues and other resources would go toward the area of the members' current needs. If a section was not meeting the needs of the members, a turning over of the fields (i.e., new elected officials) would naturally result. Any idle section, would not remain idle for long. (When the sections' representatives are elected and are doing their job well, no competitive elections will still sometimes be the result. However, with full, fair and easily accessible elections, accountability will be always available and the mere avenue for competition will be good.) Once this efficiency training is accomplished, lawyers will more efficiently and effectively meet the needs of the public in the corresponding section's/division's specific legal market niches. This would benefit the people of Wisconsin. For example, more lawyers could participate in the health law section and the insurance law section so they could be better able to serve low-income persons with health and insurance law issues. A greater efficiency of SBW will also lead to increased pro bono work, increased competition in attorneys' fees, increased choices of attorneys, greater compliance with ethics, greater competency among attorneys, better service to the public, and less public perception for the need of non-lawyers (UPL). I genuinely believe that changes will help our society's low income and moderate income persons to receive more legal services. In fact, since law is the invisible infrastructure of our society, all of Wisconsin will do better. Democracy needs the law as a guardian. The SBW section and division election procedures needs uniform rules and monitoring. Incentives to not change the system are clear. For example, I have seen some advertisements with attorneys listing their positions with State Bar sections. In addition, some people in power would undoubtedly not like to change how they are spending the sections'/divisions' money. (I previously wrote to the Wisconsin Supreme Court regarding this topic. I also spent a large amount of time trying to gather information to write this to the Wisconsin Supreme Court. I have family and career responsibilities that limit my ability for future responses. Respectfully, I am not able to spend more of my unpaid time and resources voluntarily attempting to suggest change.) We have many good people in the State Bar. My goal is not to alienate, but to build a consensus for solutions. I firmly believe that the answers to the problems with the delivery of legal services in Wisconsin are found in the study of economics and elections. Without the historically proven efficiencies provided by our cherished elections and the Rule of Law, other attempts to regulate UPL and meet society's legal needs will only be partial and temporary. As a legal association, we should model these democratic principles. I believe most lawyers want to ethically and competently provide legal services that will meet the needs of the public. Market forces are naturally at work. Attorneys will want to provide legal services in areas of law (niches) where legal needs are not being met. The market forces will work if the system follows the democratic/repUBLIC process guarded by the Rule of Law. A collaboration is needed to develop and maintain a true elections structure. However, the collaboration will not begin to happen by itself. Therefore, I respectfully request that the Wisconsin Supreme Court make uniform, full, fair, easily accessible, and open elections to make the SBW sections and divisions more efficiently meet the legal needs of the people of Wisconsin. Conclusion UPL should be stopped to protect the public of Wisconsin. At the same time, the State Bar of Wisconsin should implement uniform, full, fair, easily accessible, and open elections to increase the efficiency and effectiveness of lawyers (supply) in meeting the needs (demand) of the public. Respectfully Submitted, Theodore D. Kafkas Cc: SBW Exec. Director George Brown and Ms. Salud Garcia via email and 1st Class U.S. Mail (one envelope to SBW) I understand that Ms. Salud Garcia of the SBW staff and SBW Exec. Director George Brown are both not attorneys and are not SBW elected representatives. I have copied this paper to them and ask them to also provide this paper to the SBW president and president-elect. I appreciate their help with the SBW. Responses to Ted Kafkas' Letter Regarding Divisions 1. Sections and divisions that have elections at annual meetings should be changed to have elections by mail. Of the four SBW divisions, only the Young Lawyers Division currently elects all their board positions at their annual meeting, except the president-elect position which is elected by mail ballot. The YLD bylaws could be amended, with approval of the YLD Board and the Board of Governors, to have the YLD elections for all positions done by mail ballot. Only a few sections have elections at their annual meetings. The majority have balloted elections. 2. Members should run on not only their background, but should be encouraged to run on what "ideas" they want the State Bar section or division to espouse. Elections need to be based on and include a question of "What I will do if elected?," not merely "this is my biography." The Nonresident Lawyers Division has included candidate statements as part of their mailed ballot for the last several years. The NRLD ballots include both biographical information and a separate area for their candidate statements. This ballot formatting change could be done for all four divisions, however it may result in additional ballot sheets and therefore higher printing and postage costs for the divisions. Sections are autonomous and their ballots include whatever information the board requests. Some do include biographies to help section members understand the candidate's qualifications. 3. If a person is an incumbent, this should be indicated on the voting sheet next to the person's name so an evaluation of past performance can be taken into account for the current election. This is not currently being included on the four division ballots, however the incumbent information is often included in the candidates' biographies. State Bar staff formatting the division ballots could include "incumbent" next to the candidate's name on the ballot, if this ballot formatting change is approved. No section indicates incumbency on the ballot, but a member may consult the board roster on the section webpage at any time if that is a concern. 4. For officer positions, a nomination committee should be required to choose a minimum of two nominations for each position from a list of volunteers in response to a newsletter to all members. Nominations from volunteers should continue until at least two of the volunteers accept the nomination. If the nominating committee did not receive at least two volunteers in response to a newsletter to all members, the committee should nominate persons from the entire section or division membership. Nomination should continue until at least two persons have been nominated. Even more than two persons should be encouraged to run. Obtaining a nomination should be as easy as possible. Nomination by at least seven other members should be sufficient. A list of members should be available to anyone seeking nomination. Fax signatures and copies should be as valid as an original. Nomination requests for open division board positions are included in the SBW's Inside the Bar Newsletter, in accordance with the division bylaws. Past history has shown that very few division members respond to the newsletter nomination requests. It is then up to the divisions' nominating committees to find the remaining division election candidates. For SBW Division officer positions, it has been difficult to find more than one candidate to run. This is especially true for the President-elect position, because besides running the division during his or her president's term, the president-elect, president and/or past president (exact position depends on the division bylaws) need to serve as both the Board of Governors representative and Executive Committee representative for their division. This involves attending five all day and sometimes two day BOG meetings in Madison, and an additional five all day Executive Committee meetings in Madison. Some sections do request self-nomination, either through their newsletters or elists. Some sections open the nomination up to those who can present a letter of support from five other section members. 5. Board positions should only require self-nomination. Currently, any division board position nominations sent in by the division members are accepted and included in the division's election. See the comments to question four. 6. A uniform election process should exist for all sections and divisions. The division elections are currently processed in a similar fashion - same timing, similar ballot templates, all tallied by a local CPA firm. Any procedural changes to make the division elections uniform, such as all YLD elections done by mail ballot, would require the division bylaws to be amended. Sections are as diverse as their practice area and so are their bylaws which dictate how their elections are conducted. 7. By-laws of sections and divisions should be posted on the Internet. Copies should be available by mail by request. Bylaws of each of the four divisions are currently available on the WisBar website, as part of each division's homepage. Some sections include their bylaws on the section webpage. Otherwise, section bylaws have always been available upon request. 8. Posting of all minutes on the Internet should be required. Posting of budgets, and then clearly how the money was actually spent, should be required to be posted on the Internet. Copies

should be available by mail by request. There is an area on each of the division's homepages on the WisBar website for the posting of board minutes. The GLD and NRLD's approved minutes are up-to-date. The SLD and YLD minutes posted on WisBar need to be updated. The posting of division budgets currently is not included on the WisBar website. Monthly division financials are currently provided to the division's president and treasurer by the staff liaison. The section's minutes are posted on the section's webpage. Budgets and all financial information are provided to the section's chair and treasurer by the staff liaison on a monthly basis, to the board in advance of their meetings, or as requested by the board. 9. Future activities and meetings of sections and divisions (and their respective committees) should be required to be posted on the Internet beforehand. Upcoming Division board meetings are currently listed on the WisBar website under "Calendar of Events, Business Meetings". Upcoming section board meetings are currently listed on the WisBar website under Calendar of Events, Business Meetings. 10. A formal check and balance system needs to be created and instituted within our State Bar that will continuously and unbiasedly monitor the sections and divisions elections. Currently each division's nominating committee and State Bar staff follow the election process listed in each of the division's bylaws. Currently each section's nominating committee and SBW staff follow the election process listed in each of the section's bylaws. 11. The State Bar of Wisconsin's Wisconsin Lawyer should also be part of the ever-correcting analysis by being an unbiased press protecting our election processes with investigative reporting on elections, inactivity and waste. Currently the Inside the Bar Newsletter is used to announce division election nominations, election timelines and division election results. Sections announce their elections in their own newsletters. 12. The president of our State Bar is a full-time administration position. The president should be a paid position like the director, George Brown (non-lawyer), position. This recommendation would require amendments to the current State Bar Rules and Bylaws, SCR 10.04. Opposing arguments against a change in the election process have included: 1. I have heard someone argue that the section/division doesn't want to hurt someone's feelings by having two people run against each other. However, this is not a popularity contest. The contest of an election brings the fruit of new ideas and change. From staff experience with division elections, all interested candidates have been included in the elections. The difficulty has been in finding enough interested candidates to run in the division elections. Section elections run the gamut of electoral options. One section nominates and elects its chair from the floor of the annual meeting immediately following its CLE program. Other sections call for nominations over their elists. Other sections operate more as the directors of a nonprofit and appoint rather than elect their directors. 2. Another argument against full elections is the cost of mailing is prohibitive. However, I receive a lot of advertisement and other mail from the State Bar regularly. Members pay dues. There is no higher reason for the small expense of mailing than elections. On the other hand, with the current system of some State Bar sections/divisions, I have received election material with only one person running for an office. This is a waste of time and money. Funding for division elections are included as part of the annual SBW budgeting process. Budget requests for division election funding are done a year in advance. The SLD's bylaws currently include a provision that election ballots are only mailed for contested elections. Sections, not the SBW, bear the cost of the elections. The cost of a full election hasn't been given as a reason not to have one. The deciding factor is always whether enough qualified candidates can be found. 3. A lesser argument involves the idea that sections and divisions are not mandatory. However, the sections and divisions use the State Bar's name, logo and cloak of the mother bar association. Membership in the NRLD and YLD is complimentary and automatic if the member qualifies. Membership in the GLD is complimentary and must be requested by the public service member. The SLD charges annual dues. Membership in a section is voluntary. Two sections give automatic and complimentary membership to first year attorneys. Hi Ted. Thank you for your letter and your thoughts. I appreciate all ideas and comments from my constituents. Please permit me to express a few comments: 1. The issue of contested vs. uncontested elections has pros and cons. I was elected chair of the family law section of the state bar in an uncontested election and I was elected president of the Milwaukee Bar Association in a contested election. The advantage of the uncontested election is that it avoids the bitter feelings which can arise from having winners and losers. The advantage of the contested election is that it leads to more accountability from the elected. So, there are pros and cons to both. 2. As chair of SLAC for many years, sections strongly desire autonomy on how to conduct their internal affairs. Since sections are financially self-sustaining (all have budgets which are funded by their separate dues and other revenue), such autonomy does not effect any other than the section itself. Similar to the issue of state vs. federal rights, a certain degree of autonomy is desirable, although where to draw the line is certainly open to debate. 3. I seriously questions certain equations which you draw. For example: a. I question whether any inefficiency by a section (or anything a section does, for that matter) affects the number of lawyers entering a given market. My belief is that lawyers enter a market based on the likelihood of making a profit. b. I'm not sure what "history proves that more inclusive, fair and easily accessible elections lead to better efficiency and effectiveness." My experience is that history proves that this is not necessarily the case. c. You refer to a "president position" (¶3). If you are referred to sections, they have chairs, not presidents. If you are referring to the state bar president, that is a contested election, conducted much in the manner you recommend. Incidentally, I see no proof that this makes the state bar more or less efficient. d. Even where there is only one nominated candidate, others can run by petition. This happened at least once during my years with the family law section. By the way, last year, I ran by petition for Secretary of the ABA Family Law Section against a sole nominated candidate. I won, just as Steve Levine won by petition this year. Anyway, those are just a few brief observations. While I don't determine the agenda for the BOB (it is decided by the executive committee), I would support a debate and discussion on the issues you raise. Thanks again for writing, Gregg

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Kathryn L Norton

Memo WisLAP To: State Bar of Wisconsin Strategic Planning Committee From: WisLAP Committee Re: Mandatory vs. Voluntary Bar Association Date: December 2, 2009 The purpose of this memorandum is to set forth conclusions of the Committee in identifying the potential impact of a move to a voluntary bar in Wisconsin on the Wisconsin Lawyer's Assistance Program. This report has been compiled after soliciting input from all Committee members and after a special Committee meeting specifically called for this purpose. All members had the opportunity to attend in person or via telephone. Our conclusion is that if Wisconsin moved to a voluntary bar, our program would not continue to exist as a service of the State Bar. Mission: The WisLAP mission is to provide information and confidential, meaningful assistance to lawyers, judges, law students, and their families in coping with alcoholism and other chemical addictions, depression, acute and chronic anxiety, and problems related to the stress of practicing law. We endeavor to maintain the high quality of legal services provided to the clients of members of the Bar through the enhancement of the physical, mental, emotional and behavioral health of lawyers. The WisLAP program includes: • 24 hour professionally staffed helpline • Judicial assistance • Individual lawyer and family assistance • Law Student Outreach • Support & Monitoring for OLR and BBE referrals • Educational Outreach • Convention presentation & planning • Compassion Fatigue Research program Our mission to assist all members of the judiciary and bar, law students, and tangentially their families, partners, and co-workers would necessarily be curtailed if we were not able to rely on the fact that all attorneys needing assistance were members of the State Bar. We estimate that currently, approximately 88% of the individuals using WisLAP are members of the Wisconsin Bar. Would a voluntary bar funded program limit assistance to members only or would members be willing to extend assistance to such a broad range non-members? Part of the success of Legal Assistance Programs is that they are available to help those affected by the attorney with the problem, so law partners, spouses, children or co-workers of the attorney can turn to WisLAP. Providing assistance for the attorney might necessarily involve working with those individuals who are not members of the bar, but who are in the sphere of influence of the affected attorney. Refusing or limiting assistance to those individuals would severely hamstring the program. Governance: Currently WisLAP is a member-service of the State Bar of Wisconsin ultimately governed by the Board of Governors. The question of how WisLAP governance would change in a voluntary bar is hard to answer since the WisLAP program could exist in three different iterations. Several states organize their LAPs as arms of their Courts, in which case governance would come through the Court structure and ultimately the state Supreme Court. If WisLAP was created as a "stand alone" 501(c)(3) organization, governance would come from a Board of Trustee or Directors of the corporation. If WisLAP continued to exist as a program of the Voluntary Bar association, governance would come from the Board of Governors or similar entity. Court Relations: As a member-service of the State Bar, WisLAP works with courts both directly and indirectly. We are setting up a Monitoring Program in conjunction with the Board of Bar Examiners and the Office of Lawyer Regulation. WisLAP recently started a judicial assistance initiative to assist impaired judges and also to act as a referral source for judges dealing with impaired lawyers. If WisLAP was reconstituted as an arm of the Supreme Court, these cooperative efforts would be able to continue, although there is some question whether attorneys would view the program as part of the Court system and be more resistant to asking for help. WisLAP

has long tried to maintain the appearance of independence in order that individuals seeking help would be reassured that their problems would be kept confidential and not reported to authorities. If WisLAP were a stand-alone charitable organization, these cooperative efforts could be in jeopardy since the Court may be reluctant to refer judges, attorneys or applicants to an entity which it does not ultimately control. Resources & Finances: WisLAP is fully funded as a member-service of the State Bar of Wisconsin. All revenue comes from that sole source. The FY 2010 Budget for WisLAP is \$176,131 which includes some items of shared overhead and personnel. We would anticipate that the operating budget for a stand-alone organization would be at least \$200,000 because the cost of many operating expenses could not be shared. If WisLAP were recreated as an agency of the Wisconsin Supreme Court, its operating expenses might increase due to the civil service aspect of such an organization. If Wisconsin paralleled Illinois with a Voluntary Bar, only 37.5% of our current 15,811 in-state members would join leaving the total membership at about 6000 members. Since 71% of responding Wisconsin attorneys indicated that they would join a voluntary bar, the percentage who actually do join might be somewhat higher than the Illinois experience. However, for 6000 members to support the current program, the annual assessment would have to be more than \$30 per attorney. That is compared to the current allocation of \$11.14/member (\$176,131 budget/15,811 members). Compare this to the total Illinois LAP budget of \$504,000 (72,000 lawyers x \$7/atty). (Note: It should be noted that although Illinois is a voluntary bar state, the funding for their LAP comes from the Illinois Supreme Court Assessment which spreads the cost among all licensed attorneys in Illinois, not just members of the voluntary bar.) Most other LAPs surveyed and committee members felt that if funding did not come from a mandatory bar or the Courts, the program would cease to exist. No one felt that a voluntary bar could or would fund WisLAP as a service to all attorneys, judges, law students and their family members who would be seeking assistance. As a separate charitable entity, Funding would come from donations, contributions from corporate sponsors (such as malpractice insurance organization) or perhaps from an allocation from the members of the voluntary bar. LAP Directors Comments: In preparation for the meeting, we queried other LAP directors throughout the country, asking for their experiences pro and con in working within their particular framework. We received responses from 8 mandatory bar organizations and 4 voluntary bar organizations. It is crucial to be closely connected with your primary funding source. It is my anecdotal experience that lawyers who are not members of the bar associations are much more isolated and experience greater problems of the sort LAPs encounter. In looking at our client base, a much higher percentage are not members of the bar association than the lawyer population as a whole. In looking at those who are publically disciplined, the same applies. If the program became an entity of the courts, it could be much more susceptible to political budget battles. Moving the regulatory functions directly under the Court could make it subject to the caprice of political partisanship. A mandatory bar gives a more secure stream of revenue. If we stayed in the voluntary Bar, we'd have to become essentially a charity and go begging. If we moved over to the Courts, then we'd have to rely on the powers-that-be not to play politics with us. No money to have a law practice management program or a LAP for that matter (we are a Supreme Court Program) (from a Voluntary bar state) If we were not a Mandatory Bar, our program would not exist (from four respondents) Committee Members comments included: Monies coming from the judiciary would be very difficult to obtain; trying to get more money from the judiciary would be very difficult. Would WisLAP only serve members of this voluntary bar? That is contrary to the mission (and spirit) of WisLAP. Could WisLAP even afford to do so? Would law students and family members still be able to utilize WisLAP services? Would WisLAP confidentiality be in jeopardy if WisLAP were court program? WisLAP would have to go through the process of re-creating itself, and then getting the court's blessing. Joint endeavors with BBE/OLR would crumble. Without the mandatory bar, who would supervise attorneys? Would oversight come from the legislature? Will WisLAP volunteers need to be licensed and insured without Court protection? Without WisLAP available to serve attorneys in the discipline process, there would be a huge financial hardship and overwhelming burden. These people would already be in a financially tight spot and nowhere to turn for help. Respectfully submitted: Kathryn L Norton, Chair WisLAP Committee

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Bruce Ehlke, Chair, Professionalism Committee

The mandate of the Professionalism Committee is to educate lawyers regarding professional expectations and to encourage professional conduct in the day-to-day practice of law. Professionalism is a somewhat abstract concept and an aspiration that many lawyers appear to view as something that does not have much, if anything, to do with the day-to-day practical application of the law. Such an attitude has a negative influence on the practice of law in Wisconsin. The Professionalism Committee is concerned that, if membership in the State Bar were to be voluntary, that would have an adverse impact on its efforts to encourage professionalism among Wisconsin lawyers in two ways: 1. Lawyers who do not see a need to participate with their fellow lawyers in the collegial activities of the State Bar will have even less interest than they now have in the things that are sought to be encouraged by the committee; and 2. There will be fewer lawyers to support the work of the committee. In sum, voluntary membership in the State Bar would serve to entrench the idea that the practice of law is just another business activity and would further undermine the ideal that it is an historic and noble profession.

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ME Burns

First, thank you for the opportunity to give my input. As you know, inactive lawyers are not allowed to vote in bar elections but we are required to pay dues. And I've never been able to determine who on the Board of Governors is elected to represent the inactive lawyers. So this "Mandatory/Voluntary Membership Study" is a refreshing change. Now some background. I am licensed to practice law in four states. At one time or another I held an active license in all four states. However, I was engaged in the practice of law in only three of the four states—I have never practiced law in Wisconsin. When I was actively practicing law I chose to be a member of each respective state bar association—all three state bar associations were (and remain) voluntary. Currently my law license is inactive in all four states. I do not practice law anywhere – and never have in Wisconsin –yet ironically the only state bar I am a member of to this day is Wisconsin. Why? To answer this question you have to dig deeper than the mandatory/voluntary bar debate. You have to sort out who is a lawyer and the distinction between an active lawyer and an inactive lawyer. The four states – including Wisconsin – in which I am licensed to practice law understand and agree on this: someone who has successfully completed years of relevant education and training has developed the skill, ability and judgment to be a lawyer. These four states also agree that there are very good public policy reasons to regulate lawyers and so they do – by licensure. Realizing that not all lawyers live under the same circumstances, each state classifies its law licenses according to circumstance: active licenses and inactive licenses. If there is to be a distinction between lawyers engaged in the practice of law (active lawyers) and lawyers not engaged in the practice of law (inactive lawyers) – Wisconsin has said there is to be such a distinction – then that distinction must be honored. The licensing requirements for active lawyers are more extensive than the requirements for inactive lawyers and they should be. CLE, trust accounts, WisTaf/Public Interest Legal Services Fund, etc. – these all pertain to the life of an active lawyer; they have nothing to do with an inactive lawyer. So it is with the state bar; membership in a state bar association is just as irrelevant to the inactive lawyer as the CLE, etc. The enclosed copy of my April 2009 letter to Atty. Diel and Kammer makes this point. Three of the four states in which I am licensed understand and respect the distinction between inactive and active lawyers. So in three of the four states my name appears on the roll of inactive lawyers and that is that, nothing more. No annual assessments, no dues, no required state bar membership, no ongoing regulation. Only Wisconsin ignores the inactive lawyer distinction. As I understand the

Bablitch concurrence (edited) recently reprinted in Wisconsin Lawyer, November 2009, a driving force behind the mandatory bar is to create a resource – a pot of money – from which to fund programs designed to meet the active lawyer’s social responsibility. Note that Bablitch specifically excludes inactive from this requirement. “as a graduate of a law school no person is forced to join any organization, nor to practice law. But if that person wishes to practice law as a member of the legal profession, then he or she must take on the responsibilities of the profession.” We don’t need a mandatory bar to fulfill the actives’ social responsibility. A mandatory bar is overkill; it is too broad a paintbrush for the picture you’re trying to draw. Pots of money can be created in ways that directly target the social responsibility (per the Bablitch concurrence), he’s also funding the “entrepreneurial nature” of the state (\*[y]ou need to consider the entrepreneurial nature of this organization.” See Atty. Basting’s Letter to the Editor in Wisconsin Lawyer, October 2009.) No wonder the “bar brand” marketing effort is a tough one for some to swallow. It doesn’t sound much like a social responsibility, does it? I suppose you can argue what is and isn’t an active lawyer’s social responsibility and, given the ongoing controversy over the mandatory bar, I know you can argue how to fund social responsibility programs”. But at the end of the day, if you are truly trying to fund social responsibility programs, you tailor the funding mechanism to the program and go no further. Call it an assessment or – drop the sugar coating altogether – call it a tax. But don’t call it bar dues and require mandatory membership in an organization whose reason for existence extends beyond the actives’ social responsibility to include entrepreneurial matters. And don’t require mandatory membership of folks who, like the inactive, are outside the perimeter of that social responsibility and have no common ground with active lawyers – entrepreneurial or otherwise. Now some in the state bar have said the inactive lawyer should resign his license, especially when there is nonpayment of dues for reasons of hardship. Resignation is no answer. The Wisconsin Supreme Court created the inactive license for good reason. There are circumstances in life where a lawyer will not be practicing law and the inactive license is a perfect fit for this lawyer. It is presumptuous, if not wholly out of bounds, for the state bar to eliminate this court established license category, yet this would be the effective result if inactive lawyers “voluntarily” resign for reasons of hardship. The Wisconsin Supreme Court rules do not require a specific income as a prerequisite to licensure. Hardship waivers, applied on a case by case basis, are allowed in the spirit of the justice. Finally, Licensure does not make the lawyer; licensure regulates the lawyer. It is the years of education and training, and the skill, ability, and judgment that make the lawyer. The state bar recognizes this; witness its petition regarding the unauthorized practice of law. Given this concern over the unauthorized practice of law, shouldn’t we be encouraging folks to maintain their law licenses – inactive as they may be? The policy reasons for regulation of lawyers do not hinge on active vs. inactive status. There are very good reasons to regulate lawyers and does depend on whether a lawyer is active or inactive. Minimal regulation is required for an inactive lawyer, simple registration on the roll of inactive lawyers is appropriate. Nothing more is needed and certainly not state bar membership. April 21, 2009 Diane Diel 731 N Jackson St, #505 Milwaukee, WI 53202-4697 And Douglas W. Kammer Kammer & Studinski Chartered PO Box 233 Portage, WI 53901-0233 Dear Attorneys Diel and Kammer, As an individual who holds an inactive law license, I ask you to please include the inactive lawyers in your consideration of the mandatory bar issue. There is a distinction between licensure and membership in a trade or professional organization. Licensure suggests a level of competence achieved after years of study, training and hard work. Membership in a professional organization denotes joining other individuals with who you share significant common interests and concerns. Wisconsin blurs the line between licensure and bar membership to the point of equivalency; that is, a license of any sort, active or inactive, gets you automatic bar membership. The result is that an inactive lawyer is pulled into an association with other individuals where there is little common ground. Each inactive lawyer, in accordance with the rules, has elected inactive status for very good reasons. The mandatory bar requirement ignores these reasons and demonstrates total disregard for the inactive lawyer. This disregard explains why the Wisconsin Bar Association can count among its member dairy farmers and teachers and musicians and... Doesn’t make much sense, does it? This inactive lawyer, living and working on a third generation family dairy farm, hopes you can fix up what’s wrong. Sincerely, Maryellen Burns P.S. License resignation is not the answer. The license fits perfectly; it’s the mandatory bar membership that presents the problem.

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Kevin J. Killeen

State Bar of Wisconsin The objections to a mandatory bar include cost as well as a matter of individual choice. Support for the mandatory bar includes an appreciation for the services offered by the State Bar and the ability of the State Bar to influence a unified approach to jurisprudence. I strongly support a mandatory bar. I see no realistic basis expressed for a voluntary bar and the reasons expressed could be addressed without a change to a voluntary bar. It is my impression that voluntary bar support is based on attempts to expand individual interest advocacy at the expense of a unified approach. As an attorney for almost 30 years, I can say that I would have left the profession long ago if I did not have a profound respect for the legal due process achieved through a unified mandatory bar. Efforts to weaken that process by stratifying the bar simply do not fit into the larger perspective of creating a fair and just legal system. Kevin J. Killeen