

January 9, 2012

Supreme Court of Wisconsin
P.O. Box 1688
Madison, WI 53703-1688

Re: 11-04 Amended Petition for a Voluntary State Bar of Wisconsin

Dear Members of the Court,

I understand that the Court will shortly be discussing whether to hold a hearing in this proceeding. I was planning to propose a compromise at such a hearing, but since there is a distinct possibility that the Court may not hold a hearing, please let me do so in this letter. I am writing only for myself.

My compromise idea is this: The Court would make membership in the State Bar voluntary, but require the Bar to collect an assessment of those lawyers who choose not to join the association equal in amount to the WisTAF assessment (now set at \$50). This new assessment would be placed in a segregated fund administered by the Bar as trustee, and the fund could be used only for purposes of improving the legal system and administration of justice: such purposes as the Access to Justice study, study of Civil Gideon, contributions to legal services groups serving the indigent, pro bono, and other like purposes. A nonmember would be required to pay this assessment, but not the remainder of State Bar dues. An amount equal to this assessment would also be placed into the fund from a member's dues. Such a fund may total as much as \$1 million annually. In all other respects, the Court would continue to regulate the State Bar of Wisconsin, just as it does now.

(Or, if the Court wishes to keep Bar membership mandatory, the Court might establish a new category of Bar membership, perhaps called "nonparticipating member," who would pay dues equal to the WisTAF assessment and receive no Bar services. A segregated fund to be administered by the Bar would be established, as set forth in the previous paragraph.)

My compromise proposal would serve the interests of both positions on the voluntary/mandatory bar issue. First, for those Justices and lawyers who believe that every lawyer in Wisconsin has a public interest obligation to improve the legal system and the administration of justice, which is part of the Bar's function, every lawyer would be required to pay the Bar an assessment to be used for those purposes. Second, for those Justices and lawyers who object to the idea of forcing lawyers to join and financially support a political and professional association whose goals and actions they may disagree with, my proposal protects lawyers' First Amendment rights. This compromise proposal serves the interests of both positions.

I hope the Court will consider my proposal – and schedule a hearing to discuss this compromise, as well as other aspects of the petition.

Finally, I also understand that the Court is considering ordering a study under SCR 10.10 to evaluate how the Bar is performing its public functions. While I certainly have differed with the Bar on how it has spent dues moneys, I do not believe the Bar has failed in its public service obligations. Given the Bar's current serious financial problems, I believe the thousands of dollars such a study would cost would not be warranted at this time.

Thank you for your consideration.

Sincerely,

Steven Levine