

Bench and Bar Committee
Daniel J. La Fave
September 14, 2005

SUMMARY

The State Bar of Wisconsin: Daniel J. La Fave, Chair Legislative Subcommittee of the Bench-Bar Committee.

Draft Rule 2.20

The Subcommittee reaffirms its position that rules of immunity are better left to legislatures. As with the existing version of the Code, the Scope section of the current Preliminary Draft states that "The Code is not designed or intended as a basis for establishing civil liability or instituting criminal prosecution." The proposed immunity rule therefore seems unnecessary to us, and in fact seems to contradict this prefatory statement.

Canon 5

The Subcommittee has concerns about **Rule 5.03's** apparent prohibition on a judge or candidate for judicial office completing a questionnaire "if he or she knows or has reason to know that the purpose of the questionnaire is for a political organization to decide whom to endorse in a non-partisan judicial election." **Rule 5.03, Cmt. 2.** The definition for "political organization" is ambiguous since it turns on whether the "principal purpose" of the group in question "is to further the election or appointment of candidates for political office."