



WISCONSIN COURT OF APPEALS

DISTRICT II

2727 NORTH GRANDVIEW BLVD.
WAUKESHA, WISCONSIN 53188-1672

Chambers of
RICHARD S. BROWN, Chief Judge

Telephone: (262) 521-5232
Fax: (262) 521-5419
Email: Richard.Brown@wicourts.gov

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CLERK OF SUPREME COURT
OF WISCONSIN

Wisconsin Supreme Court
Attn: Julie Rich, Supreme Court Commissioner
P.O. Box 1688
Madison, Wisconsin 53701-1688

Re: Rule Petition 10-08, a petition to establish a right to counsel in civil cases

Dear Ms. Rich:

With respect to Rule Petition 10-08, the Court of Appeals takes no position on the petition. It should be observed that under WIS. STAT. RULE 809.85, an attorney appointed by a lower court in a case appealed to the Court of Appeals shall continue to act in the same capacity in the Court of Appeals until the Court of Appeals relieves the attorney. This has been interpreted to mean that once a notice of appeal is filed, the circuit court no longer has discretion to terminate court-appointed counsel. *Roberta Jo W. v. Leroy W.*, 218 Wis. 2d 225, 241, 578 N.W.2d 185 (1998). Should the Supreme Court decide to proceed on Rule Petition 10-08, the Court of Appeals requests that a study committee be formed and that the Chief Judge of the Court of Appeals, or his designate, and the Chief Staff Attorney be members. It will be important to assess how the appointment requirement will work at the appellate level.

Sincerely,

Richard S. Brown
Chief Judge Wisconsin Court of Appeals