



PORTAGE COUNTY LEGAL AID SOCIETY, INC.

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February 5, 2014

Clerk of Supreme Court
Attn: Deputy Clerk – Rules
PO Box 1688
Madison, WI 53701-1688

Re: Petition 13-14 to Amend SCR 60.04

The Portage County Legal Aid Society, Inc. (hereinafter PCLAS) supports the proposed amendment to Supreme Court Rule (SCR) 60.04 of the Wisconsin Code of Judicial Conduct. This proposed amendment clarifies a judge's role where one or both party before the Court is self-represented. Specifically the proposed change indicates that "reasonable efforts to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard" is consistent with a judge's duty of impartiality.

This amendment of Supreme Court Rules is especially needed due to the reality that litigants, most notably in family law matters, are increasingly representing themselves. In Portage County in 2011, only twelve percent of divorce cases before the Courts had an attorney representing both sides. PCLAS assists individuals who are at or below 125% of the Federal Poverty Guidelines who have a civil legal need, most notably family law matters. We screen individuals and determine whether they can represent themselves with the assistance of our pro-se center or if they need full representation through a volunteer attorney. While our organization strives to assist as many individuals as possible as well as possible, there remains need in our community as there is in the state of Wisconsin as a whole.

A dispute before Court where one or both parties are self-represented in civil matters has become the norm as opposed to an exception. Such individuals have a right to be fairly heard. It is not reasonable to expect them to fully understand the rules of evidence in order to put their case forward as an attorney would do. The proposed Amendment to the Supreme Court Rule 60.04 provides much-needed clarification to judges noting that making "reasonable efforts" to assist self-represented litigants does not violate his or her obligation to be fair and impartial. For these reasons PCLAS supports the proposed amendment to Supreme Court Rule (SCR) 60.04 and respectfully requests that the Wisconsin Supreme Court adopt this amendment.

Sincerely yours,

Melissa Dalkert
President of the
Portage County Legal Aid Society