

Petition 13-14 to Amend SCR 60.04.

I am an employee of a domestic violence and sexual assault advocacy program that covers three counties in northern Wisconsin. I work with victims of sensitive crimes and domestic violence on a daily basis, including but not limited to accompanying them and helping them prepare for court.

I believe this petition would have a profoundly positive impact on an individual's confidence and comfort level in a court case when appearing pro-se. Many victims of violence struggle in court cases ranging from civil injunction hearings, to divorce proceedings, to criminal cases. It is my argument that there are some encompassing issues that cause this. A financial inability to obtain legal counsel, a feeling of intimidation brought on by legal proceedings, a lack of understanding of legal proceedings. I believe that this petition promotes a more balanced and fair legal environment for pro-se participants.

Many victims of domestic violence have been financially isolated and left destitute by their abusers as a further means of control. Victims of domestic violence may also expend most of their assets in order to seek respite from their dangerous and hurtful situation. It is for these reasons and others that many victims of domestic violence are unable to afford legal representation in cases which concern not only their financial well-being but their physical safety as well. A very small percentage of my clients are able to obtain legal counsel for court cases, where-as their abusers are obtaining legal counsel for a much higher percentage of the cases. The disparity in representation can result in a hearing that becomes not only intimidating to the unrepresented individual, but one in which they do not understand the content behind what is being said or done. If a judge were to take time to assure that not only do both parties understand what is happening at any given point, but also that an individual is not being harassed or mishandled by an opposing attorney. This would help to make proceedings more balanced for both parties.

While I have worked with some clients who have experiences in court before it is the majority who have almost no experience in a courtroom. A courtroom is designed to impart a sense of importance and to reinforce the hierarchy of influence and power. An individual's first trip into a courtroom can be intimidating, especially to someone who may be seeing their abuser for the first time since leaving. If an individual knows that regardless of their ability to hire representation they will be treated with respect and tolerance, it makes the proceedings less intimidating.

A court proceeding is often filled with orders, evidence, testimony and motions. All of these have their own sets of rules that are to be followed during a court proceeding. Different proceedings have different names and function to serve many different purposes. To an individual who is not trained in law it is a challenge to understand what is happening during this process, as well as what specific hearings are intended to accomplish. It is very difficult for an individual with no training, appearing pro-se, to properly prepare for hearings. It would be unrealistic to expect a person appearing pro-se to function with confidence and understanding without some assistance from a legal expert. It would be beneficial if judges were to ensure that individuals understood the process during a hearing as it happens. It would be equally beneficial if judges ensure that individuals know what the next hearing is, how it would affect their case and what documents they need to prepare.

In conclusion I believe that petition 13-14 to amend SCR60.04 would have a positive impact on individuals appearing pro-se, especially those who are victims of domestic violence and other sensitive crimes. It would allow for greater balance between both parties, represented or not. It would make court a less intimidating environment for pro-se victims of domestic violence. Also it would increase the level of understanding and preparedness for individuals appearing pro-se. Ultimately this petition promotes creating an atmosphere of justice that allows individuals appearing pro-se to understand and participate fairly in proceedings that affect their safety, and the quality of their lives.

Respectfully submitted,

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Tri-County Council on Domestic Violence & Sexual Assault