



Clerk of the Supreme Court
Attn: Depute Clerk – Rules
110 East Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Petition 16-04 Amending Limited Scope Representation

Dear Members of the Supreme Court:

My partner, Cassel Villarreal and I are both family law attorneys and mediators. I am past president of the Wisconsin Association of Mediators and Attorney Villarreal is chair-elect of the Family Law Section of the state bar. We strongly support the proposed amendments to SCR 20:2.4.

Not allowing the lawyer-mediator to draft agreements leaves the critical job of finishing the process to the parties themselves. While the public could resolve this by obtaining counsel, by large numbers they have chosen not to do so. This change protects the public where they are now by allowing lawyer-mediators to accurately and ethically prepare their documents for their benefit as well as the court system.

We respectfully disagree with submitted comments by the Honorable Michael R. Fitzpatrick that the fine distinctions between an attorney acting as a mediator and that this mediator shall not dispense legal advice “will be lost on the public.” When I began mediating over 20 years ago, callers regularly confused mediation with “meditation.” But in the last 5 years, we have found most callers are aware of the distinctions between lawyer and mediator prior to contacting our firm. Regardless of their demonstrated initial knowledge, the requirement of informed consent protects those not so informed. Thank you very much.

Sincerely,

Lisa Derr

Sincerely,

Cassel Villarreal

