



November 14, 2019

Wisconsin Supreme Court
16 East State Capitol
PO Box 1688
Madison, WI 53701-1688

**Re: Petition 19-16 In the Matter of Amending Wis. Stat. § 802.05(2m)
relating to Ghostwriting, a Form of Limited Scope Representation**

Members of the Court:

I write on behalf of the Wisconsin Access to Justice Commission to urge you to approve Petition 19-16 filed by Quarles & Brady LLP on May 15, 2019. As you know, our mission is to “develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents.” We received this mission from the Court and we take it very seriously. Thus, we believe it important to inform you that the changes requested in this petition are critical to providing that very access.

Wisconsin residents, your neighbors and mine, appear at advice clinics all over the state. The clinics are sponsored by law schools, local bar associations, and legal aid programs. They rely on volunteer attorneys from the private bar to provide the needed advice because there simply are not enough legal aid attorneys in Wisconsin to fill the seats across the table from people with a handful, or envelope full, of documents.

As is true in any such endeavor, there is a range of legal help that will be provided. Some need to be told where to take a claim, others that they have no claim. But a significant percentage need help filling out documents that will be presented to an administrative body or court. It may be a small claims complaint for damages for sale of a defective used car, a request to change or enforce a child support award, an answer to a large claims complaint for an auto accident so that a defense can be properly presented to the judge to protect a driver’s license, a counterclaim based on a violation of consumer protection standards, or an appeal from denial of an unemployment compensation claim. And this, as you know, is where our pro bono attorneys enter the stage to craft the appropriate and needed language. They do this as a

service to the client, of course, but also to the judges in our circuit courts who benefit from a clear statement of the claims and issues they need to adjudicate.

This Court should not accept the significant change to sec. 802.05(2m), because it discourages pro bono counsel from providing the types of services described above. You will have read in the numerous written filings supporting this petition the ways in which members of the bar are being deterred from offering their services because of the change. And this is not speculative. Some attorneys have in fact stopped participating in clinics or helping clients with documents because of the change. We as a state are fortunate every time an attorney offers pro bono services at an advice clinic. We need every pro bono hour we can get from these exceptional volunteers. This will not be accomplished without the change requested in Petition 19-16.

Thank you for considering our comments.

Daniel J. Hoff
President