Clerk of the Supreme Court
P.O. Box 1688
110 East Main Street, Suite 215
Madison, WI 53701

RE: Petition For Rule-Making to Amend Wis. Stat. Chapter 802.05(2m)

Dear Honorable Justices:

I am writing in support of Petition For Rule-Making to Amend Wis. Stat. Chapter 802.05(2m) filed by Quarles & Brady LLP. The Petition requests that the Court amend the Rules of Civil Procedure to restore the important role of ghostwriting in limited scope legal representation.

I have chosen to engage in pro bono legal work throughout much of my career, including at the Milwaukee Justice Center which provides quality assistance to low income individuals. I specifically assist with family law cases for which a large majority of litigants are pro se. For the last several months I have considered whether I should continue this pro bono work after the 2018 amendment of Wis. State. Sec. 802.05(2m).

I am concerned that judges or other lawyers on the case would view my name and firm on the document and pass judgment on myself and/or my firm. Since I will not be in court when the motion is heard, I cannot defend myself.

I was also concerned that clients might make edits to documents after I drafted them but before they were filed with the court. Legal services are expensive and the clients I have served at pro bono clinics rely on limited scope representation like ghostwriting to access justice. Without it, parties often go wholly unrepresented through the legal process causing delay, confusion, and inefficiency in the court system. To just tell a low-income individual what to put on a form, and then send them home to do it is not realistic. The reality is many of these individuals do not have the capacity to complete this task and justice suffers as a result.

Since the rule change, I am discouraged to assist individuals draft any sort of documents, even some motions that are mostly boilerplate. I hope the rule will be restored to allow me to fully engage in this type of pro bono work again.

Respectfully,

Eric Hart
Hart Law Office