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April 5, 2007

Dear Chief Justice and Justices:

We are writing in support of the proposed amendments to the Trust Account Rules. We are a two-partner firm in Beaver Dam practicing solely in the area of family law. The existing trust account rules have had a negative impact on small firms. The petition before the court would relieve many of the problems encountered with the currently existing rules.

Clients relied significantly on obtaining advanced fees from credit cards as most divorcing couples have very limited access to cash. The problem is exacerbated when domestic violence is present. The victim rarely has access to funds and often a credit card is the sole source of an advance fee. The trust account amendments provide two workable solutions to this problem. For those lawyers who opt to do so, the option of taking credit card advances to the general business account will be available upon approval of this petition. For those lawyers who wish to continue to operate from a trust account, the option of creating a separate account for credit card advances is included in the petition.

Currently, criminal lawyers are allowed to deposit "flat fees" to their general business account even though they are by definition unearned fees. We family lawyers who bill on an hourly basis against an advance fee are not. So, the hourly fee based lawyer is required to do much more to account for and manage an unearned fee than a "flat fee" lawyer. The petition will allow all lawyers who bill fees in advance to be treated the same: they may deposit advanced fees to their general business account, provided that they give the client notice of their intention to do so.

We also support the provision of the petition that insures that all clients will be assured of reimbursement of their advanced fees in the event of lawyer conversion of unearned advances. The Client Security Fund (funded by Wisconsin lawyers) will insure all clients against loss from the acts of a dishonest lawyer.

We also support the petition because it corrects the problem where clients have an infinite period of time to generally object to the lawyer's fees and by doing so, require a return of the disputed fee to trust. The petition provides for a 30-day period for the client to object to the fees, and requires that objections be specific. Thank you very much for consideration of our comments and input.

Very truly yours,

DERR & VILLARREAL

Cassel Villarreal

Very truly yours,

DERR & VILLARREAL

Lisa L. Derr