



# Wisconsin Clerks of Circuit Court Association

Serving Wisconsin Courts

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December 20, 2011 **RECEIVED**

State of Wisconsin  
Supreme Court  
P.O. Box 1688  
Madison, Wisconsin 53701-1688

DEC 20 2011

CHIEF JUSTICE SHIRLEY S. ABRAHAMSON  
SUPREME COURT

Dear Justice Abrahamson:

We are submitting this in response to your December 8, 2011 request for input on challenges posed by self-represented litigants ("SRLs"). The SRL crisis continues to significantly burden the court system, particularly given current economic circumstances. SRLs are confused, frustrated, and lost. Because of their lack of legal knowledge, SRLs are continually looking to court staff to provide answers to their questions and resolutions to their problems.

Court staff, using the tools the Supreme Court has created, strives to provide as much guidance to SRLs as permitted. The ability of the staff to provide standardized forms has been valuable in allowing staff to help SRLs access the courts. The Legal Advice Guidelines for Court Staff materials and interactive training materials help us to train our staff in how to provide the best information, without crossing the line into legal advice. If there is one area that the Court could provide additional assistance to Clerks' offices in this area, it is how to most effectively present these materials in training new court staff.

However, even the best trained staff is not a substitute for the assistance of people with legal education law students, paralegals, and, particularly, attorneys. Therefore, the Court can best assist Clerks' offices by providing support for efforts to increase SRLs' access to legal practitioners.

There are numerous different types of programs which the Court can support. For example, many counties have implemented self-help and/or brief legal advice programs. One tool the Court could provide would be a way for those implementing these projects to share information, such as through hosting a listserv or meetings of coordinators of such programs. The Court could also supply resources to support volunteers in self-help/brief legal programs.

We realize actual representation is, of course, most needed by many SRLs facing complicated legal issues. However, the Clerks of Court are opposed to the current Civil Gideon rule based on the financial hardship it will create

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for the Counties. We believe a better option would be for the Court to increase participation in pro bono programs, such as providing incentives for attorneys to do so. Additionally, unbundled limited scope representation may be another way for attorneys to provide some representation at key points in a litigant' case, while still lowering the overall cost as compared to full representation. However, many attorneys do not understand the ethical rules that allow them to do so. More importantly, many judges have reservations about the concept. The Court could help promote these types of initiatives in order to increase actual representation without additional costs to the courts.

We greatly appreciate the efforts already undertaken by the Court and the ongoing dialogue about how to collaboratively craft additional solutions to the SRL crisis. We, too, are committed to maximizing the ability of the people of Wisconsin to access their court system.

Thank you for asking input from the Clerks of Circuit Court on this issue. We deal with the public everyday asking for help and try to assist them as much as possible within the guidelines. Please do not hesitate to ask any questions you or the other justices may have. I would be happy to meet and discuss this further.

Have a wonderful holiday season.

Sincerely,



Lonnie Wolf  
President,  
Wisconsin Clerks of Circuit Court Association

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