

Circuit Court



Branch 29
Courthouse
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Milwaukee, Wisconsin 53233
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October 3, 2011

RICHARD J. SANKOVITZ
JUDGE

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

Re: Petition No. 10-08
Proposed Amendments to SCR 11.02 (*Civil Gideon*)

Dear Justices:

Although I am unable to attend tomorrow's hearing on this important rules petition (I am presiding over a previously scheduled trial), I wanted to add my support for the petition. My comments are tardy, because of other business and other obligations, so I will keep them brief and limit them to one issue.

The proposal at the core of the petition is hard to debate: As a matter of fundamental fairness, if a case involves (a) a dispute over a basic human need, for example, one's home or custody of one's child, and (b) a matter too complex for a layperson to manage without a lawyer, and (c) one party represented by counsel but not the other, shouldn't the judge have the authority and the resources to make sure both sides are represented? If not, isn't there a specter of unfairness so great as to taint the integrity of the whole process?

The most difficult question for the Court, I believe, will be the expense of ensuring fair play. If that is a concern, then I strongly suggest that the Court at least consider whether to address this serious issue *on a pilot basis*, as has California, under the recently enacted Sargent Shriver Civil Counsel Act. For more information about California's approach – testing a program in a few representative communities before deciding whether or not to implement it statewide – please visit <http://www.brennancenter.org/content/resource/californiaab590/>.

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The court is well aware that the problems of unrepresented litigants are the most serious the courts face, and the problem of unrepresented litigants is at its apex in the limited circumstances I delineated above. A serious solution along the lines California has undertaken is the least the Court should consider.

Thank you for the opportunity to supply this additional information.

Sincerely,



Richard J. Sankovitz
Circuit Court Judge

cc: John Ebbott