



05 February 2014

Clerk of Supreme Court
Attention: Deputy Clerk---Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Petition 13-14 to Amend SCR 60.04

To the Honorable Justices of the Supreme Court of the State of Wisconsin

I am writing in support the above referenced petition. I am the Executive Director of the agency that has been responsible for operating the domestic violence program in Beloit for the past ten years; I was also director the domestic violence program in Door County, and prior to that I worked in an agency working with families court-ordered for services related to sexual abuse within the family. I believe that I write from a perspective of experience regarding the challenges facing traumatized individuals within a court setting.

I believe it is reasonable to recognize that individuals appearing before a judge do not do so as though standing on a level playing field with the respondent. Those appearing without benefit of counsel are at a profound disadvantage. While it is likely that the proceedings are a bit more intelligible than if they were conducted in Latin, the difference should not be over-stated. For lay persons, the court room is an intimidating place in which one seldom feels at ease; for those traumatized by violence and fearful for their safety, the court hearing process is often terrifying. The anxiety associated with an unfamiliar process is trivial compared to the emotions associated with proximity to the alleged perpetrator. That we would expect a victim to “perform” well in this environment is absurd. I am familiar with a significant number of victims who report subsequent to the hearing that they were unable to tell their story or respond adequately – not because they had no story to tell, but rather because of their confusion regarding the process, their uncertainty about how to conduct themselves, and their fear compromised their ability to provide critical information.

I suspect there are some that would argue that a “true” victim could run the gauntlet of intimidation and tell their story. I suspect there are those that would be inclined to argue that any judicial involvement in trying to clarify or explain introduces unwarranted advantage. Frankly, I do not believe that the justice system is modeled *on American*

Idol, where the performance of the litigant is the basis of the decision and the judge can offer no help. I believe the court should be interested in obtaining and should be able to obtain sufficient evidence to make a fair decision. The amendment above is an important step to ensure that reasonable accommodations can be made for litigants. By allowing judges to do the following, we can decrease the likelihood of victims being re-victimized by a well-intended but clumsy judicial process:

- Construe pleadings to facilitate consideration of the issues raised.
- Provide information or explanation about the proceedings.
- Explain legal concepts in everyday language.
- Ask neutral questions in order to elicit information or clarify prior statements.
- Modify the traditional order of taking evidence if necessary.
- Permit narrative testimony.
- Allow litigants to affirm their pleadings as their sworn testimony.
- Refer litigants to any resources available to assist in their preparation of the case or enforcement and compliance with any order.
- Inform litigants as to focus of the next hearing and what is expected of them.

In the interests of victims and of a truly level playing field, I respectfully urge that you support this amendment.

Thank you.

Sincerely

[John Pfeiderer]

John Pfeiderer
Executive Director