

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



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February 7, 2014

**HAND DELIVERED**

Re: Support for Petition 13-14 (Relating to the Wisconsin Code of Judicial Conduct regarding self-represented litigants)

Dear Honorable Justices:

I am writing to express End Domestic Abuse Wisconsin's full support for Supreme Court Rule Petition 13-14. End Domestic Abuse Wisconsin, formerly the Wisconsin Coalition Against Domestic Violence, is the statewide voice for domestic violence survivors and victim service providers. We believe the rule petition represents an important step to improving *pro se* domestic violence victims' access to safety and justice in Wisconsin.

Rule Petition 13-14 encourages judges to make "reasonable efforts to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard." The rule petition also creates a comment to Supreme Court Rule 60.04(1)(i) that provides practical examples, illustrating how judges can facilitate the quality of justice for *pro se* litigants.

Court proceedings related to domestic violence have profound consequences on victims and their children. The granting of a domestic abuse, child abuse or harassment injunction has the potential to markedly improve a victim's safety. Research shows that these types of protection orders are effective in many, if not most, cases. A recent national study found that obtaining a protection order was associated with an elimination of violence in 50% of cases within six months. Another study determined that 86% of women with protection orders report the order either stopped or reduced the abuse.

Child custody and placement decisions are usually of greater consequence for victims and their children. Child custody and placement orders dictate the degree to which victims and their children will be legally required to interact with an abusive parent and under what conditions. Therefore, a custody and placement order that does not carefully account for the level of danger and history of abuse can single-handedly undermine every other effort to protect the victim and to hold the offender accountable.

Most victims seeking help from the courts are unrepresented. Ninety percent of victims requesting restraining orders and injunction do not appear with an attorney. Additionally, a significant majority of victims served by our local programs do not have an attorney to guide them through the family law process.

A number of factors compound victims' difficulties when they appear *pro se*. Often victims are seeking help through the court system during periods of intense risk and fear. Therefore, they are particularly susceptible to abusers' intimidation tactics and may be daunted by the potential trauma of squaring off against the perpetrator in the courtroom. These experiences, coupled with confusion and uncertainty about the law and legal process, result in victims ceding their rights or being unable to articulate their claims and requests for relief. Alarmingly, we know from our work that the family law protections for domestic violence victims and their children contained in Wisconsin's child custody and placement statutes are severely underutilized. This under-utilization is due in part to the fact unrepresented victims

do not understand the substantive and procedural elements of these protections and are, therefore, unable to invoke them properly.

While Rule Petition 13-14 is certainly not a complete solution to the difficulties self-represented persons experience in court, it will mitigate some of the disadvantages victims face when they are without counsel. The rule will encourage judges to take steps to ensure victims are better able to participate and more likely to understand the remedies and protections available. We view this improvement as a positive step forward to increasing victims' access to justice and as a step toward strengthening Wisconsin's response to domestic violence victims and their children. I ask that you support the rule petition.

Respectfully,



Patti Seger,  
Executive Director