



Milwaukee County Circuit Court

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HON. MAXINE ALDRIDGE WHITE
CIRCUIT COURT JUDGE
BRANCH 1

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DONNA M. LENDOWSKI
COURT REPORTER

February 12, 2014

RECEIVED

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Clerk of Supreme Court
Attention: Deputy Clerk---Rules
Post Office Box 1688
Madison, Wisconsin, 53701-1688

CLERK OF SUPREME COURT
OF WISCONSIN

RE: Comments of Judge Maxine Aldridge White in Support of Petition 13-14 to Amend SCR60.04

Dear Honorable Justices of the Wisconsin Supreme Court,

I am writing this letter in support of the Petition 13-14 which seeks to amend SCR 60.04(1) to make clear that "reasonable efforts to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard" are consistent with the obligation of judges to perform all judicial duties fairly and impartially. I also support the proposal to include commentary to SCR 60.04(1) of the Code to provide additional guidance to judges in this area. It is my understanding that the proposed amendment does not alter existing procedural and evidentiary statutes.

For the past twenty-one and a half years I have had the honor of serving as judge in Branch 1 of the Milwaukee County Circuit Court in our State's most populated judicial District. I have presided over all aspects of cases in our courts handling cases involving homicide, sexual assault, domestic violence, drug prosecution, large claims civil cases and family court matters. I am well informed on the substantial, significant and ever-increasing challenges faced by judges in self-represented cases, from my leadership roles on State Commissions on a variety of justice issues, from problem-solving efforts as a member of the First Judicial District's Executive Committee as well as in my role as Co-Deputy Chief Judge to Judge Jeffrey Kremers.

Experience gained through my role as Presiding Judge of the Family Division (which consists of five judges and ten family court commissioners and staff) combined with my role as a trial judge handling all aspects of a large volume of family court cases, substantially informs me on the critical need for guidance in this area. In order to explain the expansive and changing nature of the judge's job, it may help to consider numerical data. For example, on January 1, 2013, the Milwaukee County Circuit Court

Family Division had a pending workload of 4,403 cases, opened 10,668 new cases between January and December 2013, disposed of 10,983 cases during the year and ended 2013 with 4,101 cases pending in the Division. The data indicates that the number of *pro se* litigants is likely to increase.

Some reliable predictions from judges and staff indicate that over 85 % of these matters involved at least one self-represented litigant and in 75% of the cases both parties were *pro se*. The above statistics for a single calendar year do not tell the whole story. Self-represented litigants make numerous appearances before the court in a single case thereby reflecting thousands and thousands of contacts (beyond the CCAP case statistical count). In each of these instances, the Court is required to devote a great deal of special attention and time to decipher the reasons for the litigation, and weed through the disputed issues. This must be done through communication with lay people who do not have the benefit of legal counsel to understand the relevant legal terms and issues.

The Milwaukee Justice Center's (MJC) Annual Report for 2012 is an additional valuable resource which provides compelling and demonstrative graphic details about the numbers and other characteristics of self-represented litigants seeking relief in Milwaukee Circuit Courts. In 2012 the MJC served 10,659 clients, mostly in family and small claims cases. <http://milwaukeecc.gov/ImageLibrary/Groups/cntyCourts/MJC/Documents/MJCAR2012WebExportA.pdf>

The efforts of judges on the bench are enormously and exhaustingly challenged at times by the sheer numbers of unrepresented litigants. Additional stress is placed upon the functioning of the court because many self-represented litigants suffer from the lack of economic and educational resources. Cases where one or both of the litigants are *pro se*, present trial judges with new and unsettled challenges about his/her role, adds considerably to the time it takes to process cases and raises new or different ethical issues.

Although the forms and other services provided by the MJC have greatly improved our efforts to provide access to justice to Court users, these efforts alone cannot alleviate the judge's need for specific guidance on what SCR 60.04(1) contemplates a judge's role to be in self-represented cases. Such an expression in the Code and its commentary would affirmatively acknowledge the reality of the job of judges today, alleviate concern by judges who are already taking reasonable steps to ensure a fair hearing, and encourage judges who have not done so to consider what procedures, consistent with existing law, will provide *pro se* litigants with a meaningful opportunity to present their cases. This will help ensure that we meet our obligations to provide fair representation to all parties regardless of financial or educational challenges.

Respectfully submitted,

Maxine Aldridge White

C: Margaret J. Vergeront

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Enclosures: Ten (10) copies of the Milwaukee Justice Center Annual Report 2012