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Clerk of the Supreme Court
PO Box 1688
Madison, WI 53701

Rule Petition 15-05 Pro Bono CLE and In-house Counsel

To the Supreme Court of Wisconsin,

In-house counsel at corporations and agencies are a significant subset of the Wisconsin Bar. Contrary to unfortunate caricatures that some have embraced, these lawyers are highly skilled, highly ethical, and every bit as committed to the ideals of the bar as are lawyers in private practice. These lawyers provide a very wide range of services for their clients, are extremely practical, and want to improve the well-being of their communities. Many of them serve on non-profit boards, are active in their communities, and provide pro bono legal services.

For example, lawyers in my group in Wisconsin are involved in domestic violence agencies such as Sojourner Family Peace Center, immigration cases, non-profit arts and social services organizations, United Way, agencies serving adults with disabilities, Big Brothers Big Sisters, the United Community Center, their churches and synagogues, and other community activities.

Limiting the ability of registered in-house attorneys to fully provide pro bono services is a significant missed opportunity in our state. These lawyers are very capable, as they counsel their clients on high-stakes legal matters day after day. They are all law school graduates and admitted to practice in at least one other state. They have much skill and experience and judgment to offer to those in need of free legal services.

The registered attorneys in my group have been practicing law for an average of 26 years and every one of them has lived in Wisconsin for more than ten years. On what basis would we conclude that it is better for indigent clients to go without help rather than being served by these capable lawyers?

The only reason to limit these lawyers' authorization to provide pro bono is that they neither passed the Wisconsin bar exam nor graduated from UW or Marquette law schools. However, I am quite certain that they know every bit as much about the relevant law as the typical licensed Wisconsin lawyer. Personally, I passed the Wisconsin bar 30 years ago. That doesn't make me one iota more qualified to represent indigent Wisconsinites than members of my team who passed the bar exam in a different state. The notion that Wisconsin lawyers know and remember more about many, let alone every, aspects of Wisconsin law is ludicrous. Counseling skills, intelligence, experience, and good judgment are far more important for the service of pro bono clients than is knowledge of Wisconsin law. These are the attributes that in-house counsel bring to the table.

I urge the Supreme Court to adopt the rule changes proposed by the State Bar.

Sincerely,



Douglas M. Hagerman