

HAUS, ROMAN and BANKS, LLP

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November 23, 2016

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

*RE: Proposed Petition 1604
Mediator/Written Agreement*

Dear Clerk Fremgen:

I am writing in support of Proposed Petition 1604. I am a family law attorney, duly licensed in the State of Wisconsin and currently practicing as a partner in the law firm of Haus, Roman and Banks, LLP, Madison, Wisconsin. I have been practicing family law for over thirty years and acted as a mediator in family law for much of the same period.

I have noted in recent years that the majority of my mediation cases are coming from parties who do not have lawyers. They often want to attempt divorce mediation even before they have filed in court. I direct them to the Wisconsin Circuit Court forms for the *pro se* documents to begin and complete a divorce action. When mediation is successful, I provide the parties with a mediated agreement which we all sign. I then direct them to legal counsel to prepare a more complete marital settlement agreement. This step is not always followed and the parties choose to fill out the form Marital Settlement Agreement on their own.

I am often concerned that issues may be missed, particularly those relating to the legal custody and physical placement of children, since I am unable to provide a template through a marital settlement agreement I have drafted to make sure all issues are raised and discussed. The form document does not cover as much as a lawyer-drafted Marital Settlement Agreement which has been revised and added to over years of practice. Often the Marital Settlement Agreements in a given community are fairly similar as lawyers have adopted language from documents that have circulated in prior cases.

I always recommend strongly that each party have a lawyer review the mediated agreement before they sign a marital settlement agreement. This advice would not be affected by my ability to draft a complete document as part of the mediation process.

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I do believe the proposed changes to SCR 20:2.4 would be of great benefit to the parties and the mediation process.

Thank you.

Very truly yours,

HAUS, ROMAN and BANKS, LLP

A handwritten signature in cursive script that reads "Lauri Roman". The signature is written in black ink and is centered below the firm name.

Lauri Roman

LR/th