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**LEGAL Action**  
 OF WISCONSIN

**40 Years of Justice**

March 14, 2014

**RECEIVED**

**MAR 17 2014**

CLERK OF SUPREME COURT  
 OF WISCONSIN

Ms. Diane M. Fremgen  
 Clerk of Supreme Court  
 110 E. Main Street, Suite 215  
 P.O. Box 1688  
 Madison WI 53703-1688

Re: Comments in Support of  
 Petition 13-10

Dear Ms. Fremgen:

Legal Action of Wisconsin, Inc. supports the granting by the Supreme Court of Petition 13-10 and the resultant adoption of amended rule SCR 20:1.2(c), the creation of rules SCR 20:4.2(b) and 4.3(b), the renumbering of SCR 20:4.2 to 20:4.2(a), the creation of sections Wis. Stat. 802.045, 801.14(2m) and 800.035(1m), and the amendment of Wis. Stat. § 809.80(2)(a).

This clarification of limited scope representation will prove helpful to clients, attorneys and the courts. An especially valuable feature of the rule is the ability of courts to appoint counsel to assist impoverished *pro se* litigants in crucial aspects of their cases. In order to save money, a court may not wish to appoint counsel for a *pro se* litigant throughout an entire family law case, but may see a particular need for counsel in the custody stage, or during a contempt proceeding. This petition and its resultant rules and statutes makes it clear that a court may save money by appointing in only these situations, and that an attorney can accept the appointment without the obligation to represent through the entire case.

We are especially gratified to see that this limited appointment of counsel is expressly and specifically set forth in proposed SCR 20:1.2(c)(1)c.

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With regard to Subsection (c)(1)b., Legal Action staff and volunteer attorneys, as a group of lawyers "employed by or participating in a program sponsored by a nonprofit organization" that provides *both* advice and extended representation, understand this subsection to mean that written informed consent need not be obtained when we provide the advice, but must be obtained when we provide more than that, whether that is representation in only a limited part of the case or throughout the entire case. In this respect, the petition is clearer than the supporting memorandum, which seems to exclude law firms such as Legal Action, Legal Aid Society, Wisconsin Judicare and Disability Rights Wisconsin from the exemption. The language on p. 6 of the memorandum is:

. . . a nonprofit or court-annexed legal services program that consists solely of information, advice or the preparation of court forms,

whereas the language of the petition is:

a program sponsored by a nonprofit organization, a bar association, an accredited law school, or a court and the lawyer's representation consists solely of providing information and advice or the preparation of court-approved legal forms.

The memorandum appears to key on the program, whereas the petition keys on the representation. The petition would exempt firms like Legal Action and Legal Aid Society from obtaining written consent where our representation is only advice, whereas the memorandum seems to make the exemption available only to programs who provide only advice, and who do not provide extended representation.

We have no problem obtaining written consent for extended representation, as we do so now with our retainer agreements. We would have difficulty if we are required to obtain written consent where we provide only advice. This would severely reduce the number of persons whom we could serve. Again, the petition itself does not pose this problem, but the memorandum does.

Also regarding subsection (c)(1)b., that clause should probably read "information *or* advice," since there is a distinction between mere information and legal advice.

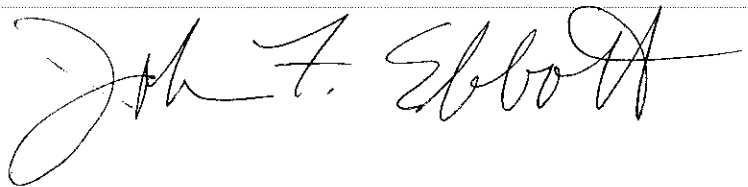
With regard to proposed section 801.14(2m) on p. 6 of the petition, it should probably read ". . . limited scope representation and *upon* the limited scope representation attorney, "rather than "to."

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Finally, in Appendix A, p. 16, item t), "preventive" is probably preferred to "preventative."

Legal Action supports this petition and its resultant rules and statutes. Thank you for your consideration of these comments.

Yours truly,

A handwritten signature in black ink, reading "John F. Ebbott". The signature is written in a cursive style with a large, looping initial "J".

John F. Ebbott  
Executive Director

JFE:caj  
cc: A. John Voelker  
Director of State Courts