

**In re amendment of Supreme Court
Rule Chapter 20 and
Wisconsin Statute Chapters 800, 801, 802, and 809
relating to Limited Scope Representation**

**PETITIONER'S
RESPONSE TO
COMMENT TO
RULE PETITION 13-10**

Petitioner, the Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court, files the following two amendments to its rule petition in response to concerns expressed by the Business Law Section of the State Bar of Wisconsin in its comment filed on February 27, 2014. The PPAC's subcommittee on limited scope representation and a member of the business law section worked together to draft these amendments. The two new proposals are identified below with a double underline: (1) adding a provision e. under SCR 20:1.2(c)(1), and (2) modifying a proposed comment to SCR 20:1.2(c).

SECTION 1. SCR 20:1.2 (c) of the Supreme Court Rules is amended to read:

SCR 20:1.2 (c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. The client's informed consent must be in writing except as set forth in sub. (1).

(1) The client's informed consent need not be given in writing if:

- a. the representation of the client consists solely of telephone consultation;
- b. the representation is provided by a lawyer employed by or participating in 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;

- c. the court appoints the lawyer for a limited purpose that is set forth in the appointment order; or
- d. the representation is provided by the state public defender pursuant to Wis. Stat. Ch. 977, including representation provided by a private attorney pursuant to an appointment by the state public defender.
- e. the representation is provided to an existing client pursuant to an existing lawyer-client relationship.

(2) If the client gives informed consent in writing signed by the client, there shall be a presumption that:

- (i) the representation is limited to the lawyer and the services described in the writing, and
- (ii) the lawyer does not represent the client generally or in matters other than those identified in the writing.

SECTION 3. Wisconsin Comment to Supreme Court Rule 20:1.2 (c) is created to read:

~~With respect to subparagraph (c), a lawyer providing limited scope representation in an action before a court should consult Supreme Court Rule 20:1.5 (b) regarding fees and expenses.~~

WISCONSIN COMMENT ON LIMITED SCOPE REPRESENTATION

The requirements of subparagraph (c) that require the client's informed consent, in writing, to the limited scope representation do not supplant or replace the requirements of SCR 20:1.5(b).

Respectfully submitted this 14th day of March, 2014.

A. John Voelker
Director of State Courts