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VIA E-MAIL ONLY

Chief Justice Shirley S. Abrahamson
Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701-1688

RE: In re Matter of the Petition for Amendment of Supreme Court Rule 60.04

Dear Justice Abrahamson:

Please let this letter serve as my testimony and position with respect to the above-described petition seeking the amendment of SCR 60.04. I stand in support of Petition 13-14 for the amendment of Sections 1 and 3 and the creation of Sections 4 and 5.

As background, I will tell this Court that I am a member of the Wisconsin Access to Justice Commission. I was recently appointed to this position. I have been a practicing trial lawyer in the areas of family law and personal injury since 1988. I do also serve as the Chairman of the Commissioners of Condemnation in Outagamie County. At times I have also served as a Judicial Court Commissioner. I have had the opportunity to discuss the proposed amendments with fellow lawyers and judges.

I think it is imperative to empower Circuit Court Judges and Court Commissioners with the ability to properly deal with the overwhelming number of individuals who are unrepresented in civil court. Allowing Circuit Court Judges to take reasonable steps to exercise such discretion that they deem necessary is, in my opinion, essential to the efficiency of Civil Court. I have had numerous cases over the course of my almost 26 years in practice with unrepresented parties on the other side. I think it is incumbent upon judges to have the ability to make sure that the unrepresented party is properly explained the rules, legal concepts and given information as to the proper way to take evidence. If not, the proceedings take much longer and grow more inefficient. The nature of our profession is to allow the evidence to be properly presented to the court so the court can make a fair and reasonable determination on the matter. Allowing judges to get at that information in the most efficient manner is paramount in today's strained court calendars.

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It is my perspective that the represented party is not harmed in any way by the court allowing the unrepresented party to have a general understanding of how the proceedings are supposed to occur. It is the same thing that I often have to do when chairing a condemnation proceeding. Without the ability of a court to gently guide the litigant, cases take substantially longer and become by far more confusing. The represented litigant is actually benefitted by not spending additional sums of money on their attorney for wasted and precious court time.

In short, I believe the modifications and additions to Rule SCR 60.04 give the tools to the Circuit Court to use the utmost discretion to provide the necessary efficiency and fairness that all deserve while in the Wisconsin Court System. This Court already vests a wide latitude of discretion with the Circuit Court in making decisions. This is just another tool in allowing that discretion to promote the efficiency and fairness that I have discussed.

In conclusion, I strongly recommend that this Court accept the modifications and additions to SCR. 60.04 requested in Petition 13-14. I apologize that I cannot attend, but due to a court appearance, I am unable to testify before this Court.

Very truly yours,

HOFF LAW OFFICES, LLC



A Daniel J. Hoff

DH/sl