



# WISCONSIN COURT OF APPEALS

DISTRICT IV

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Wisconsin Supreme Court  
16 East State Capitol  
P.O. Box 1688  
Madison, WI 53701-1688

Re: Limited Scope Representation

Dear Honorable Justices:

I am writing in support of the petition on Limited Scope Representation currently before the Court.

Currently, the profession, both bench and bar, have been wrestling with a crisis in unrepresented litigants. These litigants not only flood the courts with information that is difficult for us to evaluate and process, but far too often the failure of effective advocacy deprives people of rights to which they should be entitled. Likewise, people who can't afford legal representation often proceed pro se in non-litigation situations, like real estate transactions, where the lack of representation may also result in serious harm. The petition before the Court is another of the several attempts that are being made to address this problem.

The rule changes provided in the petition create a framework, provide guidance and clarify ethical standards to assist practitioners in undertaking LSR. Obviously, change in long-established practice habits will not occur overnight. However, by providing structure, the court would be encouraging the development of practice models that would allow lawyers to market services in a manner not commonly available today. These services could be developed in a manner that is more affordable, allowing currently pro se parties to have at least some legal assistance. The options are so numerous that we are not in a position today to project how the development of law practice might be changed in the long run.

From the point of view of the appellate courts, I hardly need to tell you what a burden pro se briefs can be, or how inadequately pro se parties are usually able to present their cases. If lawyers could be involved in even a small part of the process at an affordable price, or even through an organizational grant, without having to take responsibility for entire appeals, both the parties and the appellate courts would benefit. The unbundled services could run the gamut from pre-filing consultation or seminars, to research, to final review of pro se drafted briefs.

In my experience reviewing grant applications as a member of the WisTAF board over a number of years in two separate terms, it is clear to me that there are groups of lawyers in Wisconsin who are diligently attempting to find models for the delivery of affordable legal services to the poor and lower middle class. In my own practice, which depended primarily on lower middle class clients, I also struggled with models for delivering affordable services. Lawyers who are providing this service to the community need tools to accomplish this difficult job. By acting positively on this petition, you can help lawyers fulfill their ethical responsibility to deliver legal services to those in need.

Thank you for the opportunity to encourage you to grant these rules changes.

Sincerely,

Judge Gary E. Sherman

GES/jld