

February 4, 2014

Supreme Court Justices:

I write in support of Petition 13-14 which seeks to amend Supreme Court Rule 60.04. I am currently employed as the Legal Advocate with People Against Domestic and Sexual Abuse in Jefferson County. I provide direct services to survivors of abuse, many who are navigating the legal system without representation.

Attending court in and of itself is often a nerve wracking experience for most people. This anxiety, combined with the fear of having to be in the same room as your abuser, can create a wholly intimidating and frightening experience for survivors. Additionally, many survivors are not familiar with legal proceedings and can easily miss their opportunity to address the abuse with the Court.

One of the areas where this is more prevalent is with restraining order injunction hearings. Most of the clients we work with do not have representation at these hearings. As such, they become responsible for presenting their own evidence and cross-examinations, even though they often do not know how to do this. I have seen Judges ask clients if they have any witnesses they would like to present, unaware that they are their own witness. I have seen someone who was reprimanded for giving testimony during cross-examination and then, out of confusion and lack of direction from the Judge, not give any testimony when it was appropriate to do so. I have known survivors who have opted not to continue with the restraining order process because of lack of representation and fear that they could not adequately represent themselves in front of their abuser.

I have also seen moments where Judges take the time to further explain the process and their expectations during the hearing. I have seen Judges show compassion and patience with pro se petitioners (and also with respondents). The difference these few moments make to the petitioner is remarkable. The simple recognition, and subsequent assistance, from the Judge that the pro se litigant does not have the knowledge and experience of an attorney can foster a sense of calm and trust in the system. Practically speaking, it also allows for the Judge to gather all pertinent information to make a well informed decision in a time efficient manner. The proposed amendment would not only benefit the pro se litigant, but also the Court as a whole.

Thank you for your time and consideration of this matter.

Sincerely,



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