

Carrie Janto - Fwd: Trust Account Rules

From: Julie Rich
To: Janto, Carrie
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Subject: Fwd: Trust Account Rules

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>>> "Susan A. Hansen" <sah@h-hlaw.com> 4/2/2007 5:46 pm >>>

Dear Commissioner Rich-

Below is my letter to the Supreme Court with my input regarding the revisions to the Trust Account Rules. I appreciate your assistance in sharing this with the Justices.

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Dear Chief Justice Abrahamson and Fellow Justices:

I am writing this letter in support of the proposed amendments to the Trust Account Rules. I am a partner in a small Family Law firm. I have heard many concerns raised by other family law practitioners in my capacity as secretary of the Family Law Section of the State Bar. Most describe increased time and payment delays, with no recognizable benefit to their clients. The petition currently before the court relieves many of the problems encountered with the current rules.

Family lawyers or other lawyers who bill on an hourly basis against an advanced fee are not allowed to deposit their advance fees to their general business account. Thus, the hourly fee based lawyer who provides the most accountability to their clients by providing billing statements is required to do much more to account for and manage an unearned fee than a flat fee lawyer. I have far more concerns about client accountability with lawyers who negotiate lump sum fees than those who provide itemized hourly billing statements. This petition also allows lawyers who bill hourly fees against advance retainer deposits to be treated the same as those who bill a flat fee at the outset of a case by allowing the retainer to be deposited in their business account if they give the client notice of their intention to do so.

Of greater concern to me, currently, no person may pay an advance fee to a lawyer by credit card. Too often in a divorce case, a client does not have sufficient funds to pay a cash advance. This has a particularly negative effect on domestic violence victims and other parties who have been denied access to funds in a relationship or marriage by effectively depriving them of obtaining counsel of their choice at the outset of a case. This can foster a feeling of being held economic hostage for low income or unempowered parties. The trust account amendments provide two workable solutions to this problem. For those lawyers who opt to do so, the option of taking credit card advances to the general business account will be available upon approval of this petition. For those lawyers who wish to continue to operate from a trust account, the option of creating a separate account for credit card advances is included in the petition.

I urge approval of the revised amendments to the trust account rules

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