

Carrie Janto - Fwd: Trust Account Rules

From: Julie Rich
To: Janto, Carrie
Date: 4/4/2007 12:36 PM
Subject: Fwd: Trust Account Rules

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>>> "Peter Rotter" <kindpeter@dwave.net> 4/2/2007 12:36 pm >>>

Dear Ms. Rich:

I have been following with great interest the discussions regarding proposed rule changes for attorneys accepting flat fees.

Please consider that prohibiting an attorney from depositing such fees in their business account until earned is unnecessarily burdensome.

As a sole practitioner, I frequently use flat fees. I explain these fees up front to my clients and explain that once paid I consider that the entire fee is mine. My clients have not had a problem with that and none have ever told me that they would prefer to have me bill them hourly.

I like not having to be obsessive about billing. I like not worrying about the bill once I have been hired, it keeps the attorney - client relationship healthy and open. I like not having to ask my clients for more money.

My clients like that I don't send them a bill for every time they called when they were afraid or worried about what would happen next. They like knowing that once they have paid me they don't have to worry about the bill anymore. They like knowing that when they call me or I call them we can freely and fully discuss the issues or their concerns without having to watch the clock to see if they can afford the discussion. Most importantly they like knowing that they won't be making decisions about which motions to file or how to proceed in their case based on whether they can afford to pay for my time to draft and pursue them.

I understand that the new rules would not outright prohibit flat fees, however the trust account rules as proposed would make such fees unworkable and I would simply bill clients hourly. This is certain to result in a loss of access to Justice for many of my clients. My flat fees nearly always reflect a reduction from what my hourly fees would have been.

Certainly the fee arbitration system would provide sufficient protection for clients for those rare occurrences when there are disputes. (I have been on the Fee Arbitration panel for years and was called for my first fee arbitration case just six months ago - a case that I believe would not have had a dispute if there had been a flat fee.)

Thank you for your anticipated consideration of my comments and for bringing them to the attention of the Wisconsin Supreme Court.

Sincerely yours,

Peter C. Rotter,

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