

MEMORANDUM

TO: Honorable Justices of the Wisconsin Supreme Court

FROM: David Callender, Government Affairs Associate

DATE: February 7, 2014

SUBJECT: Support for Petition 13-14, In re Matter of the Petition for Amendment of Supreme Court Rule 60.04

The Wisconsin Counties Association (WCA) supports Petition 13-14, which amends Supreme Court Rule (SCR) 60.04 of the Wisconsin Code of Judicial Conduct to address self-represented litigants. The proposed rule creates SCR 60.04(1)(i), which makes clear that “reasonable efforts to facilitate the ability of all litigants, including self-represented litigants, to be to be fairly heard” are consistent with a judge’s obligation to perform all judicial duties fairly and impartially.

As the Court will recall, in 2011 WCA opposed Petition 10-8 relating to establishing a right to counsel in civil cases for indigent persons. At the time, WCA indicated that it took no position on the underlying right to counsel of indigent persons in certain civil proceedings. WCA was concerned, however, about the potential costs to counties if the court were to permit judges to appoint publicly funded civil counsel and the Legislature did not appropriate funds for this purpose.

In its statement on the petition, the Court shared WCA’s concern about the potential cost to counties of such a rule. The Court encouraged the Access to Justice Commission to proceed with a pilot project in one or more counties and recommended that WCA be included in the development of that project. Due to several constraints, however, the pilot project was not established.

Consistent with its position on Petition 10-8, WCA takes no position on the underlying issue of the appointment of counsel in civil cases. However, WCA continues to support proposals such as Petition 13-14 that attempt to address the issue of *pro se* representation without creating additional costs to county taxpayers.

WCA respectfully requests the Court adopt Petition 13-14, and thanks the Court for its consideration of our perspective.

Please feel free to contact WCA if you have any questions.