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Attorney

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February 6, 2014

Clerk of Supreme Court
Att'n: Carrie Janto, Deputy Clerk – Rules
P.O. Box 1688
Madison, WI 53701-1688

In Re: Petition 13-14 to Amend SCR 60.04

Honorable Justices of the Wisconsin Supreme Court:

I am submitting this letter in support of Rule Petition 13-14. I am a partner with Anderson, O'Brien, Bertz, Skrenes and Golla, LLP in Stevens Point, Wisconsin and have been practicing law for over 30 years. I concentrate my practice in the area of family law. I have recently expanded my practice to include mediation. I have handled family law cases from the Portage County Legal Aid Society on a pro bono basis. I personally witnessed an increase in the number of individuals who are unrepresented and struggle through an unfamiliar legal process in order to address issues relating to support, division of property, custody and physical placement of minor children.

The amendment to the rule affords judges flexibility in addressing each unique situation and litigant. In particular, Section 5 of the petition offers the judiciary guidance in helping to facilitate a more practical approach to addressing the concerns of the unrepresented litigant. I have witnessed litigants having difficulty putting forth testimony which would aid the court in understanding the disputed issues. Therefore, permitting narrative testimony would allow an inexperienced, unrepresented individual the opportunity to present relevant facts before the court without having to do so in a question and answer format. In addition, often times an unrepresented individual wants an opportunity to be able to express their concerns but finds themselves struggling to do so in an arena in which they have little experience. A lay person could feel as though they had an opportunity to be heard if the court were allowed to explain legal concepts and provide information or explanation about the proceedings. The suggested changes would also allow for the system to move along more smoothly and for individuals to walk away from the experience feeling more satisfied.

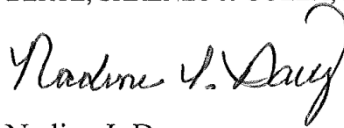
Self-represented litigants have a right to be fairly heard and it is not reasonable to expect them to fully understand the rules of evidence in order to put forth their case as an attorney would. The proposed amendment to Supreme Court Rule (SCR) 60.04 provides much needed clarification to judges on how to assist self-represented litigants without violating the court's obligation to be fair and impartial. For these reasons, I support the proposed amendment to

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Supreme Court Rule (SCR) 60.40 and respectfully request that the Wisconsin Supreme Court adopt this amendment.

Respectfully,

ANDERSON O'BRIEN
BERTZ, SKRENES & GOLLA, LLP

A handwritten signature in black ink, appearing to read "Nadine I. Davy". The signature is written in a cursive style with a large, looping initial "N".

Nadine I. Davy

NID:mtk/427823

cc: Honorable Margaret J. Vergeront
Access to Justice Commission