



April 23, 2014

Clerk of the Supreme Court
Attention: Deputy Clerk – Rules
P.O. Box 1688
Madison WI 53701-1688

Re: Petition 13-11
Pro Hac Vice Applications

Dear Chief Justice Abrahamson and Honorable Justices:

I write to support the above Petition in my capacity as President of the Wisconsin Access to Justice Commission. As you will see below, I also request, on behalf of the Commission, that you approve the Petition with an amendment critical to our work.

Ample justification for an increase in the fee set forth in SCR 10.03 (4)(b)2 has been provided by the Petitioners and in the communication from the Wisconsin Trust Account Foundation. The current \$50 fee is nominal and quite low by comparison with that in other states. The real issue, of course, is the appropriate amount to charge out-of-state counsel and how to apportion the fees collected.

The Commission supports the combined requests from Petitioners and WisTAF to set the pro hac vice fee at \$350. Based on the average of approximately 800 pro hac vice applications per year, the \$300 increase will result in an additional \$240,000 in collected fees annually. This is not an amount which will discourage participation by out of state counsel in Wisconsin cases. As a Milwaukee County judge in the Civil Division commented to me, in the cases he is handling typically there is a lot of money at stake and a \$350 fee would be equal to or less than one billable hour for the attorneys involved. Certainly, the jump from \$50 to \$350 is a substantial one, but setting it at that amount would eliminate the need for incremental changes over the coming years.

It is the Commission's view that the court system's strategic priorities as proposed by PPAC should guide the distribution of the additional funds generated by an increase in the pro hac vice fee. Two items in the critical issues and priorities for 2012-14 are especially relevant here: court funding and access to justice. Clearly, court funding is a concern, including that for agencies affiliated with the courts. So, we support the request proposed by the Board of Administrative Oversight to dedicate some portion of the increased revenue from raising the pro hac vice fee to support the functions of the Office

of Lawyer Regulation. It would also improve access to justice in Wisconsin if the court adopted the amendment proposed by WisTAF, because it would help to stabilize and diversify WisTAF's ability to fund civil legal services programs in Wisconsin.

In a similar vein, the Commission respectfully requests that the court dedicate \$25 per application to help provide financial support for the Commission's continued efforts to develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents. We are not proposing that the fee be raised beyond what has been suggested by the Petitioner or WisTAF. As the Court is aware, the current funding provided by the State Bar will allow the Commission to continue until approximately July 1, 2015. The modest amount requested here would fund a substantial portion of our annual operational expenses and its diversion would essentially go unnoticed as OLR and WisTAF receive their new infusions of revenue. A significant portion of the Commission's work since its creation has involved efforts to expand public and private funding for civil legal services, particularly for WisTAF and its grantees

The cause of improved delivery of civil legal services to low-income residents in our State cannot afford to lose a vital partner, certainly not when its funding needs are as minimal as the Commission's. I wholeheartedly encourage you, then, on behalf of the Access to Justice Commission, to adopt Petition 13-11 with the important amendments described above.

Yours truly,

James A. Gramling Jr.
President, Access to Justice Commission

C: Rod W. Rogahn, Board of Administrative Oversight
Keith L. Sellen, Office of Lawyer Regulation
De Ette Tomlinson, Wisconsin Trust Account Foundation