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September 8, 2011

SEP 13 2011  
CLERK OF SUPREME COURT  
OF WISCONSIN

RE: Letter of Support for Rule Petition 10-08 for Amendment of SCR 11.02

TO: The Honorable Justices of the Wisconsin Supreme Court

This letter is in support of the request for an amendment to Supreme Court Rule 11.02 requiring that Circuit Court Judges appoint attorneys at public expense for indigent persons in certain civil cases. This letter is my personal support for what I and others see as the natural consequence of our society's obligation to ensure and protect those litigants where the assistance of counsel will protect the basic human rights of indigent litigants, including sustenance, shelter, safety, health and child custody.

I have been an attorney for over 28 years and a Milwaukee County Circuit Court Judge for over 12 years. I have practiced as an attorney in Children's Court, Criminal Court, Family Court, and Civil Court. I have served as a judge in Misdemeanor Court, Felony Court, Children's Court, Family Court, Domestic Violence Court, and Drug Treatment Court. I have served on the Planning & Policy Advisory Committee (PPAC) and Chair its subcommittee on Effective Justice Strategies. I chair the Milwaukee Bar Associations' Community Relations Committee. I have sat and presently sit on numerous committees directly related to the goal of increasing the efficiency of our judicial system and related systems.

I strongly recommend that the Court adopt the requested rule change because it will assist judges, support real access to our justice system, and promote more efficient resolution of legal disputes. It is clear that the judiciary would benefit from self-represented litigants obtaining the expertise of an attorney in some civil proceeding.

Judges, try as they might, cannot always avoid bad results for self-represented litigants. This is not to say we have not seen bad results from represented litigants, but when a judicial officer knows that someone is clearly unable to understand the legal implications of court proceedings, we struggle and the system fails. Not just for that litigant, but our justice system. Providing counsel in those instances where self-represented litigants meet the criteria, as outlined in the brief in support of the petition, the work of the courts will be more efficient and our decisions will reflect a more accurate application of the law to properly presented facts.

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This request could easily be dismissed if financial implications were allowed to trump access to justice and fairness for indigent litigants who deserve to have their issues heard. This petition is far too important for the integrity of our system to fail to address this gap in our system because of costs. Providing attorneys in limited circumstances in civil proceedings is long overdue and would be an invaluable tool in providing access to justice. I strongly urge approval of Rule Petition 10-08.

With warm regards,

A handwritten signature in cursive script, appearing to read "Carl Ashley", is written over a horizontal line.

Carl Ashley  
Milwaukee County Circuit Judge