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February 12, 2014

Clerk of Supreme Court
Attention: Deputy Clerk – Rules
PO Box 1688
Madison, WI 53701-1688

RECEIVED

FEB 14 2014

CLERK OF SUPREME COURT
OF WISCONSIN

RE: Petition 13-14 to amend the judicial code to address self-represented litigants

Dear Deputy Clerk:

This letter is in support of Petition 13-14 to amend the judicial code to allow judges and court commissioners to provide assistance to pro se litigants in terms of explaining basic court procedure.

I am a general practice solo practitioner, practicing primarily in the counties of Waukesha and Milwaukee. In addition, I serve as a Board of Governor for the State Bar of Wisconsin, representing Waukesha County, as well as serve on the Board of Directors for the Waukesha County Bar Association. I was admitted to the Bar in May 2007 after graduating from Marquette University Law School.

I am also actively involved in my community. I am a leader of the local chapter of the Wisconsin Alumni Association (BA 1988 Economics and Math), a member of the Greater Brookfield Chamber of Commerce, and the Menomonee Falls Chamber of Commerce.

Through my work and community service, I interact with many self-represented litigants who struggle to understand the legal system due to its complex rules. The confusion is observed most in criminal court, small claims, and probate. When a judge or court commissioner takes a moment to briefly explain the process to a pro se litigant, it expedites the hearing for all concerned. Pro se litigants are better prepared the next time they appear before the court and they have a clearer understanding of what is expected. An explanation from the bench not only benefits the party appearing directly before the court, but all of the other pro se litigants who are waiting for their case to be called. Expediting the hearing also benefits the busy attorneys. The less time spent in court, the more time attorneys have to focus on their cases, meet with clients, and attend to the business of a law practice.

Page Two
Clerk of Supreme Court

Explaining the process or a court rule does not overstep the boundaries of the bench. Judges and court commissioners can be trusted to manage their proper role of neutral decision-making. Allowing procedural guidance to improve efficiency in the courthouse will not have an impact or influence on the final decision of the matter. The petition before the Court does not propose authorizing anything further than providing pro se litigants with a better understanding of the process and procedure of the courtroom.

As a practicing attorney, I can think of no scenario where an attorney or client would be prejudiced if the court would make reasonable efforts to explain procedural rules to self-represented litigants. In fact, it may protect the integrity of the system if a brief explanation prevents a pro se litigant from making a decision based on confusion.

Overall, I believe Petition 13-14 to amend the judicial code to allow judges and court commissioners to address self-represented litigants to provide instruction and guidance on the ways of the court system will be beneficial to our court system as a whole. I would encourage the Court to support the Petition.

Very Truly Yours,



SARAH A. PONATH

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Cc: Access to Justice Commission
Ms. Margaret J. Vergeront (via e-mail)