



December 9, 2016

Wisconsin Supreme Court
110 East Main Street, suite 215
P.O. Box 1688
Madison, WI 53701-1688

Re: Petition 16-04, In re amendment of Supreme Court Rule Chapter 20 relating to Limited Scope Representation

Honorable Justices of the Supreme Court,

We write as family law practitioners in support of Petitioner 16-04, that will amend SCR 20:2.4 to allow attorneys-mediators to “draft, select, complete, modify, or file” documents related to the resolution of a family law case through the mediation process. As practitioners in the Dane County family law system, we believe that this change is an important tool for increasing access to justice for self-represented family law litigants.

As the Memorandum in Support of the Petition points out, the vast majority of family law litigants accessing the court system file their actions without the benefit of counsel and many of them are involved in the divorce process. While the actual process of getting a divorce may be simple, its complexity is found in the various laws pertaining to all aspects of the process and in accurately reflecting the parties’ agreements in any document filed with the court. Allowing the mediator to provide legal information to the litigants and to draft the agreements that are ultimately reached should reduce the number of times that litigants return to court when their agreements fail in a way they did not foresee because they were unaware of the meaning or impact of its provisions when entering the agreement.

Furthermore, while the state forms are helpful tools, they are just templates and they simply cannot possibly address the myriad of issues that must be considered in each case. A mediator can do this most effectively and efficiently for the parties. Although having attorneys for the parties review mediated agreements would be the best practice, it is unrealistic in this era of self-representation. If agreements can be improved and the process completed with the involvement of a mediator, the outcomes are better for the participants and for the judges who handle these cases.

The rule as drafted ensures that the mediator will maintain his or her neutrality throughout the mediation process and reflects the requirement that lawyers demonstrate competence, regardless of their role in a matter. These two important aspects of the rule will promote the increased use of attorney-mediators to the benefit of both litigants and the courts. Thank you for your consideration.

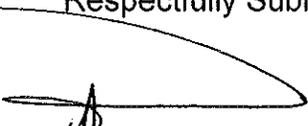
Economic Justice Institute

Consumer Law Clinic • Family Court Clinic • Immigrant Justice Clinic
Neighborhood Law Clinic • Mediation Clinic

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Respectfully Submitted,



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