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Clerk of the Supreme Court
P.O. Box 1688
Madison, WI 53701

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

Dear Clerk of Court:

This comment is submitted in support of Rule Petition 16-04, a rule petition asking the Supreme Court to amend SCR 20:2.4 to create a new sub. (c) to allow lawyer-mediators to draft settlement documents in family cases.

In our view, the changes will serve to strengthen the role attorney-mediators play in the family court setting. The proposed rule safeguards parties by specifying the neutral role of the mediator and requiring informed consent, while at the same time allowing divorcing couples to utilize the services of a neutral with the qualifications necessary to work with them in a non-adversarial setting to navigate a complex process from early settlement discussions through granting of divorce. It protects lawyer-mediators by clearly outlining the scope of their duties under ch. 767, stats., and allowing them to more fully serve their mediation clients while maintaining necessary ethical standards.

The changes also recognize the evolution of family court, filling a gap in services for people who are ready to approach the dissolution of their marriage through a more collaborative approach. Those with modest means who may find the aspect of hiring two attorneys a financial burden may find the services of a lawyer-mediator to be a more palatable expense. The courts will benefit by receiving documents completed by those with experience and understanding of the actual requirements, enhancing efficiency and reducing the need for post-judgement proceedings.

We believe the proposed changes to SCR 20:2.4 would be of great benefit to parties, the court, and the committed pool of attorney-mediators who devote their time to family law matters.

Sincerely,

Andrea Kupfer Schneider
Professor of Law and Director,
Dispute Resolution Program

Natalie C. Fleury, JD
Adjunct Professor of Law
Program Coordinator for Dispute Resolution