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Clerk of the Supreme Court  
P.O. Box 1688  
110 East Main Street, Suite 215  
Madison, WI 53701

RE: Petition 19-16 to Amend Wis. Stat. Chapter 802

Dear Honorable Justices:

I support Petition 19-16 filed by Quarles & Brady LLP. The Petition requests that the Court amend the Rules of Civil Procedure to restore ghostwriting in limited scope legal representation.

I am retired from paid legal practice, but still do pro bono legal work through volunteer legal clinics sponsored by Marquette University Law School, including the Veterans Service Office, United Community Center, House of Peace, and Mobile Legal Clinic at various locations. Since retiring, I have no office and do not have any malpractice insurance beyond that provided by the Marquette Law School clinics. I only engage in limited scope legal representation now.

The 2018 amendment of Wis. State. Sec. 802.05(2m) deters me from certain pro bono work. I am concerned that disclosing my name and bar number on documents drafted in a brief legal advice clinic would entangle me in legal proceedings beyond the scope of the limited scope representation and that a client might edit a document after I drafted it but before it is filed with the court. My name could be on a pleading filed in a case in which I never appear and for which I have no files. Instead of drafting a concise, legally relevant pleading for a case, I can only provide general advice on what the client could write. I expect that what the client writes is not as concise or legally relevant as what a lawyer would write. This results in confusion and a waste of judicial resources.

Legal services are expensive. The clients at pro bono clinics rely on limited scope representation to access justice. Without it, parties often go wholly unrepresented through the legal process causing delay, confusion, and inefficiency in the court system. Justice is not served.

The ghostwriting tool gave me the freedom to provide pro bono help in brief legal advice clinics without managing a pro bono caseload outside of the clinic setting. I hope the rule will be restored to allow me to fully engage in this type of pro bono work again.

Respectfully,

James R. Cauley

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