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

Re: Petition No 19-16 to Amend Wis. Stat. Chap. 802

Dear Justices:

I am writing in support of Petition No. 19-16 filed by Quarles & Brady LLP. The Petition requests that the Court amend the Rules of Civil Procedure to restore the important role of “ghostwriting” in limited scope legal representation.

I am one of the many volunteer attorneys providing limited scope legal representation at a Marquette Volunteer Legal Clinic. One of the services offered is drafting of generally simple legal documents based solely on information provided by a clinic client. The client is given the documents with instructions on how and where to file the documents, what to attach to the documents, and the like. But the documents are outside my control once they leave the clinic. I don’t know whether they are ever actually filed or whether they are changed after I have helped draft them. I don’t know whether exhibits added after the fact are contradictory to facts stated in the documents. In spite of instructions to the contrary, I don’t know whether my name on a document creates a perception in the client that there is an on-going attorney-client relationship with me. I don’t know whether my name on a document creates a false expectation in an opposing party’s counsel or a court about my representation of a client. As a result, because I have no control over the documents or the impression they give to others after those documents leave the clinic, I am unwilling to draft the documents at all. Having my name on the documents serves no purpose consistent with limited scope legal representation. And the effect is to deny pro bono clients their best chance to present their cases in the proper legal form and forums. Ghostwriting helps everyone in the legal system: the attorney representing the clinic client can provide his/her best legal advice and work in the limited setting; the client gets better access to justice; the courts can operate more efficiently; and opposing counsel gets better notice of the issues to be determined.

As a result, I urge the Court to amend the Rules of Civil Procedure as outlined in Petition No. 19-16 “to restore Wis. Stat. § 802.05(2m) to its 2014 iteration, whereby the Court—after extensive study—permitted attorneys in limited scope representations to assist otherwise self-represented persons in drafting a pleading, motion, or other filed document without disclosing their name or state bar.”

Respectfully,

Ann Comer Law, LLC


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