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

Dear Justices:

I write in support of Petition 19-16, submitted by Quarles & Brady LLP on May 15, 2019.

When the Court amended the Rules of Professional Responsibility in 2007 to create Section 20:6.5, allowing an attorney to represent clients in a brief legal advice setting unless the attorney was aware of a conflict of interest, the practical result was to allow large firm attorneys to participate in clinics such as those directed by Marquette University's law school. Prior to that rule, participation by large firm attorneys in such clinics would require conflicts checks by the firm for every person sitting on the other side of the table, unworkable for a walk-in, short term clinic.

When Section 20:6.5 was created, I was the pro bono coordinator at Quarles & Brady. We immediately reached out to Marquette and partnered to establish another Marquette Volunteer Legal Clinic, which currently operates one night a week at the United Community Center on Milwaukee's south side. For most of its 12-year existence, this highly successful clinic has been almost entirely staffed by Quarles & Brady attorneys, many of whom became involved because of the nature of brief legal advice. In other words, they were able to help poor people who could not afford to pay for legal services, yet the attorneys did not have to undertake full representation, which often involves litigation and major commitment.

Section 20:6.5 allowed that to happen.

Nearly every Quarles & Brady practice group has been represented at the south side clinic, including Intellectual Property, Corporate, Financial Services, Health Care and Employee Benefits. Pro bono opportunities typically are elusive for attorneys in these groups. Brief legal advice, Section 20:6.5, led to these attorneys becoming pro bono lawyers.

The effect of Section 20:6.5 went far beyond Quarles & Brady, of course. It created a multitude of pro bono lawyers throughout Wisconsin and led to the opening of many brief legal advice clinics, including the Milwaukee Justice Center. One could argue that it was the singular, most important development in pro bono representation in our state.

This Court made that happen.

The shortsighted, anti-Ghostwriting legislation enacted in 2018 severely undermines Section 20:6.5. Real and positional conflicts of interest, unknown to the attorney helping to prepare a document at the brief legal advice clinic, now have the potential of exposure by the disclosure of the attorney's name. Law firm client relations are jeopardized. Some large firm partners understandably are reluctant to allow associates to put themselves in a position where a client might realize that its law firm is in opposition to the client's interests. Attorneys, especially non-litigators, who were so willing to volunteer at brief legal advice clinics, are less likely to become pro bono lawyers.

And the marginalized, desperately needing free legal advice, go unrepresented again.

I know that others who have written in support of this petition have been more cogent and thorough in their submissions. My argument is more basic, and rooted in my experience as someone who spent several decades recruiting lawyers to help poor people and attempting to come up with projects that would encourage them to do so. I continue in retirement to work at the south side clinic that this Court helped establish with Section 20:6.5, and I am keenly aware of the effect of Section 802.05(2m) on the ability of that clinic to serve the poor.

I urge the Court to grant Petition 19-16.

Sincerely,



Mike Goring