

May 20, 2019

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 am writing in support of Petition 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.

Throughout my career of 40 years – which began in Idaho as a civil rights lawyer, I have always engaged in pro bono legal work. Though the surprising 2018 amendment of Wis. State. Sec. 802.05(2m) has had a chilling effect on that type of work. I became worried that disclosing my name and bar number on documents drafted in a brief legal advice clinic setting would potentially raise future appearances of conflicts of interest in my private practice. I was also concerned that clients might make edits to documents after I drafted them but before they were filed with the court. While the edits might seem innocent enough to the client, they might not understanding the associated ethical issues. Legal services are expensive; the clients I have served at pro bono clinics rely on limited scope representation like ghostwriting to access justice. Without it, parties often go wholly unrepresented through the legal process causing delay, confusion, and inefficiency in the court system.

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 urge that the rule be restored to allow me to continue to fully engage in this type of pro bono work. Our low-income community members - as well as our court system - need it.

Respectfully,

*Electronically signed by Dennis H. Milbrath*

Dennis H. Milbrath

WSB #1016342