



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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Telephone (608) 266-7442

November 4, 2019

To: Interested Persons – See Attached List

Re: Rule Petition 19-16, In the Matter of Amending Wis. Stat. § 802.05(2m) relating to Ghostwriting, a Form of Limited Scope Representation

Greetings:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 19-16 filed on May 15, 2019 by Attorney James E. Goldschmidt, on behalf of Quarles & Brady, LLP. You have received this letter because you or your agency or organization potentially have an interest in this matter. A copy of the petition can be found on the court's website at <https://wicourts.gov/scrules/pending.htm>.

In June 2014, the Wisconsin Supreme Court adopted Rule Petition 13-10, filed by the Director of State Courts on behalf of the Planning and Policy Advisory Committee, and amended and created rules and statutes to support and expand "limited scope representation." As relevant here, the court created Wis. Stat. § 802.05(2m) which permitted attorneys to assist in drafting legal documents without identifying themselves by their names or state bar numbers, a practice known as "ghostwriting." S. Ct. Order 13-10, 2014 WI 45 (issued June 27, 2014, eff. Jan. 1, 2015).

In April 2018, the Wisconsin Legislature amended Wis. Stat. § 802.05(2m) to require attorneys assisting an otherwise self-represented litigant in drafting a legal document to disclose their name and state bar number following the statement that the document "was prepared with the assistance of a lawyer."

This rule petition asks the court to restore Wis. Stat. § 802.05(2m) to its previous iteration to permit attorneys in limited-scope representations to assist otherwise self-represented persons in drafting a pleading, motion, or other filed document without disclosing the attorney's name or state bar number.

At the closed administrative rules conference on September 13, 2019, the court conducted a preliminary discussion of this matter and voted to obtain written comments and schedule a public hearing. The public hearing will be conducted on January 17, 2020. Please note, the court may take any action on a rule petition it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.
- (c) Refer the rule petition to another entity for its review and recommendation.
- (d) Request further information or analysis from the petitioner or interested persons or entities.

A number of individuals have already filed comments regarding this petition. All comments previously received in this rule petition are a part of the record and can be found at <https://www.wicourts.gov/scrules/1916.htm>. **If you previously filed a comment to this rule petition, it is not necessary to file the same comment again.**

New comments to the rule petition should be filed by December 2, 2019, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, email a Microsoft Word version of your response to clerk@wicourts.gov. See comment guidelines at the court's website at <https://wicourts.gov/scrules/petitioncomment.htm>. The petitioner may file any response to the comments by December 16, 2019.

You might wish to consult the court's website at <https://www.wicourts.gov/scrules/supreme.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office will be posted on the website.

If you have specific questions or other comments regarding this matter, please contact me by mail at P.O. Box 1688, Madison, WI 53701-1688, by telephone at 608-261-6642, or by email at julie.rich@wicourts.gov.

Very truly yours,
/s/

Julie Anne Rich
Supreme Court Commissioner

cc: Chief Justice Patience Drake Roggensack
Justice Ann Walsh Bradley
Justice Annette Kingsland Ziegler
Justice Rebecca Grassl Bradley
Justice Daniel Kelly
Justice Rebecca Frank Dallet
Justice Brian K. Hagedorn
Attorney James E. Goldschmidt

List of Interested Persons for Supreme Court Rules Matters

Badger State Sheriffs Association, Attention: Executive Director
Board of Administrative Oversight, Attention: Joseph M. Russell, Chair
Board of Bar Examiners
Chief Circuit Court Judges
Christian Gossett, Winnebago County District Attorney
Circuit Court Judges
Court of Appeals, Attention: Chief Staff Attorney
Court of Appeals Judges
Deputy Director of Court Operations, Diane M. Fremgen
Court Operations, Kat Carpenter
Court Operations, Ann Olson
Court Operations, Krista Miller
Dean Dietrich, Attorney
Clerk of Supreme Court and Court of Appeals, Sheila T. Reiff
Director of State Courts, Honorable Randy Koschnick
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Hamilton Consulting Group, Attention: Andrew C. Cook, Paige Scobee,
Rebecca Hogan and R.J. Pirlot
Legal Action of Wisconsin, Attention: David Pifer, Executive Director
Legal Aid Society of Milwaukee, Attention: Colleen Foley, Executive Director
Marquette University Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation, Attention: Keith Sellen, Director
Office of State Public Defender, Attention: Kelli S. Thompson
Office of State Public Defender, Attention: Jeremy C. Perri
Office of the Attorney General, Attention: Terri Surita
State Bar of Wisconsin, Attention: Larry Martin, Executive Director
State Bar of Wisconsin, Attention: Lisa Roys, Public Affairs Director
State Bar of Wisconsin, Attention: Jill M. Kastner, President
Steven Levine, Attorney
University of Wisconsin Law School, Attention: Margaret Raymond
Western District Bar Association of Wisconsin, Attention: Ann Peacock
Wisconsin Asian Bar Association, Attention: Robin Dalton
Wisconsin Association for Justice, Attention: Bryan Roessler, Executive Director
Wisconsin Association of African American Lawyers, Attn: Jessica Butler
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Susan Schaubel
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Bankers Association, Attention: Kris Clevon, Vice President-Legal
Wisconsin Clerks of Circuit Court Association, Attention: Penny Carter
Wisconsin Counties Association, Attention: Marcie Rainbolt
Wisconsin Defense Counsel, Attention: Jenni Kilpatrick, Executive Director
Wisconsin District Attorneys Association, Attention: Greta Mattison, Executive Director
Wisconsin Family Court Commissioners Association, Attention: David Pruhs, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Cynthia Herber
Wisconsin Judicare, Inc., Attention: Kimberly Haas, Executive Director
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke
Wisconsin Judicial Council, Attention: Thomas W. Bertz
Wisconsin Juvenile Court Clerks Association, Attention: Samuel Christensen
Wisconsin Municipal Judges Association, Attention: Honorable Robert Kupfer
Wisconsin Newspaper Association, Attention: Beth Bennett, Executive Director

Wisconsin Registers in Probate Association

Wisconsin Sheriffs & Deputy Sheriffs Association, Attention: Sandy Schueller

Wisconsin State Attorneys Association, Attention: John Gelhard

Wisconsin Trial Judges Association, Attention: Honorable Gregory Gill, Jr.

Wisconsin Tribal Judges Association, Attention: Honorable Eugene White-Fish, President