

STATE OF WISCONSIN
IN SUPREME COURT

**In the Matter of Amending Wis. Stat.
§ 802.05(2m) relating to Ghostwriting,
a Form of Limited Scope Representation**

Rule Petition 19-____

Quarles & Brady LLP hereby petitions the Court to amend the Rules of Civil Procedure to restore Wis. Stat. § 802.05(2m) to its 2014 iteration, whereby this 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 number (a form of legal assistance often referred to as “ghostwriting”).

More specifically, the petition asks the Court to remove the words “followed by the name of the attorney and the attorney’s state bar number” from § 802.05(2m), which the Legislature amended in 2018 to include this requirement. As explained in the accompanying memorandum, this change was not precipitated by any apparent problem with ghostwriting in the context of limited scope representation, and leaves the Rules of Civil Procedure in conflict with the Rules of Appellate Procedure and this Court’s Rules of Professional Conduct for attorneys practicing in Wisconsin.

This rule petition is made pursuant to the Court's rulemaking authority under Wis. Stat. § 751.12 and its administrative authority over all courts conferred by Article VII, Section 3 of the Wisconsin Constitution.

Proposed Statutory Amendment:

SECTION 1. 802.05(2m) of the Wisconsin Statutes is amended to read:

802.05(2m). Additional Representations to Court as to Preparation of Pleadings or Other Documents. An attorney may draft or assist in drafting a pleading, motion, or document filed by an otherwise self-represented person. The attorney is not required to sign the pleading, motion, or document. Any such document must contain a statement immediately adjacent to the person's signature that "This document was prepared with the assistance of a lawyer," ~~followed by the name of the attorney and the attorney's state bar number.~~ The attorney providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false, or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

Dated this 15th day of May, 2019.

Respectfully submitted by:

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