



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5263/1
MLJ:cdc

2019 SENATE BILL 698

January 16, 2020 - Introduced by Senators OLSEN and WANGGAARD, cosponsored by Representative BROOKS. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

1 **AN ACT** *to amend* 802.05 (2m) of the statutes; **relating to:** attorney assistance
2 in the preparation of certain court documents.

Analysis by the Legislative Reference Bureau

Under current law, an attorney who drafts or assists in drafting a pleading, motion, or document for an otherwise self-represented person in a legal action is not required to sign the pleading, motion, or document. However, the document must contain a statement immediately adjacent to the self-represented person's signature that "this document was prepared with the assistance of a lawyer," followed by the attorney's name and state bar number.

Under this bill, the attorney has to provide his or her name and state bar number only if it is requested by an opposing party in a contested matter, and the clerk of the court must then enter the name and state bar number on the document and enter it in the clerk's minutes. The recording of the attorney's name and state bar number does not make the attorney the attorney of record for the otherwise self-represented person.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 802.05 (2m) of the statutes is amended to read:
4 802.05 **(2m)** ADDITIONAL REPRESENTATIONS TO COURT AS TO PREPARATION OF
5 PLEADINGS OR OTHER DOCUMENTS. An attorney may draft or assist in drafting a

SENATE BILL 698**SECTION 1**

1 pleading, motion, or document filed by an otherwise self-represented person. The
2 attorney is not required to sign the pleading, motion, or document. Any such
3 document must contain a statement immediately adjacent to the person's signature
4 that "This document was prepared with the assistance of a lawyer," followed by
5 lawyer." If requested by an opposing party in a contested matter, the clerk of the
6 court shall add the name of the attorney and the attorney's state bar number to the
7 pleading, motion, or document and enter the attorney's name and state bar number
8 in the clerk's minutes. Such entry of an attorney's name on any document or in the
9 court record does not make the attorney the attorney of record for the otherwise
10 self-represented person. The attorney providing such drafting assistance may rely
11 on the otherwise self-represented person's representation of facts, unless the
12 attorney has reason to believe that such representations are false, or materially
13 insufficient, in which instance the attorney shall make an independent reasonable
14 inquiry into the facts.

15 (END)