

2019 DRAFTING REQUEST

Bill

For: **Robert Brooks (608) 267-2369** Drafter: **mjohns**
 By: **Christopher** Secondary Drafters:
 Date: **12/6/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Rob.Brooks@legis.wisconsin.gov**
 Carbon copy (CC) to: **Melinda.Johns@legis.wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Preparation of pleadings

Instructions:

Redraft LRB 19-4010 for the Brooks office.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 12/6/2019	ccarmich 12/9/2019			
/P1			dwalker 12/9/2019		
/1			jmurphy 12/17/2019	jmurphy 12/17/2019	

FE Sent For: *Not Needed* <END>



DUE 12/9/19

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

slav
xref
s/cv

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

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)



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