

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-0882/1 CMH:klm

2017 ASSEMBLY BILL 36

January 20, 2017 – Introduced by Representatives KESSLER, HORLACHER, JACQUE, BERCEAU, C. TAYLOR, OHNSTAD, SUBECK and BROSTOFF, cosponsored by Senator L. TAYLOR. Referred to Committee on Judiciary.

AN ACT to amend 978.06 (5) (a); and to create 978.001 (1k) of the statutes; relating to: allowing district attorneys, deputy district attorneys, and assistant district attorneys to engage in the private practice of law for certain civil purposes.

Analysis by the Legislative Reference Bureau

Under current law, a full-time district attorney, deputy district attorney, or assistant district attorney may not generally engage in the private practice of law except to complete work in a civil case with which he or she was involved before taking office, so long as that work is not in conflict with any interests of the district attorney's county.

Under this bill, a full-time district attorney, deputy district attorney, or assistant district attorney may also provide legal services to a person of limited means or to a charitable, religious, civic, community, governmental, or educational organization if the attorney provides the services without fee and the services are not in conflict with the interests of the district attorney's county.

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

SECTION 1. 978.001 (1k) of the statutes is created to read:

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1	978.001 (1k) "Pro bono publico legal services" means legal services performed
2	for a person of limited means or for a charitable, religious, civic, community,
3	governmental, or educational organization.
4	SECTION 2. 978.06 (5) (a) of the statutes is amended to read:
5	978.06 (5) (a) No full-time district attorney, deputy district attorney or
6	assistant district attorney may engage in a private practice of law, but he or she is
7	authorized to complete all civil cases , not in conflict with the interest of the county
8	or counties of his or her prosecutorial unit, in which he or she is counsel, pending in
9	court before he or she takes office and is authorized to provide, without fee or
10	expectation of a fee, pro bono publico legal services, unless the civil case or the pro
11	bono publico legal service is in conflict with the interest of the county or counties of
12	his or her prosecutorial unit. A part-time district attorney, deputy district attorney
13	or assistant district attorney may engage in a private practice of law.
14	(END)

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