

March 3, 2016

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Petition 15-05, In the Matter of the Petition to Amend Supreme Court Rule Chapter 31 and Chapter 10.03

Dear Honorable Justices of the Supreme Court:

On behalf of the Association of Corporate Counsel (ACC), our Wisconsin Chapter and the Wisconsin chief legal officers, general counsel, and in-house lawyers listed below, we are writing in strong support of the proposal in Rule Petition 15-05 to amend Supreme Court Rule Chapter 10.03 to expand the ability of Wisconsin-registered in-house attorneys to provide pro bono services. We wholeheartedly agree with the reasoning for the rule amendment offered in the State Bar of Wisconsin's memorandum in support of its petition, and offer the additional thoughts below.

ACC is a global bar association that promotes the common professional and business interests of in-house counsel, with more than 40,000 members employed by more than 10,000 organizations in more than 85 countries. ACC's chapter in Wisconsin represents more than 500 in-house lawyers. For years, ACC has advocated across the country to remove obstacles that make it difficult for in-house lawyers to participate in pro bono legal services. We are pleased to see the Wisconsin Supreme Court consider the proposed amendment, which promotes broader engagement in pro bono by in-house counsel.

Petition 15-05's proposed amendments to Supreme Court Rule 10.03(4)(f) and its comment will remove barriers to participation in pro bono legal services by Wisconsin's registered in-house attorneys. The current text of Rule 10.03(4)(f) does not mention the ability of in-house registered attorneys to provide pro bono services in Wisconsin, and the comment to the current rule appears to limit pro bono participation by registered in-house counsel to services provided to qualified clients of a legal service program. This is in contrast to Supreme Court Rule 20:6.1, under which Wisconsin-licensed lawyers are encouraged to provide pro bono legal services directly to persons of limited means or to organizations (legal or otherwise) that are designed primarily to address the needs of persons of limited means. There are approximately 300 in-house lawyers registered in Wisconsin under the process described in Rule 10.03(4)(f). Allowing registered in-house counsel to provide the same breadth of pro bono services to those in need will promote broader pro bono engagement by registered in-house counsel.

Recently, this Court recognized the dire problem Wisconsin faces regarding access to legal services in its January 2016 request to the state legislature for a study on how to provide legal services to those who cannot afford them. While pro bono alone is not the solution to the problem, it certainly can help. In-house legal departments are already making strong contributions toward meeting the needs of low-income individuals and communities, but they are limited by the current rule, which impacts not only in-house pro bono efforts, but those of their law firm and public interest partners.

Hundreds of in-house legal departments have formalized efforts to provide pro bono legal services by developing department-wide programs. According to Corporate Pro Bono, a global pro bono partnership of Pro Bono Institute and ACC, many Fortune 500 and a majority of Fortune 100 companies have set up or are moving to set up pro bono programs. Formally recognizing Wisconsin's registered in-house lawyers as being able to provide pro bono services on equal footing with Wisconsin-licensed in-house lawyers will help legal departments design pro bono programs open to all their lawyers.

Wisconsin's in-house attorneys are well-positioned to provide critical pro bono legal assistance. They are highly qualified, ethical lawyers. That's why their employers hire them, and why Wisconsin already allows them to serve their employers. Importantly, in-house lawyers registered under Rule 10.03(4)(f) are subject to Wisconsin's Code of Professional Conduct for Attorneys, and so are held accountable for any ethical issues to the same extent as Wisconsin-licensed lawyers. For the registered in-house lawyers, ethical breaches could lead to discipline not just in Wisconsin but also in the other jurisdiction(s) where the lawyer is licensed. Additionally, the registered in-house lawyers will still be prohibited from appearing in court or signing pleadings unless they obtain separate permission under the pro hac vice admission procedures. Therefore, the proposed rule amendment does not pose any greater risk to the public than Wisconsin's current pro bono regime.

By adopting the proposed changes to Rule 10.03, Wisconsin can strengthen its commitment to providing access to legal services to those who cannot otherwise afford it. Therefore, ACC, our Wisconsin Chapter and the chief legal officers listed below strongly urge this Court to adopt the proposed change to Rule 10.03 in the Wisconsin State Bar's Rule Petition 15-05.

Sincerely,



Amar Sarwal
Vice President and Chief Legal Strategist
Association of Corporate Counsel

Mary Blatch
Director of Government and Regulatory Affairs
Association of Corporate Counsel

Amy Ruhig
President
ACC Wisconsin

Justin Silcox
General Counsel
A.L.M. Holding Company

Kelly Dvorak
General Counsel
DVO, Inc.

Sarah Johnson
Chief Legal Officer
Artisan Partners Asset Management

Kenneth Iwinski
General Counsel & Secretary
ECC Corrosion, Inc.

Nicole Schram
General Counsel
Century 21 Affiliated

Ryan Murphy
General Counsel
Edgerton Contractors, Inc.

Sheila M. Reynolds
Corporate Vice President & General Counsel
Children's Hospital and Health System

Lynn S. McCreary
Chief Legal Officer
Fiserv, Inc.

Richard Konrath
Vice President & General Counsel
CNH Industrial N.V.

Joan Farrell
Vice President, General Counsel
Goodwill Industries of Southeastern Wisconsin, Inc.

Joy Burkholder Meier
General Counsel
Corvisa, LLC

Lou Ann Koval
General Counsel
HB Performance Systems, Inc.

Michael Anderson
Senior Vice President & Chief Legal Officer
CUNA Mutual Group

Paul Hinkfuss
General Counsel
Irgens Partners, LLC

Robert Klein
Senior Vice President - Chief Administrative Officer
Direct Supply, Inc.

Krista Ebbens
General Counsel and Corporate Secretary
J.F. Ahern Co.

Mark Jaeger
Senior Vice President - Human Resources, General Counsel & Secretary
Jockey International, Inc.

Alisa Swire
Vice President, General Counsel and Secretary
Johnson Outdoors, Inc.

Susan M. Caldwell
General Counsel & Assistant Secretary
Madison National Life Insurance Company, Inc.

Mark Fogarty
Vice President, General Counsel & Corporate Secretary
Menasha Corporation

Margaret C. Kelsey
Vice President, Legal and Corporate Communications, General Counsel & Secretary
Modine Manufacturing Company

Patricia Whaley
Vice President, General Counsel & Secretary
Rexnord Corporation

Douglas Hagerman
Senior Vice President, General Counsel & Secretary
Rockwell Automation, Inc.

Raymond Manista
General Counsel & Secretary
The Northwestern Mutual Life Insurance Company

Anza D'Antonio
Assistant General Counsel
A. O. Smith Water Products Company

Bruce Lindl
Retired
ACC Wisconsin member; Wisconsin-licensed lawyer

David Holman
Chief Strategy Officer; Secretary
American Family Mutual Insurance Company

Kaz Vang
Assistant General Counsel
American Family Mutual Insurance Company

David Gaskin
Associate Counsel
Artisan Partners Limited Partnership

Pamela Stokke-Ceci
Assistant General Counsel
Badger Meter, Inc.

Shailaja Reddy
Senior Counsel
Bank of Montreal

Eric Hoaglund
Vice President of Business Legal Affairs
Brookdale Senior Living, Inc.

Michael Schroeder
Director, Legal Services
BRP US, Inc.

Lisa Staffl
Corporate Counsel
Caterpillar, Inc.

Anne Dorn
*Director & Senior Legal Counsel -
Technology & Compliance*
Direct Supply, Inc.

Matthew A. Koch
Vice President & General Counsel
Direct Supply, Inc.

Atheneé Lucas
Staff Counsel (ACC-WI Past President)
Fiserv, Inc.

Jennifer Duffy
*Vice President, Assistant General
Counsel*
Fiserv, Inc.

Nicole Marie Willette
Staff Attorney
Franklin Energy Services, LLC

Joel Smith
Corporate Counsel
Generac Power Systems, Inc.

David Ruetz
Assistant General Counsel
GZA Geo Environmental Technologies,
Inc.

Cassandra McCauley
Director, Legal Affairs - Americas
Harley-Davidson, Inc.

Ryan Polkowski
Senior Products Counsel
Harley-Davidson, Inc.

Stephen C. Raymonds
Secretary/Treasurer/Counsel
Heuler Tile Company, Inc.

Timothy W. Schmidt
Corporate Attorney
KapStone Paper and Packaging
Corporation

Margo Lynn Hablutzel
Assistant General Counsel
Lands End, Inc.

Sherry Terrell-Webb
Employment Law Counsel
LindenGrove, Inc.

Charlotte Bernard
Corporate Counsel
Lotame Solutions, Inc.

Patrick Blaney
Corporate Counsel
Menasha Corporation

Geoffrey Schiveley
Senior Counsel
Modine Manufacturing Company

Katherine Behm
Corporate Counsel
Nordco, Inc.

Larry Lueck
Associate Legal Counsel
Northeast Communications of
Wisconsin, Inc., dba Nsight

Wendy Larson
Associate Legal Counsel
Northeast Communications of
Wisconsin, Inc., dba Nsight

Paul Graves
Counsel
QBE Insurance Group Limited, dba
QBE North America

Jacklyn Thies
Vice President, Employment Law Group
QBE Insurance Group Limited, dba
QBE North America

Gary Ballesteros
General Counsel Latin America
Rockwell Automation, Inc.

Gustavo Grunbaum
Corporate Counsel
S.C. Johnson & Son, Inc.

Chris Schilder
Assistant General Counsel
Safway Group Holding, LLC

Heather Clefisch
*Vice President & Division General
Counsel*
Spectrum Brands, Inc.

James R. Cauley
*Assistant General Counsel - Business
Operations*
SPX Corporation

Andrew Sajdak
Corporate Counsel
Stan's Bootery, Inc.

Francine M. Felske
*Corporate & Real Estate Operations
Manager*
Tarantino & Company, LLC

Bradley Eull
Assistant General Counsel
The Northwestern Mutual Life Insurance
Company

Mark J. Backe
*Vice President - Insurance & Operations
Counsel*
The Northwestern Mutual Life Insurance
Company

Samuel Kirk Hamilton
Regional Counsel - North America
The Voith GmbH

Heather Thenell
Senior Counsel
Thrivent Financial for Lutherans

Daniel Posanski
Attorney
U.S. Venture, Inc.

Patrick Milne
Corporate Attorney
Uline, Inc.