



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0947/1
CMH:kjf

2019 ASSEMBLY BILL 25

February 19, 2019 - Introduced by Representatives HORLACHER, HEBL, BALLWEG, BRANDTJEN, EDMING, KNOGL, NOVAK, QUINN, RAMTHUN, RODRIGUEZ, SPREITZER, STEFFEN, STUCK, C. TAYLOR, THIESFELDT, TUSLER, VRUWINK, BROOKS and SUBECK, cosponsored by Senators WANGGAARD, JACQUE, CARPENTER, COWLES, FEYEN, MARKLEIN, OLSEN and STROEBEL. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

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

Analysis by the Legislative Reference Bureau

Under current law, a full-time district attorney, deputy district attorney, or assistant district attorney generally may not engage in the private practice of law. Current law provides an exception that allows the attorney 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.

This bill creates another exception so that 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:

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

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.

(END)