

COURT OF APPEALS DECISION DATED AND RELEASED AUGUST 17, 1993.  
STATE OF WISCONSIN  
IN COURT OF APPEALS  
DISTRICT III

PREMONTRE EDUCATION ASSOCIATION,  
Petitioner,

GENE A. LUNDERGAN, JOHN J. JAUQUET AND DONALD C. BETTINE,  
Appellants,

vs.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION, PREMONSTRATENSIAN  
FATHERS and NOTRE DAME DE LA BAIE ACADEMY INC.,  
Respondents-Respondents.

No. 93-0170  
Decision Nos. 26762-B and 26763-B

APPEAL from a judgment of the circuit court for Brown county:

RICHARD G. GREENWOOD, Judge. *Affirmed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Gene Lundergan, John Jauquet and Donald Bettine appeal a trial court judgment that dismissed the Premontre Education Association's ch. 227, Stats., petition to review a decision of the Wisconsin Employment Relations Commission. The trial court dismissed the association's petition on the ground that a nonattorney had filed and pursued the ch. 227 petition on the association's behalf, in violation of sec. 757.30, Stats., which prohibits the unauthorized practice of law. Only the above-mentioned association members, not the association itself, have appealed the trial court's judgment. They argue that the nonattorney's representation did not justify dismissal of the petition. We reject these arguments and affirm the judgment.

As a result of two procedural defects, we initially question whether we may consider the merits of the appeal. First, the association was the party that sought review in the trial court. Although the association's petition purported to seek review on behalf of both the association and its individual members, and although some of the individual members eventually filed a petition for trial court review, the association had doubtful authority to seek review for its individual members. In addition, the individual members' petition was untimely. Second, the association, the party that filed a timely trial court petition, has not filed an appeal, while the individual members, who did not file a timely trial court petition, have filed an appeal. These defects create severe doubts about whether we can review the merits of the trial court's decision. However, there is no challenge to the appeal on this basis. We will therefore proceed to address the merits of the trial court's decision to

dismiss the petition because it was filed by a nonattorney who attempted to represent the association and the individual members.

We conclude that the trial court reasonably dismissed the petition on the ground that a nonattorney purported to represent the parties. Trial courts have discretion to dismiss trial court proceedings on this ground. *Littleton v. Langlois*, 37 Wis.2d 360, 364-65, 155 N.W.2d 150, 152 (1967). Discretionary decisions must have a reasonable basis in the record. *Littmann v. Littmann*, 57 Wis.2d 238, 250, 203 N.W.2d 901, 907 (1973). Further, court-allowed representation by nonattorneys is highly unusual, inasmuch as such nonattorney representatives are practicing law without a license. For this reason, courts have tolerated this procedure only in unique, borderline situations, such as routine probate reports by an executor, see, e. g., *State ex rel. Baker v. County Court*, 29 Wis.2d 1, 9, 138 N.W.2d 162, 167 (1965), or in relatively informal small claims proceedings. See, e.g., *Drugsvold v. Small Claims Court*, 13 Wis.2d 228, 232-33, 108 N.W.2d 648, 651 (1961). We know of no instance in which a court has permitted nonattorney representation in a case with significant issues. Moreover, the Wisconsin Supreme Court has never required courts to allow representation by nonattorneys. Although we recognize that an individual can represent oneself, here, the trial court had no obligation to allow the legal representation of others by a nonattorney, especially since the association and its members purported to raise substantial constitutional issues. We see no erroneous exercise of discretion.

By the Court. Judgment affirmed.

This opinion will not be published. See Rule 809.23(1)(b)5, Stats.