

Wisconsin Study Committee on Access to Civil Legal Services

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ABA Resource Center for Access to Justice Initiatives

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Roadmap



LEGAL NEEDS AND IMPACT STUDIES



FUNDING IDEAS



SERVICE DELIVERY INNOVATIONS

Legal Needs and Impact Studies

“Civil justice advocates are generating tens of millions of additional dollars for their work, and in the process informing and enrolling more and more partners in their efforts. The practice of legal needs assessment deserves a central place in the toolkit of every civil justice community.”

– *Ken Smith, President
The Resource for Great Programs*

Evolution of Legal Needs Assessments

1980s: Studies Document Justice Gap

State and national studies first start documenting a vast “justice gap” between legal needs and the resources available to meet them.

1986: ABA Standards

The ABA “Standards for Provision of Civil Legal Aid” (updated in 2006) call for periodic assessment of legal needs to ensure that a program’s resources are aligned with the most compelling needs of the target community

2000: Market Research

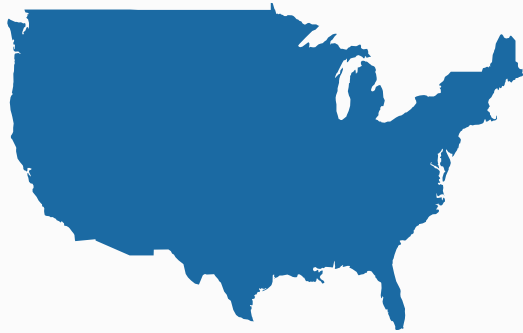
Starting in the 2000s, the increased use of market research tools broadened the scope of these studies, improved methodologies, and sharpened the focus.



Impact

In the past 5-7 years, there has been an expansion of these studies to include analyses of the community and economic impact of providing civil legal services.

The Justice Gap



Each Year, half of American households are confronted with civil justice issues



These problems involve basic human needs, such as livelihood, shelter, care of children, and safety.

The Response

Most common response Americans have is to do **NOTHING**. And, poor households are twice as likely to do nothing



Only 14% of civil justice problems make it to a court or hearing body.

1 out of 5 people **Qualify** for Free Civil **Legal Assistance**



More than half are **turned away** by legal aid organizations that lack funds or the staff to take their cases

>50%

3 out of 5 people in civil cases go to court **without a lawyer**



The Impact of Legal Aid

How do we think about the intended impact of legal aid? How do we measure it?



Access to **justice**?



Saving **money** for the community?



Poverty reduction?

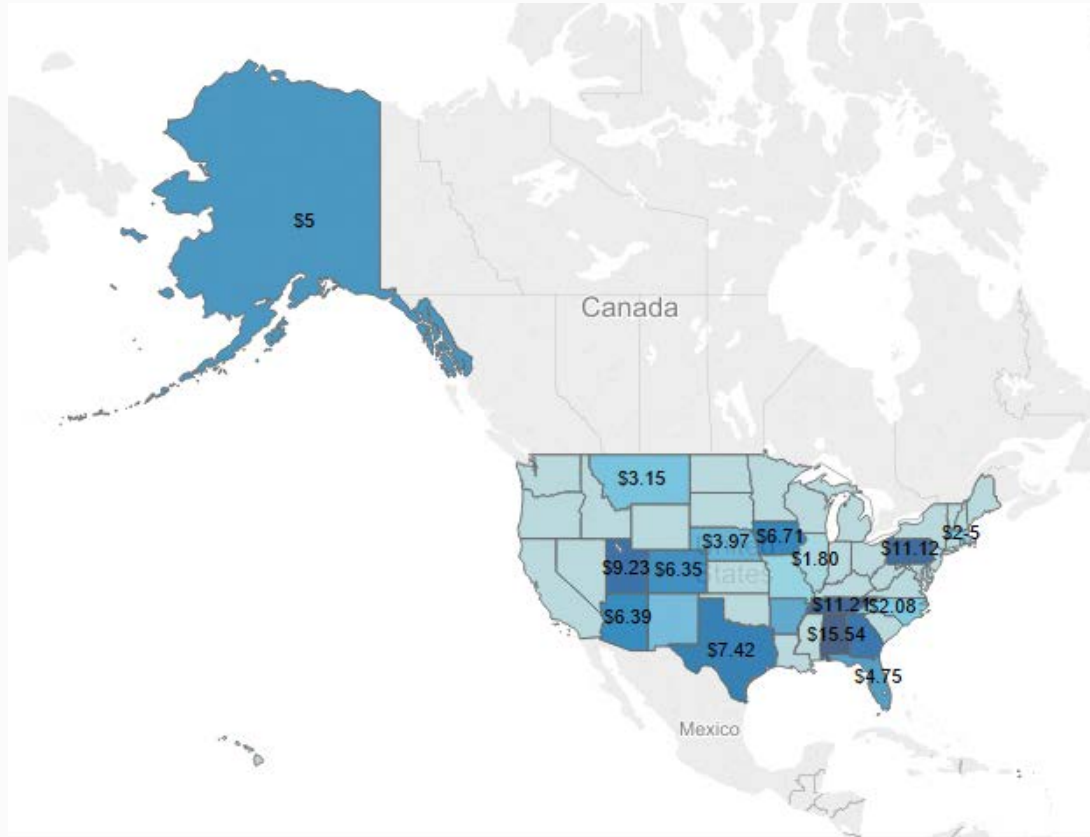


Improving **wellbeing**?

Legal aid is an economic engine, which creates jobs and social stability, reduces inequalities, and saves money for taxpayers.

Economic Impact

Dollar benefit for every dollar invested in legal aid



Measuring Impact:

- Direct benefits and savings for low-income families
- Cost savings for taxpayers
- Increased tax revenues for the state and local jurisdictions
- Efficiencies in the courts
- Economic benefits to health care providers

● Alabama
\$15.54

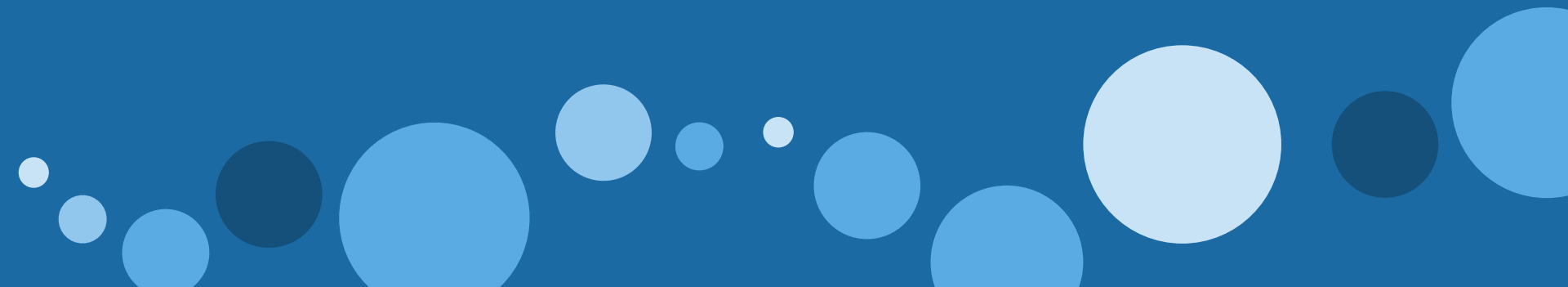
● Colorado
\$6.35

● Iowa
\$6.71

● Tennessee
\$11.21

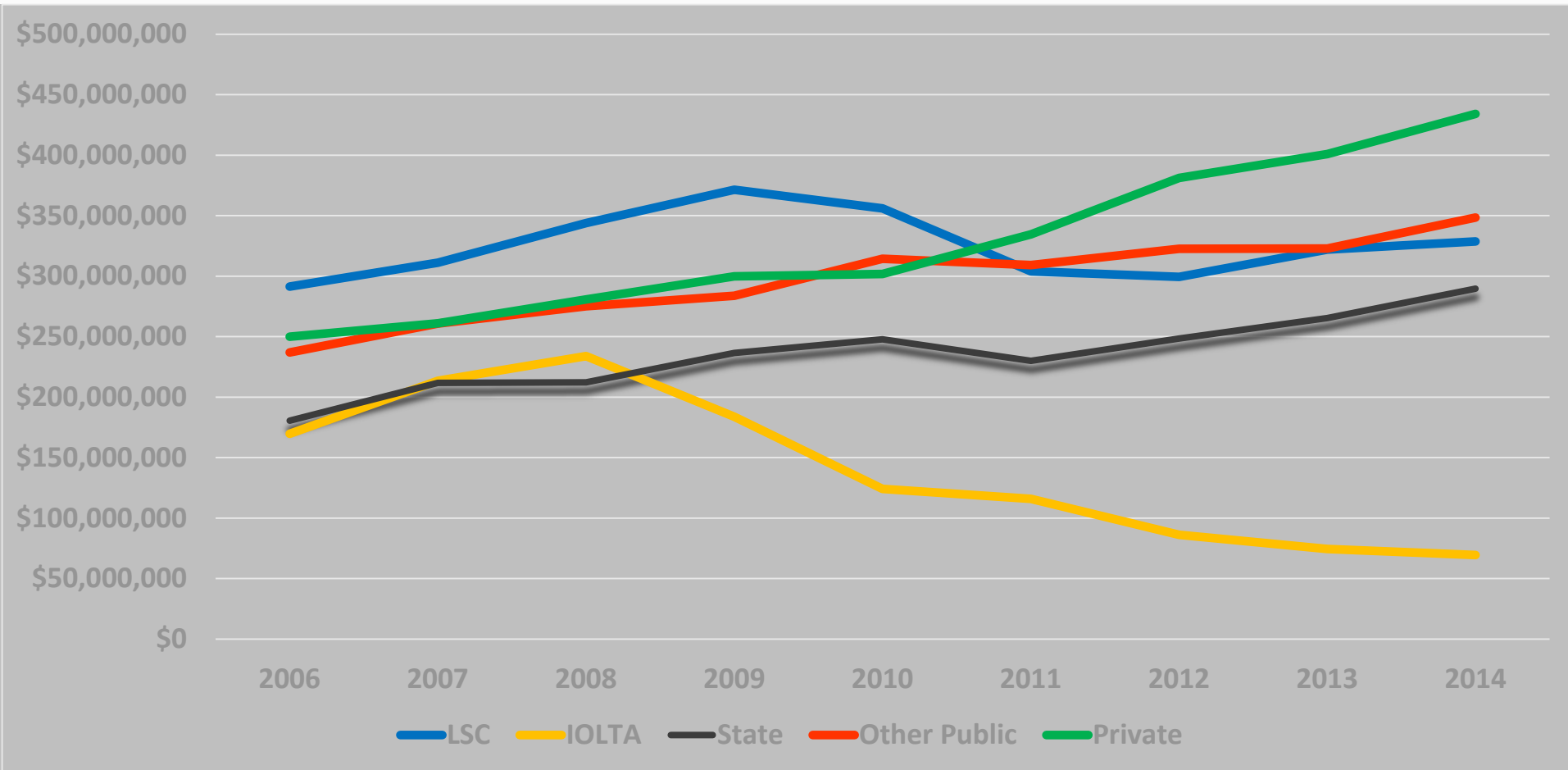
● Utah
\$9.23

Increasing Funding for Legal Aid



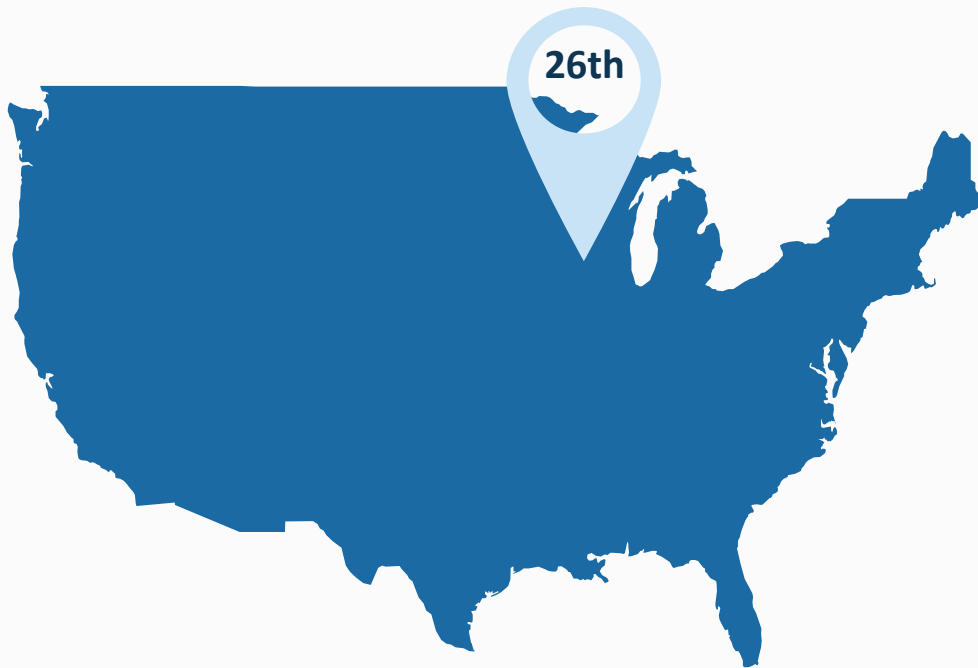
National Funding Trends

(not inflation adjusted)



Financial [resource limitations](#) remain one of the [largest barriers](#) preventing civil legal aid providers, even with their pro bono allies, from addressing the [needs of low-income client communities](#).

What about Wisconsin?

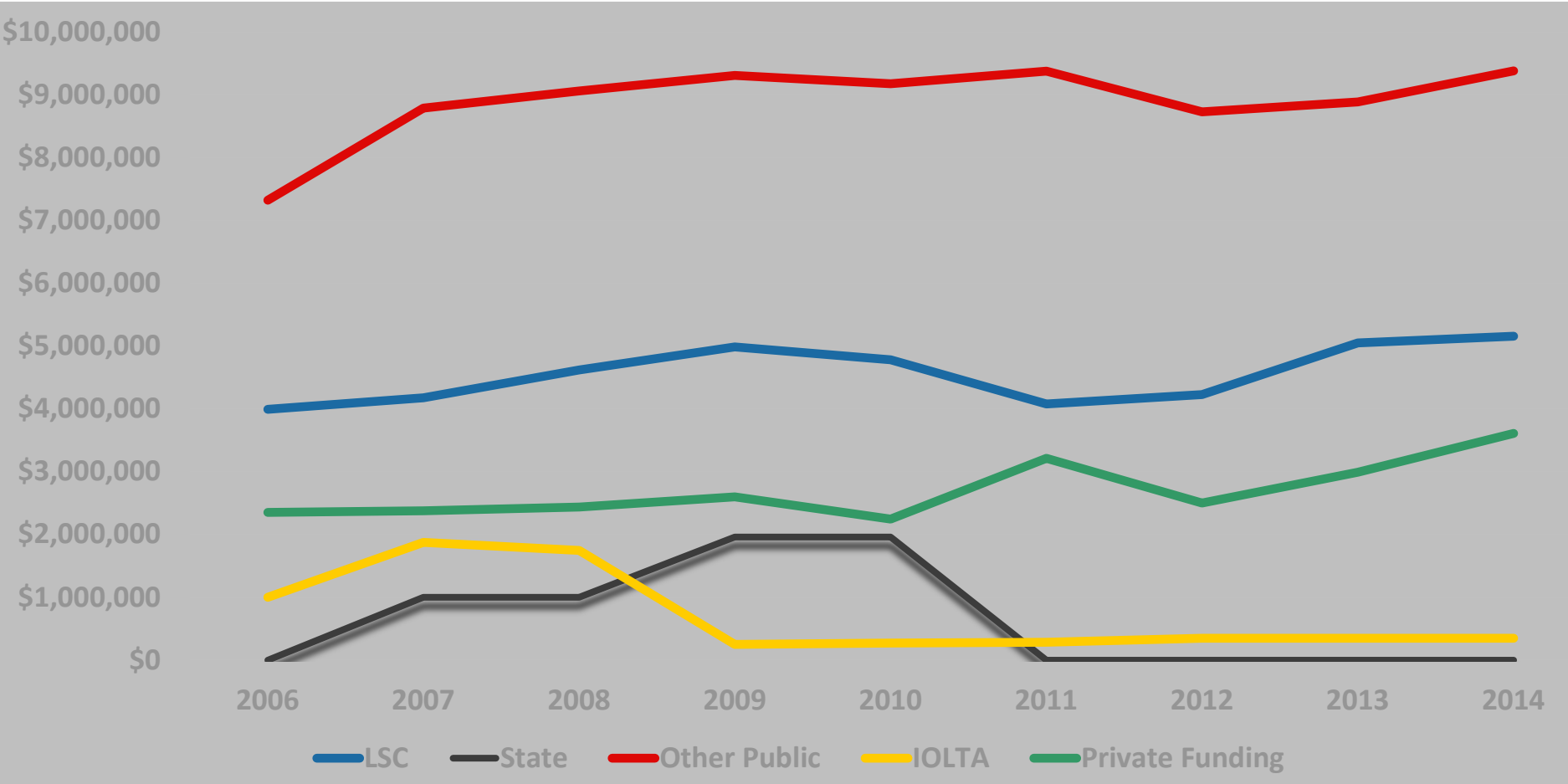


Funding Ranking:

In terms of dollars per poor person, **Wisconsin** is in the middle in terms of overall funding for legal aid, ranking **26th** in the country.

Wisconsin Funding Trends

(not inflation adjusted)



Financial [resource limitations](#) remain one of the [largest barriers](#) preventing civil legal aid providers, even with their pro bono allies, from addressing the [needs of low-income client communities](#).

State Legislative Funding Ideas



Surcharge on existing filing fees

Amounts range from \$2 - \$26

Reopening Fee

See for example AR, with a fee of \$20 or Nevada with a fee of \$25 on family law cases.

Transfer Fee

See for example Ohio, with a \$15 assessment for actions originally filed as a small claims action and later transferred to the general civil division of a court

Dissolution of marriage filing fee

See for example Colorado and Montana, both to fund domestic violence work. Also see Kansas for filing fee charge on post-divorce motions

Surcharge on parking and/or traffic tickets

See for example Maine and Tennessee



Increased fee for marriage license

See for example West Virginia - \$5



Fees on mortgage and deed filings

See for example Pennsylvania, assessing fees on the recordings of deeds, mortgages and recorder of deed filings

Fees on criminal cases

See for example Missouri

AG Civil Penalties

See for example Texas, where the AG can designate up to \$50 million from penalties to legal aid.



Unclaimed Property

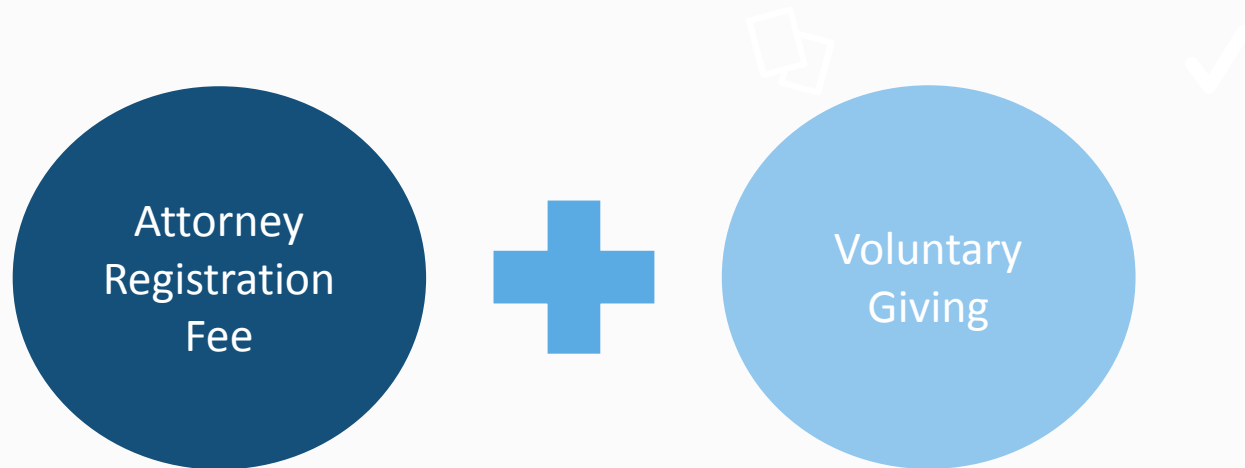
See for example Oregon, authorizing that unclaimed/abandoned client money in lawyer trust accounts be used to fund the Oregon State Bar's Legal Services Program.



“Kitchen Sink” approach

Combining various filing fees. See for example CT.

Legal Community Giving



Wisconsin:
\$50

Wisconsin:
Equal Justice
Fund

Engaging the Private Sector: 3 Steps

(Maine's Justice Action Group Private Sector Outreach Task Force)

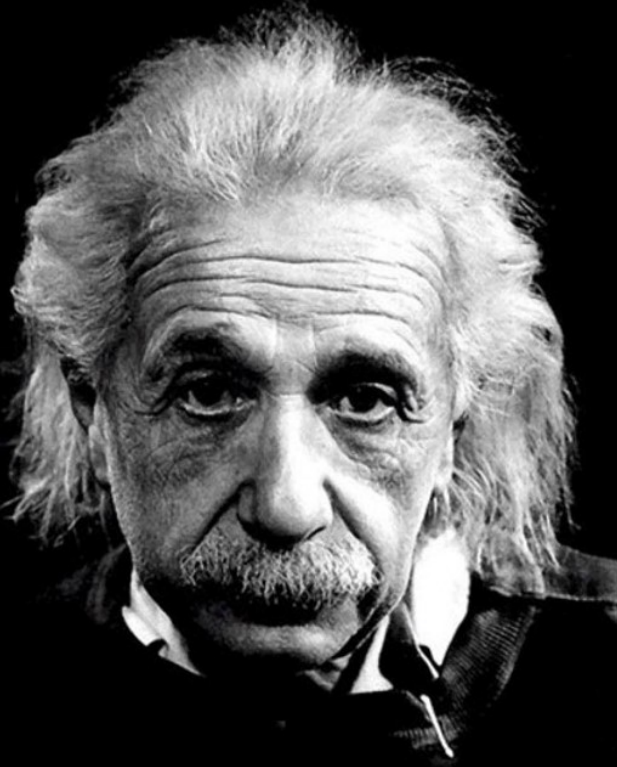


Service Delivery Innovations

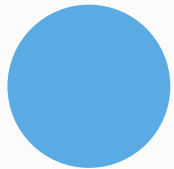


Microsoft
Windows

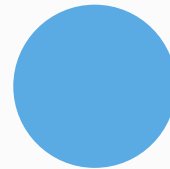
We can't solve problems
by using the same kind
of thinking we used
when we created them.



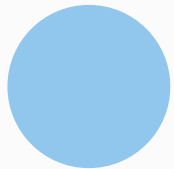
Pro Bono Initiatives



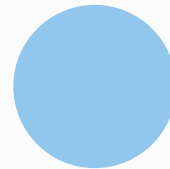
Planning Statewide Summits or Conferences to develop a plan to expand pro bono services.



Recruitment campaigns or other recognition programs to engage more attorneys



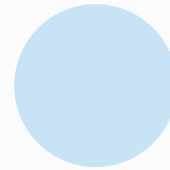
Creation and development of web sites, apps, and other online resources to support pro bono



Development and implementation of rules and policies to support pro bono

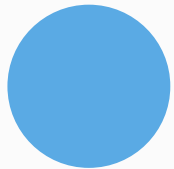


Creation of mentorship programs, especially to engage senior attorneys

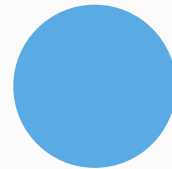


Projects aimed at reaching out to special populations (veterans, rural populations, etc).

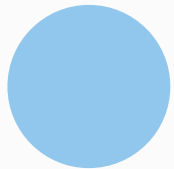
Innovations for Self Represented Litigants



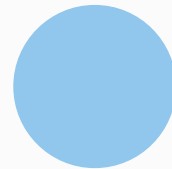
Simplification and standardization of forms and pleadings



Creation of guides and other materials to help self-represented litigants



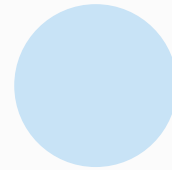
Support and development of self-help centers, whether through legal aid organizations, courts, libraries or online



Collaboration with public and law libraries



Justice Corps and programs using non-attorney volunteers to help self-represented litigants

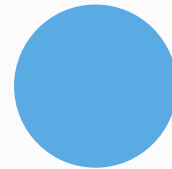


Statewide technology plan to maximize access through innovation, while ensuring that innovations do not create new barriers

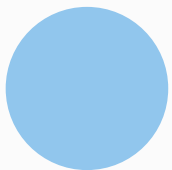
Promoting Limited Scope Representation



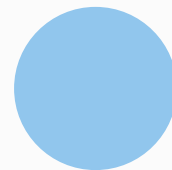
Revision or clarification of rules to allow limited scope representation



Educational campaigns and programs aimed at attorneys and judges

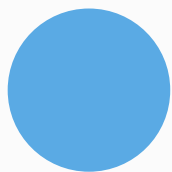


Lists of attorneys offering limited scope representation



Efforts to incorporate limited scope representation into pro bono and self help initiatives

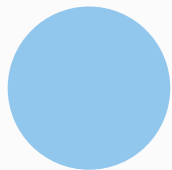
Language Access



Statewide action plan on litigants with limited English proficiency and cultural competency



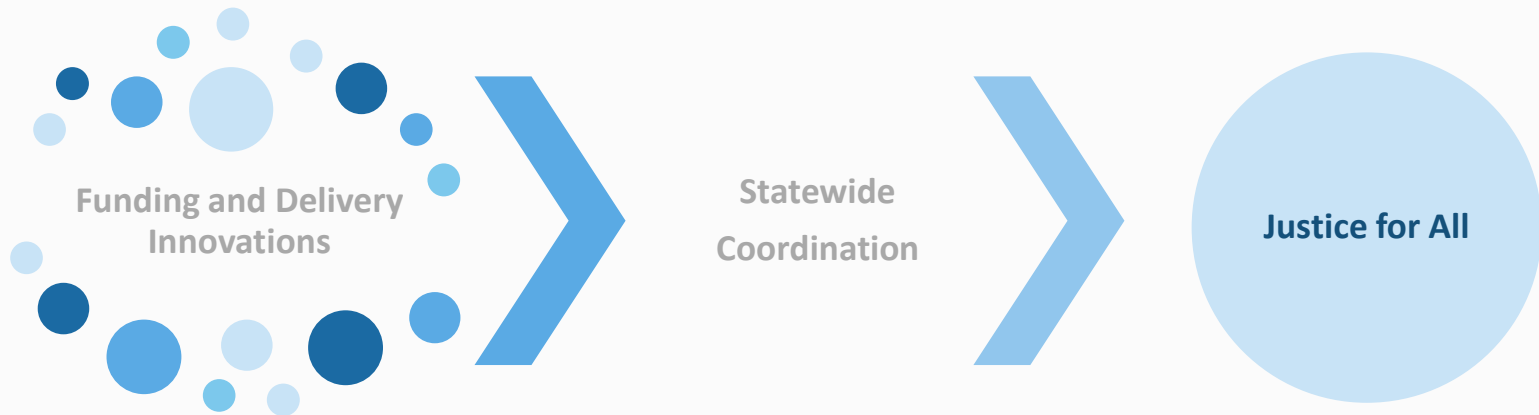
Creating forms and instructions in multiple languages



Language and cultural competency education for courts, agencies, and providers

- ✓ State planning for coordinated delivery
- ✓ Statewide technology plan
- ✓ Development and expansion of capacity to serve clients who cannot be served with LSC funds
- ✓ Facilitating relationships between legal aid and health care, social services, advocacy organizations and other new partners
- ✓ Coordinated communications and media campaigns

Pulling it Together: Justice for All



In 2015, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) jointly passed a resolution setting an aspirational goal of justice for all. The Resolution assumes a robust legal aid infrastructure and funding.

Thank you.

Questions?



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www.atjsupport.org