

# Wisconsin Justice Initiative



P.O. Box 100705  
Milwaukee, WI 53210

Representative Cody Horlacher  
Chair, Legislative Council Study Committee on Access to Civil Legal Services  
17 North, State Capitol  
Madison, WI 53708

September 12, 2016

Dear Rep. Horlacher,

Thank you for your work on the Legislative Council Study Committee on Access to Civil Legal Services. This is a crucially important topic for judges, lawyers, and the thousands of Wisconsin residents who try to navigate our complex court system without professional help.

The Wisconsin Justice Initiative asks that the study committee consider the issue of access to attorneys by municipal court defendants. While municipal court cases are considered civil cases, defendants who do not or cannot (due to poverty, mental illness, etc.) pay their fines face incarceration. State law says these defendants are entitled to indigency hearings before they are incarcerated, but those hearings, for a variety of reasons, too often are not held.

It already is well-established that impoverished defendants facing incarceration in criminal cases are entitled to court-appointed attorneys. Ironically, municipal court defendants who can't pay their fines are not generally entitled to court-appointed representation, but may well end up sharing cells with their criminal counterparts.

This inequity in representation is a serious matter. Municipal court defendants have no more ability to adequately represent themselves than criminal defendants have, yet are provided with far less legal protection. WJI respectfully requests that the study committee consider when and how municipal court defendants should be provided with counsel.

Please feel free to contact me at 414-331-0724 or [gretchen@wjiinc.org](mailto:gretchen@wjiinc.org) if you have any questions or concerns.

Thank you,



Gretchen Schuldt  
Executive Director

*The mission of the Wisconsin Justice Initiative is to improve the quality of justice in Wisconsin by educating the public about legal issues and encouraging civic engagement in and debate about the judicial system and its operation.*