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**To: Members of the Study Committee on Access to Civil Legal Services**

**From: Michael Austin, Government Affairs Director  
Wisconsin Department of Justice**

**Date: December 19, 2016**

**Subject: Opposition to earmark funding in LRB 0968 – Establishing a victims legal clinic at  
the University of Wisconsin Law School**

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The Department of Justice appreciates the efforts by the members of the Legislative Council Study Committee on Access to Civil Legal Services in drafting LRB 0968. The Department of Justice (DOJ) shares the desire to provide legal services to victims of crime.

However, DOJ opposes the effort as set forth in LRB 0968 to earmark funding from the Victims of Crime Act (VOCA) grant to the University of Wisconsin Law School to run a victims legal clinic. VOCA funding is provided to private and public agencies to support direct services to victims of violent crime. Services provided under this program include safety planning, community service referrals, counseling, crisis intervention and legal advocacy. The current grant award process is accomplished through thoughtful, statewide prioritization of the use of VOCA funds. DOJ is required by federal rule to maintain a documented methodology for selecting all sub-grantee recipients. LRB 0968 does not take into account this federal requirement and would require DOJ to violate the law.

In addition, VOCA grant funds issued by the U.S. Department of Justice are not guaranteed to continue in the future at current levels and were, in fact, increased recently with one-time funding sources. Thus, the earmark in the current proposal reduces fiscal responsibility and transparency. The University of Wisconsin Law School should be required to apply for a VOCA grant like all other applicants in the state. LRB 0968 directive is contrary to federal law and unfairly prioritizes grant applications from the University of Wisconsin Law School over other critical service providers across Wisconsin like those that assist sexual assault survivors and those suffering from domestic abuse. DOJ believes there must be a level playing field for all applicants and DOJ must follow the law with respect to VOCA grant funds. This can be accomplished simply by removing the earmark language in the current proposal.

However, DOJ is committed to working with the University of Wisconsin Law School to establish a victims legal clinic and would welcome their application for VOCA funding. There is no question there is merit to this proposal which would fill a serious void in the training of future prosecutors in our state.

Thank you for your careful consideration of our concerns.