

# Civil Legal Services In Wisconsin

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on Access to Civil Legal Services  
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# The Importance of Equal Justice

*Can there be justice if it is not equal, can there be a just society when some do not have justice? Equality, equal treatment is perhaps the most fundamental element of justice.*

*So, [LSC] pursues the most fundamental of American ideals and it pursues equal justice in those areas of life most important to the lives of our citizens.*



# Civil Legal Services – Equal Justice in Action

## **What it is**

- Lawyers and paralegals
- Helping with basic legal needs
- Protecting abuse victims
- Preventing homelessness
- Advocates for the disabled, veterans, children, and seniors
- Helping consumers/debtors
- Mostly out of court

## **Not**

- Criminal cases
- Contingency fee cases
- Medical malpractice
- Personal injury
- Prohibited cases

# Who Qualifies for Civil Legal Services

- Gross household income less than 125% of federal poverty level
  - 17.4% of residents have incomes below 125% (2014)
  - Rate is much higher for some areas and groups
- Incomes up to 200% in some cases
  - 27% of residents have incomes below 200% (2014)
- Some volunteer programs have no income restrictions

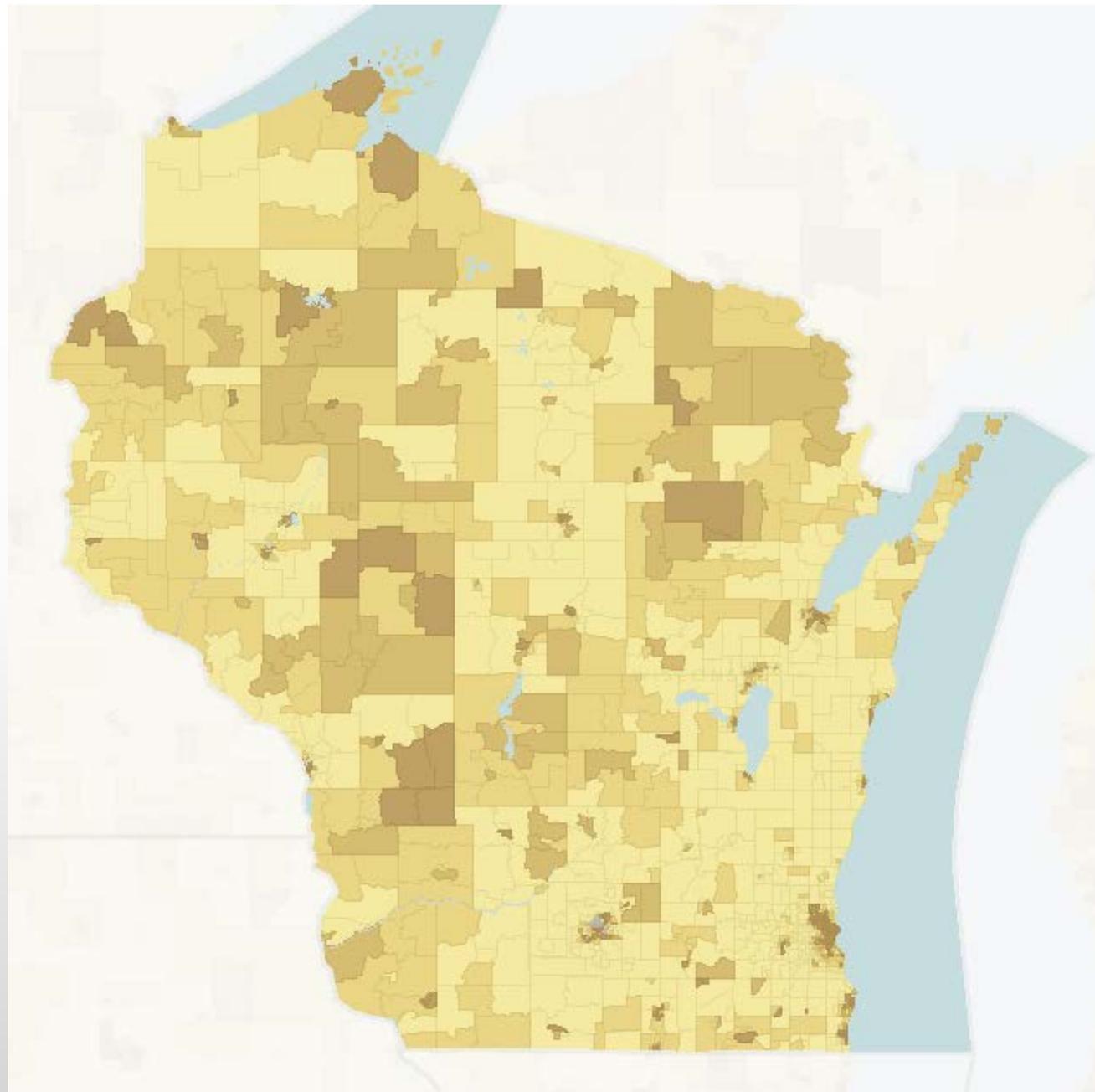
# Federal Poverty Level Guidelines

## 125% of FPL

Family Size	Annual	Monthly	Weekly
1	\$14,850	\$1,238	\$286
2	\$20,025	\$1,669	\$385
3	\$25,200	\$2,100	\$485
4	\$30,375	\$2,531	\$584

## 200% of FPL

Family Size	Annual	Monthly	Weekly
1	\$23,760	\$1,980	\$457
2	\$32,040	\$2,670	\$616
3	\$40,320	\$3,360	\$775
4	\$48,600	\$4,050	\$935



**Population Below the Poverty Level, Percent by Tract, ACS 2010-14**

- Over 20.0%
- 15.1 - 20.0%
- 10.1 - 15.0%
- Under 10.1%
- No Data or Data Suppressed

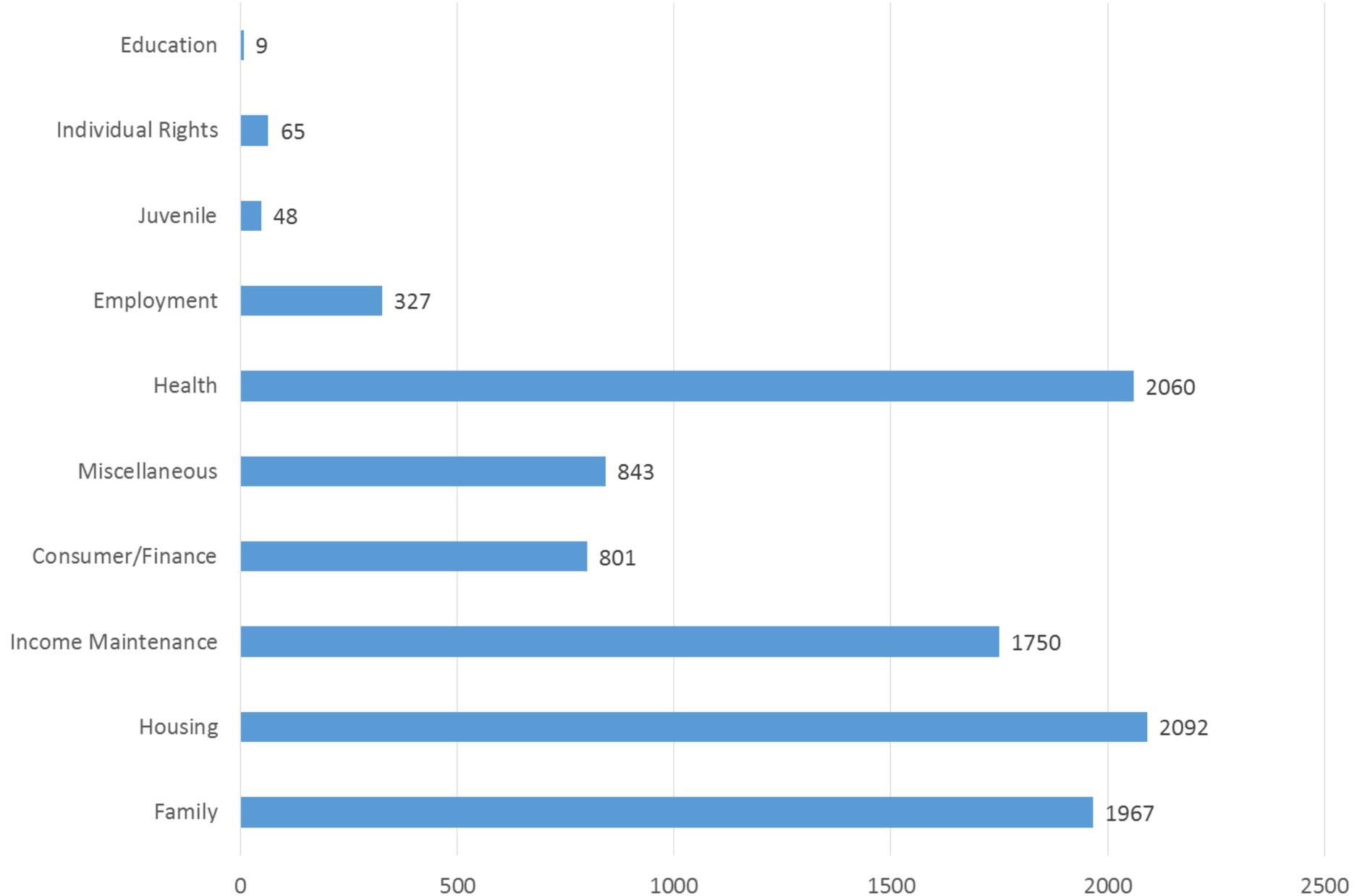
# Civil Legal Services Delivery Models

- Staff attorneys and paralegals
- Volunteer attorneys
- Judicare compensated attorneys
- Law students
- Self-help
- Free
- Reduced fee
- General service
- Specialized

# Staffed Offices

- ABC for Health
  - AIDS Resource Center of Wisconsin
  - Catholic Charities - Milwaukee
  - Catholic Charities - La Crosse
  - Centro Legal
  - Community Justice
  - Disability Rights Wisconsin
  - Greater Wisconsin Agency on Aging Resources
  - Kids Matter
  - Legal Action of Wisconsin
  - Legal Aid Society of Milwaukee
  - Wisconsin Judicare
- Local
  - Regional
  - Statewide

## Cases Closed in 2015 by Wisconsin's LSC funded programs



# Volunteer Lawyer Programs (partial list)

- Milwaukee Justice Center
- Volunteer Lawyers Project - Legal Action of Wisconsin
- Legal Aid Society of Door County
- Portage County Legal Aid Society
- Dane County Bar Association
- Wisconsin Judicare
- Community Immigration Law Center
- State Bar of Wisconsin
- Eau Claire Free Legal Clinic
- La Crosse Free Legal Clinic
- St. Croix Free Legal Clinic
- Waukesha Family Legal Clinic
- Winnebago Legal Assistance Clinic
- Jewish Social Services

# Wisconsin Law Schools

- Marquette Law School

- Volunteer Legal Clinic
- Legal Initiative for Nonprofit Corporations
- Law & Entrepreneurship Clinic

- UW Law School

- Consumer Law Clinic
- Consumer Mediation Clinic
- Family Court Clinic
- Neighborhood Law Clinic
- Immigrant Justice Clinic
- Law & Entrepreneurship Clinic
- Family Law Project
- Pro Bono Program

# Self Help Tools

- Wisconsin State Law Library
- Wisconsin Court System website
  - Standardized, statewide court forms
  - Interactive forms assistant for divorce and small claims
- State Bar of Wisconsin ([Wisbar.org/forPublic](http://Wisbar.org/forPublic))
- County websites (2 examples)
  - Milwaukee Justice Center
  - Waukesha County Family Court Self-Help
- Commercial providers (Avvo, LegalZoom, etc)

# Wisconsin State Law Library Usage

## **Top 10 public research requests**

- landlord / tenant
- Wisconsin law
- child support
- child custody
- small claims
- divorce
- eviction
- public records
- property
- employment law

## **Top 10 web pages**

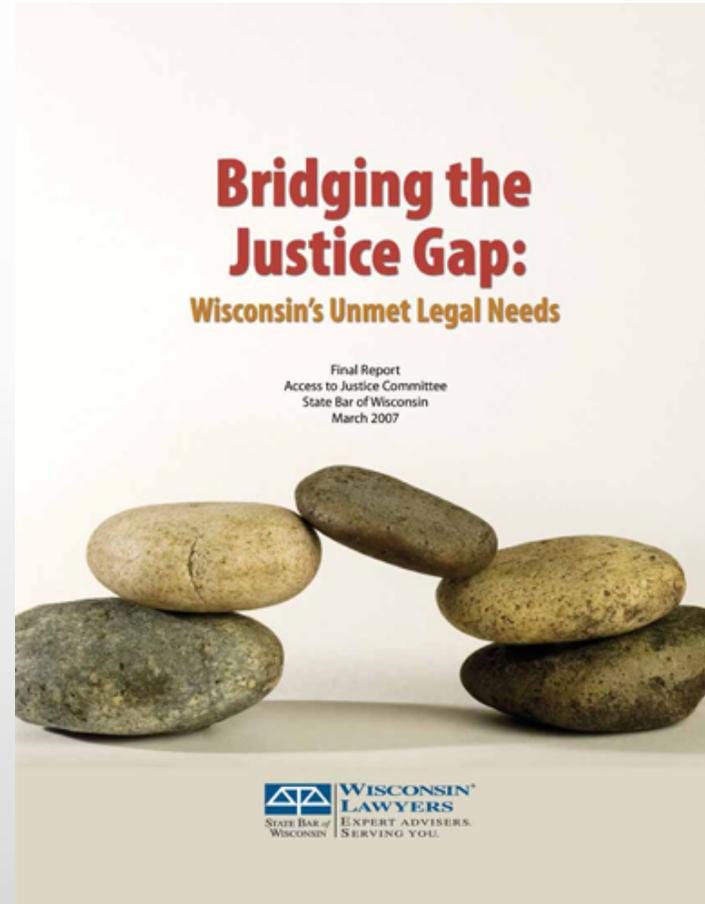
- landlord / tenant
- ordinances
- legal topic index
- child custody and placement
- firearms
- children home alone
- Wisconsin law
- child support
- family court forms from Wisconsin counties
- real property, real estate

# Measuring the Justice Gap

- 2006 State Bar of Wisconsin – *Bridging the Justice Gap*
- 2013 ATJ Commission - *The State of Equal Justice in Wisconsin*

# 2006 State Bar Civil Legal Needs Study

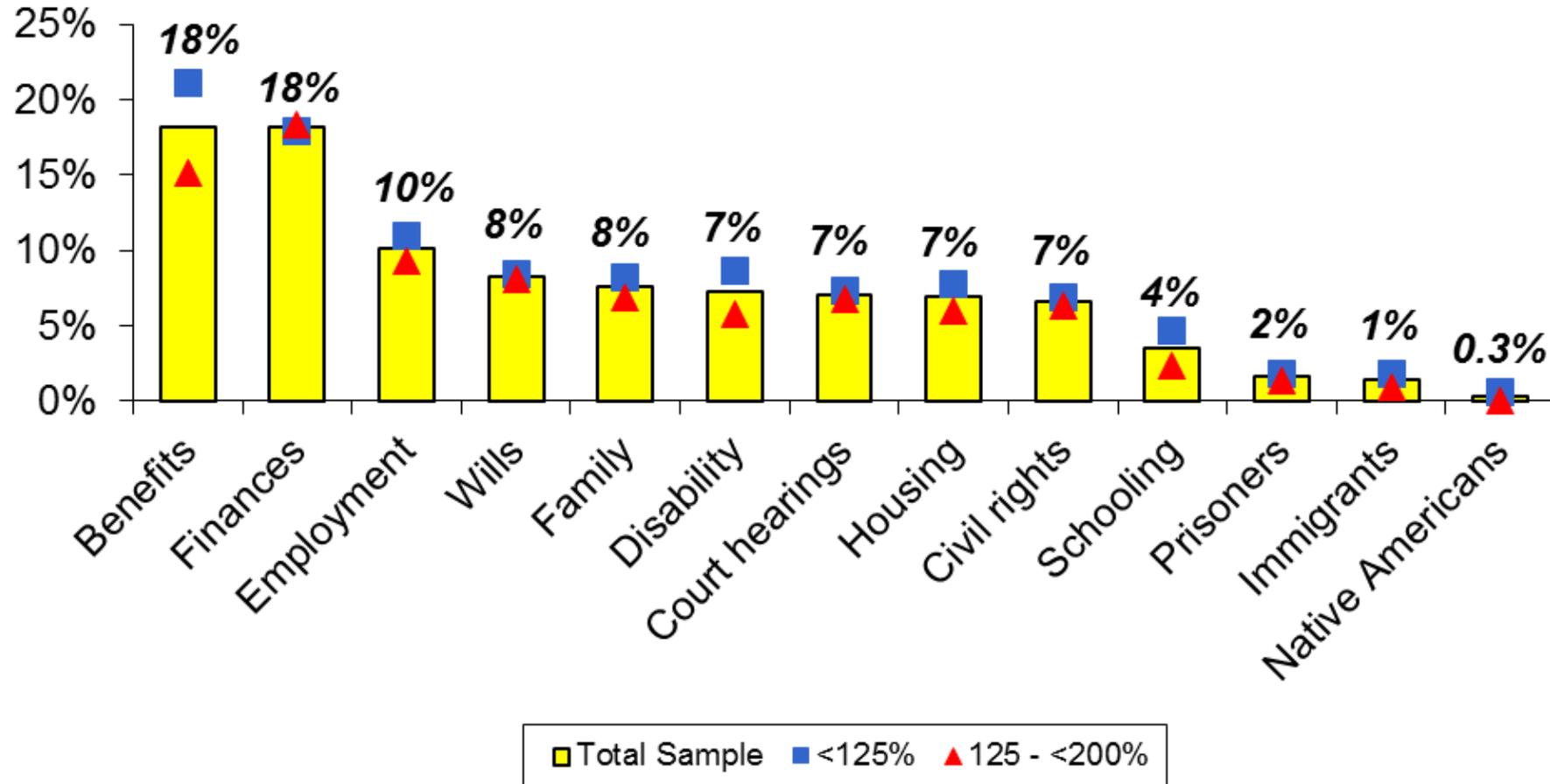
- State Bar hired an independent survey firm
- Random sample of households based on income and geography
  - Milwaukee, Other Urban, & Rural
  - Indigent and working poor households were included
- 1,122 households responded by land-line telephone
- Margin of error was 2.9% at 95% confidence level



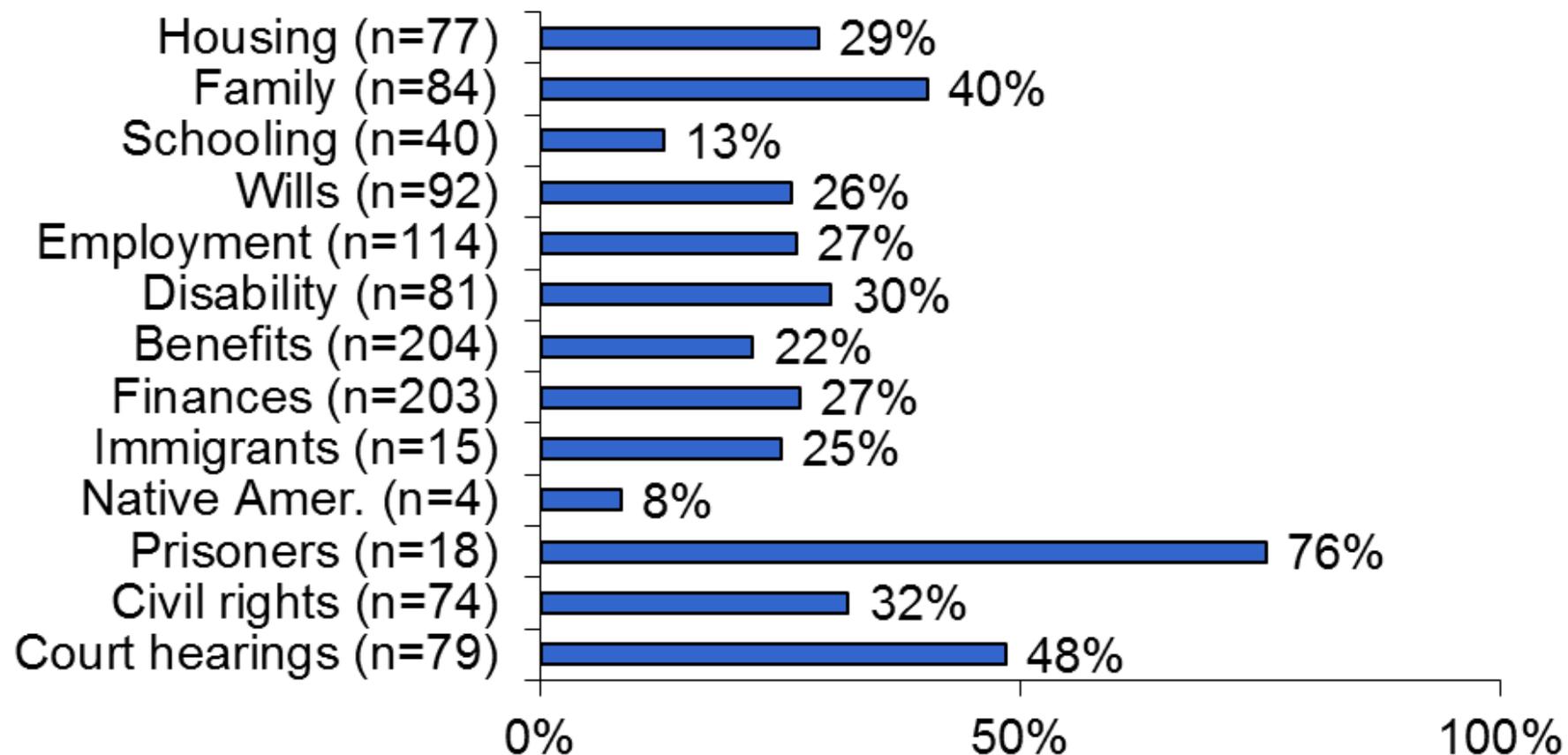
# 2006 Survey Results

- 45% of the households reported a need for civil legal assistance in at least one area of law.
- The average number of problems reported was 2.1 per household
- Need was higher among the lowest income families (48%), minorities (59%), and in households with children (64%).
- 7% of surveyed households had a legal problem that involved a case in court or an administrative hearing.
  - 39% of them reported receiving a lawyer's help for that type of problem, while 63% indicated that the other side had a lawyer.
- Only 37% of respondents were aware of free legal services for people who cannot afford a lawyer

**Chart 1: Percentage That Experienced At Least One Legal Problem Related to Each Category**

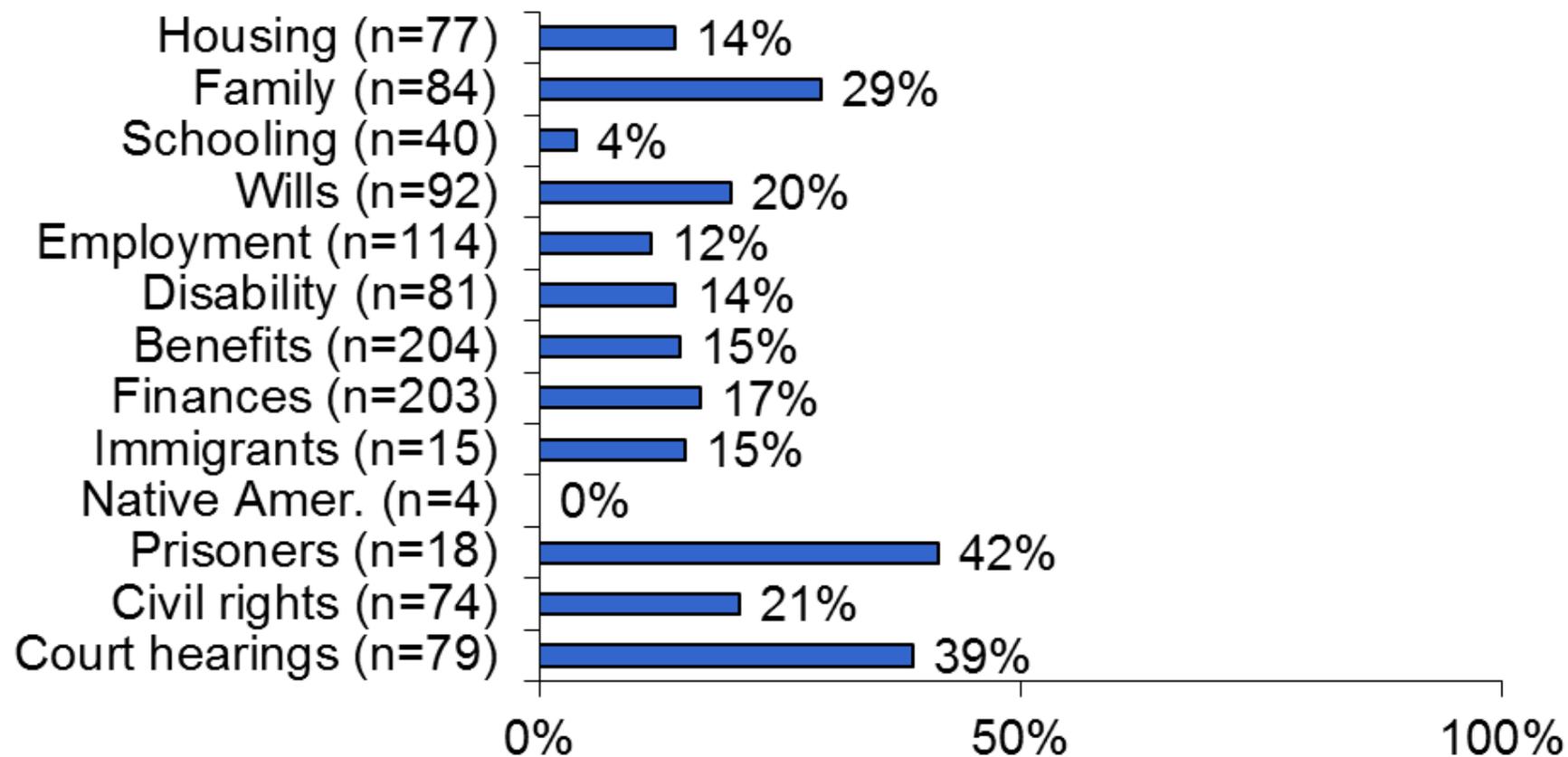


**Chart 3: Percent of Those with Legal Problem Who Asked for Help From a Lawyer**



(n=total weighted count)

**Chart 4: Percent of Those with Legal Problem Who Received Help From a Lawyer**



(n=total weighted count)

# Access to Justice Commission

- Created in 2009 by order of the Wisconsin Supreme Court at the request of the State Bar in response to *Bridging the Justice Gap*.
- 17 members appointed by stakeholders, including the Governor, Legislature, Supreme Court, State Bar and others
- Mission is to develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents.
- Projects have included public hearings, proposed rule changes, outreach to private foundations, Wisconsin Legal Advice Online, and Pro Bono Honor Society.

# 2012 Public Hearings on Access to Justice

- Organized by the Access to Justice Commission
- Eau Claire, Green Bay, La Crosse, Madison, Milwaukee, Wausau
- 137 witnesses
- Hearing panel members
  - Judges
  - Lawyers
  - Community groups
  - State and local officials
  - Business leaders

# Key Findings

- Rising demands for help, fewer resources & smaller staffs covering larger areas
  - 2 lawyers at one office in La Crosse covered a 10 county area in SW Wisconsin
  - Half or more of eligible clients turned away or received minimal help
  - Triage means only some of the most critical cases get a lawyer
- Highest priority needs speakers identified
  - Domestic violence and elder abuse
  - Evictions and other housing issues
  - Foreclosures
  - Family law
  - Public benefits

# Recommendations From the Hearings

- Additional funding that is stable and diversified
- More coordinated public education efforts
- Expand self-help services in the courts
- Increase volunteer legal services efforts
- More research on outcomes and ROI
- Judges should use their inherent authority to appoint counsel
- New roles for nonlawyers should be authorized
- Translation and interpreter services
- Alternative dispute resolution should be encouraged

# Recent Developments

- Legislature appropriated targeted funding for civil legal services to abuse victims in 2015-17 state budget
- Supreme Court raised the fee out of state lawyers pay to practice in WI
- Supreme Court amended the Judicial Code to give judges more guidance on how they can assist litigants, including self-represented
- Commission and Judicial Conference offered education to judges on their authority to appoint counsel in civil cases
- Supreme Court rule changes to expand limited scope representation
- Supreme Court rule changes to direct a portion of unclaimed class action settlement funds to support civil legal services
- Allowing lawyers to claim CLE credit for pro bono service
- New rule to encourage in-house counsel to volunteer

# Funding For Civil Legal Services

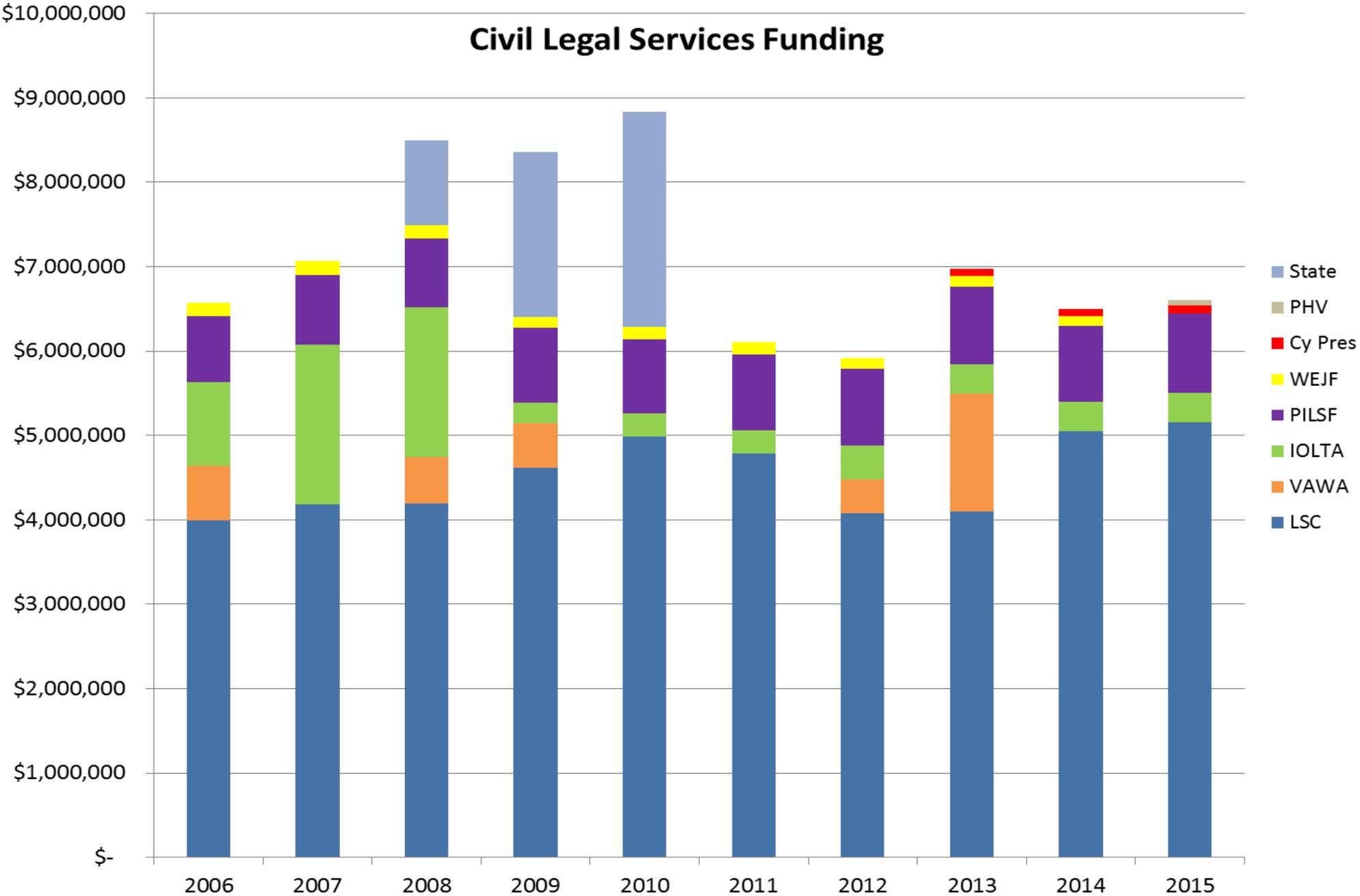
## **Public**

- Legal Services Corporation
- Older Americans Act
- Violence Against Women Act
- Victims of Crime Act
- State appropriation (TANF)
- Department of Corrections
- Veterans Administration

## **Private**

- Annual fee on Wisconsin lawyers & judges
- Interest on Lawyers Trust Accounts
- Equal Justice Fund
- United Way & other foundations
- Client fees
- Unclaimed funds in class actions
- Pro hac vice fees paid by out of state lawyers

# Civil Legal Services Funding

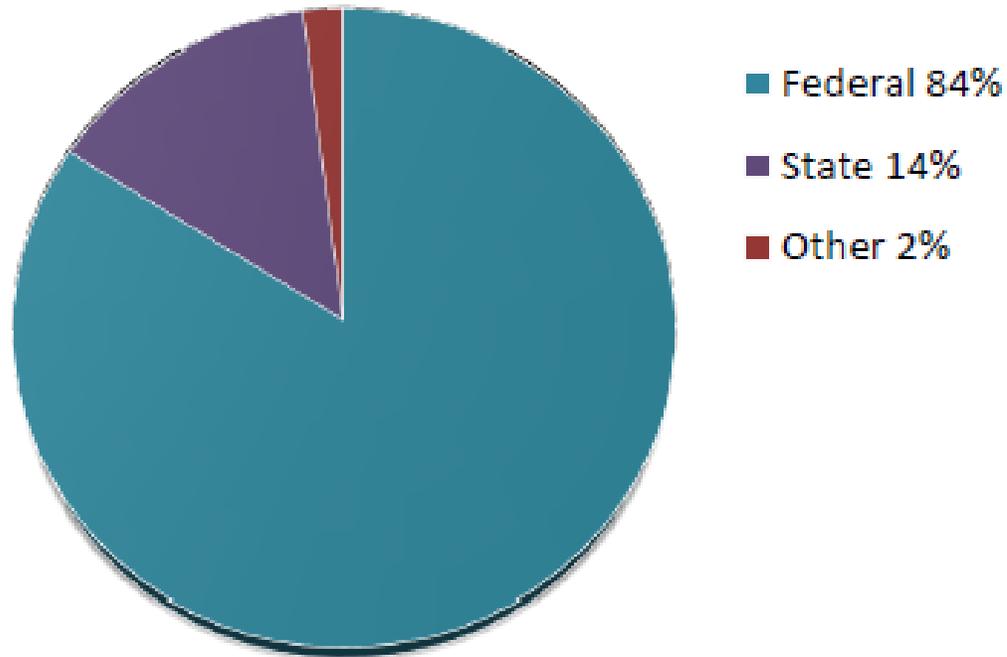


# One Measure - Return On Investment

- Legal Action of Wisconsin
  - SeniorLaw cases 2011-2015
    - 341% return on investment (\$7,778,315 economic benefits/\$2,280,393 program cost)
  - Elder abuse cases 2011-2015
    - 561% return on investment (\$2,135,416 economic benefits/\$380,646 program cost)
  - Low Income Taxpayer Clinic 2013-2015
    - 511% return on investment (\$1,492,635 in benefits for taxpayers/\$292,000 program cost)

# Another Example – Disability Benefit Specialists

## 2015 Monetary Impact



**Estimated statewide impact of DBS services in 2015:**

**\$83,887,041**

**Average monetary impact\* of one full-time DBS in 2015:**

**\$1,048,588**

\*This average is based on a total of 80 full-time equivalent (FTE) positions

# About the State Bar of Wisconsin

- 25,000 members
  - 21,000 reside in Wisconsin
    - 15,122 have a license status that allows them to practice law
      - Approximately 8,850 are in private practice
- Governed by an elected Board of Governors
- Staff is in Madison

# State Bar Support for Access to Justice

- Pro Bono Program Manager
- Insurance coverage for volunteer lawyers
- Expense reimbursement for volunteer lawyers
- Grants to start up & expand volunteer projects
- Pro bono awards
- Searchable online directory of volunteer opportunities
- Funding the 2006 Civil Legal Needs Study \$54,000
- Funding the Access to Justice Commission - \$300,000 since 2009
- Lawyer referral programs

# Lawyer Referral & Modest Means

- Lawyer Referral & Information Service
  - 22,910 calls in the last 12 months
  - 7,252 referred to full fee lawyers
  - Remainder are referred to legal services programs or state agencies
- Modest Means Panel (clients income <200% of poverty)
  - 126 applicants in the last 12 months
  - 25 clients referred to reduced cost attorneys
  - Most applicants have nothing to pay an attorney and don't qualify

# State Bar Members – Pro Bono Service 2014

- **68%** of State Bar members reported providing at least some pro bono legal services
- Of those who did some pro bono, 82% provided some free legal services to low income clients (40% provided reduced fee help)
- Median was **30 hours** of free legal help to low income clients
- Median was **36 hours** of reduced fee legal help to low income clients
- 31% reported making a voluntary donation to legal services
  - Average donation was \$363

# 2015 Pro Bono Honor Society

- Created by the Access to Justice Commission
- Recognizes lawyers who at least 50 hours or free or substantially reduced fee legal services to the poor (civil and criminal)
- Annual certification process
- 410 Lawyers certified for 2015
- Represents at least 20,500 hours of service or \$4,305,000



[www.wilegaladvice.org](http://www.wilegaladvice.org)

## **Clients**

- Eligibility check
- Agree to the terms
- Create an account
- Ask a civil legal question
- Email notification of response

## **Volunteer Attorneys**

- Limited scope representation
- Schedule flexibility
- Email notifications for new questions and follow-up
- 68 attorneys
- 22 counties

# WLAO - Questions

- From 62 Counties
  - Milwaukee - 56
  - Dane - 38
  - Rock - 23
  - Brown - 20
  - Eau Claire - 19
  - Outagamie - 19
  - Chippewa - 14
  - Winnebago - 14
  - St. Croix - 13
  - Waukesha - 13
  - Burnett - 12

Question Type	Count
Debts & Purchases	57
Disability	6
Driver's License	5
Education	2
Employment	19
Families	186
Housing	79
Immigration	3
Insurance	3
Nonprofits	2
Other	56
Seniors	4
Tax	1
Wills & Trusts	14
<b>Total</b>	<b>437</b>

# Diane Wood, Chief Judge, 7<sup>th</sup> Circuit

*If they try to go it alone, can they navigate the legal system without making a fatal mistake? Such as blowing a statute of limitations, failing to respond properly to a motion to dismiss, failing to include critical facts or documents in their filings, not realizing which court to go to and a host of other mistakes.*

*Is it possible for the court to decipher what the unrepresented is trying to communicate?*

*Whether the unrepresented person has overlooked other possible ways of solving a problem?*

*Civil legal assistance is a win-win-win proposition. And it should be entirely apolitical.*

