



Legislative Fiscal Bureau

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June 2, 2011

Joint Committee on Finance

Paper #231

County Authority to Create and Assess Fees for Court Self-Help Centers (Circuit Courts)

[LFB 2011-13 Budget Summary: Page 112, #6]

CURRENT LAW

No provision.

GOVERNOR

Authorize a county board to direct its clerk of courts to operate a self-help center in the county courthouse to provide individuals with information regarding the court system. The clerk of courts may staff a self-help center with county employees or volunteers although no one who works or volunteers at the center may provide legal advice to patrons. Authorize the county board to impose on and collect a fee from individuals who use the services of the self-help center.

Information regarding the court system that a self-help center may provide would include: (a) how to represent oneself in circuit court; (b) how to obtain legal assistance or legal information; (c) information regarding legal proceedings such as small claims actions, family law, and foreclosure; (d) how to file an appeal; (e) information about people and offices in the courthouse; (f) where to obtain, and how to fill out legal forms; and (g) answers to frequently asked questions concerning the legal system.

DISCUSSION POINTS

1. The bill would authorize a county board to direct its clerk of court to operate a self-

help center in the county courthouse to provide individuals with information regarding the court system. The clerk of courts would be allowed to staff a self-help center with county employees or volunteers, although no one who works or volunteers at a self-help center could provide legal advice to a patron of the self-help center. Further, the board could impose upon, and collect a fee from, individuals who use the services of a self-help center.

2. According to the Department of Administration, the intent of the provision is to increase access to the court system as the number of self-represented participants increases. The self-help centers would "provide access to users not familiar with the court system and ensure accurate information about the process is being disseminated, which helps move cases through the system in a timelier manner because pro se litigants have better information."

3. On March 29, 2011, in her remarks before the Joint Committee on Finance, the Chief Justice expressed concern regarding the provision authorizing county boards to direct clerks of court to operate self-help centers. The Director of State Courts Office further elaborated on this point in a budget paper:

"The Governor's budget proposal creates more difficulties than it resolves:

- It authorizes a county board to direct an elected official in another branch of government to operate a center, which potentially raises separation of powers issues.
- It does not address input or approval by circuit court judges, whose support is critical for an effective program.
- It allows counties to impose a fee for self-help center services, but does not require the county to utilize fee revenues to support the self-help center.
- It mandates what each county self-help center may or may not do. While the mandated list of services is valuable, counties must be able to decide for themselves what services they are willing and can afford to provide.
- Most troubling is the prohibition on volunteer attorneys providing legal assistance at the self-help centers. One of the valuable services a self-help center can provide is a clinic or workshop conducted by either a court staff attorney or volunteer attorney that addresses a range of issues, which may include pre-filing review of completed forms. The State Bar of Wisconsin strongly encourages attorneys to provide volunteer services, and several existing self-help centers currently utilize these free legal services.

We have found the court system's approach of providing assistance at the state level while allowing counties to initiate their own programs without state mandates to be most effective."

4. The Director of State Courts Office indicates that some counties have already developed self-help centers to provide information to self-represented litigants, which varies depending on availability of staff, space and volunteers. Since clerks of court are already capable of creating self-help centers to help individuals with the court system, the Committee may wish to delete the provision.

5. Alternatively, the Committee may wish to retain the recommendation authorizing the board to impose on, and collect a fee from, individuals who use services of a self-help center, specifying that the revenue be utilized to support the self-help center. All other provisions could be deleted. This alternative would provide counties the ability to assess a fee for self-help legal centers, but retain clerks of court's authority to determine whether or not to operate a self-help center.

ALTERNATIVES

1. Approve the Governor's recommendation to authorize a county board to direct its clerk of courts to operate a self-help center in the county courthouse to provide individuals with information regarding the court system. The clerk of courts may staff a self-help center with county employees or volunteers although no one who works or volunteers at the center may provide legal advice to patrons. Authorize the county board to impose on and collect a fee from individuals who use the services of the self-help center. Specify the information regarding the court system that a self-help center may provide.

2. Delete the Governor's recommendation. Instead provide that a county board may impose upon, and collect a fee from, individuals who use the services of a self-help center. Specify that the fee must be utilized to support the services for the self-help center.

3. Delete the Governor's recommendation.

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