What is cy pres?

The legal doctrine originally referred to using a trust fund for its "next best use" when its original purpose was no longer possible. Today, **cy pres commonly refers to residual funds left over from a class action lawsuit, but can also refer to funds from restitution, settlements, or penalties**.

Funds can become residual for many reasons. Sometimes, class members cannot be located, class members fail to submit claims, or a court may determine that awards to individual class members would be too small to provide a meaningful benefit to them. When this happens, the residual funds can be put to their next best use in the form of a cy pres award to an organization that the court and the parties agree will serve the interests of the class members "as near as possible." Courts have long recognized that under the cy pres doctrine, judges can approve distributing residual funds to appropriate recipients, including access to justice programs.

> *Cy pres holds real promise as one more way to help support civil legal*
> Gregg Moore, President
> Wisconsin Access to Justice Commission

How does it work?

Just designate the Wisconsin Trust Account Foundation (WisTAF) or one of its grantees to receive any residual funds in your settlement agreements. It's that simple. We will even help you craft the right language.

Will it make a difference?

Yes. Even small amounts can help. In other states, cy pres has become a significant source of support for civil legal services in the community. You can help have the same impact right here in Wisconsin.

Why is the Commission recommending WisTAF?

- **Mission**: WisTAF is the 501(c)(3) foundation created by the Wisconsin Supreme Court to help fund access to civil legal services for low-income individuals and families who would not be able to obtain justice on their own. It's a perfect match for class action cy pres awards.
- **Service to the Courts**: WisTAF funds a range of organizations that provide competent legal advice and representation, helping to resolve disputes efficiently and fairly.
- **Focus, Fairness, Expertise & Flexibility**: Over 25 years of grant-making experience and an independent board means that WisTAF can ensure accountability and a fair distribution of funding. WisTAF also has the flexibility to target a cy pres award towards a specific initiative.
- **Relevance**: WisTAF grantees help thousands of low-income Wisconsin residents every year resolve their civil legal problems on issues related to housing, employment, health care, families, public benefits, personal safety and consumer law.
- **Freedom from Conflicts:** WisTAF does not file lawsuits or represent parties in court, and thus is free of any potential conflict that otherwise might arise for the court or the defendant in a class action. Its mission of promoting equal access to justice is as American as apple pie.

For more information, **contact DeEtte Tomlinson at (608) 257-2841 or dtomlinson@wistaf.org** about using cy pres awards to support access to justice. Learn more about the Wisconsin Access to Justice Commission at **www.wisatj.org**.

Who WisTAF Funds

The following organizations receive financial support from the Wisconsin Trust Account Foundation to counsel or represent low income Wisconsin residents. Each organization has been carefully screened through a comprehensive grant review process. The Wisconsin Access to Justice Commission supports the award of residuals funds to WisTAF or to any of the grantees listed below to help advance access to justice in Wisconsin.

ABC for Health
AIDS Network
AIDS Resource Center of Wisconsin
Legal Services for Immigrants at Catholic Charities of the Archdiocese of Milwaukee
Legal Services for Immigrants at Catholic Charities of the Diocese of La Crosse
Center Against Sexual & Domestic Abuse
Centro Legal por Derechos Humanos
Community Justice
Disability Rights Wisconsin
Kids Matter
Legal Action of Wisconsin
Legal Aid Society of Door County
Legal Aid Society of Milwaukee
People Against Domestic & Sexual Abuse
Portage County Legal Aid Society
Wisconsin Judicare