



Wisconsin Access to Justice Commission
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Memo

To: Wisconsin Supreme Court Justices, State Bar of Wisconsin Board of Governors, Governor Scott Walker, Wisconsin Legislators, UW Law School Dean, Marquette Law School Dean, Wisconsin Trust Account Foundation Board and Grantees, Wisconsin Judges and Court Commissioners, Local Bar Association Presidents, County Board Chairs and County Executives, Public and Law Libraries, Media, and Other Interested Persons

From: Gregg Moore, President of the Wisconsin Access to Justice Commission

Date: July 7, 2011

Re: Annual Report 2010-2011

On behalf of all Commission members, I am pleased to provide you with the first Annual Report of the Wisconsin Access to Justice Commission. The Commission was established by the Wisconsin Supreme Court, in response to a petition by the State Bar of Wisconsin, "to develop and encourage means of expanding access to the civil justice system for unrepresented low income Wisconsin residents."

We hope you will take the time to read the Annual Report and to follow the Commission's progress by visiting www.wisatj.org. Please contact me if you have any questions or suggestions.

Thank you.

cc: Wisconsin Access to Justice Commission Members
John Voelker, Director of State Courts
George Brown, State Bar of Wisconsin Executive Director
Jeff Brown, State Bar of Wisconsin Pro Bono Coordinator

Enc.



Annual Report 2010 – 2011

June 2011

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Preface

The Wisconsin Supreme Court established the Access to Justice Commission in 2009 in response to a petition from the State Bar of Wisconsin. As noted in Supreme Court Rule (SCR) Chapter 14, the mission of the Commission is to develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents.

The Commission is a nonprofit organization consisting of a 17-member board of directors, with various members appointed by the Supreme Court, Governor, President of the Senate, Speaker of the Assembly, State Bar of Wisconsin, deans of the Marquette University and University of Wisconsin Law Schools, and the board of the Wisconsin Trust Account Foundation (see Appendix A). The State Bar of Wisconsin currently provides financial and staff support to the Commission.

Overview

The Wisconsin Access to Justice Commission devoted much of its first year to establishing the framework for ensuring success in the future, including:

- incorporating as a Wisconsin nonprofit corporation and obtaining an IRS 501(c) (3) charitable organization determination and a Wisconsin charitable license
- adopting bylaws, and other organizational policies
- consulting with the American Bar Association's Resource Center for Access to Justice Initiatives
- analyzing other state access to justice commissions
- reviewing various foundational documents, including the State Bar of Wisconsin 2007 report, "Bridging the Justice Gap: Wisconsin's Unmet Legal Needs"
- creating a guiding document that articulates the Commission's mission, core values and the essential capacities for a statewide civil legal aid delivery system
- implementing a committee structure for studying issues and conducting Commission business
- adopting a memorandum of understanding with the State Bar of Wisconsin concerning funding and donated staff services
- establishing a website (www.wisatj.org) for sharing and disseminating information.

In addition to focusing on organizational matters, the Commission also made progress on substantive issues, including:

- supporting continued funding of civil legal aid in the state budget
- supporting adequate federal funding for the Legal Services Corporation
- reviewing the Petition to Establish a Right to Counsel in Civil Cases
- exploring opportunities for finding long-term funding solutions for both civil legal aid services and the Commission
- researching possible recommendations to address issues impacting self-represented litigants.

During the upcoming year (July 1, 2011 – June 30, 2012), most of the Commission’s efforts will be focused on the activities and tasks of the four substantive committees. These committees and their purposes are:

Courts & Administrative Tribunals Committee

The purpose is to assist the Commission in identifying and recommending proposed changes to ensure that Wisconsin courts and tribunals are safe, accessible, meaningful and convenient for their users.

Delivery of Legal Services Committee

The purpose is to assist the Commission in developing and implementing strategies that support the Commission’s goal of achieving continuous improvement in Wisconsin’s legal services delivery system.

Public Awareness & Justice Education Committee

The purpose is to assist the Commission in increasing public education about and support for meeting the civil legal needs of low income Wisconsin residents.

Research & Resource Development Committee

The purpose is to assist the Commission by developing research and making recommendations about ways to address systemic access to justice issues and long-term funding solutions for both civil legal services and the Commission.

Mission and Core Values

As a result of a facilitated workshop in November 2010 and subsequent follow-up, the Commission developed a document that articulates the Commission’s mission and core values as well as essential capacities of a statewide civil legal aid system. The document, which is intended to guide the Commission’s work, is attached as **Appendix B** and is available on the Commission’s website www.wisatj.org. The mission, as identified in SCR 14.02(2), is to develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents.

The following core values have been adopted to help the Commission in designing and supporting the implementation of various initiatives:

1. Grounded in the just rule of law
2. Equal justice for all
3. Legal assistance is essential to securing justice
4. Need for a statewide legal aid system
5. Full range of civil legal aid delivery methods
6. Client-centered priorities
7. Accountability
8. Efficient, accessible and effective
9. Expanded resources are needed.

Commission and Committee Meetings

The Commission has established a pattern of quarterly meetings, with two meetings each year in Madison, one meeting a year in Milwaukee, and one meeting held elsewhere in the state. The Annual

Meeting is in March, and officers are elected at that meeting. In addition, conference call meetings are held as needed. Agendas and meeting minutes are posted on the Commission's website.

As required by Supreme Court Rule, the Commission meets annually with the Supreme Court to discuss the Commission's work and progress. At the March 10, 2011 meeting, open-ended discussion followed brief reports given by each committee chair. It was noted that the need for civil legal services is increasing while funding is decreasing. Also as required by Supreme Court Rule, Chapter 14, the Commission's Executive Committee held its annual meeting with State Bar leadership on February 18, 2011.

In addition to the four substantive committees identified above, the Commission also has a Finance Committee and an Executive Committee. The Finance Committee is primarily responsible for budget preparation and monitoring expenses. The Executive Committee is primarily responsible for general governance.

The four elected Commission officers – president, secretary, treasurer and an at-large officer – constitute the Executive Committee. All other committees have five to seven Commission members and, with the exception of the Executive Committee and the Finance Committee, may include non-Commission appointees as non-voting members.

Committees typically meet monthly or bi-monthly by conference call for 1-2 hours to conduct business. As with Commission meetings, the meeting minutes are posted on the Commission's website.

Highlights of issues addressed by the various committees include the following:

Research and Resource Development Committee

- State and federal funding for civil legal aid
- Review funding sources for other state access to justice commissions
- *Cy Pres* funding opportunities
- Outreach to fundraising professionals and foundations for suggestions and guidance

Delivery of Legal Services Committee

- Statewide survey of currently available legal aid services, including county-based self-help programs
- Analysis of poverty data and available legal aid services within various geographic regions
- Analysis of civil right to counsel initiatives, including reviewing a petition filed with Wisconsin Supreme Court

Courts and Administrative Tribunals Committee

- Review Code of Judicial Conduct and local court rules regarding appropriate assistance for self-represented litigants
- Judicial survey on right to counsel and unrepresented litigants in the courts
- Proposed revisions to federal Model Administrative Procedures Act
- Judicial role and self-represented litigants
- Collaboration and cooperation between state and tribal courts

Public Awareness and Justice Education Committee

- Communications plan to educate the public and policy makers on equal justice issues
- Research the public outreach efforts of other state commissions
- Possibilities of conducting public opinion research
- Preparation of educational materials

Finance Committee

- Review budget requests
- Develop and propose annual budget
- Draft policies needed for IRS compliance
- Review financial reports
- Hire Commission auditor

Executive Committee

- Prepare Commission meeting agendas, oversee meeting logistics and provide appropriate follow-up
- Make committee appointments
- Finalize correspondence on behalf of the Commission
- Develop various policies and proposals for consideration by the Commission
- Meet with State Bar President and Executive Director
- Act on immediate matters arising between full Commission board meetings

Conclusion

The legal challenges facing low-income residents in Wisconsin are enormous. Notwithstanding the services currently available, significant unmet legal needs exist across the state. The members of the Wisconsin Access to Justice Commission are committed to fulfilling the Supreme Court's mandate to "develop and encourage means of expanding access to the civil justice system for unrepresented low income Wisconsin residents."

APPENDIX A

Access to Justice Commission Members 2010-2011

Howard Bichler
Prof. Rebecca Blemberg
Jeffrey Brandt (eff. June 1, 2011)
Duana Bremer
Kelly Burger
Hannah Dugan, Treasurer
John Ebbott
Don Friske (eff. April 25, 2011)
Michael Gonring
Prof. Marsha Mansfield, Secretary
Liz Marquardt
Gregg Moore, President
Fr. Bill Ribbens
Maurice Rice
Deedee Rongstad
Sen. Jim Sullivan (resigned January 1, 2011)
Judge Margaret Vergeront
Marvin Wopat (term expired April 25, 2011)
Judge Glenn Yamahiro

Staff: Jeff Brown

APPENDIX B

WISCONSIN ACCESS TO JUSTICE COMMISSION

OUR MISSION

To develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents.

CORE VALUES

Established by order of the Wisconsin Supreme Court, the Wisconsin Access to Justice Commission is responsible for developing, supporting and promoting a statewide civil legal aid delivery system that is comprehensive, integrated, efficient, accessible, effective, fair and achieves just outcomes. To accomplish our work, we must first make clear the values that form the foundation of our efforts. We adopt the following core values to guide our work in designing and supporting the implementation of initiatives to further our mission, and to promote fair and equal justice for all Wisconsinites.

- **Grounded In The Just Rule Of Law.** Because law forms the foundation of all civil relationships in our democratic society, all residents of the state of Wisconsin should have a meaningful ability to know of, understand, assert, enforce and defend important rights and privileges as well as sufficient information to understand and abide by their corresponding civil legal duties and obligations.
- **Equal Justice For All.** Our justice systems in Wisconsin are founded on constitutional principles of equal justice for all. To function fairly and effectively, justice systems must be open to and accessible by all. It must also be responsive to the unique diversity of our geography, economies and population. Geographic location, income, wealth, social status, age, disability, legal status or considerations not relevant to an individual's specific legal situation should not define the measure of a person's ability to meaningfully access and secure justice within all Wisconsin civil legal systems. Equal justice is a bedrock principle of enlightened self-government, one that originates from the notion that all power is inherent in the people, who share equal political and civil rights.
- **Legal Assistance Is Essential To Securing Justice.** Effective legal assistance is often necessary to enable individuals with legal problems to meaningfully assert and defend important civil legal rights and prerogatives; the lack of legal assistance not only results in the effective denial of the meaningful ability to participate in important civil legal proceedings, but often in the denial of justice itself.
- **The Need For A Statewide Legal Aid System.** All low income people in Wisconsin should have access to legal assistance and, where necessary, effective legal representation with respect to

civil legal matters that affect important personal, family, social, cultural and economic interests. A statewide civil legal aid system is needed to ensure that such assistance and representation is meaningfully available and consistent with the justice needs of clients and low income communities, including consideration of economy and efficiency and these values. The civil legal aid system in Wisconsin should be integrated and highly coordinated, using all potential resources in the most strategic and fair manner, consistent with the overall goals and objectives developed by the Commission.

- **Full Range Of Civil Legal Aid Delivery Methods.** The statewide legal aid system should provide for a full range of civil legal aid delivery methods so that those in need of assistance can access the appropriate type and quality of help they need, whether it be brief information and advice, self-help, limited scope assistance, or full legal representation in all forums where rights and obligations are defined, regulated and adjudicated.
- **Client-Centered Priorities.** Because resources are finite, it will always to be necessary to prioritize both areas of legal need for which legal help is most critical and the types of services to be provided (respecting any legal and contractual obligations that may apply). Low income people and communities must be actively involved in defining areas of priority and focus for the delivery of civil legal aid in Wisconsin.
- **Accountability.** The civil legal aid system must be effective and economical in the delivery of necessary legal assistance and representation, and must be accountable to clients and client communities in need of civil legal help, the justice system and all those who provide resources to support the civil legal aid system. The Commission must also be responsive to all of its stakeholders.
- **Efficient, Accessible And Effective.** Wisconsin's administrative and judicial systems should be efficient, accessible and effective in enabling all participants, including low income residents, to achieve just outcomes.
- **Expanded Resources Are Needed.** Increased funding from a range of sources is necessary to create and sustain a statewide civil legal aid delivery system that is comprehensive, integrated, efficient, accessible, effective and fair in achieving just outcomes.

ESSENTIAL CAPACITIES

The following capacities must be developed and maintained as integral components of a statewide civil legal aid delivery system committed to ensuring that low income Wisconsin residents have access to the type and scope of civil legal help appropriate to identify and resolve important civil legal problems in an effective and economical manner.

1. Outreach and community education designed to help low income people identify and avoid legal problems and provide them with information about how to access the civil legal aid delivery system;
2. Accessible and accurate legal information on common civil legal problems;
3. Client-centered, inclusive systems for legal aid intake, advice, brief service, and referral that are accessible, efficient and responsive to the needs of all low income people;
4. Effective advice, brief service, assistance with document preparation and review, and other support services for self-represented litigants;
5. Emergency legal assistance relating to issues implicating survival and safety, including domestic violence, housing loss/safety, food and denial of essential medical care;
6. Extended representation in judicial and quasi-judicial proceedings with respect to legal matters that affect important client needs, rights and interests;
7. Representation in all relevant legal forums, using all appropriate legal advocacy tools, consistent with national standards for the delivery of civil legal aid services and applicable law;
8. Continuous engagement with low income communities to identify and initiate effective responses to emerging legal problems; and
9. An infrastructure to provide effective and ongoing training, client advocacy coordination, technology planning, statewide contracting and technical support for the statewide legal aid delivery system.