



## Wisconsin State Legislature

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### **Access to Legal Services Study Committee Makes Recommendations**

This summer and fall, the Joint Legislative Council Study Committee on Access to Legal Services looked at the need for legal services for indigent civil litigants, reviewed how these services are currently provided and looked for funding sources other than general tax revenue. Both the U.S. Constitution and the Wisconsin Constitution ensure that an individual has a right to legal representation when facing criminal charges, even if they cannot afford to pay for an attorney. When individuals face civil charges, they are not guaranteed legal representation under Wisconsin law except under certain circumstances like termination of parental rights, civil commitment, or contested adoptions. In addition, courts may appoint lawyers for other indigent individuals at their discretion.

In 2005, the Wisconsin State Bar undertook a study to examine the legal needs of low-income people in the state. They determined that as many as 80 percent of low-income individuals face a court issue with the assistance of a lawyer. They also found that in 60 percent of these cases, the party on the other side has legal representation. The most common cases are loss or reduction of public benefits, employment issues, family law, financial or consumer-related issues and wills or estates. They found that private attorneys and legal aid only covered 20 percent of the legal need of low-income residents.

Hearing all of this, the Joint Legislative Study Committee on Access to Civil Legal Services made a series of recommendation they hope will alleviate these problems. The committee is proposing three bills and has a number of other recommendations as well. The first bill would allow district attorneys, deputy district attorneys and assistant district attorneys to offer pro bono

legal services to an indigent individual or charitable organization as long as it does not conflict with their official duties. The second bill asks various state agencies to work together to allocate the federal block grant money they administer that is intended to help low-income, indigent, vulnerable or at-risk populations to helping provide civil legal services for indigent individuals. The third bill creates an Interagency Legal Aid Coordinating Council that would be charged with looking, on an ongoing basis, at how to provide these legal aid services and if there is federal grant money available for funding.

The committee also made six recommendations that are not included in the bill drafts. First, they suggest that the Department of Veterans Affairs make space available at their office and the Veterans Homes for veterans to meet with legal aid providers. Second, they recommend that counties consider implementing or expanding mediation in civil cases to reduce costs and improve the court system functioning. Third, the committee suggests that the court system look at using technology to improve the information available to people representing themselves, including the creation of additional online forms that can be completed without a lawyer. Fourth, they suggest that the Wisconsin State Bar and the Wisconsin Supreme Court do more to encourage private attorneys to take on pro bono cases. Fifth, the committee recommends that the Department of Justice work with the UW Law School to establish a legal program to help crime victims. Finally, they suggest that the legislature consider expanding the type of publicly-employed lawyers who can provide pro-bono services.

The bills suggested by the committee have been approved by the Joint Legislative Council and introduced in the Assembly and the Senate. To become law, they must be approved by both houses of the legislature and signed by the Governor.

*If you have any questions about any of the information I have included or if you have suggestions on other topics or issues you would like learn more about, you may call my office toll-free at (800) 991-5541; write me at P.O. Box 7882, Madison, WI 53707; or e-mail me at: [Sen.Olsen@legis.state.wi.us](mailto:Sen.Olsen@legis.state.wi.us). You can also sign up for our newsletter at our website: <http://www.legis.state.wi.us/senate/sen14/news/index.htm>.*

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