

SUPREME COURT OF WISCONSIN

NOTICE

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No. 08-17A

In the matter of Review of the Creation of an
Access to Justice Commission

FILED

JUL 19, 2016

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On June 5, 2009, the court issued an order creating Supreme Court Rule Ch. 14, establishing a statewide Access to Justice Commission ("Commission"). See S. Ct. Order 08-17, 2009 WI 42 (issued Jun. 5, 2009).

Supreme Court Rule 14.06 provides that: "Six months before the State bar's three-year funding ends, the supreme court shall evaluate the progress made by the Commission toward the goal of better addressing issues of access to justice in civil legal matters for low-income residents of Wisconsin and its funding and staffing needs and determine the continued existence of the Commission."

Since the implementation of the Commission, the court has monitored the Commission's efforts and its funding and has determined that it is appropriate to undertake the review required by SCR 14.06.

The Commission's stated purpose is to "aid the courts in improving the administration of justice by supporting civil legal

services to those who cannot afford them." SCR 14.02(1). Its mission is to "develop and encourage means of expanding access to the civil justice system for unrepresented low income Wisconsin residents." SCR 14.02(2). The court has evaluated the Commission's progress toward the goal of better addressing issues of access to justice in civil legal matters for low income residents of Wisconsin and its funding and staffing needs and has determined that the Commission shall continue in effect until further order of the court. The Commission serves an important role, assisting the court system in advancing our shared goal of ensuring the fair and effective administration of justice in Wisconsin. Therefore,

IT IS ORDERED that the Access to Justice Commission shall continue in effect until further order of the court.

IT IS FURTHER ORDERED that notice of the continuation of the Access to Justice Commission be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 19th day of July, 2016.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

¶1 SHIRLEY S. ABRAHAMSON, J. (*concurring*). I agree that the Access to Justice Commission should be continued. The Commission has made significant progress toward the goal of addressing the needs of low-income residents for legal assistance in civil matters. The members of the Commission and Jeff Brown, Staff Coordinator for the Commission, deserve great praise for their efforts.

¶2 As you might expect, however, there's a long way left to go in improving access to justice in Wisconsin, and we need the Commission to continue as a leader and coordinator.

¶3 The State Bar of Wisconsin's 2007 Wisconsin Civil Legal Needs Study¹ and the Report of the Access to Justice Commission's 2013 Access to Justice Hearings² clearly demonstrate that an urgent, unmet need exists in Wisconsin for greater attorney representation for low-income residents in civil cases when human needs are at stake.

¶4 The Wisconsin Access to Justice Commission is needed to continue to examine and develop additional means of meeting this need, including support for alternative funding sources for the state's civil legal aid providers, expansion of pro bono

¹ State Bar of Wisconsin, Access to Justice Study Committee, Bridging the Justice Gap: Wisconsin's Unmet Legal Needs (Mar. 2007), <https://www.wisbar.org/aboutus/reports/Documents/bridgingthegap.pdf>.

² Wisconsin Access to Justice Commission, The State of Equal Justice in Wisconsin (Sept. 2013), <http://wisatj.org/wp-content/uploads/ATJ-hearings-for-web.pdf>.

efforts, and the use of technology to bring information and guidance to people in all of the state's counties.³

¶5 The Commission is engaging in projects to make a difference in helping Wisconsin achieve a statewide civil legal services delivery system that is comprehensive, integrated, efficient, accessible, effective, fair, and just. For example, the Commission urged the court to ask the Legislative Council to create a committee to study access to legal services in civil matters. The court made the request, and a study committee is being created.

¶6 The Commission's website, www.wisatj.org, is an excellent resource describing the Commission's substantial accomplishments and planned future activities. The Commission supplied a summary of accomplishments and activities to the Court at a joint meeting on March 15, 2016. See http://wisatj.org/download/board-minutes/annual_reports/ATJC-accomplishments-032016.pdf.

¶7 Currently, the Commission has funds to continue its operations for a few months. The court's order continues the Commission but is silent about a key aspect of the Commission's continued work: FUNDING. At the joint meeting of the Court and the Commission on March 15, 2016, the Commission advised the court that it needs about \$70,000 per year to continue its

³ See, e.g., Wisconsin Access to Justice Commission, Annual Report 2012-2013 (Sept. 2013), http://wisatj.org/download/board-minutes/annual_reports/ATJ%202013%20Annual%20Report%20final.pdf?doing_wp_cron=1466374974.1444919109344482421875.

operations. The Commission provided projected financial data for fiscal year July 1, 2016, to June 30, 2017.

¶8 The Commission's projected revenue for this fiscal year is \$30,000 from pro hac vice fees, \$5,000 from the Family Law Section of the State Bar, and \$20,000 from the State Bar of Wisconsin. These sums do not add up to \$70,000. Furthermore, the State Bar's \$20,000 funding is conditioned on the Commission's raising a matching sum of \$20,000. Where will the Commission go to get this matching sum?

¶9 The Commission has requested that the Court give the Commission approximately \$20,000 to continue operations through June 30, 2017. The Commission will also need annual funding thereafter. The court has not agreed to provide the \$20,000 or any other sum. There's a problem: Using state funds appropriated to the courts to fund the Commission, an independent 501(c)(3) organization.

¶10 Without funding, the Commission cannot continue its operations.

¶11 Thus, the Commission's continued operations, although approved by the court, may be illusory unless the funding issue is resolved.

¶12 For the reasons set forth, I write separately.

