

February 3, 2016

David J. Harth
DHarth@perkinscoie.com
D. +1.608.663.7470
F. +1.608.283.4470

VIA U.S. MAIL AND EMAIL

Julie Anne Rich
Supreme Court Commissioner
Supreme Court of Wisconsin
110 E. Main St., Ste. 440
Madison, WI 53703

Re: Rule Petition 15-06, In the Matter of the Petition to Amend Wis. Stat. § 803.08 to Allocate a Portion of Unclaimed Class Action Awards to Support the Provision of Legal Services to Low Income and Indigent Persons

Dear Commissioner Rich:

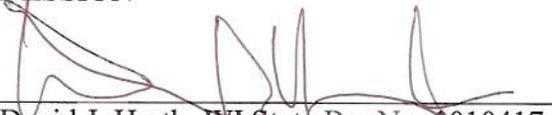
Enclosed is a revised version of the proposed amendment to Wis. Stat. § 803.08. These revisions incorporate language requested by WisTAF to better reflect its mission, as well as drafting improvements suggested by the Legislative Reference Bureau. Petitioner does not believe that these revisions affect the substance of the petition.

Petitioner would also like to correct the statements made at paragraphs 4-7 of the petition and at pages 3-4 of the supporting memorandum to the effect that the Wisconsin Legislature failed to provide for any funding of low-income legal services in the 2015-2017 budget. In fact, in the most recent budget, the legislature approved \$1 million in funding for legal services to victims of domestic violence.

Please feel free to contact the undersigned if you have any questions in the above.

WISCONSIN ACCESS TO JUSTICE
COMMISSION

By:


David J. Harth, WI State Bar No. 1010417

Enclosure

cc: Clerk, Wisconsin Supreme Court

REVISED WIS. STAT. § 803.08 (Version 2)

[REDLINE]

Section 1. 803.08 of the statutes is renumbered 803.08 (1).

(1) “Class Actions May Be Maintained”

Section 2. 803.08 (2) of the statutes is created to read:

803.08 (2) Disposition of Residual Funds. (a) In this subsection:

~~(1)~~ 1. “Residual Funds” ~~means~~ ~~are~~ funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys’ fees and other court-approved disbursements in an action under this section.

~~(2)~~ 2. “WisTAF” means the Wisconsin Trust Account Foundation, Inc.

~~(3) This rule does not prohibit the trial court from approving a settlement that does not create residual funds.~~

~~(4)~~ (b) 1. Any order entering a judgment or approving a proposed compromise of a class action ~~under this rule~~ that establishes a process for identifying and compensating members of the class shall provide for disbursement of any residual funds. In class actions in which matters where the claims process has been exhausted and residual funds remain, not less than fifty percent ~~(50%)~~ of the residual funds shall be disbursed to WisTAF to support ~~activities and programs that promote access to the Wisconsin civil justice system~~ direct delivery of legal services to persons of limited means in non-criminal matters. The court may disburse the balance of any residual funds beyond the minimum percentage to WisTAF for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class.

~~(5)~~ 2. This subsection does not prohibit the trial court from approving a settlement that does not create residual funds.

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Section 1. 803.08 of the statutes is renumbered 803.08 (1).

(1) “Class Actions May Be Maintained”

Section 2. 803.08 (2) of the statutes is created to read:

803.08 (2) Disposition of Residual Funds. (a) In this subsection:

1. “Residual Funds” means funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys’ fees and other court-approved disbursements in an action under this section.

2. “WisTAF” means the Wisconsin Trust Account Foundation, Inc.

(b) 1. Any order entering a judgment or approving a proposed compromise of a class action that establishes a process for identifying and compensating members of the class shall provide for disbursement of any residual funds. In class actions in which residual funds remain, not less than fifty percent of the residual funds shall be disbursed to WisTAF to support direct delivery of legal services to persons of limited means in non-criminal matters. The court may disburse the balance of any residual funds beyond the minimum percentage to WisTAF for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class.

2. This subsection does not prohibit the trial court from approving a settlement that does not create residual funds.