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October 16, 2024

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Clerk of Supreme Court
Attention: Deputy Clerk – Rules
PO Box 1688
Madison, WI 53701-1688

CLERK OF SUPREME COURT
OF WISCONSIN

RE: Petition 24-05 Adjustment to Attorney Assessment for Public Interest Legal Services Funding

To the Justices of the Supreme Court of Wisconsin:

I am writing on behalf of the Center Against Sexual & Domestic Abuse, Inc. (CASDA) in support of Petition 24-05 to increase the Public Interest Legal Services Fund (PILSF) assessment. As an organization, our mission is to provide supportive services to those affected by domestic violence, sexual assault and child abuse while advocating for a community effort to end violence. I believe that increasing access to civil legal aid is vital to the stabilization and dignity of our communities. This Petition is an important step in that direction.

An individual's ability to access civil legal aid can be lifesaving. Civil legal aid keeps people in their homes and in family-sustaining jobs, empowers individuals and families by resolving consumer debts and ensuring rightful access to income supports, secures support and protects the rights of crime victims, and helps to extricate survivors of domestic violence from abusive situations so they can achieve safety and independence.

Access to legal help is distressingly difficult, particularly for low-income Wisconsinites. While one in seven Wisconsin residents are financially eligible for civil legal aid, legal aid providers are only able to provide help for 7% of the civil legal problems faced by Wisconsin's low-income residents. The gap between the need for services and their availability holds individuals and families back from achieving safety, stability, and economic security. At CASDA, we understand that increasing the Public Interest Legal Services Fund is one critical mechanism for increasing access to civil legal aid for our community and all of Wisconsin.

CASDA's Legal Program consists of an attorney and paralegal who provide legal representation and advice in the area of family law for victims of domestic violence as well as restraining order assistance.

VICTIMS OF CRIME:

Our organization works closely with civil legal aid providers to help survivors navigate the legal system. The civil legal aid providers we work with help our mutual clients enforce their rights in the legal system and ensure their voice is heard in a court process often manipulated by offenders. When we can work together with legal aid providers, we can equip victims of crime with the tools to find a path forward to secure a safer future for themselves and their families. Our partnerships with legal aid providers plays a key role in providing wraparound support for survivors, with our legal partners providing legal advice and representation with critical legal issues. Sadly, we know that for every survivor that can access civil legal help, many more survivors cannot due to chronic underfunding of civil legal aid.

ELDER VICTIMS OF CRIME:

In 2022, there were more than 9,600 reports of elder abuse or neglect in Wisconsin with nearly a quarter of those being incidents of financial exploitation - a growing trend across the state. Our organization works closely with civil legal aid providers to help older Wisconsinites understand their rights and legal options to seek justice for the crimes they have endured. One in seven Wisconsin seniors are eligible for legal aid, which far outpaces the capacity of legal aid to provide legal help. Increasing funds to civil legal aid would allow senior victims of abuse to maintain their dignity and safeguard their hard-earned assets.

HOUSING:

At our organization, we see how housing instability can spiral a family deeper into poverty. We also know that the impacts can extend far beyond one household, destabilizing entire communities and creating public health and safety concerns. Achieving housing stability is a key component of breaking the cycle of poverty and achieving economic security. Civil legal aid providers play a critical role in helping low-income tenants understand their rights, resolve disputes with landlords, secure habitable housing, and stay housed. Unfortunately, we know that for every tenant who can access legal help, many more are turned away simply due to lack of capacity of civil legal aid providers.

CONSUMER:

At our organization, we see the often crippling impacts consumers face due to ballooning interest rates, unexpected medical debt, unfair debt collection practices, predatory lenders, and programs or companies that promise to help but ultimately spiral individuals deeper into poverty. The civil legal aid providers we have worked with provide legal expertise that can play a key role in helping individuals resolve consumer debt issues and get back on their feet. Unfortunately, we know that for every low-income consumer who can access help for their civil legal problem, many more are turned away due to lack of capacity.

EMPLOYMENT:

Our organization works with individuals facing barriers to finding and maintaining employment. Achieving family-sustaining employment is not only key to helping a family achieve economic security and better health outcomes, but also benefits the economy across the state and in local communities. Civil legal aid providers are critical in helping correct criminal records, reinstate drivers' licenses, resolve issues with professional licenses, and address other barriers to employment. Unfortunately, we know that for every low-income Wisconsinite who can access legal help for their employment barriers, many more are turned away simply because of lack of capacity.

BENEFITS:

At our organization, we see the positive impacts on individuals, families, and communities when Wisconsinites are able to access and maintain the government benefits to meet their most basic needs, including food, shelter, and healthcare. We also see the frustration and panic when individuals are denied benefits or face issues with the benefits they rely on. Each benefit program has its own web of eligibility guidelines, rules, timelines, and policies, which can cause even more confusion in an already complicated benefits system. We work with civil legal aid providers to help individuals whose benefits – ranging from unemployment compensation to BadgerCare, from FoodShare to Disability benefits, and more – have been wrongfully denied, reduced, or terminated. Legal aid providers help people navigate overpayment claims and other issues that put these critical benefits at risk. Unfortunately, we know that for every low-income Wisconsinite who can access help with their benefits issue, many more are turned away due to lack of capacity.

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There are far more low-income Wisconsinites with civil legal problems than there are lawyers to help them. The reality is that many of those people face multiple legal problems concurrently. An investment in civil legal aid is an investment in justice and the future health of Wisconsin's legal system. Supporting an increase in PILSF moves us toward a future of due process for every Wisconsinite and recognizes the leadership role the legal profession can take in closing the justice gap. We hope the legal community will pave the way for increased access to justice through this investment in civil legal aid.

Therefore, we urge you to adopt Petition 24-05 to increase the PILSF assessment fee, which would increase the provision of civil legal services to low-income Wisconsinites. The positive impact of the Petition would reach far beyond the financial value of the assessment itself. Thank you for providing us with the opportunity to comment in support of this proposed rule.

Sincerely,



Kelly M Burger

Executive Director

Center Against Sexual & Domestic Abuse, Inc. (CASDA)