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OCT 31 2024

CLERK OF SUPREME COURT
OF WISCONSIN

October 28, 2024

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

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 Rainbow House Domestic Abuse Services in support of Petition 24-05 to increase the Public Interest Legal Services Fund (PILSF) assessment. As an organization, our mission is to provide safety and empowerment of all victims of domestic violence and their children. We 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 Rainbow House, 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.

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

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with legal aid providers play 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.

Civil Legal Aid and Domestic Violence

Imagine the fear factor of losing custody of your child. What if the person threatening to withhold your child from you was abusive to you both? Victims of domestic violence face this scenario in court daily, often with limited or no resources. It is no wonder so many survivors choose to stay in dangerous situations. Leaving may pose greater risks than succumbing to the daily abuse. At least you know your children are with you every day, and you are there to try to protect them.

Our legal systems are designed to bring justice and equity. However, when an abusive partner controls access to finances, the victim may not be able to secure legal representation for a divorce or child custody hearing. Despite the commonly held belief that we are all entitled to have our interests represented in court by an attorney, this is only accurate in criminal cases.

“Being able to have an attorney when your partner has one makes the case fairer, especially when you have a lot to lose with your children. It’s all about control. They will try to make it more difficult for you, even after the divorce. Attorneys are expensive. As a single parent, receiving the support of an attorney through civil legal aid was crucial. Without one, I have no idea how my situation would have worked out,” indicated a current client of WisTAF funding. Civil legal aid helps to level the playing field. By being able to attend court with an attorney, victims of abuse are empowered to find legal remedies. A safe exit strategy can be developed to ensure that survivors of violence can move on with their lives with legal and financial independence.

According to the Department of Justice Office of Violence Against Women, such financial support “increases the availability of civil legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking by providing funds for comprehensive direct legal services to victims in legal matters relating to or arising out of that abuse or violence. Comprehensive legal services extend beyond representation in emergency and non-emergency protection order hearings to address the broad spectrum of legal issues that victims encounter, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, and consumer or housing matters.” Yet low-income survivors of domestic violence seek professional legal help for only 23% of their problems.

According to Legal Services Corporation, “civil legal aid prevents future violence by:

- Obtaining, renewing, and enforcing protective orders in court.

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- Securing child custody orders so that a parent and children can legally and safely leave the abusive partner.
- Providing other legal services in matters related to separation and divorce proceedings such as employment, financial, and housing problems.

Survivors rate the filing of a protective order as one of the two most effective tools for stopping domestic violence, second only to leaving the abuser. An academic study by two economists found that increased access to civil legal aid was one of three major factors correlating with the 21% decline in the incidence of domestic violence from 1993 to 1998. The economists concluded that civil legal aid is more effective than access to shelters or counseling services in reducing domestic violence. The Office of Justice Programs at the Department of Justice found that obtaining a permanent protection order results in a statistically significant reduction (80%) in police reported physical violence in the subsequent 12 months. In addition to supporting domestic violence survivors, legal aid attorneys help their clients gain economic independence and rebuild their lives. Civil legal aid reduces repeat incidents of domestic violence, thus cutting public spending on medical care, special education and counseling for affected children, as well as police resources. Collateral effects include improved workplace productivity and fewer lost wages. Legal aid for victims of domestic violence promotes individual empowerment and self-reliance by giving people the tools and knowledge to access the civil court system to protect and exercise their rights.”

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.



Courtney Olson
Executive Director

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