

# Wisconsin Justice Initiative



FILED

Clerk of Supreme Court  
Attention: Deputy Clerk—Rules  
P.O. Box 1688  
Madison, WI 53701-1688

DEC 12 2024

CLERK OF SUPREME COURT  
OF WISCONSIN

December 10, 2024

Re: Rule Petition 24-05—Attorney Assessments for Public Interest Legal Services Funding

Dear Honorable Justices:

We write on behalf of Wisconsin Justice Initiative, Inc. (WJI) in strong support of Petition 24-05, filed by the Wisconsin Access to Justice Commission and seven respected organizations, requesting reasonable increases in the Public Interest Legal Services Fund (PILSF) assessment charged attorneys annually to fund legal services for those who cannot afford them.

WJI is a nonprofit charitable organization that educates the public about Wisconsin's justice system and advocates for changes in the justice system to achieve more just outcomes. WJI envisions a legal system that is fair, accessible, and impartial, in which every life is valued and no person is overlooked and counted out. One of WJI's strategic plan initiatives includes working to increase access to justice and legal representation for poor litigants, in civil as well as criminal matters.

Legal representation leads to more just outcomes. For most litigants, a lack of legal representation reduces their chances of success. Even when their cases have merit, pro se litigants may be intimidated by the courtroom setting or the fact that attorneys represent their opponents. They may fail to follow necessary procedural rules, conduct sufficient legal research, argue effectively, or negotiate well.

Legal representation also assists the court by streamlining proceedings, providing otherwise pro se litigants with explanations of procedures and law, reducing the need for law clerks and judges to conduct research, and getting to the heart of a case and to judgment more quickly.

This Court in 2005 realized the importance of funding to support legal services for low-income individuals when it first instituted the \$50 PILSF assessment. *In re Petition of Wis. Trust Acct. Found., Inc.*, 2005 WI 35. In the 19 years since then, inflation has decreased the effectiveness of that support. The \$50 assessment in 2005 now requires almost \$81 for the same buying power. We should not go backwards by providing less financial support today than we did in 2005 due to today's increased costs.

Ideally, public and private funding for legal services for all litigants, in criminal and civil cases, would be increasing, but the reverse has been true, as described in the petitioners' brief. (Pet'rs' Br. 14-15.) Meanwhile, since 2005, the poverty rate has not decreased (Pet'rs' Br. 5), and requests for legal services to organizations are hitting new highs (*id.* 10-11). The increase in the PILSF assessment would provide a stable source of increased funding for these very important legal services.

Though this assessment falls on attorneys alone, they know the importance of legal services for indigent litigants and can set an example. Attorneys take an oath to "never reject, from any consideration personal to [one]self, the cause of the defenseless or oppressed." SCR 40.15. As officers of the courts and citizens they have "special responsibility for the quality of justice." SCR 20 Preamble.

The step increases proposed in Petition 24-05 are modest and should be acceptable even to attorneys in solo practice or in government or nonprofit service. The increases to \$75 for two years and then to \$100 are reasonable and bring the assessment more in line with the value of \$50 in 2005, which this Court found appropriate.

Increasing the funding for public interest legal services strengthens the civil justice system and our state as a whole. For the above reasons and those set forth in the petitioners' brief, we ask you to adopt Petition 24-05 to increase the availability of civil legal services for low-income individuals.

Thank you for the opportunity to comment on this worthy petition.

Sincerely,



James Gramling  
WJI Board Member



Margo S. Kirchner  
WJI Executive Director