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December 3, 2024

Deputy Clerk-Rules
Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701- 1688

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CLERK OF SUPREME COURT
OF WISCONSIN

To the Honorable Justices of the Wisconsin Supreme Court:

On behalf of the Wisconsin Trust Account Foundation, Inc. ("WisTAF"), I am writing to express our support for Supreme Court Rule Petition 24-05 and the requested increase in the Public Interest Legal Services Fund (PILSF) assessment. This petition represents a significant step forward in ensuring the continued integrity and effectiveness of our legal system.

After a thorough review and discussion of the petition, we believe that the proposed changes will enhance the administration of justice by supporting the provision of essential civil legal aid to more of the over 500,000 low-income Wisconsinites who face a civil legal problem each year. Civil legal needs studies by the State Bar of Wisconsin and others have all documented the scale of the unmet need. Wisconsin has made progress, but the justice gap is still unacceptably large.

Every year, WisTAF receives funding requests that far exceed the available grant funds. For 2025, we were able to fulfill only 32% of funds requested via our Direct Legal Services grant program, of which PILSF is a component of that grant funding. Like its grantees who must triage and turn away eligible clients who request help, WisTAF must make tough funding choices. Adding a worthy new grantee or supporting an existing grantee's recruitment and retention efforts or innovative project frequently requires reducing existing grantees' awards. PILSF's unique value is that it provides a predictably stable base of financial support for civil legal aid grantees compared to other, more volatile, income sources.

We commend the Court for its ongoing commitment to identifying shortcomings and improving the legal framework within which we operate.

Wisconsin Trust Account Foundation, Inc.

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The adoption of this petition will not only benefit the low-income individuals who rely on civil legal aid to help solve a myriad of life-altering legal problems, but also the court system and public at large. A judicial representative on WisTAF's Board recently noted that she personally has seen a large increase of pro se litigants in her cases, resulting in increased time to decision. From a very practical standpoint, the entire court system works better and faster for everyone when professional legal representation and advice is available.

You may hear argument in opposition that the burden for access to justice should not fall solely on the shoulders of the legal profession. We agree, and in fact, it does not fall solely on lawyers. Although the Wisconsin Legislature does not currently appropriate general purpose revenue (GPR) to legal aid, we all pay federal taxes which fund the Legal Services Corporation and the federal pass-through dollars that WisTAF utilizes for grants. Expanding and diversifying funding for civil legal aid from *both private and public sources* continues to be a key strategic priority for WisTAF. To that end, we continue to engage with members of the State Legislative and Executive branches – educating both about the vast unmet need for civil legal services and how WisTAF-funded legal aid providers strive to meet that need. It's also worth noting that, in recent discussion, an attorney member of the WisTAF Board proposed that “lawyers are leaders” with an obligation to support efficient and equal access to justice. That sentiment invokes the wisdom of retired California Supreme Court Chief Justice Ronald M. George:

“The title of professional requires that in daily practice, an attorney strive to transcend the demands of the moment to consider the greater good. Lawyers are not simply representatives or employees of their clients – they are officers of the court. That denomination reminds us that a lawyer’s obligations flow not only to the client but to the courts and to the system of justice of which they are an integral part.”

Your adoption of Supreme Court Rule Petition 24-05 will positively impact the lives of low-income individuals who depend on civil legal aid for fair and equitable access to our legal system. Thank you for considering our views on this important matter.

Respectfully,



Atty. Joshua J. Kindkeppel
Chairperson, Wisconsin Trust Account Foundation, Inc.