

CIVIL LEGAL AID IN WISCONSIN:

FAST FACTS

WHAT IS CIVIL LEGAL AID?

Civil legal aid is the assistance of counsel and legal advocacy in legal matters that fall outside the criminal justice system for people living at or near poverty. Civil legal aid:

- Assures fairness in the justice system
- Fulfills non-criminal legal needs at low cost
- Goes hand-in-hand with investments in education designed to support and strengthen Wisconsin's future by addressing basic needs such as housing stability
- Gives those in rural areas access to essential legal resources they otherwise would not have to address life-changing problems such as domestic violence, homelessness, and unemployment

WHO BENEFITS?

Civil legal aid provides critical services to families with children, the working poor, veterans, homeowners and renters, farmers, the disabled, the elderly ... generally, those earning 125% of the federal poverty level or less. 2020 income eligibility¹ as follows (add \$5,600 for each additional family member):

- \$15,950 for an individual
- \$21,550 for a family of 2
- \$27,150 for a family of 3
- \$32,750 for a family of 4

Civil legal aid yields significant economic benefit for Wisconsin in the form of direct and indirect benefits (ex. Federal benefits to the state, non-governmental income to clients, cost savings attained related to domestic violence, homelessness, etc.). While efforts to measure the economic impact of legal aid services here in Wisconsin are under construction, other states have reported return on investment estimates ranging from \$3.94 (Minnesota) to \$7.19 (Florida) for every dollar spent. Wisconsin benefits by having stronger, healthier communities.

WHERE DOES THE FUNDING COME FROM?

Civil legal aid funding comes from a variety of sources, including:

- *State-based Interest on Lawyers' Trust Account (IOLTA) programs* - WisTAF is the largest state-based funder of civil legal aid in Wisconsin. The Foundation was created by the Wisconsin Supreme Court in 1986 to administer funding for legal services to persons of limited means in non-criminal matters.
- *The Legal Services Corporation* - Currently the single largest source of funding, the LSC is a private nonprofit established by Congress to support access to justice. Each year the LSC receives an appropriation from Congress, which is disbursed as grants to organizations providing civil legal assistance to low-income individuals in every state.
- *Federal, state and local government* - Nationally, government entities are a significant source of funding for civil legal aid. The vital services provided by legal aid organizations supplement government-supported social services and help achieve goals related to health, safety, education and independence.
- *Foundations and charitable organizations, businesses and individual donors*
- *Cy pres* - A portion of residuals from class action settlements are a source of funding for civil legal aid.

845,387

Number of people eligible for WisTAF Direct Legal Services Grant-funded assistance in 2018²

15%

Percentage of Wisconsin residents eligible for WisTAF Direct Legal Services Grant-funded assistance¹

28,170

Total number of clients served by WisTAF grantees in 2018³

37%

Est. percent of clients living in rural Wisconsin served by WisTAF grantees in 2018

\$500,000/yr

Current Wisconsin biennial budget allocation for civil legal aid (federal TANF pass-through funds)

\$0

Current Wisconsin tax dollars invested in civil legal aid

\$1,222,750

Amount of Direct Legal Services Grant funding disbursed by WisTAF in 2019

\$2,770,662

Total amount of funding disbursed by WisTAF in 2019 via all grant programs

¹ U.S. Dept. of Health & Human Services Poverty Guidelines

² U.S. Census Bureau. Poverty: 2017 and 2018. American Community Survey Briefs. Issued November 2019

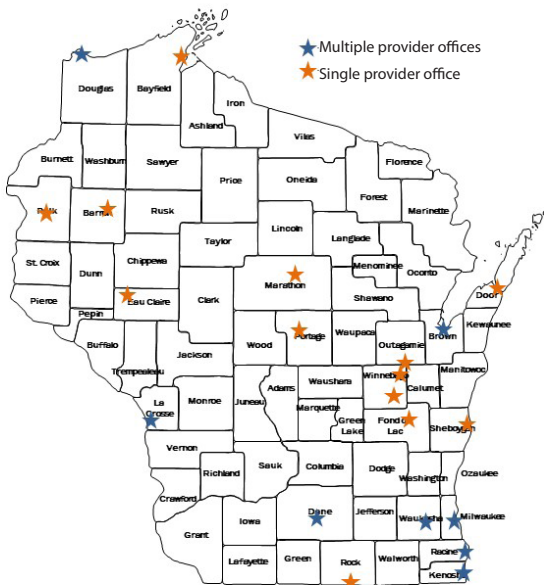
³ WisTAF Grantee Annual Reports. 2018.

WHO PROVIDES CIVIL LEGAL AID?

"We salute the lawyers who have dedicated their careers to justice. For without access to quality representation there is no justice." – U.S. Supreme Court Justice Antonin Scalia

Civil legal aid providers vary in size and scope; some serve specific geographic areas or client populations, while others provide assistance to clients across the state facing a broad array of legal problems.

In addition to paid staff, volunteers play a critical role in addressing Wisconsin's civil legal needs. Attorneys throughout the state donate considerable time and expertise through legal clinics, nonprofit and private firm pro bono programs and social services organizations. Together, WisTAF-funded civil legal aid providers serve clients in all 72 Wisconsin counties, and have offices across the state as indicated in the map below.



A rural population of 1.5 million people and a surface area of 65,500 sq. miles poses challenges for providers in meeting the need, as described by providers responding to a recent survey on barriers to rural access to justice:

We have a small staff and they are already kept more than busy by our current case-loads. While we know there is a great need for civil legal services like ours in rural areas, we currently do not have the capacity to provide those services.

Many of our clients cannot legally drive. We have done sessions in outlying areas but it creates more work than we can take on.

Clients have difficulty due to transportation issues accessing our offices ... Internet connection is very poor.

INADEQUATE STATE INVESTMENT

In state fiscal years 2009 through 2011, \$5,504,700 in program revenue (justice information system surcharge) was allocated for indigent civil legal services by the Wisconsin Legislature. The funding subsequently was eliminated beginning with the 2011-2013 biennial budget. The impact was profound as described by providers:

Our funding dropped precipitously and our ability to provide direct legal services diminished by over 50%. We were unable to pursue certain more complicated and litigation intensive cases due to a lack of funding.

Withdrawal of funding from the civil legal services state appropriation grant program hit our agency and clients hard. Ultimately, it resulted in a reduction of staff, services and clients served.

It was a huge loss in that we had to lower the attorney salary. We suffered great turnover in our attorney position and in the end, it hurts the clients who desperately need our help and representation.

Using the current average annual compensation reported by WisTAF-funded providers, more than 70 attorneys could be hired with that \$5.5 million – capacity which could help thousands of Wisconsin's most vulnerable residents achieve safety, security, independence ... and justice.

24

Number of WisTAF grant recipients in 2020

162

Number of FTE staff attorneys employed by WisTAF grant recipients in 2020

488

Number of pro bono attorneys taking cases in 2018 on behalf of organizations receiving WisTAF Direct Legal Services Grant program funding

87%

Percent of WisTAF Direct Legal Services Grant recipients providing services to clients living in rural areas of Wisconsin

"My work with the poor and incarcerated has persuaded me that the opposite of poverty is not wealth; the opposite of poverty is justice. Finally, I've come to believe that the true measure of our commitment to justice, the character of our society, our commitment to the rule of law, fairness, and equality cannot be measured by how we treat the rich, the powerful, the privileged, and the respected among us. The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned."

– Atty. Bryan Stevenson, Equal Justice Initiative



4600 American Pkwy, Suite 104
Madison, WI 53718
608.257.6845 | service@wistaf.org
www.wistaf.org

The Wisconsin Trust Account Foundation works with civil legal aid organizations in Wisconsin to increase access to justice. We oversee funds and invest in services and projects to help people resolve legal problems.