

IN THE INTEREST OF  
**JUSTICE**



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## President's Message



*Greetings friends and colleagues,*

I am pleased to present the Wisconsin Trust Account Foundation's 2018 annual report.

I remember my first day of law school nearly 40 years ago. In our very first class, we were supposed to analyze and be ready to discuss *Pennoyer v. Neff*, 95 U.S. 714 (1878) a sadistic rite of passage for every law student for

the last 100 years. I had read this case several times and can honestly tell you I had no idea what was going on. The case had new language, a new way of thinking, some Latin; in short, it represented a completely different world from the one I lived just days before. I remember praying fervently that some other poor student would be called on to discuss the case. Thankfully, my prayers were answered.

After doing this for a while, it is easy to forget how mind numbing and perplexing our civil legal system can be. WisTAF's mission, simply stated, is to support those dedicated professionals who spend their professional lives helping people of limited means navigate our complex legal system. They do crucial work in helping clients understand and exercise their rights and improve their lives. Our grantee agencies have learned to maximize their impact with limited available resources.

This year, we realized increased Interest on Lawyers Trust Accounts (IOLTA) income, which will translate into grants for civil legal services providers serving every county in Wisconsin. We also were able to allocate funds from a national mortgage foreclosure settlement for use in mortgage foreclosure abatement and community redevelopment. Our grantees received funds for some phenomenally innovative ways of enhancing people's lives through appropriate legal services. In total, we provided grants of over \$1.8 million in 2018 with impacts across the State. We are hopeful to continue, if not increase, our grants for 2019.

I am also proud to serve with an incredible group of directors, consisting of nine lawyers, three judges and three nonlawyers. They provide great thoughtfulness in our work. I would also be remiss if I failed to recognize the great work of our "retired" directors, and particularly Past President Kevin Palmersheim who provided great leadership and a steady hand in our recent leadership transition.

Our outstanding staff deserves credit for another successful year and for continuing to look to the future to maximize the impact of every dollar granted. This year, Executive Director Rebecca Murray completed her first year as a full-time Executive Director. She and her staff bring incredible energy, dedication and wisdom to WisTAF.

We will be embarking on a strategic plan in 2019 to help determine how we can better support our provider and partner agencies, and in turn, our communities going forward.

We will strive to continue our mission to improve efforts to help Wisconsin's legal profession meet the demands for civil legal services.

Lawrence J. Burnett, *President*

## Staff

### *Executive Director*

Rebecca L. Murray

### *IOLTA Program/Office Manager*

Tehmina Islam

### *Grants Program Manager*

Carlos Arenas

## 2018-19 Board of Directors

### *President*

Atty. Lawrence Burnett – Milwaukee

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Atty. April Barker – Waukesha

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The Wisconsin Trust Account Foundation (WisTAF) is the leading state-based funder of legal aid in Wisconsin. A 501(c)(3) nonprofit corporation, WisTAF was created in 1986 by the Wisconsin Supreme Court to aid the courts and improve the administration of justice by administering funding for legal services to persons of limited means in non-criminal matters. The organization is committed to the vision that all Wisconsinites will have equal access to justice, regardless of their income.

Over the past three decades, WisTAF has granted nearly \$56 million to organizations working toward the Foundation's vision of equal access to justice, regardless of income.

When available, WisTAF administers and makes grants utilizing the following funds:

**Interest on Lawyers' Trust Accounts (IOLTA) Program**

The IOLTA program allows attorneys to pool short-term or nominal deposits made on behalf of clients or third parties into one account. The interest generated by these accounts is remitted to WisTAF for use in grantmaking. The commitment of financial institutions to the communities they serve is reflected in their participation in the IOLTA program. In addition to paying competitive interest rates on lawyers' trust accounts, three-quarters of Wisconsin's 200 IOLTA participating financial institutions have chosen to waive fees on IOLTA accounts. To date, IOLTA funding has resulted in over \$31.8 million in grant awards for dozens of Wisconsin's civil legal service providers.

**Public Interest Legal Services Fund (PILSF)**

In 2005, the Wisconsin Supreme Court established the Public Interest Legal Services Fund (PILSF), citing its necessity in maintaining "the integrity and efficiency of the judicial system within this state" and "the heightened obligations of lawyers, both to our justice system and to assist this Court with the effective administration of justice." The Fund addresses the state's growing need for civil legal services and plays a critical role in supplementing erratic IOLTA funding with a more stable revenue source.

PILSF funds are directly attributable to Wisconsin's attorneys and judges, and are distributed throughout Wisconsin's judicial districts. Since its inception, PILSF funds have helped the state's most vulnerable residents in all Wisconsin counties gain the legal outcomes needed to realize long-term health, stability and self-sufficiency.

**Cy Pres**

Cy pres is a legal doctrine which commonly refers to residual funds left over from a class action lawsuit, but can also refer to funds from restitution, settlements, or penalties. Per Wis. Stat. section 803.08(10), not less than 50 percent of any residual funds from class actions filed in Wisconsin state court shall be disbursed to WisTAF to support direct delivery of legal services to persons of limited means in non-criminal matters. Occasionally, WisTAF receives settlement agreement residual funds to use in making grants supporting civil legal services.

**Bank of America Settlement**

Through a 2014 U.S. Department of Justice settlement with Bank of America, Interest on Lawyers Trust Account (IOLTA) programs across the nation received significant funds for foreclosure prevention and community redevelopment legal assistance. WisTAF continues to make grants supporting legal services aimed at achieving housing and employment stability, economic development and stronger communities.

**Pro Hac Vice**

In 2014, the Wisconsin Supreme Court amended the "pro hac vice" rule – increasing the fee paid by nonresident lawyers to participate in a particular action (with an active member of the State Bar of Wisconsin). The Court directed that a portion of the fee increase be allocated to WisTAF to help support the provision of civil legal services to low-income and indigent persons.

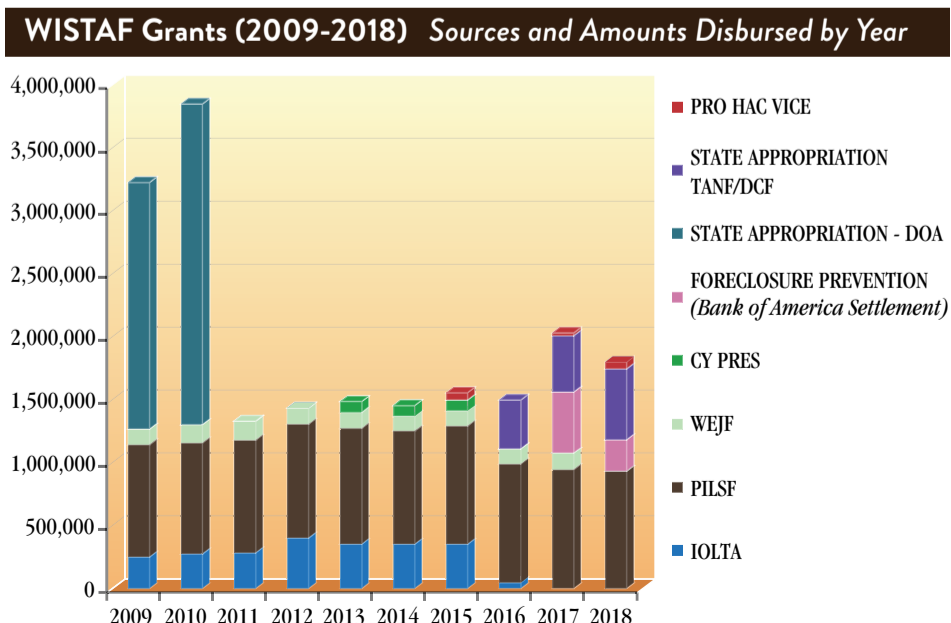
**State Appropriation Funding**

On occasion, the Wisconsin State Budget has included an appropriation of funds to be administered by WisTAF in the form of grants to civil legal service providers assisting low-income Wisconsinites. Between July 1, 2008 and June 30, 2011, the State of Wisconsin invested \$5,504,700 in civil legal aid for indigent persons. In return, legal aid attorneys received or recovered over \$50,000,000 for low-income clients over that same period, and served nearly 24,000 people in all 72 counties of the state.

In 2011, the State of Wisconsin discontinued state funding for indigent civil legal services. However, the 2015-2017 State Biennial Budget allocated \$1,000,000 in federal TANF funding to be administered by WisTAF (via the Wisconsin Dept. of Children and Families) for domestic violence and sexual abuse civil legal services. This funding was again appropriated at the same levels in the 2017-2019 biennial budget. During 2018, 14 different legal aid groups and women's shelters from around the state received grants from this program and served 846 TANF-eligible clients solve critical civil legal problems related to their experiences with domestic violence and sexual abuse.

The State Legislature's investment in civil legal funding demonstrates its understanding that a public-private partnership is critical in building Wisconsin's capacity to address the vast unmet need for basic civil legal services and strengthen our communities.

Financial institutions provide the substance of the IOLTA program. Their commitment to the communities they serve is reflected in their participation in IOLTA – and to an even greater degree, by those electing Prime Partner status.





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## WISTAF Partners • A Collaboration for Equal Access to Justice

### Prime Partner Financial Institutions

Membership in the Prime Partner program allows banks to fulfill the corporate value of *supporting the community*. In addition, Prime Partners understand that a stronger community is good for business.

The following Prime Partner institutions are IOLTA participating financial institutions that, during 2018, went above and beyond IOLTA participation requirements by choosing to pay interest rates on IOLTA accounts that are at least 50 basis points (0.50 percent) higher than required under the Wisconsin Supreme Court's IOLTA interest rate comparability requirement.

- Citizens Bank
- Citizens Community Federal
- Farmers & Merchants Bank (Tomah)
- Farmers State Bank (Hillsboro)
- First Bank Financial Centre
- First Business Bank
- First National Bank of Hartford
- Home Savings Bank
- Mound City Bank
- Peoples State Bank (Prairie du Chien)
- State Bank Financial
- Wells Fargo

### IOLTA Participating Financial Institutions

Nearly 200 financial institutions maintained IOLTA accounts in 2018 - three-quarters of which generously waived service fees, allowing 100% of the interest earned to help support their community members in need. A full listing of eligible IOLTA participating financial institutions can be found on our Web site at [www.wistaf.org](http://www.wistaf.org).



## Access to legal aid stabilizes families.

Ms. Jones stepped in to care for her three great-grandchildren after their mother was murdered. Not wanting the children to be separated, she petitioned for guardianship of all three of her great-grandchildren. However, the father of the youngest grandchild, Jasmine, came forward. Despite his lengthy criminal history and lack of prior involvement, he was deemed fit and able to care for Jasmine. The Judge encouraged Ms. Jones and the father to work together to develop a visitation plan. Each month, Jasmine spent two weeks with her father and two weeks with Ms. Jones and her siblings. However, after several months, the visitation plan dissolved. For no apparent reason, Jasmine's father stopped allowing visits and would not return Ms. Jones's calls or text messages. As a result, the siblings did not see each other for approximately five months, causing emotional pain for the siblings. With the help of Kids Matter Inc., Ms. Jones filed a petition for visitation under Chapter 54.56 (1-5) Grandparent's Visitation Privileges Act, which allows grandparents to file for visitation in Children's Court when a parent is deceased. The Judge entered a formal order allowing Ms. Jones to have visits every other weekend and every other holiday. The Order was entered in time for the siblings to see each other for Christmas. — *Kids Matter, Inc.*

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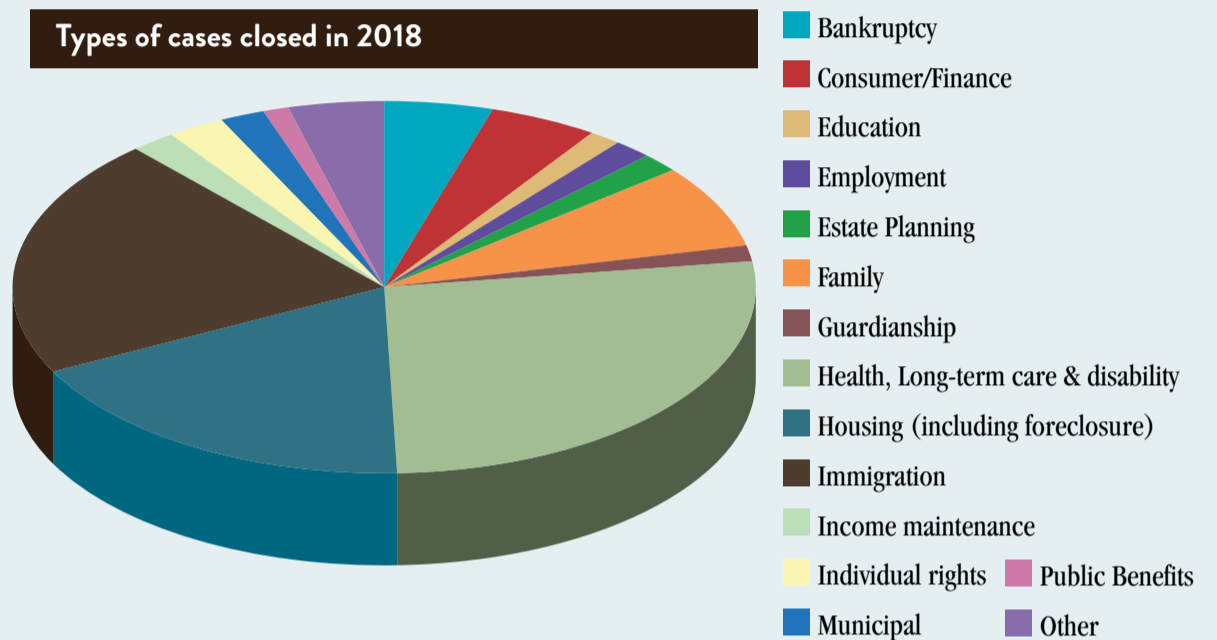
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## Legal Aid Changing Lives • Who Benefits?

In 2018, legal aid organizations continued to make a significant difference in the lives of Wisconsin's most vulnerable residents. Families and individuals from the Northwoods, to the Lake Michigan and Mississippi River shorelines, to the State Line and countless communities in between received the legal expertise needed to help solve complex problems in areas such as domestic violence, mortgage foreclosure, and health benefits eligibility to name just a few.

The following is a snapshot of the services provided by WisTAF grantees in 2018.



### Access to legal aid fosters independence.

A friend told me about Legal Aid. I needed help getting what was rightfully mine from someone I had lived with. I had paid for a piece of land and he paid to build a house on it. Three years later he told me to move out and he would not give me my money back. He said he would pay me back over the years, but given his history, I knew that would never happen. I was able to find temporary housing through friends since my savings was gone. I receive Social Security and had to work part time to supplement the income. The attorney at Legal Aid told me he would find an attorney for me and was very reassuring. I was referred to an attorney in Sturgeon Bay, who wrote a letter to the other party and threatened him with court action. She was able to get most of my money returned. It was something I could not have done on my own. I was able to find a small house and I now have housing for the rest of my life. I shudder to think what would have happened without Legal Aid. I would have ended up with few options for a safe and reliable place to live

— *A client of the Legal Aid Society of Door County*



# WISTAF Grantees • A Solid Foundation of Quality Legal Service Provision

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In 2018, WisTAF disbursed over \$1.79 million in grants to 24 agencies. While the funding is significant, it is woefully inadequate in addressing the estimated \$30 million-plus that would be needed *each year* to meet the civil legal service needs of Wisconsin's low-income families.

The following 2018 grant recipients continue to share their dedication, skill, and innovation in providing help to the most vulnerable members of our society in the face of these challenging economic times.

- **ABC (Advocacy and Benefits Counseling) for Health, Inc.** is a nonprofit public interest law firm serving families throughout Wisconsin on legal issues related to health care access and financing.
- **AIDS Resource Center of Wisconsin** provides help to individuals and families living with HIV/AIDS, so they can find the legal help they need to live with dignity.
- **Catholic Charities of the Archdiocese of Milwaukee, Inc.** is a nonprofit charitable organization serving over 13,000 families annually in the areas of Adult, Family & Children, and Social Ministries.
- **Catholic Charities of the Diocese of La Crosse, Inc.** provides programming in the areas of immigration services, emergency support services, adoption services, financial counseling, domestic abuse services, services for children with disabilities, and ministries including the HIV/AIDS Ministry Project.
- **\*Center Against Sexual and Domestic Abuse (CASDA)** provides free services to individuals hurt by domestic, sexual or child abuse, as they advocate for a community effort to end violence.
- **\*Centro Legal por Derechos Humanos** is a nonprofit corporation whose primary purpose is to provide legal representation to the poor and those with limited resources for a reasonable and accessible price in the Milwaukee area.
- **\*Community Justice, Inc.** is a nonprofit corporation that provides legal services to Madison-area low-income families and individuals on a sliding-fee scale based on federal poverty guidelines.
- **Disability Rights Wisconsin** defends the rights of people residing in Wisconsin's public and private institutions, and represents individuals under the Americans with Disabilities Act through information and referral, direct legal representation, and in limited situations, class action litigation.
- **\*End Domestic Abuse Wisconsin – RISE Law Center** provides quality, affordable direct legal representation to low income survivors of Domestic Violence & Sexual Abuse, primarily immigrants and refugees with limited English proficiency, in an effort to prevent and eliminate violence in intimate partner relationships.
- **\*Golden House** is a private, nonprofit agency that provides safety and support for victims of domestic abuse, while leading community efforts to end domestic violence in Brown County.
- **\*HAVEN, Inc.** (Household Abuse Victims Emergency Network, Inc.) is a free community service providing a

safe and confidential environment to empower all survivors of domestic violence and sexual assault through sheltering, advocacy and education.

- **\*Indianhead Community Action Agency** is a private, nonprofit agency that assists individuals in achieving self-sufficiency by providing the resources, education and services necessary to develop healthy families, sustainable communities and strong local businesses.
- **\*Kids Matter, Inc.** provides legal services and other advocacy for children in foster and kinship care in the greater Milwaukee area.
- **\*Legal Action of Wisconsin, Inc.** serves low-income clients in the areas of family law and domestic violence, housing, public benefits, special education and economic development.
- **Legal Aid Society of Door County** is a volunteer organization that operates primarily as a screening and referral source to coordinate legal services through local pro bono attorneys.
- **Legal Aid Society of Milwaukee** provides family law, public benefits, landlord-tenant, consumer, municipal ordinance defense and civil rights law to low-income people in Milwaukee.
- **\*LOTUS, Legal Clinic, Inc.** serves victims of gender-based violence and human trafficking through trauma-informed legal advocacy, policy initiatives, education, and survivor empowerment.
- **Metro Milwaukee Mediation Services, Inc.** assists homeowners and their mortgage services in avoiding preventable foreclosures, and facilitates an informed and respectful transition in those instances where foreclosures are not avoidable.
- **Portage County Legal Aid Society** is a volunteer attorney legal service that addresses the need for pro bono civil legal services for indigent persons in Portage County.
- **\*Rainbow House Domestic Abuse Services** provides prevention, education and information to communities, families and schools with the goal of obtaining safety and empowerment for all victims of domestic abuse
- **\*The Women's Center** provides safety, shelter, and support to all affected by domestic violence, sexual assault, human trafficking and child abuse in Waukesha County.
- **Winnebago Conflict Resolution Center, Inc.** provides mediation services and training in mediation and conflict resolution statewide.
- **\*Wisconsin Judicare, Inc.** provides civil legal assistance, information and education to low-income people, Native Americans, and others who might otherwise be denied access to justice.
- **\*Women's and Children's Horizons** provides services to survivors of domestic abuse and sexual assault that enhances their safety, well-being, and self-sufficiency.

*\*Agencies with an asterisk preceding their names received Domestic Violence & Sexual Abuse Civil Legal Services State Appropriation (TANF) funding in 2018.*



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## Portfolio of Grants Disbursed During 2018\*

\*Cash basis.

Grantee	Location of Primary Office	PILSF	Pro Hac Vice	2017-18 DVSA Reimbursements Paid in CY2018	2018-19 DVSA Reimbursements Paid in CY2018	Foreclosure Prevention (Bank of America)	Total
ABC for Health	Madison	\$35,000					\$35,000
AIDS Resource Center of Wisconsin	Milwaukee	\$18,000					\$18,000
Catholic Charities of the Archdiocese of MKE	Milwaukee	\$10,000					\$10,000
Catholic Charities of the Diocese of La Crosse	La Crosse	\$10,000					\$10,000
Center Against Sexual & Domestic Abuse (CASDA)	Superior	\$15,000		\$40,000	\$10,528		\$65,528
Centro Legal por Derechos Humanos, Inc.	Milwaukee	\$20,000		\$55,006			\$75,006
Community Justice, Inc.	Madison	\$10,000		\$52,630	\$29,124	\$15,000	\$106,754
Disability Rights Wisconsin	Madison	\$73,750					\$73,750
End Domestic Abuse Wisconsin	Madison			\$22,002	\$6,742		\$28,744
Golden House, Inc.	Green Bay			\$37,500	\$14,707		\$52,207
Household Abuse Victims Emergency Network (HAVEN, Inc.)	Merrill			\$15,911			\$15,911
Indianhead Community Action Agency	Ladysmith			\$55,005	\$6,546		\$61,551
Kids Matter, Inc.	Milwaukee	\$15,000		\$30,000			\$45,000
Legal Action of Wisconsin, Inc.	Milwaukee	\$499,320	\$37,500	\$37,500	\$11,280	\$118,000	\$703,600
Legal Aid Society of Door County	Sturgeon Bay	\$10,000					\$10,000
Legal Aid Society of Milwaukee, Inc.	Milwaukee	\$73,750				\$33,500	\$107,250
LOTUS Legal Clinic, Inc.	Milwaukee		\$7,500		\$15,000		\$22,500
Metro Milwaukee Mediation Services, Inc.	Milwaukee					\$40,000	\$40,000
Portage County Legal Aid Society	Stevens Point	\$13,000					\$13,000
Rainbow House Domestic Abuse Services, Inc.	Marinette			\$24,753	\$6,000		\$30,753
The Women's Center	Waukesha			\$8,196	\$5,092		\$13,288
Winnebago Conflict Resolution Center, Inc.	Oshkosh					\$10,000	\$10,000
Wisconsin Judicare, Inc.	Wausau	\$127,930	\$9,270	\$55,005		\$33,500	\$225,705
Women and Children's Horizons	Kenosha			\$16,492	\$6,505		\$22,997
<b>TOTAL</b>		<b>\$930,750</b>	<b>\$54,270</b>	<b>\$450,000</b>	<b>\$111,524</b>	<b>\$250,000</b>	<b>\$1,796,544</b>

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## Statement of Financial Position

ASSETS	2018*	2017*
Cash . . . . .	\$2,884,855	\$1,844,034
Certificate of deposit -UC. . . . .	-	1,600
Accounts receivable . . . . .	89,266	52,114
Grants receivable . . . . .	71,687	86,568
Prepaid expenses . . . . .	11,242	8,661
Investments . . . . .	4,638,790	5,684,771
Equipment . . . . .	-	7,556
Less accumulated depreciation . . . . .	-	(7,556)
<b>Total assets . . . . .</b>	<b>\$7,695,840</b>	<b>\$7,677,748</b>
LIABILITIES		
Accounts payable . . . . .	\$5,572	\$1,431
Grants payable . . . . .	2,304,300	1,399,425
Accrued expenses . . . . .	10,414	12,156
<b>Total liabilities. . . . .</b>	<b>\$2,320,286</b>	<b>\$1,413,012</b>
<b>NET ASSETS (unrestricted) . . . . .</b>	<b>\$5,375,554</b>	<b>\$6,264,736</b>
<b>Total liabilities and net assets . . . . .</b>	<b>\$7,695,840</b>	<b>\$7,677,748</b>

## Statement of Activities

REVENUE		
Trust account interest income (IOLTA) . . . . .	\$566,991	\$374,355
Public Interest Legal Services Fund (PILSF) . . . . .	925,100	1,080,750
Grant revenue . . . . .	589,136	517,713
Wisconsin Equal Justice Fund contribution (WEJF) . . . . .	-	131,500
Pro hac vice fees. . . . .	65,700	58,500
Investment return . . . . .	(97)	136,629
Other . . . . .	618	419
<b>Total revenue . . . . .</b>	<b>\$2,147,448</b>	<b>\$2,299,866</b>
EXPENSES		
Program services (grant awards program) . . . . .	\$2,898,989	\$2,545,530
Supporting activities . . . . .	137,641	123,292
<b>Total expenses. . . . .</b>	<b>\$3,036,630</b>	<b>\$2,668,822</b>
Change in net assets without donor restrictions . . . . .	(889,182)	(368,956)
Net assets – beginning of year . . . . .	\$6,264,736	\$6,633,692
<b>Net assets – end of year . . . . .</b>	<b>\$5,375,554</b>	<b>\$6,264,736</b>

\*These are audited figures for the period ending December 31, 2018. Audit available upon request.



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## Our Mission

The Wisconsin Trust Account Foundation, Inc. (WisTAF) is dedicated to equal access to the civil justice system, funding legal services for low-income persons through the fair and effective administration of Interest on Lawyers' Trust Accounts (IOLTA), Public Interest Legal Services Fund (PILSF), and other sources.



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