

CIVIL LEGAL AID FAQs

To learn more about civil legal aid, review these frequently asked questions and our answers.

You can also learn more and contact us with questions by visiting www.legalaction.org



*INVEST IN CIVIL LEGAL AID.
For the economy. For the taxpayer.
For fairness. For Wisconsin.*

Why should Wisconsin invest in civil legal aid?

Legal aid helps Wisconsin reach its stated goals of

- Getting people back to work
- Making government systems run more efficiently
- Saving tax dollars
- Ensuring fairness and justice for all

What is civil legal aid?

- Solving critical civil legal problems and ensuring fairness: In civil court, you do not have a Constitutional right to an attorney the way you do when you are charged with a crime. Civil court handles matters like medical debt, evictions, public benefit denials, driver's license suspensions, restraining orders, divorce, and other issues that impact people's health, safety, and livelihoods.
- Sadly, many people are in court with no help or guidance because they cannot afford an attorney, or there is not an attorney in their area who handles that kind of law.
- Legal aid is free.
- We provide free legal help to people who would otherwise face their legal problem alone. Civil legal aid is informational tools, resources, professional advice, and attorney representation.
- Legal aid makes the legal system operate more fairly and more efficiently for everyone. When we say the Pledge of Allegiance we close with "justice for all." We need programs like civil legal aid to ensure that the very principle our founding fathers envisioned remains alive: justice for all, not the few who can afford it.

Why do we need civil legal aid?

- Civil legal problems involve the most basic needs like housing, health care, income, and safety.
- Over half a million people in Wisconsin face a civil legal problem and cannot afford legal help every year.
- Our court system struggles with both efficiency and effectiveness when people go without legal help. When people are unable to effectively navigate the court system without counsel, our judges have to make decisions without having the full picture. This can lead to decisions that may have a different outcome if legal help was available. When that happens, individuals and families are forced to rely on more expensive publicly funded support, like emergency shelter, to stay safe and stable.
- When civil legal aid is available, people are less likely to need public assistance, have more stable incomes, and more secure housing.
- Civil legal aid also helps remove barriers to employment, protects crime victims, and advocates for the elderly and the disabled.
- Strengthening legal aid in Wisconsin saves the taxpayer now and into the future while helping our courts run better and keeping hardworking families from spiraling into poverty.
- That's why we support additional funding for civil legal aid in this state budget.

Who do we help?

- People in every county, and in every state senate and assembly district. They are seniors needing protection from elder abuse, people needing restraining orders because of domestic violence, grandparents who need legal custody of their grandchildren, people trying to get jobs, and hardworking Wisconsin families trying to make ends meet.
- Every taxpayer benefits from civil legal aid through increased court efficiency, tax revenue and savings, and a more stable economy.

Who provides legal aid in Wisconsin?

Dozens of organizations including non-profit law firms.

For example:

- Judicare Legal Aid in the Northern part of the state
- Domestic violence shelters (such as Golden House in Green Bay)
- Private attorneys working pro bono
- Informational websites maintained by attorneys (such as LIFT Wisconsin)
- Law school staff and students working in free legal clinics, and more

There are currently more than 20 organizations collaborating together as the Civil Legal Aid Alliance of Wisconsin. More than thirty providers currently receive support from the civil legal funding administrator established by the Wisconsin Supreme Court (the Wisconsin Trust Account Foundation, or WisTAF). Together, they help tens of thousands of people in addressing legal challenges. But, the number of people in Wisconsin who experience a civil legal problem and don't receive assistance is over half a million each year.

Do you use volunteer attorneys?

Yes, volunteers are a key part of the civil legal aid system in Wisconsin. Repeated surveys of Wisconsin lawyers asking about their pro bono work have shown that a majority of them, and rural lawyers in particular, are volunteering their time to help low income residents.

Providers like Legal Action of Wisconsin receive pro bono help from hundreds of volunteers every year.

Why can't volunteer attorneys and self-help resources solve the problem?

Volunteer lawyers, self-help resources, and legal information are important parts of our civil legal aid system in Wisconsin. For some types of legal issues, however, a lawyer's help is the only way it can be resolved.

Many issues are best handled by attorneys who specialize in the areas of law that most often impact low income Wisconsin residents. The legal issues of people living in poverty or on the margins are as complex as many other areas of law and require special expertise. Just like lawyers in private practice, civil legal aid attorneys often specialize in a specific area of law. While there are many opportunities for volunteers to provide brief advice or extended representation, most private attorneys don't have the time or training take on the most demanding or complicated matters for legal aid clients. In addition, civil legal aid providers are often the only law firms working in areas of law where there is no money to be paid or made.

What about rural counties?

- Rural counties experience significant unmet legal need: 40% of people in rural areas experienced more than five civil legal problems in the past year and nearly 25% of people in rural areas experienced more than ten.
- People in rural counties experience barriers to accessing the legal system – including geographic distances, internet connectivity issues, and shortages of attorneys both legal aid and the private bar.
- Civil legal aid is particularly helpful for people in rural communities because, unlike private bar attorneys, legal aid attorneys are not looking at cases from a profit and loss standpoint. They are only considering merit and organizational capacity. That means we invest in travel costs and technology at community meeting spaces so that we provide access to justice for all.
- Being a traveling or virtual legal aid attorney helps combat other issues rural counties face. Conflicts or “conflicting out” is when one side of a case, say a divorce, calls a law office to discuss their case; then, the other party calls asking for help. Even if the law firm did not take the first case, they are not able to take the second, because they discussed the case with the opposing party already. For rural counties, where there may just be 3 or 4 law firms, one party may not be able to retain any attorney in the area due to conflicts. Legal aid attorneys who travel to various counties or provide virtual services are a lifeline to low income residents who would otherwise have no where to turn.
- To help address other barriers to justice, legal aid provides secure, technology-enabled meeting spaces in public and accessible spaces like local libraries. This allows people to meet with their volunteer or staff attorneys or attend Zoom hearings even if they do not have the right technology or a quiet, safe space at home.

Does civil legal aid just help the poor?

- Civil legal aid provides a range of services, some of which are available regardless of income. Areas of the law that are only provided by legal aid, like victim rights, often have open criteria allowing people of any income to benefit.
- Because need outpaces capacity, providers must make choices about who is most in need, which means many folks who are represented by legal aid providers have very low incomes.
- Some funding sources also restrict how their funding is spent. For example, federal funding often restricts services to those 125% of the poverty level or below.
- Certain types of civil legal aid, such as online resources or self-help kiosks in courts, are also available to moderate and middle-income people who simply cannot afford to hire a lawyer.

Many middle-class families cannot afford a lawyer. How does civil legal aid help them?

- Civil legal aid can help ensure that everyone is treated fairly in the justice system, regardless of how much money one has. Civil legal aid serves Americans of all backgrounds and ages, including those who face the toughest legal challenges: children, veterans, seniors, ill or disabled people, and victims of domestic violence.
- Civil legal aid takes many forms, and middle-class families can access many resources such as online information and forms and court-based self-help centers.
- Still, despite progress made, we are facing a crisis of access to these services. To help ensure fairness in the legal system, it is critical that we expand access to these services for Wisconsinites of all backgrounds, through increased funding.

How does someone get help?

- Clients find help from civil legal aid through a variety of means. They may go online, ask a friend, talk to a social services agency or visit the library.
- Civil legal aid providers also use toll free telephone numbers and some also have online intake forms for new clients.
- Wisconsin is also building a statewide website that will provide legal information and referrals for people who need legal assistance.

What would be your spending priorities, if funded?

- Every civil legal aid organization consults with their clients and communities to set their priorities to use their resources. Some are even required by law to conduct regular legal needs assessments in their service areas. Priorities for client services are driven by those assessments.
- Funding organizations (including WisTAF) and legal aid providers continuously analyze trends and needs in the state. WisTAF typically looks for a mix of providers that together will provide comprehensive coverage to the entire state, including underserved areas.
- Providers will also focus on the most urgent needs seen in their geographic area or specialty of law. For example, a provider like Kids Matter, Inc. focuses on child safety and will have different priorities than an organization such as Disability Rights Wisconsin which serves people with disabilities.
- Overall, services will focus on areas of law that stabilize safety, stability, and economic independence of Wisconsinites.

How could the funding be allocated?

We propose allocating funds through general purpose revenue (GPR) to the state's longstanding grant administrator for civil legal aid, the Wisconsin Trust Account Foundation (WisTAF). WisTAF is a nonprofit, 501(c)(3) organization established by the Wisconsin Supreme Court to "aid in the administration of justice."

WisTAF is overseen by a board appointed by the Wisconsin Supreme Court and the State Bar. WisTAF's nearly four decades of experience as a nonpartisan government partner includes administration of the current allocation of Temporary Aid for Needy Families (TANF) funds (\$500,000 annually) for legal services via the budget of the Department of Children and Families. WisTAF supports legal aid services provided in every Wisconsin county.

WisTAF's board typically relies on a grant-making procedure honed over its decades of experience. WisTAF requests proposals and awards funds to organizations in the best position to strengthen access to civil justice throughout the state.

Is civil legal aid "choosing sides" in court cases?

- No -- civil legal aid is about helping people on every side of a dispute. This includes getting information to judges and court commissioners so they can make appropriate decisions.
- Our legal system depends on everyone's voice and perspective being heard but this is often impossible when someone doesn't have legal assistance (especially when the opposing party does) because our modern legal system is so complicated.
- Our work often helps both sides of an issue, like getting a landlord paid through a payment plan and helping a tenant find a reasonable move out date to avoid eviction and homelessness.