**Wisconsin Evaluation Report**
**in Response**
**to Program Letter 2000-7**

**To what extent has a comprehensive, integrated and client centered legal services delivery system been achieved in a particular state?**

**1) What are the important issues that impact upon low income people within your state: How is your state responding to these issues?**

The important issues that affect low-income people in Wisconsin are the need for food, clothing, shelter, medical care, utilities, education, family safety and good jobs. Wisconsin is responding to these issues by focussing its legal services on removing the legal barriers to obtaining those basic necessities of life. As an example, our system has begun a substantial effort to remove legal barriers to employment following the elimination of AFDC and the governmental shift to welfare-to-work. We obtain drivers' licenses and clarify errors in clients' records so that our clients can obtain or keep family-supporting jobs, and we help clients adjust their child support obligations so that there is incentive for them to work and their children receive financial support.

As another example, we remove barriers to adequate housing both by defending against evictions and by locating affordable housing to which our clients can move if they are evicted or obtain funding to allow clients to retain housing.

With regard to Native Americans, important issues include implementing the Indian Child Welfare Act (ICWA) on behalf of Indian children caught up in state court custody proceedings, and the development of tribal courts to serve the legal needs of reservation residents and outside guests/businesses. As to the former, Wisconsin Judicare's Indian Law Office (ILO) has published an updated version of "Indian Child Welfare Act: A Manual for Wisconsin Practitioners." This volume has been distributed to all legal aid service providers in the state, state social services directors, and state court clerks, as well as to tribal advocacy offices. The ILO provides representation and/or back-up assistance in ICWA cases statewide. As to the development of tribal courts, the ILO is participating in a joint effort by state, tribal and federal courts in Wisconsin to develop and make available complete volumes of each tribes' statutory law and case law. This initiative is focused on technology, where, through a grant, the ILO plans to put all tribal law in Wisconsin on the internet for full accessibility for everyone. Judicare's website will host this collaborative effort.

Barriers to safety and security for families are being removed by the system. Safe and secure home environments are needed to facilitate education and employment success. Partnerships are being created with community organizations to provide secure homes by ending cycles of violence which lead to loss of work, and then loss of housing. These organizations include United Way programs, domestic abuse shelters, emergency housing assistance programs, and faith-based organizations such as the Salvation Army shelters.

Our response is guided by the core principles which were articulated as part of the state planning process. These principles are:

In Wisconsin:

1. We believe in providing equal justice to all low-income people. To achieve this goal, we believe in providing high-quality, client-centered legal representation. This legal representation will range from basic advice to argument before the Supreme Court.

2. We believe a full range of client-centered services is provided best by a justice community. This justice community will be most effective if it integrates LSC-funded providers, other legal services providers, and the private bar into a single system and if that system maximizes client choices.

3. We believe in providing assistance that is most likely to resolve clients' problems and help them achieve equal justice.

4. We believe high-quality, client-centered services are achieved through the attraction and retention of dedicated and talented legal services advocates, including pro bono and compensated private attorneys.

5. We believe equal justice is also achieved through the integration of statewide resource development, interrelated technology, and advocacy coordination.

6. We believe the justice community should permit clients to operate in a seamless representation system. We believe that clients should obtain entry to the system from any point and should have equal access from all parts of Wisconsin.

7. We believe high-quality, client-centered legal services are best provided by a system that gives priority to local concerns and issues.

Our response is also guided by what we view as the most important element of legal services, stated in our state planning report and recommendations submitted March 15, 2001:

We view full service as the most important element of legal services, and we will apply substantial resources to it. We will allocate resources to full service based on a local determination of local critical legal needs. This determination will be responsive to the regional characteristics, legal issues and delivery challenges that we discussed earlier.

For the three merging firms, the response will include:

a. a common case management system

b. a uniform eligibility policy

c. a uniform intake standard

d. consolidated staff training

e. consolidated administration

f. work with the State Bar of Wisconsin and other providers to expand the LRIS into a statewide information, advice and referral system

g. statewide fundraising

h. state support capacity

i. consolidated private attorney involvement

For Wisconsin Judicare, the response will include contribution and cooperation with the three merging programs in the following areas consistent with the special demographics and legal needs of the most rural region of Wisconsin:

a. A common case management system

b. A uniform eligibility policy

c. A uniform intake standard

d. Consolidated staff training

e. Work with the State Bar of Wisconsin and other providers to expand the LRIS into a statewide information, advice and referral system

f. Statewide fund-raising

g. State support capacity

**2) What are the components of the delivery system?**

The components of the delivery system will soon be a core of two LSC-funded providers, one serving the southern 39 counties and the other serving the northern 33, complemented by approximately 10 specialized providers and the State Bar of Wisconsin and local bar associations. These providers refer clients to each other as appropriate.

**3) Has this system created mechanisms to assess its performance in relationship to commonly-accepted external guidelines such as the ABA Standards for Providers of Civil Legal Services to the Poor, the LSC Performance Criteria or some other set of objective criteria? What is the protocol for undertaking system performance review and when was a review last undertaken?**

The system's mechanisms for performance assessment are the annual evaluations by and reports to the Wisconsin Trust Account Foundation (WisTAF), Area Agencies on Aging, Department of Housing and Urban Development, the Wisconsin Department of Workforce

Development and a great many other funders, all of whom have performance criteria. There is significant use by the system of outcomes evaluation, which complements the compilation and assessment of open, closed and declined cases carried out by most system components. Those components also conduct regular and frequent intake and case reviews which incorporate elements of the LSC Performance Criteria and both sets of ABA Standards. The protocol consists of weekly and monthly intake and case reviews, weekly case staffings in certain areas, and semiannual and annual gross numerical caseload assessments. The most recent review occurred in February 2002, with the performance of the audits and the compiling of reports to WisTAF, LSC and other funders.

**4) Does your statewide system work to ensure the availability of equitable legal assistance capacities to clients – regardless of who the clients are, where they reside or the languages they speak? How does your system ensure that clients have equitable access to necessary assistance including self-help, legal education, advice, brief service, and representation in all relevant forums? Please describe what steps you anticipate taking to ensure equitable access in the coming years.**

The statewide system works to ensure the availability of equitable legal assistance capacities to clients. Funds are allocated on the basis of poverty population, and are not transferred from the rural to subsidize the urban, or vice versa. The statewide fundraising campaign, the Equal Justice Fund, raises most money in urban areas, yet allocates a significant amount to rural providers. WisTAF allocates about 70% of its grants to the core LSC-funded providers, who then distribute those funds on a population basis. WisTAF

also allocates 30% of its funds to the specialty providers that complement the LSC providers. The judicare system ensures equitable geographic coverage in the sparsely populated northern part of the state. Demographics in northern Wisconsin warranted a different approach. In very rural northern Wisconsin extended service rates throughout the region are comparable to those of the three merging programs. Most provider components in the system have the capacity to serve nonEnglish-speaking clients, whether through multilingual staff or interpreter services. Most system components, and particularly the core LSC providers, provide the full range of legal services to clients, from self-help to full representation. To ensure equitable access in the coming years, the foregoing measures will be continued, including the maintenance of population-based cost centers during and after the merger of the LSC firms.

**5) How does the legal service delivery system employ technology to provide increased access and enhanced services to clients throughout the state? What technological initiatives are currently underway and how will they support the integrated statewide delivery system?**

The system employs technology through a common database and case management system. Once the Western Wisconsin Legal Services system is converted as an outgrowth of merger, all of the LSC firms will have Kemp's Case Works. We are also in the process of implementing a statewide website partially funded by a LSC grant, which will enhance client access. Almost all system components have Internet access, and thus advocates statewide can talk to each other by e-mail, fax and telephone. Providers have

established subject-area e-mail lists so that advocates in, e.g., housing, can communicate on common issues and problems.

As to Native Americans, having tribal court forms on Judicare's website for use by Lay Advocates, private attorneys and pro se clients makes each of the tribal courts more accessible. The Tribal Code consolidation project (see **1)**) will result in all tribal codes and case law being accessible through Judicare's website.

**6) How has the legal service delivery system expanded its resources to provide critical legal services to low income clients including hard to reach groups such as migrant farmworkers, Native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants and the rural poor?**

The system has expanded its resources to serve "hard-to-reach" groups through aggressive resource development efforts on the part of the core and specialty providers. System providers have obtained, as an example, a grant to serve abused seniors and have increased resources from Native American tribes to serve their members. VAWA and VOCA grants have been applied for and obtained to serve victims of domestic violence. The LSC providers collaborate with the statewide disability advocacy entity, Wisconsin Coalition for Advocacy, both substantively and as partners/recipients of the Equal Justice Fund. Programs also work together with the Coalition of Wisconsin Aging groups including cooperative elder law training and back-up of tribal benefit specialists

and county benefit specialists.

As to Native Americans, the use and training of Lay Advocates (see **7)**), publishing tribal newspaper articles (see **1)**) and outreach efforts to the tribal meal sites (see **1)**) help reach all corners of the client communities.

**7) What steps have been implemented within the legal services delivery system and among client communities to identify and nurture new leaders? Do the existing leaders reflect the diversity within the state and within client communities that your delivery system serves? Do your state's equal justice leaders reflect the gender, race, ethnic and economic concerns of important but sometimes overlooked groups within your state? Does the leadership provide opportunities for innovation and experimentation; does it support creative solutions to meet changing needs; are new ideas welcomed; are clients nurtured as leaders? Has the leadership been given sufficient authority and resources to implement needed changes?**

With regard to the identification and nurturing of new leaders, system components have established a Public Interest Law Section of the State Bar which, together with the State Bar's Legal Assistance Committee, has served as a forum for new leadership. Advocates who are not executive directors have exercised leadership in promoting loan forgiveness programs, which in turn will promote new leadership. Challenges have been posed by funding cuts which have made necessary the layoffs of new staff and our very low salaries, which make it difficult to retain new staff. Existing leaders are sensitive to the diversity within the state and client communities, and accommodate that diversity. The leadership fosters innovation and experimentation and welcomes new ideas. Clients are nurtured as

leaders as shown by their very active roles on governing boards. The largest core provider has clients as its board president and vice president; the smallest has a client board president. The largest provider has community advisory committees consisting solely of clients, and these committees designate the community organizations to be represented on the board. The system's leadership has sufficient authority, but not resources, to implement needed changes.

**8) What do you envision will be your next steps to achieve a client-centered integrated and comprehensive delivery system within your state or territory? How will clients be actively involved in the determination of these next steps?**

The next steps to achieve a client-centered integrated and comprehensive delivery system in this state are the merger of WWLS and LSNEW with Legal Action, the implementation of a unified case management system, and the implementation of a statewide website with client and advocate portals. Clients have already been actively involved as leaders of the governing boards implementing the merger, and will continue to be so. By the time that this report is filed, WWLS, LSNEW and Legal Action will have held a strategic planning retreat wherein we will have affirmed a common purpose, begun to integrate the three programs into one cohesive effort, and laid the groundwork for a development plan, including prioritizing program and development needs. The merging firms will have articulated goal statements, developed strategies for each goal, developed Year One Action Plans and Initiatives and determined followup steps to the retreat.

**9) What has been the greatest obstacle to achieving a statewide, integrated, client-centered delivery system and how was that obstacle overcome or, alternatively, how do you plan to overcome that obstacle?**

The greatest obstacle to achieving a statewide, integrated, client-centered delivery system has been the lack of funds and steeply rising costs. The system plans to overcome this obstacle through the aggressive pursuit of additional resources from any and all sources.

**10) Has any benefit-to-cost analysis been made in terms of creating a comprehensive, integrated and client-centered legal services delivery system in your state? If yes, what does your analysis show?**

No cost-benefit analysis has been made in terms of creating a comprehensive, integrated and client-centered legal services delivery system.

**11) What resources, technical assistance and support would help you meet your goals?**

Significantly higher funding would help to meet our goals. For example, the system desperately needs at least one additional IT staff person to implement and maintain a network encompassing the merged firms. It also desperately needs at least one more development person to raise funds for the statewide system. Sufficient funds for a series of peer reviews would also help.

**To what extent have intended outcomes of a comprehensive, integrated client-centered legal services delivery system been achieved, including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?**

**1) In terms of the issues impacting upon low-income persons within your state, what strategies have you designed to address these issues and how do you plan to measure your future success in addressing your objectives?**

One of the issues affecting low-income persons is employment. The strategy we have designed is to pursue and secure grants and contracts which permit us to represent clients in drivers license, criminal background, Caregiver Law and eviction cases, and to expand this representation statewide. We plan to measure future success by applying the outcome codes which we have already designed for this work.

Another issue is the disconnection or refusal to reconnect utility service. Our strategy is to conduct pro se work and community education in the use of a helpful state administrative rule whereby low-income people can advocate for themselves or with the assistance of community organizations. The other part of this strategy is to secure additional funding for this work.

The other issues are housing, public benefits, family violence and health care. Our strategy is to secure additional funding by persuading governmental units and private entities, including for profit and non-profit community and charitable organizations, that it makes

sense for them to pay us to help them achieve what they want. One example of this is to contract with hospitals to help their patients become eligible for Medicaid and Medicare. Success will be measured by additional staff allocated to this work.

With regard to Native Americans, the ILO regularly prepares newspaper articles on legal subjects of interest to tribal members and submits them for publication in all the various tribal newspapers in the state, along with contact information for reaching Wisconsin Judicare's services. This initiative was begun in response to results of a legal needs survey conducted by the ILO. The ILO also conducts regular outreach visits to the Indian reservations to make law-based presentations to groups and meet privately with potential clients. The development of tribal courts is another priority issue having arisen from the legal needs survey that receives considerable attention.

**2) Has the legal services delivery system expanded access and services through coordination with providers throughout the state? Can this be quantified?**

It is too early to tell whether the legal services delivery system has expanded access and services through coordination with providers throughout the state. It is doubtful that this can be quantified, since we have no baseline study of the quantum of access prior to 1998.

**3) Has the quality of services provided by the legal services delivery system improved. How?**

The same is true with regard to the quality of legal services. There is no baseline study at all, let alone a reliable one.

**4) Since 1998, has there been improvement in the relative equity of client access throughout the state for all low income clients regardless of who they are, where in the state they reside, what languages they speak, their race/gender/ national origin, or the existence of other access barriers? How is this equity achieved?**

Again as to relative equity of client access, there is no pre-1998 baseline study. It is our view that equity existed prior to 1998, and exists now. Both WisTAF and the Equal Justice Fund have worked to ensure balanced funding throughout the state.

**5) Since 1998, has there been improvement in the relative equity in terms of the availability of the full range of civil equal justice delivery capacities throughout the state? What mechanisms have been developed to ensure such relative equity is achieved and maintained? Since 1998, has there been improvement in the relative equity in the development and distribution of civil equal justice resources throughout the state? Are there areas of the state that suffer from a disproportionate lack of resources (funding as well as in-kind/pro bono)? If so, is there a strategy to overcome such inequities?**

Regarding the full range of delivery capacities, this is also hard to measure. The mechanisms are those set forth above: funding based on population, urban dollars allocated to rural areas and a portion of IOLTA dollars allocated to specialty providers. Since 1998, Wisconsin has maintained relative equity in the development and distribution

of civil equal justice resources throughout the state, primarily through the EJF. We do not believe that there are areas of the state that suffer from a disproportionate lack of resources. There are no studies which show this disproportionality.

In northern Wisconsin, special efforts are underway to assure a balance of limited service and extended service comparable to that of the three merging programs. One strategy is encouragement of reporting of donated counsel and advice by PAI attorneys. Another involves expanding telephone advice to applicants accessing legal services by telephone. A system of telephonic approval of "extended brief service" is in place to help bridge the gap between counsel and advice and extended service.

**6) Does this legal services delivery system operate efficiently? Are there areas of duplication?**

It is our view that this legal services delivery system operates efficiently, and that there are no areas of duplication.

**7) Has the system expanded the way it involves private lawyers in the delivery of essential services to low-income persons? Does the system effectively and efficiently use the private bar to deliver essential services to low income people?**

The system has expanded the way in which it involves private lawyers in the delivery of essential services to low-income persons through the institution of the Equal Justice Fund (EJF). Prior to the EJF, private lawyers on PAI panels for the three merging programs

primarily accepted two cases per year. Now, private lawyers are making significant financial contributions and are themselves running a statewide fundraising campaign. They have also been significantly involved in obtaining the first state government funding for legal services in history. This is a very effective and efficient use of the private bar to deliver essential services to low-income people.

In the PAI area, the State Bar Association's Legal Assistance Committee, comprised of legal services attorneys, the State Bar Pro Bono Coordinator and private practitioners, has been working collaboratively on statewide training; educational seminars; technology and mandatory reporting initiatives. In addition, the State Bar of Wisconsin's Team Pro Bono is recruiting attorneys statewide to handle pro bono cases for organized pro bono panels, community-based organizations and other legal services programs.

In northern Wisconsin, where private attorneys deliver most case service, collaborative efforts with statewide specialty providers and enhanced back-up resources are developing to assure a full range of substantive representation.

With regard to Native Americans, the ILO has trained and utilized Lay Advocates to provide daily representation to clients in the 11 tribal courts. Back-up assistance and co-counseling is also provided. Currently, the ILO is working with the Wisconsin Tribal Judges Association to develop a Lay Advocate training curriculum as a regular offering in a local tribal college.

**Are the best organizational and human resource management configurations and approaches being used?**

1) **For calendar year 2001, what is the current configuration of programs (LSC and non-LSC) that deliver services to low income clients – i.e., what are the components (size, areas of responsibility, governance) of the delivery system? What are the funding sources and levels for each of these components of the delivery system?**[1]

The current configuration is a core group of LSC and IOLTA (WisTAF)-funded providers who are responsible for all 72 counties in Wisconsin and for a whole range of legal areas which are established through a priority-setting process. They are complemented by specialized providers. The core providers are:

| | | Size | Area (Geographic & Legal) | Governance | Funding Source |
|---|---|---|---|---|---|
| **Wisconsin Judicare** | Staff | 16 | 33 counties in N. Wisconsin | Board per LSC regs | LSC $1,207,079 |
| | WisTAF | $ 298,560 | | | |

[1] NR = No response to our request for data.

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | Family, Housing, Benefits | | OAA | $ 31,929 |
| | | | | | State | $ 11,934 |
| | | | | | Tribal | $ 28,810 |
| | | | | | EJF | $ 16,000 |
| | | | | | Publication Sales | 690 |
| **Legal Action**[2] | Staff | 92 | 11 counties in SE Wisconsin Family, Housing, Benefits, Welfare-to-Work | Board per LSC regs | LSC | $2,383,503 |
| | | | | | WisTAF | $ 690,440 |
| | | | | | Welfare-to-Work | $ 902,522 |
| | | | | | SeniorLAW | $ 459,605 |
| | | | | | Housing (HUD) | $ 151,764 |
| | | | | | VOCA | $ 397,574 |
| | | | | | Miscellaneous | $ 96,968 |
| | | | | | Donated Services | $ 350,000 |
| | **Size** | | **Area** (Geographic & Legal) | **Governance** | **Funding Source** | |

[2] Source: 3/1/2002 WisTAF Report

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|---|---|---|---|---|---|
| **LSNEW**[3] | Staff ____ | 15 counties in NE Wisconsin Family, Housing, Benefits, Welfare-to-Work | Board per LSC regs | LSC | $ 656,560 |
| | | | | WisTAF | $ 186,600 |
| | | | | Local Grants | $ 97,500 |
| | | | | United Way Grants | $ 104,700 |
| | | | | Foundation Grants | $ 19,000 |
| **WWLS**[3] | Staff 9 | 13 counties in W Wisconsin Family, Housing, Benefits | Board per LSC regs | LSC | $ 429,753 |
| | | | | WisTAF | $ 124,100 |
| | | | | OAA | $ 24,445 |
| | | | | VAWA | $ 66,036 |

The more specialized providers are:

| | **Size** | **Area** Geographic & Legal | **Governance** | **Funds** | |
|---|---|---|---|---|---|
| Legal Aid Society of Milwaukee | 49 | Primarily Milwaukee County | Independent Board of Directors | United Way | $ 160,000 |
| | | | | WisTAF | $ 100,000 |
| | | | | Miscellaneous Grants | $ 376,000 |
| | | | | Court Appointment Fees | $1,862,000 |
| | | | | Contracts for Service | $ 131,000 |
| | | | | Court Awards | $ 33,000 |

[3] Source: Application for funds submitted on November 15, 2001.

| | Size | Area (Geographic & Legal) | Governance | Funding Source |
|---|---|---|---|---|
| ABC for Health | NR | | | |
| Wisconsin Coalition for Advocacy | NR | | | |
| AIDS Network | NR | | | |
| American Civil Liberties Union | NR | | | |
| Center Against Sexual and Domestic Abuse | NR | | | |
| Centro Legal por Derechos Humanos | NR | | | |
| Legal Aid Society of Dane County | NR | | | |
| Portage County Legal Aid Society | NR | | | |

**2) Since October 1998, what other configurations and/or approaches have been seriously explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?**

Since October of 1998, the state planning process has resulted in the current merger between Legal Action, LSNEW and WWLS. This merger will take place in the coming year. In addition, both the Legal Aid Society of Milwaukee and Wisconsin Coalition for Advocacy participate in and benefit from the EJF. Legal Action, WWLS and Wisconsin Coalition for Advocacy discussed jointly participating in a videoconferencing system in rural areas until the ABA application for funding was denied.

**3) Is there any identifiable duplication in capacities or services in the state? How many duplicative systems – accounting systems, human resources management systems, case management systems, etc. – currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?**

There is no identifiable duplication in capacities or services in the state. Accounting, human resources management systems and case management systems are not duplicative between the core providers and the specialty providers. As among the core providers, accounting, human resources and case management systems will be integrated with the merger of Legal Action, LSNEW and WWLS, but experience elsewhere has shown that merger does not produce administrative savings, and thus that there is little or no duplication which is eliminated. We are not aware of duplications that existed prior to October 1, 1998.

**4) Since October 1998, what innovative service delivery systems/mechanisms/ initiatives been adopted in the state? Have any been explored and then rejected?**

Among the innovative service delivery initiatives has been the contracting with local governments and private entities to provide welfare-to-work representation for the clients of those governments and entities. A second innovation is the assisting of clients in a search for affordable housing, then advocating with the prospective landlord to accept the clients as tenants.

A third innovation has been the joining with a coalition of community organizations to be part of a Continuum of Care team to avoid homelessness, to assist clients in obtaining funding for housing expenses, and to provide brief or extended services to help clients with income maintenance to allow them to maintain decent housing.

A fourth has been the representation of seniors in cases not only of physical abuse, but financial abuse as well.

A fifth has been the partnering with a major urban domestic violence organization which stations staff in the courthouse, then refers clients who need full representation to the legal services firm.

A sixth has been the adoption of the strategies of Wisconsin Judicare's Rural Vision 2000 for northern Wisconsin that are tailored to meet the unique demands of most rural service delivery and particular legal needs of the region's low-income population.

While still in the development stage, Wisconsin Judicare is an active participant in Wisconsin's first judicial district wide self-help initiative in northern Wisconsin's 10th Judicial District. This has involved planning participation, staffing and cooperation in resource development. This court based initiative should provide an opportunity for implementing strategies of PAI assistance to low-income pro se litigants through clinics and unbundled services in substantive areas where insufficient resources prevent provision of the certainly preferred extended service.

Regarding Native Americans, the ILO is currently working with the Wisconsin Tribal Judges Association and a tribal college to make the training of Lay Advocates a full or part-time curriculum option, leading to an associates degree. Also, the regular publication of self-help and general legal information relevant to the Indian communities in the local tribal newspapers is a new initiative since 1998.

No innovative service delivery initiatives have been explored and then rejected. One, the videoconferencing, was put on hold for want of funds.

Ongoing efforts to organize law student pro bono projects have resulted in an

Unemployment Compensation Clinic and a Women's & Children's Project.

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