

# Introduction to the Report of the Commission on the Delivery of Legal Services

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# INTRODUCTION TO THE REPORT OF THE COMMISSION ON THE DELIVERY OF LEGAL SERVICES

SHIRLEY S. ABRAHAMSON\*

I am honored to introduce the *Wisconsin Commission on the Delivery of Legal Services Report*.<sup>1</sup> The report is the product of a year's worth of research and analysis by judges, lawyers, and academics from around the state. It is also a product of the people of Wisconsin who aired their views and concerns at public hearings in Madison, Milwaukee, Wausau, Eau Claire, and Green Bay. The principal message from the public was that the legal needs of low and moderate income persons are not being adequately met under existing delivery systems.

I urge you to read the report carefully. The delivery of legal services is the cornerstone of our system of law and justice, and as John Skilton, Chair of the Commission and 1995-96 President of the State Bar of Wisconsin, wrote, the Commission was committed to "examine existing legal services delivery systems from a fresh perspective."<sup>2</sup> Skilton's reference to a fresh perspective toward the delivery of legal services extends to the full range of legal services including case representation, alternative dispute resolution, assistance in pro se representation, and community education; it also extends to a recognition that coordination between the legal community and other service providers is needed. To facilitate a range of client services that will improve critical aspects of clients' lives, the legal community must work with various service providers such as social workers, health care providers, arbitrators and mediators, protection and law enforcement, and advocacy organizations, community economic development groups, and community action programs. Furthermore, information about legal services should be

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1. *Commission on the Delivery of Legal Services, Final Report and Recommendations*, 1996 STATE BAR OF WISCONSIN [hereinafter *Report Commission on the Delivery of Legal Services Report*].

2. *Id.* at 13.

made available to the people where they are, in places such as libraries, community centers, and other public offices, and also in private meeting places such as shopping centers.

This report is of statewide and national significance. It contains recommendations for five specific pilot programs for which the State Bar has committed implementation funds.<sup>3</sup> Furthermore it sets forth fourteen recommendations for action addressed to the State Bar, lawyers, local bar associations, or the Wisconsin Supreme Court.<sup>4</sup> If we can make these projects a reality and if all of us act in accordance with the recommendations, Wisconsin will be poised to lead the nation in realizing the goal of expanding access to legal services for all the people of the state so that their legal and law-related needs can be met.

The five pilot projects are innovative, challenging, and exciting.<sup>5</sup> One pilot project is the State Bar's creation of a Pro Bono Resource Center to coordinate, support, and promote pro bono activities by Wisconsin lawyers.<sup>6</sup>

A second pilot project is a Courthouse Legal Information Center to be located at the Brown County Courthouse.<sup>7</sup> The Legal Information Center will help court users by providing the information they need to navigate the courthouse and to prepare the forms necessary for actions such as divorce, temporary restraining orders, injunctions, small claims, evictions, and name changes. This project will tailor an existing computer program to Wisconsin law. It is anticipated that a how-to manual will be developed to assist courthouses around the state in establishing their own legal information centers.

A third pilot project is a Community Legal Resource Center for Madison's south side.<sup>8</sup> With the help of the Madison Public Library, the University of Wisconsin Law School Library, and others, a legal resource center will be established in the South Madison branch of the public library. The plan is to provide the center with a user-friendly, computer-assisted information system to enable attorneys to more effectively represent clients.

A fourth pilot project, the Project on Accessible Law,<sup>9</sup> will be a collaborative effort among the State Bar, the law schools at Marquette

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3. *Id.* at 51-59.

4. *Id.* at 27-48.

5. *Id.* at 51-60.

6. *Id.* at 51 (Pilot Project No.1).

7. *Id.* at 53 (Pilot Project No. 2).

8. *Id.* at 55 (Pilot Project No. 3).

9. *Id.* at 57 (Pilot Project No. 4).

and the University of Wisconsin, public interest law firms, libraries, and local bar associations. Housed initially at the University of Wisconsin-Madison Law School and directed by a steering committee and a part-time chief operating officer, the project will work to develop legal forms that can be used by lawyers and nonlawyers; make legal information available through courthouses, libraries, computer services, and nonprofit community organizations; provide information on the use of technology and the instruction of nonlawyers so that legal services can be delivered at reasonable cost; and prepare lawyers and law students to supervise nonlawyer assistants and clients, where appropriate. The project will work with the proposed Brown County Courthouse Information Resource Center and the South Madison Community Legal Resource Center.

A fifth pilot project is for the State Bar to provide leadership in convening a task force to develop and implement a plan for permanent and reliable funding for civil legal services to low and moderate income people.<sup>10</sup> The commission recognizes that long-term funding of legal services for the poor will have to come from diverse sources; lawyers alone cannot shoulder the burden. Through this pilot project, the Bar will fund the services of a fund development professional who will design a plan for seeking alternative funding resources for legal services.

In addition to these specific projects, the Commission has set forth fourteen recommendations for action to be taken by the State Bar, the Supreme Court, local bar associations, and individual lawyers.<sup>11</sup> As noted throughout this summary, the Bar has begun working on the action recommendations addressed to it.

Similarly, the Wisconsin Supreme Court has been addressing the two recommendations that have been presented to it. In response to Recommendation 4,<sup>12</sup> the court's records committee is exploring the possibility of working with the Bar on creating pro se forms. Recommendation 5,<sup>13</sup> urging the court to establish a task force to address the administration, processing, and proceedings in cases presenting CHIPS, custody, child support, and domestic violence issues, dovetails with an ongoing court initiative.

Even before the Commission's recommendations the court has been concerned about families and children in the justice system. In 1995, the

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10. *Id.* at 58 (Pilot Project No. 5).

11. *Id.* at 27-48.

12. *Id.* at 32-33 (Recommendation No. 4).

13. *Id.* at 34 (Recommendation No. 5).

Wisconsin Supreme Court applied for and received funding under the Federal Court Improvement Program to assess the effectiveness, timeliness, and quality of CHIPS proceedings in this state.

The federal funding offers Wisconsin the opportunity to respond sensitively and innovatively to CHIPS cases. The first phase of the CHIPS project—a statewide assessment of the strengths and weakness of our handling of CHIPS cases—is now nearing completion. Preliminary results of the assessment demonstrate that CHIPS cases must be viewed in the context of the entire family dynamic and the ways in which a family's other problems are being handled in the courts and in other governmental agencies.

Solutions must, therefore, be developed that account for the needs and expectations of all the actors in the system including the judiciary, social workers, guardians ad litem, district attorneys, defense counsel, corporation counsel, law enforcement, parents, and foster parents. Over the next four years, Court Improvement Program funds will allow the court system to seek these solutions as we build on the strengths and overcome the weaknesses uncovered by the assessment.

Resolving family problems and assisting families in crisis are among the most important functions of the court system, and we must ensure that services to the families involved in court proceedings are adequate. Therefore, in connection with the CHIPS project, the court is also exploring a comprehensive statewide effort called Wisconsin Families, Children and Justice to consider a range of issues affecting families and children in the legal system. Two conferences on family issues have already been held and the court is considering a statewide conference to develop a coordinated short- and long-range approach to family law issues.

As an outcome of this statewide conference the court envisions a series of conferences, manuals, pilot programs, training sessions, and other action steps including all the participants in the system and focusing on families and children in the Wisconsin courts and the nature of the problems courts face in serving them adequately.

I have summarized only part of the important information contained in the Commission's report. I hope you will take time to read the entire report and think about these critical issues.

The report urges all lawyers to make personal commitments to performing or providing financial support for voluntary pro bono

representation of individuals of limited means.<sup>14</sup> Furthermore, the report urges the State Bar and local bar associations to join in a campaign for private practitioners to provide free half-hour consultations to prospective clients and to offer alternative legal fee arrangements.<sup>15</sup>

Most important, the Commission's report is an action program designed specifically for each individual lawyer. A lawyer need not wait for someone else to call or create an organization or plan. Each lawyer can act for himself or herself.

If I could have you take one idea from the report, it would be this: in order to make justice a reality for all the people in our state, each one of us must become involved in improving the delivery of legal services.

Most of us began law school or entered the practice of law picturing ourselves as Atticus Finch, the fictional lawyer in *To Kill A Mockingbird*,<sup>16</sup> whose representation of an unpopular criminal defendant required him to take a fresh look at legal services and at society. We saw ourselves, like Atticus, advocating for or in some way assisting people regardless of race, religion, financial status, unpopularity of the cause, or financial consequences to ourselves.

The Commission's report sounds the call. Now is the time to respond. Let us reawaken the spirit of Atticus Finch in each of us. Let each of us take a fresh look at the justice system. And let all of us recommit ourselves to the ideal of making access to justice a reality for all.

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14. *See id.* at 38 (Recommendation No. 8).

15. *Id.* at 27 (Recommendation No. 1).

16. HARPER LEE, *TO KILL A MOCKINGBIRD* (Lippincott Co. 1960).

