

Bridging the Justice Gap:

Wisconsin's Unmet Legal Needs

Final Report
Access to Justice Committee
State Bar of Wisconsin
March 2007



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Access to Justice Study Committee
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March 2007

This report and its recommendations were adopted by the
State Bar Board of Governors on May 8, 2007.



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Report at a Glance

Our committee

The Wisconsin Access to Justice Study Committee is comprised of experienced lawyers and judges from the public, private, and nonprofit sectors who were appointed by the president of the State Bar of Wisconsin to oversee Wisconsin's first comprehensive legal needs study of low-income residents. We have first-hand experience with access to justice issues from a variety of perspectives. We believe that equal justice under law is a fundamental building block of our society. Our goals were to:

- identify low-income residents with unmet legal needs;
- identify reasons why the needs are not being met; and
- recognize what has been done but make recommendations on how to accomplish what remains to be done.

Our work

We began with a legal needs survey to assess the level of legal needs among low-income residents. Wisconsin families were randomly selected by a professional survey firm from a diverse pool, paying special attention to income, geographic location, and race/ethnicity. Families with incomes less than 125% of the federal poverty guidelines were our primary target and “working poor” households with incomes between 125% and 200% of the guidelines were included for comparison purposes. Surveys were completed by 1,122 households, and the survey had a margin of error of 3%.

What we found

Overall, 45% of the households we surveyed reported experiencing a need for legal assistance in at least one area of law. We also found that Milwaukee (54%) and other urban (49%) residents were more likely than rural (32%) residents to have had a legal problem. The level of need also was high among lowest income families (48%), minorities (59%), and in households with children (64%). The average number of problems reported by all respondents was 2.1 problems.

The Justice Gap

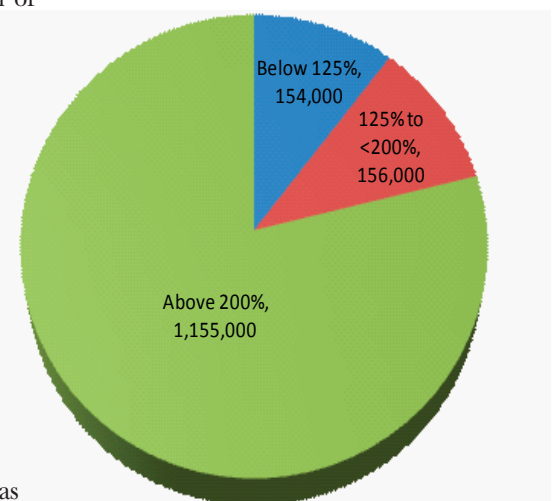
Up to 80% of poor households that confront a legal need do so without legal assistance. More than *half a million Wisconsinites* – people with families, many of whom have jobs, own homes and pay taxes – must contend with significant legal troubles without any legal help. And 60% of the time, the party on the other side is represented by a lawyer. Some legal aid organizations are able to help only about 20% of those who qualify. At other programs, for every client who is served, another is turned away due to a lack of funding. Most of the families we surveyed sought help but could not obtain it.

Despite the efforts of staff and volunteer advocates, as well as financial contributions from many sources, we are not closing the Justice Gap.

Current efforts at filling the Justice Gap are insufficient. Federal funding has diminished almost every year; it is only half what it was in 1980 when adjusted for inflation. The legal profession tries to make up the difference – individual lawyers and law firms contribute more than \$1 million and more than 40,000 hours of free legal

“ More than **half a million Wisconsinites** – people with families, many of whom have jobs, own homes and pay taxes – must contend with significant legal troubles without any legal help. ”

Figure 1: Wisconsin Families by Income 2005



Source: CPS POV46 Poverty Status by State: 2005, Families
Percentages refer to federal poverty guidelines

“Wisconsin trails neighboring states in tackling the large Justice Gap. Wisconsin is the only state in the Midwest providing no funding for general civil legal services.”

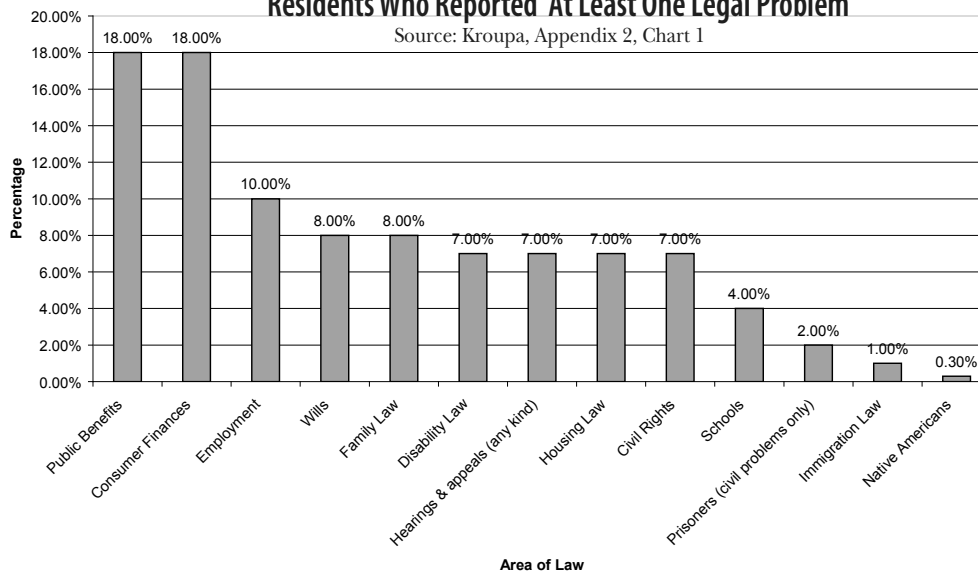
services every year. Courts have opened self-help centers, expanded the range of assistance court clerks can render, simplified court forms and made these forms available online. The Wisconsin Supreme Court approved new ethics rules that make it easier for lawyers to serve the legal needs of the poor. State government has made a small but exemplary step toward closing the gap with a program of benefit specialists who help the elderly and those with disabilities when they are faced with a loss of public benefits.

Wisconsin trails neighboring states in tackling the large Justice Gap. In Ohio, state government spends more than \$14 million on general civil legal services for the poor; Minnesota, \$12 million; Michigan, \$7 million. In Illinois, there is a proposal before the legislature to increase funding from \$3 million to \$5 million. Although it does provide some funding for help to the elderly and disabled, Wisconsin is the only state in the Midwest providing no funding for general civil legal services. We are encouraged that, as this report went to press, Gov. Doyle’s budget proposal to the Legislature included \$1 million in general purpose revenue funding to meet some of the civil legal needs of low-income residents.

Our recommendations

1. Funding from the State of Wisconsin is necessary to help close the Justice Gap and must be adequate to meet the needs of at least those who are currently turned away due to lack of funding.
2. A permanent Wisconsin Access to Justice Commission should be established with members appointed by the Supreme Court, the Legislature, the Governor, and the State Bar of Wisconsin to coordinate efforts to close the Justice Gap.
3. Self-help centers for unrepresented litigants should be established in every courthouse in Wisconsin.
4. Expanded use of nonlawyer advocates before Wisconsin courts and agencies must be explored.
5. Client contributions to the cost of services may be an appropriate means of expanding access to justice for residents who can afford to do so.
6. Increasing Wisconsin’s already high court filing fees is not an appropriate means of expanding access to justice.
7. The current \$50 assessment on attorneys to help pay for civil legal services to the poor should be retained and the exemption for judges should be removed.
8. Expanded efforts to increase the already substantial pro bono contributions of Wisconsin lawyers should be explored.

Figure 2:
Legal Needs of the 45% of Low-Income Wisconsin Residents Who Reported At Least One Legal Problem
 Source: Kroupa, Appendix 2, Chart 1



Final Report of the Wisconsin Access to Justice Study Committee

Introduction

For half a million Wisconsin residents, one of the fundamental promises of our democracy – equal justice before the law – is simply out of reach. A senior citizen facing foreclosure, a family with young kids forced onto the street by eviction, a child facing the loss of health care services for his severe disabilities because of a bureaucratic mix-up, a victim of domestic violence seeking safety and stability for herself and her kids. Every day Wisconsin residents who face complex legal problems are forced to go it alone, in court, before government agencies, in negotiations with their adversaries – that is, if they don't simply give up.

For these people, the promise of equal justice is unfulfilled, because they cannot afford the professional legal help they need and they cannot effectively represent themselves. These are people who are already sacrificing health insurance to pay the rent, prescription drugs to keep up with the mortgage, groceries to cover child care, and the like. There is simply no room in a family budget overwhelmed by choices like these to pay for legal help. They fall into the Justice Gap.¹

Background

The Access to Justice Committee

Our work was commissioned in the wake of a debate in the legal community in 2004 about the extent to which legal services are out of reach of those in need and about who should contribute to a solution. At that time, the Wisconsin Supreme Court had granted a petition of the Wisconsin Trust Account Foundation requiring Wisconsin lawyers to contribute to the cost of providing civil legal services to the poor. Many within the bar called for the legal needs of the poor to be studied in greater depth.

This committee was appointed in July 2005 by then-State Bar President D. Michael Guerin to conduct a rigorous assessment and analysis of legal needs among low-income Wisconsin residents. The goal was to help the State Bar and the Supreme Court better understand the scope and impact of the problem of access to justice for low-income residents. We were asked:

- to identify those with unmet legal needs;
- the nature of those needs;
- how those needs are distributed throughout the state;
- the reasons why the needs are not being met;
- the major social impact on our communities of allowing these legal needs to go unaddressed; and
- how the needs might be met.

Although the poor, and often even the middle class, cannot afford lawyers, “lawyers are always available to businesses, institutions and wealthy individuals. This disparity casts a dark shadow over the legitimacy of our profession and over the legal system itself. How can we expect individuals shut out of the legal system to give it the respect on which it depends?”

— Hon. David S. Tatel, U.S. Court of Appeals for the District of Columbia Circuit, March 3, 2005.



How will Maria get the medical care she needs?

Twelve-year old Maria (a pseudonym) is hospitalized for four days for complications of tuberculosis. Her family is presented with bills totaling \$12,000. That's more than half the family's annual income. The bills are submitted to Medicaid but Medicaid refuses to pay, on the ground that the care was "non-emergent." The family believes Medicaid is wrong, but no one in the family speaks English. They don't understand the intricate rules and exceptions under which, in fact, Maria qualifies for coverage. They obviously can't afford an attorney. How will this family cope?

President Guerin also asked the committee for recommendations about how to meet the challenge of funding needed services.

Our full committee mandate and biographies of our nine members are found in Appendix 1.

The study methodology

Over the course of nearly a year and a half, our committee has studied data, reports, and articles from Wisconsin and elsewhere in the nation. (A bibliography of many of these resources is found at Appendix 7.)

The centerpiece of our work is the comprehensive, in-depth telephone survey we commissioned. We employed the highly respected Wisconsin survey firm, Gene Kroupa & Associates, Madison, to assist us with survey design, question formulation, and administration of the actual survey. The full survey report, found at Appendix 2, spells out the complete methodology.

Two factors stand out: First, the overall number of respondents – 1,122 low-income households – is large and yields a high level of confidence in the results. Most statewide public opinion surveys are based on smaller samples and have larger margins of error. Because of the substantial survey size, the margin of error is quite low, plus or minus 3% overall.

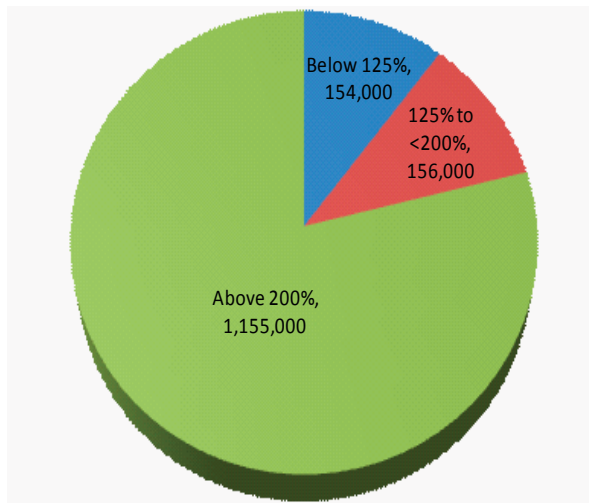
Second, our telephone survey actually required a substantial time commitment from the households who responded. Respondents were asked about legal problems in 13 categories considered significant enough that any reasonable person would consult an attorney, if possible, such as landlord tenant disputes, loss of public benefits, divorce, child custody and collection disputes. (The survey instrument is found at Appendix 3.) Respondents answered at least 68 questions in a survey that took 20 to 30 minutes to complete. Kroupa rated the cooperation of the survey respondents as "excellent."

In addition to the results of our telephone survey, we examined research from Wisconsin and other jurisdictions. Because the issue of access to justice has been studied and reported on extensively, we incorporate in this report lessons and information gathered across the country by study groups like ours.

Whom we surveyed

Our charge was to assess and evaluate the legal needs of low-income residents of our state. We defined this group to include two segments of people: The poorest of the poor, whose incomes fall below 125% of the federal poverty guidelines (FPG), and the "working poor" or "near poor," whose incomes fall between 125% and 200% of FPG. The general distribution of income groups in Wisconsin can be seen in Figure 1.

Figure 1:
Wisconsin Families by Income 2005



Source: CPS POV46 Poverty Status by State: 2005, Families
Percentages refer to federal poverty guidelines

A common benchmark of eligibility for government assistance is 125% of FPG. In 2005, when we began our study, FPG for a family of four was \$19,350; 125% is \$24,188. About 11% of Wisconsin families – consisting of almost 800,000 people – live on incomes that fall below this line.

Those with incomes above 125% of FPG also are considered poor by most experts. Academic and government experts in this field agree that measures of poverty like the FPG are outmoded. Thus, many social service, income and health programs in Wisconsin employ an income eligibility standard higher than FPG. For example, families with incomes as high as 185% of FPG are eligible for Medicaid and BadgerCare benefits. As another example, seniors with incomes in excess of 200% of FPG are eligible for prescription drug assistance under the SeniorCare plan.

We selected 200% of FPG as an upper limit on the incomes of those we studied. As of 2005, 200% of FPG for a family of four was \$38,700. Thus, we studied the needs of many of the people often called the “working poor.” Even families who earn at a level twice as high as the FPG struggle mightily to get by. Those families would have serious difficulty finding room in their household budget to pay for legal help.² About 21% of Wisconsin families – consisting of almost 1.5 million individuals (in total, about 27% of the state’s population) – live on incomes at or below this level.

In composing the survey sample, we made a special effort to include people representing all of the important elements of economic, geographic, social and ethnic diversity of Wisconsin’s communities. The sample was comparable to Wisconsin’s overall population. (See Appendix 2 at 7.)³

The data we collected demonstrate that people confronting the Justice Gap have much in common with the rest of Wisconsin’s population. Many of them pay taxes and are regularly employed. Many are homeowners. More than one-third of those with incomes up to 125% of the FPG and half of those with incomes up to 200% own homes. About 30% live in rural areas, about 30% live in the Milwaukee area, and about 40% live in other urban areas in Wisconsin. They are our neighbors. (See Appendix 2, Table 1.)



With legal help, victims of an auto mechanic training scam recover their losses.

A sham business in Dane County charged \$500 to \$800 for an auto mechanic training kit that supposedly included a training video and would lead to certification of the purchaser as a mechanic. The kits were advertised as sponsored by a prominent local social services agency. When the kits arrived, they contained only a screwdriver and a hammer. Law students in a supervised litigation program sued on behalf of two of the victims and recovered the fees they paid.

Wisconsin's Justice Gap

The poor are confronted regularly with serious legal problems

Our telephone survey confirms what anecdote has suggested: hundreds of thousands of our fellow citizens in Wisconsin need lawyers and other means of legal assistance to meet their basic needs, but few can afford them and even fewer are able to obtain help from existing legal service programs.

- Overall, 45% of the households in our sample confronted at least one serious legal problem last year. That translates to at least 630,000 individuals in our state.

- Nearly 48% of those in the lowest income group (household income of less than \$24,188 per year for a family of four) encountered at least one significant legal problem last year. That amounts to more than 384,000 people.

- At least half of the respondents encountered at least two serious legal problems from among the 13 categories we asked about. In the aggregate, that means that poor families confront about 420,000 legal problems per year.

- These burdens weigh most heavily on families with children. Nearly two-thirds of poor households with children face legal issues.

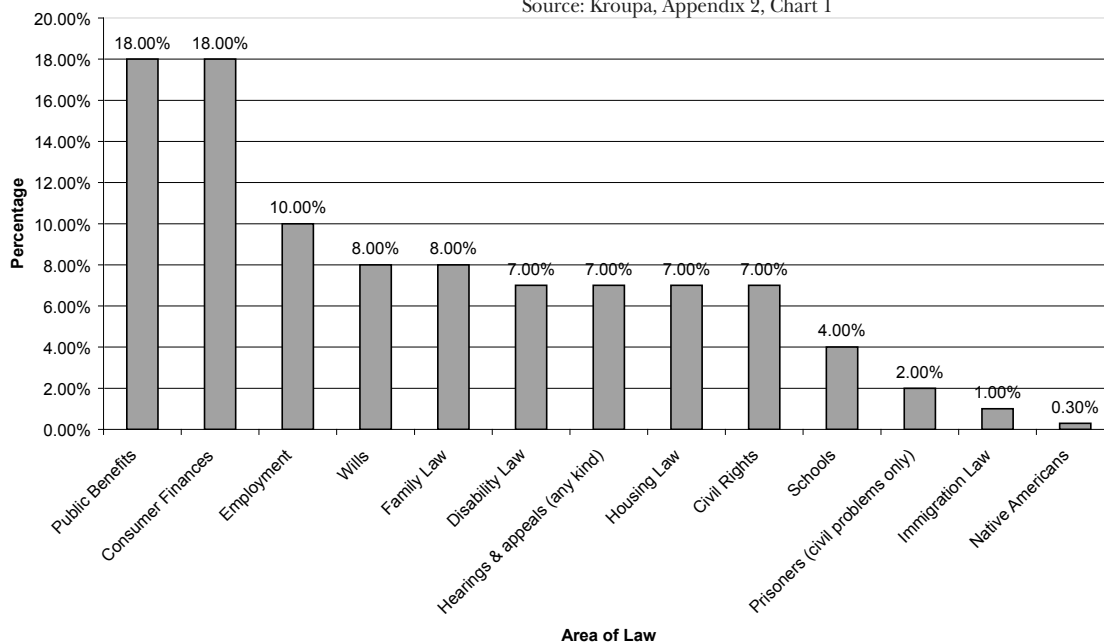
- The incidence of problems was higher among urban poor (about 50%), those under age 55, larger households, renters, and racial and ethnic minorities. Among rural households as a group, nearly one-third reported a significant civil legal need.

- The legal problem most frequently facing the poor, particularly people with disabilities, is the loss or reduction of public benefits. Nearly 70% of the sample received some form of public assistance. For 42% of respondents, at least one person in their household received Medicaid. Nearly 20% of respondents experienced a problem getting or keeping benefits, particularly food stamps, Medicaid, Social Security, or Supplemental Security Income.

- The second most frequently reported legal problem serious enough to merit consulting a lawyer involved financial or consumer-related issues. Nearly 20% of respondents reported such a problem. Leading the list were disputes about unpaid

Figure 2:
Legal Needs of the 45% of Low-Income Wisconsin Residents Who Reported At Least One Legal Problem

Source: Kroupa, Appendix 2, Chart 1



medical bills. About 15% of respondents had been contacted by a collection agency regarding unpaid medical bills. Problems with other creditors, taxes and bankruptcy were next on the list. (See Figure 2 for more detail.)

For the detail underlying these findings, including how they vary by geography, race/ethnicity, age and other factors, please see Appendix 2 at 2-16.

These legal needs are not being met

Although the number of legal issues facing the poor is large and the problems widespread, there are few legal resources to help them. Our telephone survey demonstrated that many respondents asked for legal help but only 27% got help from a lawyer for at least one of the problems they identified and even fewer, 12%, were able to get help for all of their legal problems. Only 8-13% of the respondents reported paying a lawyer to help them. Thus, based on the survey results demonstrating that about 630,000 residents face at least one significant legal problem in a year, more than half a million people in Wisconsin face those problems without legal assistance.

The resources provided to low-income people in Wisconsin are severely limited. Two of Wisconsin's principal providers of legal assistance to the poor, Legal Action of Wisconsin and Wisconsin Judicare, have resources (including staff lawyers and paralegals, volunteer lawyers, and partially compensated private lawyers) to handle only about 16,000 cases per year – about 20% of individuals who qualify for help through their programs. Many who might qualify do not even know about these programs.

Corroborating the fact that the legal needs of the poor are not being met is the fact that litigants are representing themselves in court in ever-increasing numbers. The increase has been so dramatic that in each of its last three strategic plans the Supreme Court has identified the need to provide assistance to unrepresented litigants as one of the top four problems facing the court system.

The Tenth Judicial District, which covers the northwestern corner of the state, investigated the number of self-represented litigants in its region. It reported that in 2005 more than 60% of parties in family cases and more than 50% of parties in large claims civil proceedings (that is, proceedings where even more is at stake than in small claims proceedings) represented themselves. Clerks of court and district court administrators around the state commonly report that in more than two-thirds of family law cases at least one of the parties is unrepresented and that most of the increase appears to be among those who are pro se not by choice but because they cannot afford to hire an attorney.

Our findings about the degree of unmet legal need among low-income people in Wisconsin are consistent with research from around the country, including Oregon (2000), Vermont (2001), New Jersey (2002), Connecticut (2003), Washington (2003), Tennessee (2004), Illinois (2005), and Montana (2005). These studies, as well as a nationwide American Bar Association study in 1993, demonstrate that fewer than 20% of the legal problems experienced by low-income people are addressed with the assistance of a private or legal aid lawyer.

“More than half a million people in Wisconsin face significant legal problems without legal assistance.”

The effects of the Justice Gap

Effects on the poor

In the course of our work, we encountered numerous stories about the difference legal assistance makes. Public interest lawyers, volunteers, and other organizations make a meaningful difference in the lives of low-income persons confronting a serious legal problem.

“ Making legal assistance available to an unrepresented litigant tends to expedite disputes and ease the litigation burden, because trained professionals know how to resolve disputes short of litigation.”

These success stories also demonstrate the risk that befalls a poor person who *cannot* gain access to such help.

Consider these real life examples:

- Maria, the 12 year old whose story is told earlier in this report, was lucky. Her family was put in touch with ABC for Health, a Madison public interest law firm concentrating in health care issues. Represented by a lawyer, the family challenged Medicaid’s decision before an administrative law judge. The lawyer explained to the judge how the child’s condition, when analyzed properly, did meet the federal definition of emergency, and the judge agreed. Medicaid paid more than \$12,000 in hospital charges.

- Edna, 78, owned her modest Milwaukee home free and clear. A home improvement company representative talked her into a new roof and siding for \$25,000. He “helped” her obtain a \$48,000 high-interest, high-cost home equity loan, then made unnecessary repairs to her house in an incomplete and shoddy manner. Edna refused to pay, but could not keep up with the loan and the lender began foreclosure proceedings. The Legal Aid Society helped Edna resolve the foreclosure proceeding, cancel the debt, and complete the work to the house, which she again owns free and clear.

- Beatriz is an immigrant who moved to northern Wisconsin with her American husband and quickly became emotionally and financially isolated. She was unable to retain an attorney because she was prevented from working and had no access to money. Her husband hid her documentation, which prevented her from filing a pro se divorce action. With the help of lawyers and advocates, she left her husband and moved into a shelter. After going to court, she was able to retrieve her belongings and legal documents and obtain a divorce.

- Many more case examples are found in Appendix 4.

Effects on our courts and our government agencies

The lack of access to legal aid undermines the sense of fair play on which our legal system is founded. Our telephone survey revealed that only 39% of respondents who had to go to court to solve their problem had a lawyer at their side, while 63% of them indicated that the other side was represented.

It’s not just the appearance of fairness that is a concern. Our merit-driven adversary system depends upon both parties being well represented. Research confirms, unsurprisingly, that a party with a lawyer can achieve significantly better results than a party who is unrepresented.⁴ Unrepresented parties are much more likely to give up and allow the other party to win by default, or to proceed to trial without conducting discovery or pursuing available motions.

When people represent themselves in court or in contested proceedings before administrative agencies, the proceedings drag. Novices need detailed guidance about the law and procedure that govern their cases. They aren’t proficient at assessing the strengths and weaknesses of their own cases. They lack the experience and the perspective that might encourage settlement. Many are functionally illiterate. Making legal assistance available to an unrepresented litigant tends to expedite disputes and ease the litigation burden, because trained professionals know how to resolve disputes short of litigation.

Furthermore, the higher the tide of unrepresented litigants, the greater the potential for the court’s impartiality to be compromised. “In seeking to insure that justice is done in cases involving pro se litigants, courts must struggle with issues of preserving judicial neutrality (where one side is represented and the other is not), balancing competing demands for court time, and achieving an outcome that is understood by pro se participants and does not lead to further proceedings before finality is reached.”⁵

The rule of law depends in substantial part on the public’s trust in the fairness of the system. For unrepresented litigants intimidated at the front door to the

courthouse or government office building by the complexities of the law, or even for those who brave the proceedings but taste defeat, one result is cynicism. It is all too easy to blame defeat not on the merits but on how the odds were stacked, and on procedures designed for lawyers, not lay people. Such cynicism seriously threatens the credibility and legitimacy of the tribunals, including our courts, where such disputes must be resolved to preserve the peace and order of the community. As California Chief Justice Ronald George observed, “Every day the administration of justice is threatened ... by the erosion of public confidence caused by lack of access.”⁶

Our survey revealed evidence of this cynicism. Regarding some issues, almost half the respondents reported that they felt they were not treated fairly by the legal system. This is not the level of public confidence to which we aspire in the system we serve.

Other effects

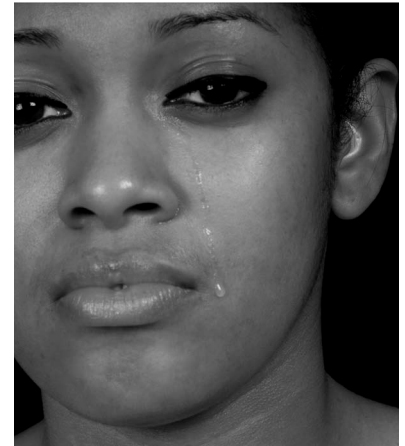
Our common experiences as citizens and as lawyers suggests that the dislocations suffered by low-income persons as a result of not having access to legal assistance are visited upon the community at large. The costs and benefits of access to justice have not been extensively studied. However, the findings of one study conducted at the committee’s request by graduate students at the UW-Madison’s La Follette School of Public Affairs are informative. (See Appendix 8.) The study sought to measure the costs and benefits of providing victims of domestic violence greater access to legal assistance, particularly in obtaining restraining orders against abusers. The researchers concluded that a \$1 million investment in such a program might yield more than \$9 million in net benefits to these victims, who are spared the costs of medical care, mental health care, property damage, lost productivity, and lost quality of life. Similar research might demonstrate the net positive impact of expanding access to justice in other fields. Commissioning a scientific study of the depth and breadth necessary to test this finding in other fields was beyond the committee’s resources.

Three propositions stand to reason, and deserve further study: First, an unrepresented person who loses his or her benefits or his or her home in circumstances in which a lawyer could have helped avoid the loss, or at least mitigated it, likely will to turn for emergency help to the government or to a community agency, the cost of which may equal or exceed the cost of supplying a lawyer in the first place. Legal Action of Wisconsin was able to document more than \$7 million in benefits that it obtained for its clients in 2005 in disputes involving housing, consumer law, family law, public benefits, and individual rights.

Second, business productivity suffers when an employee’s legal problems, compounded by lack of representation, interfere with his or her attention and determination to perform the job.

Third, our state economy suffers the loss of federal dollars when persons eligible for federal or other benefits cannot secure them because they are unrepresented and unsuccessful in navigating the complexities of the benefits system. The dollars that flow into Wisconsin through these benefit programs support our state’s hospitals, clinics, pharmacies, groceries, landlords, retailers, and other industries.

This third proposition is demonstrated by a successful Wisconsin program that provides legal services to the elderly and people with disabilities. The Department of Health and Family Services provides benefit specialists in almost all counties. These “ben specs” are trained and supervised by lawyers. They help clients navigate the complex rules and regulations of government benefit programs and help them secure benefits to which they are entitled by law. The department believes that for every dollar it spends on the program, Wisconsin citizens receive seven dollars in federal and state benefits, plus private insurance coverage. (These programs



Sasha got the legal help she needed to fight for her W-2 benefits.

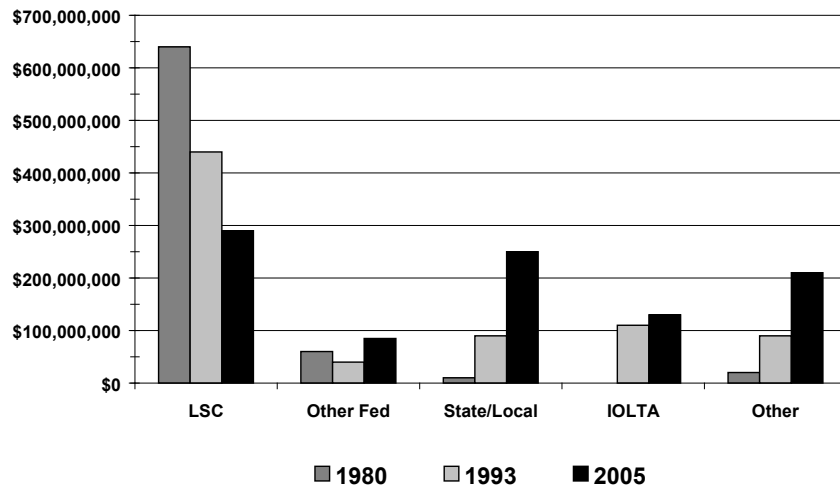
Sasha was eligible for W-2 benefits but her application was denied on a bad hunch. The county worker who was processing Sasha’s application visited Sasha’s garage sale. She saw Sasha’s ex-husband there and assumed the two were living together.

Back at the office, the worker believed that the hunch was confirmed because CCAP showed Sasha’s address as the address of her ex-husband. She terminated the application. In fact, the ex-husband did not live with Sasha. He had stopped by that day merely to pick up some of his belongings. And CCAP listed Sasha’s address as his because his creditors used her address in their pleadings.

Sasha protested but did not know what procedures to follow and forms to file to demonstrate that she and her ex-husband were not living together. A Legal Action of Wisconsin attorney did, and three weeks later Sasha’s benefits were issued. Without this assistance, Sasha and her children might have been homeless.

Figure 3:
National Civil Legal Aid Funding, 1980-2005, Adjusted for Inflation

Source, American Bar Association



demonstrate that nonlawyers can meet certain legal needs of low-income residents.) A study of other efforts by legal service providers to secure public benefits for low-income persons, particularly federal benefits, might demonstrate that these efforts produce a significant economic return to the state’s economy.⁷

Why is there a Justice Gap in Wisconsin?

The largest traditional source of funding for legal services to the poor has been the federal Legal Services Corporation (LSC). However, federal funding of civil legal services has diminished significantly. The 2005 federal appropriation for the LSC, when adjusted for inflation, is roughly one-half of what was appropriated in 1980. Two Wisconsin not-for-profit law firms rely heavily on the LSC for funding, Legal Action of Wisconsin and Wisconsin Judicare. (For a current roster of all providers, together with their current levels of funding, see Appendix 5.) However, the LSC is woefully underfunded. A national study of legal aid programs commissioned by the LSC found in 2005 that for every eligible client who receives assistance another is turned away due to lack of resources.⁸

As Figure 3 demonstrates, to some extent state and local governments are attempting to fill this void.⁹ But Wisconsin has not made the effort made by our neighbors. As noted previously, Wisconsin provides about \$3.8 million annually to benefit specialist programs for the elderly and people with disabilities. But Wisconsin neither provides nor funds any program that provides lawyers to its residents to help them with their general civil legal needs.¹⁰

More than 30 states provide at least a million dollars in funding for general civil legal services to the poor. Among states in the Midwest, Ohio provides more than \$14 million in funds for civil legal services every year, Minnesota provides more than \$12 million, and Michigan more than \$7 million. Last year, Illinois’ appropriation increased from \$2 million to \$3.5 million, and a proposal is pending before the state legislature to increase that amount to \$5 million.

“The current array of funding methods and contributions is not a substitute for stable funding at least at the levels to which other states have committed in order to make legal assistance broadly available to the poor.”

Gap remains despite efforts of legal community

There are other sources of funding for legal services in Wisconsin, including Interest on Lawyers' Trust Accounts (IOLTA), distributed by the Wisconsin Trust Account Foundation (WisTAF), the Equal Justice Fund, and, most recently, the Public Interest Legal Services Fund established by the Supreme Court to collect and distribute the \$50 assessment on all lawyers.¹¹ In 2005, WisTAF distributed \$411,000 in IOLTA funds, and the Equal Justice Fund raised \$135,000 from lawyers, law firms and businesses. Beginning in 2006, WisTAF, through the Public Interest Legal Services Fund, distributed \$776,000 for the general support of legal services to the poor.

On top of their cash contributions and the \$50 assessment, Wisconsin lawyers also contribute significant time to provide free legal services to the poor. Based on responses from approximately 9% of members, the State Bar pro bono survey reported that in 2005 Wisconsin lawyers living in Wisconsin donated about 40,000 pro bono hours in free legal services to the poor, a contribution worth more than \$6 million at market rates. This contribution can be equated with the hours put in by 22 full-time legal aid lawyers.¹²

Some courts and local bar associations have responded to this growth in pro se litigation by establishing free legal clinics in their communities. These projects provide legal information about procedure and forms but no ongoing representation. They are not, however, a solution for a litigant who lacks the experience, the education, and the training to speak for himself or herself as their case proceeds in a courtroom.

Court offices also have responded by increasing the legal information resources available for unrepresented litigants at the courthouse and over the Internet. The Supreme Court initiated a family law forms project accessible statewide by computer. A number of counties large and small have made additional strides in providing self-help assistance to unrepresented litigants. These are all positive developments. However, self help is appropriate only for certain types of matters and litigants and is inherently limited in its scope. It is not an adequate substitute for an attorney at the negotiating table or in the courtroom, especially when the other party is represented by an attorney.

As sizeable as these contributions might seem, and as much as they demonstrate that lawyers lead the way in addressing these problems, there is still an enormous Justice Gap in Wisconsin. The current array of funding methods and contributions is not a substitute for stable funding at least at the levels to which other states have committed in order to make legal assistance broadly available to the poor. The private bar alone is not large enough to solve this problem (especially in northern Wisconsin, where the scarcity of lawyers further limits access to justice). Indeed, a state should not assume that charity can substitute for a government guarantee of equal justice. In a speech at the 1941 meeting of the American Bar Association, U.S. Supreme Court Justice Wiley Rutledge observed: "Equality before the law in a true democracy is a matter of right. It cannot be a matter of charity or of favor or of grace or of discretion."

The time is ripe for change in Wisconsin

Across the nation, there are vibrant efforts to reverse the slide into the Justice Gap. In 2005, the American Bar Association described as "spectacular" the increases in state funding for civil legal services, which totaled more than \$9 million. As of December 2006, the ABA had reported further funding increases in 10 states totaling almost \$13 million.

In Illinois, for example, supporters of civil legal services are seeking annual funding of \$5 million. In previous years, the legislature had appropriated only



Medicaid refused to pay for Kyle's specialty bed to protect his brittle bones ... that is, until a lawyer worked to reverse that decision.

Jody's 11-year-old son, Kyle, suffers from a seizure disorder and is confined to a specialty bed that protects his brittle bones from his violent seizures. He receives Medicaid. Jody learned that Kyle's bed had been recalled due to a risk of feeding tubes becoming entangled in the bed. Medicaid refused to pay for a new bed on the ground that the bed was not "medically necessary" for Kyle. A public interest attorney with specialized training in Medicaid procedures obtained a reversal of the decision, but only after an investment of 33 hours of her time and professional acumen. What would any mother in Jody's position do without an attorney?



Edna nearly lost her modest home as a result of a home improvement scam.

Edna, 78, owned her modest Milwaukee home free and clear. A home improvement company representative talked her into a new roof and siding for \$25,000. He “helped” her obtain a \$48,000 high-interest, high-cost home equity loan, then made unnecessary repairs to her house in an incomplete and shoddy manner. Edna refused to pay, but could not keep up with the loan and the lender began foreclosure proceedings. The Legal Aid Society helped Edna resolve the foreclosure proceeding, cancel the debt, and complete the work to the house, which she again owns free and clear.

\$500,000. According to Leslie Corbett, executive director of the Illinois Equal Justice Foundation, the legislature’s heightened commitment to legal services funding came after reports revealed to legislators “cold, hard numbers” about how many of their constituents were unable to obtain the civil legal assistance they urgently needed.

Similarly, in 2006 in New Mexico, the state’s supreme court acted on a report by the state’s Access to Justice Commission, which recommended that: 1) attorneys be required to complete more than the 50 hours of pro bono work currently recommended each year; 2) attorneys who do not meet the pro bono requirement pay \$500 toward civil legal services; and 3) the state legislature at least double funding for civil legal aid to \$2 million.

The ABA itself addressed the civil legal needs of the poor in 2006. The ABA House of Delegates proclaimed its support for a civil right to legal counsel:

“Resolved that the American Bar Association urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low-income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction.”

The State Bar of Wisconsin has long been committed to similar policies. It is its stated policy to “support policies which encourage or enhance the quality and availability of legal services to the public” and support “State general purpose revenue funding . . . to adequately provide low income citizens access to the legal system.”¹³

Backing up its pronouncements with concrete action, the State Bar has demonstrated its support for low-income civil legal services in myriad ways. The State Bar funded this committee’s efforts. The State Bar created a full-time pro bono coordinator staff position and has filled the position with an accomplished lawyer who has distinguished himself in the field of public interest law. The State Bar encourages improvements in the delivery of pro bono services with Pro Bono Initiative grants, maintains free liability insurance for volunteer lawyers, and rewards outstanding volunteers with continuing legal education vouchers.

In 1996, the State Bar convened the Commission on the Delivery of Legal Services. The commission’s report presaged many of the recommendations we make later in this report and promoted access-to-justice solutions that have become reality, such as self-help centers, pro se forms, and systematic, statewide coordination of pro bono efforts. The State Bar has gone to bat before the Supreme Court for initiatives ranging from unbundling legal services¹⁴ to lawyer assistance in self-representation. The State Bar helped launch the Equal Justice Fund Campaign to raise donations for the provision of civil legal services, and made its own substantial donation.

In sum, that so many states have begun public or expanded funding of civil legal services for the poor in the recent past, and that state and national bar associations have pledged their support for such funding, demonstrates that this is an idea whose time has come. Wisconsin must get in step with the rest of the nation.

Recommendations

All of us in Wisconsin, and particularly those who practice in Wisconsin and lead our communities, have a stake in equal justice for all Wisconsinites. Indeed, the needs we have identified require action by all stakeholders. Thus, we make the following recommendations to enable Wisconsin to keep its promise of equal justice to all.

We begin by laying out our primary recommendations, followed by other recommendations we make for individual stakeholders.

Primary recommendations

1 The Wisconsin Supreme Court, in cooperation with the Governor, the Legislature, and the State Bar, should establish a permanent Access to Justice Commission under the auspices of the Supreme Court to supervise the long-term effort needed to accomplish these recommendations.

We have studied closely the history of efforts elsewhere in the nation to bring about improved funding of civil legal services. A key element of a successful campaign for change is a broad-based coalition of influential leaders across the state, including state agencies, the legal profession, legal service providers, law schools, industry, and the citizenry, with significant leadership from the courts, the legislature, the governor's office, and the bar.

Members of this new commission might be appointed as follows: Three members appointed by the governor, two by the president of the Senate, two by the speaker of the Assembly, three by the chief justice, three by the president of the State Bar, and one by each law school dean. Care should be taken to ensure that members of the public outside the legal profession are appointed.

2 The Wisconsin Legislature should provide funding of civil legal services for low-income residents of Wisconsin adequate to meet the needs at least of those who currently are turned away for lack of funding.

Currently the needs of only about 12% of low-income residents of Wisconsin are being met satisfactorily. This implies that an investment many times the size of the current expenditures may be needed to meet the current need. However, because services currently operate on such a small scale in comparison to the size of the problem, economies of scale made possible by a full-fledged, coordinated legal services program might significantly limit the overall cost of such a program.

At a minimum, the state must meet the most urgent need. The Legislature should appropriate funds sufficient to enable legal service providers to serve at least those eligible persons who seek their services and are turned away simply for lack of funds. We believe that will entail an annual state investment of approximately \$16 million, which is the amount currently spent on programs that are forced to turn away about half of those who qualify for their services (see Appendix 5). An annual appropriation of \$16 million for civil legal services for the poor would constitute only about one-tenth of one percent of the state's annual general purpose revenue budget allocations.¹⁵

These funds might be allocated by an independent board organized and operated like the Wisconsin Trust Account Foundation, which administers the Interest on Lawyers' Trust Account Program, and borrowing from its expertise.

“Wisconsin must get in step with the rest of the nation.”

3 The Legislature should fund self-help centers connected to every courthouse in Wisconsin.

Self-help centers, open during all business hours and staffed by a knowledgeable assistant, enable many unrepresented litigants to accomplish uncomplicated legal objectives by themselves and to get basic guidance in legal procedure, particularly in family court and in small claims court. While these services are not a solution for people who are illiterate or those incapable of representing themselves, there are many who have made successful use of such programs.¹⁶

Ideally, every courthouse in Wisconsin would contain a self-help center. However, videoconference and computer technology may permit access from more remote courthouses to self-help centers in regional locations.

4 The Wisconsin Supreme Court should modify ethics rules and procedural rules to permit paralegals to advocate in court and before agencies on a limited basis.

In an ideal justice system, every client would receive the assistance of an experienced, well-trained lawyer. The reality in Wisconsin, however, is that there are not enough lawyers in Wisconsin to meet the needs of all potential clients. Thus, for decades, lawyers and clients have relied on paralegals.

As discussed previously, the state's benefit specialist programs demonstrate the potential for trained and supervised nonlawyers to help fill the Justice Gap. Programs such as these will make an even more effective solution if specialists are permitted to advocate for their clients in proceedings in court and before administrative agencies. Lay advocates are used extensively and successfully in tribal courts located within Wisconsin. The available research shows that trained paralegals under the supervision of a lawyer can be effective, efficient advocates in simple proceedings involving, for example, harassment injunctions, public benefit eligibility, benefit coverage and termination, and small claims.

5 Where possible, clients should be required to pay for a portion of the services they receive, based on their ability to pay.

To defray a portion of the cost of providing civil legal services, those who receive the services should be required to pay a reduced fee, on a sliding scale depending on income. Many who have studied the delicate issue of requiring consumers to contribute something toward the cost of legal services favor such a proposal. Our telephone survey revealed that a majority of respondents, even those with the lowest incomes, are willing to contribute to the cost of services they receive.

6 Civil legal services should not be financed by an increase in filing fees.

We recommend against paying for civil legal services by raising filing fees or imposing other general "service" fees on those who use the courts. The fees imposed on litigants in Wisconsin are already higher than average, and increased fees themselves become barriers to access to justice. In other states where new programs were paid for by increased filing fees, the existing fees were lower than Wisconsin's.

Other major recommendations

7 The Wisconsin Supreme Court:

- a. **The Wisconsin Supreme Court should seek funding for and organize self-help centers connected to every courthouse in Wisconsin.**
- b. **The Wisconsin Supreme Court should make permanent the modest mandatory assessment upon lawyers to the Public Interest Legal Services Fund and expand it to judges as well.**

What has come to be known as the WisTAF assessment, currently set at \$50, represents a concrete financial commitment by all lawyers that will continue to demonstrate lawyers' leadership on these critical issues. Because judges are members of the legal community and because the leadership of judges is critical to ensuring equal access to justice, judges, too, should pay this assessment.

c. The Wisconsin Supreme Court should adopt new ethics rules that support expanded voluntary pro bono contributions by lawyers.

Although the Supreme Court may turn to other matters before revisiting the Code of Professional Conduct again soon, the code deserves amendment in order to encourage and expand pro bono practice. Lawyers who reside in Wisconsin but are licensed and in good standing elsewhere should be permitted to represent pro bono clients in Wisconsin even before being admitted to practice here, and inactive bar members should be permitted to engage in a limited amount of pro bono work without incurring dues. Practice rules like these have been adopted in New York, Colorado, Washington, and elsewhere.

d. The Wisconsin Supreme Court should organize efforts by judges to promote pro bono service.

Active participation by judges in encouraging lawyers to be faithful to their pro bono obligations is a proven way of expanding pro bono services. In matters of justice and fair play, lawyers are sensitive to the expectations of judges. In a number of other states including Minnesota, Indiana, and Maryland, judges join lawyers in organized programs to promote pro bono service. Judges speak to law students, new lawyers, and seasoned practitioners about the importance of such service and its personal and professional benefits. Judges assist in training lawyers. Judges participate in awards ceremonies to honor extraordinary performance. The Supreme Court should encourage judges to take a leadership role in spreading the pro bono ethic among lawyers¹⁷

8 State and federal agencies should permit qualified nonlawyers to appear and advocate on behalf of low-income clients.

Many, but not all, government agencies already permit nonlawyers to appear on behalf of applicants and advocate for them. To attain maximum benefit from the legal services that might be provided by paralegals, administrative agencies should revise their rules and processes to permit these nontraditional methods of practice.

9 Lawyers, with the support of their law firms and in-house legal departments, should expand their pro bono contributions of time and money.

As the 2005 State Bar pro bono survey demonstrated (see Appendix 6), many Wisconsin lawyers have fulfilled their obligation under SCR 20:6.1 to provide legal services to all who seek justice, and not merely those who can afford what lawyers charge.

Congratulations are due to those who made the effort and are answering the call to make a contribution, but there is still considerable room for improvement. The 2005 pro bono survey revealed that only 57% of respondents provided free legal services to low-income persons, only 38% provided reduced fee legal services to the poor, and only 29% made a voluntary donation of money to fund legal aid to the poor.

a. Lawyers should take advantage of new rules permitting lawyers to provide short-term limited legal services without creating imputed conflicts.

One of the principal concerns heard from lawyers about providing legal services to low-income persons is that the work presents a conflict of interest for the lawyer's firm. The individual lawyer might not represent landlords, finance companies, utilities or the like, but an imputed conflict arises if other lawyers in the firm do so.

This concern is met, at least in part, by the new SCR 20:6.5, one of the Ethics 2000 rule changes approved by the Supreme Court, effective July 1, 2007. SCR 20:6.5 permits lawyers, under the auspices of a program sponsored by, for example, a legal service provider, the bar, a law school, or a court, to provide short-term legal services without continuing representation, and permits such services in circumstances that might otherwise give rise to a conflict of interest. This rule was designed to make the personal and professional rewards of pro bono work available to a much wider pool of lawyers.

Legal service providers, the law schools, other nonprofit organizations, and circuit courts should review their practices to create more of these opportunities.

b. Law firms and in-house legal departments should study and adopt the sophisticated pro bono practices found in other communities around the nation.

Lawyers in other communities around the nation, including Minneapolis, Chicago, Boston, and New York, contribute more of their time to pro bono services than lawyers in Wisconsin. One reason is that the local legal culture sets higher expectations for those lawyers and the practice of pro bono work is better supported. Law firm foundations and groups of law firms directly fund public interest legal programs, and pay for staff positions and their own lawyers to volunteer in such programs through pro bono externships. Within law firms, the practice of pro bono work is more structured and systematized; it is more highly valued. Firms adopt and implement written pro bono policies and appoint senior lawyers to coordinate pro bono work within the firm and set expectations for new lawyers. The firms commit to measurable pro bono goals – and then report on them publicly. In Wisconsin, robust pro bono programs like these are the exception, not the rule.

10 The State Bar of Wisconsin:

a. The State Bar of Wisconsin should endorse this report and approve its dissemination to the Wisconsin Supreme Court and the Wisconsin Legislature.

b. The State Bar of Wisconsin should support a permanent moderate mandatory assessment upon lawyers and judges to fund civil legal services.

c. The State Bar of Wisconsin should help the Supreme Court establish a permanent Access to Justice Commission under the auspices of the Supreme Court to supervise the long-term, coordinated effort needed to accomplish these recommendations.

d. The State Bar of Wisconsin should expand the Lawyer Referral & Information Service to include a panel of attorneys willing to offer limited scope representation and/or reduced fees to clients who qualify based on income.

e. The State Bar of Wisconsin should foster a market for affordable limited legal services by organizing CLE programs on unbundling and by promoting unbundling as a viable means of practice and meeting currently unmet legal needs.

Amendments to the Rules of Professional Conduct that explicitly permit lawyers to provide “limited representation” legal services go into effect on July 1, 2007. Lawyers currently provide such services, but the changes to the ethics rules, including SCR 20:1.2, might make limited representation more commonplace. Limited representation is a key aspect of an efficient program of improving access to justice for the poor by enabling clients with some ability to pay to purchase only those services they need or can afford.

f. The State Bar of Wisconsin should fund projects that demonstrate the gains to be achieved by these recommendations.

g. The State Bar of Wisconsin should adopt a resolution akin to ABA House of Delegates Resolution 112A calling for the recognition of a human right to a lawyer in civil cases where basic human needs are at stake.

h. The State Bar of Wisconsin should provide the administrative support and guidance necessary to organize expanded pro bono programs funded by law firms.

- i. **The State Bar of Wisconsin should continue to encourage and support greater levels of pro bono service from its members.**
- j. **The State Bar of Wisconsin should coordinate the implementation of these recommendations with the study of best practices in delivery of legal services being conducted by the State Bar Legal Assistance Committee.**

In particular, the Legal Assistance Committee should explore with the Attorney General ways to enable government lawyers to practice appropriate pro bono legal service while protecting the genuine interests of the state and local governments whom these lawyers represent.

- k. **The State Bar of Wisconsin should conduct another telephone survey of low-income households in Wisconsin in five years (2011) to measure the progress being made to close the Justice Gap.**

11 Public interest law firms and nonprofit legal services organizations should continue to search for and experiment with innovative methods of legal services delivery.¹⁸

Legal service providers in Wisconsin devote the bulk of their efforts on the front lines trying to help the most desperate of their clients. But they have much more to offer in the way of the experience and expertise needed to implement a coordinated, multiple-point-of-access and multiple-service-model approach to ensuring legal services for all low-income people. Consistent with any limitations on their operations imposed by state or federal law or granting authorities, legal service providers should do the following:

- a. **Nonprofit legal service providers should be key participants in the Access to Justice Commission.**
- b. **Nonprofit legal service providers should study and report on effective and efficient legal service delivery strategies and data about their results.**
- c. **Nonprofit legal service providers should expand programs (including externships) that recruit and train pro bono lawyers and provide and support pro bono service opportunities.**

12 The University of Wisconsin Law School and Marquette Law School should support efforts to close the Justice Gap.

Wisconsin's two law schools have a long history of sensitizing students to the need for lawyers to serve the legal needs of the poor and opportunities to provide legal services. The personal commitment of Howard Eisenberg, the late dean of Marquette Law School, set an extraordinary example for students, faculty, and lawyers across the state. As the two institutions responsible for preparation of lawyers, Wisconsin's two law schools have an extremely important role in expanding access to justice.

- a. **Wisconsin's two law schools should set an example of commitment to equal justice.**

There are any number of ways that law school administrators and law school faculty members can demonstrate to students – to future lawyers upon whom the profession confers the responsibility to ensure access to justice for all – that access to justice is vital. For example, they can:

- Join students in performing pro bono services and providing legal information;
- Testify before legislative committees in support of access-to-justice initiatives;
- Appear as friends of the court in proceedings affecting legal services to the poor;
- Teach legal service providers and pro bono practitioners the fine points of the law governing transactions that routinely involve the poor, such as consumer law or administrative law;
- Give special recognition to students who perform pro bono service hours;
- Revise tenure criteria to recognize pro bono service; and

- Integrate into course work presentations by practicing attorneys about how lawyers meet their ethical obligation to provide pro bono services.

b. Wisconsin’s two law schools should expand clinical programs to provide more civil legal services.

Both law schools already sponsor clinics and programs that serve low-income populations. These clinics and programs should be expanded and others founded and all should be adequately and permanently funded so that students, faculty, and administrators have full-fledged opportunities to meet their professional obligations to those who can’t afford lawyers. Students should be required, as a condition of graduation, to participate in a clinical program serving low-income people or to participate in qualified pro bono projects sponsored by others or organized by students themselves. The law schools should work with private law firms and the State Bar to develop more public interest summer and academic year clerkships and to increase Public Interest Law Foundation grants for summer internships and clerkships at nonprofit organizations.

c. Wisconsin’s two law schools should encourage students to perform pro bono services upon graduation.

The law schools should help develop public interest law programs that assist students interested in pursuing careers in public interest law and pro bono services. The law schools should continue to fund and expand their loan repayment assistance programs for graduates who accept positions at public interest law firms. The law schools should encourage law students to pledge a small portion of their post-graduation earnings, for example, one percent per year, to support legal services programs or the law school’s loan forgiveness program. The law schools should encourage on-campus interviewers to inform law student applicants about how their law firm or organization helps its attorneys fulfill their pro bono obligations.

d. Wisconsin’s two law schools should study and teach how the law ensures equal access to justice.

The best contribution law schools can make is by doing what law schools do best: studying, reporting, and teaching. The law schools should convene public interest entities and support their work, as Marquette University’s Coalition for Access to Legal Resources initiative has demonstrated. Likewise, the professional responsibilities curriculum should be bolstered to emphasize a lawyer’s ethical duty to perform pro bono services and suggest the many practical ways these duties can be discharged.

Conclusion

Among the issues that perennially face the bar is how to demonstrate that having the services of a lawyer makes a difference. The State Bar has gone to great lengths to brand the profession, to educate the public, and to promote the difference that it makes for one to have the expertise and problem-solving skills of a lawyer.

And in the realm of civil legal services for the poor, the State Bar and its members have put their money where their mouths are, so to speak. The State Bar and especially its members have made generous charitable and pro bono contributions to support civil legal services to the poor. All lawyers support these services through the Supreme Court's assessment to the Public Interest Legal Services Fund, administered through WisTAF.

The next logical step is support for an expanded range of state funding of civil legal services for the poor, for whom having a lawyer makes a vital difference. This difference is especially important for the most vulnerable of our neighbors when their legal problems implicate their basic human needs.

For the State Bar and its members to take this stand will stand as witness to equal justice: If having a lawyer truly matters, can we possibly say there is anyone who doesn't deserve a lawyer?

On the façade of the United States Supreme Court building is engraved a four word promise to all citizens: EQUAL JUSTICE UNDER LAW. As Justice Lewis Powell once observed: "Equal justice under law is not just a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society ... It is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Our fidelity to that promise is not broken, but we need to keep that promise as consistently as we proclaim it. We offer this report and our recommendations in hopes that the inequities we have identified will be remedied through a comprehensive program to fund and provide civil legal services in Wisconsin.

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Endnotes

- ¹ We acknowledge the October 2005 report of the Legal Services Corporation, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, a report that concludes that at least 80 percent of the civil legal needs of low-income Americans are not being met.
- ² Consumer expenditure survey data compiled annually by the U.S. Department of Labor Bureau of Labor Statistics demonstrate that a family of four with an annual income around \$40,000 exhausts virtually all of its income just covering the basics – food, housing, utilities, transportation, health insurance and health care, apparel, and child care – leaving little or nothing to cover the expense of legal help.
- ³ The survey was conducted by landline telephone (as almost all telephone surveys are), which limited its reach somewhat. This method is likely to exclude the homeless, those without landline telephone service (according to Kroupa, about 7% of all US households rely only on cellular phones, and that percentage may be higher among some key racial and ethnic populations), and the incarcerated and institutionalized. Further, some people are reluctant to participate, such as undocumented immigrants and victims of domestic violence. There are other means of reaching people without landline phones, for example, focus groups, personal interviews, and surveys of community gatherings, but collecting a large enough pool of reliable data using these methods was beyond the committee's resources.
- ⁴ For example, the Equal Rights Division of the state Department of Workforce Development tracks outcomes in probable cause hearings and found that complainants with counsel are successful more than 42% of the time while complainants without are successful only 17% of the time. In a probable cause hearing, the ERD determines whether there is enough believable evidence of job discrimination to let the case move forward to a hearing on the merits. Judges in Rock County reported a similar disparity in outcomes in cases involving domestic abuse injunctions. Large numbers of abuse victims who are unrepresented give up before the case comes to a final hearing. Abuse victims who are represented regularly appear and most often prevail. Judge James Daley observed, "I doubt that this circumstance is the result of [a] chang[e] of mind[] or that the abuse complained of in the petition stops." See also Barbara Bezdek, *Silence in the Court: Participation and Subordination of Poor Tenants' Voices in the Legal Process*, 20 Hofstra L. Rev. 533 (1992); Seron et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of A Randomized Experiment*, 35 Law & Soc'y Rev. 419 (2001); Herbert Kritzer, *Legal Advocacy: Lawyers and Nonlawyers at Work*. Ann Arbor, MI: University of Michigan Press (1998); Herbert Kritzer, *The Professions Are Dead, Long Live the Professions: Legal Practice in a Post-Professional World*. 33 Law & Society Review. 713-59 (1999).
- ⁵ Report to the ABA House of Delegates from the ABA Task Force on Access to Civil Justice (August 2006).
- ⁶ Chief Justice Ronald George, State of Judiciary Speech to California Legislature, 2001.
- ⁷ A study of the economic benefits in Nebraska suggests such a return, but a thorough, independent study of the scope of the issues in Wisconsin was beyond the resources of this committee.
- ⁸ *Documenting the Justice Gap in America supra* note 1, at 5. It also should be noted that many of the cases in which local programs reported they provided services were ones where limited resources meant they only were able to supply self-help assistance, but believed full representation would have led to a better outcome for the clients. *Id.* at 6 n.8.) Further, the study counted only those who had contacted the program for assistance, not the many who were not aware of such programs or were discouraged by previous turn-downs.
- ⁹ As Figure 1 demonstrates, federal funding from other sources has filled the gap somewhat as well (for example, funding provided through the Department of Housing and Urban Development and under the auspices of the Violence Against Women Act and the Older Americans Act). But Figure 1 also demonstrates that these small increases do not restore the shortfall.
- ¹⁰ The state and Wisconsin counties together spend a considerable amount on providing lawyers to those accused of crimes, but that does not solve the problem of access to civil legal services. Appointment of counsel in criminal cases for indigent defendants is mandated by the Constitution (although for many indigents accused of a crime, the state's outmoded eligibility standards render this promise hollow).
- ¹¹ The IOLTA program, created by the Supreme Court, generates funds for civil legal services by requiring funds held in trust for clients to be deposited in interest-bearing accounts; the interest is paid to the Wisconsin Trust Account Foundation (WisTAF), which distributes it to nonprofit legal organizations around the state through a program of grants. WisTAF also administers the PILSF fund, which was created by the Supreme Court's imposition of a mandatory assessment on every Wisconsin lawyer of \$50.00 to fund legal assistance to the poor. The Equal Justice Fund is a nonprofit foundation established by lawyers to solicit donations for legal assistance to the poor and make grants to nonprofit legal organizations.
- ¹² Those who responded to the survey donated 44 hours on average; the median donation was 25 hours.
- ¹³ Similarly, it is the stated policy of the bar to "support the inherent judicial power to appoint attorneys to assist the court in the fair administration of justice by service as counsel for parties."
- ¹⁴ "Unbundling" refers to limiting the scope of legal representation. It refers to the practice of offering clients a menu of discrete services from which a client can choose without being required to retain the lawyer to perform the entire menu. For example, a client in need of a divorce might agree with a lawyer to have the lawyer only draft the marital settlement agreement, while the client takes on the other tasks

necessary to accomplish the divorce. This style of practice may make more services affordable for low-income clients.

¹⁵ While it is our recommendation that state funding of civil legal services be appropriated from general purpose revenue, the Legislature should consider other funding options. For example, the Legislature should consider dedicating undistributed class action awards to civil legal services through the mechanism of *cy pres*, the doctrine that authorizes a court to award such funds to worthy pursuits that serve the public interest. Other states have enacted or are considering approaches like this to help fund civil legal services. These and other creative funding alternatives are regularly evaluated by the ABA Standing Committee on Legal Aid and Indigent Defendants Project to Expand Resources for Legal Services. The most recent evaluation, "Innovative Fundraising Ideas for Legal Services," was published in 2004.

¹⁶ An award-winning self-help center opened in 2002 in Waukesha County has served as a model for the nation, although recent funding cuts have now limited its hours of operation.

¹⁷ Actions speak louder than words, of course. The Supreme Court should study ways to enable judges to volunteer in programs that provide assistance to those who cannot afford lawyers, perhaps by providing general information in a self-help center or other program where legal information is offered outside the context of an attorney-client relationship to persons who are unlikely to appear before the judge. In such a capacity, judges would become much more effective role pro bono role models.

¹⁸ A note about technology as a substitute for legal professionals: Our survey demonstrates that the computer is not a reliable alternative to the direct assistance of a lawyer, paralegal, or legal information provider. Respondents told us that they have not been able to use computers to navigate their way to meaningful information as a substitute for having a lawyer; only 28% said they would be willing to use the Internet to help solve legal issues. Nor have other means of inexpensively trying to get legal information to the poor sufficed to replace legal professionals. Telephone hotline campaigns and brochures and the like have generally not enabled unrepresented persons to overcome their lack of experience with courts and administrative agencies.

Appendix 1

About the Access to Justice Committee

Committee Charge - Wisconsin Access to Justice Study Committee

The State Bar of Wisconsin recognizes that the establishment of Justice is a fundamental ingredient in an egalitarian, free and democratic society. Echoes of the ideal of establishing Justice can be found throughout the United States and Wisconsin Constitutions, our court decisions, laws and the rules that govern our profession. The frieze over the main entrance to the United States Supreme Court reflects this national aspiration of providing “Equal Justice Under Law.”

There is broad agreement in Wisconsin’s legal community and among Wisconsin citizens that the reality and the perception of equal access to the civil justice system is jeopardized by the apparent increase in the number of Wisconsin residents who need and desire, but are unable to afford or access, an attorney to advise them regarding their legal rights. Our courts and members have noted the substantial rise in the percentage of unrepresented and unprepared participants at various points of entry into the justice system, many of whom are unrepresented out of necessity, not by choice. This development does have consequences. Access to a lawyer is increasingly necessary for any meaningful access to justice. As our Supreme Court recently warned, “The very integrity of our justice system is compromised when legal representation for critical needs is available only to those with financial means.”

There appear to be many factors affecting the apparent rise in the numbers of unrepresented and unprepared low income persons in the legal system. These include: the steady decline in federal, state and other sources of support for organizations that specialize in providing such assistance; increases in the number and complexity of laws governing major life events in our society; structural changes in the economy that have added large numbers of chronically unemployed, underemployed and “working poor” residents to the ranks of those unable to pay a lawyer to help them; increased specialization in the legal profession; the uneven geographic distribution of lawyers in Wisconsin; the rising cost of hiring a lawyer; and increased demands from all quarters on the finite time and resources that lawyers have available. These challenges are great but they are not insurmountable.

A goal as lofty as “equal justice under law” deserves periodic assessment to gauge whether we are moving closer to our ideal and to reengage all those with responsibility for finding a solution to this pressing societal issue.

Therefore, the purpose of the Wisconsin Access to Justice Study Committee is to oversee the development of a rigorous assessment and analysis of the civil legal needs of low income Wisconsin residents and to evaluate and make recommendations for long-term solutions where improvement is necessary. Any study should identify those persons or communities with unmet legal needs, the nature of the legal needs, how those needs are distributed throughout the state, the reasons why the needs are not being met, ways the needs could be met and the major social impact on our communities of allowing these legal needs to go unaddressed. The Committee will collaborate with people and organizations that can assist it in this task, including: legal services providers, the courts, bar associations, legislative bodies, Wisconsin’s law schools, legal services funding organizations, and other relevant agencies both public and private. The Committee will complete its work and provide its final report with recommendations for action to the President of the State Bar of Wisconsin by December 31, 2006. However, the Committee will also present interim information or reports on its progress to the Board of Governors as requested by the President.

This will be a working committee of the Bar, responsible for setting the overall direction and parameters of the study, for drafting the final report and recommendations to the Bar based on the research it commissions, for managing its activities within the budget set by the Finance Committee, for overseeing the work of those contracted to conduct any survey work and for meeting the deadlines for providing its work product to the President. Within 60 days of its appointment, the Committee will provide the President with a written statement of the scope of its proposed work. The Bar anticipates hiring a part-time professional staff person to support the Committee’s needs and that person will report to the Bar’s Pro Bono Coordinator, Jeff Brown, who will also devote approximately 25% of his time to supporting the Committee.

Committee Member Biographies

Betsy J. Abramson is an attorney and consultant in elder and disability law, primarily in the area of abuse and neglect of vulnerable adults. Betsy has practiced public interest elder law for more than 20 years, first as director of the Elderly Team at the Center for Public Representation and then as the founder and director of the Elder Law Center of the Coalition of Wisconsin Aging Groups. From 2003-2005 she was a clinical assistant professor at the U.W. Law School where she developed and ran an Elder Law Clinic. Ms. Abramson has represented the elderly in the Wisconsin legislature and has written numerous consumer and professional education materials on a broad range of elder law topics. She currently serves on the Governor's eHealth Care Quality and Patient Safety Board and has served on three Wisconsin Legislative Council committees as well as numerous administrative agency work groups. She received her undergraduate and law degrees from the University of Wisconsin.

Howard J. Bichler is the tribal attorney for the St. Croix Chippewa Indians of Wisconsin. Before his current tribal attorney position he was an attorney with Wisconsin Judicare for six and one-half years and an attorney/planner with the Southeastern Wisconsin Regional Planning Commission. He is a past chairman of the Indian Law Section Board of the State Bar of Wisconsin. He is also a past member of the Board of Governors of the State Bar of Wisconsin and served on the bar's Executive Committee. Mr. Bichler is a member of the Legislative Council Committee on State Tribal Relations. He received his B.A. from the University of Wisconsin-Madison in 1973 and his J.D. from Marquette University Law School in 1976.

James M. Brennan is the chief staff attorney of the Legal Aid Society of Milwaukee's Civil Division, managing attorney, in-house ethics consultant, and lawyer for Milwaukee's limited means individuals, homeless, disabled, families and children. State Bar of Wisconsin: Current representative from Milwaukee on the Board of Governors and from 1997-2005; Member: Access to Justice Study Committee and Legal Assistance Committee. Milwaukee Bar Association: Elected to three-year term (2004-07) as a director of the MBA Board. Member: Courts, Legal Services to the Indigent, and Professionalism Committees. Mr. Brennan is a frequent CLE speaker on access to justice and judicial independence issues. He received his undergraduate degree from Marquette University in 1971 and his law degree from Marquette University Law School in 1976.

Hon. Ramona A. Gonzalez was elected to the La Crosse County Circuit Court in 1995. Prior to her judgeship, she was an attorney at Bosshard & Associates in La Crosse for almost nine years. She focused on family law, probate and civil litigation and appeals. From 1982 to 1995 Gonzalez served as the judicial court commissioner to La Crosse County Circuit Court Judge Peter G. Pappas. As an attorney she also served for three years on the Board of Attorneys Professional Responsibility, which oversaw lawyer discipline for the Wisconsin Supreme Court. Currently she is a member of both the Judicial Education Committee and the Commission on Judicial Elections and Ethics. Judge Gonzalez received her bachelor's degree in political science from Loyola University in Chicago in 1978 and her law degree from Marquette University Law School in 1981.

Jo Deen Lowe is the deputy attorney general for the Forest County Potawatomi Community in its Crandon office where she and other attorneys advise the elected government officials and department heads on those matters faced by a sovereign tribal government with diverse interests and legal needs. Ms. Lowe is also a Justice Pro Tempore of the Ho-Chunk Nation's Supreme Court and a tribal member. She formerly served as a justice on the Ho-Chunk Nation Supreme Court and as the Jackson County district attorney. She is an alumnus of Wisconsin Judicare's Indian Law Unit. She currently serves as a non-voting liaison from the Indian Law Section to the State Bar Board of Governors, utilizing her expertise to educate and inform that body concerning the potential impact of its actions and decisions on attorneys engaged in a practice involving tribes and tribal people. Ms. Lowe received her law degree from the University of Wisconsin Law School in 1985.

Richard J. Sankovitz, the chair of the committee, is a circuit court judge in Milwaukee County. He is a former chair of the Planning Subcommittee of the Supreme Court's Planning and Policy Advisory Committee. He is a member of the Milwaukee Bar Association's Legal Services to the Indigent Committee. He serves on the Milwaukee County Self-Help Center Steering Committee. He was appointed to the bench by Gov. Thompson in 1996. He presided for eight years in the criminal division and has presided for nearly three years in the civil division. Before his appointment, Judge Sankovitz was a shareholder in the law firm of Whyte Hirschboeck Dudek S.C., practicing business and commercial litigation. His pro bono contributions have been recognized in awards conferred by the MYLA/LAW Volunteer Lawyers Project in 1992 and 2003, and from the Association for Women Lawyers in 2000. He is a graduate of Marquette University and Harvard Law School (1983).



Rachel A. Schneider is a partner with Quarles & Brady LLP in Milwaukee. She advises clients regarding environmental compliance and litigation matters, including CERCLA litigation, negotiation and cleanups; compliance with state and federal air, waste, and water regulations; and compliance with community right-to-know provisions. Recipient of the 2002 Individual Pro Bono Attorney of the Year Award from the State Bar of Wisconsin's Legal Assistance Committee. Member: Board of Directors, Milwaukee Bar Association; State Bar of Wisconsin (Treasurer, Environmental Law Section Board); American Bar Association (Environment, Energy and Resources Section); Chair of the Legal Services for the Indigent Committee of the Milwaukee Bar Association; President of the Board of Directors of Historic Milwaukee, Inc.; Member, Board of Directors, Legal Action of Wisconsin. Ms. Schneider received her law degree from the University of Wisconsin Law School in 1995 and her undergraduate degree in chemistry from Macalester College in 1990.

Bill Staudenmaier received degrees in accounting (1958) and law (1961) from Marquette University. Following service as an assistant United States attorney, he practiced law in Milwaukee until retirement in 2001. He is currently of counsel to Cook & Franke S.C. Mr. Staudenmaier is a recipient of the State Bar Pro Bono Award for private practitioners, a Fellow of the American College of Trial Lawyers, former president of the Equal Justice Coalition, and served for many years as a Supreme Court-appointed special prosecutor for the Board of Attorneys Professional Responsibility.

Kelli Thompson is the deputy state public defender. Kelli began her career with the State Public Defender's Office (SPD) in 1996 as a trial attorney in its Milwaukee Trial Office. In 2001, Ms. Thompson went to work for a public relations firm, Zigman Joseph Stephenson, as legislative counsel. In 2002, she was appointed as a commissioner to the Wisconsin Personnel Commission. Ms. Thompson returned to the SPD in 2003, and served as training director and legal counsel before being appointed to her current position. She received her undergraduate degree from the U.W.-Madison in 1993, and her law degree from Marquette University in 1996.

Acknowledgements

The committee is grateful for the generous contributions of the **Hon. Margaret Vergeront**, Madison, Wisconsin Court of Appeals; **Attorney Thomas Basting**, Madison, State Bar of Wisconsin president-elect; and **Attorney Kathryn West**, Milwaukee, who reviewed working drafts of the report. Their insightful suggestions improved the report greatly. The final report, of course, reflects the views of the committee, not necessarily those of these volunteers.



Wisconsin Civil Legal Needs Study Final Report

Prepared for

**Access to Justice Study Committee
State Bar of Wisconsin
May 2006**

by

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I. Introduction

As the Wisconsin Supreme Court recently warned, “The very integrity of our justice system is compromised when legal representation for critical needs is available only to those with financial means.”

Although there is widespread anecdotal evidence that Wisconsin residents without the necessary financial means do not have equal access to legal representation for serious legal issues, there are no large scale statewide studies that provide recent definitive data about the incidence and prevalence of the unmet civil legal needs that low to moderately low income residents experience. The State Bar of Wisconsin established the Wisconsin Access to Justice Study Committee (ATJ Committee) to oversee the development of a rigorous assessment and analysis of the civil legal needs of low income Wisconsin residents and to evaluate and make recommendations for long-term solutions where improvement is necessary.

A key first step in obtaining the requisite decision-making data is this survey of low to moderately low income Wisconsin residents. Gene Kroupa & Associates (GKA) was retained by the Bar to conduct a telephone survey that would collect the data needed. This report summarizes the key findings of a telephone survey of 1,122 statewide residents conducted in April 2006. The study covers only civil legal needs and does not directly deal with criminal law problems.

The results of this survey show that nearly one-half of low to moderately low income households experience significant civil legal problems that would ordinarily require at least some assistance from an attorney in order to resolve them. Not surprisingly, the incidence and prevalence of problems are highest among urban poor, those with children, younger individuals under age 55, households with more members, renters, and racial and ethnic minorities. Topping the list of civil legal problem categories most frequently mentioned are public benefits obtained through government assistance programs and personal finances related to taxes, credit information, bankruptcy, consumer loans, and unfulfilled product and service contracts. Overall, the incidence of problems averages 2.1 categories of legal needs per household.

Although a private lawyer is the preferred method the residents would use to get help, most residents did not use nor pay for one to resolve their civil legal problems. However, most households reported that they would be willing to pay a reduced fee to get professional legal assistance. Fewer than four in 10 are aware of free legal services for people who cannot afford a lawyer or other types of assistance that are available to them. Less than one-half were satisfied with how some types of problems were resolved. Also, there is room for improvement in residents’ perception of how fairly they were treated by the legal system. As a result, there is both a need and an opportunity for all the stakeholders in our justice system, including the State Bar of Wisconsin, to make a meaningful difference in the quality of life for the state’s low to moderately low income residents by providing them with greater, meaningful access to the civil justice system.

A. Objectives

The overall objective of this survey was to provide reliable data about the incidence and prevalence of legal needs among low to moderately low income Wisconsin households who would benefit from having access to representation by an attorney in resolving those issues.

Key questions we wanted the survey to answer include:

1. What percentage of low income households experienced significant civil legal problems concerning:
 - Housing,
 - Family,
 - Children's schooling,
 - Wills, estates or advance directive,
 - Employment,
 - Disability discrimination,
 - Public benefits,
 - Personal finances/consumer,
 - Immigrants and non-English speakers,
 - Native Americans and tribes,
 - Prisoners/detainees,
 - Civil rights, and
 - Court and administrative hearings.
2. How many times did household members experience a specific problem in the last 12 months?
3. What proportion of residents experiencing a specific type of civil legal problem received help from a professional advocate who is not a lawyer?
4. Did the residents experiencing any type of civil legal problem ask for and receive help from a lawyer?
5. Did anyone in the household pay for legal representation?
6. Was the other side in any civil legal dispute experienced by the household represented by a lawyer?
7. Was the household member satisfied with how the problem was resolved?
8. Does the household member feel that they were treated fairly in the legal system when trying to resolve the problem?
9. What means would residents use to get help with legal problems?
10. Are residents aware of various services, providers and sources of information and legal advice for low income households?
11. What differences in civil legal needs, use of lawyers and awareness of sources of help exist among geographic areas, racial and ethnic groups, household income levels and age cohorts?

B. Methodology

The ATJ Committee developed a draft questionnaire based on survey instruments used by the Washington State Supreme Court's Task Force on Civil Equal Justice Funding for its 2003 Civil Legal Needs Study, as well as some items from the 1993 Comprehensive Legal Needs Study conducted by the American Bar Association's Consortium on Legal Services and the Public. GKA staff edited the draft to reduce bias, improve clarity, and add additional areas of inquiry, and then formatted the survey instrument for use in Computer Assisted Telephone Interviewing (CATI). The questionnaire was pretested March 29, 2006 with 20 people at the <125% and 125% but less than 200% household poverty guideline income levels, as well as those in various age and racial/ethnic cohorts in the three geographic sample groups throughout the state. Minor changes were made in the questions to make them more understandable and easier to administer. The final questionnaire was approved by the ATJ Committee for fielding. The questionnaire asks each respondent to answer a series of closed-end questions about specific civil legal issues that the respondent or someone in the household may have experienced in the 12 months preceding the survey.

As with any data collection methodology, telephone interviewing has limitations that can impact the overall reliability and generalizability of the results based on the data. First, telephone surveys exclude persons who do not have telephone service and those who rely only on cellular telephones (estimated at 7% of all US households, but higher in certain areas and among key racial and ethnic populations). Second, some populations, such as undocumented immigrants, are reluctant to participate or provide certain types of information over the telephone. Third, the use of Census data to reflect the demographics of the low to moderately low income populations is likely to result in undercounting certain groups. However, Census population data are the best benchmark that we had available for weighting purposes. In general, though, a review of other civil legal needs studies using various data collection and sampling methodologies revealed many results that are consistent with what we found.

A stratified, random sample was used to conduct telephone interviews April 3 – 24, 2006 with 1,122 adult residents of Wisconsin whose household income is less than 200% of the 2005 poverty guideline as determined by the U.S. Department of Health and Human Services. Overall cooperation rate was 32%, which is excellent for this 20- to 30-minute survey. Based on a total sample size of 1,122, the margin of error for question answers at the 95% confidence level will be $\pm 2.9\%$ with a 50/50 percentage break in responses, $\pm 2.5\%$ for a 75/25 and $\pm 2.1\%$ for an 85/15 split. The sampling error or variability will be greater for smaller subgroups in the sample.

The <125% ratio of income to the poverty guideline for household income was chosen for the low income group, because it represents a key threshold for qualifying for most government assistance benefits. The 125% but less than 200% range was used for the moderately low income group, because at that level other studies have shown that there is already a significant decline in the incidence of experiencing certain civil legal problems. Including households with total annual incomes of 300% would also preclude our being able to weight by the Census count for that category. There are no comparable Census data for household income by poverty guidelines for 300% at the state and county level. Weighting according to a reliable base is important in order to accurately reflect the results by income group.

The listed sample was stratified by income level and area of residence, based on Metropolitan Statistical Areas (MSAs) within or overlapping Wisconsin. The questionnaire also included a screening question which ensured that the size of household was matched with the

maximum total income range in order to qualify the respondent for inclusion in the appropriate poverty level household income sample group. The Milwaukee MSA was oversampled to ensure that enough racial and ethnic minorities were included in the sample to be able to analyze them separately if so desired. (Specifically, those classified as Black are heavily concentrated within the Milwaukee MSA.) The following table shows how the overall sample or number of completed interviews was distributed before weighting.

Sample Distribution								
		Ratio of Income to Poverty Guideline				Total		
		Less than 125%		125% but less than 200%				
Area		Count	% of Total	Count	% of Total	Count	% of Total	
		Milwaukee MSA	342	30.5%	180	16.0%	522	46.5%
		Other Urban MSAs	156	13.9%	144	12.8%	300	26.7%
		Rural Areas	139	12.4%	161	14.3%	300	26.7%
	Total	637	56.8%	485	43.2%	1,122	100.0%	

Interviews were completed with 522 residents of the Milwaukee MSA (342 at <125%; 180 at 125% but less than 200%), 300 residents of the Other Urban MSAs, such as Madison, Green Bay, La Crosse and Eau Claire (156 at <125%; 144 at 125% but less than 200%), and 300 with Rural residents, or residents of areas outside of the Metropolitan Statistical Areas (139 at <125%; 161 at 125% but less than 200%.) The Milwaukee MSA was oversampled in order to get enough minority representation in the sample so we could draw separate conclusions about that population. Weighting of the data was done to ensure that the results for the combined areas and income levels accurately represent the population. If weighting was not done, then the results would not be accurate. Additionally, a weight was applied to compensate for oversampling African Americans in the Milwaukee MSA. Weighting was determined based on U.S. Census population totals of Wisconsin residents for the three geographic areas and for the ratio of income to poverty level. The individual weights for area and income level or poverty status and for race were multiplied to get a total weight. This total weight can be found at the end of the data set and should be applied when running any additional tables for the total sample.

The statistical analysis included calculating descriptive statistics (e.g. frequencies, means, medians and standard deviations). Unless otherwise indicated, the percentages are based on the total sample, but selected percentages exclude those who did not provide an answer because they did not know, refused or the question did not apply to them. In addition, crosstabulations (Chi-square test of significance) were used to identify differences and relationships among variables. A classification tree analysis was used to explore unique needs and characteristics of racial and ethnic groups, geographic areas, household income poverty levels and other demographics. Keep in mind that in some cases the total percentages do not equal 100 due to rounding during the analysis process. The client has received the variables labeled SPSS data set with the appropriate weightings provided at the end used for performing the statistical analysis.

C. Description of the Respondents

The sample was designed and weighted to be comparable to population figures for household income groups, geographic areas, and race/ethnicity in Wisconsin. As shown in Table 1, 51% of the sample have a household income that is less than 125% of the poverty guideline, and 49% have incomes 125% but less than 200% of the poverty guideline for their specific household size when weighted. This distribution matches the population of individuals in Wisconsin whose income is less than 200% of the poverty threshold. Additionally, the distribution of geographic areas for the two income groups and for the total sample matches corresponding population figures when weighted. In both the total population (with incomes of less than 200% of the poverty guideline) and in the weighted sample, 39% reside in Other Urban MSAs, 32% reside in Rural areas, and 29% reside within the Milwaukee MSA. Finally, the distribution of race and ethnicity in the weighted sample is comparable to the population distribution in Wisconsin. For example, around three-fourths of the total are White/Non-Hispanic. Other notable aspects of the respondents include:

- Those whose household income is less than 125% of the poverty guideline were more than twice as likely as those whose household income is 125% but less than 200% of the guideline to have less than a high school education (14.2% vs. 5.3%).
- Those at 125% but less than 200% were almost twice as likely as those at <125% to be employed full-time (28.3% vs. 14.3%).
- Those at <125% were almost four times as likely as those at 125% but less than 200% to be unemployed (12.2% vs. 3.2%).
- Those at <125% were more than three times as likely as those at 125% but less than 200% to be disabled (15.1% vs. 3.9%).
- More than one-third (35.3%) of those at <125% owned their own home while 48.0% of those at 125% but less than 200% owned their home.

Table 1: Demographic Profile of Respondents

Demographic Groups		Ratio of Income to Poverty Guideline					
		< 125%		125% but less than < 200%		Total Sample	
		Weighted Count	Column N %	Weighted Count	Column N %	Weighted Count	Column N %
Ratio of Income to Poverty Guideline	< 125%	570	100.0%	0	0.0%	570	50.8%
	125% but less than < 200%	0	0.0%	552	100.0%	552	49.2%
	<i>Total</i>	<i>570</i>	<i>100.0%</i>	<i>552</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Area of Residence	Milwaukee	185	32.5%	140	25.3%	325	29.0%
	Other Urban	220	38.5%	222	40.2%	441	39.3%
	Rural	165	29.0%	190	34.5%	355	31.7%
	<i>Total</i>	<i>570</i>	<i>100.0%</i>	<i>552</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Gender	Male	222	38.9%	236	42.8%	458	40.9%
	Female	348	61.1%	316	57.2%	664	59.1%
	<i>Total</i>	<i>570</i>	<i>100.0%</i>	<i>552</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Have Children Under Age 18 in Household	No kids	412	72.2%	412	74.7%	824	73.4%
	Kids	159	27.8%	140	25.3%	298	26.6%
	<i>Total</i>	<i>570</i>	<i>100.0%</i>	<i>552</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Total Number of Members of Household	1	247	43.4%	196	35.6%	444	39.5%
	2	131	23.0%	171	31.0%	302	26.9%
	3	60	10.5%	61	11.0%	121	10.8%
	4	46	8.0%	56	10.2%	102	9.1%
	5 +	86	15.0%	67	12.2%	153	13.7%
	<i>Total</i>	<i>570</i>	<i>100.0%</i>	<i>552</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Age of Respondent	18 to 34	122	21.5%	132	23.9%	255	22.7%
	35 to 54	198	34.7%	159	28.7%	357	31.8%
	55 to 65	63	11.0%	71	12.9%	134	11.9%
	65+	187	32.8%	190	34.4%	377	33.6%
	<i>Total</i>	<i>570</i>	<i>100.0%</i>	<i>552</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Marital Status	Single	409	71.8%	330	60.0%	739	66.0%
	Married/partnered	161	28.2%	220	40.0%	381	34.0%
	<i>Total</i>	<i>570</i>	<i>100.0%</i>	<i>550</i>	<i>100.0%</i>	<i>1,120</i>	<i>100.0%</i>
Highest Level of Schooling Completed	Less than high school grad	80	14.2%	29	5.3%	110	9.8%
	High school grad	214	37.7%	201	36.5%	415	37.1%
	Technical school or some college	170	29.9%	175	31.8%	345	30.8%
	Four year college degree	70	12.3%	79	14.3%	149	13.3%
	Postgraduate or professional degree	33	5.9%	67	12.2%	101	9.0%
	<i>Total</i>	<i>567</i>	<i>100.0%</i>	<i>551</i>	<i>100.0%</i>	<i>1,118</i>	<i>100.0%</i>
Employment Status	Employed full-time	81	14.3%	155	28.3%	236	21.2%
	Employed part-time	72	12.6%	73	13.3%	145	13.0%
	Self-Employed	15	2.7%	34	6.2%	50	4.4%
	Homemaker	30	5.4%	21	3.8%	51	4.6%
	Student	40	7.1%	38	7.0%	79	7.0%
	Retired	173	30.5%	189	34.4%	362	32.4%
	Unemployed	69	12.2%	18	3.2%	87	7.8%
	Disabled	86	15.1%	21	3.9%	107	9.6%
	<i>Total</i>	<i>567</i>	<i>100.0%</i>	<i>549</i>	<i>100.0%</i>	<i>1,116</i>	<i>100.0%</i>
Type of Residence	Own home, condo, townhouse, or duplex	201	35.3%	265	48.0%	466	41.5%
	Rented home, condo, townhouse, or duplex	120	21.0%	85	15.5%	205	18.3%
	Rented apartment	210	36.8%	154	27.9%	364	32.4%
	Other	39	6.9%	48	8.6%	87	7.7%
	<i>Total</i>	<i>569</i>	<i>100.0%</i>	<i>552</i>	<i>100.0%</i>	<i>1,121</i>	<i>100.0%</i>
Race/Ethnicity	White/Non-Hispanic	397	69.7%	443	80.5%	839	75.0%
	Black/Non-Hispanic	103	18.0%	57	10.4%	160	14.3%
	Hispanic/Any Race	43	7.5%	28	5.1%	71	6.3%
	Other Race/Non-Hispanic	27	4.8%	22	4.0%	49	4.4%
	<i>Total</i>	<i>569</i>	<i>100.0%</i>	<i>550</i>	<i>100.0%</i>	<i>1,119</i>	<i>100.0%</i>

II. Results

The results presented below are based on our analysis of the data provided by 1,122 residents of Wisconsin. Key statistically significant results ($p \leq 0.05$) for each variable by the demographics are reported. Please refer to the data tables for a complete list of percentages for demographic groups. Keep in mind that while many of the questions refer to problems experienced by anyone in the household, many of the demographics describe individual characteristics of the respondent and not household characteristics. The description of the person in the household who experienced the problem may differ from that of the respondent.

The results of this statewide survey may differ from more targeted studies conducted among specific populations or geographic areas due to different data collection approaches, question wording, and sample designs, all of which can impact results. Likewise, if there is a need for additional probing into the legal needs of specific groups, such as domestic abuse victims, the homeless or Native Americans, a separate survey may be necessary to gather enough in-depth data for that purpose. A different data gathering approach might also be necessary.

Overview of the Findings:

Respondents were asked whether they experienced specific civil legal problems or issues in 13 categories of civil law (housing; family; children's schooling; wills, estates, or advance directives; employment; disability or serious health condition; government assistance benefits; personal finances or consumer issues; being an immigrant or not speaking English as main language; being a Native American; prisoners; civil rights; and court and administrative hearings) in the last 12 months. If the respondent or a household member experienced one or more specific problems in a category, the household was counted once for having at least one problem in that category.

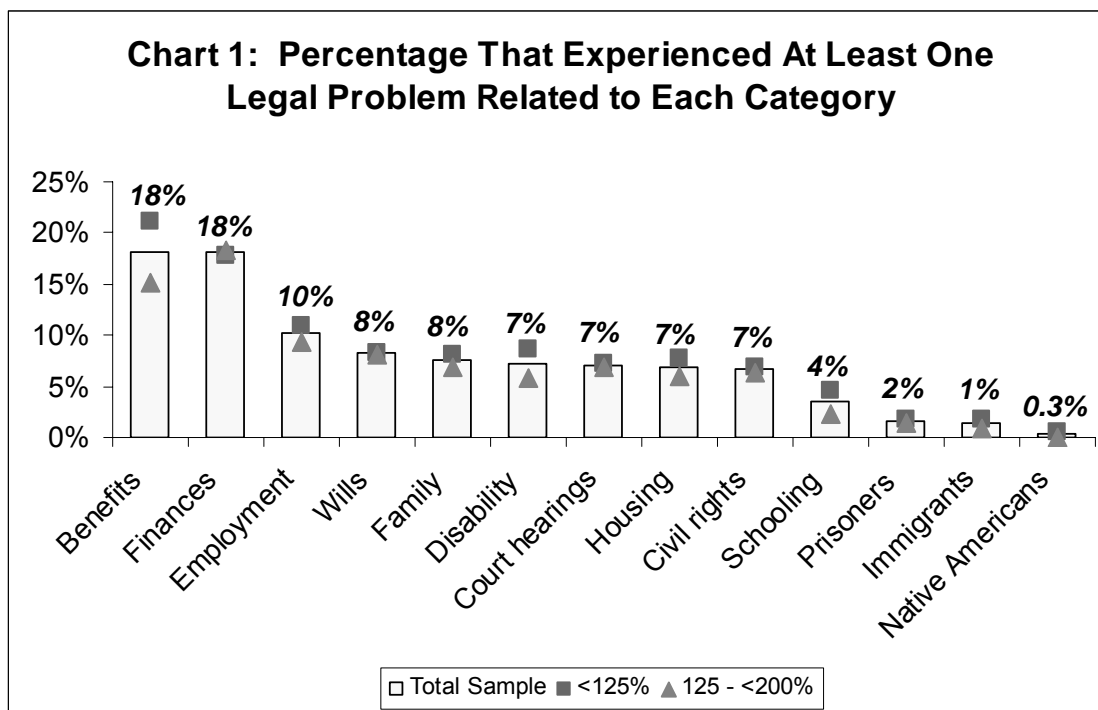
Table 2 shows the percentage of respondents for the total sample and in key demographic groups who indicated that someone in their household experienced at least one legal problem or issue, as well as the mean (average) number of categories for which those who experienced a problem had a legal need. Overall, 45% indicated that they or a household member experienced at least one legal problem or issue. Of those who did have a legal need, the mean number of categories (out of 13) for which the household faced a problem or issue is 2.1. The difference between those at the <125% income-level and those at the 125% but less than 200% level is not statistically significant, which suggests that other demographic characteristics may be better indicators of need. Although there is no significant difference between the income groups in our sample, it is possible that in the entire population, income is an indicator of need – if those with higher incomes (200% +) experience fewer legal problems. Key statistically significant differences by demographic groups include:

- Milwaukee MSA (54%) and Other Urban MSA (49%) residents were more likely than Rural (32%) residents to have had a legal problem. Of those with legal issues, Milwaukee Area residents experienced problems in 2.5 categories, compared with 2.1 for Other Urban residents and 1.8 for Rural residents.
- Households with children under age 18 were more likely than those without children to have experienced a legal problem (64% vs. 38%), and, of those with problems, had more problem categories (2.5 vs. 1.9).

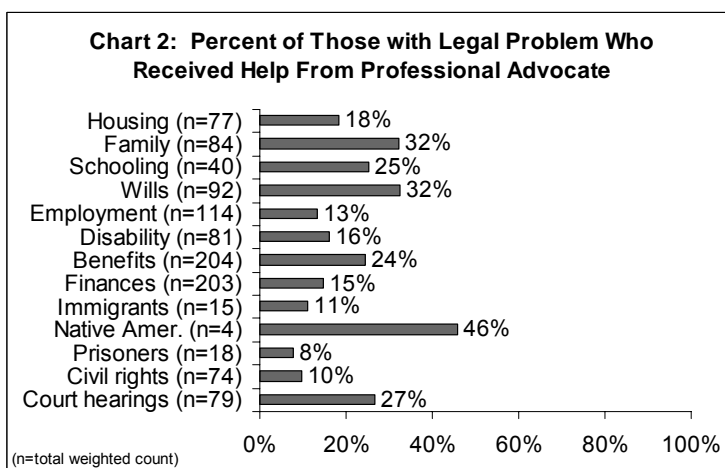
- Those with five or more (67%), four (62%), or three (54%) household members were more likely than those with two (38%) or one (36%) household member to have had a legal problem. Of households that had legal problems, those with three (2.5) or five or more (2.5) members had the most problem categories.
- Respondents ages 18 to 34 (56%) or 35 to 54 (61%) were more likely than those ages 55 to 64 (38%) or 65+ (26%) to indicate that someone in their household had a legal problem. Likewise, retired individuals (27%) were far less likely than those with another employment status to indicate that there was a problem. Of those with civil legal issues, respondents ages 35 to 54 (2.6) gave the highest mean number of categories for which there was a problem.
- Respondents with a higher level of education were more likely to report a legal problem in the household, and had a higher number of problem categories on average. More than one-half (55%) of those with a technical school or some college education said there was a legal problem or issue, compared with 35% of those with less than a high school education and 39% of high school graduates. However, many of those in these lower education groups are older respondents who are less likely to have indicated that there was a legal need in the household.
- Those who rent a home, condo, townhouse, or duplex (61%) or apartment (50%) were more likely than homeowners (34%) to indicate that someone in the household faced a legal situation. Those who rent a home, condo, townhouse, or duplex (2.7) reported the highest mean number of categories for which those who experienced legal issues had a problem, compared with those in other types of housing.
- Those who are of Mexican, Chicano, Hispanic, or Latino origin of any race (hereby referred to as Hispanic) (73%) and those who are Black, but not of Mexican, Chicano, Hispanic, or Latino origin (Black/Not-Hispanic) (56%) were more likely than those who are White, but not of Mexican, Chicano, Hispanic, or Latino origin (White/Non-Hispanic) (40%) to indicate that someone in their household experienced a legal problem in the last 12 months. Furthermore, of those who had a legal problem, White/Non-Hispanics (1.9) experienced fewer problem areas than did Black/Non-Hispanics (2.5) and Hispanics (2.8).

Table 2: Percentage of Households That Experienced a Legal Problem and Mean Number of General Categories of Legal Needs Experienced by Those Who Had a Legal Problem

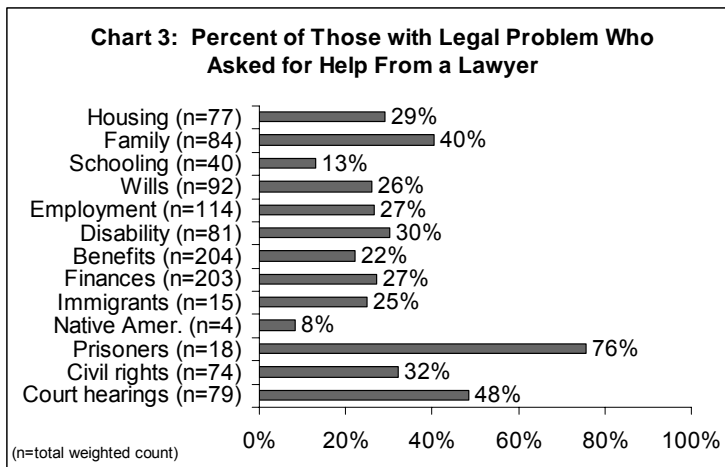
Demographic Groups	Experienced at Least One Legal Problem		Mean # of General Categories of Legal Needs	
	Weighted Count	Column N %		
Total Sample	Total	506	45%	2.1
Ratio of Income to Poverty Guideline	< 125%	273	48%	2.2
	125% but less than < 200%	233	42%	2.1
Area of Residence	Milwaukee	176	54%	2.5
	Other Urban	217	49%	2.1
	Rural	113	32%	1.8
Gender	Male	203	44%	2.2
	Female	303	46%	2.1
Have Children Under Age 18 in the Household	No kids	315	38%	1.9
	Kids	191	64%	2.5
Total Number of Members of Household	1	161	36%	1.8
	2	115	38%	2.1
	3	65	54%	2.5
	4	64	62%	2.0
	5 +	102	67%	2.5
Age of Respondent	18 to 34	142	56%	2.0
	35 to 54	217	61%	2.6
	55 to 65	51	38%	2.0
	65+	96	26%	1.4
Marital Status	Single	336	45%	2.2
	Married/partnered	170	45%	2.0
Highest Level of Schooling Completed	Less than high school grad	38	35%	1.7
	High school grad	164	39%	2.0
	Technical school or some college	191	55%	2.3
	Four year college degree	66	44%	2.3
	Postgraduate or professional degree	47	47%	2.3
Employment Status	Employed full-time	127	54%	2.1
	Employed part-time	74	51%	2.5
	Self-Employed	26	53%	1.9
	Homemaker	25	49%	1.8
	Student	38	49%	1.7
	Retired	98	27%	1.5
	Unemployed	47	54%	3.1
	Disabled	68	63%	2.5
Type of Residence	Own home, condo, townhouse, or duplex	159	34%	1.9
	Rented home, condo, townhouse, or duplex	124	61%	2.7
	Rented apartment	183	50%	2.1
	Other	40	46%	1.8
Race/Ethnicity	White/Non-Hispanic	340	40%	1.9
	Black/Non-Hispanic	90	56%	2.5
	Hispanic/Any Race	51	73%	2.8
	Other Race/Non-Hispanic	23	48%	2.3



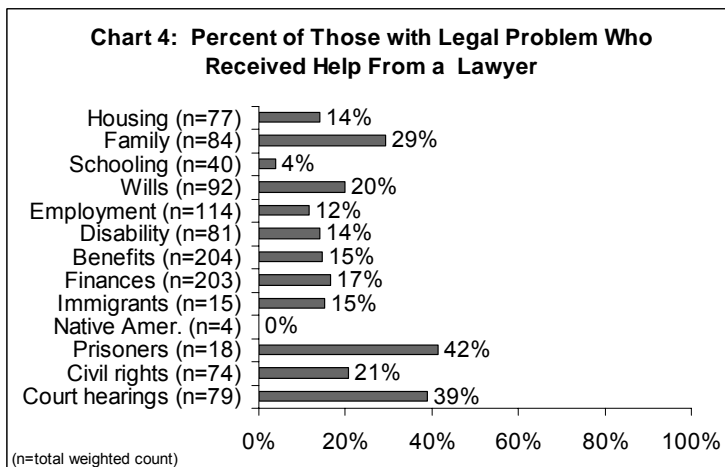
Overall, the top civil legal problem areas are benefits (18%) and finances (18%), followed by employment (10%), wills, estates, or advance directives (8%), family (8%), disability or serious health conditions (7%), court and administrative hearings (7%), housing (7%), and civil rights issues (7%). (See Chart 1.) Fewer households have experienced problems with children’s schooling (4%), problems related to being a prisoner or detainee (2%), problems related to being an immigrant or not speaking English as a first language (1%), or problems related to being Native American (<1%). Those whose income is less than 125% of the poverty guideline were more likely than those whose income is 125% but less than 200% of the poverty guideline to have had legal problems or issues related to government assistance benefits (21% vs. 15%) or with a child’s schooling (5% vs. 2%). Sections B-N provide more information about the problem categories experienced.



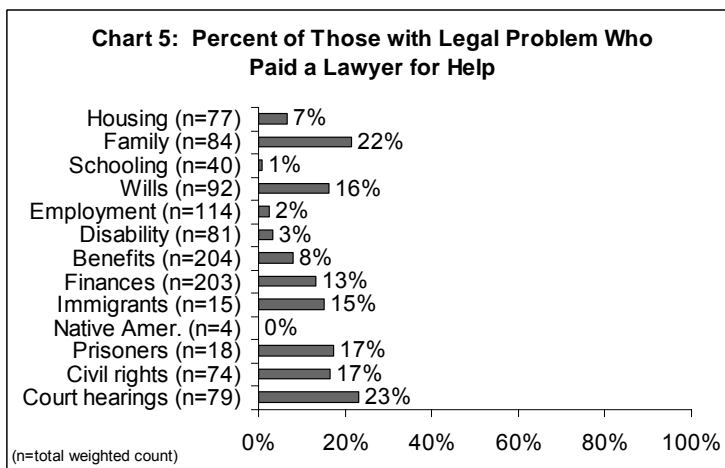
For each type of legal problem, most did not receive help from a non-lawyer professional advocate. However, 12% received help from this source for all the problems they identified, and 30% received help from this source for at least one of the legal problems they identified. One-fourth (24%) received help for their problem related to benefits, and 15% received help for financial-related legal issues, the top two areas of civil legal need.



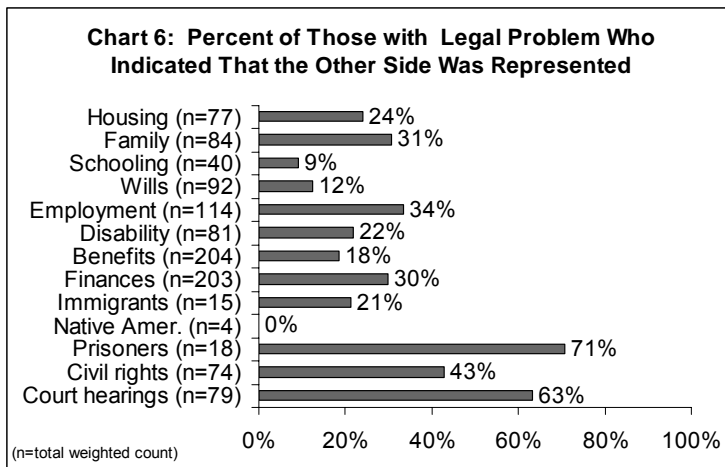
Most households that reported specific types of legal problems did not request help from a lawyer. Three-fourths of those with a legal problem related to being a prisoner or detainee asked for help from a lawyer, while fewer of those with other legal problems asked for help.



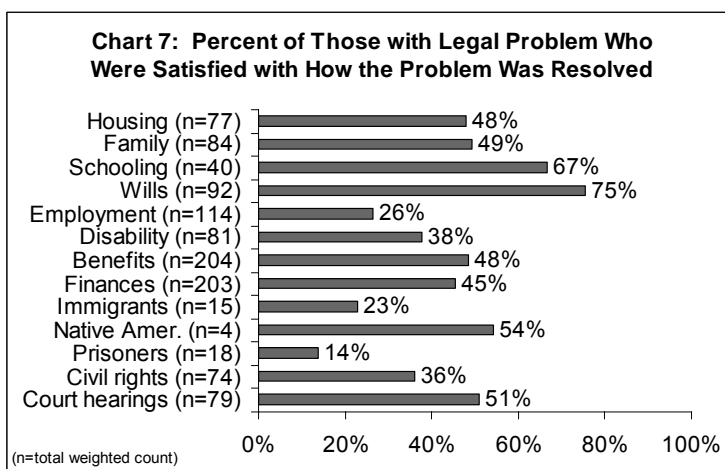
Most households that experienced a legal problem or issue did not receive help from a lawyer for that problem. As a group, 12% received help from a lawyer for all the problems they identified, and 27% of those with one or more legal problems received help from a lawyer for at least one of the legal problems they identified. Many of those who asked for help did not receive help from a lawyer. For example, while 29% of those with housing-related legal problems asked for help, only 14% received help from a lawyer. (See Charts 3 and 4.)



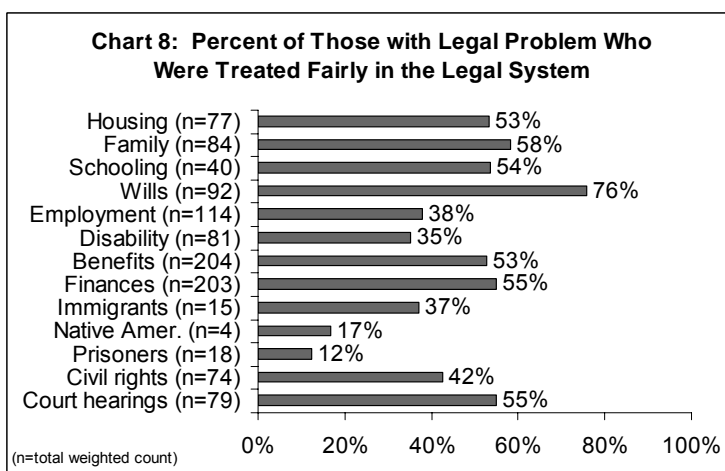
Again, because only a small proportion actually received help from a lawyer, only a small proportion of those with a legal problem paid a lawyer for help with their problem. For many of the problem areas, a large proportion who received help paid for the legal assistance (17% with a financial problem received help, 13% paid for help), while for other areas, many did not pay for the assistance (15% with a benefits problem received help, 8% paid for help). (See Charts 4 and 5.)



In comparing Charts 4 and 6, it is evident that for some areas of legal need people were not represented by a lawyer, while the opposing side did have some form of representation. For example, only 39% of those with a civil legal issue that involved a case in court or a formal hearing indicated that they received a lawyer's help for that problem, while 63% indicated that the other side had representation.



While satisfaction was moderate to high for some areas of need, categories of legal problems where fewer were satisfied with how the problem was resolved include those related to disability or serious health condition (38%), civil rights (36%), employment (26%), immigration or not speaking English as the main language (23%), and problems related to being a prisoner or detainee (14%). Keep in mind that the number of cases is small for some problem areas.



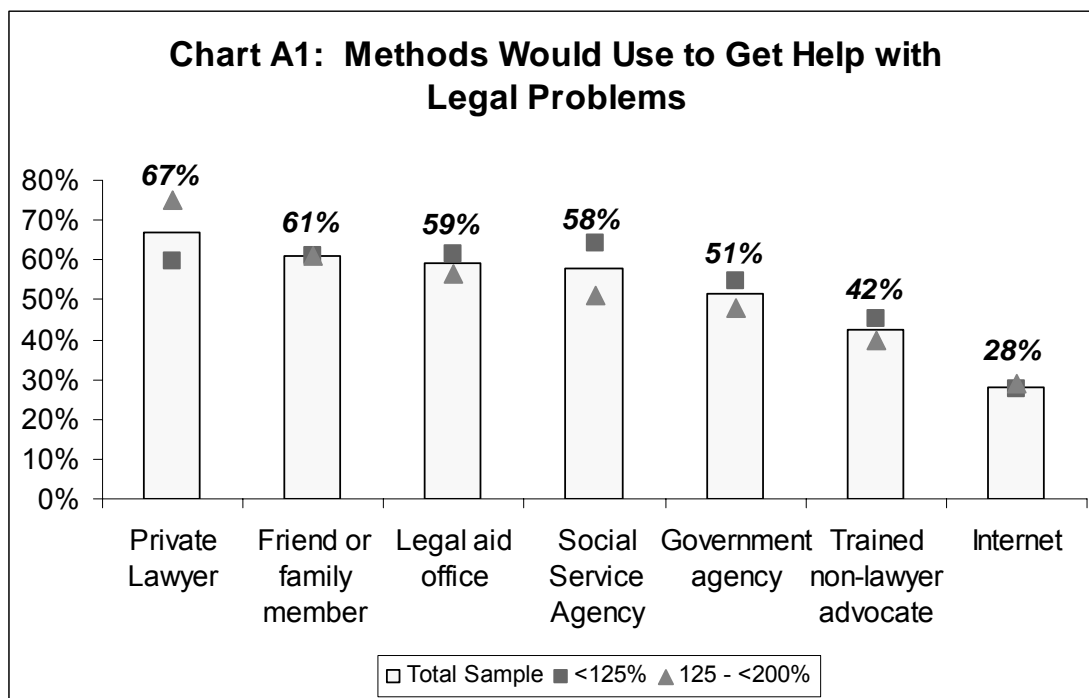
For some issues, less than one-half felt that they were treated fairly in the legal system, particularly those who had a problem with civil rights (42%), employment (38%), immigration or not speaking English as the main language (37%), disability or serious health condition (35%), or prisoner or detainee (12%) issues.

When we look at only those households who experienced specific kinds of problems, persons who had legal representation were more likely to be satisfied with the outcomes for family, public benefits, finances and civil rights problems. However, representation did not always translate into a parallel positive perception that they were more fairly treated by the legal system, except for when they received legal help with finances. Significant differences tied to having or not having help from a lawyer were not detected for other types of legal problems.

The first choice of ways residents would use to get help with legal problems would be by retaining a private lawyer, followed by getting assistance from a friend or family member, a legal aid office, or a social service agency. The fact that six in 10 of respondents overall and even 60% of the lowest income respondents would be willing to pay a reduced fee to get a lawyer's help with all or any part of the civil legal problems they have demonstrates openness to this concept even if they might have access to free legal services. Four in 10 respondents said they would be eligible for free legal services if they needed legal help with a civil matter in the future. More than one-third are aware of free legal services for people who cannot afford a lawyer, and nearly three in 10 are aware of a service in their area that makes referrals to lawyers. The following sections provided a closer look at the findings for each section of the questionnaire, as well as the results of the segmentation and classification tree analyses to relate the civil legal needs to key groups of interest.

A. Ways Would Use to Get Legal Help

Of those with an opinion, two-thirds (67%) would use a private lawyer. Only 28% would use the Internet. Those whose income is 125% but less than 200% of the poverty guideline would be more likely than those whose income is less than 125% of the guideline to use a private lawyer (75% vs. 60%) and less likely to use a social service agency (51% vs. 64%) or government agency (48% vs. 55%).



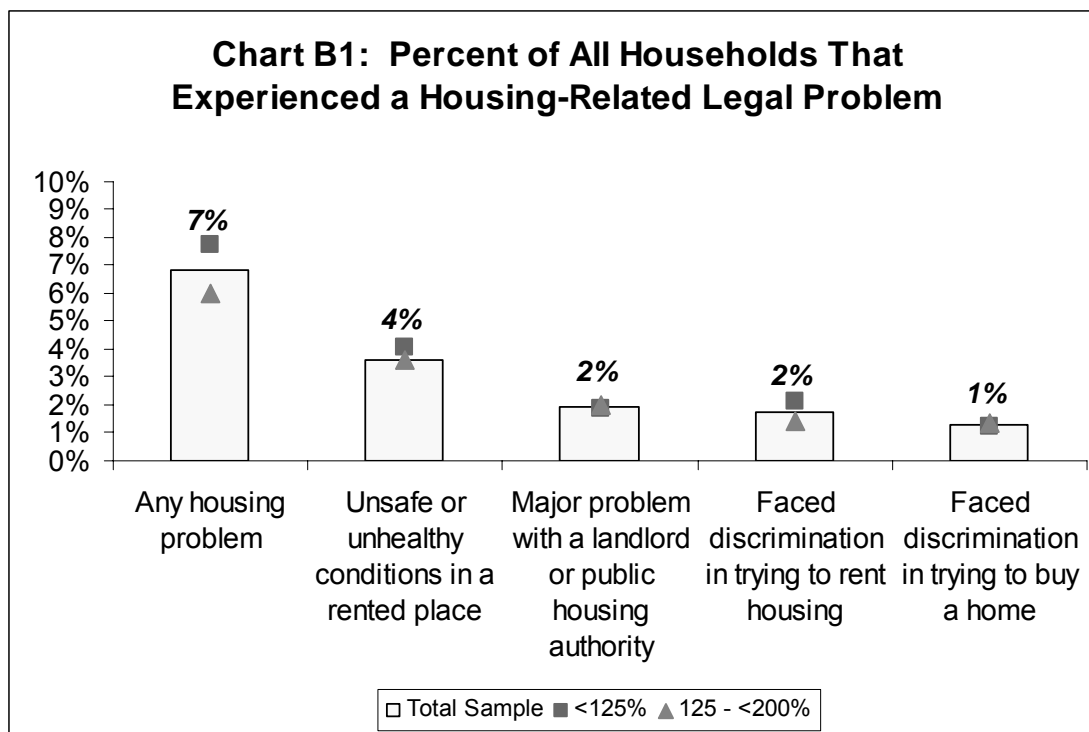
Other significant differences by demographic groups include:

- Milwaukee MSA and Other Urban MSA residents would be more likely than Rural residents to use a legal aid office (65% and 63% vs. 48%), a government agency (56% and 57% vs. 41%), a trained non-lawyer advocate (45% and 50% vs. 30%), or the Internet (28% and 35% vs. 19%).
- Those with children in the household would be more likely than those without children to use a legal aid office (70% vs. 55%), the Internet (37% vs. 25%), or a government agency (61% vs. 48%).
- Larger households tend to be more likely to use various sources, including a legal aid office, the Internet, and a private lawyer.
- In general, younger respondents would be more likely than older respondents to use various sources to get legal help with their problems. The likelihood of using the Internet decreases with age group, and respondents ages 65+ would be less likely than younger respondents to use a legal aid office or a government agency. Respondents ages 35 to 54 are the most likely to use a social service agency, and respondents ages 18 to 34 would be more likely than older respondents to use a friend or family member. Also, younger respondents, particularly those under age 55, would be more likely than older respondents to use a trained non-lawyer advocate.

- Those who are married/partnered would be more likely than singles to use a private lawyer (73% vs. 64%) and less likely to use a government agency (46% vs. 54%) or a trained non-lawyer advocate (38% vs. 45%).
- Those with a technical school or some college or a higher level of education would be more likely than those with a high school education or less to use the Internet or a private lawyer.
- Retired individuals are among the least likely to use a legal aid office, the Internet, a government office, or a trained non-lawyer advocate. Those who are unemployed or disabled are more likely than others to use a social service agency and less likely to use a private lawyer.
- In general, renters would be somewhat more likely than homeowners to use a legal aid office, the Internet, a social service agency, a government agency, or a trained non-lawyer, but less likely to use a private lawyer.
- Seven in 10 (70%) of those who are Black/Non-Hispanic and 69% of those who are Hispanic of any race would use a legal aid office to get help, compared with 57% of those who are White/Non-Hispanic and 47% of those who are of another race.

B. Housing

This section of questions dealt with housing related legal needs, such as experiencing unsafe or unhealthy conditions, a major problem with a landlord or public housing authority, and discrimination in trying to rent housing or in buying a home.



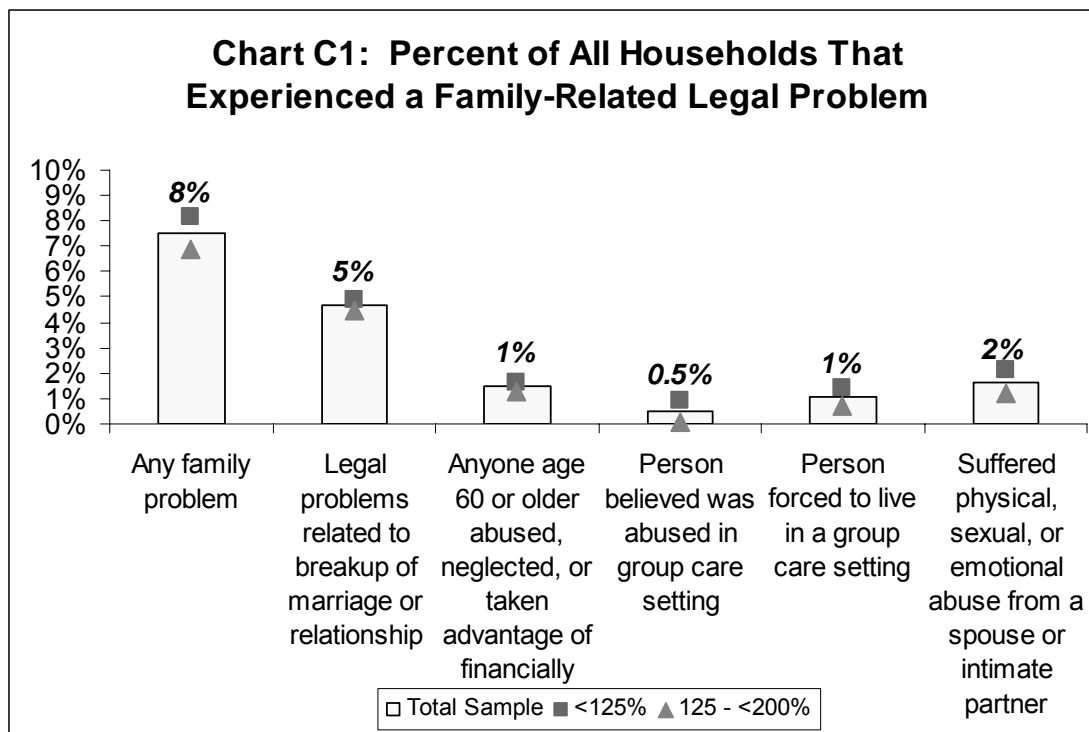
About 7% of all households experienced at least one housing-related legal problem. Four percent (4%) of all individuals stated that they or a household member experienced a problem with unsafe or unhealthy conditions in a rented place (mean number of times is 18.8, median number of times is 2.4), 2% had a major problem with a landlord or public housing authority (mean number of times is 2.1, median number of times is 1.2), 2% faced discrimination in trying to rent housing (mean number of times is 2.6, median number of times is 2.0), and 1% of all households had a member who faced discrimination in trying to buy a home (mean number of times is 3.0, median number of times is 2.1). However, only those who indicated that someone in the household lived in a place that was rented from someone else in the past 12 months (28%) were asked questions about renting problems. The true incidence of problems may be somewhat higher, as about one-half of respondents had earlier indicated that they currently rent. It is evident that some respondents, while currently renting, did not indicate later on that someone in the household had rented from someone else and were not asked the follow-up questions.

Key statistically significant differences in the proportion of households that experienced a housing-related problem include:

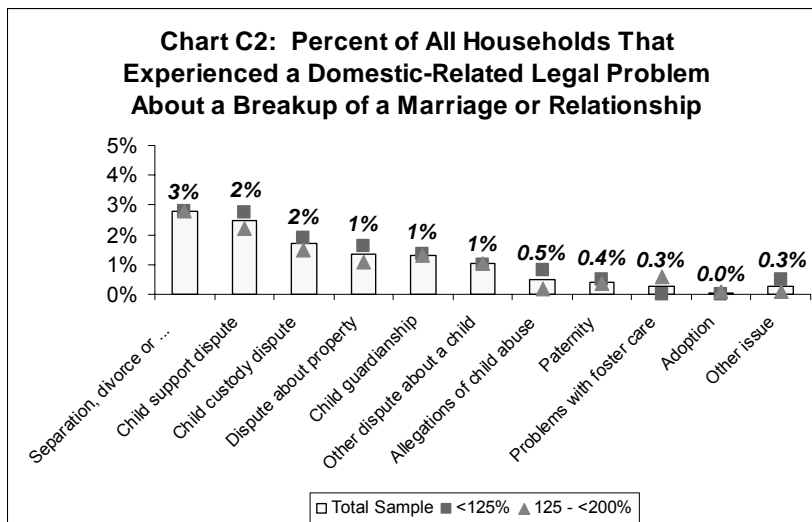
- Milwaukee MSA (10%) residents were more likely than Rural (4%) residents to have experienced a housing-related problem in the last 12 months. About 7% of Other Urban MSA residents experienced a housing problem.
- Households with children under age 18 were more likely than those without children to have had a housing-related legal issue (11% vs. 5%).
- Households with 5+ members (13%) were more likely than smaller households to have had a housing problem.
- More than one-tenth of those ages 18 to 34 (11%) or 35 to 54 (11%) experienced a housing-related legal problem, compared with 5% of those ages 55 to 64 and 2% of those 65+.
- Retired (1%) individuals were less likely than others to indicate that their household had a problem related to housing.
- Homeowners (1%) were less likely than home (14%) or apartment (11%) renters to have experienced a housing problem.
- White/Non-Hispanics (5%) were less likely than those who are Black/Non-Hispanic (12%) or Hispanic of any race (15%) to indicate that someone in their household had a housing-related issue.

C. Family

This section of questions dealt with family and domestic legal needs, such as experiencing problems related to the breakup of a marriage or relationship, abuse, disputes associated with children, and property settlement or maintenance.



Less than one in 10 (8%) experienced a family-related legal problem. Few (1%) said that a person in the household age 60 or older was abused, neglected, or taken advantage of financially. Additionally, less than 1% said a person believed he or she was abused in a group care setting, and 1% said a person in the household was forced to live in a group care setting. Keep in mind that only 5% indicated that someone in the household actually lived in a nursing home, boarding home, mental hospital, adult family home, or other group care setting in the last 12 months. Also, 2% reported that they or a household member suffered physical, sexual, or emotional abuse from a spouse or intimate partner. Because of the sensitive nature of the question, the true incidence may be higher.



About 5% experienced legal problems related to a breakup of a marriage or relationship or about what would happen with children or property after a breakup. Chart C2 shows the percentage of all households that had a specific legal problem or issue related to a breakup of a marriage or relationship.

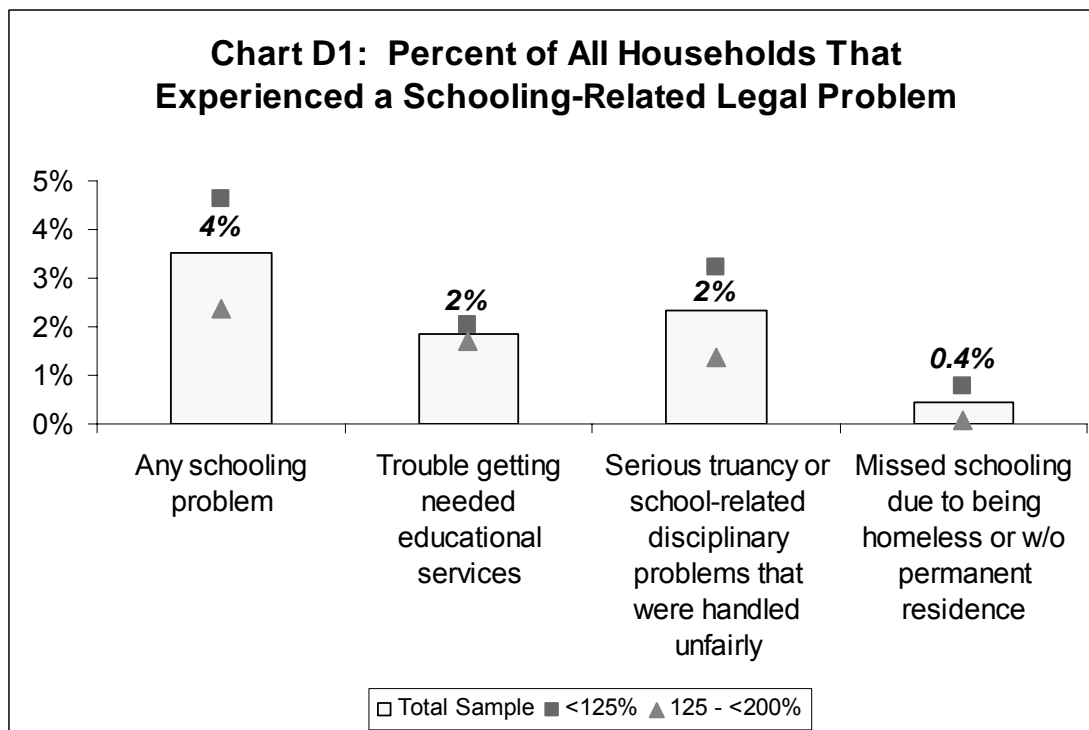
About 3% of all households had a problem with a separation, divorce, or annulment (mean number of times is 2.2, median number of times is 1.0), 2% had a child support dispute (mean number of times is 3.3, median number of times is 3.0), and around 2% had a child custody dispute (mean number of times is 4.6, median number of times is 2.0). About 1% or less had a problem with the other areas of marriage or relationship problems.

Significant differences in the proportion of households that had a member with a family or domestic-related legal problem include:

- Those with children under age 18 in the household were more likely than those without children to have had a family or domestic legal problem (13% vs. 6%).
- The likelihood of having had a family or domestic legal problem tends to increase with household size. Nearly one-fifth (17%) of those with five or more household members experienced such a problem, compared with 5% of those with only one or two household members.
- Respondents ages 35 to 54 (13%) were more likely than those ages 55 to 64 (3%), 65+ (5%), or 18 to 34 (6%) to indicate that someone in the household had a problem related to family or domestic issues.
- Retired (4%) individuals were among the least likely to indicate there was a family-related problem in the household.
- Those who rent a home, condo, townhouse, or duplex (11%) were the most likely to report a family-related legal problem, followed by apartment renters (8%) and those who own a home, condo, townhouse, or duplex (5%).

D. Children's Schooling

This section of questions dealt with children's schooling legal needs, such as experiencing problems related to getting educational services, serious truancy or disciplinary issues, and missing school.



Only 4% of all households had an issue or problem related to children's schooling; however, keep in mind that only 20% indicated that a household member had any children ages five through 17 who were enrolled in school for any part of the last 12 months. Only 2% of all households had a problem with a child's parent or guardian having trouble getting need educational services, and 2% had a problem with truancy or school-related disciplinary problems that were handled unfairly or improperly. Less than 1% indicated that a child in the household missed some schooling due to being homeless or without a permanent residence.

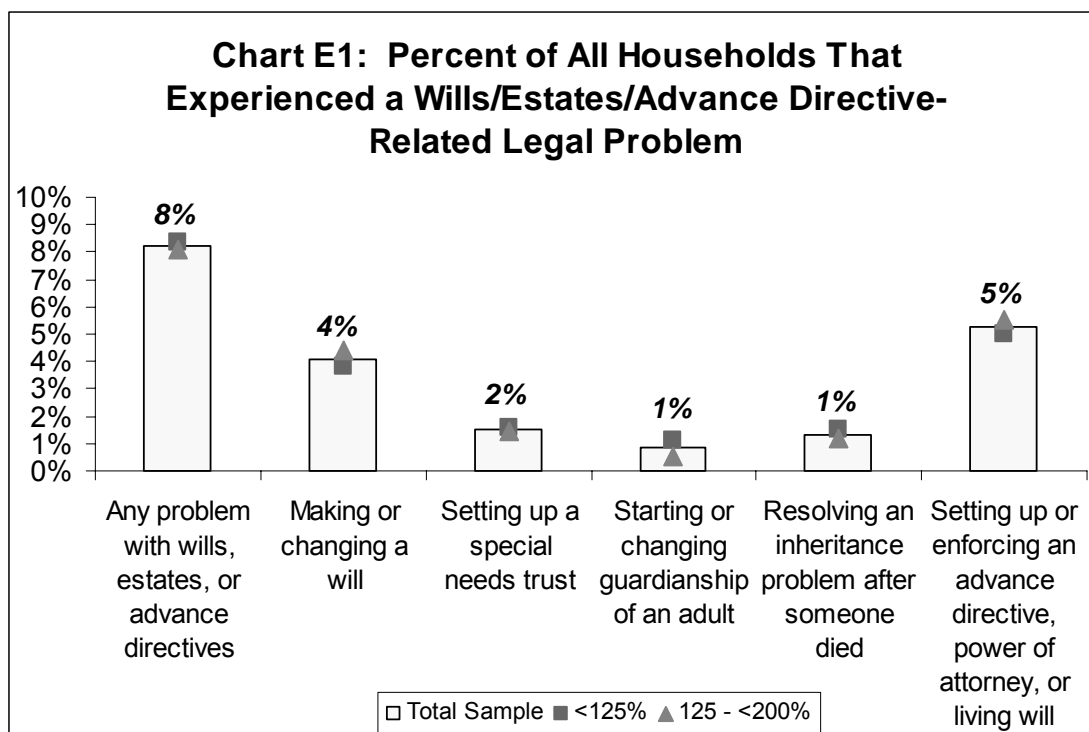
Respondents with a household income of less than 125% of the poverty guideline were more than twice as likely as those with incomes 125% but less than 200% of the poverty guideline to indicate that there was a schooling-related problem in the household (5% vs. 2%). Other significant differences by demographic groups include:

- Milwaukee MSA (6%) residents were the most likely to have had a schooling-related legal problem, followed by Other Urban MSA (3%) and Rural (1%) residents.
- One in eight (12%) of those currently with children under age 18 in the household had experienced problems related to a child's schooling in the last 12 months.
- The likelihood of having had a schooling-related legal problem tends to increase with household size. Only 1% of those with two household members experienced such a problem, compared with 15% of those with five or more household members.

- No respondents ages 55 or older reported this problem, compared with 8% of respondents ages 35 to 54 and 5% of respondents ages 18 to 34.
- Married/partnered individuals were somewhat more likely than singles to indicate that there was a schooling-related problem in the household (5% vs. 3%).
- Those who rent a home, condo, townhouse, or duplex (9%) were more likely than those who own a home, condo, townhouse, or duplex (3%) and apartment renters (2%) to have had a schooling-related problem.
- Hispanics (13%) and Black/Non-Hispanics (7%) were more likely than White/Non-Hispanics (2%) to indicate that someone in the household had a child with a schooling-related problem.

E. Wills/Estates/Advance Directives

This section of questions dealt with needing help with making or changing a will, setting up a special needs trust, starting or changing guardianship of an adult, resolving an inheritance problem, and setting up or enforcing an advance directive, power of attorney or living will.



Nearly one in 10 (8%) had a problem with a will, estate, or advance directive. About 4% had a problem making or changing a will, 2% had a problem setting up a special needs trust, 1% had a problem starting or changing guardianship of an adult, 1% had an issue with resolving an inheritance problem after someone died, and 5% had a problem setting up or enforcing an advance directive, power of attorney, or living will. Most individuals who indicated there was a problem said that the problem occurred one time. Very few statistically significant differences by demographics were found.

- Part-time workers were more likely than full-time workers to indicate that someone in the household had a problem with wills, estates, or advance directives (13% vs. 4%).

F. Employment

This section of questions dealt with illegal employment practices or discrimination in hiring, firing, discipline, promotions or the terms of employment. Additional employment related issues covered include unemployment compensation, workers compensation benefits, pension plan or retirement benefits, pay or withholding, or being a seasonal farm worker.

Table F1: Percentage of All Households That Experienced an Employment-Related Legal Problem

Employment-Related Issues	Ratio of Income to Poverty Guideline		
	< 125%	125% but less than 200%	Total Sample
Experienced any employment-related legal problem	11%	9%	10%
Experienced problems due to illegal employment practices or discrimination	5%	5%	5%
<i>Due to race</i>	2%	2%	2%
<i>Due to national origin/ethnicity</i>	2%	1%	1%
<i>Due to gender</i>	0.5%	0.3%	0.4%
<i>Due to marital status</i>	1%	0%	0.3%
<i>Due to parental status</i>	1%	0%	0.3%
<i>Due to age</i>	2%	1%	1%
<i>Due to sexual orientation</i>	1%	0.2%	0.5%
<i>Due to disability</i>	2%	1%	1%
<i>Due to religion</i>	1%	0.1%	0.4%
<i>Due to immigration status</i>	0.5%	1%	1%
<i>Due to military service</i>	0.4%	0.3%	0.3%
<i>Due to arrest or conviction record</i>	1%	1%	1%
<i>Due to lie detector test</i>	0.1%	0.4%	0.2%
<i>Due to retaliation for reporting unfair treatment or discrimination</i>	1%	2%	1%
<i>Due to suspended or revoked driver's license</i>	1%	1%	1%
<i>Due to incorrect information in a criminal background record</i>	1%	1%	1%
<i>Due to unresolved civil legal issues</i>	1%	1%	1%
<i>Due to other issue</i>	1%	0.4%	1%
Unfairly denied unemployment compensation benefits or in struggle to get these benefits	5%	5%	5%
Unfairly denied workers compensation benefits or in struggle to get these benefits	4%	4%	4%
Had serious problem related to a pension plan or retirement benefits	1%	2%	1%
Worked for pay during past 12 months	41%	58%	50%
Had serious difficulties related to pay or withholding	2%	2%	2%
Worked as seasonal farm worker in past 12 months	0.4%	2%	1%
Experienced problems related to being a seasonal farm worker	0%	0%	0%

One in 10 (10%) indicated that they or a household member experienced a legal issue or problem related to employment. About 5% of all households had a member who was not hired, or was fired, disciplined, denied a promotion or harassed at a job because of illegal employment practices or discrimination.

One-half (51%) of those whose household experienced illegal employment practices or discrimination indicated that this occurred one time, while one-half indicated that it occurred more than once. The mean number of times is 2.9, and the median number of times is 1.1.

Table F1 shows the percentage of all households with a member who experienced this problem due to various reasons. For many of the causes of illegal employment practices or discrimination, the household member faced the issue more than once. However, keep in mind that these figures are based on a relatively small number of cases who experienced the problem.

Additionally, 5% indicated that someone in the household was unfairly denied unemployment compensation benefits or was in a struggle to get these benefits, 4% reported that a household member was unfairly denied workers compensation benefits or was in a struggle to get these benefits, and 1% said someone in the household had serious difficulties related to a pension plan or retirement benefits. Most of those who experienced these problems did so only one time, although a sizeable proportion did so more than once.

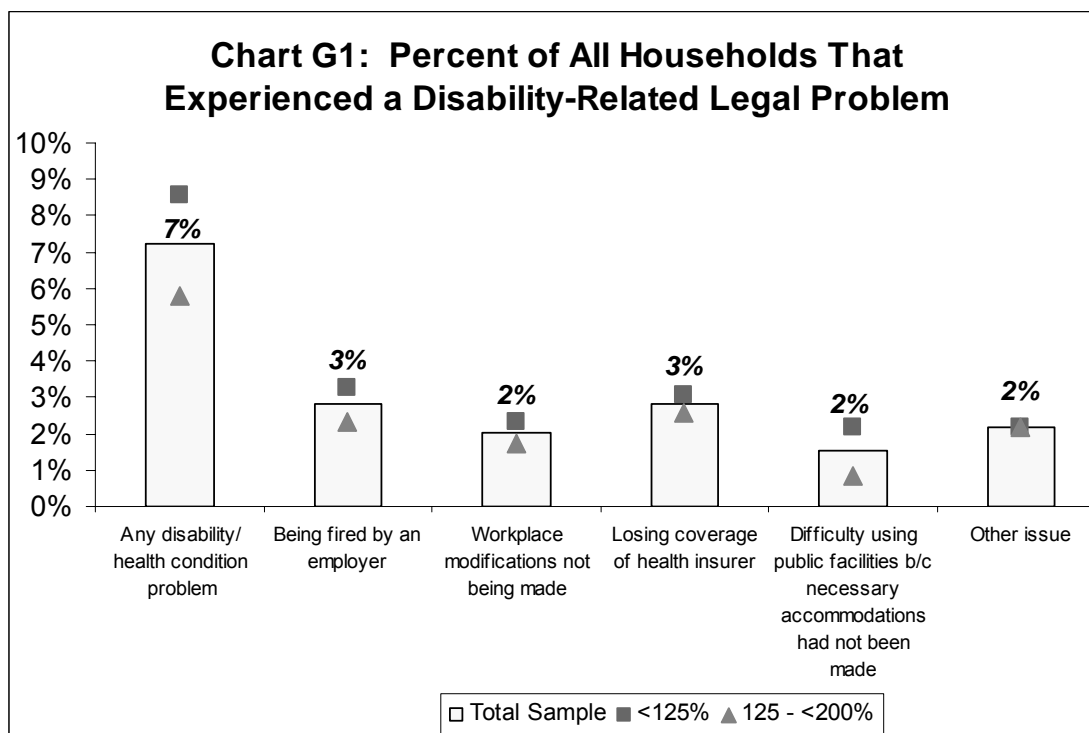
While 50% of respondents said they or a household member worked for pay during the last 12 months, only 2% of all respondents indicated that someone in the household had any serious difficulties related to pay or withholding. The median number of times for those who experienced this problem is 1.0, with 61% saying the problem happened one time. Because a larger proportion of respondents had previously indicated that they are currently employed than who indicated that someone worked for pay in the past 12 months, it is possible that the true incidence of having a problem related to pay or withholding may be somewhat higher.

Only 1% of all households have a member who worked as a seasonal farm worker at any time in the last 12 months, none of whom experienced problems related to being a seasonal farm worker. Significant differences in the proportion of all households with a member who experienced an employment-related legal problem include:

- Milwaukee MSA (15%) residents were the most likely to have had an employment problem, followed by Other Urban MSA (10%) and Rural (6%) residents.
- Males were more likely than females to report that someone in the household had an employment-related legal problem (13% vs. 8%).
- Those with children under age 18 in the household were more likely than those without children to indicate that a household member experienced a problem related to employment issues (17% vs. 8%).
- Households with three (15%), four (18%), or five or more (16%) members were more likely than those with one (5%) member to have had a member with an employment-related problem. One in 10 (10%) of those with two household members experienced this type of legal issue or problem.
- Respondents ages 65+ (1%) were less likely than those ages 55 to 64 (9%), 18 to 34 (13%), or 35 to 54 (18%) to have reported that someone in the household had a problem related to employment, probably because they are retired.
- Only 4% of those with a high school education or less, about half of whom are older and retired, as well as 7% of high school graduates, indicated that someone in the household had an employment-related legal problem. In comparison, 12% of those with a four-year college degree, 14% of those with some college or technical school education, and 14% of postgraduates said a household member experienced this type of legal issue.
- Not surprisingly, retired (2%) individuals were the least likely to report a problem with a household member related to employment.
- Those who rent a home, condo, townhouse, or duplex (19%) were more likely than those who own a home, condo, townhouse, or duplex (7%) and apartment renters (9%) to have had an employment-related problem.
- Hispanics (23%) and Black/Non-Hispanics (16%) were more likely than White/Non-Hispanics (8%) to indicate that someone in the household had an employment-related problem.

G. Disability Discrimination

This section of questions dealt with civil legal needs related to a disability or serious health condition, such as being fired by an employer, workplace modifications not being made, losing coverage of a health insurer, and difficulty using public facilities because necessary accommodations had not been made.



While nearly one-fourth (23%) of all respondents said that someone in the household experienced a disability or serious health condition, 7% indicated that a household member experienced a problem related to being disabled or having a serious health condition. That means roughly three in 10 households with a member who has a disability or serious health condition have experienced problems due to that condition. Problems related to a disability or serious health conditions experienced by all households include being fired by an employer (3%) (mean number of times is 1.8, median number of times is 1.0), workplace modifications not being made (2%) (mean number of times is 4.9, median number of times is 2.0), losing coverage of health insurer (3%) (mean number of times is 2.2, median number of times is 1.0), and difficulty using public facilities because necessary accommodations had not been made (2%) (mean number of times is 5.7, median number of times is 4.0). Significant differences by demographic groups include:

- Milwaukee (9%) and Other Urban (9%) MSA residents were more likely than Rural (4%) residents to have had a problem related to a disability or serious health condition.
- Households with children under age 18 were more likely than those without children to have had a household member with this type of problem (11% vs. 6%).
- Respondents ages 65+ (2%) were less likely than those ages 18 to 34 (7%), 55 to 64 (8%), or 35 to 54 (13%) to indicate that someone in the household had a legal issue related to a disability or serious health condition.

- Those who are unemployed (17%) or disabled (14%) were among the most likely to indicate there was a problem related to a disability or serious health condition, while retired (3%) individuals were among the least likely to indicate that someone in the household experienced this type of problem.
- Homeowners (4%) were less likely than home (11%) or apartment (9%) renters to indicate that a problem related to a disability or serious health condition existed.

H. Public Benefits

This section of questions dealt with civil legal problems associated with applying for or receiving government assistance program benefits for individuals and families.

Table H1: Percentage of All Households That Applied for or Received Various Benefits

	Ratio of Income to Poverty Guideline		Total Sample
	< 125%	125% but less than 200%	
Applied for or received benefits	75%	63%	69%
Social Security for the disabled	24%	13%	19%
Supplement Security Income (SSI)	19%	7%	13%
Social Security for retirees or widows	22%	27%	25%
BadgerCare	20%	11%	16%
Medicare	46%	38%	42%
Medicaid, Medical Assistance, or Title 19	36%	20%	28%
W-2	6%	5%	5%
GAMP	6%	4%	5%
Healthy Start	4%	2%	3%
Food stamps	30%	12%	21%
TANF	2%	0%	1%
Veterans Prescription Service	9%	7%	8%
Low Income Home Energy Assistance Program	29%	13%	21%
WIC	6%	5%	6%
Section 8 Housing Vouchers	8%	1%	5%
Emergency Food Assistance Program	10%	4%	7%

Nearly seven in 10 (69%) applied for or received at least one of the benefits listed. Those whose household income is less than 125% of the poverty guideline were more likely than those whose income is 125% but less than 200% of the poverty guideline to have applied for or received benefits (75% vs. 63%). The leading benefit is Medicare, with 42% of all respondents indicating that someone in their household applied for or received this benefit. Please see the additional tabulation tables in Appendix B for the proportions of various demographic groups who applied for or received benefits. Keep these differences in mind when viewing the proportion of various groups who experienced problems with benefits. Key significant differences include:

- Rural (75%) and Milwaukee MSA (72%) residents were more likely than Other Urban MSA (63%) residents to have applied for or received benefits.
- Females were more likely than males to indicate that a household member applied for or received benefits (75% vs. 62%).
- Those with children under age 18 in the household were more likely than those without children to have applied for or received benefits (75% vs. 67%).
- The likelihood of having a household member who applied for or received benefits tends to increase with age group of respondent, going from 49% of those ages 18 to 34 to 86% of those ages 65+.
- Those with less than a high school education (84%), high school graduates (77%), and those with technical school or some college education (71%) were more likely than

four-year college graduates (52%) and postgraduates (43%) to report that someone in the household applied for or received benefits.

- Those who are disabled (93%), unemployed (88%), or retired (85%) were more likely than those who are employed part-time (58%), self-employed (57%), employed full-time (49%), or are students (31%) to indicate that a household member applied for or received benefits.
- Those who are Black/Non-Hispanic were more likely than those classified as Other Race/Non-Hispanic to indicate that someone in the household applied for or received benefits (76% vs. 54%). Additionally, 69% of White/Non-Hispanics and 66% of Hispanics reported that a household member applied for or received benefits.

Table H2: Percentage of All Households That Experienced a Benefits-Related Legal Problem

	Ratio of Income to Poverty Guideline		
	< 125%	125% but less than 200%	Total Sample
Any benefits problem	21%	15%	18%
Charges for healthcare, prescription drugs, or medical equipment or supplies	7%	4%	5%
Claim payments for healthcare, prescription drugs, or medical equipment or supplies	4%	3%	4%
Insurance coverage for healthcare, prescription drugs, or medical equipment or supplies	7%	5%	6%
Being discouraged from applying	6%	4%	5%
Having a benefit denied or cut unfairly	9%	5%	7%
Being expected to meet unreasonable requirement to get the benefit	8%	6%	7%
Being punished or sanctioned unfairly for supposedly not following the rules	4%	2%	3%
Being told you have to pay back money you had previously received	5%	3%	4%
Not being given information about how the program works or how to appeal a decision	5%	5%	5%
Getting medicare coverage for nursing home or rehabilitation care	1%	0.2%	0.4%
Other problems	3%	1%	2%

Nearly one-fifth (18%) indicated that someone in the household experienced a problem related to benefit programs. This includes 7% having a benefit denied or unfairly cut (mean number of times is 3.2, median number of times is 2.0) and 7% being expected to meet unreasonable requirements to get the benefit (mean number of times is 3.2, median number of times is 2.0). Many who experienced a benefits-related problem experienced the problem more than one time. Of those with benefits-related problems and who would name the program, 18% had a problem with food stamps, 15% had a problem with Medicaid, Medical Assistance, or Title 19, 14% had a problem with Social Security for the disabled, 12% had a problem with Medicare, and 12% had a problem with Supplement Security Income. Please refer to the frequency tables in Appendix A for a complete listing of programs for which individuals had problems.

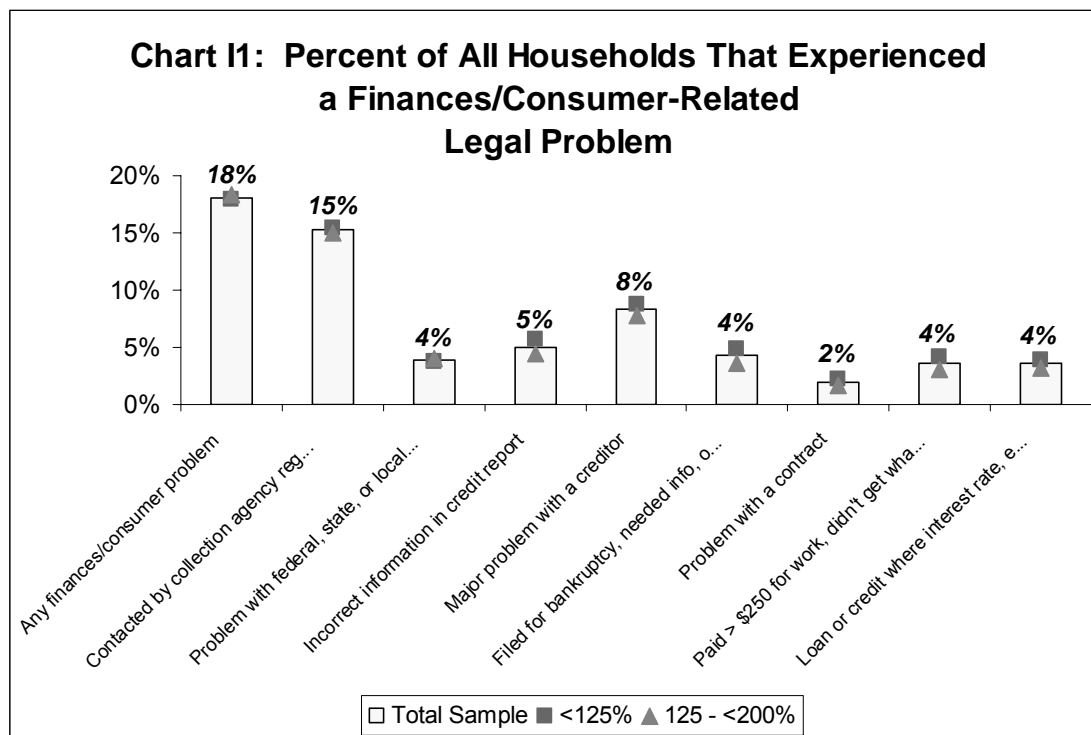
Those whose household income is less than 125% of the poverty guideline were more likely than those whose income is 125% but less than 200% of the poverty guideline to have a

household member who had a problem with benefits (21% vs. 15%). Other significant differences by demographics include:

- About one-fourth (24%) of Milwaukee MSA residents experienced a benefits-related problem, compared with 17% of Other Urban MSA and 14% of Rural residents.
- Females were more likely than males to indicate that someone in the household had a problem with benefits (21% vs. 15%).
- Households with children under age 18 were more likely than those without children to have a member who experienced a problem with benefits (27% vs. 15%).
- Respondents ages 35 to 54 (27%) were the most likely to indicate that a household member had a benefits-related problem.
- Disabled (38%) respondents were the most likely to indicate that someone in the household had a benefits-related problem.
- One-fourth (25%) of those who rent a home, condo, townhouse, or duplex said that someone experienced a problem with benefits, compared with 19% of apartment renters and 14% of homeowners.
- One-fourth (26%) of Black/Non-Hispanics and 22% of Hispanics experienced a benefits-related problem, compared with 16% of White/Non-Hispanics.

I. Personal Finances/Consumer

This section of questions dealt with civil legal problems associated with taxes, creditors, bankruptcy, contracts, purchases and loans.



Nearly one-fifth (18%) had a financial or consumer-related legal problem, and the leading source of legal problems was related to attempts to collect unpaid medical bills. About 15% of respondents were contacted by a collection agency regarding unpaid medical bills, and 8% had a major problem with a creditor (mean number of times is 11.3, median number of times is 3.0). Additionally, 4% of all households had a member with a serious problem with federal, state, or local taxes (mean number of times is 1.8, median number of times is 1.0); 5% had a problem due to there being incorrect information in a credit report (mean number of times is 5.0, median number of times is 2.0); 4% filed for bankruptcy, needed information about filing for bankruptcy, or had a serious problem resulting from an earlier bankruptcy (mean number of times is 2.1, median number of times is 1.0); 2% had a problem with a contract; 4% spent more than \$250 to buy something or have some work done, and then found they didn't get what they paid for and the seller or contractor failed to make things right (mean number of times is 3.9, median number of times is 1.3); and 4% had problems with a loan or credit where the interest rate, fees, or repayment terms were not adequately disclosed (mean number of times is 2.2, median number of times is 2.0).

Significant differences in the proportion that had a problem with personal finances or consumer issues include:

- Milwaukee MSA (25%) and Other Urban MSA (20%) residents were more likely than Rural (10%) residents to experience a financial or consumer-related legal problem.

- Those with children under age 18 in the household were more likely than those without children to have had a problem with personal finances or consumer issues (30% vs. 14%).
- Larger households with five or more (30%), four (28%), or three (26%) members were more likely than households with one (12%) or two (14%) members to have someone who had experienced this type of problem.
- Those ages 65+ (5%) were less likely than respondents ages 18 to 34 (24%), 35 to 54 (28%), or 55 to 64 (19%) to report that someone in the household had a financial or consumer issue. Likewise, retired (6%) individuals were less likely than those with another employment status to indicate a household member experienced this type of problem.
- While those with a technical school or some college education (25%) were the most likely to report a financial or consumer problem in the household, those with a high school education (13%) or less (14%) were the least likely to report this type of problem. A larger proportion of those with less education are ages 65+.
- Those who rent a home, condo, townhouse, or duplex (32%) were the most likely to report a financial or consumer-related problem, followed by apartment renters (21%) and those who own a home, condo, townhouse, or duplex (12%).
- Those who are Hispanic of any race (31%) or Black/Non-Hispanic (31%) were more likely than White/Non-Hispanics (15%) to indicate that someone in the household had a problem related to personal finances or consumer issues.

J. Immigrants and Non-English Speakers

This section of questions dealt with civil legal problems associated with using the legal system or defending personal rights, and a range of issues compounded by immigration status and language competency.

Table J1: Percentage of All Households That Experienced an Immigration or Language-Related Legal Problem

	Ratio of Income to Poverty Guideline		
	< 125%	125% but less than 200%	Total Sample
Any immigration or language problem	2%	1%	1%
Normally speak a language other than English	12%	11%	12%
Using the legal system or defending rights because of a language problem	1%	0.4%	1%
Not a citizen of the United States	5%	5%	5%
Had an immigration problem	1%	1%	1%
<i>Involving deportation</i>	0.2%	0%	0.1%
<i>Involving political asylum</i>	0%	0%	0%
<i>Involving becoming legal or getting a green card</i>	0.4%	0.3%	0.3%
<i>Involving bringing a family member to the U.S. legally</i>	0.2%	0%	0.1%
<i>Involving amnesty</i>	0.2%	0%	0.1%
<i>Involving becoming a citizen</i>	1%	0%	0.4%
<i>Involving being taken advantage of because of immigration status</i>	0.2%	0%	0.1%
<i>Involving getting public benefits</i>	0%	0%	0%
<i>Involving education for your children</i>	0.2%	0%	0.1%
<i>Involving other issue</i>	0.2%	0%	0.1%

Only 1% of all households had a member who experienced an immigration or language-related legal problem. Keep in mind that only 12% of all households have a member who normally speaks a language other than English (over 40% of whom primarily speak Spanish). Hispanic individuals were more likely to have a household member who normally speaks a language other than or in addition to English, as were those classified as Other Race/Non-Hispanic. Additionally, non-Rural residents, male respondents, those with children in the household, individuals ages 18 to 34, larger households, students, and renters were more likely than their counterparts to indicate that a household member normally speaks a language other than English. About 1% of all households had a member who experienced a problem using the legal system or defending their rights because of a language problem.

About 5% of households had a member who is not a citizen of the United States; however, it is possible this is underreported because of current events related to immigration policy. Other Urban MSA residents, males, mid-sized household members, postgraduates, students, renters, and those classified as Hispanic/Any Race or Other Race/Non-Hispanic were the most likely to report that someone in the household is not a citizen of the United States, compared with their counterparts. About 1% of all respondents reported an immigration problem with someone in the household.

Although there appears to be few significant differences by demographic groups in the proportion of households who experienced a problem related to being an immigrant or speaking a language other than English, the results may be skewed given the small number of respondents that actually faced this issue. For example, 13% of those who are Hispanic of any race indicated that a household member experienced this type of problem, compared with less than 1% of White/Non-Hispanics and less than 1% of Black/Non-Hispanics.

K. Native Americans & Tribes

This section of questions dealt with civil legal problems associated with being a member of a Native American tribe, including those related to living on and off of a reservation or trust lands.

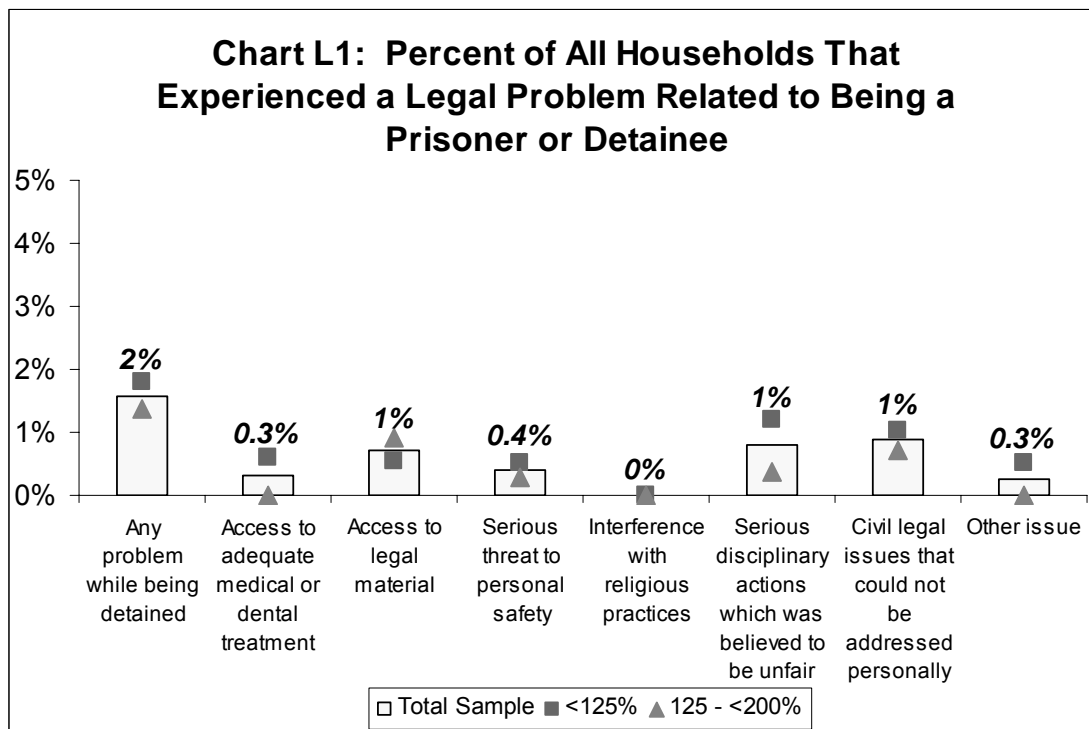
Table K1: Percentage of All Households That Experienced a Legal Problem Related to Being Native American

	Ratio of Income to Poverty Guideline		Total Sample
	< 125%	125% but less than 200%	
Any problem related to being Native American	0.60%	0.06%	0.33%
Member of a Native American Tribe	3.22%	3.26%	3.24%
Live on a reservation or on lands held in trust by the U.S. government	0.21%	0.06%	0.13%
Experienced a serious dispute with a local, state, or federal government agency	0.00%	0.06%	0.03%
Experienced problems related to educational or civil rights of Native American children	0.30%	0.00%	0.15%
Experienced a dispute related to fishing or hunting rights or to owning or using tribal land	0.05%	0.00%	0.03%
Experienced problems related to living off the reservation	0.05%	0.00%	0.03%
Experienced problems with tribal affiliation or enrollment	0.36%	0.00%	0.18%
Experienced legal issues in tribal courts	0.00%	0.06%	0.03%
Experienced a serious dispute with a tribe or one of its government entities	0.00%	0.00%	0.00%
Experienced other treaty violations or threats to tribal sovereignty	0.05%	0.00%	0.03%
Experienced other issue	0.00%	0.00%	0.00%

Only 3% indicated that someone in their household is a member of a Native American Tribe, (which is comparable to the proportion of Wisconsin residents at the < 200% income level whose race is classified as Native American according to the U.S. Census), and less than 1% experienced a problem related to being Native American. This means that approximately one in 10 households with a Native American tribe member experienced problems related to being Native American. There are no significant differences in the proportion that experienced this type of problem given the small number of cases that actually experienced any of the problems listed.

L. Prisoners/Detainees

This section of questions dealt with civil legal problems associated with being detained in a jail, prison or youth detention facility.

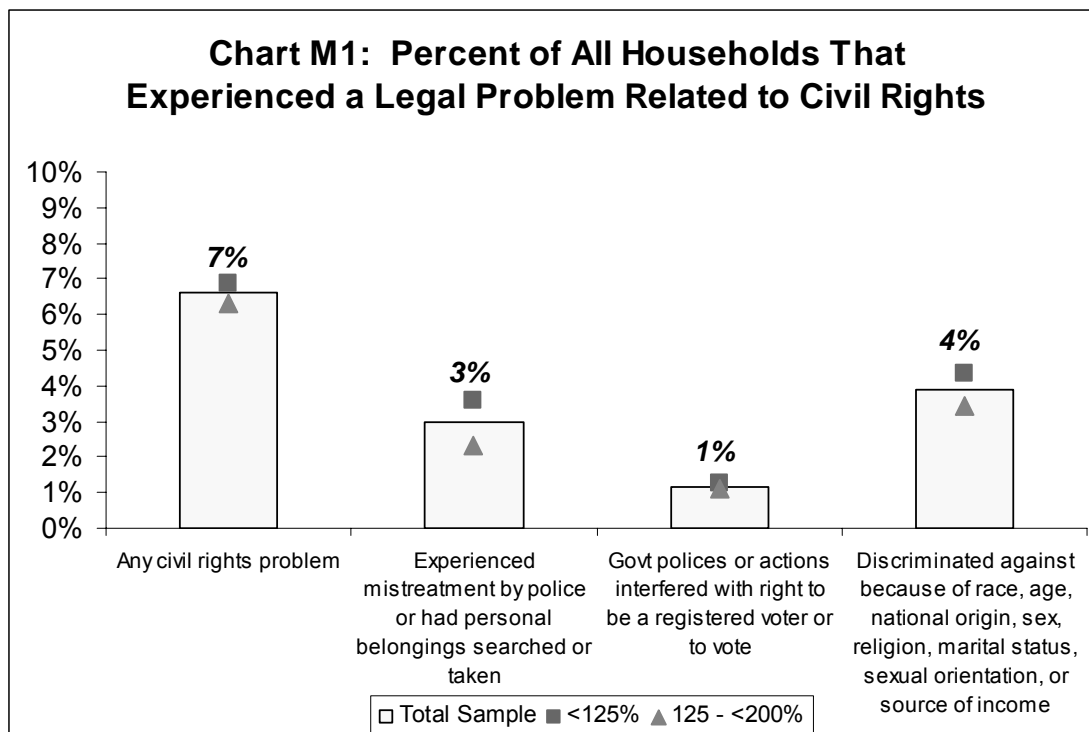


While less than 2% of all households had a member who experienced a problem while being detained, roughly 4% had a household member who was detained in a jail, prison, or youth detention facility in the last 12 months, which suggests that nearly one-half of those whose household member had been detained experienced a problem while being detained.

- Milwaukee MSA residents, those with children under age 18 in the household, larger households, respondents ages 18 to 54, non-retired individuals, renters, and racial or ethnic minorities were more likely than their counterparts to indicate that a household member had been detained in a jail, prison, or youth detention facility in the last 12 months. With a few exceptions, they were more likely than other residents to indicate that household member experienced a problem while being detained.

M. Civil Rights

This section of questions dealt with civil legal problems associated with mistreatment by police, illegal searches and confiscations, voter registration, and race, age, national origin, sex, religion, marital status, sexual orientation, or source of income.



About 7% indicated that someone in their household experienced at least one of the legal problems in the area of civil rights. For example, 3% of households had a member who experienced mistreatment by the police or had a home, car, or other personal belongings searched or taken by the government without good reason (mean number of times is 1.9, median number of times is 1.0); 1% encountered government policies or actions that interfered with a member's right to be a registered voter or to vote (mean number of times is 1.0, median number of times is 1.0); and 4% had a member who was discriminated against, other than in areas already discussed, because of race, age, national origin, sex, religion, marital status, sexual orientation, or source of income (mean number of times is 7.5, median number of times is 3.0).

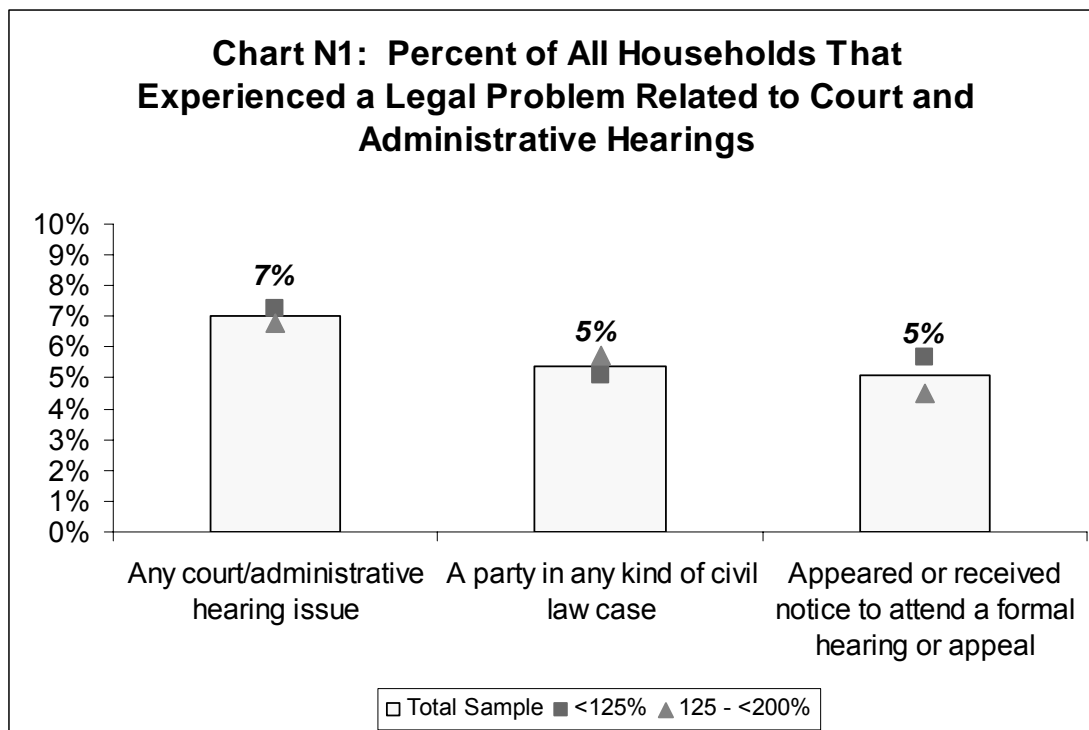
Significant differences in the proportion that experienced a legal problem related to civil rights include:

- Milwaukee MSA (9%) and Other Urban MSA (8%) residents were more likely than Rural (3%) residents to report that someone in the household experienced a legal problem related to civil rights.
- Males were more likely than females to indicate that a household member had a legal problem related to civil rights (9% vs. 5%).
- Households with children under age 18 were more likely than those without children to have faced a problem related to civil rights (11% vs. 5%).

- Households with only one member (4%) were the least likely to include someone with a problem related to civil rights.
- Respondents ages 18 to 34 (11%), 35 to 54 (10%), or 55 to 64 (7%) were more likely than those ages 65+ (<1%) to indicate that a household member had a civil rights-related legal problem. Likewise, those who are retired were the least likely to report this type of problem.
- Singles were more likely than those who are married/partnered (8% vs. 5%) to report that someone in the household had a legal problem related to civil rights.
- Those who rent a home, condo, townhouse, or duplex (15%) were more likely than those who rent an apartment (5%) or own a home, condo, townhouse, or duplex (5%) to indicate that someone in the household experienced a civil rights-related problem.
- Those who are Hispanic of any race (23%) or Black/Non-Hispanic (11%) were more likely than those who are White/Non-Hispanic (4%) to report a household member experiencing an issue related to civil rights.

N. Court and Administrative Hearings

This section of questions dealt with problems associated with any kind of civil legal matter that involved being a party to a lawsuit or receiving notice to appear at a formal hearing or appeal in front of a court or administrative agency.



About 7% indicated that they or a household member experienced at least one of these two kinds of court and administrative hearing issues, with 5% of all households having a member who was a party in any kind of civil law case, and 5% of all households having a member who appeared or received notice to attend a formal hearing or appeal. About 3% indicated that they or a household member experienced both types of court and administrative hearing issues.

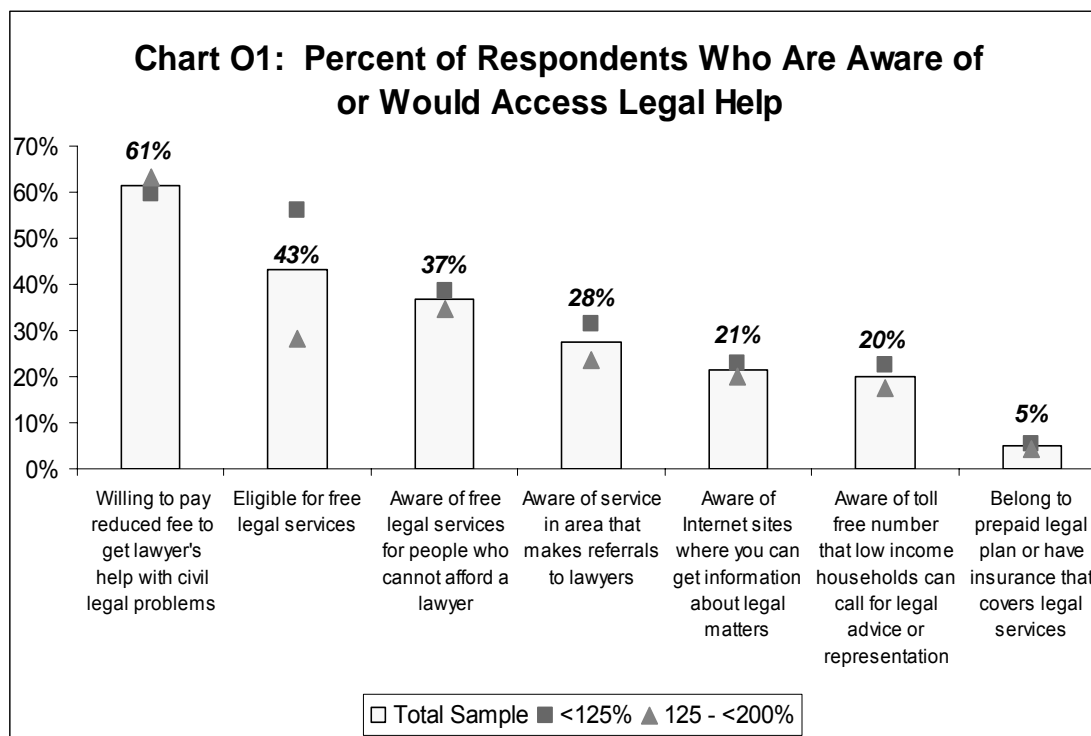
Significant differences in the proportion experiencing a civil legal issue include:

- Milwaukee MSA (10%) residents were more likely than Rural (4%) residents to have had this issue, while 8% of Other Urban MSA residents experienced this sort of issue.
- Households with children under age 18 were more likely than those without children to have had this issue (13% vs. 5%).
- The likelihood of having had this issue tends to increase with household size, going from 4% of those in a household with only one member to 16% of households with five or more members.
- Younger respondents were more likely than older ones to indicate that a household member faced this type of issue. About 12% of those ages 35 to 54 and 9% of those ages 18 to 35 experienced this issue in the household, compared with 4% of those ages 55 to 64 and 2% of those ages 65+.

- Those with a technical school or some college education (12%) were the most likely to indicate a household member had experienced this issue, while those with a high school education (5%) or less (2%) were the least likely to report this problem. Keep in mind that those with a lower education are more likely than others to be ages 65+.
- Those who rent a home, condo, townhouse, or duplex (14%) were more likely than apartment renters (7%) or homeowners (5%) to indicate that someone in the household had this issue.
- Those who are Hispanic of any race (19%) were more likely than Black/Non-Hispanics (7%) and White/Non-Hispanics (6%) to say that a household member faced this issue.

O. Awareness and Access

This section of questions dealt with being aware of various sources of legal help with a civil legal matter, plus willingness to pay a reduced fee to get a lawyer's help with all or any part of civil legal problems discussed throughout the survey.



Six in 10 (61%) of those with an opinion would be willing to pay a reduced fee to get a lawyer's help with all or any part of the civil legal problems discussed if that option were available. The willingness to consider this option did not vary significantly by income. Looking at those who offered a response, awareness is lower for free legal services for people who cannot afford a lawyer (37%), followed by services in area that make referrals to lawyers (28%), Internet sites where they can get information about legal matters (21%), and a toll free number that low income households can call for legal advice or representation (20%).

Those whose household income is less than 125% of the poverty guideline were more likely than those whose income is 125% but less than 200% to say they are eligible for free legal services (56% vs. 28%), and were more likely to be aware of a service in the area that makes referrals to lawyers (32% vs. 23%) and a toll free telephone number that low income households can call for legal advice or representation (23% vs. 17%). Other significant differences by demographic groups include:

- Other Urban MSA (72%) residents are the most likely to be willing to pay a reduced fee for a lawyer's help, followed by Milwaukee MSA (63%) and Rural (47%) residents. Additionally, Milwaukee MSA (56%) residents were the most likely to indicate they are eligible for free legal services, followed by Other Urban MSA (45%) and Rural (30%) residents. Awareness of any free legal services for people who cannot afford a lawyer

is higher for Milwaukee MSA (41%) and Other Urban MSA (40%) residents than for Rural (28%) residents.

- Females are more likely than males to be aware of a service in the area that makes referrals to lawyers (30% vs. 23%).
- Those with children under age 18 in the household are more likely than those without children to be willing to pay a reduced fee for a lawyer's help (72% vs. 58%) and are more likely to say that they are eligible for free legal services (51% vs. 40%).
- Respondents ages 65+ were less likely than younger respondents to say they are eligible for free legal services (31%) or would be willing to pay a reduced fee to get a lawyer's help (46%). Respondents ages 35 to 64 tend to be more likely than younger or older respondents to be aware of a service that makes referrals to lawyers or any free legal services for people who cannot afford a lawyer. Respondents ages 18 to 34 are the least likely to be aware of a toll free number for legal advice or representation.
- Singles were more likely than those who are married/partnered to indicate that they are eligible for free legal services (48% vs. 34%).
- Postgraduates (80%) are the most likely to be willing to pay a reduced fee to get a lawyer's help, compared with 65% of those with technical school or some college education, 63% of four-year college graduates, 56% of high school graduates, and 51% of those with less than a high school level of education.
- Those with technical school or some college education (46%) are the most likely to be aware of free legal services for people who cannot afford them.
- Those who are disabled (79%) or unemployed (74%) were the most likely to indicate that they are eligible for free legal services. Retired (49%) individuals were the least likely to say they would be willing to pay a reduced fee for a lawyer's help.
- Those who rent a home, condo, townhouse, or duplex (57%) and apartment renters (54%) are more likely than those who own a home, condo, townhouse, or duplex (30%) to say that they are eligible for free legal services. Additionally, renters are more likely than owners to be aware of a service that makes referrals to lawyers and of any free legal services for people who cannot afford a lawyer.
- Those who are Black/Non-Hispanic (65%) or Hispanic of any race (54%) were more likely than those who are White/Non-Hispanic (37%) to indicate that they are eligible for free legal services.

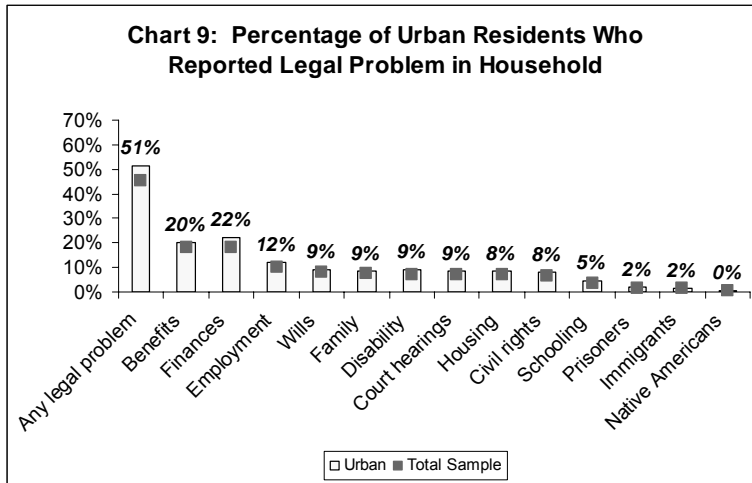
III. Population Segmentation Summary

To better describe which population groups are experiencing at least one civil legal problem, we segmented or compared the incidence of problems in relationship to key demographics.

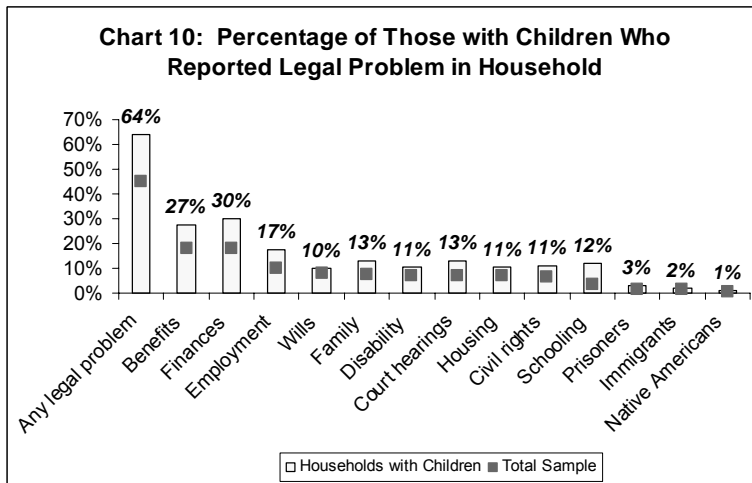
Table 3: Demographic Profile of Respondents Who Reported Legal Problem in Household

		Experienced At Least One Legal Problem					
		No Legal Problem		Had Legal Problem		Total Sample	
		Weighted Count	Column N %	Weighted Count	Column N %	Weighted Count	Column N %
Ratio of Income to Poverty Guideline	< 125%	297	48.2%	273	54.0%	570	50.8%
	125% but less than < 200%	319	51.8%	233	46.0%	552	49.2%
	<i>Total</i>	<i>616</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Area of Residence	Milwaukee	149	24.2%	176	34.8%	325	29.0%
	Other Urban	224	36.4%	217	43.0%	441	39.3%
	Rural	243	39.4%	113	22.2%	355	31.7%
	<i>Total</i>	<i>616</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Gender	Male	255	41.4%	203	40.2%	458	40.9%
	Female	361	58.6%	303	59.8%	664	59.1%
	<i>Total</i>	<i>616</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Have Children Under Age 18 in Household	No kids	509	82.6%	315	62.2%	824	73.4%
	Kids	107	17.4%	191	37.8%	298	26.6%
	<i>Total</i>	<i>616</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Total Number of Members of Household	1	283	45.9%	161	31.8%	444	39.5%
	2	188	30.5%	115	22.6%	302	26.9%
	3	56	9.1%	65	12.8%	121	10.8%
	4	38	6.2%	64	12.6%	102	9.1%
	5 +	51	8.3%	102	20.2%	153	13.7%
	<i>Total</i>	<i>616</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Age of Respondent	18 to 34	113	18.4%	142	28.0%	255	22.7%
	35 to 54	140	22.7%	217	42.8%	357	31.8%
	55 to 65	82	13.4%	51	10.2%	134	11.9%
	65+	281	45.6%	96	19.1%	377	33.6%
	<i>Total</i>	<i>616</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,122</i>	<i>100.0%</i>
Marital Status	Single	403	65.7%	336	66.4%	739	66.0%
	Married/partnered	211	34.3%	170	33.6%	381	34.0%
	<i>Total</i>	<i>614</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,120</i>	<i>100.0%</i>
Highest Level of Schooling Completed	Less than high school grad	72	11.7%	38	7.5%	110	9.8%
	High school grad	251	41.0%	164	32.4%	415	37.1%
	Technical school or some college	154	25.1%	191	37.8%	345	30.8%
	Four year college degree	83	13.5%	66	13.0%	149	13.3%
	Postgraduate or professional degree	53	8.7%	47	9.4%	101	9.0%
	<i>Total</i>	<i>613</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,118</i>	<i>100.0%</i>
Employment Status	Employed full-time	109	17.8%	127	25.2%	236	21.2%
	Employed part-time	71	11.6%	74	14.7%	145	13.0%
	Self-Employed	23	3.8%	26	5.2%	50	4.4%
	Homemaker	26	4.2%	25	5.0%	51	4.6%
	Student	40	6.6%	38	7.6%	79	7.0%
	Retired	264	43.1%	98	19.5%	362	32.4%
	Unemployed	40	6.5%	47	9.4%	87	7.8%
	Disabled	40	6.5%	68	13.4%	107	9.6%
	<i>Total</i>	<i>613</i>	<i>100.0%</i>	<i>503</i>	<i>100.0%</i>	<i>1,116</i>	<i>100.0%</i>
Type of Residence	Own home, condo, townhouse, or duplex	307	49.9%	159	31.4%	466	41.5%
	Rented home, condo, townhouse, or duplex	81	13.1%	124	24.6%	205	18.3%
	Rented apartment	181	29.4%	183	36.1%	364	32.4%
	Other	47	7.6%	40	7.9%	87	7.7%
	<i>Total</i>	<i>616</i>	<i>100.0%</i>	<i>506</i>	<i>100.0%</i>	<i>1,121</i>	<i>100.0%</i>
Race/Ethnicity	White/Non-Hispanic	499	81.2%	340	67.4%	839	75.0%
	Black/Non-Hispanic	70	11.4%	90	17.8%	160	14.3%
	Hispanic/Any Race	19	3.1%	51	10.2%	71	6.3%
	Other Race/Non-Hispanic	26	4.2%	23	4.7%	49	4.4%
	<i>Total</i>	<i>615</i>	<i>100.0%</i>	<i>504</i>	<i>100.0%</i>	<i>1,119</i>	<i>100.0%</i>

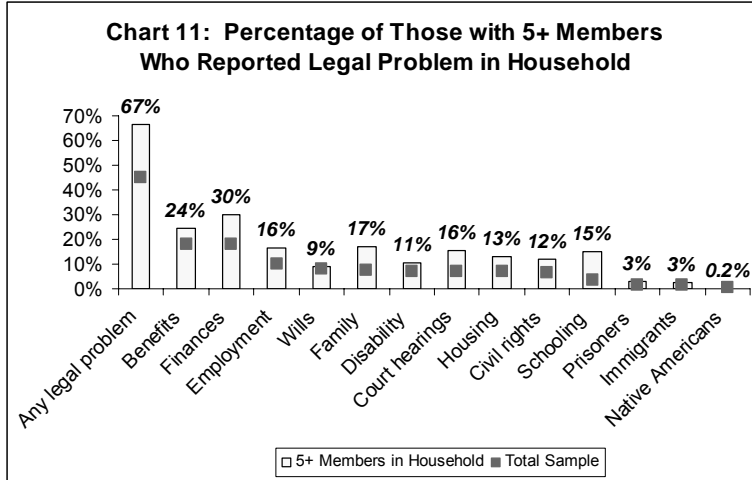
Table 3 shows that those who reported that someone in the household experienced at least one of the civil legal problems discussed are more likely than those who did not report a civil legal need or problem to live in urban areas, have children under age 18 in the household, live in larger households, be younger, work full-time and not retired, have a technical school or some college education, rent, and be racial or ethnic minorities. Charts 9 through 13 show the proportion of respondents who reported a civil legal problem for key demographic groups.



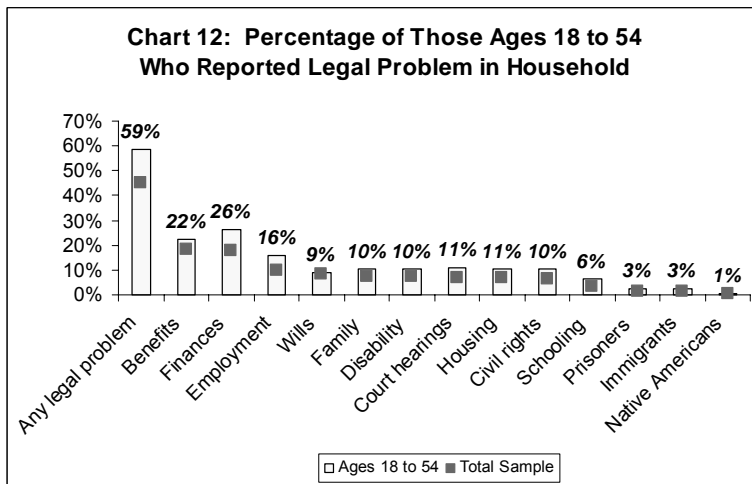
One-half (51%) of Urban households (Milwaukee MSA or Other Urban MSAs) had a member who experienced a civil legal problem, compared with 45% of the total sample, which is predominantly urban. Only 32% of Rural residents reported a civil legal problem. The top civil legal problem areas for Urban residents are related to finances (22%) and benefits (20%).



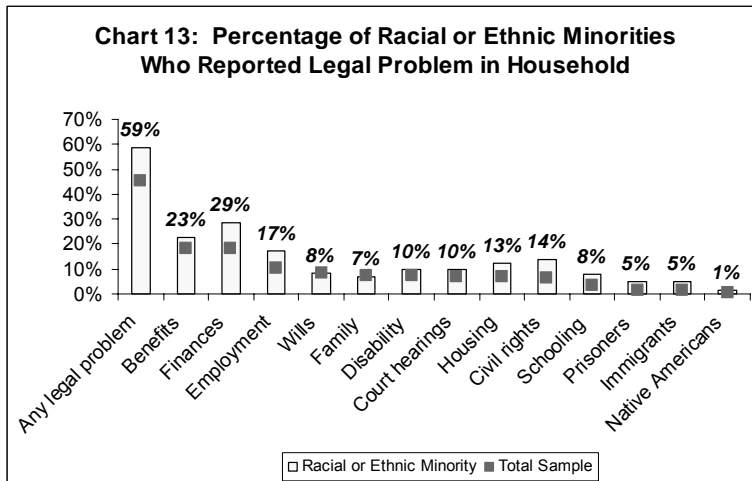
Nearly two-thirds (64%) of households with children had a member who experienced a civil legal problem or problem, compared with 45% of the total sample. The top civil legal problem areas for households with children are related to financial or consumer issues (30%) and benefits (27%).



Two-thirds (67%) of larger households with five or more members indicated that someone in the household had a civil legal problem. The top areas of civil legal problems are financial or consumer-related (30%) and benefits-related (24%) issues.



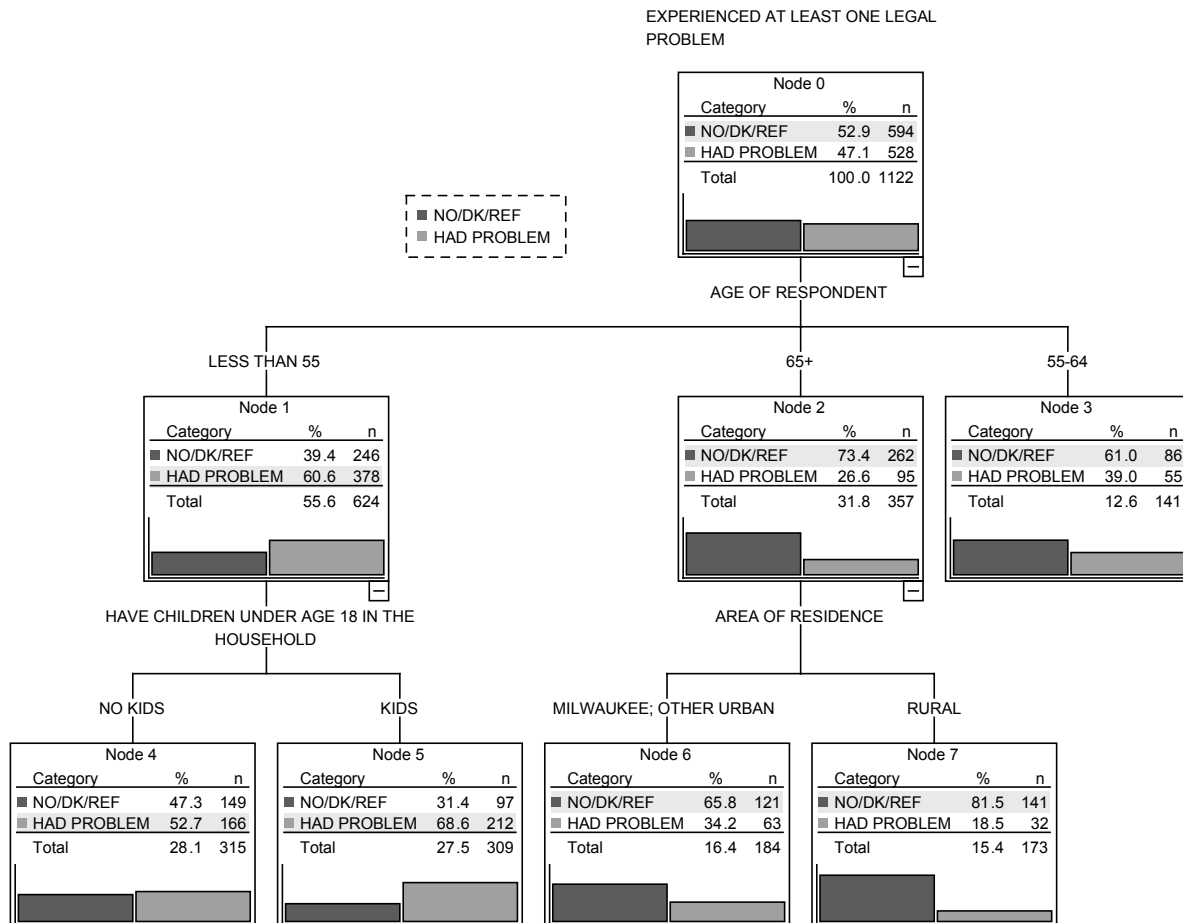
About six in ten (59%) of those ages 18 to 54 indicated that someone in their household experienced a civil legal problem, with the top areas of problem being related to finances (26%) and benefits (22%).



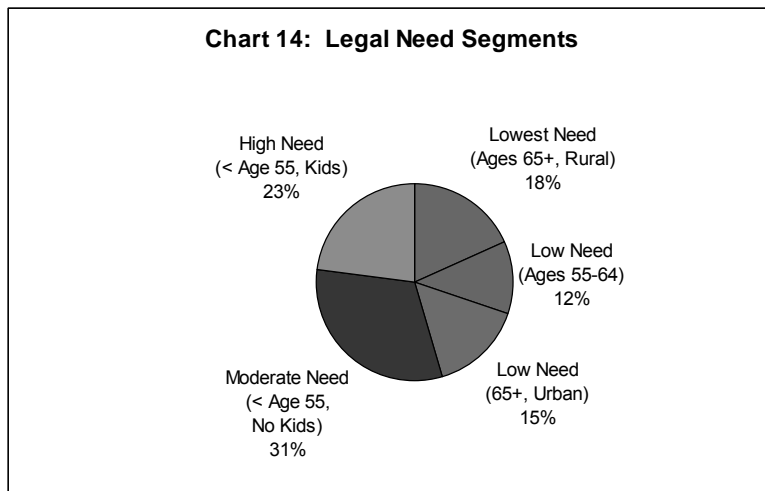
Non-Hispanic Whites were the least likely to report a civil legal problem in the household, while Black/Non-Hispanics and Hispanics were the most likely to indicate there was a civil legal problem in the household. The difference between Black/Non-Hispanics and Hispanics is not statistically significant. Chart 13 shows that combined, 59% of all racial/ethnic minorities indicated that someone in the household had a civil legal problem.

Figure 1 presents a classification tree, which shows the segments of the population who are most likely and least likely to have reported a legal problem. In creating the classification tree, unweighted raw data were used because the program used to create the tree rounds the weights to the closest integer; therefore, any weight below 0.5 is rounded to 0 and excluded from the analysis. Because Blacks, particularly for the Milwaukee MSA, were overrepresented in the sample, they have a weight less than 0.5 in order for the sample distribution to be in line with the population distribution. If the weight were applied, the majority of Blacks would be excluded from the analysis. However, previously reported results were based on weighted data, as not weighting the data results in overrepresented groups having a greater influence on the total proportion having a legal need or problem. The classification tree should be viewed as an exploratory tool, and used to get a general idea of how certain characteristics differ in terms of reporting at least one legal problem in the household. Keep in mind that because unweighted results are presented, the figures in the classification tree may differ somewhat from weighted results, which should be viewed as more accurate. For example, the weighted results show that 45% reported having a legal need, compared with 47% in the unweighted results.

Figure 1. Classification Tree



While all demographics were considered in the classification, the above tree shows the top demographic indicators of having a legal problem in the household. Age of respondent is the leading driver in this analysis of legal need. Generally, rural residents ages 65+ were the least likely to have reported a legal problem. In comparison, respondents under age 55 with children were the most likely to indicate that someone in the household experienced at least one of the legal issues discussed. In addition, members of this segment are more likely to live in Milwaukee, have larger households (with nearly one-half having five or more household members), are somewhat more likely to be married, are more likely than others to be employed-full-time (keep in mind that many of the low-need groups are older and retired, as opposed to employed), are more likely to rent their home, condo, townhouse, or duplex, and are disproportionately minority.



As the classification tree shows, those less than age 55 with children in the household were the most likely demographic group to have reported a legal problem in their household. It is estimated that nearly one-fourth of households in the low to moderately low income population (< 200% income level) have a high legal need, as 23% of the weighted sample are classified in this High Need group. In addition, 31% are classified as Moderate Need, or less than age 55 with no children in the household.

Wisconsin Legal Needs Study – Pretest Version
Gene Kroupa & Associates 608/231-2250
March 2006

INTRODUCTION

Hello, my name is _____ and I'm calling from an opinion research firm. We aren't selling anything, this is just a survey. [MUST BE AT LEAST 18 AND BE A MEMBER OF THE HOUSEHOLD TO ANSWER.] We are asking area residents about important issues, like housing, health care, and employment. This survey is part of a statewide effort to identify areas of need for free or low-cost civil legal services. Whatever you tell me will be kept completely confidential, and your answers will not be associated with you personally. We would really like to get your opinions for this important research project. Can you spend 15 to 20 minutes to answer some questions?

- 1Yes **→ CONTINUE**
- 2No **→ IS THERE A BETTER TIME I COULD CALL BACK? [SCHEDULE CALLBACK.]**

SECTION A: DEMOGRAPHICS

FIRST, I NEED TO ASK SOME QUESTIONS FOR CLASSIFICATION PURPOSES ONLY. AGAIN, ALL OF YOUR ANSWERS ARE KEPT CONFIDENTIAL, AND THESE QUESTIONS ARE USED ONLY TO GROUP PEOPLE TOGETHER INTO SIMILAR CATEGORIES.

1. Enter gender: **[DO NOT ASK.]**

- 1 Male
- 2 Female

2. Including yourself, how many members of your household are: **[INCLUDE ANYONE WHO LIVES IN THE HOUSEHOLD, WHETHER THEY ARE RELATED OR NOT. COUNT EVERYONE, INCLUDING BABIES, SMALL CHILDREN AND ANYONE WHO USUALLY LIVES THERE BUT IS AWAY, SUCH AS AT SCHOOL, IN A PRISON, HOSPITAL, NURSING HOME OR THE MILITARY.]**

- | | <u>Record #</u> |
|-----------------|-----------------|
| a. Under 18 | _____ |
| b. 18 to 34 | _____ |
| c. 35 to 54 | _____ |
| d. 55 to 64 | _____ |
| e. 65+ | _____ |
| e. TOTAL | _____ |

3. What is your age? _____ YEARS or 99 = REFUSED

4. Now, thinking again about all the people in your household including yourself, would you say that the total combined income before taxes from all sources, including earnings from work or odd jobs, retirement income, interest and dividends, and various government benefit programs, is (REFER TO CHART BELOW. USE BOLD ANNUAL FIGURE – CATI WILL INSERT CATEGORIES FOR FAMILY SIZE ENTERED IN Q.2e): **[IF REFUSED OR DON'T KNOW, REASSURE THEM OF CONFIDENTIALITY AND EXPLAIN THAT INFORMATION WILL BE USED ONLY TO COMPARE RESPONSES OF PEOPLE IN BROAD INCOME GROUPS. IF DON'T KNOW, PROBE FOR BEST GUESS AND OFFER MONTHLY AND WEEKLY FIGURES CORRESPONDING TO HOUSEHOLD SIZE, IF HELPFUL. IF STILL DON'T KNOW/REFUSED, THANK AND DISCONTINUE.]**

Persons in Family Unit (Q.2e)	Less than 125% = 1	125% but less than 200% = 2	200% or more = 3
1	Less than \$11,963/year Less than \$997/month Less than \$230/week	\$11,963 but less than \$19,140 per year \$997 but < \$1,595/month \$230 but < \$368/week	\$19,140 or more/year \$1,595 or more/month \$368 or more/week
2	Less than \$16,038/year Less than \$1,337/month Less than \$308/week	\$16,038 but less than \$25,660 year \$1,337 but < \$2,138/month \$308 but < \$493/week	\$25,660 or more/year \$2,138 or more/month \$493 or more/month
3	Less than \$20,113/year Less than \$1,676/month Less than \$387/week	\$20,113 but less than \$32,180 per year \$1,676 but < \$2,682/month \$387 but < \$619/week	\$32,180 or more/year \$2,682 or more/month \$619 or more/week

4	Less than \$24,188/year Less than \$2,016/month Less than \$465/week	\$24,188 but less than \$38,700 per year \$2,016 but < \$3,225/month \$465 but < \$744/week	\$38,700 or more/year \$3,225 or more/month \$744 or more/week
5	Less than \$28,263/year Less than \$2,355/month Less than \$544/week	\$28,263 but less than \$45,220 per year \$2,355 but < \$3,768/month \$544 but < \$870/week	\$45,220 or more/year \$3,768 or more/month \$870 or more/week
6	Less than \$32,338/year Less than \$2,695/month Less than \$622/week	\$32,338 but less than \$51,740 per year \$2,695 but < \$4,312/month \$622 but < \$995/week	\$51,740 or more/year \$4,312 or more/month \$995 or more/week
7	Less than \$36,413/year Less than \$3,034/month Less than \$700/week	\$36,413 but less than \$58,260 per year \$3,034 but < \$4,855/month \$700 but < \$1,120/week	\$58,260 or more/year \$4,855 or more/month \$1,120 or more/week
8	Less than \$40,488/year Less than \$3,374/month Less than \$779/week	\$40,488 but less than \$64,780 per year \$3,374 but < \$5,398/month \$779 but < \$1,246/week	\$64,780 or more/year \$5,398 or more/month \$1,246 or more/week
For each additional person, add	\$4,075/year \$340/month \$78/week	\$6,520/year \$543/month \$125/week	
	COUNT TOWARD 125% QUOTA	COUNT TOWARD 200% QUOTA	THANK AND DISCONTINUE

5. Are you single or married?

- 1 Single [includes widowed and divorced]
- 2 Married [includes separated but not divorced]
- 3 Not married, but living with a partner
- 9 Refused

6. Out of everyone in your household, what is the highest level of schooling completed? Is it: **[READ.]**

- 1 Less than high school grad
- 2 High school grad
- 3 Technical school or some college
- 4 Four year college degree
- 5 Post graduate or professional degree
- 9 Refused

7. What is your employment status? Are you: **[READ & CIRCLE ONLY ONE.]**

- 1 Employed full-time
- 2 Employed part-time
- 3 Self-employed
- 4 Homemaker
- 5 Student
- 6 Retired
- 7 Unemployed
- 8 Disabled
- 9 Other _____
- 99 .. Refused

8. Do you now live in: **[READ.]**

- 1 Your own home, condominium, townhouse or duplex
- 2 Rented home, condominium, townhouse or duplex
- 3 Rented apartment
- 4 Mobile home
- 5 Family member or relative's home
- 6 Other _____
- 9 Refused

9a. Are you of Mexican, Chicano, Hispanic or Latino Origin?

- 1 Yes
- 2 No
- 9 Refused

9b. Which of the following best describes you? Is it: **[READ.]**

- 1 White
- 2 Black or African American
- 3 American Indian or Alaska Native
- 4 Asian or Pacific Islander
- 5 Biracial or Multiracial
- 6 Other _____ **[DO NOT READ.]**
- 9 Refused **[DO NOT READ.]**

10. Please tell me if you would use these ways to get help with legal problems: **[READ AND ROTATE.]**

- a. Legal aid office 1 – YES 2 – NO 9 – Refused/Not applicable
- b. Internet 1 – YES 2 – NO 9 – Refused/Not applicable
- c. Social service agency 1 – YES 2 – NO 9 – Refused/Not applicable
- d. Private lawyer 1 – YES 2 – NO 9 – Refused/Not applicable
- e. Friend or family member 1 – YES 2 – NO 9 – Refused/Not applicable
- f. Government agency 1 – YES 2 – NO 9 – Refused/Not applicable
- g. Trained non-lawyer advocate 1 – YES 2 – NO 9 – Refused/Not applicable

SECTION B: HOUSING

IN THIS SURVEY WE ARE CONCERNED WITH THINGS THAT INVOLVE ALL OF THE PEOPLE WHO ARE NORMALLY A PART OF YOUR HOUSEHOLD. AS I DESCRIBE EACH SITUATION, PLEASE TELL ME WHETHER IT OCCURRED DURING THE LAST 12 MONTHS.

FIRST, LET'S TALK ABOUT HOUSING.

11. During any part of the last 12 months, did you or anyone in your household live in a place that was rented from someone else?
- 1 Yes
2 No → **SKIP TO Q.14**
9 DK/REF → **SKIP TO Q.14**
12. Did you or anyone in your household experience unsafe or unhealthy conditions in a rented place? *[Such as: the landlord frequently not providing heat, hot water, electricity, or working plumbing; a lot of cockroaches, mice, or rats; or unsafe conditions, like electrical problems, broken appliances, poor security, peeling paint, leaky roof, broken window or other serious problems that the landlord didn't fix.]*
- 1 Yes → **ASK Q.12a**
2 No
9 DK/REF
- 12a. How many times did this happen within the last 12 months? _____ Times
13. In the last 12 months, did you or anyone in your household have a major problem with a landlord or public housing authority? *[Such as: a serious dispute about rent, the terms of the lease, or the security deposit; being locked out, evicted or threatened with eviction; being harassed by the landlord; or being unfairly denied public housing or transfer to another public housing unit.]*
- 1 Yes → **ASK Q.13a**
2 No
9 DK/REF
- 13a. How many times did this happen within the last 12 months? _____ Times
14. Did you or anyone in your household face discrimination in trying to rent housing in the last 12 months? *[Such as: being denied housing, steered to certain neighborhoods, refusal to accept Section 8 vouchers, or having trouble getting rental housing in certain neighborhoods because of race, sex, disability, source of income, having children, composition of the household, sexual orientation, or for any other reason that you believe may be unlawful.]*
- 1 Yes → **ASK Q.14a**
2 No
9 DK/REF
- 14a. How many times did this happen within the last 12 months? _____ Times
15. During the last 12 months, did you or anyone in your household face discrimination in buying a home? *[Such as: being steered to certain neighborhoods, denied a mortgage loan, charged a higher interest rate, or having trouble getting financing because of race, sex, disability, source of income, having children, composition of the household, sexual orientation, or for any other reason that you believe may be unlawful.]*
- 1 Yes → **ASK Q.15a**
2 No
9 DK/REF

15a. How many times did this happen within the last 12 months? _____ Times

[IF THE RESPONDENT ANSWERED “YES” TO Q.12, Q.13, Q.14 OR Q.15, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED A LEGAL PROBLEM RELATED TO HOUSING...

B1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

B2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → SKIP TO B5
- 9 DK/REF → SKIP TO B5

B3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → SKIP TO B5
- 9 DK/REF → SKIP TO B5

B4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

B5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

B6. Was your household member satisfied with how the problem was resolved?

- 1 Yes
- 2 No
- 9 DK/REF

B7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

- 1 Yes
- 2 No
- 9 DK/REF

SECTION C: FAMILY/DOMESTIC

NOW I'D LIKE TO ASK YOU ABOUT SOME SITUATIONS THAT CAN COME UP IN FAMILIES. I WILL BE ASKING ABOUT THE LAST 12 MONTHS AND ABOUT PROBLEMS AFFECTING ANYONE NOW LIVING IN YOUR HOUSEHOLD. AGAIN, YOUR ANSWERS WILL NOT BE ASSOCIATED WITH YOU.

16. During the last 12 months, did you or anyone in your household have legal problems related to the breakup of a marriage or relationship or about what would happen with children or property after a breakup? [The problems DO NOT include psychological, financial, physical and emotional problems; just legal issues such as those listed in Q.17.]

- 1 Yes
- 2 No → **SKIP TO Q.18**
- 9 DK/REF → **SKIP TO Q.18**

17. Was that problem related to any of the following issues? **[READ AND ROTATE. USE 9=DON'T KNOW/REF.]**

17a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER "YES" BEFORE CONTINUING TO THE NEXT ITEM.]** How many times did that problem occur in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. Child custody dispute	1	2	9	_____
b. Child support dispute.....	1	2	9	_____
c. Adoption	1	2	9	_____
d. Paternity	1	2	9	_____
e. Child guardianship.....	1	2	9	_____
f. Allegations of child abuse or neglect.....	1	2	9	_____
g. Problems with foster care	1	2	9	_____
h. Separation, divorce or annulment.....	1	2	9	_____
i. A dispute about property settlement or maintenance.....	1	2	9	_____
j. Other dispute about a child (residence, placement, rights of grandparents) [DO NOT ROTATE.]	1	2	9	_____
k. Other, specify: _____	1	2	9	_____

18. Was any person in the household age 60 or older abused, neglected or taken advantage of financially by anyone?

- 1 Yes
- 2 No
- 9 DK/REF

19. At any point in the last 12 months, did anyone from the household live in a nursing home, boarding home, mental hospital, adult family home or other group care setting?

- 1 Yes
- 2 No → **SKIP TO Q.21**
- 9 DK/REF → **SKIP TO Q.21**

20a. At any point in the last 12 months, did that person believe that he or she was being abused?

- 1 Yes
- 2 No
- 9 DK/REF

20b. At any point in the last 12 months, did that person believe that he or she was capable of living in the community but felt forced to live in a group setting?

- 1 Yes
- 2 No
- 9 DK/REF

21. Did you or any adult living in the household suffer physical, sexual, or emotional abuse from a spouse or intimate partner?

- 1 Yes → **ASK Q.21a**
- 2 No
- 9 DK/REF

21a. How many times did this happen within the last 12 months? _____ Times

[IF THE RESPONDENT ANSWERED “YES” TO Q.16, Q.18, Q.20A, Q20B OR Q.21, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED A FAMILY OR DOMESTIC LEGAL PROBLEM...

C1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

C2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO C5**
- 9 DK/REF → **SKIP TO C5**

C3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → **SKIP TO C5**
- 9 DK/REF → **SKIP TO C5**

C4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

C5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

C6. Was your household member satisfied with how the problem was resolved?

- 1 Yes
- 2 No
- 9 DK/REF

C7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

1 Yes

2 No

9 DK/REF

SECTION D: CHILDREN'S SCHOOLING

22. Did you or anyone now living in your household have any children ages 5 through 17 who were enrolled in school for any part of the last 12 months? [Include biological, adoptive, step, or foster children.]

1 Yes

2 No → **SKIP TO Q.25**

9 DK/REF → **SKIP TO Q.25**

23. Did you or the child's parent or guardian have trouble getting needed educational services? [*Such as: enrolling a child in school, transferring records, getting transportation, finding that the child was placed in a program below his or her level, or having a serious problem getting the kind of special classes or services the child needed.*]

1 Yes

2 No

9 DK/REF

24. Was there ever a time in the last 12 months when a child in the household had serious truancy or school-related disciplinary problems that you believe were handled unfairly or improperly by school officials or the police?

1 Yes

2 No

9 DK/REF

25. Was there ever a time in the last 12 months when a child in the household missed some schooling due to being homeless or without a permanent residence?

1 Yes

2 No

9 DK/REF

[IF THE RESPONDENT ANSWERED "YES" TO Q.22, Q.23, Q.24 OR Q.25, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED A LEGAL PROBLEM RELATED TO CHILDREN'S SCHOOLING...

D1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

1 Yes

2 No

9 DK/REF

D2. Did that person ask for help from a lawyer to resolve the problem(s)?

1 Yes

2 No → **SKIP TO D5**

9 DK/REF → **SKIP TO D5**

D3. Did that person receive help from a lawyer to resolve this problem?

1 Yes

2 No → **SKIP TO D5**

9 DK/REF → **SKIP TO D5**

D4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

D5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

D6. Was your household member satisfied with how the problem was resolved?

- 1 Yes
- 2 No
- 9 DK/REF

D7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

- 1 Yes
- 2 No
- 9 DK/REF

SECTION E: WILLS/ESTATES/ADVANCE DIRECTIVES

26. In the last 12 months, did you or anyone in your household need help with: **[READ AND ROTATE. USE 9=DON'T KNOW/REFUSED.]**

26a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER "YES" BEFORE CONTINUING TO THE NEXT ITEM.]** How many times did you or someone in the household need help with this in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. Making or changing a will	1.....	2.....	9.....	_____
b. Setting up a special needs trust	1.....	2.....	9.....	_____
c. Getting Medicare coverage for nursing home or rehabilitation care	1.....	2.....	9.....	_____
c. Starting or changing guardianship of an adult	1.....	2.....	9.....	_____
d. Resolving an inheritance problem after someone died.....	1.....	2.....	9.....	_____
e. Setting up or enforcing an advance directive, power of attorney or living will	1.....	2.....	9.....	_____

[IF THE RESPONDENT ANSWERED "YES" TO ANY ITEM IN Q.26, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD NEEDED LEGAL HELP WITH A WILL, ESTATE OR ADVANCE DIRECTIVE...

E1. Did that person receive help with the matter from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

E2. Did that person ask for help from a lawyer in that instance?

- 1 Yes
- 2 No → **SKIP TO E5**
- 9DK/REF → **SKIP TO E5**

E3. Did that person receive help from a lawyer to resolve this matter?

- 1 Yes
- 2 No → **SKIP TO E5**
- 9DK/REF → **SKIP TO E5**

E4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9DK/REF

E5. Was there another side that was represented by a lawyer?

- 1 Yes
- 2 No
- 9DK/REF/NA

E6. Was your household member satisfied with how the matter was resolved?

1 Yes

2 No

9 DK/REF

E7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the matter(s)?

1 Yes

2 No

9 DK/REF

SECTION F: EMPLOYMENT- RELATED

NEXT, I'D LIKE TO ASK ABOUT SOME SITUATIONS CONCERNING WORK AND RETIREMENT.

27. In the last 12 months, do you believe that you or anyone in your household was not hired, or was fired, disciplined, denied a promotion or harassed at a job because of illegal employment practices or discrimination?

- 1 Yes → **ASK Q.27a**
- 2 No → **SKIP TO Q.29**
- 9 DK/REF → **SKIP TO Q.29**

27a. How many times did this happen within the last 12 months? _____ Times

28. Do you believe the basis for the unfair treatment or discrimination was due to any of these factors?
How about: **[READ AND ROTATE. USE 9=DON'T KNOW/REFUSED.]**

28a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER "YES" BEFORE CONTINUING TO THE NEXT ITEM.]** How many times did you or someone in the household experience unfair treatment because of (item) in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. Race	1.....	2.....	9.....	_____
b. National origin/Ethnicity	1.....	2.....	9.....	_____
c. Gender.....	1.....	2.....	9.....	_____
d. Marital status	1.....	2.....	9.....	_____
e. Parental status.....	1.....	2.....	9.....	_____
f. Age	1.....	2.....	9.....	_____
g. Sexual orientation.....	1.....	2.....	9.....	_____
h. Disability	1.....	2.....	9.....	_____
i. Religion.....	1.....	2.....	9.....	_____
j. Immigration status	1.....	2.....	9.....	_____
k. Military service.....	1.....	2.....	9.....	_____
l. Arrest or conviction record.....	1.....	2.....	9.....	_____
m. Lie detector test.....	1.....	2.....	9.....	_____
n. Retaliation for reporting unfair treatment or discrimination	1.....	2.....	9.....	_____
o. Suspended or revoked	1.....	2.....	9.....	_____
driver's license				
p. Incorrect information in a.....	1.....	2.....	9.....	_____
criminal background record				
q. Unresolved civil legal issues.....	1.....	2.....	9.....	_____
r. Other, specify: _____	1.....	2.....	9.....	_____

29. Do you believe you or anyone in your household was unfairly denied unemployment compensation benefits or was involved in a struggle to get these benefits?

- 1 Yes → **ASK Q.29a**
- 2 No
- 9 DK/REF

29a. How many times did this happen within the last 12 months? _____ Times

30. Do you believe you or anyone in your household was unfairly denied workers compensation benefits to pay for medical costs, lost time or permanent disability caused by an injury at work, or was involved in a struggle to get these benefits?

- 1 Yes → **ASK Q.30a**
- 2 No
- 9 DK/REF

30a. How many times did this happen within the last 12 months? _____ Times

31. Did you or anyone in your household have a serious problem related to a pension plan or retirement benefits, either while working or after retirement? *[Such as: a dispute over collecting benefits, being fired just before vesting, being unfairly excluded from the pension plan, improper administration of the plan, or cutting off health benefits for retirees.]*

- 1 Yes → **ASK Q.31a**
- 2 No
- 9 DK/REF

31a. How many times did this happen within the last 12 months? _____ Times

32. Were you or was anyone in your household working at a paid job or doing any other work for pay during the last 12 months? **[IF Q.7=1 OR 2 DO NOT ASK, CATI WILL AUTOMATICALLY ENTER 1.]**

- 1 Yes
- 2 No → **SKIP TO F1 IF APPLICABLE, OR Q.37**
- 9 DK/REF → **SKIP TO F1 IF APPLICABLE, OR Q.37**

33. Did you or anyone in your household have any serious difficulties related to pay or withholding? *[Such as: problems with pay rates including minimum wage or promised pay, overtime, not receiving pay that was due, paycheck bounced, improper withholding for taxes, or garnished wages.]*

- 1 Yes → **ASK Q.33a**
- 2 No
- 9 DK/REF

33a. How many times did this happen within the last 12 months? _____ Times

34. Did you or anyone in your household work as a seasonal farm worker at any time in the last 12 months?

- 1 Yes
- 2 No → **SKIP TO F1 IF APPLICABLE, OR Q.37**
- 9 DK/REF → **SKIP TO F1 IF APPLICABLE, OR Q.37**

35. Did that person experience any problems related to being a seasonal farm worker? *[Such as: working conditions, pay, taxes, housing, health care, schooling for the children, unfair rules and restrictions imposed by your employer or a labor contractor, or getting documents needed to work.]*

- 1 Yes → **ASK Q.35a**
- 2 No → **SKIP TO F1 IF APPLICABLE, OR Q.37**
- 9 DK/REF → **SKIP TO F1 IF APPLICABLE, OR Q.37**

35a. How many times did this happen within the last 12 months? _____ Times

36. Please tell me if the problem involved any of these factors. How about: **[READ AND ROTATE. USE 9=DON'T KNOW/REFUSED.]**

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>
a. Working conditions (e.g. pesticide exposure, unavailability of drinking water or toilets).....	1	2	9
b. Not receiving proper pay	1	2	9
c. Forced to buy things from your employer	1	2	9
d. Employer not paying Social Security taxes	1	2	9
e. Unsafe or seriously inadequate housing	1	2	9
f. Unreasonable rules and restrictions proposed by an employer, labor contract or housing provider	1	2	9
g. Getting documents needed to work.....	1	2	9
h. Other, specify: _____	1	2	9

[IF THE RESPONDENT ANSWERED “YES” TO Q.27, Q.29, Q.30, Q.31, Q.33 OR Q.35, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED AN EMPLOYMENT-RELATED LEGAL PROBLEM...

F1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

F2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO F5**
- 9 DK/REF → **SKIP TO F5**

F3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → **SKIP TO F5**
- 9 DK/REF → **SKIP TO F5**

F4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

F5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

F6. Was your household member satisfied with how the problem was resolved?

- 1 Yes
- 2 No
- 9 DK/REF

F7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

1 Yes

2 No

9 DK/REF

SECTION G: DISCRIMINATION RELATED TO THE AMERICANS WITH DISABILITIES ACT

37. During the last 12 months, did you or anyone in your household experience a disability or serious health condition that prevented them from working or from doing your normal activities? **[IF YES, ASK WHETHER IT WAS A DISABILITY OR SERIOUS HEALTH CONDITION. IF RESPONDENT STATES A CONDITION THAT YOU ARE UNSURE WOULD QUALIFY AS A DISABILITY OR SERIOUS HEALTH CONDITION, MARK YES AND RECORD THE CONDITION SPECIFIED.]**

- 1 Yes, disability
- 2 Yes, serious health condition
- 3 Yes, both
- 4 Yes, if unsure & specified, enter condition: _____
- 5 No → **SKIP TO SECTION H INTRO**
- 9 DK/REF → **SKIP TO SECTION H INTRO**

38. Due to that disability or condition, did that person experience any of the following? How about: **[READ AND ROTATE. USE 9=DON'T KNOW/REFUSED.]**

38a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER "YES" BEFORE CONTINUING TO THE NEXT ITEM.]** How many times did that happen in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. Being fired by an employer.....	1.....	2.....	9.....	_____
b. Workplace modifications not being made.....	1.....	2.....	9.....	_____
c. Losing coverage of health insurer	1.....	2.....	9.....	_____
d. Difficulty using public facilities because necessary accommodations had not been made	1.....	2.....	9.....	_____
e. Other, specify: _____	1.....	2.....	9.....	_____

[IF THE RESPONDENT ANSWERED "YES" TO ANY ITEM IN Q.38, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED DISCRIMINATION DUE TO A DISABILITY OR SERIOUS HEALTH CONDITION...

G1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

G2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO G5**
- 9 DK/REF → **SKIP TO G5**

G3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → **SKIP TO G5**
- 9 DK/REF → **SKIP TO G5**

G4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

G5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

G6. Was your household member satisfied with how the problem was resolved?

- 1 Yes
- 2 No
- 9 DK/REF

G7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

- 1 Yes
- 2 No
- 9 DK/REF

SECTION H: PUBLIC BENEFITS

NOW, LET’S TALK ABOUT GOVERNMENT ASSISTANCE PROGRAMS THAT PROVIDE PAYMENTS OR BENEFITS TO INDIVIDUALS AND FAMILIES.

39. At any time during the last 12 months, did anyone living in this household apply for or receive any benefits from: **[READ AND ROTATE. USE 9=DON’T KNOW/REFUSED. IF NO TO ALL, SKIP TO SECTION I INTRO.]**

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>
a. Social Security for the disabled	1	2	9
b. Supplemental Security Income (SSI).....	1	2	9
c. Social Security for retirees or widows.....	1	2	9
d. BadgerCare	1	2	9
e. Medicare.....	1	2	9
f. Medicaid, Medical Assistance or Title 19	1	2	9
g. W-2 (Wisconsin Works).....	1	2	9
h. GAMP (General Assistance Medical Programs)	1	2	9
i. Healthy Start.....	1	2	9
j. Food stamps.....	1	2	9
k. TANF (Temporary Assistance for Needy Families)	1	2	9
l. Veterans Prescription Service	1	2	9
m. Low Income Home Energy Assistance Program (LIHEAP).....	1	2	9
n. WIC (Nutrition Program for Women, Infants and Children)	1	2	9
o. Section 8 Housing Vouchers	1	2	9
p. Emergency Food Assistance Program	1	2	9

40. In the last 12 months, did you or anyone in the household have any of the following problems with any of those benefit programs? How about: **[READ AND ROTATE. USE 9=DON’T KNOW/REFUSED. IF NO TO ALL, SKIP TO SECTION I INTRO.]**

40a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER “YES” BEFORE CONTINUING TO THE NEXT ITEM.]** How many times did you or someone in the household encounter such a problem in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. Charges for healthcare, prescription drugs or medical equipment or supplies	1	2	9	_____
b. Claim payments for healthcare, prescription drugs or medical equipment or supplies.....	1	2	9	_____
c. Insurance coverage for healthcare, prescription drugs, medical equipment or supplies	1	2	9	_____
d. Being discouraged from applying	1	2	9	_____
e. Having a benefit denied or cut unfairly	1	2	9	_____
f. Being expected to meet unreasonable requirements to get the benefit.....	1	2	9	_____
g. Being punished or sanctioned unfairly for supposedly not following the rules.....	1	2	9	_____
h. Being told you have to pay back money you had previously received.....	1	2	9	_____
i. Not being given information about how the program works or how to appeal a decision	1	2	9	_____
j. Getting Medicare coverage for nursing home or rehabilitation care	1	2	9	_____
k. Anything else? Specify: _____	1	2	9	_____

41. With which benefits program have you had a problem? **[DO NOT READ. PROBE FOR UP TO THREE. ASK: ANY OTHERS?]**

<u>1st</u>	<u>2nd</u>	<u>3rd</u>	
01	01	01	01 – Social Security for the disabled
02	02	02	02 – Supplemental Security Income (SSI)
03	03	03	03 – Other Social Security (for retirees and widows)
04	04	04	04 – BadgerCare
05	05	05	05 – Medicare
06	06	06	06 – Medicaid, Medical Assistance or Title 19
07	07	07	07 – W-2 (Wisconsin Works)
08	08	08	08 – GAMP (General Assistance Medical Programs)
09	09	09	09 – Healthy Start
10	10	10	10 – Food stamps
11	11	11	11 – TANF (Temporary Assistance for Needy Families)
12	12	12	12 – Veterans Prescription Service
13	13	13	13 – Low Income Home Energy Assistance Program (LIHEAP)
14	14	14	14 – WIC (Nutrition Program for Women, Infants and Children)
15	15	15	15 – Section 8 Housing Vouchers
16	16	16	16 – Emergency Food Assistance Program
17	--	--	17 – Other _____
--	18	--	18 – Other _____
--	--	19	19 – Other _____
99	99	99	99 – Don't know/no answer

[IF THE RESPONDENT ANSWERED “YES” TO ANY ITEM IN Q.40, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED A LEGAL PROBLEM RELATED TO GOVERNMENT ASSISTANCE BENEFITS...

H1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

H2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO H5**
- 9 DK/REF → **SKIP TO H5**

H3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → **SKIP TO H5**
- 9 DK/REF → **SKIP TO H5**

H4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

H5. Was the other side represented by a lawyer?

1 Yes

2 No

9 DK/REF

H6. Was your household member satisfied with how the problem was resolved?

1 Yes

2 No

9 DK/REF

H7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

1 Yes

2 No

9 DK/REF

SECTION I: PERSONAL FINANCES/CONSUMER

NEXT, I WOULD LIKE TO ASK YOU A FEW GENERAL FINANCIAL QUESTIONS.

42. Were you contacted by a collection agency regarding unpaid medical bills during the last 12 months?

- 1 Yes
- 2 No
- 9 DK/REF

43. In the last 12 months, did you or anyone in your household have a serious problem with federal, state, or local taxes? *[Such as: being faced with a tax audit, having a serious dispute with the IRS or state or local tax agency, having difficulty collecting the earned income tax credit, or having a tax problem that required help to understand or handle.]*

- 1 Yes → **ASK Q.43a**
- 2 No
- 9 DK/REF

43a. How many times did this happen within the last 12 months? _____ Times

44. In the last 12 months, did you or anyone in your household experience a problem due to there being incorrect information in a credit report?

- 1 Yes → **ASK Q.44a**
- 2 No
- 9 DK/REF

44a. How many times did this happen within the last 12 months? _____ Times

45. In the last 12 months, did you or anyone in your household have a major problem with a creditor? *[Such as: harassing phone calls or other improper collection or repossession practices, a serious dispute about charges or fees, or not being able to reach agreement about repaying the debt.]*

- 1 Yes → **ASK Q.45a**
- 2 No
- 9 DK/REF

45a. How many times did this happen within the last 12 months? _____ Times

46. In the last 12 months, did you or anyone in your household file for bankruptcy, need information about filing for bankruptcy, or have a serious problem resulting from an earlier bankruptcy?

- 1 Yes → **ASK Q.46a**
- 2 No
- 9 DK/REF

46a. How many times did this happen within the last 12 months? _____ Times

47. In the last 12 months, did you or anyone in your household have a problem with a contract? *[Such as: signing a contract without understanding it, needing advice about signing a contract, not being able to get out of a contract after having second thoughts, or getting into a serious dispute about what a contract required.]*

- 1 Yes
- 2 No
- 9 DK/REF

48. In the last 12 months, did you or anyone in your household spend more than \$250 to buy something or have some work done and then find you didn't get what you paid for and the seller or contractor failed to make things right?

1 Yes → **ASK Q.48a**

2 No

9 DK/REF

48a. How many times did this happen within the last 12 months? _____ Times

49. In the last 12 months, did you or anyone in your household have problems with a loan or credit where the interest rate, fees or repayment terms were not adequately disclosed?

1 Yes → **ASK Q.49a**

2 No

9 DK/REF

49a. How many times did this happen within the last 12 months? _____ Times

[IF THE RESPONDENT ANSWERED "YES" TO Q.43, Q.44, Q.45, Q.46, Q.47, Q.48 OR Q.49, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED A LEGAL PROBLEM RELATED TO PERSONAL FINANCES OR CONSUMER ISSUES...

I1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

1 Yes

2 No

9 DK/REF

I2. Did that person ask for help from a lawyer to resolve the problem(s)?

1 Yes

2 No → **SKIP TO I5**

9 DK/REF → **SKIP TO I5**

I3. Did that person receive help from a lawyer to resolve this problem?

1 Yes

2 No → **SKIP TO I5**

9 DK/REF → **SKIP TO I5**

I4. Did someone in the household pay the lawyer for this help?

1 Yes

2 No

9 DK/REF

I5. Was the other side represented by a lawyer?

1 Yes

2 No

9 DK/REF

16. Was your household member satisfied with how the problem was resolved?

1 Yes

2 No

9 DK/REF

17. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

1 Yes

2 No

9 DK/REF

SECTION J: LEGAL NEEDS OF IMMIGRANTS AND SPEAKERS OF OTHER LANGUAGES

NOW, WE HAVE SOME MORE PERSONAL QUESTIONS ABOUT THE PEOPLE IN THE HOUSEHOLD. I WOULD LIKE TO REMIND YOU THAT YOUR ANSWERS TO THESE QUESTIONS ARE COMPLETELY CONFIDENTIAL. WHEN WE REPORT ON THE RESULTS, NO ONE WILL BE ABLE TO LINK YOUR RESPONSES BACK TO YOU. WE NEED TO ASK ABOUT THESE ISSUES SO THAT WE CAN IMPROVE SERVICES AVAILABLE TO THE COMMUNITY.

50. Does anyone living in your household normally speak a language other than English?

- 1 Yes → **ASK Q.50a**
- 2 No → **SKIP TO Q.52**
- 9 DK/REF → **SKIP TO Q.52**

50a. What is the main language spoken by those individuals? **[DO NOT READ. PROBE FOR UP TO THREE. ASK: ANY OTHERS?]**

<u>1st</u>	<u>2nd</u>	<u>3rd</u>	
01	01	01	01 – Arabic
02	02	02	02 – Cambodian
03	03	03	03 – Cantonese
04	04	04	04 – Chinese
05	05	05	05 – Dutch
06	06	06	06 – Farsi
07	07	07	07 – Finnish
08	08	08	08 – French
09	09	09	09 – German
10	10	10	10 – Hindi
11	11	11	11 – Hmong
12	12	12	12 – Ilocano
13	13	13	13 – Italian
14	14	14	14 – Japanese
15	15	15	15 – Korean
16	16	16	16 – Laotian
17	17	17	17 – Mixteco
18	18	18	18 – Portuguese
19	19	19	19 – Russian
20	20	20	20 – Spanish
21	21	21	21 – Tagalog (Filipino)
22	22	22	22 – Triqui
23	23	23	23 – Ukrainian
24	24	24	24 – Vietnamese
25	25	25	25 – American Sign Language
26	--	--	26 – Other _____
--	27	--	27 – Other _____
--	--	28	28 – Other _____
99	99	99	99 – Don't know/no answer

51. Did you or anyone in your household have a serious problem using the legal system or defending your rights because of a language problem?

- 1 Yes → **ASK Q.51a**
- 2 No
- 9 DK/REF

51a. How many times did this happen within the last 12 months? _____ Times

52. Is there anyone in your household who is not a citizen of the United States?

- 1 Yes
- 2 No
- 9 DK/REF

53. In the last 12 months, did you or anyone in your household have an immigration problem?
[Such as: with becoming a citizen, becoming legal or getting a green card, bringing a family member to the United States legally, political asylum, deportation, amnesty, or a similar matter.]

- 1 Yes
- 2 No → **SKIP TO J1 IF APPLICABLE, OR Q.55**
- 9 DK/REF → **SKIP TO J1 IF APPLICABLE, OR Q.55**

54. Did that problem involve: **[READ AND ROTATE. USE 9=DON'T KNOW/REFUSED.]**

54a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER "YES" BEFORE CONTINUING TO THE NEXT ITEM.]** How many times did you or someone in the household experience problems with this in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. Deportation	1	2	9	_____
b. Political asylum.....	1	2	9	_____
c. Becoming legal or getting a green card.....	1	2	9	_____
d. Bringing a family member to the United States legally.....	1	2	9	_____
e. Amnesty.....	1	2	9	_____
f. Becoming a citizen	1	2	9	_____
g. Being taken advantage of by an employer, landlord or someone else because of your immigration status	1	2	9	_____
h. Getting public benefits.....	1	2	9	_____
i. Education for your children.....	1	2	9	_____
j. Other, specify _____	1	2	9	_____

[IF THE RESPONDENT ANSWERED "YES" TO Q.51 OR Q.53, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD HAD A LEGAL PROBLEM RELATED TO BEING AN IMMIGRANT OR NOT SPEAKING ENGLISH AS THEIR MAIN LANGUAGE...

J1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

J2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO J5**
- 9 DK/REF → **SKIP TO J5**

J3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → **SKIP TO J5**
- 9 DK/REF → **SKIP TO J5**

J4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

J5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

J6. Was your household member satisfied with how the problem was resolved?

- 1 Yes
- 2 No
- 9 DK/REF

J7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

- 1 Yes
- 2 No
- 9 DK/REF

SECTION K: LEGAL NEEDS OF NATIVE AMERICANS

55. Are you or anyone in your household a member of a Native American tribe?

- 1 Yes
- 2 No → **SKIP TO Q.58**
- 9 DK/REF → **SKIP TO Q.58**

56. Do you live on a reservation or on lands held in trust by the United States Government?

- 1 Yes
- 2 No
- 9 DK/REF

57. In the last 12 months, did you or anyone in your household experience any of the following problems:
[READ AND ROTATE. USE 9=DON'T KNOW/REFUSED.]

57a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER “YES” BEFORE CONTINUING TO THE NEXT ITEM.]** How many times did you or someone in the household experience problems with this in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. A serious dispute with a local, State or Federal government agency like the Bureau of Indian Affairs, the Indian Health Service or Indian child welfare	1	2	9	_____
b. Problems related to educational or civil rights of Native American children.....	1	2	9	_____
c. A dispute related to fishing or hunting rights or to owning or using tribal land.....	1	2	9	_____
d. Problems related to living off the reservation	1	2	9	_____
e. Problems with tribal affiliation or enrollment	1	2	9	_____
f. Legal issues in tribal courts	1	2	9	_____
g. A serious dispute with a tribe or one of its government entities	1	2	9	_____
h. Other treaty violations or threats to tribal sovereignty [DO NOT ROTATE.]	1	2	9	_____
i. Other, specify _____	1	2	9	_____

[IF THE RESPONDENT ANSWERED “YES” TO ANY ITEM IN Q.57, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD HAD A LEGAL PROBLEM RELATED TO BEING A NATIVE AMERICAN...

K1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

K2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO K5**
- 9 DK/REF → **SKIP TO K5**

K3. Did that person receive help from a lawyer to resolve this problem?

1 Yes

2 No → SKIP TO K5

9 DK/REF → SKIP TO K5

K4. Did someone in the household pay the lawyer for this help?

1 Yes

2 No

9 DK/REF

K5. Was the other side represented by a lawyer?

1 Yes

2 No

9 DK/REF

K6. Was your household member satisfied with how the problem was resolved?

1 Yes

2 No

9 DK/REF

K7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

1 Yes

2 No

9 DK/REF

SECTION L: INSTITUTIONAL

58. At any time in the last 12 months were you or anyone in your household detained in a jail, prison, or youth detention facility?

- 1 Yes
- 2 No → **SKIP TO SECTION M INTRO**
- 9 DK/REF → **SKIP TO SECTION M INTRO**

59. While detained, did that person have any of these problems? **[READ AND ROTATE. USE 9=DON'T KNOW/ REFUSED.]**

59a. **[ASK FOR EACH ITEM TO WHICH THEY ANSWER “YES” BEFORE CONTINUING TO THE NEXT ITEM.]** How many times were these problems encountered in the last 12 months?

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>	<u>Times (if YES)</u>
a. Access to adequate medical or dental treatment	1	2	9	_____
b. Access to legal material.....	1	2	9	_____
c. Serious threat to personal safety.....	1	2	9	_____
d. Interference with religious practices	1	2	9	_____
e. Serious disciplinary action which was believed to be unfair	1	2	9	_____
f. Civil legal issues that could not be addressed personally due to confinement.....	1	2	9	_____
g. Other, specify _____	1	2	9	_____

[IF THE RESPONDENT ANSWERED “YES” TO ANY ITEM IN Q.59, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD HAD A LEGAL PROBLEM WHILE BEING DETAINED...

L1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

L2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO L5**
- 9 DK/REF → **SKIP TO L5**

L3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → **SKIP TO L5**
- 9 DK/REF → **SKIP TO L5**

L4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

L5. Was the other side represented by a lawyer?

1 Yes

2 No

9 DK/REF

L6. Was your household member satisfied with how the problem was resolved?

1 Yes

2 No

9 DK/REF

L7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

1 Yes

2 No

9 DK/REF

SECTION M: CIVIL RIGHTS

NEXT ARE SOME QUESTIONS ABOUT YOUR COMMUNITY.

60. In the last 12 months, did you or anyone in your household experience mistreatment by the police or have a home, car, or other personal belongings searched or taken by the government without good reason?

- 1 Yes → **ASK Q.60a**
- 2 No
- 9 DK/REF

60a. How many times did this happen within the last 12 months? _____ Times

61. In the last 12 months, did you or anyone in your household encounter government policies or actions that interfered with your right to be a registered voter or to vote?

- 1 Yes → **ASK Q.61a**
- 2 No
- 9 DK/REF

61a. How many times did this happen within the last 12 months? _____ Times

62. Other than what we've already talked about, were you or was any member of your household discriminated against because of race, age, national origin, sex, religion, marital status, sexual orientation, or source of income in the last 12 months?

- 1 Yes → **ASK Q.62a**
- 2 No
- 9 DK/REF

62a. How many times did this happen within the last 12 months? _____ Times

[IF THE RESPONDENT ANSWERED "YES" TO Q.60, Q.61 OR Q.62, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD EXPERIENCED COMMUNITY-RELATED LEGAL PROBLEMS...

M1. Did that person receive help with the problem from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

M2. Did that person ask for help from a lawyer to resolve the problem(s)?

- 1 Yes
- 2 No → **SKIP TO M5**
- 9 DK/REF → **SKIP TO M5**

M3. Did that person receive help from a lawyer to resolve this problem?

- 1 Yes
- 2 No → **SKIP TO M5**
- 9 DK/REF → **SKIP TO M5**

M4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

M5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

M6. Was your household member satisfied with how the problem was resolved?

- 1 Yes
- 2 No
- 9 DK/REF

M7. Does your household member feel that they were treated fairly in the legal system when trying to resolve the problem(s)?

- 1 Yes
- 2 No
- 9 DK/REF

SECTION N: CIVIL LEGAL ISSUES

THESE NEXT QUESTIONS CONCERN THE COURTS AND ADMINISTRATIVE HEARINGS. WE ARE NOT ASKING ABOUT CRIMINAL CASES, ONLY CIVIL LEGAL CASES. A CIVIL CASE MEANS ANYTHING OTHER THAN BEING CHARGED WITH A CRIME OR A TRAFFIC VIOLATION. CIVIL CASES COULD RANGE FROM FAIRLY ROUTINE SITUATIONS LIKE AN UNCONTESTED DIVORCE TO EVICTIONS OR HEARINGS ON PUBLIC BENEFITS.

63. In the last 12 months, were you or anyone in your household a party in any kind of civil law case, whether or not you actually had to go to court?

- 1 Yes
- 2 No
- 9 DK/REF

64. Did you or anyone in your household appear, or receive a notice that required that person to attend a formal hearing or appeal in the last 12 months?

- 1 Yes
- 2 No
- 9 DK/REF

[IF THE RESPONDENT ANSWERED “YES” TO Q.65 OR Q.66, ASK THESE FOLLOW-UP QUESTIONS:]

YOU INDICATED THAT YOU OR SOMEONE IN YOUR HOUSEHOLD HAD A CIVIL LEGAL ISSUE...

N1. Did that person receive help with the matter from a professional advocate who is not a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

N2. Did that person ask for help from a lawyer in that instance?

- 1 Yes
- 2 No → SKIP TO N5
- 9 DK/REF → SKIP TO N5

N3. Did that person receive help from a lawyer to resolve this matter?

- 1 Yes
- 2 No → SKIP TO N5
- 9 DK/REF → SKIP TO N5

N4. Did someone in the household pay the lawyer for this help?

- 1 Yes
- 2 No
- 9 DK/REF

N5. Was the other side represented by a lawyer?

- 1 Yes
- 2 No
- 9 DK/REF

N6. Was your household member satisfied with how this matter was resolved?

1 Yes

2 No

9 DK/REF

N7. Does your household member feel that they were treated fairly in the legal system when trying to resolve this matter?

1 Yes

2 No

9 DK/REF

SECTION O: AWARENESS AND ACCESS

AND FINALLY...

65. If you were to need legal help with a civil matter in the future: **[READ AND ROTATE. USE 9=DON'T KNOW/REFUSED.]**

	<u>Yes</u>	<u>No</u>	<u>DK/REF</u>
a. Are you aware of a service in your area that makes referrals to lawyers?.....	1	2	9
b. Do you belong to a prepaid legal plan or have insurance that covers legal services?.....	1	2	9
c. Are you aware of any free civil legal services for people who can not afford a lawyer?.....	1	2	9
d. Are you aware of a toll free number that low income households can call for legal advice or representation?.....	1	2	9
e. Are you aware of any Internet sites where you can get information about legal matters?	1	2	9
f. Are you eligible for free legal services?.....	1	2	9

66. Would you be willing to pay a reduced fee to get a lawyer's help with all or any part of the civil legal problems we have discussed today if that option were available to you?

- 1 Yes
- 2 No
- 9 DK/REF

67. Record ZIP code: ____ ____ ____ ____ ____

68. Record county from list: _____

THOSE ARE ALL THE QUESTIONS I HAVE. THANK YOU VERY MUCH FOR TAKING THE TIME TO BE PART OF THIS SURVEY. HAVE A NICE (DAY/EVENING).

Appendix 4

Client Stories: Examples of the Difference a Lawyer Makes

ABC for Health

Attorney: Ellen Escalera (eescalera@safetyweb.org)

Client: Kyle & Jody (pseudonyms)

Issue: Medicaid

At eleven years old, Kyle could not talk or walk. His mother, Jody, had worked hard to obtain Medicaid benefits for Kyle, including in-home physical therapy for global development delays. During one of her visits, Kyle's physical therapist had noticed that a recall had been ordered on Kyle's specialty bed by the manufacturer. The bed protected Kyle from injuring himself during seizures, a particular danger because Kyle's bones had been weakened by osteoporosis and were prone to easy fractures. Jody knew about the recall but couldn't afford a new \$6,000 bed, so she had modified the old bed with pieces of a baby crib. The physical therapist was worried. The recall stated that several children had died when their feeding tubes had become entangled in the bed. She convinced Jody that Kyle needed a new bed, but a prior authorization was required before Medicaid would cover it. Jody contacted the bed manufacturer, who helped Jody to apply for the prior authorization.

To Jody's confusion and distress, Medicaid denied the request, stating that the bed was not "medically necessary" for Kyle. Desperate, Jody called ABC for Health, a Madison law firm specializing in helping families of children with special health care needs. Ellen Escalera, the firm's staff attorney, recalled thinking at her first meeting with Kyle's mom that Jody "lived to care for that kid." Satisfied that she had a compelling argument and impressed by Jody's determination, Ms. Escalera accepted the case and filed an administrative appeal.

It took Ms. Escalera 33 billable hours to obtain a reversal of the Medicaid decision. An attorney with specialized training in Medicaid, Ms. Escalera lamented that she doesn't know what someone in Jody's position is supposed to do if she doesn't have access to an attorney: "[Jody] didn't know what the word 'statute' meant. How is she supposed to analyze what 'medical necessity' means in a statutory context if she didn't even know that there was a statute?" As a divorced mom working full-time for a salary below the federal poverty limit, Jody did not have the background or the resources to challenge the Medicaid bureaucracy. Without ABC for Health's intervention, Ms. Escalera said, Kyle would have gone on sleeping in a bed that could have killed him. For Kyle, access to legal services was literally a matter of life and death.

ABC for Health

Attorney: Ellen Escalera (eescalera@safetyweb.org)

Client: Brown Family (pseudonym)

Issue: Medical Debt

Note: Only advice provided

The Brown family had already declared bankruptcy once. Now the family's medical debt was mounting again with alarming rapidity. Mr. Brown needed a hip replacement, Mrs. Brown needed mental health treatment, and both of the Brown teenagers needed medication and therapy for severe mental health problems. Although Mr. Brown had enrolled his family in an HMO through his employer, the family could not afford the \$6,000 annual deductible. Due to high co-pays and numerous policy exclusions, the family had accumulated \$14,000 in medical debt and their accounts were being sent to collection agencies. Meanwhile, the Browns' health care providers refused to provide more treatment until some of the debt was settled.

The Browns contacted ABC for Health, a Madison law firm specializing in health benefits counseling and legal representation for families of children with special health care needs. According to the terms of ABC for Health's legal service grant, however, the firm could only accept cases of medical debt less than one year old. The firm's staff attorney offered brief advice to the family on how to avoid wage garnishment and to establish a payment plan. Unsurprisingly, the financial and medical crises the family faced made it impossible for them to effectively advocate for themselves. Without legal assistance, Mr. Brown had his wages garnished and the family eventually lost their home.

Consumer Litigation Clinic

Attorney: Steve Meili (265-2058; semeili@wisc.edu)

Client: Latino Consumers

Issue: Consumer Fraud

Imagine you've just invested all your money into training for a new career. Imagine your family is depending on your new skills to pay for rent, groceries and health care. Now imagine being told that that your training, your tools, and your certification are worthless. For many Latinos in Dane County, this exercise became a grim reality. A sham business placed Spanish-language television ads, claiming that for \$500 to \$800, viewers could receive a tool kit, training videos, and certification as an auto mechanic. The ads were purported to be sponsored by Centro Hispano, a legitimate social services organization in Madison, which gave credibility to the offer.

Many of the Spanish-speaking viewers who responded to the ads had limited understanding of traditional vocational certification. It was clear, however, that they could not fix a car using only the screwdriver and hammer sets that they received in the mail. Later investigatory research placed the value of the tool sets at \$50. The "training" materials that accompanied the tools were useless. When confused consumers contacted Centro Hispano asking about becoming "certified," they were told that the organization had never heard of the auto mechanic program and had not been responsible for placing the ads.

Centro Hispano sent the callers to the U.W. Law School's Consumer Litigation Clinic, one of several clinics run by clinical faculty and staffed by student attorneys. The students helped Attorney Steve Meili file a lawsuit on behalf of two of the consumers. The suit was settled in exchange for return of the certification fees and attorney fees. The students also contacted the media, where several news stories spread word of the scam and prevented further exploitation. Mr. Meili's only regret is that the clinic's limited resources did not allow him to file a class action lawsuit, which would have had a greater financial impact on the sham business and made many more consumers whole again.

Legal Action Milwaukee / SeniorLaw

Attorney: Ann Laatsch (414-274-3068; ael@legalaction.org)

Client: Mrs. Myer (pseudonym)

Issue: Elder Abuse / Sexual Assault

Mrs. Myer thought she was being generous. The man was homeless. Letting him sleep on the porch of her house didn't seem like that much of a sacrifice to this 84-year-old woman. Although the man's constant presence had become increasingly uncomfortable, Mrs. Myer's kindness overcame her apprehension. Even after he began pushing his way into her house and eating her groceries, she tried to be charitable. Mrs. Myer received a small government check that she stretched to cover the cost of food and utilities. The neighborhood had deteriorated around her in recent years but, despite her own poverty, she felt more financially secure than many of her neighbors.

Then the man began raping Mrs. Myer in her own bedroom. Her anxiety transformed into terror. She hadn't seen the financial exploitation as a pattern that was escalating into sexual violence. Instead, she felt ashamed that somehow she had "led him on." The man convinced her that her generosity itself was the provocation that justified a 40-year-old man raping this elderly woman. She didn't know how to make the nightmare stop.

It was Mrs. Myer's adult daughter who finally brought Mrs. Myer to the courthouse to investigate what steps could be taken to protect her aging, terrified mother. An advocate at the courthouse sent them to Legal Action's SeniorLaw Center, which provides representation in cases involving physical, emotional, and financial abuse of the elderly. Their staff attorney first helped Mrs. Myer petition for a harassment temporary restraining order (TRO). Had she petitioned for the TRO pro se, she would probably have had to testify, which no doubt would have deterred her from petitioning at all. Through careful advocacy, the Legal Action attorney convinced the court commissioner to issue the TRO without Mrs. Myer's testimony and the TRO effectively stopped the abuse.

The staff attorney emphasized that while Mrs. Myer's case was shocking, it is not unusual, although many times the victim knows the perpetrator: "This is the classic elder abuse case – an older woman being sexually assaulted by a guy she hired to

do yardwork,” or was simply kind to. Tragically, she says, many older women are afraid to report the abuse because they are ashamed and don’t want to testify in court. But as this case showed, an advocate can sensitively guide them through the legal process, in some cases sparing them the need to testify at all.

Legal Action Madison

Story Contact: Connie Deer (ced@legalaction.org; 256-3304 x110)

Client: Laura (pseudonym) and Helen (pseudonym)

Issue: Reasonable Accommodation / Mental Illness

For most people, the loss of housing precipitates a period of instability and difficult transition. For someone who already lacks stability – such as a person with severe mental illness – the loss of housing is usually a one-way ticket to institutionalization or, in the worst case scenario, living on the street. It might very well have been so for two Wisconsin residents, Laura and Helen, had they not been referred to Legal Action.

A few days prior to her first appointment with the attorney, Laura’s lease at low-income housing complex had come up for renewal. When Laura, who suffers from a developmental disability and an anxiety disorder, read through the new lease, she became agitated because there were minor changes. Without consulting anyone, she concocted a scheme to move out of the housing complex and find work as a live-in nanny. Laura’s mental illness had led her to formulate grandiose and impossible schemes before; this time, however, she acted on the plan by signing a notice of non-renewal of her lease. Within hours of signing the non-renewal, Laura realized her plan was impossible. She returned to the rental office the same afternoon and the following business day, but the manager refused to allow Laura to rescind the non-renewal. Her attorney later speculated that the manager was probably glad to have an excuse to force Laura out; he had previously complained to Laura about behavior that was a direct result of Laura’s mental disability. Following her interview with Laura, the attorney requested a reasonable accommodation order from the local housing authority to allow Laura to stay in her apartment. The attorney worked with the parish nurse and psychiatrist to put together evidence of Laura’s disability and its consequences. To Laura’s great relief, the housing authority issued the order for a reasonable accommodation.

Helen was also living in an affordable housing complex, but in her case, the manager had actually initiated an eviction. The manager had accused Helen of disrupting the other members of the housing complex when she was in common areas. According to the manager, Helen regularly intruded in private conversations and engaged in loud outbursts. After the manager told Helen she would be evicted, her community mental health worker suggested that Helen call Legal Action. Through preliminary factual investigation, the attorney determined that Helen’s outbursts were a temporary side-effect of the new epilepsy medication Helen was taking. Under the circumstances, eviction was an unnecessarily severe penalty. The attorney felt that Helen simply needed an incentive to control her behavior and so she contacted the manager and worked out a plan: if Helen engaged in disruptive behavior in the common areas, the manager could contact Helen’s community support worker, who would intervene. Eviction would only be justified if Helen’s behavior persisted unchanged.

In recounting these cases, the attorney stressed that the quality of life in low-income housing complexes for people with disabilities is often dependent on the behavior of the managers, not the law. Many residents are intimidated by their housing managers; even if the managers ignore the law, residents don’t complain out of fear of losing their leases. The combination of irresponsible managers and vulnerable residents can be disastrous for people with mental illness. With proper treatment, life’s daily stresses are manageable, the attorney said, but for someone with mental illness, a massive change – such as the loss of housing – is like “jumping off the diving board” into treacherous water. Such individuals are usually not good shelter candidates because shelters are not well-suited to accommodate mental or physical disabilities. Laura’s and Helen’s cases illustrate just how important it is to have advocates working to protect disabled persons’ rights to stable, affordable housing and to hold managers responsible for their duties under the law.

Legal Action Madison

Story Contact: Hal Menendez (ham@legalaction.org; 608-256-3304)

Client: Sasha (pseudonym)

Issue: Public Benefits

Although Sasha was eligible for W-2 benefits, her application was improperly denied following a coincidental encounter, a county worker’s unwarranted assumption, and a bureaucratic blunder. Sasha was having a garage sale the day her ex-husband stopped by her home to pick something up. In what could have been a harmless coincidence, the county worker who was processing Sasha’s W-2 application stopped by Sasha’s home the same day. Based solely on Sasha’s ex-husband’s presence, however, the county worker came to the unsubstantiated conclusion that he was living with Sasha again, a fact

that would have made Sasha ineligible for W-2. The worker did not ask Sasha any questions to confirm her suspicions; she simply went back to the county office and checked the ex-husband's address using CCAP, online access to circuit court records. She saw that creditors had, in fact, sued the ex-husband at Sasha's address. The worker considered this adequate verification and she recorded her conclusion in Sasha's file, effectively terminating Sasha's application.

Desperate for money to support her children, Sasha ran up her credit cards and borrowed money from her family while she argued with the county office over her eligibility for W-2. When it finally became clear that she did not have the skills necessary to take on the welfare bureaucracy, she called Legal Action. The attorney assigned to Sasha's case pointed out that this was a case requiring as much "leg work" as legal work: they simply needed documentation of the ex-husband's actual address to overcome the state's presumption. Sasha, however, didn't know enough about the process to choose the "right" documents and put them in the "right" form. After three weeks, the state reversed its decision and issued Sasha her W-2 benefits. Even though the benefits had been improperly denied, however, the State did not issue retroactive benefits. Sasha now has to find a way to repay the debts she accumulated between the time the worker jumped to the wrong conclusion and the time Legal Action obtained justice for Sasha.

Legal Action Madison

Story Contact: Stacia Conneely (608-256-3304)

Client: Roger (pseudonym)

Issue: Consumer Debt

When Roger contacted Legal Action, he and his family were in danger of losing the small dairy farm that had been their home and their livelihood. Roger's family and his farm had both had a rough year, resulting in his accumulating nearly \$9,000 in credit card debt. With interest and fees, the total was close to \$12,000. Roger was accustomed to being in debt to the local bank; like many small farmers, he had borrowed money from the bank nearly every spring. He'd been financially responsible, though, repaying the money promptly each summer. The debt collectors had already filed suit by the time Roger applied for his annual loan at the bank. When the bank turned down his application, it left Roger with few options. Without his annual loan, he could not run the farm; without the proceeds from the farm, he could not pay back even a portion of the credit card debt. Most alarmingly, Roger knew that if he lost the debt collection suit, he would lose the farm on which his family depended.

Despite his mounting anxiety, Roger struggled to navigate the legal system and resolve the debt. He called Legal Action for help with drafting an answer to the suit. A staff attorney gave him brief advice on the process; she remembers that he did a particularly good job on his answer. As a first-time player however, he was at a severe disadvantage. The debt collectors swamped Roger with endlessly detailed interrogatories. While the collectors were only required to fill in a few blanks on pre-fabricated templates, Roger was overwhelmed with the amount and depth of information demanded of him. He called the attorney again, who advised Roger that they could negotiate with the debt collectors. Like most consumers, Roger had assumed that the debt was non-negotiable. The attorney convinced the debt collectors to settle with Roger for a lump payment of \$3,300. Although Roger was forced to sell some of his cows to raise the payment, he did not lose the farm.

Disability Rights Wisconsin

Story Contact: Elise Cassidente (elise@drwi.org)

Client: Joe (pseudonym)

Issue: Private Insurance

Note: Only advice provided

Joe, who has quadriplegia and uses a wheelchair, depends on a ventilator to breathe. Although his private worker's compensation insurance covered home health care workers, the workers were not trained to handle a ventilator. Instead, Joe's only assistance whenever he had difficulty breathing was to contact a ventilator-trained friend. Joe contacted both the insurance company and the Wisconsin Department of Regulation and Licensing, with no results, before finally calling Disability Rights Wisconsin (DRW), a legal services organization.

Due to limited funding, DRW was not able to take Joe's case. Instead, DRW advised Joe to contact his political representatives and the media to put pressure on the home health care agency. The DRW attorney was troubled by her inability to provide direct advocacy in Joe's case: "Joe was at the mercy of the insurance company. It wasn't a matter of money...it's how he breathes. It's life or death for him." To obtain quality health care, Joe needed either a dedicated private attorney or a life-threatening catastrophe, neither of which he could afford.

Immigrant Project**Story Contact: Ramona Natera (608-256-1015)****Client: Maria (pseudonym)****Issue: Domestic Violence / Immigration**

Maria, a Latina living abroad with two young children, had suffered her husband's cruelty for years. In their home country, she had been told that as a wife, she must submit to her husband's physical and sexual violence. Demoralized and financially dependent on her husband, Maria continued to comply with her husband's decisions even after he moved to the United States. After her husband became a legal permanent resident, he directed Maria and the children to join him in the United States, promising to continue financial support and help them obtain residency. When Maria arrived, however, she found her husband living with an American woman. Despite his promise, he refused to petition for Maria's residency and became increasingly violent when she insisted. The situation felt intolerable to Maria and she asked her husband for a divorce, which he refused, threatening to "have her deported" if she asked again. One of Maria's coworkers finally convinced her that she had rights under U.S. law. Maria worked up the courage to flee with her children to a domestic violence program, which referred her to the Immigrant Project, a legal services organization funded by the Department of Justice.

The Immigrant Project's bilingual staff helped Maria complete a Violence Against Women Act self-petition, a special dispensation for immigrants seeking lawful residency status and protection from violent spouses. The Project also helped Maria file for divorce. Even if Maria could have afforded private legal representation despite making only \$7 an hour, she would have needed two attorneys: one family law attorney and one immigration attorney, both of whom would have needed to speak Spanish. Without the Immigrant Project's legal representation, Maria might have become one of many victims who return to her abuser because she has nowhere else to turn.

ABC for Health**Story Contact: Ellen Escalera (eescalera@safetyweb.org)****Client: Sandra and Bob (pseudonyms)****Issue: Health Care Coverage**

Badgercare, Wisconsin's Medicaid program for families with children, had been the health insurance safety net for Sandra, her husband, Bob, and their teenage daughter, whose jobs didn't offer insurance. Ironically, Sandra and Bob lost that safety net when Bob got a new job. Even though Bob's job didn't offer health insurance, the Department of Health and Family Services informed the family that their household income now exceeded the limits for Badgercare. A month later, Bob was laid off and began receiving unemployment, reducing the family's income to below the federal poverty level – and well within the criteria for Badgercare. Before the couple's Badgercare re-enrollment application could be processed, however, Sandra developed appendicitis. The bill for her emergency appendectomy came to more than \$25,000 – more than twice the family's annual household income. Sandra and Bob were told that the surgery wouldn't be covered because it had occurred in the critical one-month period before the family had been re-enrolled.

Sandra contacted ABC for Health, a nonprofit law firm specializing in health care coverage for children with special health care needs. Although she fell outside of the parameters of ABC for Health's guidelines for accepting cases, a staff attorney offered Sandra advice on preparing for the appeal for her administrative hearing. With ABC for Health's help, Sandra successfully advocated for herself at the administrative hearing. The judge found that the family's income had been miscalculated and that, in fact, their Badgercare should never have been terminated. Without legal advice, it is unlikely Sandra would have been successful in getting her surgery covered; her safety net would have broken at the moment when she needed it most.

Neighborhood Law Project**Story Contact: Marsha Mansfield (mmmansfield@wisc.edu; 608-262-9142)****Client: Tonya (pseudonym)****Issue: Wrongful Eviction**

Tonya had been living in the same subsidized apartment with her two young children for seven years. Tonya knew that her apartment was sold but had no idea that she would be forced to relocate until the sheriff suddenly showed up and served her with an eviction notice, giving her 24 hours to pack her belongings and move out. The new owner of the apartment building had made a mistake by adding Tonya's name to the writ that was supposed to be used only to evict the former owner. The judge signed the writ as it was presented. Although Tonya went to the courthouse the same day she was served, she couldn't find anyone to help her. Tonya, her six year old, and her infant were forced to leave their home. A friend

referred Tonya to the Neighborhood Law Project, where the student attorneys and staff helped her bring an action against the landlord for wrongful eviction. Although the lawsuit couldn't return the home Tonya had lost, it did help redress the imbalance of power that is all too often present between landlords and tenants by giving Tonya her due process rights.

Community Justice, Inc.

Advocate: Attorney Mitch (608-204-9642)

Client: Billy (first name)

Issue: Unlawful Eviction

Until the accident, Billy had been able to provide the basic necessities for his wife and six young children. He didn't mind doing manual labor because it meant he could feed his family, and his employer included a small apartment as part of Billy's income. The family's fragile security was shattered, however, when Billy fell at work, fracturing his spine. He was completely incapacitated. Billy began pursuing a worker's compensation claim while he was still in the hospital, as his family had no other means of support. Angered by Billy's decision to pursue worker's compensation, however, Billy's employer-landlord moved to evict the family. Although Billy attempted to negotiate with the landlord on his own, his employer's unwillingness to cooperate eventually forced Billy to seek legal assistance. He sought help from Legal Action of Wisconsin.

Because the landlord failed to provide proper notice, Legal Action was able to have the eviction case dismissed, but the landlord immediately filed a new claim. This time notice was properly served and Legal Action referred the case to Community Justice, Inc., another legal services organization. Eviction hearings move quickly, leaving little time for evicted tenants to find new housing, and even the judge in the case expressed concern that the family could become homeless. Following orders from the judge to attempt negotiations, Community Justice advocated for Billy in reaching an agreement with the landlord. Not surprisingly, the landlord was far more willing to cooperate with Billy's attorney than he had been when Billy was unrepresented. Without legal services, Billy, his wife, and their six young children may literally have ended up out in the cold.

Community Justice, Inc.

Advocate: Attorney Mitch (608-204-9642)

Client: Sally (first name)

Issue: Disability / Employment Discrimination

A year and a half before Sally sought legal help, the death of several close friends and the end of Sally's marriage had precipitated a period of major depression. Sally had been at the same company for more than a decade, but the depression made it difficult to get out of bed in the morning. When Sally began missing work due to depression, she explained the situation to her unit supervisor and requested flexibility. At the next unit meeting, her supervisor told Sally to come forward and explain to her unit coworkers why she had been missing work. Shocked, Sally tried, but broke down part-way through the explanation and had to be driven home. Shortly thereafter, Sally had to leave her job entirely and went on long-term disability.

It was a year and a half before Sally's physician told her she could return to work. Sally was eager to return to her job, but her doctor advised her to start part-time. He sent documentation of Sally's condition and her limitations to the employer, but the employer refused to accommodate Sally's schedule. The company told her she had to return to work full-time or she would be terminated at the end of her disability period. Sally didn't want more disability payments; she only wanted to return to work. Community Justice, Inc. (CJI) affirmed Sally's belief that she had a legitimate employment discrimination case but was not able to convince the employer to give Sally her job back. Instead, CJI helped Sally negotiate a settlement with the employer that provided a small amount of financial compensation – a settlement Sally would have been unable to reach without legal representation. As the advocate involved in the case said, it would be ideal if “the law were simple enough that people didn't need attorneys to shield and protect” them, but the opposite is actually true. The law is so unintelligible to the average citizen that without legal representation, the complexity of the law itself can become a barrier to justice.

Disability Rights Wisconsin

Story Contact: Mitch Hagopian (608-267-0214)

Client: Derek & Samantha (pseudonyms)

Issue: Medicaid Denials

Physicians told parents of Derek, a seven year old with autism, that in-home therapy was Derek's best option for treatment. Medicaid would not pay for the treatment without prior approval, however. Derek's parents submitted all the paperwork,

but Medicaid denied the request. Derek's parents appealed the denial and appeared pro se at the administrative hearing, using the in-home therapy provider as their "expert witness." The request was denied a second time. Derek's parents contacted Disability Rights Wisconsin, where an attorney helped the family present additional information and witnesses to the administrative law judge (ALJ). The ALJ granted the prior approval and Medicaid paid for Derek's therapy.

Samantha's case was similar to Derek's, although her situation was more dire. Samantha was born missing part of her cerebellum. When her doctor ordered physical therapy, however, Medicaid – through the Department of Health and Family Services – denied the request and an ALJ affirmed the denial. Samantha's parents also contacted Disability Rights Wisconsin (DRW), which represented Samantha in an administrative rehearing. The judge reversed his own decision and Samantha received the physical therapy.

In each case, a rehearing was requested although no circumstances had changed – the family of the same child, with the same disorder, using the same provider asked the ALJ to reconsider the evidence. In each case, legal representation at the rehearing resulted in a reversal and a favorable outcome. The key, says a DRW attorney, is that the attorney "gathered evidence that was relevant to the legal question" of whether the therapy was covered – not "the emotional issue" of how much the child would benefit from the therapy. In that attorney's experienced opinion, only "one parent out of ten" could achieve the same result while juggling the emotional burden of a sick child and the navigational nightmare of our administrative law system: "the chances are slightly better than putting a monkey in front of a typewriter and hoping for a novel, but not by much."

Disability Rights Wisconsin

Story Contact: Jeff Spitzer Resnick (608-267-0214)

Client: Karla, Alisha, and Gabe

Issue: Institutional Child Abuse

Karla, Alisha, and Gabe are children with developmental disabilities who attend a public elementary school. Over a period of several years, the aides and teachers who supervised the children began locking them in a "seclusion room" when the children broke the classroom rules. Some of the school staff members restrained them and then forced them into the room, where they would remain locked without staff supervision for the rest of the day. Although the children tried to report what was happening to their parents, their disabilities prevented them from communicating the gravity of the situation. It was a teacher's aide who finally contacted the parents and confessed what was happening.

Appalled, one of the parents contacted a news station, which went to the school unannounced and demanded that the principal show the reporters the room. Although he initially denied its existence, he eventually relented and showed the room. The videotaped footage showed a small, dark closet that was locked from the outside. After the report aired, more parents reported that their children had been placed in the seclusion room. The district superintendent defended the school's use of the room, saying "we can't just let these kids run 'willy nilly' around the place." The public was outraged, and pressure from parents and the media resulted in an investigation by the Department of Public Instruction (DPI), but the DPI refused to release its findings to the parents.

Desperate to know what the DPI had found, the parents contacted Disability Rights Wisconsin (DRW). DRW, a federally-designated protection and advocacy agency for people with disabilities, has special authority that allows the agency to access confidential records where abuse of a person with a disability is suspected. DRW sued to gain access to the DPI's report. The lawsuit resulted in a settlement between the parents and the school district. The children's teacher, the school principal, and the district superintendent all resigned or were fired. Other members of the staff were reprimanded, and all the teachers and aides were given special training in appropriate classroom management of children with developmental disabilities.

Family Courts Assistance Project

Story Contact: Amber Hahn (alhahn2@wisc.edu, 608-217-6435)

Client: Samantha

Issue: Domestic Violence / Divorce

Domestic violence advocates often say that a "successful" abuser doesn't have to use physical abuse: his control of his victim is complete without it. Samantha's husband had been physically abusive to her early in their marriage, but for the past seven years, he had used other methods of controlling her. She knew that more physical abuse was always possible. He moved the family, including Samantha and her three young children, to a rural site to isolate them from friends and family. He took away the car keys so that Samantha couldn't drive anywhere without his permission. Most disturbingly, he removed

all the doors from the interior rooms of the house. He was able to monitor and regulate the family's behavior at all times, even when one of them was using the bathroom. Finally, he kept ammunition and thirteen guns – including handguns – in unlocked locations throughout the house. Samantha wanted to take her children and leave the marriage, but she was terrified that he would hurt her or the children.

It was Samantha's fear for her children that finally gave her the courage to seek help. She contacted Domestic Abuse Intervention Services, a local domestic violence agency, which sent her to the Family Court Assistance Project (FCAP), a U.W. Law School clinical program. Samantha wanted to get a temporary restraining order (TRO) against her husband and file for divorce. However, she had legitimate concerns that, if the TRO was not granted by the court, her husband might retaliate against her. She wanted to be 100% sure that she would get the TRO. Since no physical violence had occurred in more than seven years, statutory law required that Samantha prove she had suffered "impairment of physical condition" by her husband. The advocate at FCAP met four times with Samantha, building an increasingly convincing case. Samantha wrote the petition herself and the advocate edited it. Although they planned to file the petition together, the advocate was out of town for a few days when Samantha's husband was arrested at their home after a violent episode. Samantha decided to file the petition herself. The advocate accompanied her to the injunction hearing. The TRO was granted.

Samantha exemplifies an unusually effective self-advocate. Once she understood the requirements of the law, she was able to draft and file the petition herself. Understanding the statute, however, entailed the detailed assistance of a legal advocate. Without that legal assistance, Samantha would not have been sure whether she had grounds for a TRO and, fearing retaliation, never would have filed the petition. "She was one of the lucky ones," said the FCAP advocate who worked with Samantha, "She's going to go on to raise her children in a safe place now."

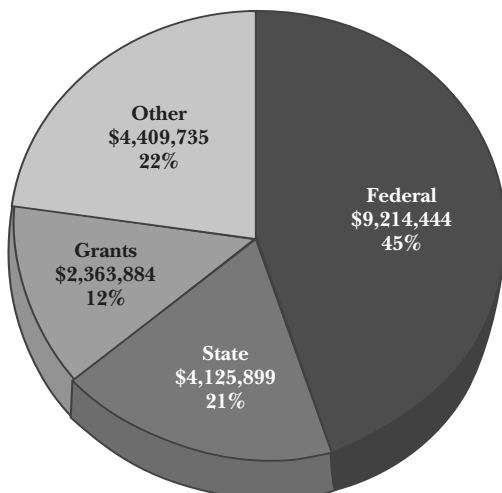
Appendix 5

Wisconsin Legal Service Providers: 2005 Funding Levels

Program	Federal	State	Grants	Other
Legal Action of Wisconsin	\$4,827,008	\$126,744	\$540,081	\$657,278
Wisconsin Judicare	\$1,142,976	\$31,947	\$343,084	\$22,427
Legal Aid Society of Milwaukee	\$75,000	\$0	\$442,689	\$1,892,535
Elder Law Center	n/a	\$150,000	n/a	n/a
Elderly Benefits Specialists program	\$750,000	\$2,250,000	\$0	\$0
Disability Rights Wisconsin	\$1,832,958	\$357,008	\$312,012	\$218,723
Disability Benefits Specialists program	\$0	\$1,030,000	\$0	\$0
ABC for Health	\$0	\$0	\$461,126	\$119,658
Centro Legal	\$0	\$0	\$93,308	\$146,816
Community Justice	\$0	\$0	\$11,051	\$113,766
Catholic Charities-LSI	n/a	n/a	n/a	n/a
Wisconsin Coalition Against Domestic Violence	\$438,030	n/a	n/a	n/a
Center Against Sexual & Domestic Abuse	\$31,506	\$0	\$74,533	\$3,351
AIDS Resource Center of Wisconsin	\$30,000	\$40,000	\$75,000	\$12,943
AIDS Network	\$86,966	\$0	\$5,000	\$0
UW Neighborhood Law Project	\$0	\$140,200	\$0	\$0
Guardian ad litem payments	\$0	\$0	\$0	\$1,214,588
Door County Legal Aid Society	\$0	\$0	\$6,000	\$7,650
TOTALS	\$9,214,444	\$4,125,899	\$2,363,884	\$4,409,735

n/a = did not respond

Wisconsin Civil Legal Aid Funding 2005



Appendix 6

Executive Summary: State Bar of Wisconsin 2005 Pro Bono Survey

Wisconsin lawyers are guided by Supreme Court Rule 6.1 in their ethical responsibilities with regard to pro bono contributions:

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.

In October 2005, the State Bar of Wisconsin surveyed all its members to gauge their pro bono contributions in the preceding 12 months. The results below reflect the responses of over 1,400 Wisconsin lawyers.

81% reported making one or more pro bono contributions of time or money to meet the legal needs of low income Wisconsin residents in 2005.

51% percent reported providing free legal services to the poor.

What lawyers reported giving

126,715 hours of free and reduced fee legal services to low income Wisconsin residents, including:

- 39,983 hours of free legal services for individuals on limited incomes
- 13,270 hours of free legal services for organizations serving the poor
- 62,064 hours of reduced fee services for individuals on limited incomes
- 11,398 hours of reduced fee legal services for organizations serving the poor

\$8,786,745 = the monetary value of the free legal services Wisconsin lawyers donated to Wisconsin residents on limited incomes and community organizations serving the poor (based on \$165/hour, the average hourly rate for lawyers in Wisconsin).

\$6,060,615 = the monetary value of the reduced fee legal services Wisconsin lawyers donated to Wisconsin residents on limited incomes and community organizations serving the poor (based on one-half the average hourly rate for lawyers in Wisconsin).

Appendix 7

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**Increasing Access to Restraining Orders for Low-
Income Victims of Domestic Violence:
*A Cost-Benefit Analysis of the
Proposed Domestic Abuse Grant Program***

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Executive Summary

Domestic violence remains a vexing problem in Wisconsin, as roughly 30,000 incidents are reported each year. In an effort to ensure their safety, thousands of victims seek restraining orders. However, obtaining a restraining order can be difficult, especially for low-income victims who cannot afford private legal assistance. A variety of non-profit organizations attempt to remedy the disadvantages these women face in their pursuit of a restraining order. The legal services range in nature from helping victims file court papers, to instructing victims on how to represent themselves at their hearings, to providing licensed attorneys to represent victims in court. Unfortunately, these non-profits do not possess the resources to meet fully the restraining order assistance needs of Wisconsin's low-income population. To address this gap in services, we propose expanding the state-sponsored grants available to legal service providers and more aggressively recruiting private attorneys to take on domestic violence cases pro bono; a cost-benefit analysis of this proposal suggests this would yield roughly \$10 million in net benefits.

Our proposal would expand the Department of Health and Family Services' Domestic Abuse Grant Program (DAGP) to include more funding for basic, legal, and training services grants. We estimate that an annual appropriation of roughly \$1million to DAGP would increase the number of victims receiving legal services by more than 20 percent, provide the necessary basic services to these new petitioners, and improve significantly the training available to judges, attorneys, and advocates. In addition, the proposal would make funding available to the State Bar of Wisconsin to more aggressively recruit and train pro bono attorneys. At least one-tenth of restraining order cases are so complex as to require an attorney, yet under current funding arrangements this need goes largely unmet. Through larger investments in DAGP and State Bar

recruiting efforts, our proposal would cut drastically the number of low-income victims of domestic violence navigating the legal system on their own.

Under this proposal victims of domestic violence would bear a large cost, but avoid even larger ones. The primary cost borne by successful restraining order petitioners is the loss of access to the abuser's income—an unsettling, but hugely significant, cost of dissolving the relationship. However, the avoided costs of medical care, mental healthcare, lost productivity, lost quality of life, and property damage that result from effective restraining orders far outweigh this financial burden.

Because of the uncertain nature of our estimates of costs and avoided costs, we conducted a Monte Carlo analysis with 10,000 random trials. Our results indicated mean net benefits of \$9.1 million, with minimum benefits of \$800,000 and maximum benefits of \$27.3 million. Under even a worst-case scenario analysis, our proposal yielded positive net benefits worth roughly \$300,000. These results indicate that adoption of our proposed program expansions would yield substantial positive net benefits for the State of Wisconsin.

Introduction

Domestic violence remains a pervasive problem in the United States. In 2000, the National Institute of Justice released a report detailing the extent of domestic violence in America.¹ The report indicates that approximately 5 million women are sexually or physically assaulted by an intimate partner each year.² Of these women, less than 35 percent report the incident to the police, and even fewer (about 20 percent) obtain a restraining order against their abuser.³

Research also suggests that women of certain socioeconomic backgrounds are more likely to experience domestic violence. While domestic violence affects women of every income group, research shows that low-income women are more often subject to this type of abuse. In fact, a report by the Bureau of Justice Statistics asserts that low-income women, defined as women with household incomes below 200 percent of the poverty line, constitute approximately 84.4 percent of domestic violence victims.⁴

A similar pattern exists in Wisconsin. In 2004, reports of domestic violence numbered approximately 28,293.⁵ Of these incidents, 15,392 were perpetrated against low-income women by either their current or former intimate partners. Although this research team could not obtain definitive state-wide data on the number of restraining orders issued as a result of the 28,293

¹ Tjaden, P. and Thoennes, N. (2000) "Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence against Women Survey." *National Institute of Justice*. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.

² Since most domestic abuse victims are female and most perpetrators are male, our focus in this analysis is female victims. The situation is, however, sometimes reversed; about 26 percent of domestic violence victims are male.

³ Tjaden, P. and Thoennes, N. (2000), p. 53.

⁴ Bureau of Justice Statistics. (1995) "Violence against Women: Estimates from the Redesigned Survey." Retrieved from <http://www.ojp.usdoj.gov/bjs/pub/pdf/femvied.pdf>. For a detailed explanation of how we arrived at this value for the percentage of low-income women, please see Appendix A.

⁵ Wisconsin Department of Justice (2004) "2004 Domestic Abuse Incident Report." <http://www.doj.state.wi.us/cvs/documents/DAR/2004DAR/ExSumm.pdf>. Racine county did not submit data for this report.

incidents, we estimate the number of restraining orders sought in 2004 to be 6,581, approximately 43 percent of reported incidents.⁶ Of these 6,581 restraining orders sought, approximately 1,600 were denied to low-income women who also had no legal assistance.

As research suggests that low-income individuals are more often victims of domestic violence, it is likely that they need assistance in matters of safety-seeking more often than moderate- and high-income individuals.⁷ Data collected from Domestic Abuse Intervention Services (DAIS) in Dane County confirm this expectation and illustrate the importance of legal assistance in obtaining a restraining order. According to the agency's estimates, 90 percent of DAIS clients earn less than 50 percent of the median income in Dane County. Unable to afford a private attorney, clients rely on DAIS' free legal services. Such services, however, are in short supply. A 2005 report from DAIS indicates that the agency employed just two legal advocates but received over 1,400 requests for legal assistance, forcing many to navigate the restraining order process on their own.

Failing to obtain legal assistance in domestic violence proceedings can have serious consequences. In 2003, for example, requests for restraining orders in Dane County were granted approximately 55 percent of the time. With the aid of a legal advocate provided by DAIS, however, that number increased to 69 percent. These statistics demonstrate that access to legal services significantly affects the outcome of a restraining order hearing. At current funding levels, non-profit legal aid providers cannot possibly meet the need for services.

Description of Current Programs

Currently, there are multiple providers of legal aid services for low-income Wisconsinites; Centro Legal, Community Justice, Domestic Abuse Intervention Services

⁶ For a detailed description of calculations for this estimate, see Appendix B.

⁷ National Institute of Justice (2000) p. 33.

(DAIS), Legal Action, Legal Aid Society of Milwaukee, the University of Wisconsin Law Clinic, and Wisconsin Judicare are all major sources of aid. Three of these clinics provide income-tested assistance using a paid staff of lawyers and support personnel. They obtain new clients through limited intake hours, and in some cases, require one week to accept formally new cases. One of these clinics, Centro Legal, has a Spanish bilingual focus. The Legal Aid Society provides onsite legal services at a battered women's clinic in Milwaukee rather than through an offsite office. Other providers utilize volunteers to deliver services. For instance, under the supervision of licensed attorneys, UW law students assist low-income individuals with unmet civil legal needs through the Neighborhood Law Project and Family Law Assistance Center. Finally, Wisconsin Judicare uses a voucher method for service delivery. In this case, accepted clients receive a voucher for free legal services and are responsible for finding their own attorney who accepts the voucher. Under current funding arrangements, these providers cannot meet the demand for services.

Restraining order process

Obtaining a restraining order in Wisconsin can be difficult. Overwhelmed with emotion, and fearful for their safety, petitioners often begin the filing process under extreme stress. Furthermore, without legal assistance, petitioners can easily become confused. The following section outlines the necessary steps one must complete to obtain a restraining order in Dane County and details the obstacles facing a low-income petitioner who cannot afford legal guidance.

Paperwork

In order to file for a temporary restraining order (TRO), an injunction that protects the victim until an official hearing, one must obtain forms from the Probate Office. These are

available online or at the Probate Office in the Dane County Courthouse from 7:45 a.m. to 4:30 p.m., Monday through Friday. The petitioner, or victim, must provide a written statement of facts about the incident, and this statement should be as detailed as possible. A Court Commissioner then examines the papers and decides if the petitioner meets one of the following criteria for obtaining the TRO: intentional infliction of physical pain or injury, impairment of physical condition, unwanted sexual contact, destruction of victim's property without consent, or threats to do any of the above.⁸

If the Commissioner grants the TRO, then the petitioner must take her papers to the Clerk of Courts where a case number and court date are assigned. Typically, the court date falls within one week of the filing date. Finally, the petitioner must deliver the forms to the Sheriff's Office, which is responsible for serving the respondent, or abuser, with the court papers.

Hearing

Circuit court judges handle restraining order hearings on a rotating basis – that is, a judge is assigned to rule on injunction hearings for a week at a time every few months. In Dane County, many circuit judges are unfamiliar with the proper procedure for restraining order hearings. While the bailiff and judge are supposed to follow precise rules aimed to ensure a safe and fair hearing, judges and bailiffs often disregard them. For example, bailiffs are required to seat all the petitioners on one side of the courtroom, and all the respondents on the other side. They are also required to hold the respondent for at least 15 minutes after the petitioner has left the courtroom. Both of these measures ensure the safety and comfort of petitioners, but petitioners who lack legal aid are usually unaware of these rights and therefore cannot demand protection when the rules are broken.

⁸ §813.12(1)(am), Wisconsin Statutes.

Injunction hearings typically last between 15 and 30 minutes. During this time, the judge gives both the petitioner and respondent (if the respondent has been properly served and has appeared in court) a chance to state their cases on the stand. However, at no time are the petitioners questioned about the facts of the case or informed of what criteria must be met to obtain the order. Therefore, those without legal representation are usually intimidated and confused. Furthermore, without legal guidance, petitioners often are not aware that they can present evidence, such as pictures of bruising or scratch marks, that can tremendously help their case.

Typically, after the judge hears from both parties, she will either grant the restraining order or dismiss the case. By law, the petitioner must prove the abuse only by a preponderance of the evidence. In practice, however, many judges require a higher standard. In addition, although the time that has elapsed since the last incident of abuse should not affect the judge's ruling, it often does. Because county judges do not always practice proper restraining order procedures, petitioners—especially ones without legal assistance—often face unfair hearings.

If the judge grants the injunction s/he: (1) may grant only the remedies requested by the petitioner, (2) must grant the injunction for the amount of time, at a maximum of four years, requested by the petitioner, (3) must require firearm surrender and inform the respondent about penalties for possession, and (4) may not make findings or issue orders related to child support and custody. Again, because most circuit judges have little experience with injunction hearings, these requirements are often ignored.⁹ With legal support, petitioners could challenge the judges' mistakes.

⁹ See Appendix C for an explanation of other specific guidelines that circuit court judges must follow, as well as statistics describing how often these rules are followed in practice.

Domestic Abuse Grant Program

In response to the access problems for low-income victims of domestic violence, this research team proposes a program that expands existing legal services in the restraining order process. The Wisconsin Department of Health and Family Services' (DHFS) Domestic Abuse Grant Program (DAGP) would be expanded to coordinate legal services for low-income victims of domestic violence, with assistance from the State Bar Association of Wisconsin and state legal service providers. After careful research and review of current legal assistance efforts, as well as frequent discussions with current legal service providers and domestic violence experts, we propose expanding the funding to current legal service providers through DAGP while also creating an additional sector of service by recruiting lawyers to provide pro bono legal assistance.¹⁰

Expansion of Department of Health and Family Services Funding

Currently, DHFS coordinates funding for legal services for domestic violence victims through DAGP, which was established under Wisconsin Statute §46.95. In 2006, DAGP distributed nearly \$8.4 million to various domestic abuse service providers throughout the state.¹¹ DAGP receives its funding from the following state and federal sources: 76 percent from Wisconsin's General Purpose Revenue, 18 percent from the Federal Family Violence Prevention and Services Act, 5 percent from program revenue, and 1 percent from state elder abuse funding. DAGP distributes grants for nine purposes: basic services, children's programming, rural

¹⁰ We will also refer to our proposed program as the DAGP expansion in our analysis.

¹¹ See Appendix D for a chart describing the DAGP funding process.

outreach offices, support services, refugee family strengthening, tribal programming, underserved populations, domestic abuse in later life, and training and technical assistance.¹²

Our proposal provides additional funding for basic and support services grants—the two grants that help fund legal assistance for victims of domestic violence. We propose providing funding for basic services in excess of the cost of providing legal services to account for the expected increase in demand for services (such as shelter and children’s services) that result from successful restraining order filings. The basic and support services funding would provide for training of advocates and volunteers, expanded advocacy services at general legal service providers, such as Legal Action, and recruitment for pro bono legal services.¹³ Overall, the proposed increase in funding would increase the quantity and quality of advocacy services available for domestic violence victims seeking a restraining order.¹⁴

In addition to funding for basic and support services, the DAGP expansion would provide funding for additional training services. Under current grant allocations, the Wisconsin Coalition Against Domestic Violence (WCADV) receives funding to train various service providers, as well as judges and attorneys involved in domestic violence cases. As the number and size of service providers will likely grow under the DAGP expansion, it should also increase funding for training of these new service providers. This increase in providers would require new communication strategies that can reach audiences in every corner of the state. Therefore, additional training funds could be used to arrange teleconferences for rural service providers, where the demand for training may be low, or when travel is not feasible.

¹² “Domestic Abuse Funding 2006.” Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

¹³ See Appendix E for suggested uses for grant funding.

¹⁴ See Appendix F for a flow chart describing how victims will enter the DAGP system.

Under the expanded program, DAGP would maintain its administrative and oversight responsibilities.

Recruitment of Volunteer Law Services

Within DAGP, the extent of legal services provided would depend on the severity of each case. For low and moderate severity cases (including those victims who need assistance with paperwork as well as preparation for the injunction hearing) legal advocates would direct victims through the restraining order process. For high severity cases, defined as those with diminished mental capacity as well as those with limited English proficiency or other language barriers, DAGP would provide an attorney.

Almost every expert with whom we consulted agreed that domestic violence service providers could better tap private legal resources for domestic violence purposes. Although the State Bar Association of Wisconsin and non-profit organizations already engage in pro bono recruitment, we believe a better-funded, more intensive recruiting effort could result in sustainable pro-bono partnerships between domestic violence service providers and private law firms.¹⁵ Therefore, under our proposal, DAGP would provide a grant to the State Bar to hire an additional full-time pro-bono liaison, or paralegal, to recruit attorneys to handle high severity cases. This liaison would meet regularly with law firms around Wisconsin and organize pro bono summits at legal conferences around the state, educating the attorneys about the unmet civil legal needs of low-income Wisconsinites. Ultimately, we believe such an effort could result in sustained commitments from the private legal community to engage in pro bono legal services continually. The establishment of a regular pro bono program within these firms would offer

¹⁵ Tess Meuer, a staff attorney at the Wisconsin Coalition Against Domestic Violence, provided us with this idea in an interview held 18 Oct 2006 at WCADV.

invaluable courtroom experience for young associates and would project an image of public service that most firms actively seek.

To attract attorneys to provide pro bono services, the State Bar would offer Continuing Legal Education (CLE) credits to lawyers who volunteer their time to assist domestic violence victims in the restraining order process. For each hour they provide pro bono legal services, the attorneys would receive one hour of CLE credit. Currently, attorneys are required to complete 15 CLE credits per year and are required to report 30 CLE credits in a two year period.

A Centralized Entry Point for Domestic Abuse-Related Services

The various domestic abuse service providers with which we consulted recommended that DAGP include an easily accessible entry point into the domestic abuse service system. Using the state-wide 2-1-1 information and referral system, DAGP would increase the number of service providers available within the referral system. Currently, 2-1-1 callers are asked questions regarding what services they are seeking and are then directed to service providers in their area based on their needs.¹⁶ Under the DAGP expansion, grants could be used to increase the number of service providers listed in the information and referral system in order for callers to get information about who provides legal services in their area. By using the current information and referral system, the initial costs are minimized.

Costs, avoided costs, and net present value

Costs

The research team identified three sources of incurred costs: the State Bar Association of Wisconsin, the Domestic Abuse Grant Program (DAGP), and additional victims who receive restraining orders because of the proposed expansion to the existing grant program (see Table

¹⁶ Williams, Burlie, United Way of Dane County. Email to Christina Enders, 13 Nov 2006.

1).¹⁷ This team did not account for any costs or benefits to domestic abusers in our analysis, as we chose not to give this group standing. We feel this decision is justified because domestic violence assistance programs never account for costs or benefits to abusers when formulating their policies.

The DAGP expansion we propose comes with some start-up costs for those pieces of the program not already in place, including the cost of recruiting lawyers to provide pro bono services (\$2,400) and the cost of hiring an additional paralegal at the State Bar (\$59,100). The State Bar of Wisconsin would also lose revenue (\$30,500) due to the number of lawyers who would have paid to attend a Continued Legal Education (CLE) credit seminar but instead take high severity restraining order cases to obtain their CLE credits.¹⁸

The costs of the Domestic Abuse Grant Program total \$1,073,100. These costs include the cost of the additional coordinator to handle administrative and evaluative duties at the Department of Health and Family Services (\$54,700); the increase in funding for additional support services (\$219,900); the increase in basic services provided to new clients who enter the service system because of the Domestic Abuse Grant Program (\$508,200); and the increase in funding for training and technical assistance needed for any new service providers as well as for volunteer attorney services (\$290,300).¹⁹

Finally, we also anticipate that dissolution of households due to restraining orders results in a significant number of victims losing access to income earned by their abuser. In estimating this cost (\$9,500,000) we accounted for victims who lose complete access to their partners' incomes as well as victims who may only lose a fraction.²⁰ We acknowledge that these costs

¹⁷ See Appendix G for an explanation of the expected increase in restraining orders granted.

¹⁸ See Appendix H for a detailed discussion of costs incurred by the State Bar of Wisconsin.

¹⁹ See Appendix I for a detailed discussion of costs incurred by the Domestic Abuse Grant Program.

²⁰ See Appendix J for a thorough explanation of victims' lost partner income.

overwhelm all other calculated costs in this analysis. However, we feel that our estimates are plausible, and perhaps even an underestimate, as we do not take account of victim costs such as loss of a shared vehicle or loss of shared health insurance incurred when a household dissolves.

Table 1: Costs summary

Cost categories	Calculation method	Annual cost (2005 dollars)
State Bar of Wisconsin: Recruitment	Materials + light refreshments	\$2,400
State Bar of Wisconsin: additional paralegal	Salary + benefits	\$59,100
State Bar of Wisconsin: Lost CLE credit revenue	Number of lawyers required to serve in high severity cases * cost of a half-day seminar at State Bar of Wisconsin	\$30,500
DAGP: Additional staff person for oversight and administration, Department of Health and Family Services	Salary + benefits	\$54,700
DAGP: Support services funding grants	Cost of providing legal services to one victim * the number of un-served victims	\$219,900
DAGP: Basic services funding grants	Current Total DHFS Allocation for basic services programs * 3 (to account for other sources of revenue for service providers since grant funding accounts for, on average, 1/3 rd of providers budget.) / Total number of people served by DHFS funding = Cost of basic services per person Cost of basic services per person * total number of anticipated clients served by Domestic Abuse Grant Program	\$508,200
DAGP: Training and technical assistance funding grants	Cost per training session * 5 training session per month for one year (60)	\$290,300
Victim: Lost partner wages	(Number of cohabiting victims obtaining ROs because of DAGP who have no access to family income * mean of family income category) + (Number of cohabiting victims obtaining ROs because of DAGP who have access to family income * one half of mean family income category)	\$9,500,000
Total Costs (rounded)		\$10,665,000

Avoided costs

The benefits of expanding DAGP funding are realized entirely through victims' avoided costs and were estimated as the benefit realized by victims who avoid one physical or sexual

assault due to the effectiveness of a restraining order. By calculating avoided costs in this manner, our team made one major assumption: that at least one violent attack would be prevented per victim if her restraining order were granted. On one hand, this may be an underestimate, as the average assault victim is attacked 3.4 times by her abuser annually, and the average rape victim 1.6 times annually.²¹ On the other hand, restraining orders do not guarantee protection.²² Furthermore, because we cannot know at what point a victim leaves an abusive relationship, we felt certain in estimating that at least one physical assault or rape per victim would be avoided with our program but did not want to make assumptions beyond this. If we could know, however, that more than one would be avoided, our benefits would only increase.

In order to estimate the avoided cost of preventing one future rape or assault, the research team reviewed the literature describing victims' average medical costs (\$2,200 for an assault and \$720 for a rape); mental healthcare costs (\$140 for an assault and \$3,170 for a rape) per attack; productivity losses (\$810 for an assault and \$1,120 for a rape); property damage or loss (\$51 per assault and \$132 per rape); and general quality of life lost due to domestic violence (\$26,100 due to assault and \$110,100 due to rape).²³ The results of this research are shown in Table Two. Once the team calculated total avoided costs per prevented assault (\$30,000) or rape (\$115,000), we applied this number to the total number of rapes and assaults prevented by our program.

²¹ Tjaden and Thoennes (2000), p. 10.

²² See Appendix K for an extended discussion of restraining order effectiveness.

²³ See Appendix L for a detailed discussion of avoided costs. Appendix M discusses costs and avoided costs not included in our analysis.

Table 2: Avoided costs summary

Avoided cost categories	Avoided cost per avoided physical assault (2005 dollars)	Avoided cost per avoided rape (2005 dollars)
Victim: Medical care	\$2,200	\$720
Victim: Mental healthcare	\$140	\$3,170
Victim: Lost productivity	\$810	\$1,120
Victim: Lost quality of life	\$26,100	\$110,100
Victim: Property damage	\$51	\$132
Total avoided costs per violent incident (rounded)	\$30,000	\$115,000

Most researchers calculate separate costs for nonfatal assaults and for rapes because these estimates differ dramatically, particularly in the case of quality of life. Additionally, domestic abuse takes the form of nonfatal assault much more often than rape. Relying on a National Institute of Justice report, the team estimated that 85 percent of domestic abuse victimizations were nonfatal assaults, while the remaining 15 percent were rapes.²⁴

To estimate total avoided costs, we use the aforementioned percentages for assaults and rapes, an estimate of the total number of restraining orders granted as a result of our program (1205), and a restraining order effectiveness rate of 40 percent to arrive at an estimate of \$20,605,000. The following equations illustrate this calculation:

$$\text{Total avoided costs} = \text{restraining order effectiveness} * [(\text{prevented assaults}) * (\text{cost per assault}) + (\text{prevented rapes}) * (\text{cost per rape})]$$

$$\text{Total avoided costs} = .4 * [(1205 * .85) * (\$30,000) + (1205 * .15) * (\$115,000)]$$

$$\text{Total avoided costs} = \$20,605,000$$

Net Present Value

Based on the calculations described above, we estimate the net present value of expanding DAGP to be \$9,840,500. The following sensitivity analysis examines alternative outcomes based on varying levels of rape/assault ratios and the avoided costs associated with

²⁴ See Appendix A for detailed explanations of these statistics.

these types of assault, restraining order effectiveness, the number of additional restraining orders granted, and the lost income due to an increase restraining orders granted.

Table 3: Net present value

Present value of costs	Present value of avoided costs	Total Net Present Value
-\$10,765,000	\$20,605,500	\$9,840,500

Sensitivity Analysis

Initial Sensitivity Analysis

Many of our parameters depend on information given to law enforcement or researchers by the victims of domestic violence. This information can be hard to collect, however, because of the personal and private nature of domestic violence. Thus, we face many uncertainties in estimating the benefits of our proposal. As the type of assault endured and the effectiveness of restraining orders depend on victim reports, we found great variance in research on these numbers. Furthermore, because no other program devoted solely to restraining orders has been implemented in Wisconsin or elsewhere, we face uncertainty regarding the precise effect the DAGP expansion would have on the number of women served and the percent of restraining orders that would be granted. Also, because the number of restraining orders granted and the household dissolution costs depend on the increased number of women served, we must take their changes into account as we vary the number of women served.

To account for the uncertainty of some parameters used in our analysis, we conducted a Monte Carlo sensitivity analysis. This analysis allows for variation in the parameters in both our costs and avoided costs to assess our program’s performance under various conditions. Our sensitivity analysis varies the percent of victimizations that are rape or physical assault, the effectiveness of restraining orders in deterring future attacks, the increase in the number of

victims served by our program, and the increase in the number of restraining orders granted.²⁵

Furthermore, because household dissolution costs and the avoided costs of preventing an assault constitute a vast majority of our costs and benefits, we completed an analysis that examined the impact of these specific parameters. The costs of the program are held constant.

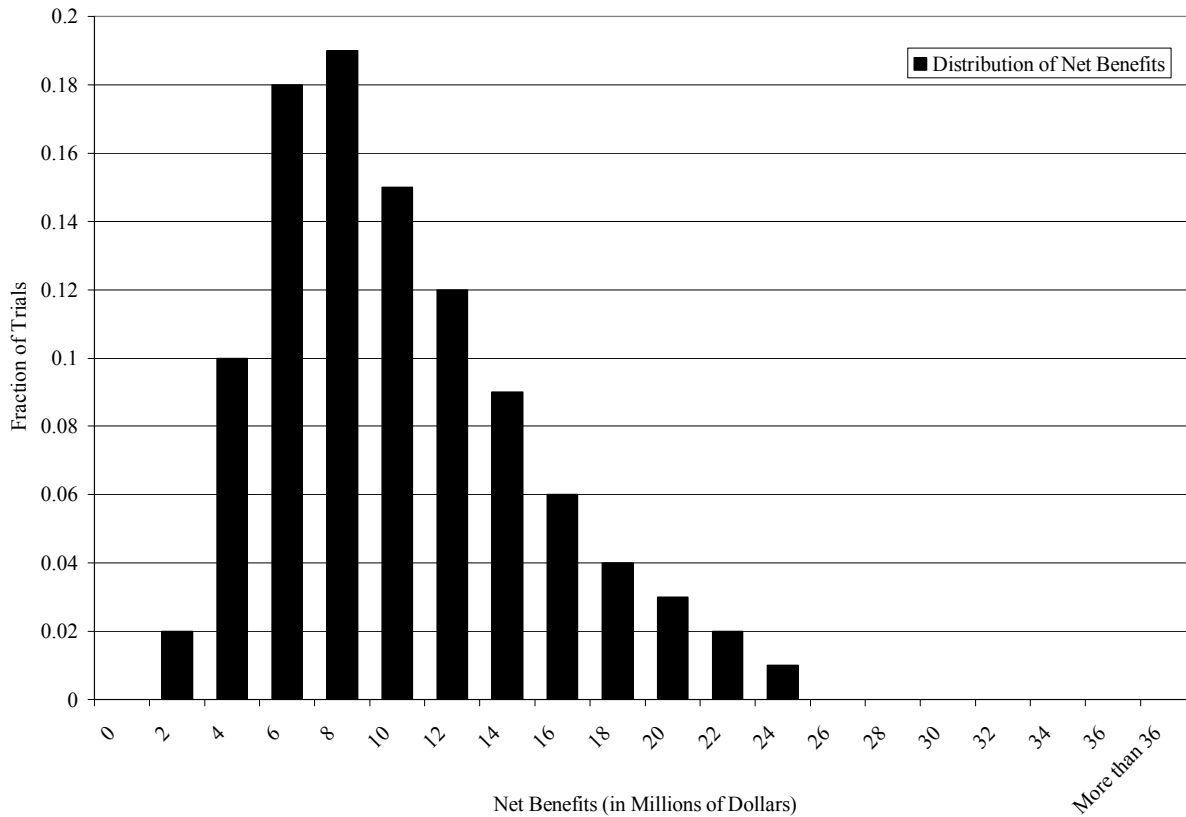
The initial sensitivity analysis employs 10,000 random trials. Our results indicated mean net benefits of \$9.1 million, with minimum benefits of \$600,000 and maximum benefits of \$27.5 million. The mean from the sensitivity analysis is slightly lower than the estimated net benefits of the DAGP expansion because most of our benefits parameters vary due to uncertainty. The mean net benefits from the sensitivity analysis are still large, however, indicating a successful program even given our uncertainty. In addition, because our mean net benefits are similar to our estimated base case estimates, we have more confidence in our household dissolution cost and quality of life estimates. Table 4 highlights our Monte Carlo results, while Chart One illustrates the distribution of net benefits over all trials.

Table 4: Parameters varied in Monte Carlo analysis and results

Initial Monte Carlo Analysis		
Variable	Range	
	Low	High
Benefits		
Percent of ROs with Report of Rape	4%	15%
Percent of ROs with Report of Physical Assault	96%	85%
Effectiveness of ROs	40%	80%
Percent of ROs Granted	56%	74%
Number of women served	521	1629
Increase in Number of Granted ROs	292	1205
Costs		
Household Dissolution Costs	\$2,300,000	\$9,500,000
Results		
Mean Net Benefits (rounded to the hundred thousands)		\$9,100,000
Median		\$8,300,000
Maximum		\$27,500,000
Minimum		\$600,000
Standard Deviation		\$4,600,000

²⁵ For a detailed explanation of how we arrived at the ranges for these parameters, please see Appendix N.

Chart 1: Distribution of net benefits²⁶



Worst Case Scenario Analysis

To assess further the potential benefits of the proposed program, we also conducted a worst case scenario analysis. This analysis reveals what would happen if our estimates yielded the lowest possible benefits. The worst case scenario occurs with the minimum value of our parameters (with the exception of the percent of victimizations that are physical assaults, which is at its maximum in the worst case scenario). Under the worst case scenario we found net benefits of approximately \$344,000. Although much smaller than in our base case analysis, the net benefits in the worst case are still positive. Thus, under even the most cynical assumptions, the DAGP expansion is still socially desirable.

²⁶ Because we are multiplying random variables, we have a skewed distribution.

Table 5: Worst Case Scenario

Worst Case Scenario Analysis	
Variable	Value in Worst Case
Benefits	
Percent of ROs with Report of Rape ²⁷	4%
Percent of ROs with Report of Physical Assault	96%
Effectiveness of ROs	40%
Percent of ROs Granted	56%
Number of women served	521
Increase in Number of Successful ROs	292
Costs	
Household dissolution costs ²⁸	\$2,300,000
Program Costs	\$1,165,181
Net Benefits (rounded to the thousands)	\$344,000

The Sensitivity of the Net Benefits to Specific Parameters

Because the household dissolution costs and the avoided costs of physical and sexual assault drive our costs and benefits, we conducted individual analyses of these parameters. In these analyses, we held all other variables constant at their base case value. We then systematically varied the individual parameters and determined the net benefits at each value. We began by finding net benefits with varying household dissolution costs. Next, we varied the avoided cost of a sexual or physical assault. Although we are fairly confident in our estimates of the avoided costs of an assault, the literature suggests that further analysis is certainly warranted.

First, we calculated the net benefits with different household dissolution cost estimates. While we estimate that 27 percent of victims of domestic violence lose all their income and 73

²⁷ In conducting the worst case scenario analysis, we are looking only at what values give us the lowest and highest net benefits. Thus, to say that when 4 percent of victimizations are rape is “worse” than when 15 percent are rape only implies that sexual assaults do great damage to the victim and preventing one rape is extremely beneficial to the victim and society as a whole. In other words, the prevention of one rape has high benefits. Because of this, the fewer rapes that occur, the fewer we are able to prevent which lowers our program’s net benefits. This in no way suggests that fewer rapes are “worse” than more. In fact, this is quite the contrary as we someday hope to live in a world where no assaults of any kind occur.

²⁸ Household dissolution costs depend on the number of restraining orders granted, namely these costs decrease when fewer restraining orders are granted. As the number of restraining orders granted in the worst case is significantly less than the number granted in the base case, the household dissolution costs are actually smaller in the worst case. Although this is not necessarily the “worst case” with respect to household dissolution costs, it is the worst case in every other respect.

percent lose half, we also accounted for four other possible scenarios: (1) all victims lose all their incomes; (2) all victims lose half their incomes; (3) 27 percent of victims lose all their incomes, and the other 73 percent lose nothing; and (4) 73 percent of the victims lose half their incomes, while the other 27 percent lose nothing. Under these conditions, we still found positive net benefits ranging from \$4 million to \$15 million dollars. Table 6 presents the results of this analysis.

Table 6: Net benefits when varying household dissolution costs

Sensitivity to Household Dissolution Costs		
Household Dissolution Costs Parameter		
Category of Cost	Cost to victims	Net Benefits
27% of victims lose all income and 73% lose nothing	\$4,000,000	\$15,100,000
73% of victims lose half their income and 27% lose nothing	\$5,500,000	\$13,600,000
All victims lose half their incomes	\$7,500,000	\$11,600,000
All victims lose access to all of their incomes	\$15,000,000	\$4,100,000

Second, although we are relatively certain of our base case analysis, which uses shadow prices associated with the physical and sexual assaults perpetrated against women, we wanted to account for variance in the shadow price of assaults in the literature. Thus, we used values provided in *Cost-Benefit Analysis: Concepts and Practice* from a 1996 study on the costs of crime.²⁹ We also averaged these shadow prices with those used in our base case and estimated the net benefits with these different shadow prices associated with physical and sexual assault. Although we use very different values for the costs of physical and sexual assault, we still see positive net benefits with the low-range estimate of physical and sexual assault costs. The results of this analysis are provided in Table 7.

²⁹ Miller et al. (1996) as cited in Boardman, A.E., Greenberg, D.H., Vining, A.R., and Weimer, D.L. (2006) *Cost-Benefit Analysis: Concepts and Practice*. (3rd ed.) Upper Saddle River, NJ: Prentice Hall.

Table 7: Net benefits when varying the shadow price of avoided physical or sexual assaults

Sensitivity to the Shadow Price of Avoided Sexual and Physical Assault		
Avoided Cost of Physical and Sexual Assaults		
Value Category	Shadow Price(2005 dollars)	Net Benefits
Low-range estimate for avoided costs of assault		
Physical Assault	\$11,940	\$2,300,000
Sexual Assault	\$111,383	
Mid-range estimate for avoided costs of assault		
Physical Assault	\$20,558	\$6,000,000
Sexual Assault	\$113,246	

Data Limitations

In performing our analysis, we ran into a major hurdle: the paucity of reliable data regarding domestic violence in Wisconsin. Because of the sensitive and personal nature of domestic violence, reliable data may never be a realistic goal, as these incidents are chronically underreported.³⁰ In addition, domestic violence researchers do not always agree on a definition of domestic violence. Depending on what each study includes, numbers of reported and unreported cases can vary widely.³¹ Finally, there is currently no national system for data collection regarding intimate partner violence against women; study estimates are drawn from secondary sources, such as hospitals or police, whose primary goal is not necessarily to collect these data. Although we do not believe these data collection limitations drastically affected our final analysis, readers must be aware that benefits calculated here are in part the result of data imputations.

Recommendations and Conclusions

The preceding cost-benefit analysis, and the overwhelming net benefits it predicts, clearly supports the proposed expansion to DAGP. The inability of low-income victims of domestic

³⁰ Tjaden, P. and Thoennes, N. (2000) "Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence against Women Survey." National Institute of Justice. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.

³¹ National Center for Injury Prevention and Control. *Costs of Intimate Partner Violence Against Women in the United States*. Atlanta (GA): Centers for Disease Control and Prevention; 2003. http://www.cdc.gov/ncipc/pub-res/ipv_cost/02_introduction.htm

violence to obtain legal services significantly diminishes their chances of obtaining a restraining order against their abuser. By extension, the victims' inability to obtain legal services then results in a series of costs, such as medical care and productivity losses, due to repeated violence that could be avoided under our proposal. Because of the considerable social benefits of avoiding these costs, we wholeheartedly recommend expanding DAGP.

As a caveat to this recommendation, we should note that the unmet legal needs of low-income Wisconsinites extend well beyond restraining orders. In fact, our research indicated that comprehensive services— mental health counseling, counseling for the abuser, and access to a lawyer for custody or divorce hearings—are imperative to reversing the damage of domestic violence. Although provision of these services would certainly be more costly, they would likely increase the effectiveness of restraining orders. And, we strongly suspect that a strategy to provide comprehensive legal services to low-income victims of domestic violence would yield net benefits far greater than the proposed program.

Accordingly, we recommend that DHFS, domestic violence service providers, the State Bar Association of Wisconsin, and Wisconsin policy analysts continue to investigate how to maximize the impact of existing domestic violence resources. Throughout this project, we heard from various stakeholders that although increases in funding are crucial, so too is an improved service delivery design. According to local domestic violence experts, this design should include—as noted in our proposal—a more aggressive recruitment of private attorneys, a more accessible stationing of resources, an improved utilization of technology, and the creation of incentives to lure more attorneys and students into domestic violence advocacy. Such ideas are the proper starting point for improving the services available to victims of domestic violence, but realizing their benefits will require further research and implementation efforts.

Appendix A: Calculating Core Statistics

One set of estimated parameters were used repeatedly throughout these analyses. This section describes the methods used to obtain values for these parameters. The set of values necessary for our analysis that we estimated are the percent of domestic violence incidents that involve female victims; the percent of incidents against women perpetrated by intimate partners; the percent of women in Wisconsin abused by intimate partners; the percent of abused women who are low-income; and the percent of victimizations involving sexual versus physical assault.

Estimating the number of women abused by intimate partners

In estimating the costs of our program, we estimate that 18,238 women were abused by domestic partners in 2004 (the most current data available). We arrived at this estimate by gathering information from a 2004 Wisconsin Department of Justice report on domestic violence. The Wisconsin DOJ report collected data from most counties in the state. Those counties not reporting, or reporting incomplete data, include Racine, Dane, and Milwaukee counties. Dane and Milwaukee counties did provide information on the number of domestic violence incidents but did not supply the detailed information on victim/offender relationships or whether the victims were female. Furthermore, some reporting counties provide more information on the sex of the victim than on the relationship of the victim to her offender. Because of this, there are more reported total incidents when looking at the gender of the victim than when looking at the relationship of the victim to the offender. These holes in the data require that we extrapolate from the counties that did report on the gender and relationship of the victims to the state as a whole.

In the reporting counties, when data is reported on the relationship of the victim to the offender, the Wisconsin DOJ reports a total of 11,538 incidents with 10,117, or 87.7 percent,

being committed by intimate partners. When data are available on the gender of the victims, figures indicate 17,831 total incidents with 13,101, or 73.5 percent, female victims. Multiplying these percentages (87.7 and 73.5) by the total number of incidents reported for the entire state (28,293), we determined that approximately 18,238, or 64 percent, of the domestic violence incidents are reported by women who were abused by their domestic partners.

Estimating the number of low-income women abused by intimate partners

Our analysis assumes 84.4 percent of female abuse victims are low-income. To estimate the proportion of domestic violence victims that are low-income, we relied on statistics from a Bureau of Justice Statistics report.

To arrive at the 84.4 percent value, we use the assessment by the Bureau of Justice Statistics that, for every 1000 adult women, approximately 63.5 women will be abused. Of these 63.5 women, 53.6, or 84.4 percent, make below 200 percent of the poverty line for a family of four. Thus, we estimate that the number of low-income women abused by their domestic partners in Wisconsin is 84.4 percent of 18,238, or 15,392 women.

Estimating the Percent of Victimization that are Sexual or Physical Assaults

Our base case assumes that 15 percent of assaults perpetrated against women by their intimate partners are sexual assaults and the remaining are physical assaults.³² We arrived at this estimate using data from a National Institute of Justice survey, which estimated that in the 12 months previous to the survey, 1.8 percent of women were the victims of physical assault, sexual assault, or stalking. Because domestic violence restraining orders are only used in the case of

³² Sexual assaults and physical assaults are not necessarily mutually exclusive. We consider sexual assault to be more severe, however, so if both physical and sexual assault occur, the victim should be considered a rape victim.

assault, we subtracted the percent of stalking victimizations (0.5 percent) from the total, which left 1.3 percent of women as victims of assault. Furthermore, the study estimated that of this 1.3 percent of women, 0.2 percent were victims of sexual assault. Based on this, we found that approximately 15 percent ($0.2 \div 1.3$) of victimizations were rape and the remaining 85 percent were physical assaults.

Appendix B: Imputation of County Data for Restraining Orders Sought

In order to obtain an estimate for the current number of restraining orders sought in Wisconsin, an imputation method was employed. Imputations were based on existing data from the Wisconsin Consolidated Court Automation Programs (CCAP).³³ Because counting up each report of domestic violence through the CCAP database was prohibitive, we divided Wisconsin's counties into seven groups by population, took a representative jurisdiction, manually counted this jurisdiction's reported incidents and imputed this value for all other jurisdictions in the population group. See Table B-1 for detailed imputed data. Dane County and Milwaukee County were each assigned their own groups due to the volume of reported domestic violence incidents in these counties.

As an example of one imputation, there were seven counties that fell into the category of 75,000 to 99,999 residents. We randomly selected Dodge County to represent this population size. In Dodge County in 2005, there were 64 incidents of domestic violence reported. Therefore, for the other six counties in this population group, we estimated that each had 64 reported incidents of domestic violence, giving a total of 512 reported incidents for this population group.

One special case involved the population group 50,000-74,999. Initially, we randomly selected Portage County to represent this group. However, we discovered that Portage had no reported cases of domestic violence for 2004. We found this to be suspect, but were unsure as to whether Portage simply did not report data, or whether there truly were zero cases of reported domestic violence. We therefore counted Portage in its own category, and randomly selected St. Croix County to represent the remaining five counties in this population group.

³³ Department of Justice. 2004 Domestic Abuse Incident Report.

Table B-1: Estimated processed restraining orders for Wisconsin in 2005

	Milwaukee County	Dane County	Winnebago County	Dodge County	Portage County	St. Croix County	Trempealeau County	LaFayette County
Population Size	100,000 or more	100,000 or more	100,000 or more	75,000-99,999	50,000-74,999	50,000-74,999	25,000-49,999	Under 25,000
Number of Counties with similar population size	1	1	11	8	1	5	19	26
January	187	35	4	5	0	6	4	2
February	241	39	6	4	0	7	4	3
March	245	44	8	4	0	3	8	0
April	202	40	1	4	0	3	5	1
May	182	44	9	4	0	9	3	0
June	199	57	12	6	0	1	1	1
July	246	55	10	7	0	11	1	2
August	235	60	9	5	0	4	1	2
September	253	43	8	6	0	6	3	1
October	229	40	17	4	0	3	4	4
November	202	38	9	6	0	6	4	1
December	314	64	11	9	0	14	4	1
Yearly Total	2735	559	104	64	0	73	42	18
Total for Counties Based on Population Size	2735	559	1144	512	0	365	798	468
Total Temporary Retraining Orders Sought for State of Wisconsin = 6,581								

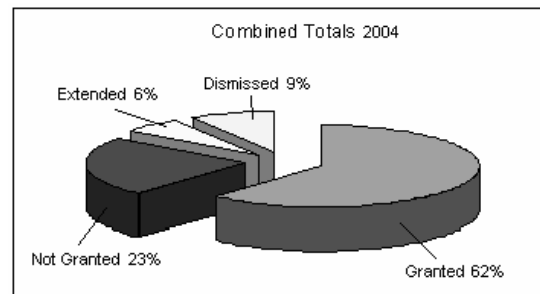
Appendix C: Domestic Abuse Intervention Services Courtwatch Project

Project member Liz Elwart, a former intern from the University of Wisconsin - Madison Criminal Justice Program, worked on a Courtwatch project for Domestic Abuse Intervention Services' Legal Program in June and July of 2004. For six weeks, she observed and recorded data from 81 injunction hearings. This section highlights her key findings, and indicates how complicated restraining order hearings can be, particularly for those respondents without legal aid. Of the 81 injunction hearings observed, 47 hearings (58 percent) were for domestic abuse and 34 hearings (42 percent) were for harassment.

Quantitative Data

Combined Total of 81 Injunctions

- 50 were granted (62 percent)
- 19 were not granted (23 percent)
- 5 were dismissed (6 percent)
- 7 were extended (9 percent)



Domestic Abuse Injunction Hearings

53 percent of domestic abuse injunctions were granted (25 out of 47)

- 12 of these 25 were contested (48 percent)
- 9 were not contested (36 percent)
- 4 were granted with no respondent present (16 percent)

26 percent of domestic abuse injunctions were NOT granted (12 of 47)

- All of these were contested (100 percent)

9 percent of the injunctions were dismissed (4 of 47), 4 percent less than last year (13 percent).

- 3 of these were due to the petitioner's request (75 percent)
- 1 was due to Judge's "lack of jurisdiction" – judge deferred the case to the state in which the abuse occurred (25 percent)

13 percent of the injunctions were extended due to lack of service (6 of 47)

Advocates & Attorneys

Of the 50 domestic abuse and harassment injunctions that were granted:

- 10 petitioners had advocates (20 percent)
- 7 petitioners had attorneys (14 percent)
- 5 respondents had attorneys (10 percent)

Of the 19 domestic abuse and harassment injunctions that were not granted:

- 4 petitioners had advocates (21 percent)
- 2 petitioners had attorneys (11 percent)
- 6 respondents had attorneys (32 percent)

Success rate with an advocate or attorney: 74 percent³⁴

Specific Guidelines for Domestic Abuse Injunctions (Sec. 813.12) and Quantitative Data

Service by Publication

- **§813.12 sub 2(a): The judge or circuit court commissioner shall inform the petitioner of the option of service by publication if there has not been service.**
 - 5 out of 6 (83 percent) of petitioners *were not* informed of service by publication when their domestic abuse injunction was extended due to lack of service of the respondent.

Reasonable Grounds

- **§813.12 sub 4 (a)(3): The judge or circuit court commissioner shall use the standard of “reasonable grounds” when deciding whether or not to grant the injunction.**
 - In 68 percent (17 of 25) cases in which domestic abuse injunctions were granted, the judge did not mention reasonable grounds
 - In 92 percent (11 of 12) cases which domestic abuse injunctions were NOT granted, the judge did not mention reasonable grounds.

Requested Remedies

- **§813.12 sub 4 (aj): The judge or circuit court commissioner may grant only the remedies requested by the petitioner.**
 - 60 percent (15 of 25) petitioners who were granted domestic abuse injunctions *were not* asked what they wanted the injunction to order
 - 6 of the remaining 10 petitioners requested other remedies not inconsistent with the law (60 percent) and all 6 requests were honored by the judge (100 percent)

³⁴ In order to find the success rate of getting a restraining order granted with an advocate or attorney, we divided the number of restraining orders granted with an advocate or attorney (17) by the total number of injunction hearings with an advocate or attorney present (33).

Children in Common

- **§813.12 sub 2(b): May not make findings or issue orders related to child support and custody and physical placement.**

Children in Common & Domestic Abuse Injunctions (17 cases)

- 8 of the 17 injunctions where parties had children in common were granted (47 percent)
 - In 3 of these 8 injunctions, the judge wrote “except as ordered by Family Court” into the order (38 percent)
 - In 1 of these injunctions, the judge talked to the parties about how to set up communication concerning the children (12 percent)
- 6 of the 17 were not granted (35 percent)
- 3 of the 17 were dismissed or extended (17 percent)

Firearms

- **§813.12 sub 4m (a): When the injunction is granted, require firearm surrender and inform the respondent about penalties for possession or their designee about the penalties for furnishing a firearm.**

Firearms & Domestic Abuse Injunctions

- Possession of firearms was discussed in the 17 of the 21 granted injunctions where the respondent was present (81 percent)
 - i. In 14 of these 17 cases, the petitioner was asked if the respondent owned firearms (82 percent)
 - ii. In 2 of these 14 cases, the respondent was asked to turn over the alleged firearms in his or her possession (14 percent)
- Possession of firearms *was not* discussed in 4 of the 21 granted injunctions where the respondent was present (19 percent)
- Possession of firearms was not discussed in any of the 4 granted injunctions where the respondent was not present.

Courtroom Safety

- In 9 of the 19 domestic abuse injunctions that were granted when the respondent was present and not incarcerated, the respondent was asked to stay in the courtroom for at least 5 minutes after the hearing (47 percent)
- In 13 of the 19 harassment injunctions that were granted when the respondent was present and not incarcerated, the respondent was asked to stay in the courtroom for at least 5 minutes after the hearing (68 percent)

Example: After a domestic abuse injunction hearing was extended, the petitioner asked the Bailiff if the respondent could be detained so she could leave the building safely. The Bailiff denied her request.

Seating at Counsel Table

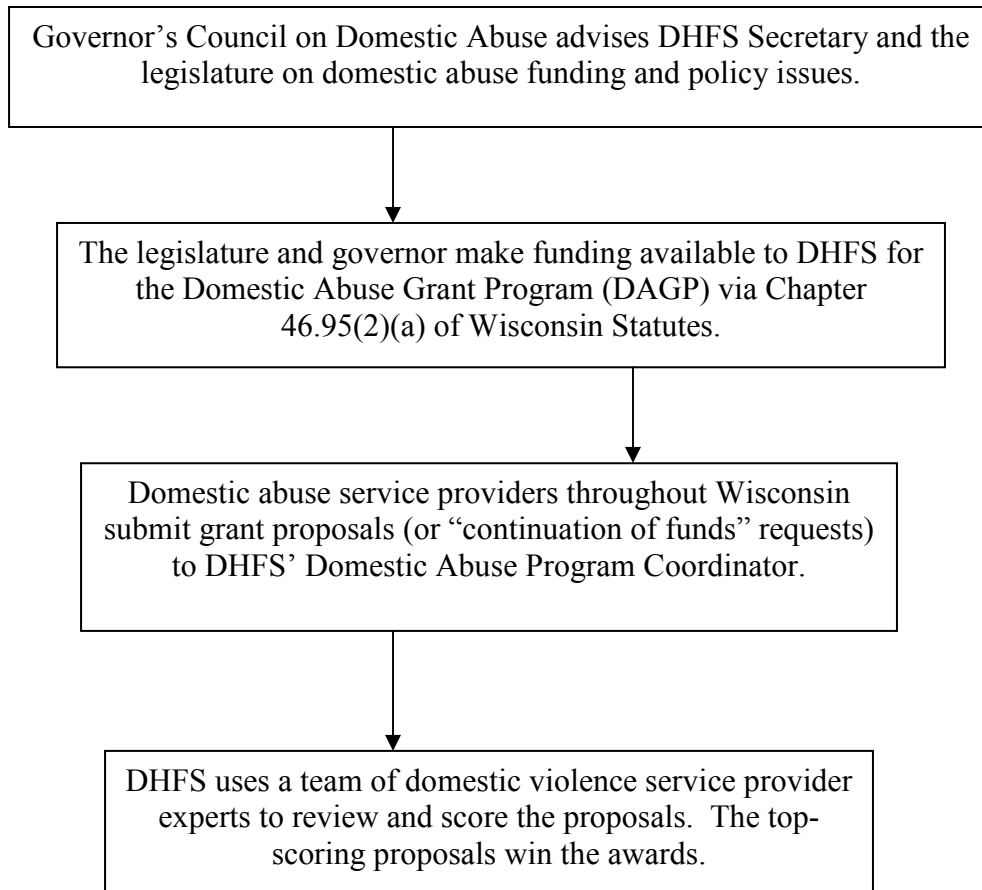
- 5 times someone other than a petitioner, respondent, attorney, advocate, or interpreter was allowed to sit at the counsel table (6 percent)
- 2 were Domestic Abuse injunctions (40 percent)
- 3 were Harassment injunctions (60 percent)

Example: During a harassment injunction, the judge allowed the petitioner's mother to both sit with her at the counsel table and speak for her for the duration of the hearing. Once the injunction had been granted, the petitioner's mother asked that herself, the petitioner's aunt and the petitioner's grandmother (both of whom did not appear in court) be added into the order as petitioners themselves. The judge granted her request.

Courtwatch relevant information

We used advocate and attorney information, along with the total numbers of injunctions granted and dismissed, presented in this report to determine the success rates of obtaining restraining orders with and without legal aid. These success rates were utilized in calculating the estimated number of additional restraining orders granted due to DAGP expansion, which is discussed further in Appendix G.

Appendix D: Flow of Domestic Abuse Grant Program Funding³⁵



³⁵ "Domestic Violence." *Department of Health and Family Services*.
<http://dhfs.wisconsin.gov/children/DomV/progserv/govcouncil.htm>

Appendix E: Potential Uses of Grant Funds

The analysis in Appendix I calculates the amount of money it would cost to extend services to the roughly 1,600 low-income victims of domestic violence who seek a restraining order but who do not receive legal advocacy services. By calculating the cost of providing services to one individual and multiplying it by the number of un-served victims, our analysis above of an increase in DAGP funds inherently assumes that currently employed methods of service provision by non-profit organizations would continue as before, but simply expand.

Yes, in our discussions with local experts on domestic violence service provision, including Tess Meuer from the Wisconsin Coalition Against Domestic Violence and Marsha Mansfield from the University of Wisconsin Law School, we learned of potential methods of improving service delivery. We also learned of service provision strategies that currently receive no DAGP funding. Under our proposed funding increase, such strategies could—and, if deemed worthy by DAGP, would—receive funding. This appendix outlines a handful of the most promising strategies for expanding access to legal services for low-income victims of domestic violence.

Recruitment of Pro Bono Attorneys

Almost every expert with whom we consulted agreed that domestic violence service providers could better tap private legal resources for domestic violence purposes. Although the State Bar Association of Wisconsin and non-profit organizations already engage in pro bono recruitment, we believe a better-funded, more intensive recruiting effort could result in sustainable pro-bono partnerships between domestic violence service providers and private law

firms.³⁶ For example, a grant provided to the State Bar to hire an additional full-time pro-bono liaison could significantly expand the Bar's recruiting capacity. This liaison could meet regularly with law firms around Wisconsin and organize pro bono summits at legal conferences around the state, educating the attorneys about the unmet civil legal needs of low-income Wisconsinites. Ultimately, we believe such an effort could result in sustained commitments from the private legal community to engage in pro bono legal services continually. The establishment of a regular pro bono program within these firms would offer invaluable courtroom experience for young associates and would project an image of public service that most firms actively seek.

Courthouse Advocacy

Our discussions with local domestic violence experts also yielded a consensus that having a legal advocate in the county courthouse would greatly improve the petitioner's chances of obtaining an order. Such an advocate could explain the process, help with paperwork, accompany the petitioner to the hearing, and assist in obtaining other services, such as shelter and counseling. The Task Force on Family Violence already provides such a program in Milwaukee County—for three hours a day, Monday through Friday.³⁷ No other county even approaches this level of courthouse advocacy. The Dane County Bar Association's pro se Family Law Assistance Center, which operates out of a meeting room at the Dane County Courthouse, only offers assistance with paperwork and procedures; moreover, the Center is open for only two hours each week.³⁸ Lengthening the hours of operation in Milwaukee, expanding

³⁶ Tess Meuer, a staff attorney at the Wisconsin Coalition Against Domestic Violence, provided us with this idea in an interview held 18 Oct 2006 at WCADV.

³⁷ "Courthouse Advocacy." *Task Force on Family Violence*.
<http://taskforceonfamilyviolence.coforce.com/courthouseadvocacy.asp>.

³⁸ "Family Law Assistance Center." *Dane County Bar Association*,
<http://www.dcba.net/programs/FamilyAssistSchedule.html>.

both the services provided and hours of operation in Dane County, and creating similar courthouse advocacy programs in other populous counties would all significantly improve access to legal services for low-income domestic violence victims.

Remote Advocacy

Domestic violence service providers are naturally clustered in the most populous regions of Wisconsin—in and around Dane and Milwaukee counties. These providers could expand their reach to Wisconsin's vast rural regions through the use of videoconferencing technology. Major service providers in Dane and Milwaukee counties could station legal advocates and attorneys at their headquarters and make them available remotely to victims seeking restraining orders at rural county courthouses. Such efforts would require sizeable capital investments in equipment, but these investments pale in comparison to the long term costs of transportation to and from more populous regions. The cost of videoconferencing also pales in comparison to the cost to a non-profit organization of establishing a physical presence in these rural areas. We currently are not aware of any remote advocacy programs in Wisconsin; newly available DAGP grant monies could be used to establish these services.

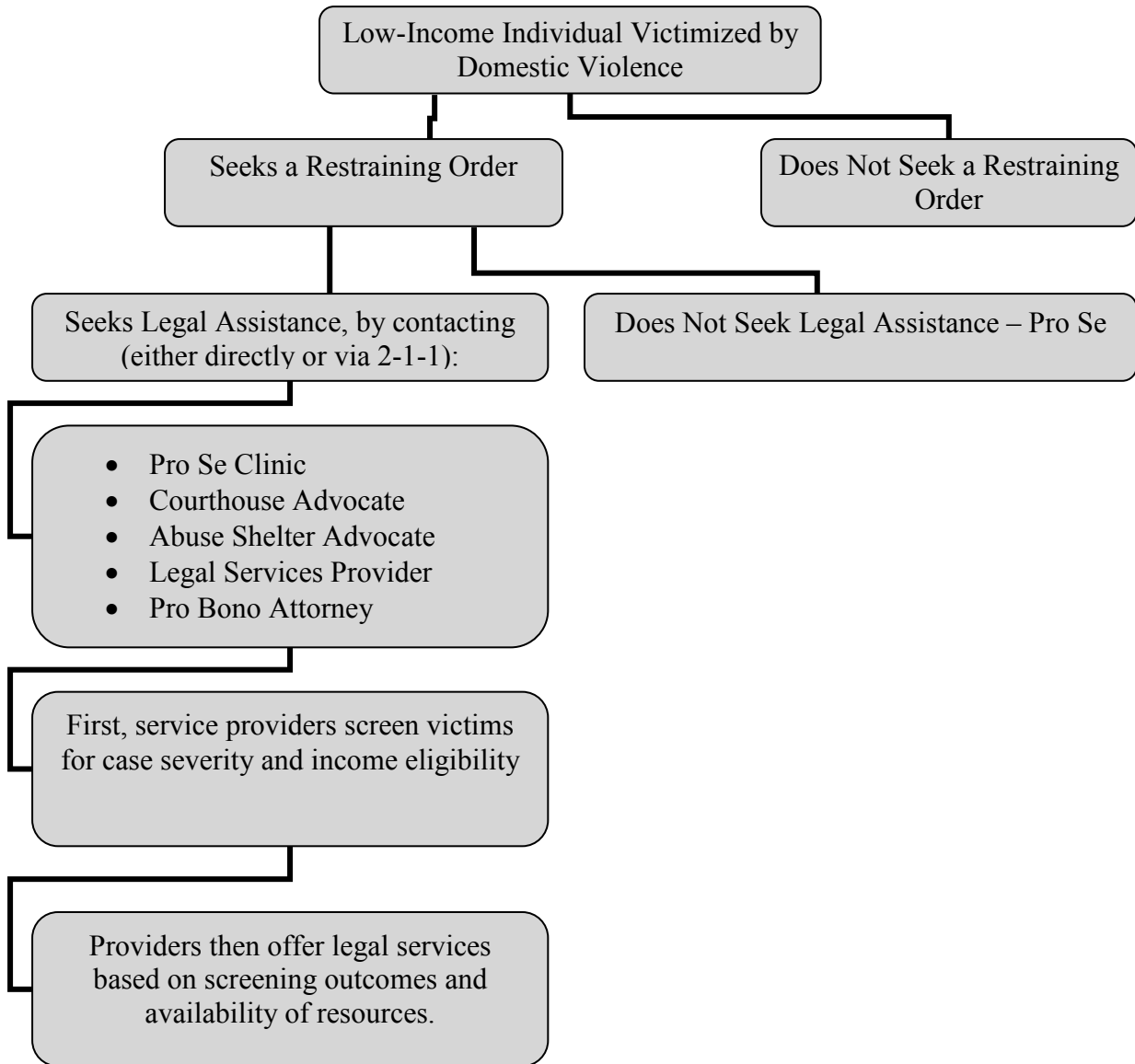
Credit for attorneys and students

Our research into the unmet needs of low-income victims of domestic violence forced us to brainstorm about incentives to entice attorneys and law students into pro bono advocacy. One possible incentive is to grant Continuing Legal Education (CLE) and academic credit to attorneys and law students, respectively. The attractiveness of such an incentive for attorneys surely would depend on the number of credits they could earn from pro bono work. Currently, the Wisconsin State Bar requires active attorneys to complete 30 hours of CLE every two years. We doubt the incentive would be as strong for students, considering they must pay tuition to

receive credit toward graduation. But demand for current UW legal assistance programs, including the Neighborhood Law Project and the Family Court Assistance Project, is high. However, one impediment to expanding these programs is the lack of available supervising attorneys.³⁹ Attracting more volunteer supervising attorneys from the private sector through the extension of CLE credit could allow current advocacy programs at the UW-Madison Law School and Marquette Law School to expand significantly.

³⁹ Interview with UW Law School Professor Marsha Mansfield, 13 Oct 2006.

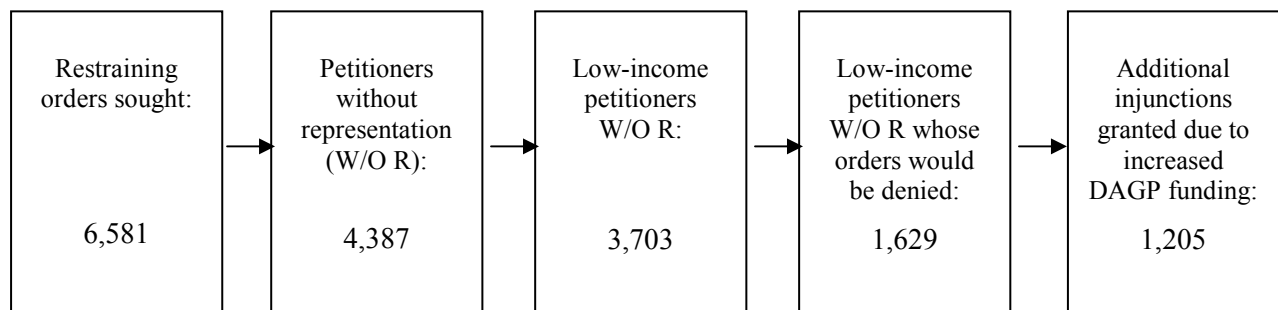
Appendix F: From Victimization to Receipt of Legal Services



Appendix G: Expected Increase in Restraining Orders Granted

In order to estimate victims' avoided costs we had to determine the effect that an increase in Domestic Abuse Grant Program funding would have on the number of restraining orders granted in Wisconsin. The diagram below illustrates this process. We began by imputing county data in order to find a total number of restraining orders sought in Wisconsin (6,581 as shown in Appendix B). We then used DAIS Courtwatch data to estimate the statewide percentage of petitioners that have representation through an advocate or attorney. Of those hearings included in the study that resulted in either granting or dismissing a restraining order (69), an advocate or attorney represented petitioners in 23 hearings, or approximately 33 percent of the time. Assuming that 67 percent of petitioners have no representation, we multiplied that proportion by the total number of restraining orders sought, leaving us with 4,387 individuals in need of legal services. Multiplying this population by the percent of abused women who are low-income, 84.4 percent, gave us the number of Wisconsin residents seeking representation in injunction hearings who are eligible for services under the proposed DAGP expansion (3,703).

Figure G-1: Estimation of Additional Injunctions Granted



From this number we had to eliminate the number of petitioners who would have successfully obtained a restraining order despite their lack of representation. In order to find the probability of getting an injunction granted without representation, we divided the number of

injunctions granted without representation (33) by the total number of hearings where a petitioner represented herself (58), which yielded a 56 percent success rate. Multiplying the 3,073 eligible petitioners by the 44 percent (1-.56) chance that their restraining orders are denied without representation yielded 1,629 individuals who, given a 100 percent granting success rate, would represent the additional restraining orders granted due to program expansion. While the success rate for petitioners with advocates or attorneys is considerably higher than for petitioners without legal aid, however, it is not 100 percent. Calculations in Appendix C reveal this success rate to be 74 percent. Thus, multiplying 1,629 by the 74 percent success rate yields the total number of additional restraining orders (1,205) that will be granted under DAGP expansion.

Appendix H: Detailed Explanation of Costs to the State Bar Association of Wisconsin

The Domestic Abuse Grant Program that we propose includes several initial costs to the State Bar of Wisconsin to initiate the program. To recruit the lawyers to provide pro bono services, a session at the State Bar's annual conference would have to be held. The cost of providing this session includes the cost of reproducing materials (\$15 per set for 100 people = \$1,500), and light refreshments (\$1000) for a total of \$2,500 in 2006 dollars, or \$2,419 in 2005 dollars.⁴⁰

An additional cost of the proposed program would be the additional staff member needed at the State Bar to coordinate the pro bono services provided by attorneys with the non-profit legal service providers. As indicated by Jeff Brown, the Pro Bono Coordinator at the State Bar of Wisconsin, a paralegal would be qualified to handle this position. The average salary and benefits package for a paralegal in Madison, Wisconsin is \$59,085.⁴¹

Finally, the State Bar could potentially lose some revenue that they currently receive by holding Continuing Legal Education (CLE) credit seminars. Currently, the State Bar charges \$199 for a half-day session (\$193 in 2005 dollars). Through the proposed program, lawyers who provide pro bono services for victims seeking restraining orders would be eligible to receive CLE credits for their time. To project this loss of revenue to the State Bar, we estimated the number of people who would be assigned a lawyer to assist with their restraining order request. As mentioned previously, attorneys would mainly be provided for low-income victims who have high severity cases. These high severity cases include those with limited English proficiency and

⁴⁰ Email contact with Jeff Brown, Pro Bono Coordinator, State Bar of Wisconsin, 13 Nov 2006.

⁴¹ "Salary Center." Accessed at: <http://salary.monster.com/> on 14 Nov 2006.

other language barriers. Using information collected in 2004 from Domestic Abuse Intervention Services, we estimate that 11.5 percent of victims served are non-English speakers. As the Domestic Abuse Grant Program serves only low-income individuals (projected to be 84.4 percent of victims) only 8 percent of these non-English speakers will be served by attorneys.⁴² This 8 percent translates into 109 victims needing legal services from an attorney (8 percent * 6,581 restraining orders sought). Assuming that all of these victims would be provided a pro bono attorney, \$21, 037 would be lost CLE revenue to the State Bar of Wisconsin (109 lawyers * \$193 cost for half-day CLE seminar).

In total, the costs to the State Bar of Wisconsin of the proposed Domestic Abuse Grant Program would be \$91,998, which includes the additional hire, the conference costs as well as the lost Continuing Legal Education credit revenue loss.

⁴² “Five Lenses Around Access Issues: Poverty, Ethnicity, Language, Age and Geography.” Domestic Abuse Intervention Services, prepared for Department of Administration, State of Wisconsin, 2004.

Appendix I: Detailed Explanation of Costs of Proposed Domestic Abuse Grant Program

With the proposed Domestic Abuse Grant Program, the Department of Health and Family Services would increase the funding available by \$1.1 million dollars. The increase in funding would be available in three main areas: support services (legal services including advocacy), basic services (to account for any additional spending for non-legal services provided due to the increase in victims seeking restraining orders who may need other assistance), and training and technical assistance (to train the increased number of advocates as well as pro bono attorneys). Additionally, we project that the Department of Health and Family Services would have to hire an additional position to help with administration and oversight of the additional funding. We project the salary and benefit package for this staffer to cost \$54,680.⁴³

Additional Support Services Funding

First, we estimate the cost of providing legal assistance through the Domestic Abuse Grant Program to be \$219,915. We arrived at this estimate by projecting that the cost of providing legal assistance to a single domestic violence victim in pursuit of a restraining order to be, on average, \$135. We estimated this number using data from Domestic Abuse Intervention Services and the current DAGP at DHFS. In 2005, DAIS provided legal advocacy services to 519 victims of domestic violence.⁴⁴ In 2005, DAIS employed 2.2 advocates, who, according to our calculations, received a salary and benefits package worth \$32,000 for each advocate.⁴⁵

⁴³ Information from Sharon Lewandowski, Domestic Abuse Office, Wisconsin Department of Health and Family Services. November 2006.

⁴⁴ "Annual Report, 2005." *Domestic Abuse Intervention Services*.
<http://www.abuseintervention.org/06%20Annual%20Report.pdf>.

⁴⁵ Class of 2000 Graduate Follow-Up Survey: Employment and Salary Information.
www.uwgb.edu/careers/2000_Survey_MajorReport.doc

Applying simple arithmetic to these numbers ($32,000 * 2.2 / 519 = \$135$) provided us with an estimate of the cost of providing services to a single victim.

Data from DAGP confirm this estimate. In 2005, 15,000 individuals received legal services from DAGP grant recipients.⁴⁶ Of the \$8.4 million appropriated to DAGP in 2005, roughly \$620,000 was spent on legal advocacy.⁴⁷ As DAGP funds, on average, make up one-third of provider budgets,⁴⁸ we estimate that DAGP recipients spend a total of \$1.9 million on legal advocacy. Therefore, a simple calculation reveals that $\$1.9 \text{ million} / 15,000 \text{ victims served} = \125 per victim .

We use the \$135 per victim estimate instead of \$125 because we have direct knowledge of the type and quality of legal services DAIS provides—services we hope to expand considerably with our proposal. Because DAGP awards grants to over 70 organizations (many with which we are not familiar), and because the nature of the DAGP data forced us to make some assumptions in our calculations,⁴⁹ we are less confident in the \$125 figure. However, falling just within \$10 of the DAIS estimate, the DAGP estimate provides comfort that our calculation of the cost of providing legal services to a single domestic violence victim is reasonably accurate.

⁴⁶ Lewandowski, Sharon. "Report." E-mail to Kevin Murphy. 20 Nov 2006.

⁴⁷ "Domestic Abuse Funding 2006." Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

⁴⁸ "Domestic Abuse Funding 2006." Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

⁴⁹ For example, though we know a percentage of "basic services" grants are used for legal advocacy, we were unable to locate any data on that percentage. Therefore, since legal advocacy is one of ten areas in which "basic services" grants can be spent, we estimated that roughly 10 percent of basic services funds are used for legal advocacy. After lengthy research into the inner-workings of domestic violence service providers, our group was comfortable with this estimate.

Additional Basic Services Funding

Second, we estimated that \$508,248 should be made available under the basic services grant program. To arrive at this estimation, we calculated the cost of providing basic services to one person and then multiplied this by the number of clients we project to serve. Forty thousand people received domestic abuse basic services in 2005 from DHFS-funded programs at a cost of \$4,301,405.⁵⁰ Also, because the funding from DHFS accounts for, on average, one-third of a service provider's budget, we multiplied the total amount DHFS allocated for basic services by three ($\$4,301,405 * 3$). This resulted in \$12,904,215, which was then divided by the total number of people who received basic services (40,000) to obtain the cost of providing basic services to one client—\$323. To calculate the additional funds that service providers would need to provide basic services to these victims, the cost per victim was multiplied by the number of people served by the proposed program ($\$323 * 1,629$ victims). The total funding amount needed to provide additional basic services to victims in the Domestic Abuse Grant Program would therefore be \$508,248 in 2005 dollars.

Additional Training and Technical Assistance Funding

Under the Domestic Abuse Grant Program, additional training would be required for the new advocates and attorneys who volunteered pro bono legal services. The Wisconsin Coalition Against Domestic Violence would most likely provide the training sessions, which cost approximately \$5,000 per session.⁵¹ We projected that five training sessions would be held each month throughout the year, totaling 60 training sessions per year (5 sessions per month * 12

⁵⁰ "2006 Grants." Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

⁵¹ Meeting conducted with Tess Mauer, Staff Attorney – Wisconsin Coalition Against Domestic Violence, 18 Oct 2006.

months in a year). This means that in 2005 dollars, the funding for training and technical assistance would have to increase by \$290,337 to account for the additional training sessions needed.

Overall, the total costs of the Domestic Abuse Grant Program would be \$1,073,183, which includes the additional hire for the Department of Health and Family Services, the support services funding, the basic services funding, and the training and technical assistance funding. After rounding, we project that the current DAGP would have to increase its budget by \$1.1 million to increase effectively access to domestic violence services for low-income Wisconsinites.

Table I-1: Proposed Domestic Abuse Grant Program costs

Cost	Grant Program Area	Amount Needed
Additional DHFS Employee (salary and benefits)	n/a	\$54,680
Support Services Funding Grants	Support Services	\$219,915
Basic Services Funding Grants	Basic Services	\$508,248
Training and Technical Assistance Funding Grants	Training and Technical Assistance	\$290,337
Total amount needed for the Domestic Abuse Grant Program		\$1,073,180

Appendix J: Detailed Explanation of Lost Partner Wages

To calculate lost intimate partner wages when a household dissolves due to the granting of a restraining order, the following method was used. An assumption was made that a restraining order would inevitably lead to the dissolution of a household. However, although 1,205 new restraining orders are expected, 24.6 percent of women were excluded from these calculations, as they were not cohabitating with their abuser at the time of abuse.⁵²

The remaining 909 women were divided into income categories because women at differing income levels are unequally likely to be victims of domestic violence. Categories appear below, and are taken from a 1995 Bureau of Justice Statistics report.⁵³ An assumption was made that over time, although dollar values change, the overall percentage of women in each income category remains fairly stable. Therefore, the original 1995 dollars were inflated to 2005 dollars before percentages were calculated, but the ratios were retained. The upper income bound of this table in 2005 dollars is \$38,443 because this value closely matches the new program limit of 200 percent of the 2005 poverty line, with an assumed family size of four, on average.

Table J-1: Percentage of low-income domestic violence cases by family income: 1995 and 2005

Family Income, 1995 Dollars	Family Income, 2005 Dollars	Percentage of Low-Income Domestic Violence cases
9,999 or less	12,813 or below	37
10,000-14,999	12,814-19,221	25
15,000-19,999	19,222-25,629	20
20,000-29,000	25,630-38,443	18

Literature shows that 27 percent of abused women are denied any access to income by their abuser.⁵⁴ This means that if the female works, her wages are controlled by the abuser, and if

⁵² Wisconsin Department of Justice. These women were considered to be in a dating relationship, as opposed to cohabitating.

⁵³ Bureau of Justice Statistics Special Report. National Crime Victimization Survey. Violence Against Women: Estimates from the Redesigned Survey. August 1995, NCJ-154348

⁵⁴ <http://www.cjtoday.com/pdf/7cjt0211.pdf>

she depends solely on his income, she has no access or discretion in spending. Therefore, in 27 percent of our new cases, when the household dissolves, the woman's income will fall to zero. As family income from this report appears in ranges, the mean income value for each category was used as an estimate of lost income.

The percentages from the table above were used to calculate income loss first for this 27 percent, and then for the remaining 73 percent of women, who presumably had fair access to family income.

$$\begin{array}{r}
 \textbf{Income Category 1} \\
 909 * .37 = 336.33 \\
 336.33 * .27 = 90.81 \\
 90.81 * \$6,046.50 = \textbf{\$549,082.66}
 \end{array}$$

$$\begin{array}{r}
 \textbf{Income Category 2} \\
 909 * .25 = 227.25 \\
 227.25 * .27 = 61.36 \\
 61.36 * \$16,017.50 = \textbf{\$982,793.75}
 \end{array}$$

$$\begin{array}{r}
 \textbf{Income Category 3} \\
 909 * .20 = 181.80 \\
 181.80 * .27 = 49.09 \\
 49.09 * \$22,425.50 = \textbf{\$1,100,867.80}
 \end{array}$$

$$\begin{array}{r}
 \textbf{Income Category 4} \\
 909 * .18 = 163.62 \\
 163.62 * .27 = 44.18 \\
 44.18 * \$32,036.50 = \textbf{\$1,415,372.57}
 \end{array}$$

$$\textbf{\$549,082.66 + \$982,793.75 + \$1,100,867.80 + \$1,415,372.57 = \$4,048,116.78}$$

To estimate lost partner income for the 73 percent of women who did have access to household earnings, an assumption was made that the victim provided half of family income. Therefore, when household dissolution occurs, the victim's income will fall by half. Half the mean income value in each income category was used as the estimate for income loss in this group of women.

Income Category 1

$$\begin{aligned} 909 & * .37 = 336.33 \\ 336.33 & * .73 = 245.52 \\ 245.52 & * \$6,046.50/2 = \mathbf{\$742,268.34} \end{aligned}$$

Income Category 2

$$\begin{aligned} 909 & * .25 = 227.25 \\ 227.25 & * .73 = 165.89 \\ 165.89 & * \$16,017.50/2 = \mathbf{\$1,328,571.54} \end{aligned}$$

Income Category 3

$$\begin{aligned} 909 & * .20 = 181.80 \\ 181.80 & * .73 = 132.71 \\ 132.71 & * \$22,425.50/2 = \mathbf{\$1,488,044.05} \end{aligned}$$

Income Category 4

$$\begin{aligned} 909 & * .18 = 163.62 \\ 163.62 & * .73 = 119.44 \\ 119.44 & * \$32,036.50/2 = \mathbf{\$1,913,219.78} \end{aligned}$$

$$\mathbf{\$742,268.34 + \$1,328,571.54 + \$1,488,044.05 + \$1,913,219.78 = \$5,472,103.71}$$

$$\mathbf{\$4,048,116.78 + \$5,472,103.71 = \$9,520,220.49}$$

When added together, the lost partner income for women who had no access to income and those who had access to income totaled approximately \$9.5 million dollars per year.

Appendix K: The Effectiveness of Restraining Orders

While increasing access to restraining orders for low-income women begins to address the problem of domestic violence, it does not deal with the significant problem of restraining order effectiveness. Research suggests that restraining orders are between 40 and 80 percent effective in deterring future incidents of abuse in the year after obtaining the order.⁵⁵ Violations range from relatively minor incidents such as unwanted phone calls or visits, to more severe attacks of physical or sexual abuse. While our program does not address the effectiveness problem directly, we see serious implications for ours or any program dedicated to reducing domestic violence without further consideration of restraining order effectiveness.

Restraining order effectiveness depends on numerous factors: (1) whether or not the victim drops the order, (2) if the victim reports violations to the police, and (3) if violations are met with consequences. Of course, obtaining an order, reporting violations to the police, and punishing the offender does not result in 100 percent effectiveness, as the order has to be violated for the victim to report it. When the first violation is a minor one, however, a quick response by the victim and police may deter future acts of serious violence. Thus, although our program does not speak to the maintenance of restraining orders, we hope that implementing further training for those involved in domestic violence cases would make strict enforcement of restraining orders violations a priority of the justice system.

⁵⁵ The 60 percent estimate comes from Tjaden and Thoennes (2005), p. 54., Buzawa and Buzawa (1996), p. 240. The 80 percent figure comes from Holt, V. et al. (2003) "Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?" *American Journal of Preventive Medicine*. 24(1): 16-21.

Appendix L: Detailed Explanation of Avoided Costs

Victims' Avoided Costs

Many of the benefits afforded victims of domestic violence who have obtained restraining orders come in the form of avoided costs. For example, we estimated the medical costs avoided due to the effectiveness of restraining orders in preventing future acts of domestic violence. A Department of Justice study using National Crime Victimization Survey data in 1996 estimated medical care service use and unit costs for nonfatal intimate partner violence.⁵⁶ This report determined the medical cost per physical assault or rape based on the number of violent incidents that required hospital, physician, dental, ambulance, or physical therapy care. By updating these data, we find that the average nonfatal assault in 2005 cost each victim \$2,119.54 in medical care, while the average rape in 2005 cost victims \$721.29 in medical care.

In an attempt to quantify the mental cost of enduring domestic abuse, we examined the value of mental healthcare consumed by victims of domestic violence. The National Violence Against Women Survey⁵⁷ found that approximately one-third of intimate partner rapes and more than one-quarter of intimate partner assaults result in the victims speaking with a psychologist, psychiatrist, or other mental health professional. We consider the costs associated with these treatments, which the Miller and colleagues calculated, to be adequate measures of the psychological damage incurred by victims of domestic violence. Each physical assault in 2005 cost victims \$140.18 in mental healthcare, and each rape in 2005 cost approximately \$3,171.53.

⁵⁶ Miller, T.R., Cohen, M.A., & Wiersema, B. (1996). *Victim costs and consequences: A new look*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

⁵⁷ National Institute of Justice (1998). *Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey*. Washington, DC. Centers for Disease Control and Prevention.

In addition to avoided medical and mental healthcare costs, we expect that increased access to restraining orders will enhance domestic abuse victims' overall quality of life. In 2002, Clark, Biddle and Martin conducted a cost-benefit analysis of the Violence Against Women Act of 1994, in which they address the effects of domestic violence on victims' livelihood by estimating values of pain, suffering, fear, and lost quality of life due to nonfatal injuries.⁵⁸ In their calculations, they borrow from Miller et al.'s 1996 study that looked at out-of-pocket costs of crime, victim characteristics, injury severity, and jury awards in order to determine the average jury award for the typical crime. We updated Clark, Biddle and Martin's findings to 2005 dollars in order to obtain the value of increased quality of life that we expect petitioners will experience if their restraining orders prevent at least one incident of assault (\$26,103.10) or rape (\$110,092.89).

To estimate the cost of property damage or loss to a domestic violence victim with each assault, this analysis makes use of previous Department of Justice estimates. These estimates, when inflated from their original 1994 dollars to 2005 dollars, show that in 2005 dollars, a victim suffers \$51.39 in loss for each assault, and \$131.78 of loss for each rape.⁵⁹

Domestic abuse often causes victims to lose time from activities because of medical and mental healthcare issues previously discussed, and research shows that they may also be at greater risk for other chronic health or stress problems that can interfere with daily life. In 2003 the Centers for Disease Control and Prevention described these productivity losses by finding the mean number of days of paid work and household chores lost due to physical assault and rape. For our purposes, we multiplied these numbers of productive days lost by the daily earnings

⁵⁸ Clark, K.A., Biddle, A.K., & Sandra L Martin (2002). A cost-benefit analysis of the Violence Against Women Act of 1994. *Violence Against Women*. 8(4): 417-429.

⁵⁹ Miller, T., Cohen, M., and Wiersema, B. Victim Costs and Consequences: A New Look. U.S. Department of Justice, Office of Justice Programs. National Institute of Justice Research Report. January 1996. Retrieved online from <http://www.ncjrs.gov/pdffiles/victcost.pdf>.

received under Wisconsin's minimum wage (\$6.50/hour). Our estimated productivity losses per assault and rape are described below.

Productivity loss per incident = [(# of paid work days lost)(8 hours per day)(minimum wage)] + [(# of household chores days lost)(8 hours per day)(minimum wage)]

Productivity loss per assault = [(7.2)(8)(6.5)] + [(8.4)(8)(6.5)] = \$811.20

Productivity loss per rape = [(8.1)(8)(6.5)] + [(13.5)(8)(6.5)] = \$1,123.20

Appendix M: Omitted Costs and Avoided Costs

In estimating net benefits of our program, certain costs and avoided costs associated with restraining orders were not quantified. Specifically, we did not evaluate additional costs and potential avoided costs associated with the court system, police services, domestic violence homicides or any effects related to children. The discussions below explain the reasons for omitting these categories.

Court Costs

The expansion to the Domestic Abuse Grant Program would provide services to 1,629 clients who would be unable to access legal services in the current restraining order process. As this does not necessarily increase the number of victims seeking restraining orders, the court costs would remain the same. If additional victims apply for restraining orders as a result of hearing about the expanded program, then the court system will incur additional costs to process this increase in cases. However, the expansion to the Domestic Abuse Grant Program neither projects any increases in the number of victims seeking restraining orders nor no additional costs to the court system.

Police Costs and Avoided Costs

Police costs include the increased costs of enforcing additional restraining orders. Enforcing restraining orders incurs police costs as police time is used to respond to 9-1-1 calls, and make arrests if necessary, each time a restraining order is violated. By increasing the number of restraining orders granted, however, we expect the number of abuse incidents to decline. Thus, police would have to respond to fewer domestic violence calls. Because the process of responding to domestic violence abuse calls is essentially the same as responding to

restraining order violations (i.e. response and potential arrest), the net effect on police resources would be zero; police resources would be shifted from responding to abuse calls to responding to restraining order violation calls. It should be noted that domestic violence homicide does cost more in police costs than a restraining order violation or domestic violence abuse call. As our analysis does not estimate the costs or avoided costs of domestic violence homicide, however, these are not considered as part of the police costs.

Domestic Violence Homicide Costs and Avoided Costs

To estimate the avoided cost of domestic homicide requires information on the number of women who avoided death by homicide because they obtained a restraining order. It is impossible to know, however, if a woman would have been killed by her abuser if she had not received a restraining order. While we expect and hope that the DAGP expansion would prevent homicides as well as abuse, we cannot predict what percentage of women might have been killed by staying in their abusive relationships. We cannot, therefore, estimate the avoided costs of homicide attributed to our program

Furthermore, because of the complexity of domestic violence situations, leaving an abusive relationship is not always the safest option. As a result, increasing the number of restraining orders may actually increase the number of domestic violence homicides. Evidence suggests that a woman's likelihood of being killed by her abuser increases by 57 percent when she leaves her abusive relationship.⁶⁰ By increasing the number of restraining orders, therefore, we may incur costs due to domestic violence homicide. In examining the prevalence of domestic violence homicide, however, we found that our program would have to increase the number of restraining orders by about 5,000 to increase the number of domestic violence homicides by one;

⁶⁰ Meeting conducted with Tess Meuer, Staff Attorney – Wisconsin Coalition Against Domestic Violence, 18 Oct 2006.

this is approximately three times the increase we estimate. We arrived at the 5,000 figure by looking at the number of women killed by their abusers with and without restraining orders in Wisconsin in 2004 (1 and 15, respectively), the number of reported intimate partner violence incidents with female victims (18,238), and our estimated number of restraining orders granted as a percent of reported domestic violence incidents ($4651 \div 18238 = .25$).⁶¹ Using these numbers, we applied Bayes' Theorem to estimate the probability of being killed if one gets a restraining order to be approximately 0.0002 percent.

$$\begin{aligned}
 P(\text{homicide}|\text{restraining order}) &= \frac{P(\text{restraining order}|\text{homicide}) * P(\text{homicide})}{P(\text{restraining order})} \\
 &= \frac{(1/16) * (15/18,238)}{0.25} \\
 &= 0.0002
 \end{aligned}$$

A program that increases the number of restraining orders significantly, therefore, should consider domestic violence homicide as a potential, and considerable, cost.

Avoided Costs of Children

We anticipate that children whose mothers obtain restraining orders from their abusers will experience benefits that may be important to our analysis. However, several major concerns prevent us from examining this issue further. First, while the number of additional clients that would be served by our program is uncertain, there is even more doubt surrounding how many children would be affected by this change in policy. Children's age is also an important factor in calculating benefits - presumably, younger children have more to gain from the protection a restraining order can provide than older children who are not as vulnerable and who may be preparing to move out on their own. Estimating not only the number of children but also the age

⁶¹ Seventeen other people were killed in domestic violence incidents including perpetrators, family members, and bystanders. 2004 Wisconsin Domestic Violence Homicide Report, WCADV (2006). http://www.wcadv.org/?go=about/news_pressrelease&id=17

and relative dependence of these children would take the focus off of other more important, and more easily calculated, benefit categories. Finally, we assume that much of the childrens' benefits may already be incorporated in the mother's benefit, or vice versa. To the extent that avoided costs may overlap between parents and children, we are wary of calculating separate costs for other family members.

Appendix N: Explanation of Parameter Ranges in Sensitivity Analysis

The discrepancies among studies of domestic violence made many of our parameters quite uncertain. Our sensitivity analysis takes into account the differences in research studies and also reflects the uncertainty of some of our own estimates. This section explains how we arrived at the upper- and lower-bounds of our parameters for our sensitivity analysis.

First, we are fairly certain of our base case assumption regarding the percent of victimizations that are sexual and physical assaults. One study on the type of assault reported by victims on restraining order forms, however, reports a lower percent of sexual assaults (4 percent).⁶² Because victim reports on the type of assault they endure are inherently uncertain as they require the divulgence of extremely personal information, we allowed this to vary from 4 to 15 percent for sexual assault. As domestic violence restraining orders are only granted when an assault occurs, the remaining types of victimization must be physical assault, giving us the range of 85 to 96 percent for physical assault.

Our second uncertainty reflects the inconsistency in research about the effectiveness of restraining orders. The lowest effectiveness measure found indicated that only 40 percent of restraining orders were successful in deterring future attacks in the 12 months following its issuance.⁶³ A study from 2003, however, reported that restraining orders were 80 percent effective; this was the highest level of effectiveness found in the research.⁶⁴ We used these values as the range for the effectiveness parameter in our sensitivity analysis.

⁶² Buzawa, E. and Buzawa, C. ed. (1996) *Do Arrests and Restraining Orders Work?* Thousand Oaks, CA: Sage Publications, Inc.

⁶³ Tjaden and Thoennes (2005), p. 54., Buzawa and Buzawa (1996), p. 240.

⁶⁴ Holt, V., Kernic, M., Wold, M., Rivara, F. (2003) "Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?" *American Journal of Preventive Medicine*. 24(1): 16-21.

Next, we allowed the percentage of restraining orders granted to vary. While we have reports from Domestic Abuse Intervention Services about the advantages of having legal services when applying for restraining orders, we found no statewide or national studies that discussed the effect of legal services on the granting of restraining orders. Thus, we could not be certain that our base case assumption of a 74 percent grant rate with legal services was correct. To account for our uncertainty, we used our estimated percent granted with no legal services, 56 percent, as our lower-bound and our base case estimate as our upper-bound.⁶⁵

Finally, we were unsure of how many women our program would serve. While we expect to serve all low-income women in need of services, we were unsure how many of the women without legal services are, in fact, low-income. Our base case uses data from the Bureau of Justices Statistics that report that low-income women make up a disproportionate number of domestic violence victims, specifically 84.4 percent. To reflect the fact that this may overestimate the number of domestic violence victims who are low-income, we set a lower-bound value of 521. This value represents 27 percent of our potential clientele, as 27 percent of all Wisconsinites are considered low-income under our specified program criteria.⁶⁶ The increase in percent granted is the product of the percent granted and number of women served parameters. The lowest-bound, 292, results from the smallest number of women served times the lowest successfully granted rate ($292 = .56 * 521$), while the high value, 1,205, uses the highest estimated value for percent granted times the greatest estimated number of women served ($1,205 = .74 * 1,629$).

With respect to our household dissolution costs, because they depend on the number of people served, they vary as the number of people served varies. We found the lower bound by

⁶⁵ For a detailed explanation of how we arrived at the 56 and 74 percent grant rates, please see Appendix C.

⁶⁶ “Fact Sheet: Poverty and Health in Wisconsin.” (No date) *Department of Health and Family Services*. Retrieved from <http://dhfs.wisconsin.gov/stats/pdf/fhs-PovertyHealthfactsheet.pdf>.

the same method of calculation as described in Appendix J, except we begin the calculations with 292 (the smallest increase in the number of restraining orders we expect by implementing the DAGP expansion).