

# WisTAF Report—Appendix A

## Meeting Summary

### Open Forum to Discuss Proposed WisTAF Assessment

Date: October 12, 2004  
Time: Noon – 1:30 p.m.  
Place: Milwaukee Bar Association  
424 E. Wells St.  
Milwaukee  
Sponsors: Milwaukee Bar Association  
Association for Women Lawyers  
Wisconsin Hispanic Lawyers Association  
Attendance: 13, including MBA President Margaret Hickey, WHLA President David Westrup, and State Bar of Wisconsin President-Elect Michael Guerin

## Introduction

Beth Hanan, a member of the State Bar of Wisconsin's WisTAF Petition Study Committee, welcomed the attendees and introduced Professor Edward Fallone of Marquette University Law School and Judge Patricia McMahon of Milwaukee County Circuit Court. Professor Fallone and Judge McMahon are members of the WisTAF Board of Directors, which has filed a petition with the Wisconsin Supreme Court to assess a \$50 fee on State Bar members to provide additional funding for WisTAF. These funds would be used by WisTAF to bolster funding for entities throughout Wisconsin that provide legal services to low-income persons.

## Remarks from Professor Fallone

Professor Fallone stated that the low interest rate currently being earned on IOLTA funds has dramatically decreased the amount of funding available for WisTAF to grant to entities providing legal services to low-income persons. Specifically, WisTAF will provide only \$411,000 in grants in 2004. In comparison, as much as \$2 million was granted in previous years. As a result, there is a financial crisis for these entities that has already created significant service cuts. Moreover, WisTAF was forced to “zero fund” some entities in Wisconsin, which may cause them to close their doors.

Professor Fallone suggested that there are many possible ways to address the legal services dilemma (e.g., mandatory pro bono service), but each has inherent problems. The optimal solution is to find ways to increase funding, which is the purpose of the WisTAF petition. Mandatory dues assessments of \$40-\$75 annually are common in other states, “putting Wisconsin behind the curve” in addressing critical legal services needs. Professor Fallone reiterated that the situation is “at a crisis right now” and stated that although WisTAF's mission is solely to distribute funds, the Board is compelled to address the root causes of inadequate funding.

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## Remarks from Judge McMahon

Judge McMahon informed the audience that she has a long history with the myriad ways in which legal services in Wisconsin are funded and delivered. She has seen firsthand the significant decreases in federal funding. In 2004, Wisconsin will receive \$4 million in federal funds, which is much less than years past. Coupled with the decrease in WisTAF funding, she agreed with Professor Fallone that the situation has reached crisis stage and that significant service cutbacks are now being implemented across the state.

## Audience Comment

The following is a summary of comments from those in attendance. These points are listed in random order.

- The \$50 assessment is essentially a tax on Wisconsin lawyers and, as such, is being received negatively by many bar members. The assessment will cause a significant reduction in out-of-state membership. Professor Fallone stated that exemptions could be offered for these lawyers, as well as in-state lawyers without the financial means to pay the assessment.
- The assessment is of particular concern to lawyers from northern Wisconsin, who perceive that the money will be funneled mostly to deal with problems prevalent in southeastern Wisconsin. Professor Fallone disputed this point, noting that two of the entities “zero funded” in 2004 by WisTAF were in Door County and Portage County.
- Federal funding for a wide variety of basic services to indigent populations, such as food and shelter, is at its lowest level since the Reagan administration. The federal government has an obligation to address the needs of these people, including their legal needs. We must return to the promise of adequate federal funding of legal services to the poor. Wisconsin’s strategy should include efforts to lobby the federal government for increased funding.
- There is a critical need to systematically evaluate the demand for legal services among low-income persons in Wisconsin. There is undeniably a problem, but we do not have good data that documents it. Furthermore, the general populace does not understand the problem and how it is manifested in the daily lives of many Wisconsinites. What happens to people not adequately represented in civil proceedings? How does this impact their lives and put further strain on other community resources?

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### Adjournment

Beth Hanan thanked the attendees for coming and adjourned the Forum.

Respectfully submitted,

Jim Paetsch  
Executive Director  
Milwaukee Bar Association