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## **Memo**

January 13, 2012

To: Wisconsin Supreme Court Justices, State Bar of Wisconsin President Jim Brennan, and State Bar of Wisconsin Executive Director George Brown

From: Gregg Moore, President of the Wisconsin Access to Justice Commission

Re: Appointment of Counsel Pilot Project and Petition 10-08

On behalf of the Wisconsin Access to Justice Commission, I am pleased to share with you the Commission's thoughts concerning a possible Appointment of Counsel Pilot Project. You will recall that the Supreme Court discussed the idea of the Commission developing a pilot project at the Court's December 5, 2011 Administrative Conference on Petition 10-08, the "Civil Gideon" petition.

The Commission met on January 5, 2012 to discuss a number of questions about a possible pilot project, including:

1. Is the Commission interested in establishing an Appointment to Counsel Pilot Project?
2. What should be the goal(s) of a pilot project?
3. Who is the audience for the study results?
4. What type(s) of civil cases should be considered for a pilot project?
5. What should be the timeframe and scope of the project?
6. Who are potential partners in conducting a pilot project?
7. What should be the Commission's role in developing, implementing and evaluating a pilot project?
8. Who on the Commission is interested in serving on a small work group to develop a specific pilot project proposal that the ATJ Commission can consider for approval at its March 12 meeting (or possibly earlier in a conference call meeting)?
9. In addition to the State Bar of Wisconsin, what might be other possible sources of funds for a pilot project?

Because a pilot project would necessitate circuit court participation, we invited Director of State Courts John Voelker to participate in the January 5<sup>th</sup> meeting. Commission members benefited from his thoughtful input and helpful suggestions.

Following a thorough discussion, Commission members reached a consensus to move forward with developing a pilot project proposal. An ad hoc work group has been established to develop a detailed project proposal that the Commission will consider at a future meeting, possibly March 12, 2012. This group will hold its first meeting on January 17 (Note: all Commission members will receive notice of meetings and are welcome to participate). Work group members include:

1. John Ebbott
2. Don Friske
3. Gregg Moore
4. Deedee Peterson Rongstad
5. Judge Margaret Vergeront
6. John Voelker

Although the Commission did not make any decisions on any details of a pilot project, members did make several points that the ad hoc work group will consider. These included:

1. Have both short-term and long-term phases. The short-term phase could collect data that could support an FY 2013-2015 biennial state budget request for some state funding to reimburse counties for court-appointed counsel. The long-term phase could collect data that could produce a more comprehensive analysis of costs and benefits of court-appointed counsel.
2. To fund the project's design, implementation and evaluation, the Commission should seek funding from various sources, including the State Bar of Wisconsin's reserve fund for access to justice initiatives.
3. The primary audiences for study results should include the Supreme Court, Governor, State Legislature, and County Boards.
4. Project partners could include local bar associations, foundations, counties and circuit court judges.
5. Appointments would be for parties in those cases in which the participating judges determine it appropriate to exercise their inherent authority to appoint (see Piper v. Popp and Joni B. v. State).

We greatly appreciate your interest in improving access to justice for low-income Wisconsin residents. We will, of course, keep you apprised of our activities and progress on developing and implementing an Appointment of Counsel Pilot Project. If you ever have any questions or would like additional information, please be sure to contact me.

c: Wisconsin Access to Justice Commission  
John Voelker  
Julie Rich  
Jeff Brown  
Becky Head