

Carrie Janto - Ebbott Comments on Rules Petition 14-03

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Subject: Ebbott Comments on Rules Petition 14-03

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Honorable Justices of the Supreme Court:

My name is John Ebbott. I was Executive Director of Legal Action of Wisconsin for 24 years from 1990 to 2014. For 35 years I worked to provide lawyers to poor people in civil cases. I retired from Legal Action in June 2014.

With respect to Rules Petition 14-03, I believe that the fee associated with electronic filing presents an opportunity to provide truly equal justice in Wisconsin. The rule, when ultimately promulgated by the Court, should provide that 50% of the fee goes to provide court-appointed attorneys who will represent poverty-stricken civil litigants. There is no need to study this question further. The critical necessity of attorney representation of poor people in civil matters has been comprehensively established through documentation and through the testimony before the Court of many distinguished authorities.

The Court has recognized that the only objection to court-appointed counsel for impoverished civil litigants, most of whom are haled into court, rather than initiating actions, is the potential cost. An electronic filing fee provides a source of revenue, along with the plethora of other court-imposed fees and costs, which should be used to significantly allay the cost of counsel.

This electronic filing rule will work against equal justice in Wisconsin if it does not guarantee that the filing fee will be waived for poverty-stricken pro se litigants and for the legal services law firms, law school clinical programs, and other providers who *do* provide representation to poor people. The rule petition gives too much discretion and power in waivers to the Director of State Courts. It is also flawed in that it allows timely filing only when a fee waiver is granted, and creates untimely filings where the waiver is denied after the filing deadline has passed. This is but one more example of why unsophisticated litigants need lawyers.

As to the foregoing fee waiver points, I endorse the comments of the Executive Director of Legal Action of Wisconsin, David A. Pifer, and of the Director of the Economic Justice Institute, Marsha M. Mansfield.

Thank you for your consideration of these comments.

Yours truly,

John F. Ebbott