



**Grant Year: 2010**

## Site Visit Evaluation Report

**Agency:** Wisconsin Judicare, Inc.

**Location:** Wausau, WI

**Date of Visit:** May 9, 2011

**Participants:** Rosemary Elbert (ED, Judicare), James Botsford (Judicare, Indian Law Office), Dean Dietrich (WisTAF Board), DeEtte Tomlinson (WisTAF staff)

**New Grantee/First Site Visit:**  Yes  No

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### Section I: General Grantee Information

**County(ies) served/Statewide:** Judicare is the LSC agency that serves the northern 33 counties of Wisconsin. The counties served are: Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Pepin, Pierce, Polk, Portage, Price, Rusk, St. Croix, Sawyer, Shawano, Taylor, Vilas, Washburn, Waupaca, and Wood. The agency also houses the Indian Law Office, which serves Native Americans statewide, including the Indian Country and tribes of the Menominee, Stockbridge-Munsee, Ho-Chunk, Potawatomi, Lac du Flambeau, Oneida, Mole Lake, Lac Courte Oreilles, St. Croix, Bad River and Red Cliff.

**Description of Agency:** Wisconsin Judicare (WJ or Judicare) is a legal services program serving the northern 33 counties of Wisconsin. It is centrally located in Wausau, and provides outreach throughout its service area. WJ currently has a Director and five staff attorneys in the Civil Unit, who provide direct assistance to the clients including a telephone hotline and backup assistance to private attorneys. Staff attorneys also implement special grant projects for the program and provide law-related outreach and services in the vicinity of the Wausau office. About 80% of the program's cases are handled by private attorneys each year under the compensated pro bono plan, sometimes referenced as Private Attorney Involvement (PAI). 171 private attorneys located throughout service area currently are available to provide representation to eligible clients. Cases for residents in Marathon and surrounding counties may be handled by WJ staff attorneys. WJ's Indian Law Office (ILO) has a Director and two staff attorneys who concentrate on providing representation to Native American clients living on or near reservations in WI and Indian Law projects that benefit the indigent Native American population.

**Agency's mission/purpose:** In the 40 years since its inception, the mission of Judicare has been to give the underprivileged person an equal opportunity in civil litigation and civil legal matters while maintaining their dignity, and choice of attorneys. Judicare's mission statement includes several goals. One is to assure the underprivileged client of high quality services. Next is to allow clients the right to choose their own attorneys. The two remaining goals are education of residents of the area and provision of legal information to attorneys.

**Client Demographics** (*from 2010 IOLTA/PILSF annual report*):

**Age:**

Under 18 years old: 4  
18 to 61 years old: 2080  
62 years and over: 190  
Unknown: 5

***Race/Ethnicity:***

Latino, Hispanic or Spanish origin: 32  
American Indian or Alaska Native: 157  
Black or African American: 29  
Asian (Judicare doesn't differentiate between Hmong and Other Asian clients): 51  
White: 2007  
Other race: 3

***Gender:***

Female: 1637  
Male: 637  
Unknown: 5

***Incomes (Income as % of federal poverty guidelines):***

Less than 125%: 1952  
125% to 199%: 251  
200% to 299%: 66  
300% and higher: 1  
Unknown: 9

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**Governance:** Judicare is governed by a 23-member board, including client representative members, who are social service agencies representatives, private attorneys from the county bars within Judicare's service area and tribal representative(s). The board's function is policy-making, fiscal oversight and setting service priorities for the agency.

***Administration (from 2011 grant application):***

**Number of Attorneys:** 5 in Judicare office; 3 in the Indian Law Office

**Number of Paralegals:** one 0.57 position

**Administrative/Management/Financial Staff:** 11

**Number of legal interns, loaned associates, etc.:** Judicare provides low-income legal services through a unique partnership with private attorneys in northern Wisconsin. About 80 percent of the legal representation is provided by private attorneys that accept Judicare cases. Clients apply for a Judicare card, and then can take that Judicare card to a private attorney to take the case. Private attorneys are

compensated by Judicare at the rate of \$45/hr. (see Section I: "Agency's use of pro bono attorneys/services" for more information))

In 2010, Judicare also employed a one-third time DPI intern.

**Services provided:** General direct civil legal services, both limited service and extended representation, through private and staff attorneys. The agency also offers collateral services such as outreach, community education, and self-help development. Areas of greatest need are in family law, housing and public benefits.

**How agency determines need:** Judicare does frequent "Unmet Needs" and "Critical Legal Needs" studies. Studies incorporate public forums and surveys of participants and staff. "Unmet Needs" surveys are forwarded to clients who have completed application forms and have not received services within 45 days of their initial call; Critical Legal Needs Studies are completed yearly; matters, including training sessions, public forums and speaking engagements are tracked; and client complaints are monitored and addressed. Case outcomes are recorded at the conclusion of each case in the case management system. A "main benefit" field within the database indicates the type of service provided, the specific benefit achieved and the final result of any litigation. They supplement the surveys and internal tracking systems with an analysis of the case approval process and a review of requests for services from attorneys and clients. The Judicare board's Priorities Committee uses all of this information to set priorities, adjust caseload and assign resources to the most urgent needs.

The Indian Advisory Board (IAB), comprised of Tribal Chairmen, endorses priorities specific to the IL). The ILO has its finger on the pulse of the statewide Native American community and is in an excellent position to identify emergency needs and incorporate them into priorities.

**List agency's system(s)/procedure(s) for guaranteeing quality client services (client complaint policy, client satisfaction surveys, etc.) (per 2011 grant application):** Criteria for assuring the quality of case outcomes are: satisfaction of the client with the outcome of the case, and satisfaction of the client with the attorney chosen. Criteria for counsel and advice or brief services are: usefulness of the advice or brief service, whether the services provided were sufficient to assist the client in addressing the legal problem, satisfaction of the client with the attorney consulted and with the process. Client Satisfaction forms are sent to all clients at the end of their cases to assess satisfaction with the attorney's work and with the program; all Legal Hotline clients receive satisfaction surveys by mail. Helpline surveys are also available on the WJ website.

Quality of service is measured by review of judgments/orders in cases completed by PAI and staff attorneys and review of reports of advice and brief service provided by the attorney. Review is made by the staff at the time of payment of the attorney's fee. Quantitative measurement of outcomes is done by review of Case Service Reports (CSRs). Results of satisfaction surveys and "unmet need" surveys are compiled and presented via spreadsheets and charts.

**Funding Sources:** Judicare receives its major funding from the Legal Services Corporation (LSC). Other sources in addition to WisTAF funding are contracts with the state, various grants (including an on-going IRS grant to assist low-income people in tax controversies), the Wisconsin Equal Justice Fund, United Way, Ho-Chunk grants (for funding for

private attorney cases for tribal members statewide), a State Tribal Benefits grant, and fee-for-service contracts with tribes (revenue for the Indian Law Office only).

**Fees for Services:** Judicare does not charge fees for services.

**Grant Year Income:** \$1,885,938 (value of contributed pro bono attorney hours: \$882,041)

**Grant Year Expenses:** \$1,885,938

**Are the most recent copies of required documents on file?**

Yes     No

If no, what documents are missing? N/A

**Agency's use of pro bono attorneys/services:** WJ has a longstanding practice of serving clients by utilizing private attorneys paid at the rate of \$45 per hour. Attorneys who join WJ's panel are included on a county-by-county list of available attorneys, furnished to clients upon their being found eligible for services. There is a maximum cap on their services. In the last year, WJ has encouraged attorneys to assist the agency with and to report completely pro bono work. At present, each new attorney joining the panel must complete one extended case or five brief services before being eligible for paid cases. WJ also is encouraging attorneys who may not have reported their pro bono services in the past to report. These two practices have resulted in increased pro bono numbers and more accurately reflect the extent of private attorneys' pro bono contributions to assist WJ clients. Private attorneys also assist by teach at WJ's CLE courses. In 2009, 32 attorneys undertook 72 cases without charge.

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## Section II: Changes from Previous Year

**Were there issues from the last site visit that needed to be addressed in this site visit?**

Yes     No

If yes, briefly describe what the issues were and how they've been addressed: N/A

**Briefly describe any administrative changes:** No major administration changes occurred in 2010. Two positions that were vacated have remained unfilled due to funding shortages.

**Briefly describe any changes to the program/services provided:** Judicare is in the process of phasing out the Judicare "card" that approved clients take to attorneys when seeking representation.

Judicare is pursuing an Internet Advice Program. LSC concerns with the model have been met, and Judicare is working with a programmer in Michigan to help them develop a program similar to the one recently launched by Minnesota.

The groundwork has been completed for Judicare's Medical/Legal Partnership Project to improve health outcomes for clients by providing direct legal assistance to children and families and addressing systemic social and environmental barriers to children's health and well-being. The project will begin in Marathon County and will expand to other northern Wisconsin counties over time.

**Briefly describe any service area changes:** None.

**Briefly describe any significant funding changes:** None in 2010. However, the loss of state appropriation funding beginning July 1, 2011 is a hard blow., and the 6% cut in current (2010-2011) LSC funding hasn't helped. LSC funding past September 2011 is unknown. Ms. Elbert indicated that the funding losses will mean less private attorney cases, and changing Judicare's focus to staff-provided services with support from the Judicare system. However, this will strongly impact extreme cases geographically the further clients are from Wausau, especially in domestic abuse and some bankruptcies. Judicare is good through 2011, since it keeps a reserve to pay the private attorneys for the cases they already have. However, they haven't filled two support staff positions that were vacated in order to save money. They are looking at the probability of further administrative and program cuts.

The ILO is funded through federal programs other than LSC, and so far that funding looks to be fairly secure.

**Briefly describe new unmet needs/trends identified (from 2011 grant application):** The most significant needs are ones that WJ is not able to fully fund. Although WJ provides assistance in bankruptcies, family law and SSI disability cases, there are insufficient funds to cover many of those cases. With the increasing number of foreclosures, there is a need for pre-foreclosure assistance and foreclosure defense. Other needs not within WJ's guidelines due to lack of funding are assistance in post-divorce and post-paternity custody and visitation actions and post-judgment enforcement issues. The ILO attorneys perceive needs for mediators and guardians at litem in tribal courts, where trained individuals exist, but the parties and the tribal courts have no funds to pay them.

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### Section III: WisTAF Grant Funding & Its Use

#### Grant(s) Under Review:

1. 2010 IOLTA Category I: \$36,340

**Grant was used for (per 2010 grant application):** Judicare provides direct legal services to eligible low-income individuals and groups, primarily through limited service and extended representation by private and staff attorneys. Expanded limited service and extended service cases were provided. They also provided collateral services including outreach, community education, training of attorneys and advocates and self-help development.

**Number of clients served:** 259 (of 2,279 total clients)

**Was projected education/advocacy/service outcome met?**

Yes    No

*By December 31, 2010, 100% of Judicare eligible clients will have obtained information and new knowledge of their legal rights and responsibilities, by means of informational brochures, community education or educational seminar, or received counsel and advice, brief services, or case representation from an attorney.*

**Was projected administrative outcome met?**

Yes    No

*By December 31, 2010, 60% of Judicare eligible clients will have been successful in enforcing their legal right, obtaining access to the justice system and the benefit of the law.*

**How much (if any) of this grant was carried over into the current year?** \$0

Note: Funding reductions caused the IOLTA Category I grant to be mainly used to match two tax grants. This change was approved by the WisTAF office.

**2. 2010 Public Interest Legal Services Fund: \$131,730**

**Grant was used for (general legal services, specific project(s), etc.):** Direct legal services (see 2010 Category I grant above).

**Number of clients served:** 196 (of 2,279)

**Was projected education/advocacy/service outcome met?**

Yes  No

*By December 31, 2010, 100% of Judicare eligible clients will have received counsel and advice, brief service or case representation from an attorney.*

**Was projected administrative outcome met?**

Yes  No

*By December 31, 2010, 60% of Judicare eligible clients will have been successful in enforcing their legal rights.*

**How much (if any) of this grant was carried over into the current year?** \$0

Note: Due to the loss of IOLTA funds for general program operations, some PILSF funds were used for general operating expenses. This is consistent with the use allowed under PILSF guidelines.

**3. 2010-11 State Appropriation Grant (this is a mid-year check-in): \$249,800**

**Grant is being used for (general legal services, specific project(s), etc.):** general civil legal services (see 2010 Category I grant above)

**Number of clients served (as of mid-year report):** 183

**Additional Funds Leveraged by WisTAF Grants, if any (please list):**

Low-Income Taxpayer IRS/Taxpayer Controversy: \$39,787

Private Attorneys: \$1,489,983

**Partnerships/Cooperative Efforts:**

- ^ Legal Action of Wisconsin
- ^ State Bar of Wisconsin
- ^ Marathon County Bar Association
- ^ Center Against Sexual and Domestic Abuse (CASDA)
- ^ social services agencies serving the region.

**Significant Accomplishments:**

- ^ WJ undertook intensive strategic planning, and developed a strategic plan for July 1, 2010 through June 30, 2012. Fulfillment of the plan is under the supervision of a Board and staff committee.
- ^ WJ installed a new case management system which provides better statistics reporting and allows for staff access outside the office.
- ^ WJ received a startup grant of \$5,000 to conduct an internet advice project using volunteer attorneys. Initial implementation planning began in 2011 after LSC gave the go-ahead to agencies to offer this service.
- ^ WJ's phone hotline expanded intake with the addition of an attorney experienced in bankruptcy and consumer law. Fewer cases are assigned to private attorneys and hotline services have grown substantially.
- ^ The groundwork for a medical-legal partnership project has been accomplished. WJ is now partnering with a community clinic in providing outreach to the clinic's patients.
- ^ The divorce pretrial program for unrepresented divorce litigants continues in 3 counties.

**Significant Challenges:**

- ^ Increase in poverty populations of Wisconsin's northern counties, well above the state's average poverty rate of 11%.
- ^ Increased need for extended services in bankruptcy and family law. From January 1 – December 31, 2010, 263 extended bankruptcy cases were denied or received only a consultation, and 673 family law cases were denied or only received a consultation. More restrictive guidelines imposed on those cases were not sufficient to reduce the number of requests considered for approval.
- ^ WJ's annual Unmet Legal Needs Study for 2009, presented to the WJ board of directors in the fall of 2010, indicated that the highest percentage of unmet legal needs were in custody, divorce, and bankruptcy, followed by SSI, Child Support and SSI legal assistance.

**Section IV: WisTAF Reviewer Determination(s)**

**1. Were the grant objectives identified in the grant application accomplished?**

Yes     No

**Comments (if any):** Judicare provides a broad range of services for eligible clients in central and northern Wisconsin. Commitment of funds for the Judicare programs appears to be a very appropriate commitment for WisTAF.

**2. Please note your thoughts/assessments about the appropriateness of the use of the grant(s) made, the effectiveness/need for the program(s) for which the grantee received funding, information learned that particularly impressed you, etc.**

I believe that the Judicare program is very effective and warrants continued funding by WisTAF. This program, of course, is the Legal Services Corporation program for central and northern Wisconsin. The format and structure of Judicare is different from other Legal Services Corporation grantees, but it certainly seems to fit the needs of central and northern Wisconsin.

3. **Please list issues/concerns to be addressed at the next site visit for this grantee (if any):**

The only concern identified is the inability to service all of the needs throughout central and northern Wisconsin. The anticipated decrease in federal funding and loss of State Appropriation Funding will impact the services to be provided by this Agency.

4. **Would you recommend that this grantee be eligible for future WisTAF grants?**

Yes     No

Comments (if any):

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**Submitted by:** De Ette Tomlinson

**Date:** June 24, 2011

**Reviewed by WisTAF Board Member:** Dean Dietrich

**Date:** July 1, 2011

**Reviewed by Agency Representative:** Rosemary Elbert

**Date:** July 7, 2011