



ADMINISTRATIVE OFFICE

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March 4, 2014

Ms. Diane M. Fremgen
Clerk of Supreme Court
110 E. Main Street, Suite 215
P.O. Box 1688
Madison WI 53703-1688

RECEIVED

MAR 06 2014

CLERK OF SUPREME COURT
OF WISCONSIN

Re: Petition 13-15

Dear Ms. Fremgen:

Enclosed for filing in support of Petition 13-15 is a letter sent to each Supreme Court Justice, together with an editorial from the Wisconsin Law Journal.

Thank you.

Yours truly,

John F. Ebbott
Executive Director
Legal Action of Wisconsin, Inc.
Bar No. 1012871
On Behalf of Petitioners

JFE:cj
Enclosure

ADMINISTRATIVE OFFICE

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LEGALAction
 OF WISCONSIN

40 Years of Justice

March 4, 2014

Hon. Shirley S. Abrahamson
 Chief Justice
 Wisconsin Supreme Court
 Clerk's Office
 110 East Main Street #215
 P.O. Box 1688
 Madison WI 53703-1688

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MAR 06 2014

CLERK OF SUPREME COURT
 OF WISCONSIN

Dear Chief Justice Abrahamson:

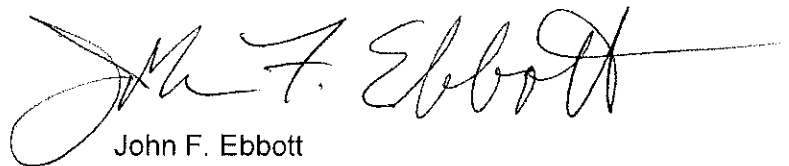
Enclosed for your review in determining the disposition of Petition 13-15 is an editorial in the Wisconsin Law Journal dated February 28, 2014. I submit it not for its comments about Tom Cannon and me, but for its conclusions that: "... in addition to having a public defender in the criminal court, the indigent deserve a free lawyer when they have a civil action," and "It's not enough to offer indigent people some form of legal advice, as well-meaning providers do. True legal equality comes only from full representation, not a pop-up clinic on the way into the courthouse."

These conclusions on the part of the major legal journal in Wisconsin strongly reinforce the basis for our filing of the second Civil Gideon petition: That the lesser measures discussed by the Court in its administrative conferences on Petition 10-08 are not sufficient to achieve equal justice under law, particularly where even a pilot project to learn about the costs and benefits of appointed counsel has been spurned.

Initially, upon filing, we stated that we did not request a hearing on Petition 13-15. We are hereby requesting that the Court hold a hearing on this petition.

Thank you for your consideration of the attached editorial and our request for a hearing.

Yours truly,



John F. Ebbott
 Executive Director
 Legal Action of Wisconsin, Inc.
 Bar No. 1012871
 On Behalf of Petitioners

Wisconsin Law Journal

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MAR 06 2014
CLERK OF SUPREME COURT
OF WISCONSIN

EDITORIAL: Wanted: Leaders who will not settle

By: WISCONSIN LAW JOURNAL STAFF February 28, 2014 11:02 am

The state's civil courts are the realm of the rich, those who can afford as many lawyers as they need.

Under the traditional interpretation of the state constitution, the indigent receive taxpayer-paid legal representation only when they are accused of a crime.

Over careers that have spanned more than 40 years each, John Ebbott and Tom Cannon, executive directors of Legal Action of Wisconsin Inc. and Legal Aid Society of Milwaukee Inc., respectively, have propelled the cause of true equality under the law, which they correctly interpret to mean that in addition to having a public defender in the criminal court, the indigent deserve a free lawyer when they have a civil action.

Both are set to retire this year. By their sheer shared longevity, the two men inadvertently are leaving behind a massive void. As they continue the battle, their successors must display the Ebbott-Cannon shared unyielding zeal.

Although every generation has its moral challenges, Ebbott and Cannon went to law school in what was the overheated cauldron of social change of the 20th century: the '60s. The battles seemed endless and at times unwinnable: the protests over the Vietnam War, civil rights, equality for women. Such battles inspired both men to pick up the banner of justice for all.

In September 2010, they and others filed a petition to establish a right to appointed counsel in civil cases in Wisconsin. The push — supported by 1,320 Wisconsin signatories, including private citizens, judges and lawyers — roiled the state's legal community, sparking arguments on both sides.

Despite onslaughts from critics concerned by the potential cost, Ebbott and Cannon refused to budge on their vision for a state Supreme Court rule requiring that trial judges appoint attorneys, at public expense, for indigent litigants when necessary to protect "rights to basic human needs, including sustenance, shelter, safety, health and child custody."

The fact that such basic rights had to be requested, and are not automatically granted, represents a failure by those who wrote the state constitution.

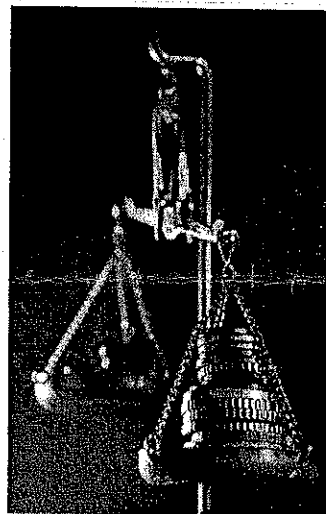
The fact that a well-supported, well-argued push for such basic rights failed to progress beyond talk of a potential pilot program represents a failure by the state Supreme Court, the State Bar of Wisconsin, which declined to provide a requested \$100,000 for the pilot program, and legislators who shrank from championing the cause.

Ebbott and Cannon were not deterred, however. Three years to the day after starting their initial petition, they filed a second, again requesting that "Wisconsin trial courts appoint counsel where appointment is essential to fundamental fairness."

That petition has yet to be granted a hearing.

Their peers respect Ebbott and Cannon for their unwavering commitment to that "fundamental fairness." It's not enough to offer indigent people some form of legal advice, as well-meaning providers do. True legal equality comes only from full representation, not a pop-up clinic on the way into the courthouse.

"To me," Cannon said, "to give somebody advice only is, in many cases, worse than useless. ... That person ... is expected to ... go into the courtroom and try their own eviction or their own divorce. And that's absurd."



Mike Gonring, an attorney with Quarles & Brady LLP and a fellow advocate for civil legal services, recognized the value of both men's take-it-or-leave-it style.

"Every movement needs that sort of thing," he said, "people who won't compromise."

But the indigent of Wisconsin can afford neither an expensive new champion nor the time to groom a new Ebbott or Cannon.

Ebbott steps down in June, Cannon in September. Both say the fight for civil legal services will outlast their terms in office, and although that's a noble wish, it will not happen unless someone — some two, in the best case — will emerge to lead.

"People keep thinking the needs have changed," Ebbott said. "But people still keep getting evicted, are still losing their kids, they're still getting their cars repossessed."

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