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Past President

September 9, 2011

Clerk of the Supreme Court of Wisconsin
Attention: Carrie Janto, Deputy Clerk
P.O. Box 1688
Madison, WI 53701-1688

RE: Supreme Court Rule Petition 10-08

Dear Justices of the Supreme Court of Wisconsin:

This letter is submitted in support of Supreme Court Rule Petition 10-08, filed by Legal Action of Wisconsin and other signatories. The Petition asks the Court to amend Supreme Court Rule 11.02 to authorize circuit court judges to appoint attorneys at public expense for indigent litigants in a limited number of certain types of civil cases. By way of background, I am a past president of the American Bar Association (ABA), and currently serve as Chair of both the ABA Center for Human Rights and the ABA Working Group on Civil Right to Counsel. This letter is submitted on behalf of the American Bar Association, which is the largest voluntary professional association in the world, with nearly 400,000 members.

For reasons discussed in this letter, the ABA has long believed that there is a pressing need, one that begs to be addressed, to bridge the wide “justice gap” that exists in Wisconsin and throughout our nation between the needs of, and actual legal assistance provided to, low-income civil litigants. Only by narrowing the justice gap can there be equal access to justice for all in the U.S., a goal that has eluded us for far too long, and one to which the ABA firmly continues to be committed, as evidenced most recently by three adopted ABA policies regarding the appointment of counsel in civil proceedings that are discussed herein.

Moreover, ongoing economic studies and recent actual experiences in a number of states are reliably documenting the fact that a narrowing of the justice gap by providing counsel to indigent persons in civil matters in fact results in significant cost savings for individuals, the states, and society, and also lessens the overwhelming burden on courts that either directly or indirectly is caused by the justice gap.

For these reasons, discussed in more detail below, the ABA joins in the request of Petitioners that the Supreme Court of Wisconsin grant Rule Petition 10-08 and amend Rule 11.02 as proposed.

1. Background: The “Justice Gap” and the ABA’s Policy Response

A primary objective of ABA Goal IV is to “assure meaningful access to justice to all persons.”¹ This objective has proven particularly challenging in light of the longstanding “justice gap” that continues unabated throughout the United States.²

The ABA’s efforts to foster equal justice and address the unmet legal needs of low-income persons date back at least to 1920, when the ABA created “The Standing Committee on Legal Aid and Indigent Defendants” (SCLAID), chaired by future Chief Justice of the United States Charles Evans Hughes and charged with supporting the expansion of legal aid throughout the nation. SCLAID continues its work to this day.

In 1965, under the leadership of then ABA President, and later U.S. Supreme Court Associate Justice, Lewis Powell the ABA House of Delegates endorsed the concept of federal funding of legal services for the poor, recognizing that charitable resources alone can never fully respond to the need. The ABA in the early 1970s had a prominent role in the creation of the federal Legal Services Corporation (LSC) and has consistently advocated for adequate federal funding for civil legal services. The funding provided by Congress to the LSC since its creation has never approached being adequate to meet the need.

In the past several years the vast and persistent unmet need for civil legal aid to eligible indigent persons has been exacerbated by one of the worst economic recessions in decades. State and local governments are challenged to provide even modest funding for legal services for indigent persons, yet the demand for such aid continues to increase dramatically, as countless individuals facing high unemployment and widespread home foreclosures are being plunged into poverty for the first time.³

Moreover, Interest on Lawyers’ Trust Accounts (IOLTA) program funding for civil legal aid has dramatically decreased due to declining interest rates and the economic downturn and, despite the diligent efforts of the Legal Services Corporation, the ABA, state bar associations and many other interested groups, Congressional appropriations continue to remain well below the amount necessary to meet the heightened need existing today.⁴ Indeed, the FY2011 budget for LSC was reduced by 3.8% mid-year.⁵ Meanwhile, the U.S. Census Bureau has reported that the number of individuals living below 125 percent of the federal poverty guideline (and therefore eligible to receive legal services from LSC-funded programs) increased from 49.6 million in 2005 to 53.8 million in 2008 alone.⁶

During 2011, LSC reported that the number of Americans who qualify for civil legal aid now is at

¹ See American Bar Association, Association Goals, Goal IV, Objective 4, available at http://www.americanbar.org/utility/about_the_aba/association_goals.html.

² See LEGAL SERVICES CORPORATION, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, 2005 [LSC 2005 report]; LEGAL SERVICES CORPORATION, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans: An Updated Report of the Legal Services Corporation*, 2009 [LSC 2009 update].

³ LSC 2009 update, *supra* note 2, at 5.

⁴ *Id.* at 6.

⁵ LEGAL SERVICES CORPORATION, *Press Release: Fiscal Year 2011 Bill Would Cut Legal Aid by \$15.8 Million* (April 12, 2011), available at http://www.lsc.gov/press/pressrelease_detail_2011_T274_R12.php.

⁶ LSC 2009 update, *supra* note 2, at 6.

an all-time high of more than 63 million persons.⁷ Yet, according to results from national and state studies conducted from 1987 through 2009, fewer than twenty-percent of all low-income individuals in the U.S. who desperately need legal assistance obtain it.⁸ The data is consistent with the findings of the latest legal needs study conducted in Wisconsin in 2006.⁹

In 2005, in my capacity as ABA President, I appointed the *ABA Task Force on Access to Civil Justice* to examine the issues surrounding, and to recommend effective measures for bridging, the widening justice gap. After more than a year of careful study the *Task Force* (chaired by Maine Supreme Judicial Court Associate Justice Howard Dana, who previously had served two terms as a member of the LSC Board of Directors by appointment of two Presidents) proposed that the ABA adopt a resolution calling on all federal, state, and territorial governments to recognize a right to publicly funded counsel for low-income individuals in certain, limited civil adversarial proceedings, specifically those involving the five basic human needs of shelter, safety, health, sustenance and child custody. In August of 2006 the ABA's policymaking body, the 565-member House of Delegates, without a single dissenting vote, took an historic step toward realizing the goal of ensuring meaningful access to justice by adopting as policy the *Task Force's* proposed resolution on a civil right to counsel.¹⁰

Although the 2006 ABA policy has had a substantial influence in efforts in states across the country to recognize a right to counsel in civil proceedings involving basic human needs, the *Task Force's* resolution by design did not contain detailed guidance for jurisdictions interested in implementing such a right, leaving it to each state to determine how best to proceed. The ABA offered to assist the states in their implementation efforts. The ABA is providing that assistance.

In 2009, the *ABA Working Group on Civil Right to Counsel* (which is comprised of representatives from ABA sections, standing committees, and other entities interested and involved in access to justice issues) was formed to provide further assistance to jurisdictions considering the implementation of a right to counsel in civil proceedings based on the ABA 2006 resolution.

The *ABA Working Group*, which I have chaired since its inception, in 2010 proposed two additional policy resolutions that were adopted by the ABA House of Delegates in 2010. The two new policies provide two useful "tools" to assist the implementation efforts of states and other jurisdictions: the "*ABA Basic Principles of a Right to Counsel in Civil Legal Proceedings*"¹¹ and the "*ABA Model Access Act*."¹²

⁷ LEGAL SERVICES CORPORATION, *supra* note 5.

⁸ LSC 2009 report, *supra* note 2, at 1.

⁹ ACCESS TO JUSTICE STUDY COMMITTEE, STATE BAR OF WISCONSIN, *Bridging the Justice Gap: Wisconsin's Unmet Legal Needs* 1 (March 2007).

¹⁰ AMERICAN BAR ASSOCIATION, RECOMMENDATION 112A (August 2006), available at http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_06A112A.authcheckdam.pdf [ABA Resolution 112A].

¹¹ AMERICAN BAR ASSOCIATION, RECOMMENDATION 105 (August 2010), available at http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_105_revised_final_aug_2010.authcheckdam.pdf.

¹² AMERICAN BAR ASSOCIATION, RECOMMENDATION 104 (August 2010), available at http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_104_revised_final_aug_2010.authcheckdam.pdf.

Together, these two tools are designed to help local policymakers, advocates, and other interested parties to implement a system providing for a civil right to counsel in situations involving basic human needs. The *Basic Principles* and *Model Act* acknowledge that because budgetary and other important considerations differ widely among states and localities, the decision as to recognition and implementation of a civil right to counsel should be made by each jurisdiction.

The *ABA Working Group* currently is developing a third tool to assist in the nationwide implementation of a civil right to counsel: a *Judge's Resource Manual for Appointing Counsel in Civil Proceedings*. The *Manual* is intended to inform judges about laws and rules in each jurisdiction regarding judicial powers to appoint counsel in civil matters. Important research and other assistance to the *ABA Working Group* in the production of the *Manual* is being provided by numerous law schools, law firms and access to justice organizations throughout the U.S.

2. The Proposed Rule Amendment is Consistent with ABA Policy and Will Address the Justice Gap in Wisconsin

The rule amendment sought by the Petitioners in Rule Petition 10-08 is consistent with ABA policy on civil right to counsel. The amendment closely tracks the language of the 2006 ABA policy.¹³ As noted, the 2006 policy was the product of a more than year-long process of careful study by the members of the *ABA Task Force on Access to Civil Justice*, who determined that the incremental approach suggested by the resolution—a civil right to counsel in certain limited proceedings, involving basic human needs, as determined by each jurisdiction, is both timely and necessary in order to close the ever-widening justice gap between the legal needs of indigent persons and the assistance they in fact receive.¹⁴ By granting Rule Petition 10-08, the Supreme Court of Wisconsin would be taking a step necessary to ensure that the vast unmet civil legal needs of low-income Wisconsin residents will be addressed in a systematic manner.

3. The Proposed Rule Amendment is Cost-Effective: It Will Produce Significant Social and Economic Benefits While Easing the Existing Burden on Courts

Since adoption of the 2006 ABA policy on a right to counsel at least fifteen states in varying degrees and approaches have been taking steps to recognize such a right. I have been invited to speak in most of those states and have done so. An overriding concern in those states and other jurisdictions is cost: What will it cost to implement such a right? Where will the funds be found, especially in this economic recession? Isn't this a bad time to be considering such a right? Why not wait five, ten years to consider the idea? These are legitimate questions. There are encouraging answers to these questions.

Providing counsel at public expense to indigent civil litigants in Wisconsin, and in any state, will have a price tag. However, a growing body of evidence from several ongoing state studies being conducted for example in California, Massachusetts, Texas and Maryland, as well as recently documented actual cost/savings data in a number of states, demonstrate that *providing* counsel in all or any of the "five basic human needs" categories of legal needs significantly *reduces* expenses for a state, and *produces* substantial economic and social benefits for the community, while

¹³ ABA Resolution 112A, *supra* note 10.

¹⁴ *See id.*

simultaneously freeing up resources for court budgets already stretched too thin by chronic underfunding and the recession.¹⁵ These studies are demonstrating that the consequential costs of *not* providing counsel for eligible indigent persons in those “five basic human needs” categories may cost a state as much as, or more than, it would to provide counsel in cases involving those needs.

For example, civil legal representation for eligible indigent persons directly and positively affects a state’s economy by “bringing federal funding into a state and helping people secure benefits, work authorization, and child support.”¹⁶ Some concrete examples are these:

- In FY 2009, the Disability Benefit Project of the Massachusetts Legal Assistance Corporation (MLAC) brought a total of \$8.5 million in federal disability benefits to the state.¹⁷ Further, as of April 2009, a Massachusetts program known as “Heat and Eat” had garnered an estimated \$35 million annually for its clients (over 98,000 households) by providing access to food stamps for people applying for or already receiving fuel assistance.¹⁸ Overall, MLAC estimated that the provision of civil legal aid in FY 2009 yielded \$71.1 million in new revenues and cost-savings for the state.¹⁹
- In 2007, federal disability benefits obtained by Legal Aid of Nebraska totaled \$1.3 million.²⁰
- A 2003 report of the Minnesota State Bar Association indicated that civil legal aid in that state assisted clients in obtaining more than \$5 million annually in new federal disability benefits.²¹
- In an eleven-month period during 2005-06, New Hampshire Legal Assistance reported obtaining \$723,974 in Social Security and SSI disability benefits for its clients, as well as approximately \$237,632 in Medicaid coverage.²²

¹⁵ In California, for example, due in part to the strong advocacy last year of Supreme Court Chief Justice Ronald George that led to enactment of the *Sargent Shriver Act*, \$11 million will be allocated per year for six years to establish right to counsel pilot programs designed to measure the costs, and the savings, of providing a right to counsel in the five basic human needs defined in the ABA’s 2006 right to counsel policy.

¹⁶ Laura K. Abel and Susan Vignola, *Economic and Other Benefits Associated with the Provision of Civil Legal Aid*, 9 SEATTLE J. FOR SOC. JUSTICE 140 (2010).

¹⁷ See PHILLIP GRANBERRY & RANDY ALBELDA, *Assessing the Benefits of Provision of Legal Services Through the Disability Benefits Project* 8-10 (2006), available at <http://www.nlada.org/DMS/Documents/1236007115.86/Disability%20benefit%20report%207-07.doc> (taking into account reductions in public assistance funds that might result from awards of federal disability benefits).

¹⁸ MASS. LEGAL ASSISTANCE CORP., *Civil Legal Aid Yields Economic Benefits to Clients and to the Commonwealth: Some of the Economic Effects in FY09* 4 (2010), available at http://mlac.org/pdf/Economic_BenefitsFY09.pdf.

¹⁹ *Id.* at 1.

²⁰ See ROD FEELHAVER & JEROME A. DEICHERT, *The Economic Impact of Legal Aid of Nebraska 2007* 4 (2008), available at <http://www.nlada.org/DMS/Documents/1236007550.3/NE%20impact%202007.doc>.

²¹ MINN. STATE BAR ASS’N, *With Liberty and Justice for All Legal Aid: Essential to the Justice System* (2003), available at <http://www.nlada.org/DMS/Documents/1195246760.09/MN%20aid-essential-mar03.pdf>.

²² N. H. LEGAL ASSISTANCE, *Civil Legal Services and the “Working Poor” Pilot Project* 3 (2006), available at <http://www.nlada.org/DMS/Documents/1236007823.5/Civil%20Legal%20Services%20%26%20Working%20Poor%20>

In addition to *directly* increasing revenue within a state, civil legal representation for eligible indigent persons produces *indirect* economic benefits by preventing harms to individuals and society as a whole. For example, it has been documented recently that “legal services for domestic violence victims reduce domestic violence rates and the associated law enforcement costs; representation for parents in child welfare cases keeps families together and reduces the time children spend in foster care; medical legal partnerships for clients with medical and legal needs improve clients’ health and generate revenue for hospitals; and civil legal help for children with criminal records reduces re-arrest rates, which, in turn, lowers law enforcement costs.”²³ Specific examples documenting these types of indirect benefits include the following:

- In 2006, Florida State University economists found that civil legal representation provided through the Team Child program (in which attorneys help children with criminal records to obtain access to necessary medical, social, and education services) lowered the re-arrest rates of children with criminal records by 45% in one locale and 31% in another.²⁴ The study determined that, for each arrest avoided, the first locale saved \$9,368, and the second locale saved \$7,362, (by avoiding court costs, juvenile detention center costs and victim of crime and other costs).²⁵
- In 2009, the Southwest Virginia Legal Aid Society reported that an expansion in its services to all low-income victims of domestic violence in southwestern Virginia during 2003-2007 coincided with a 35.5% decrease in requests for domestic violence protective orders within the same geographic area; further, the Society used statewide data (regarding requests for protective orders, the availability of civil legal aid, and rates of violent crime) to demonstrate that the increase in civil legal aid was responsible for this decline.²⁶ Decreasing domestic violence also translates into substantial cost savings by, for example, avoiding the use of costly medical and police resources and preventing property loss;²⁷ in fact, a Wisconsin study has estimated savings of approximately \$115,000 for each rape prevented and \$30,000 for each physical assault prevented.²⁸
- In FY 2009, the Massachusetts Legal Assistance Corporation reported that its services prevented or delayed eviction and homelessness for 1,851 households, an intervention that, when combined with legal aid provided by Greater Boston Legal Services and Neighborhood Legal Services, saved the state more than \$8.4 million in homeless shelter costs (since 25% of the individuals assisted would have ended up in a homeless shelter if not for such civil legal representation).²⁹

-%20Nov.%202006%20complete.pdf.

²³ Abel and Vignola, *supra* note 15, at 140.

²⁴ See STEFAN C. NORRIN & DAVID W. RASMUSSEN, *An Evaluation of Team Child in Florida* 54 (2002), available at

<http://www.nlada.org/DMS/Documents/1195243887.58/FL%20TeamChild%20Evaluation%20Report.pdf>.

²⁵ See *id.* at 44-46 (2002).

²⁶ Abel and Vignola, *supra* note 15, at 147-8.

²⁷ *Id.* at 148.

²⁸ See LIZ ELWART ET AL., *Increasing Access to Restraining Orders for Low-Income Victims of Domestic Violence: A Cost-Benefit Analysis of the Proposed Domestic Abuse Grant Program* 12–13 (2006), available at

<http://www.wisbar.org/am/template.cfm?template=/cm/contentdisplay.cfm&contentid=63633>.

²⁹ MASS. LEGAL ASSISTANCE CORP., *supra* note 17, at 9.

In addition to producing the direct and indirect economic and social benefits discussed above, providing counsel to eligible indigent persons in the “five basic human needs” categories results in outcomes that are more just because of the presence of counsel, and less of a drain on court resources spent on *pro se* litigants, easing the burden on state court systems that already are operating on shoe-string budgets.

In 2010, the *ABA Task Force on the Preservation of the Justice System*, co-chaired by lawyers David Boies and Theodore B. Olson, investigated the crisis resulting from chronic underfunding of the nation’s courts and exacerbated by the current economic recession. This crisis, when combined with our nation’s ongoing justice gap, has led to a significant increase in the number of low-income litigants appearing *pro se* before courts, which in turn leads to unjust outcomes for such litigants.

The *Task Force* (which will continue its work into the coming year) conducted and released the results of an informal survey of ABA members in March of 2011; among those results were these: (1) 75% of respondents stated that litigants who represented themselves in court are more likely to lose their cases; (2) 76% of respondents said that these cases move more slowly through court dockets; and (3) 86% indicated that proper court procedures are not being followed in these cases.³⁰

A preliminary report of the *ABA Coalition for Justice* in 2010 regarding its “*Survey of Judges on the Impact of the Economic Downturn on Representation in the Courts*” contained these similar findings: (1) 60% of the judges surveyed stated that fewer litigants were being represented by counsel; and (2) 62% of the judges said that the lack of representation has led to unjust outcomes. The unjust outcomes noted by this group (i.e., by 62% of the judges surveyed) include the following: failure to present necessary evidence (according to 94% of this group); procedural errors (89% of the group); ineffective witness examination (85% of the group); failure properly to object to evidence (81% of the group); and ineffective arguments (77% of the group).³¹

At a time when courts are under intense pressure to become more efficient due to severe cutbacks, the increase in *pro se* litigation has caused increased *inefficiency*: 78% of the judges surveyed by the *ABA Coalition for Justice* stated that the court is negatively impacted by parties who are not represented by counsel. The negative impacts reported by this group (i.e., by 78% of the judges surveyed) include longer court hearings and other procedures (according to 90% of this group); greater use of court staff time to assist *pro-se* litigants (71% of the group); lack of competent presentation of testimony and relevant facts (56% of the group); and frequent interventions by judges to avoid injustice, which many believe compromises the impartiality of the court (42% of the group).³² By authorizing judges to appoint counsel for eligible indigent persons in certain limited civil matters, the proposed rule amendment in Rule Petition 10-08 will serve to decrease *pro se* litigation in Wisconsin, thereby lightening the load for judges and court staff to deal with other

³⁰ ABA COMMUNICATIONS AND MEDIA RELATIONS DIVISION, *Backgrounder on The Growing Crisis of Underfunding State Courts* (March 16, 2011) available at http://www.abanow.org/wordpress/wp-content/files_flutter/1300287161court_funding_crisis_background.pdf.

³¹ ABA COALITION FOR JUSTICE, *(Preliminary) Report on Survey of Judges on the Impact of the Economic Downturn on Representation in the Courts* 3-4 (July 12, 2010), available at <http://www.americanbar.org/content/dam/aba/migrated/JusticeCenter/PublicDocuments/CoalitionforJusticeSurveyReport.authcheckdam.pdf>.

³² *Id.* at 4.

pressing matters, as well as easing the fiscal crisis faced by over-burdened state courts in the process.

But, one may ask, even if it can be documented in Wisconsin that recognizing a limited right to counsel for eligible indigent persons in civil matters is cost-effective, and produces substantial economic and social benefits, while easing the existing financial and human resource burdens on the courts, what about the timing concern? Isn't this a bad time economically to be considering such a right, even if it is limited to eligible indigents in the "five basic human needs" categories of legal needs? Why not wait a few years? What harm would there be if this Court were to revisit this subject in the future, when state funds and the budget resources of the counties that pay for appointed counsel may be more plentiful?

The "timing" question, and the related "cost" questions addressed above, were asked -- a hundred or more years ago -- in virtually every other Western civilized country that has considered and recognized the importance of providing counsel at public expense to those who are most vulnerable in a society. In those countries -- by express language in the constitution, or by court decision, or legislative enactment, or court rule -- a right to counsel in civil matters has existed for a century or longer.

In those same countries public funding today for legal services for eligible indigents puts the U.S. to shame. The World Justice Project's comparative *2010 Rule of Law Index* ranked the United States dead last among developed countries on providing access to civil justice. Retired Justice Earl Johnson of the California Court of Appeals, a long-time national leader on civil legal aid issues, discovered in his research that in 2010 England spent more than *seven* times per capita and more than *ten* times as much of its GDP than the U.S. did on civil legal aid—even after accounting for funds from all U.S. sources, including LSC, IOLTA, and state and local governments. Further, in 2010 New Zealand spent *three* times as much per capita, while the Netherlands spent more than *four* times as much per capita, than the U.S. did on legal aid to the poor. Even the Canadian province of Ontario in 2010 spent *three* times more per capita than did the U.S. on civil legal aid.

Moreover, *all* forty-six member countries in the Council of Europe since 1979 have been *required* to provide counsel in civil cases. This shocking disparity between the U.S. and the civilized nations of the world is unacceptable for a country with our rich resources and our avowed and proud promise of "justice for all." Sadly, that promise today rings hollow for countless millions of people in America, including Wisconsin.

More to the point, it is evident that during the past hundred years, even in robust economic periods in Wisconsin and throughout the nation, the "timing" has never been "right" for providing meaningful access to justice to indigent persons. In the current economic downturn, according to 2011 LSC data, more than 63 million persons qualify as indigent persons, up from 53.8 million in 2008. Providing counsel to persons in this group has never been more timely or necessary, the heavy economic burdens on them never more severe.

What of the harm if the Court deferred granting Rule Petition 10-08?

Harm would continue without relief for countless individuals among the 80% of indigent persons in the U.S. whose shelter will be lost without aid of counsel, causing homelessness and consequential

costs to them and the state; for indigent persons whose desperately needed (and available) government health benefits will be lost because they lack counsel's assistance in accessing them; for indigent persons facing loss of child custody because they lack counsel who can competently and clearly explain the facts and applicable law to the tribunal; for indigent persons who daily suffer physical injury, and fear for their very lives, because of unending domestic violence to a spouse or child due to lack of counsel. These are real, not speculative, harms. They are harms to human beings.

Also real is the crisis-increasing burden on the courts in dealing with burgeoning *pro se* caseloads without counsel present. Why should the Court defer acting on Petition 10-08 in view of these deplorable harms? Why should such human conditions, which have existed for untold decades, be allowed to continue without relief for additional years to come?

Rule Petition 10-08 affords the Supreme Court of Wisconsin the rare opportunity to take a historic, cost-effective, step toward assuring equal justice under the law by, all at once, addressing the pernicious justice gap, enabling outcomes that provide justice to indigent persons, bringing financial savings to the state, and reducing the drain on court resources. The proposed rule does so in a manner designed to assure efficiency in use of resources by vesting the courts with authority to determine when and under what conditions appointment of counsel is warranted.

In its storied history, Wisconsin has often led the way in the U.S. in recognizing and implementing, and not avoiding, necessary reforms based on legal or moral principle. There should never be a bad time, or inconvenient time, or better time to uphold principle. The principle at issue here is the principle, and the promise on which this country was founded: *equal justice for all*. We do not have equal justice today in the United States. We have not yet kept the promise that was made more than two centuries ago. This Court can take a major step to achieving equal justice in Wisconsin, and in so doing lead the other states to do the same.

For all the foregoing reasons, the Court should grant the Petition. The American Bar Association stands ready to assist the Court in every way possible.

Sincerely,



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