

TO: City of Milwaukee, City Hall, Community Development Grants Administration
FROM: David Pifer, Legal Action of Wisconsin
RE: RFP No. 2017/92217: Request for proposals to provide municipal court representation in non-criminal cases
DATE: October 5, 2017

This proposal is submitted in response to RFP No. 2017/92217: Request for proposals to provide municipal court representation in non-criminal cases.

Because of the short amount of time between now and the end of the year, we request an extension of the initial term of the contract. The length of that extension depends on the need for services.

BACKGROUND

The majority of Milwaukee Municipal Court cases end in default judgments when defendants miss their first court appearance. When the defaulting defendants – many of them indigent – do not pay their forfeitures, they are incarcerated and lose their driver's licenses. Research shows that this affects their short and long-term ability to get and keep livable-wage jobs or education and training, and contributes to the cycle of poverty that many Milwaukee defendants face. Unlike in criminal cases, indigent municipal court defendants are not provided an attorney at government expense even though they may end up in jail or with a suspended driver's license. Under Wisconsin's Fair Employment Law, a civil municipal conviction is treated exactly the same way as a criminal misdemeanor conviction. The convictions can be the basis for discrimination in employment and professional licensing.

State law requires Wisconsin municipal courts to avoid issuing driver's license suspensions or warrants against defendants who are unable to pay their municipal tickets because they are poor. Wis. Stat. § 800.095(1)(a)-(b) (2015-16). Wis. Stat. § 814.29(1)(d) (2015-16). Furthermore, the U.S. Constitution forbids courts from "punishing a person for his poverty." *Bearden v. Georgia*, 461 U.S. 660, 671 (1983). Courts must examine a defendant's ability to pay and inquire of his or her financial situation before issuing warrants or driver's license suspensions for failure to pay. This requirement exists even for forfeitures ordered as a result of default judgment convictions.

Providing free attorneys for indigent defendants would help guarantee those defendants will be afforded Due Process and equal and fair representation. Representation in such cases would, in addition, make trials quicker and more efficient, and conserve scarce judicial and police resources. In the end, the most important outcome of ensuring due process and fair treatment of poor people in municipal court is that we remove a large barrier to getting and keeping jobs.

PROPOSAL

For this grant, Legal Action of Wisconsin (LAW) will provide representation to Municipal Court defendants in two primary areas: 1) full representation at trial, with particular emphasis on cases in which police officers are expected to testify and in which current employment or future

employability would be impacted by a conviction; and 2) post-judgment limited scope representation in cases in which defendants face driver's license suspensions or jail time. In the latter instance, we will give priority not only to obtaining poverty hearings for defendants who are unable to pay their judgments, but also advocating for alternative methods of resolving unpaid judgments.

HISTORY OF LEGAL ACTION OF WISCONSIN

LAW has provided free legal services to low-income people for almost fifty years. Since 1968, Milwaukee's low-income community has relied on LAW for legal assistance on a broad spectrum of issues, including housing, driver's license restoration, elder law, criminal record problems, child support, and public benefits. LAW focuses exclusively on hard-to-serve low-income clients, including those with no income, the disabled, and low-wage, low-skill or older workers. Many of our clients are ex-offenders. Most of our clients are unemployed or minimally employed in low-wage jobs. LAW serves clients from diverse cultural, ethnic, and racial backgrounds. We estimate that 8% of our Milwaukee County clients speak a language other than English as their primary language, and we are fully prepared to serve them. LAW also works daily with clients who have disabilities.

LAW has experience practicing law in municipal and county circuit courts. Our attorneys are knowledgeable about a wide range of legal matters, and are familiar with a majority of the courts in Wisconsin. We have also handled several cases before the Wisconsin Supreme Court.

Our Milwaukee office is located downtown, just a few blocks from the Milwaukee Municipal Court. We also have two attorneys housed at the Center for Driver's License Recovery and Employability, which is located across the street from the court at Milwaukee Area Technical College. Our Milwaukee office only serves clients residing in Milwaukee County and Waukesha County, but most live in the city of Milwaukee. Many of our staff also live in the city of Milwaukee, and we are extremely familiar with the city and surrounding suburbs.

REFERENCES FOR LEGAL ACTION OF WISCONSIN

1. Clarence Johnson, Executive Director of Wisconsin Community Services, 3732 W. Wisconsin Avenue, Suite 320, Milwaukee, WI 53208, 414-290-0400, cjohnson@wiscs.org
2010- present: Legal Action of Wisconsin partners with Wisconsin Community Services, the City of Milwaukee, and Milwaukee Area Technical College to provide legal services to clients who have lost their driver's licenses due to poverty at the Center for Driver's License Recovery and Employability
2. Reverend Leondis Fuller, Program Director, Word of Hope Ministries, 2677 N. 40th Street, Milwaukee, WI 53210, 414-447-1965, lfuller@wohmke.org
January 2015 – December 2016: Legal Action of Wisconsin partnered with Word of Hope Ministries to provide legal services to low-income ex-offenders reentering the community after being released from Milwaukee County House of Correction

3. Steven Reinhold, Project Director- Wisconsin FSET, Rescare Workforce Services, 2338 N 27th St, Milwaukee, WI 53210, 414-740-3199, steven.reinhold@rescare.com.

October 2015 - present: Legal Action of Wisconsin partners with Rescare Workforce Services to help remove legal barriers to employment for individuals enrolled in the Food Stamps Employment Training Program

FIRM RESOURCES:

LAW has the resources and expertise to provide legal services in Milwaukee Municipal Court. Our non-profit law firm exists to provide creative and effective legal representation in order to achieve justice for low-income people and others to whom it would otherwise be denied. Representing clients with non-criminal legal problems is our primary activity.

LAW not only has the experience to provide high-quality representation to defendants in municipal court, but also has a sophisticated infrastructure and administrative staff to support the legal work. LAW is the 8th largest law firm in Milwaukee, and Wisconsin's largest not-for-profit law firm. It serves an average of 10,000 low-income clients annually in our 39-county service area. In Milwaukee, we served over 5,500 clients in 2016. LAW attorneys already frequently handle cases in Milwaukee Municipal Court.

LAW administers over 52 different service contracts. We have extensive experience in grant reporting, including highly regulated federal contracts, such as those administered by the Legal Services Corporation. We provide accurate and timely fiscal and client activity reports using our specialized computer client database. Legal Action's Milwaukee office has a large on-site library and each of our attorneys has access to Westlaw's excellent online legal research database. Our large support staff handles in-person and phone inquiries during office hours, and can take messages for attorneys who are out of the office. Our client database and email program both allow for calendaring, which provides extra support in meeting deadlines and organizing attorney schedules.

We see clients at convenient locations, including: our downtown office, which is on major bus lines; the Center for Driver's License Recovery and Employability at the downtown MATC campus; various Rescare locations; the 16th Street Community Health Center; and the Center for Veterans Issues. We go to clients' houses if necessary. We use phone, email, text, and letter communication to decrease the time clients spend at our office. We work directly with the One Stop Centers and Wisconsin Community Services to further improve clients' access. We use our skill and contacts in the community to develop unique solutions. We are also part of the Community Workforce Partnership at WRTP/Big Step, and we receive referrals directly from those programs and Employ Milwaukee.

For those indigent defendants that are arrested on municipal court commitments, LAW advocates frequently meet with our clients in various prisons and jails and are accustomed to the process. That would be easy for our attorneys to do, if necessary. We also receive referrals from JusticePoint.

QUALIFICATIONS OF LEGAL ACTION OF WISCONSIN

LAW has the capacity to represent indigent defendants in Milwaukee Municipal Court. In January 1999, LAW started its Road to Opportunity (RTO) project to specifically serve clients who have legal barriers to employment. The project works to develop innovative and efficient solutions to client problems, including establishing community service and payment plans for municipal and circuit court forfeitures, and correcting and simplifying criminal background records. The RTO project concentrates on driver's license, eviction, child support, and criminal background problems as the most significant legal barriers to employment. Its attorneys work extensively in municipal courts across the state and are extremely familiar with the law governing municipal courts.

Currently, LAW has five attorneys that regularly practice in Milwaukee Municipal Court on the RTO project. They handle all municipal court matters, from the time a ticket is written to post-judgment matters. In addition to traffic and ordinance violations, LAW attorneys have handled all kinds of municipal court cases including parking tickets and building and zoning cases. Moreover, LAW attorneys have had great success appealing municipal court decisions and defending municipal court victories on appeal.

Legal Action's staff attorneys have a great deal of experience in removing legal barriers to employment. We will utilize staff attorneys from this existing pool as necessary for this project. We include resumes and licenses from two of those staff attorneys (Lund and Gena), but we may use others as well. All LAW attorneys are licensed and in good standing with their licenses.

Legal Action's staff attorneys have a great deal of experience in removing legal barriers to employment. Sheila Sullivan, the managing attorney of the RTO project, has worked at LAW for over 10 years. Attorney Sullivan not only regularly practices in Milwaukee Municipal Court, but also practices in circuit courts, appellate courts, and the Wisconsin and U.S. Supreme Courts. In the last year alone, Attorney Sullivan argued a case before the Wisconsin Supreme Court and filed a petition with the U.S. Supreme Court. As supervisor of RTO and as coordinator of our work within the barriers to employment law area, she will supervise staff attorneys who work on cases that arise from this funding. Furthermore, LAW has extensive experience representing clients for whom employability is being impacted by a municipal conviction. Our attorneys regularly represent clients to remove and correct information on criminal background checks. Because there is no law explicitly allowing expungement of municipal offenses, our advocates use our knowledge of the background check compilation process to develop creative ways to remove or improve the appearance of municipal convictions so that our clients can find and keep employment.

Finally, in 2015 LAW participated in an extensive mapping of the Milwaukee Municipal Court. LAW worked with many other stakeholders over several months to create a detailed system map of the court which diagrammed the flow of cases from start to finish. A professional facilitator was hired for this process, and it provided LAW with even more insight into the court and its procedures.

CONCLUSION

By providing indigent municipal defendants with advocates in municipal court, defendants will have assistance to avoid or improve the appearance of municipal convictions that will prevent them from finding work. Additionally, with attorneys to represent indigent defendants in post-judgment poverty motions, the number of poor people being committed to jail and losing their driver's licenses for inability to pay municipal forfeitures will decrease. That will consequently increase the employability of those individuals. LAW attorneys can assure that municipal defendants receive fair and equal representation, regardless of their ability to hire an attorney.

LEGAL ACTION OF WI, INC.
Municipal Court Representation in Non-Criminal Cases
BUDGET

PERSONNEL		FTE	TOTAL PROJECT
Project Attorney	Susan Lund	20.0%	10,610
Project Attorney	Molly Gena	20.0%	12,345
Project Attorney	Sheila Sullivan	8.4%	5,892
TOTAL SALARIES		48.4%	28,848
HEALTH/DENTAL/LIFE INS			5,658
SALARY BASED BENEFITS & TAXES			3,398
TOTAL FRINGE BENEFITS			9,056
TOTAL PERSONNEL			37,904
NON-PERSONNEL (Direct Costs and Direct Allocated Costs)			
Location Overhead	OFFICE RENTAL	6210	752
	UTILITIES	6230	238
	JANITOR	6250	0
	OTHER COSTS/REPAIRS	6270	26
	EQUIPMENT RENTAL/LEASE	6540	9
	MAINTENANCE	6550	194
	OFFICE SUPPLIES	6710	233
	SOFTWARE	6720	148
	PRINTING: GENERAL	6810	43
	POSTAGE	6910	99
	TELEPHONES	7110	428
	SHIPPING CHARGES	7240	20
	LIBRARY UPDATE	7260	292
	RECORD STORAGE/RETRIEVE	7290	294
Firmwide Overhead	AUDIT (OMB A-133)	5570	99
Direct Expenses	Court Costs/Translation	7330	200
TOTAL NON-PERSONNEL			3,073
INDIRECT (Administrative) Costs			
Indirect Cost Rate (De Minimus per OMB Uniform Guidance)		ICR Basis	40,226
TOTAL INDIRECT		Indirect Cost Rate 10%	4,023
TOTAL COSTS			45,000
* Each attorney and paralegal position may be substituted by other staff attorneys or paralegals as emergency or staffing situations arise.			

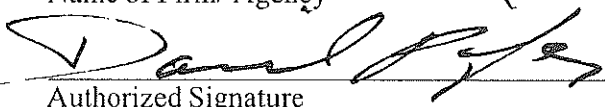
IV. LETTER OF TRANSMITTAL

RFP No. 2017/ 92217

THE UNDERSIGNED CERTIFIES THAT THEY HAVE READ AND UNDERSTAND THE ABOVE GENERAL CONDITIONS AND RFP, AND THAT THEY ACCEPT THESE CONDITIONS AND SUBMIT THE ATTACHED PROPOSAL IN FULL COMPLIANCE WITH THESE CONDITIONS AND THE APPLICABLE PROPOSAL SPECIFICATIONS, AND SUBSTANTIAL ACCEPTANCE OF THE CONTRACTUAL TERMS.

IN SUBMITTING THIS PROPOSAL, THE OFFEROR REPRESENTS THAT THE OFFEROR HAS FAMILIARIZED THEMSELVES WITH THE NATURE AND EXTENT OF THE REQUEST FOR PROPOSALS DEALING WITH FEDERAL, STATE AND LOCAL REQUIREMENTS WHICH ARE A PART OF THESE REQUEST FOR PROPOSALS. THE OFFEROR WILL COMPLY WITH ALL APPLICABLE FEDERAL AND STATE LAWS, LOCAL ORDINANCES AND THE RULES AND REGULATIONS OF ALL AUTHORITIES HAVING JURISDICTION OVER THE SERVICES OF THE PROJECT.

Legal Action of Wisconsin
Name of Firm/ Agency


Authorized Signature

David Pifer
Name Printed or Typed

Title: Executive Director Date: 10/5/17

Address: 230 W. Wells St.

City, State, Zip Code: Milwaukee, WI. 53203

Telephone No.: 414-278-7777 Fax: 414-278-7156

Email: dap@legalaction.org

RETURN THIS FORM WITH YOUR PROPOSAL