

LEGAL ACTION OF WISCONSIN

Providing free legal services to low-income Wisconsin clients since 1968 • Proporcionando servicios legales gratuitos a clientes de bajos ingresos en Wisconsin desde 1968

EVICTIION DEFENSE PROJECT ANTICIPATED PROCESS ROADMAP

General Information

- Hours of Operation: 7:30am-1pm (return dates are on a mass calendar at 9am) mediation is often the same day as the return date.
- There will be two attorneys on sight to offer advice and representation. There will be support staff to conduct intakes and direct clients who are not eligible for the Project to appropriate resources

Intake

- Will need to establish a room near the Court Rooms that will be visible to clients seeking assistance
- EDP intake by paralegal, support staff, or student paralegal
 - Intake will separate clients by need
 - Brief legal advice
 - Return date
 - further representation
 - Clients will go through intake in the order they arrive or by appointment
 - Appointments do not work well in the MKE EDP as there are many walk ins-as LAX is smaller appointment based may be a better option
 - Cases are prioritized to provide assistance to clients schedule for court that day

Brief Advice/ Return Date

- After intake, tenant returns to waiting area until an EDP attorney becomes available
- Client meets with attorney
- Attorney evaluates case
 - When is return date (future or same day)?
 - What arguments are available to tenant?
 - Is settlement possible?
- Future Return Date
 - Attorney provides advice attorney may prepare a written answer and other documents
 - Attorney may attempt to negotiate settlement over telephone
 - Attorney provides "To Do" checklist to client
- Same Day Return Date
 - Attorney provides advice

- Attorney may prepare written answer and any other necessary document using EDP templates
- If additional attorney involvement required
 - Attorney may accompany client to return date
 - Attorney may accompany client to mediation to attempt to settle case
- If not additional attorney involvement required, client takes all advice and written documents to their hearing
- IF the attorney's capacity allows they will take on cases for further representation
 - Priority list will be created for which types of cases are taken on for further representation beyond the return date

Attorney Offers Further Representation

- Pre-Hearing
 - Attorney prepares case information
 - Docket and case information reviewed
- Attorney evaluates case(s)
 - What arguments are available to tenant?
 - Is settlement possible?
 - If settlement is an option, attorney may reach out to landlord (after conversation with tenant client) in advance of hearing dates
 - If landlord agrees that mediation is an option, EDP may refer the case to mediation prior to the hearing date (for a second mediation)
 - Drafts necessary documents (stipulations, motions, answers, etc.)
- Attorney represents tenant at hearing
 - Attorney submits EDP template notice of limited scope of representation-if further representation is not possible
 - Attorney submits EDP template notice of termination of representation-if further representation is not possible
- At any point during this process, the attorney is able to take the case on long-term through they will do so based on merit of the case and capacity of the attorney

***Please note that because the Eviction Defense Project is a brand new initiative and has not yet been officially launched, some of the procedures and practices outlined in this document may be subject to change.**

Possible Participants:

- Current Staff from Legal Action Wisconsin to supplement new attorney hire
- New Hire for Legal Action of Wisconsin: EDP Attorney (\$40,000-\$70,000) and Possible Paralegal for EDP (\$15,000-\$30,000)-can add attorney if program develops
- Staff from Coulee Cap to conduct intakes, direct to other resources and provide wrap around services
- Paralegal Students from Western Technical College?