

Student Legal Services Center

University of Wisconsin – Madison

The Associated Students of Madison

Prepared by Matthew Manes

Tuesday, June 14th, 2011

SPECIAL TASKS GROUP PRELIMINARY REPORT

Executive Summary

In order to provide the students of the University of Wisconsin Madison with an environment by which they can be successful in their studies, the Associated Students of Madison seeks to bring accessible legal services to the campus. This project has had several objectives:

- To accumulate the knowledge necessary to navigate the ASM organizational structure, the University structure, and the political and legal constraints present on campus
- To generate a proposal for the implementation of a Student Legal Services Center, capable of providing attorneys to be available to serve students at the greatest degree possible
- To overcome the procedural, monetary, and time constraints necessary for implementation

Methods

- Sought out, spoke to, and learned from students and administrators alike to gain the first hand working knowledge of the administrative segregated fee structure in place at UW-Madison
- Developed and followed a process by which the hurdles in place preventing the design of such a service could be overcome
- Contacted peer institutions and solicited models for similar services in existence elsewhere around the country, then analyzed them for desirable characteristics to be used here
- Performed a student needs assessment by both designing and distributing a survey to the entire student body, as well as analyzing usage and needs statistics at other universities

Results

- Identified legal concerns to be addressed for implementation
- Found widespread usage of these services at other universities, to the great success and support of their student bodies
- Confirmed student support and willingness to pay for such services at UW-Madison
- Located a viable space on campus to house the services
- Succeeded in acquiring \$400,000 in startup costs for the first year service operations
- Identified potential candidates to provide the service

Recommendations

- Have students create a Limited Liability Company or non-profit to hire attorneys in order contract with so that ASM can maintain student control of services and keep costs down
- Continue work into the summer in acquiring additional information and outreach to potential contributing organizations
- Develop service reporting standards so as to monitor the effectiveness of any service implemented

Table of Contents

Section 1 – Introduction.....	1
Section 2 - ASM Organizational Structure and Background Information.....	2
Associated Students of Madison.....	2
Student Council.....	3
Student Judiciary.....	4
Student Services Finance Committee.....	4
Important Background Information.....	5
SUF Authorization and Responsibility.....	5
Case Law.....	6
Viewpoint Neutrality.....	8
UWSA Policies.....	9
Ancillary Fund.....	10
The General Student Services Fund.....	10
Legal Information Center.....	11
Background Summary.....	11
Section 3 - Underlying Process Employed and Methods for Design.....	12
Process.....	12
Campus Services Fund.....	12
Special Tasks Group.....	13
Methodology.....	15
Survey Construction.....	17
Survey Design.....	19
Survey Distribution.....	20
Section 4 - Results, Analysis, and Basic Foundational Implementation.....	22
Legal Considerations.....	22

Preliminary Model and Peer Institution Analysis.....	24
Basic Student Need/Student Payment Assessment.....	25
Survey Results and Analysis.....	25
Cost Projections.....	28
Space Assessment.....	29
First Year Costs.....	30
Candidate Law Firms.....	30

Section 5 - Design Recommendations and Evaluating Program Effectiveness..... 31

Alternative Contract Model.....	31
Type of Design.....	32
Special Tasks Group Continuation.....	33
Process Continuation.....	34
Law School Involvement.....	34
Evaluating Program Effectiveness.....	35

Section 1

Introduction

The Associated Students of Madison, the official student government at the University of Wisconsin – Madison, is an organization that is constantly striving to serve the needs of the 40,000+ students it represents. In order to do this, it not only engages in providing avenues by which students can become involved in extracurricular activities, but also provides significant services to the entire student body.

By this token, accessible and widely available legal services, from advice to representation, exists as a service gap and need of the student body that is currently being unfilled on campus. Students often find themselves in legal trouble, where inability to attain legal advice or representation can put their ability to attend college in jeopardy. Several attempts have been made by the organization and at large students to initiate or begin the foundation of such a service over the past several years, but have failed to make any material progress. Even now, a significant portion of the organization continues to identify this as an area under its purview that needs to be addressed, and despite the resources afforded it, it has lacked the coordinated ability to effectuate progress in this area.

It has been the objective of this report to aid in overcoming the lack of institutional knowledge that stems from the high rate of organizational turnover, and provide the foundation on which ASM can finally make progress in addressing the need it has identified and long sought to begin solving.

Materials Used in the Construction of this Report

In order to aid in understanding, several background sections of this document were adapted from ASM and SSFC reference materials. From the FY12 SSFC Report to the Chancellor, the sections titled “SUF Authorization and Responsibility”, “Case Law”, “UWSA Policies”, “Ancillary Fund”, “The General Student Services Fund”, and “Glossary” were adapted in whole and in part for this report. Additionally, the section titled “Student Council” was adopted from the 17th session ASM Student Council Manual. An earlier version of this report was also submitted as a project for a class.

Section 2

ASM Organizational Structure and Background Information

Associated Students of Madison

Mission Statement

The Associated Students of Madison exists to serve students. We are a body that enhances the educational and university experience, both inside and outside the classroom. We strive to organize and give a voice to students. Furthermore, ASM gives students within the organization leadership opportunities and valuable life and career skills.

The Associated Students of Madison (ASM) is the official student government of the University of Wisconsin-Madison. All 40,000 + students enrolled in the University are members by virtue of their student status. ASM's stated goals are aimed at maintaining and improving the quality of education and student life on campus. Authority for ASM's existence and its operational purview is granted by state statute 36.09(5):

The students of each institution or campus subject to the responsibilities and powers of the board, the president, the chancellor and the faculty shall be active participants in the immediate governance of and policy development for such institutions. As such, students shall have primary responsibility for the formulation and review of policies concerning student life, services and interests. Students in consultation with the chancellor and subject to the final confirmation of the board shall have the responsibility for the disposition of those student fees which constitute substantial support for campus student activities. The students of each institution or campus shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance.

Formed in 1994 after rampant corruption and the subsequent disbandment of the Wisconsin Student Association, ASM just ended its 17th and began its 18th session, which runs from May 1st to April 30th.

ASM is divided into 3 main branches: Student Council, Student Judiciary, and the Student Services Finance Committee. This report primarily deals with the operations of Student Council and the Student Services Finance Committee, as the Student Judiciary will at no point be engaged in this project.

Student Council

The ASM Student Council is the central legislative body of the organization. It is comprised of 33 representatives from each of the schools and colleges on campus, 4 of which are freshman representatives that, for the purposes of council composition, have no designated college. Final authority for all activities for all branches and committees of ASM de facto rests within Student Council, as it has the ability to change bylaws, form and appoint committees, and initiate changes to the ASM Constitution.

Student Council is subdivided into 9 standing committees and boards, as follows:

Diversity Committee: Works to increase the diversity of the student body, increase the participation of traditionally underrepresented students within the student government, enhance recruitment and retention efforts and policies by the University, provide a medium for exchanging ideas pertaining to diversity and multicultural issues and deal with all legislation that relates to the issue of diversity

Legislative Affairs Committee: The Legislative Affairs Committee is responsible for researching and advocating on the behalf of the ASM membership on issues of student and higher education importance in legislative bodies including, but not limited to, the Madison City Council, Dane County Board of Supervisors, Wisconsin Assembly, Wisconsin Senate, US House and US Senate.

University Affairs Committee: Runs the textbook swap, works on issues of faculty recruitment and retention, addresses other academic issues as desired by students on campus

External Affairs Committee: Coordinate all work with United Council; increase student involvement and awareness of ASM with the Press Office. This committee is currently defunct.

Student Activity Center Governing Board: Manages all space in the SAC by developing and overseeing a facility use process, allocates space (offices, storage, and mailboxes) to student organizations, handles issues as they arise, work with SAC staff and tenants on issues of joint concern.

Finance Committee: Allocates event, travel, and operations grants to Registered Student Organizations (RSOs) to enrich extracurricular life on campus.

Nominations Board: Serves as ASM's human resources department. Responsible for conducting all search and screens (hiring) and internal appointments (FC, SSFC, SACGB, Press Office, SJ.)

Shared Governance Committee: Appoint students to shared governance committees, discuss issues of University governance with the committee, ASM, and the student body

Press Office: Coordinates all public relations between ASM and the student body. This includes maintaining the web site, press releases, and aspects of constituent outreach and recruitment.

Over the course of its existence, Student Council has established rough priorities to guide the activities and endeavors of the organization. These priorities, in rank order, are: 1) Direct Financial Support for Extracurricular Activities, 2) Providing Services for Students, 3) Advocacy at Local and State Levels and Shared Governance, and 4) Growth Opportunities, Campus Relations, and Involvement.

Student Judiciary

The Student Judiciary is the first stand-alone branch within ASM and is responsible for facilitating ASM elections, interpreting the bylaws and constitution, and overseeing all disputes and controversies within the ASM. The SJ is comprised of 7 justices, the Student Election Commission, and the outreach consultant (effectively a public defender). Unless the creation of the Student Legal Services Center is challenged by a student in ASM, it is highly unlikely this branch of ASM will be engaged at any point.

Student Services Finance Committee

The Student Services Finance Committee (SSFC) is the second stand-alone branch within ASM. Comprised of 15 members, this committee is the designated Segregated University Fee Allocation Committee (SUFAC) at the University of Wisconsin – Madison. The SSFC has direct authority and control over a significant portion of the segregated fee levy, and with no set limit on the amount of money that can be raised or charged of students, has effective tax and spend power over the entire student body. Although ASM lacks any enumerated executive branch, SSFC serves to fill the need for administrative regulation of the financial operations of the organization. In this way, SSFC acting through ASM should be thought of more as a service-oriented \$7.6 million non-profit than a student government. The SSFC's role, authority, and governing policy are explained in greater depth in the next section.

Important Background Information

The single most important component of a Student Legal Services Center is the ability to generate a significant and sustainable source of revenue. ASM's only source of revenue is segregated fees, and although there is no theoretical upper limit in the amount of money able to be collected, these fees are governed by a myriad of policies and legal constraints that are entirely process dependent. Thus, before any steps could be taken to design or install a SLSC, a comprehensive working knowledge of these contexts had to be attained and be kept mindful of at all times. Although this section seeks to provide that foundational context, this section does not read well as a narrative and the reader may find it beneficial to briefly skim these descriptions. A summary has been provided at the end of this section to aid in understanding the key points.

SUF Authorization and Responsibility

Segregated University Fees (SUF) are those fees assessed by the Board of Regents to all students in the University of Wisconsin (UW) system. Unlike tuition, each institution independently establishes their SUF rate. The Board of Regents approves this amount in July. SUF pay for student activities and services, which are not covered by general purpose revenue (GPR) dollars and are divided into two categories: allocable and non-allocable. Allocable SUF are those fees which constitute direct support of campus student activities including student government, student organization funding, campus media, and some transportation services. Over the past two decades, allocable SUF have begun to fund more programs which can be characterized as student-administered services. Non-allocable SUF are utilized for long-term commitments and debt management, including SUF-funded building projects, student unions, and health services.

Current authorization for SUF originates in state statute. Authority for SUFACs' (and therefore SSFC) control over allocable SUF is found in state statute 36.09(5), which addresses the responsibilities for students in UW system governance. The statute reads, "Students in consultation with the chancellor and subject to final approval by the board shall have the responsibility for the disposition of those fees which constitute substantial support for campus student activities." Non-allocable SUF are authorized by §36.09(3), which vests responsibility in the chancellors for operations and administration of their institutions, including "administering associated auxiliary services". Although state statute does not specifically mention this fee, this portion of the SUF contributes to the operations of the university; responsibility for this fee resides with the chancellor.

Case Law

Numerous court cases have been brought up over the past several years that have challenged segregated fee use and have subsequently provided explicit legal constraints on expenditures. Below are several relevant cases and a brief description of their impact on segregated fee administration.

- *Rosenberger v. Rectors and Visitors of the University of Virginia* [515 [U.S. 819](#) (1995)]

Ronald Rosenberger, a student at the University of Virginia, requested money from the University's student activity fee to fund a Christian publication. The University refused, arguing that it violated their policies because it "primarily promotes or manifests a particular belief in or about a deity or an ultimate reality." Rosenberger challenged on the grounds that this violated the First Amendment by preventing access to funds available to other student groups. The court upheld this argument, claiming that it was a form of viewpoint discrimination. This established that if the University provides funding for student organizations, it must distribute these funds in the same manner for all groups. This case established the grounds of viewpoint neutrality that would be heavily used in the *Southworth* decision five years later.

- *Board of Regents of University of Wisconsin System v. Southworth* [529 U.S. 217 (2000)]

University of Wisconsin—Madison student Scott Southworth, upset that his student fees were going to fund service based organizations that he did not agree with, challenged that his fees should be refundable if they offended his views. Both lower courts affirmed that Scott Southworth's free speech and free exercise rights had been violated by being compelled to pay this mandatory fee, and they barred the University from funding expressly political or ideological beliefs. Unanimously, the Supreme Court overruled the lower courts, declaring that the "First Amendment permits a public university to charge its students an activity fee used to fund a program to facilitate extracurricular student speech if the program is viewpoint neutral." They ruled that so long as the process of segregated fee distribution was done without preferring one group's viewpoint to another it could be allowed to continue.

This case has a tremendous impact on segregated fee distribution at the University of Wisconsin-Madison. Specifically, it outright denied the use of referenda to establish student group funding, as it subjected these monies to majority domination. It also established that funding for student

organizations could not be based on popularity or history of the group. But, most notably, it allowed the segregated fee system to remain in place:

“There is symmetry then in our holding here and in *Rosenberger*: Viewpoint neutrality is the justification for requiring the student to pay the fee in the first instance and for ensuring the integrity of the program's operation once the funds have been collected. We conclude that the University of Wisconsin may sustain the extracurricular dimensions of its programs by using mandatory student fees with viewpoint neutrality as the operational principle.”

- *Fry v. Board of Regents of Univ. of Wisc. System (W.D. Wis. 2000)*

In the wake of the *Southworth* case, students argued that the University and the Student Government had not yet complied with the viewpoint neutrality requirement handed down from *Rosenberger* via *Southworth*. The court found that student government had used unbridled discretion—meaning that their decisions could be arbitrary or capricious—in the absence of clearly defined criteria. The University was required to form a segregated fee system that adhered to the constraints of viewpoint neutrality.

- *Southworth vs. Board of Regents of Wisconsin (2000)*

The standards of the student government's funding stream were once again challenged in this case, bringing the ruling in *Fry* into question. The court, however, reversed, affirming most of the University's requirements, stating that they were strong enough to avoid unbridled discretion. However, funding requirements based on the length of time a group has existed could be non-viewpoint neutral insofar as they upheld previous violations of viewpoint neutrality or burdened certain groups from receiving funding. It was also ruled that funding based upon the number of students could only be considered if it was based upon reasonable fiscal considerations and not upon the overall popularity of the group.

Viewpoint Neutrality

As a part of the University of Wisconsin System, each school and each SUFAC can be considered a part of the state government. This means, in addition to being subject to all State and university administrative purchasing requirements, the tenants of freedom of speech and the first amendment apply to the actions the student government would take. To facilitate application of these broad principles, the Supreme Court has engaged in what is called forum analysis and broken up freedom of speech into different ways it can apply.

A public forum is a space typically open to anyone and subject to very few limitations by the government. The typical examples of this are streets, parks, and sidewalks, where the government cannot censor whatever message one would want to spread because the state disagrees with it. By that same token, the government also can't promote and give someone an unfair advantage because it likes a message either. Freedom of speech ensures that everyone's message and expressive viewpoint, in the eyes of the government, must be treated equally. The only restrictions the government can place on a public forum are time, place, and manner. An example of this is that one can't march down a residential street at 3am sounding a trumpet, and is acceptable because it has no basis in the actual message one would want to spread. In a public forum it is important that the government treats anyone and everyone that would want to spread a message equally regardless of their viewpoint.

A limited public forum is a forum for expressive speech that has been set up by the government specifically for the public use, such as government buildings and meeting rooms. Unlike a public forum, the government can put content restrictions on what can be said as well, as long as those content restrictions applies equally to everyone. An example of this might be renting a room in a government building. It would be perfectly acceptable to prohibit the use of the room for any sort of political speech or meeting, however you would be violating first amendment rights if you were to target only one political viewpoint or ideology, such as conservatives or liberals.

Limited public forums can extend into the abstract as well, and in cases such as this we have what is called a metaphysical limited public forum. The example at hand is the allocation of student fees for the purpose of expressive speech. The application of a forum, and the first amendment freedom of speech restrictions it affords, is made possible by the fact that the Supreme Court has ruled that money can equal speech and that each SUFAC is a part of the government. As such, when deciding who is allocated what and how much, the SUFAC cannot discriminate against message or a service with which it disagrees simply because it disagrees with it. Again, by that same token, the government cannot favor a message or service it likes simply because it likes it or feel it would be beneficial to the student body. It is from this

that we get the tenant of Viewpoint Neutrality: the government must hold all viewpoints equal and must be neutral in this sense when allocating resources. No statements of value can be attached to these messages; in a limited public forum, decisions cannot be made to favor what a SUFAC considers messages good or bad for the community, necessary or frivolous, or anything of the like. Content restrictions can still apply, such as no political speech or prohibition on funding certain things such as staff, and the requests must be reasonable and not place an undue burden on the forum (such as requesting \$499,000 if there is only \$500,000 available), however individuals, groups, or services cannot be judged based on the viewpoint they eschew and those content restrictions must apply to everyone equally.

UWSA Policies

The University of Wisconsin System Administration (UWSA) has two policies which are specifically relevant in addressing segregated fee expenditures.

- Financial Policy Document 50 (F50) is a policy created in 2007 as a consolidation of two former UWSA policies, F20 and F37. The Chancellor at UW-Platteville and UWSA legal counsel felt that the existing policies governing segregated fee expenditures were complex and occasionally contradictory. This was combined with a lack of clarity and agreement on the UW-Madison campus over the use of SUF for non-university facilities not leased through the State Department of Administration (DOA) and when, if ever, SUF can be used to contract with student organizations. A policy review process was initiated by UWSA with the formation of an ad hoc committee; the eventual result was F50. Costs of legal services, except where the governor has approved hiring an attorney to provide student legal services at an institution, is expressly prohibited, and will be addressed later in this report.
- GAPP15 – “Student Services Funding” is a policy that delineates appropriate uses for SUF, GPR, and Fee for Service within different types of student services. The policy defines student services as “activities with the primary purpose of contributing to students' emotional and physical well-being and intellectual, cultural, and social development outside the context of the formal instruction program”. The policy was last revised in 1998 and is clarified by a spreadsheet developed in 1993 that indicates appropriate uses for each type of revenue.

Additionally, UWSA has begun a policy in which they supply a target increase for SUF, based upon a three-year rolling measure of household incomes in the state of Wisconsin. The current threshold is set at 3%, which means allocable increases over \$228,000 could potentially trigger an additional review process by UWSA. This will prove relevant as current estimates for Student Legal Services are up to \$1 million on the high end.

The General Student Services Fund

The General Student Services Fund (GSSF) is the primary funding stream SSFC has used over the past 22 years to provide services to the general student body. It has traditionally been the second largest portion of the allocable SUF budgets, varying from a peak of \$3.5 million in 2005 to \$1.3 million today. The GSSF allows for service based RSOs to apply for and receive comprehensive annual budgets, which cover expenditures including all necessary full time staff, student staff, and general programming expenses with no set limit. Over the years, the GSSF has not only been the most controversial portion of the allocable SUF budget at UW-Madison, but has led the country in legal challenges. The reasons for this are twofold. First, the enormous amounts of money involved cause groups to become dependent on it. Thus, if and when they are denied funding, these extremely well established and well funded organizations find their very existence jeopardized and have reason to sue. Secondly, the establishment of the GSSF as a limited public forum by the Supreme Court affords 1st Amendment restrictions. The complicated legal regulations superimposed on the funding stream has taken SSFC many years to adequately grapple with, over which time resulted in widespread abuse of these student dollars. The final result of SSFC's 11 year struggle was a massive overhaul of the governing procedure for this fund, and with the legal and policy constraints on the GSSF, an entirely new process would need to be designed and followed if a Student Legal Services Center were to be implemented by ASM.

Ancillary Fund

Following the structural overhaul of the GSSF in 2007, the Rape Crisis Center (RCC) contract ASM has was denied eligibility. Up until that point, the contract had been administered through a shell RSO. With the new criteria in place, it became impossible for the RCC to receive funding by any official process or funding stream ASM had in place. After a one year stopgap of funding through the ASM Internal Budget, the Ancillary Fund was created. To be eligible for entry into the ancillary fund, the service must fall into one of the following categories: campus media, childcare services, transportation services or healthcare

above the minimum module. The group must also either have a Wisconsin Department of Administration contract or possess capital investments in excess of \$500,000. These stipulations for entry were directly influenced by language in F50 and the fund itself was designed very specifically for the RCC and WSUM Student radio, and as such would be unable to accommodate the Student Legal Services.

Legal Information Center

The Legal Information Center (LIC) is an RSO on campus that seeks to aid students with navigating legal issues. However, the LIC suffers from a number of crippling circumstances that prevent it from being able to assist campus in as significant and meaningful way as is desired. Taken from their web site, “The Legal Information Center provides free legal information and referrals to individuals seeking assistance with legal issues, both students and community residents alike. We can provide basic legal information, legal forms, and similar assistance. The LIC is staffed by UW Law School and undergraduate student volunteers. The LIC does not staff or consult with any attorneys, and therefore we cannot provide legal advice.” Thus, the LIC is unable to answer even the most basic of legal question necessitating advice or representation, such as “What should I do?” or “do I have a case?” Additionally, the LIC suffers from staffing and funding stability as they have not qualified for GSSF funding since 2007.

Background Summary

There are several key points to take away from this information necessary for the design and implementation of a Student Legal Services Center at UW-Madison. The first is that up until this point, student services on this campus have been administered through registered student organizations. This is a vestment of the pre-Southworth years, where such a method worked perfectly well, assuming that an RSO could be formed to implement the service desired. The second point is that, with viewpoint neutrality installed, there is no way to make a value judgment as to what is important and deserving of funding if that mechanism is to continue to be employed. In order for ASM to design and implement any service that it would deem important for the student body, including student legal services, a new process would need to be followed that would represent a paradigm shift in the way that student fees are administered. The third point is that only by understanding all of the policies, case law, and history of this funding, can such a process be developed. Over the course of the past 18 months, such a process was developed and implemented, and will be discussed in the following section.

Section 3

Underlying Process Employed and Methods for Design

The process by which a Student Legal Services Center could be researched, designed, and implemented has seen numerous developments over its brief existence. First, this section seeks to outline the general framework and process followed in seeking to design and receive approval for the Student Legal Services Center. Second, it explains the methodology and reasoning used to approach designing the Student Legal Services Center.

Process

Campus Services Fund

The Campus Services Fund (CSF) represents the culmination of 4 years of concerted efforts by SSFC leadership to shift the mentality within ASM away from depending solely on the GSSF and RSOs to provide campus services, and 18 months of design and work by myself and others in actually having a finished process that could be used. In the winter of 2009, I began work on this process with several other student leaders so that ASM might have way by which it could design and implement important services for the student body outside of viewpoint neutrality, without the purchasing constraints placed on RSOs, and outside of the typical budgeting cycle. Actual research and design took 9 months, over the course of which a number of parties were heavily consulted, including the Office of the Dean of Students and the Office of Administrative Legal Services. In the fall of 2010 I put on 4 presentations totaling an hour and a half to 2 hours each, conducted 2 town halls, and set up 3 open forums in an attempt to get feedback and sell the process and the idea to the student leaders on campus. Unfortunately, several groups receiving GSSF funding saw this potentially jeopardizing the funding they may receive in the future, and staged several protests of more than 100 students to block implementation and try to keep the GSSF as the only mechanism to fund student services. This effort was successful, and saw the CSF sent to the Rules Committee, meaning no official process has been installed for the nearly the entire duration of this project. An amended and simplified version of this process was reintroduced in April, and was finally adopted on April 27th.

The CSF is designed to circumvent viewpoint neutrality by employing what has been considered government speech, whereby the government is able to promote a message it feels is necessary for the

well-being of its constituents simply at the exclusion of other messages. The key characteristics of this process are:

- ASM generates the terms of the request. This isn't an application or application process, and keeps complete design and cost control in the hands of the student government
- This process can be initiated at any point. ASM is no longer bound by the traditional 6 month budgeting window.
- This process can carry over from year to year. With student turnover in ASM so high (~80% yearly and nearly 100% every 2 years), it has been near impossible to succeed on any projects that take longer than 1 session to complete.
- This process allows for the creation of a group with specialized knowledge charged with designing a service, helping to ensure viable proposals and design, instead of unqualified individuals weighing in because they are able to.

The CSF affords a framework by which to go about designing any service outside of the constraints explained in earlier sections. Even though not officially in place, the process followed up until this point has been largely identical to that of the CSF to aid in its eventual transition into the official process.

Special Tasks Group

First, in order to even begin designing a Student Legal Services Center for UW-Madison preliminary approval was sought from the SSFC. The committee spent 2 meetings discussing the idea in early January in the abstract, and approved an initial \$50,000 in startup costs. The next step in the CSF would have called for Student Council preliminary approval and the appointment of a board charged with designing this service.

Prior to receiving preliminary Student Council approval, I met with the editorial boards of both student newspapers, the Badger Herald and Daily Cardinal. Both papers gave endorsements for the creation of the SLSC, and are attached as appendices 2 and 3. To further shore up understanding for the necessity of preliminary investigation into the project at Student Council, I lobbied individually with numerous members. With these endorsements, SSFC approval in hand, and a large base of member approval, I went to the Student Council and proposed the idea of the center as well and was given the unanimous authority to initiate a Special Tasks Group (STG).

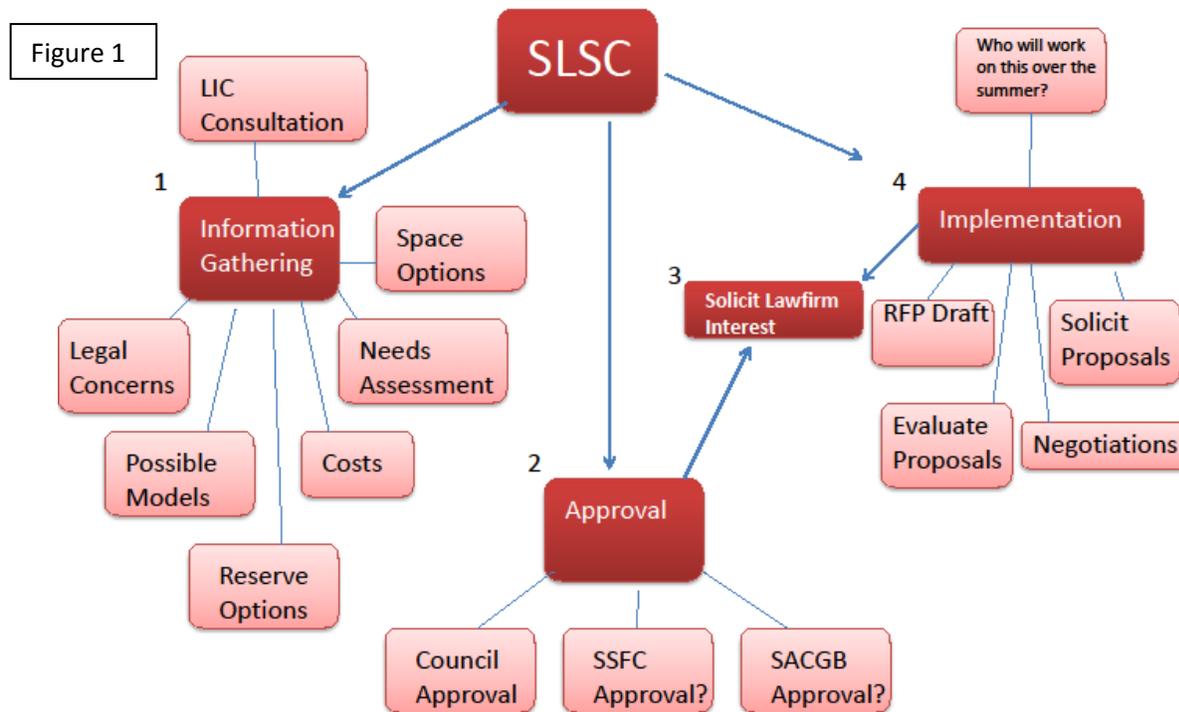
The Special Tasks Group is designed as a stand-alone 6 member board with the authority to conduct all relevant fact finding, information gathering, contract analysis, address logistical implementation concerns, conduct cost-benefit analysis, seek office space, and secure appropriate budget authority. This work would result in a completed service proposal, to be forwarded to the Student Council and SSFC. Given the incredibly complicated nature of designing such a service, I solicited individuals with relevant experience and a demonstrated work ethic to aid me in this task. The group is made up of:

- Matthew Manes (myself), 17th Session SSFC Chair
- Brandon Williams, 17th Session ASM Chair and 16th Session SSFC Chair
- Sarah Neibart, 18th Session SSFC Chair
- Tyler Junger, 16th Session ASM Chair and 17th Session SSFC Legal Counsel
- Cale Plamann, 3L law student and member of SSFC
- Ray LaBarge, 3L law student and President of the Legal Information Center

As a group, we established a weekly meeting time of 6pm on Sundays. In coordinating with the rest of the organization and the division, frequent meetings were set up with ASM Director of Staff and Services Lisa Aarli and Financial Program Supervisor Rich Sterkowitz along with a weekly discussion with Associate Dean of Students Kevin Helmkamp

Methodology

The first meeting of the Special Tasks Group was on February 13th. The group first identified all areas of concern that the STG would need to engage in at some point and developed the strategy map labeled as figure 1:



Using this strategy map, the group further identified this list of tasks and areas of inquiry to be explored:

- 1) Models in existence at other Universities. This entails contacting other Big-10 Schools, as well as other UW-System schools to acquire their Requests for Proposal/Bid and any contracts they may have in effect.
- 2) Cost of implementation at this university. This would need to be done in conjunction with exploring the models in existence, as well as startup cost assessment and space assessment.
- 3) Space and location assessment. Space is incredibly limited on this campus, and would probably entail constructing a new office within an existing building. Areas identified to explore were Memorial Union, Union South, The Red Gym, the Student Activity Center.

4) A student needs assessment. A student body wide survey immediately came to mind, however so did questioning the usefulness of one. It was thought the primary needs assessment should probably come from statistical analysis of usage at other schools, with schools of similar size and monetary resources used as analogues.

5) Legal Concerns. The Office of Administrative Legal Services would need to be consulted to ensure that the SLSC complies with all relevant legal concerns, such as malpractice and conflict of interest.

6) Financing options. The Office of the Vice Chancellor for Administration would need to be engaged. UW-Madison operates on a July-June Fiscal budget, while ASM's budget is drafted in November and solidified in February, with few opportunities for revision. Given this process began in January, first year operating costs would therefore necessitate a massive transfer of funds (potentially several hundred thousand dollars) from ASM reserve accounts. Such transfer authority requires direct involvement from the Vice Chancellor for Auxiliary Operations, as well as approval from the ASM Reserve Board.

7) Potential Law Firms. As any contract put out requesting legal services of this nature would be atypical and unknown, candidate law firms capable of providing the legal services desired must be identified and solicited. Additionally, they may be able to aid in either service construction or cost estimations.

With a basic understanding of the workload involved, we set out designing a timeline and task breakdown for group members. An ambitious timeline of 54 days was established complete all information gathering outlined, generate a workable proposal, and to forward that proposal for approval to Student Council and SSFC. Unfortunately, this ultimately proved unattainable, especially as the semester wore on and schoolwork and other more pressing matters divided the group's attention from the task at hand. The group eventually decided to go on hiatus in mid-April and to reconvene after finals had concluded in May. The following sections outline the progress made in fact finding, additional methodology, analysis, and design to date, along with recommendations moving forward into the summer and next school year.

Survey Construction

It was initially felt that a survey or specific needs assessment of this campus would be unnecessary. Given the complexity of the issue and general student apathy a concern was raised that any detailed survey sent out might have a response bias and be potentially misleading. The usage and general areas of law engaged in was relatively consistent across peer institutions, and given our recent experiences with contentious segregated fee increases (NatUp, Union South), it was thought that a fee of \$2-3 per semester would be adequate and non-controversial, as it would generate \$150,000-\$225,000 in revenue annually and go relatively unnoticed by the student body.

During a class where we were practicing conducting interviews and focus groups, I decided to use this project as my topic and see what my peers felt about it. When I inquired about the desire for this service and willingness to pay for it, however, I was shocked at the degree of enthusiasm people had for it. Nearly everyone I talked to supported it, and a common cost individuals would be willing to pay held around \$50 per semester. A fee of that size levied onto the student body would generate approximately \$3.75 million in revenue, nearly quadruple the largest cost encountered at any of our peer institutions (and nearly equivalent to the cost of the proposed Natatorium renovation project). With this anecdotal evidence, we reevaluated the need to do a student cost and needs assessment and decided to put out a survey.

The most important factor identified to address when designing this survey was far and away response rate for a number of reasons. In viewing the previous two ASM Student Council sessions, the body has and will continue to value general constituent opinion as the most important consideration for decision making. More than once solid proposals and ideas have been shot down for lack of student feedback. For any survey or vote to be given serious consideration, it must represent not only a statistically significant segment of the student body, but in absolute terms have high turnout as well.

In order to achieve as high a turnout as possible, several primary areas to address in construction were identified. First, the only way to effectively distribute the survey to the entire student body is via email. The student body is notoriously apathetic to the goings-on of ASM, and even more so with emails they receive from it. Most students read the subject line or the sender and simply delete the email, so the first impression in the subject line is absolutely critical to get students to at least open it and read it. Second, since students are so apathetic about ASM, and get email requests all the time asking for survey participation, there needed to be an incentive to actually fill it out. Lastly, people in general don't like to spend much time on something they have no interest in, so to get people to read and complete the entire survey it would need to be extremely short and concise.

The largest hurdles in justifying a Student Legal Services Center are establishing need, desire, and ability to pay for it; specific areas of law or needs could be determined at a later date by either follow up surveys or analyzing usage at other schools. Considerate of these factors, the questions themselves needed to be designed in such a way that struck directly to heart of those issues. The underlying questions we needed answered, therefore, became “is there a need for this service on campus, does the student body want this service, and what would be a reasonable amount that people would generally consent to being charge for this service?”

Survey Design

Given these identified priorities, the survey was designed and administered through Qualtrics Survey Hosting Service at survey.wisc.edu and appeared as follows:

ASM is currently in the process of designing a Student Legal Services Center to be made available to all UW-Madison students. Common among our Big Ten peer institutions, student legal services represent an area of campus life that many students find beyond their reach or don't know how to go about acquiring.

This center would be staffed by attorneys made available to help students through a wide variety of legal situations, including but not limited to representation in arguing drinking tickets or misdemeanor charges and retrieval of security deposits in landlord-tenant disputes. This service would be made as accessible and available as is feasible, so that no student would find themselves being taken advantage of or forced to have their college experience compromised from simple inability to find legal representation and aid.

During your time as a student, have you found yourself in a situation that might have or did warrant legal aid?

- Yes
 No

Would legal services of this description be something you think ASM should provide?

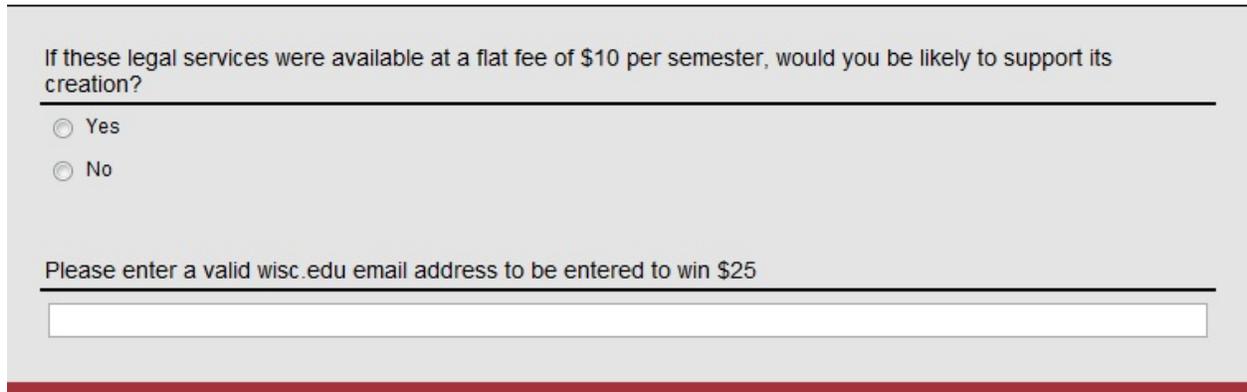
- Yes
 No

What do you feel would be a reasonable amount for a student to pay for access to legal services of this nature?

- \$0-25
 \$25-50
 \$50-75
 \$75-100
 \$100+

At most, how much would you be willing to pay? Please enter a whole positive number with no symbols or spaces.

The final question was placed on a separate page so as not to influence respondents' answers to other questions:



If these legal services were available at a flat fee of \$10 per semester, would you be likely to support its creation?

Yes

No

Please enter a valid wisc.edu email address to be entered to win \$25

Survey Distribution

In order to aid in overcoming the response rate challenges identified, distribution of the survey had the following characteristics:

The subject line for the email read “Complete a 1 minute survey to help students - Win \$25”. This conveys the survey brevity and provides incentive to do it. A random student will be chosen to win the money.

The email body was of very simple construction, and appeared as shown on the next page.

Student Services Finance Committee

ASM

Dear UW-Madison Student,

ASM is in the process of designing a Student Legal Services Center. We are currently looking for feedback on whether this is a service you would want to see made available for the Fall 2011 semester. The survey below takes about 1 minute to complete, and by doing so not only will you help enrich the campus for the future, but you'll be entered to win \$25 cash!

https://uwmadison.qualtrics.com/SE/?SID=SV_2cpIydOdMSRrF88

Sincerely Yours,

Matthew Manes
Chairman, Student Services Finance Committee



Section 4

Results, Analysis, and Basic Foundational Implementation

Despite the inability of the Special Tasks Group to reach its ambitious goal of generating a finished proposal, a significant amount of progress has been made in nearly all the categories identified as needing to be addressed. In this section, each of those categories will be individually addressed, to be used in providing recommendations moving forward in designing a Student Legal Services Center and crafting a finished proposal.

Legal Considerations

Over the course of the semester I met twice with Nancy Lynch, the Associate Director for the Office of Administrative Legal Services (OALS). The following are a series of points to consider as a design for a Student Legal Services Center at UW-Madison begins to take shape.

- ASM cannot hire attorneys and have them on the University payroll. Only OALS may have attorneys within the University structure, and OALS represents the university as an institutional entity. This option is off the table. These services therefore need to be contracted out.

- Be extremely cognizant of the cost structure employed. Some law firms will negotiate flat rates per type of case, others are open to hourly rates, and both need to have minimum and maximum amounts awarded. Consider avoiding potentially lengthy (multi-year) and involved cases. Insulate against being taken advantage of by potential firms.

- In recent years challenges and revisions have been brought up to the way the University handles academic and non-academic misconduct. Specifically, student rights to representation in these hearings, both against the university and against fellow students are in flux. This center cannot be used to sue the university, nor can it be used to represent one student against another.

- Very clearly define the scope of each area of law engaged. Some areas of law we don't want to touch, others we will want full representation, others we'll only want advice. Know exactly to what degree these attorneys will engage an issue, or put in place a preliminary review mechanism for any questionable cases.

-Be extremely diligent in protecting client records and confidentiality. Who maintains the records? Where are they stored, on University property or elsewhere? Does anything reside on the University servers? Make sure each scenario is thoroughly vetted, and that the appropriate departments (OALS, DoIT, DoSL) are completely aware of the agreement and expectations.

-Have a strong accountability mechanism in place. Track usage, types of cases, costs, time per case, etc. Involve student oversight at some point in the standard operations of the Center, and put in place a strong review mechanism to ensure services and costs are reflective of what the student body needs.

- Legal services, except where the governor has approved hiring an attorney to provide student legal services at an institution, is expressly prohibited by F50. There exists several viable strategies to circumvent the restriction or receive authorization for this service, amongst which includes OALS offering to aid in generating and filing the request. This restriction is not a concern at this time.

Preliminary Model and Peer Institution Analysis

The 12 Big Ten Universities as well as the Universities of Wisconsin at Oshkosh and Milwaukee were contacted to determine the levels, if any, of services provided for students in the form of legal help, advice, or representation. Of the 14 schools contacted, only 4 provided workable model information. Of these, only the University Student Legal Services at the University of Minnesota – Twin Cities provided substantial information, including services provided, usage statistics, and complete model breakdown. Table 1 provides a summary of information acquired.

Table 1	U of M - Twin Cities	Michigan State	Penn State	UW- Oshkosh
Cost	\$1,076,000	\$400,000	Unknown	\$36,000
Staff	(5) Attorneys, full time (2) Legal Assistants (1) Paralegal (1) Associate (1) Financial Specialist (1) Receptionist	(2) Attorneys, full time (1) Attorney, part time (1) Director, non-student (1) Receptionist (?) Student Hourlies	(?) Attorneys (1) Director, non-student (1) Legal Assistant (1) Staff Assistant	(1) Attorney, part time
Method used to gain services	Hired through University	Contracted Attorney	Unknown	Contracted Attorney
Services Offered	Full Representation	Full Representation	Limited Representation	Legal Advice

Email correspondences with these 4 schools and Indiana University revealed two recurring themes of note:

- There was overwhelming student support for the services offered, regardless of the service scope or size, and
- Help with Minor in Possession cases, Underage Drinking citations, and tenant/landlord disputes were amongst the most common aid sought

Given the information collected from these schools, it can be inferred that UW-Madison would have similar needs as other schools that use such a program. Correspondences also revealed ASM's relationship with students is functionally the same as these peer institutions, and it is reasonable to

assume, given a certain scope, our student legal services would be utilized to a similar degree in similar ways as other programs.

Basic Student Need/Student Payment Assessment

Survey Results and Analysis

After reading a brief explanation of the intent and general design of the Student Legal Services Center, 5 questions were asked of respondents, with the final question appearing on a separate page so as not to influence responses for the other 4. At the time this analysis was done total survey participation had 2874 responses, which translates to 7.1% of the general student body and a survey response rate of 7.9%. These rates are different because the listserv used did not have all students' email address entered into it, and sent to 36,243 of 40,428 enrolled students. A \$10 fee benchmark was chosen for both the questions and analysis as an operational cost threshold. This fee would generate approximately \$750,000 in revenue and be able to cover most models encountered. The results garnered are as follows.

1) During your time as a student, have you found yourself in a situation that might have or did warrant legal aid?

#	Answer	Response	%
1	Yes	886	31%
2	No	1,985	69%
	Total	2,871	100%

At 99% certainty, the proportions for this response produce confidence intervals of +/- 2.22%. This is highly significant, both statistically and in terms of apparent student need. If approximately 30% of the student body has need of this service, it could potentially represent a serious failure in the eyes of SSFC and the Student Council for both the student government and the administration. This further confirms the assumption that the need apparent at other schools exists at UW-Madison.

2) Would legal services of this description be something you think ASM should provide?

#	Answer		Response	%
1	Yes		2,101	74%
2	No		756	26%
	Total		2,857	100%

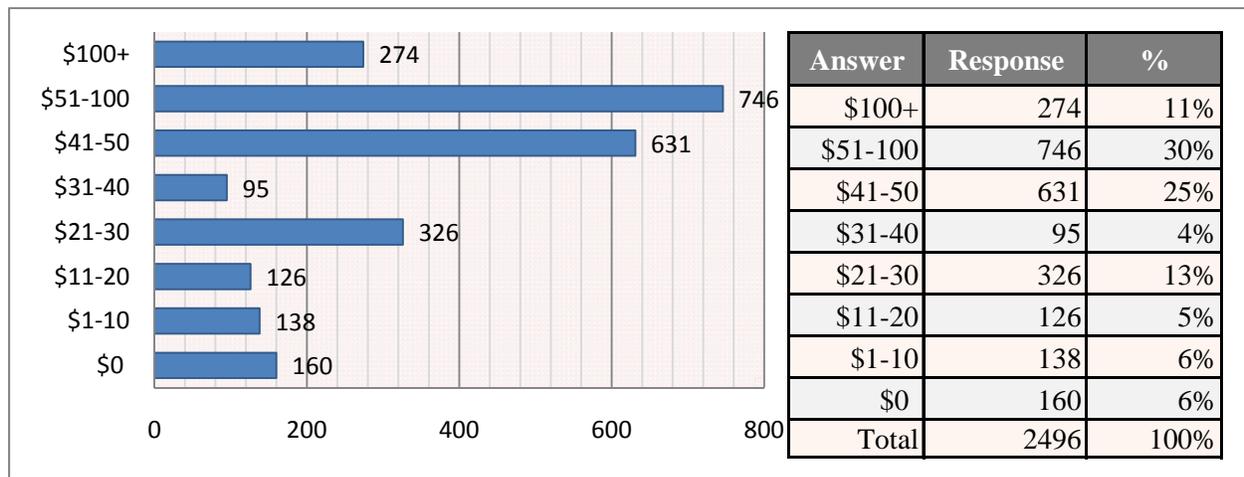
At 99% certainty, the proportions for this response produce confidence intervals of $\pm 2.13\%$. Even more shocking than the need established in question (1) is the apparent reality that $\sim 75\%$ of students, when given the choice, would want ASM to provide this service for them. In terms of directly serving student interests, this result further confirms the assumption that general student body would want ASM to fill the need identified in question (1).

3) What do you feel would be a reasonable amount for a student to pay for access to legal services of this nature?

#	Answer		Response	%
1	\$0-25		1,119	39%
2	\$25-50		986	35%
3	\$50-75		434	15%
4	\$75-100		193	7%
5	\$100+		120	4%
	Total		2,852	100%

At 99% certainty, the proportions for this response between answer 1 and all answers above it (39% and 61%) produce confidence intervals of $\pm 2.16\%$. Intended to help elucidate the core question of a reasonable fee for consent, a clear mistake was made in designing the responses. This question, as asked, is unable to discriminate between students who wouldn't want this service, and would therefore think \$0 is a reasonable amount, from all other students. Helpful information can still be gleaned, however, as it is still somewhat informative that $\sim 61\%$ of students believe a cost of \$25 or greater to be reasonable.

4) At most, how much would you be willing to pay? Please enter a whole positive number with no symbols or spaces.



At 99% certainty, the proportion of respondents answering greater than \$10 produces a confidence interval of 12% +/- 1.67%. This percentage is incongruent with the findings of the other 4 questions, most notably question 5, and may be invalid for several reasons. Overall there was a lower response rate to this question than others, and given the freedom of individuals to type in a response, may have skewed the result as an additionally large number of responses had to be thrown out due to invalid answers. With these concerns, from this question it is only reasonable to say that most students continue to appear to be willing to pay a fee greater than the threshold benchmark set for operations.

5) If these legal services were available at a flat fee of \$10 per semester, would you be likely to support its creation?

#	Answer	Response	%
1	Yes	2,069	72%
2	No	801	28%
	Total	2,870	100%

At 99% certainty, the proportions for this response produce confidence intervals of +/-2.16%. This question appeared on a separate page after the respondent had answered questions 1-4 so as not to unintentionally bias the result. This question is the most important one asked, as it indicates both support for the service and a willingness to pay for it at the operational cost threshold. When evaluated with

question (2), it appears the same proportion of students who feel ASM should provide this service is also willing to pay for it.

Cost Projections

Generating realistic cost estimates has proved to be one of the most difficult aspects of the SLSC to attain. This stems from lack of a concrete and finished service proposal, and the immense number of variables involved. In order to aid in planning, several simple variables were evaluated and assumptions made.

Two basic models exist for billing of legal services: flat fee per type of case, and hourly. Although a flat fee could serve to insulate ASM against wasted time and overbilling, without any sort of foundation on which to base usage projections such a model is impossible to construct. Additionally, although it may be appealing, usage of this service at UW-Madison would likely see such consistent volume, based on peer institution use, over the course of the year that it is unlikely to be feasible even if such numbers were known. For these reasons this model will use hourly rates as an assumed variable.

From this, hourly billing is also highly variable. Established and prestigious law firms can charge upwards of \$300 per attorney per hour, whereas newly graduated law students are facing such employment shortages currently as to be readily available at \$20 per hour. This model will use several fixed points along that spectrum.

Finally, the model assumed 1) each attorney works a fixed 40 hours per week for 52 weeks, and 2) each attorney also comes with an estimated fixed overhead cost of \$20,000 per year. Table 2 demonstrates these projections in terms of overall cost, while table 3 provides the same breakdown in terms of the fee that would, on average, be assessed of students.

Table 2		Total Cost Projection					
# of Attorneys	Cost per Attorney per Hour						
	\$20	\$30	\$40	\$50	\$60	\$100	\$200
1	\$61,600	\$82,400	\$103,200	\$124,000	\$144,800	\$228,000	\$436,000
2	\$123,200	\$164,800	\$206,400	\$248,000	\$289,600	\$456,000	\$872,000
3	\$184,800	\$247,200	\$309,600	\$372,000	\$434,400	\$684,000	\$1,308,000
4	\$246,400	\$329,600	\$412,800	\$496,000	\$579,200	\$912,000	\$1,744,000
5	\$308,000	\$412,000	\$516,000	\$620,000	\$724,000	\$1,140,000	\$2,180,000

Table 3 Cost per Student per Semester Projection							
# of Attorneys	Cost per Attorney per Hour						
	\$20	\$30	\$40	\$50	\$60	\$100	\$200
1	\$0.82	\$1.10	\$1.38	\$1.65	\$1.93	\$3.04	\$5.81
2	\$1.64	\$2.20	\$2.75	\$3.31	\$3.86	\$6.08	\$11.63
3	\$2.46	\$3.30	\$4.13	\$4.96	\$5.79	\$9.12	\$17.44
4	\$3.29	\$4.39	\$5.50	\$6.61	\$7.72	\$12.16	\$23.25
5	\$4.11	\$5.49	\$6.88	\$8.27	\$9.65	\$15.20	\$29.07

Space Assessment

The space assessment as conducted confirmed the initial suspicions of the Special Tasks Group. The Director and Associate Director of the Wisconsin Union were first consulted. They were able to offer no space in the foreseeable future at Union South, and could only offer a relatively small and inaccessible space in Memorial Union until renovations began in approximately 1 year. The Director for the Center for Leadership and Involvement was then consulted for space options in the Red Gym. Although the Office for Admissions and the McBurney Disability Resource Center were in the process of moving out to a new location, all the space freed up by them had already been allocated.

This left the Student Activity Center as the only viable option encountered, as ASM has complete discretion over space allocations on floors 3 and 4 of 333 E. Campus Mall. Of two potential office locations identified, one would have required unacceptable structural remodeling. This left an underutilized project room on the 3rd floor as the last potential option. This project room is positioned in the front of the building, has large glass windows, and adequate space to house several individuals comfortably. Renovations would be required to finish the room and remove cabinets and a sink. A request was submitted to UW Physical Plant on March 24th to provide a cost estimate of the renovations, however they appear to have lost the request and there is no further information available at this time. The request will be resubmitted shortly.

First Year Costs

As mentioned earlier in this report, UW-Madison operates on a July-June Fiscal budget, while ASM's budget is drafted in November and solidified in February, with few opportunities for revision. In order to allow for the opportunity of a Student Legal Services Center to be implemented in the 2011-12 school year, ASM would need to begin the year with a substantially larger cash balance than is typical. I met with the Vice Chancellor for Auxiliary Operations and discussed the situation with her. With the approval of the ASM Reserve Board, \$400,000 has been allocated from unspent ASM reserves to carry over into the next fiscal year and with it budgetary authority awarded for the creation of a Student Legal Services Center. Additional reserves up to \$500,000 could potentially be made available based on future reserve projections and demonstrated need as a proposal is adopted. This will hold the student body neutral to a fee increase for the first year while still allowing for the possibility of service implementation, as any funds not spent from these accounts simply roll back over into the reserves at the end of the year and do not impact the levy.

Candidate Law Firms

Given the atypical nature of any request for proposal/bid ASM would put out for student legal services, candidate law firms to solicit have been identified. Although they may prove additionally useful in aiding in service design, representatives from Michigan State indicated that allowing the firm they contracted with to aid in writing the contract was a significant mistake and very ill-advised.

In consulting with law students and conducting general research, 5 firms have been identified in the Madison area as possible candidates. A brief profile has been generated for each, and is attached as appendix 4.

Section 5

Design Recommendations and Evaluating Program Effectiveness

This section will seek to outline several recommendations. First, an alternative to contracting with a law firm involving the creation of a new LLC, non-profit, or corporation should be researched and pursued. The second set of recommendations pertains to directing the Special Tasks Group's attention as it continues to design the SLSC, and the next step after eventual completion of the proposal. Lastly, a reporting mechanism should be installed along with any services that come out of the SLSC proposal.

Alternative Contract Model

Understanding and investigating the feasibility of creating a custom legal entity outside of the university structure to provide the legal services in the proposal should not only be actively pursued, but should be given high priority. Such a maneuver, as outlined below, would be significantly more complicated than a standard contract but provide **potential savings of hundreds of thousands of dollars** in addition to a more responsive service. If the proposal is to be completed in a reasonable time frame, this recommendation needs to be given as much time as possible to be evaluated and understood.

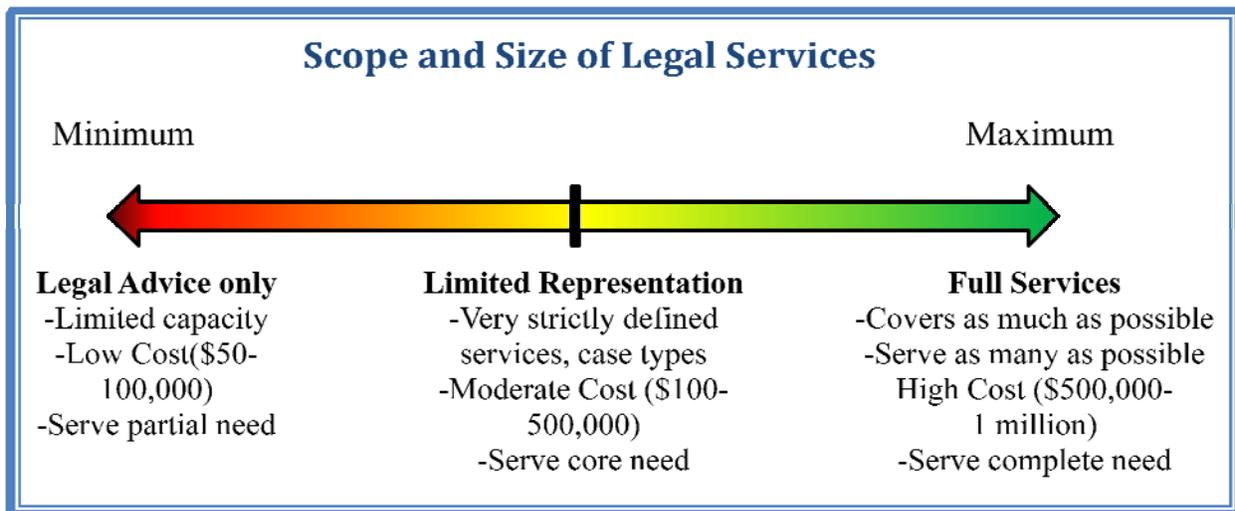
There are several sizeable benefits to creating a custom entity to fulfill a campus request for legal services that warrant such additional consideration. First, the organization could be designed from the ground up to specifically meet all the needs and requirements outlined by ASM. A new organization with a stable and known contract would avoid many of the problems inherent to contracting with a private practice law firm, most notably extremely high hourly rates which include overhead and profit for the private firm. Enormous savings could be had by primarily employing recent law school graduates who would be willing to work for a small fraction of what their established private counterparts would. A portion of these savings would be mitigated by start up costs associated with overhead such as physical resources, malpractice insurance, legal research costs, advertising, and filing fees, however these should still amount to less than that of a private firm. It should also be noted that given the relationship between two ASM organizations as opposed to ASM and a private firm, **the terms of the contract and the number of employees it funds could potentially be scaled in the implementation phase in addition to shortly thereafter**. This would allow the actual services provided to be more responsive faster in differences that

come up between what an accepted proposal would anticipate versus what the implemented service encounters.

Second, ASM could potentially have much more direct control and input in the operations of the entity itself if it were to be custom created. The rules of professional conduct for attorneys in Wisconsin have strict requirements regarding the independence of attorneys. These requirements ban lawyers from operating in an organization that is subject to the control of non-lawyers unless the organization is not for profit. Even then, only limited types of organizations can apply for tax-exempt non-profit status. The ASM Foundation, a 501(c)(3) tax exempt non-profit, is already in existence under ASM control and could potentially be made capable of meeting these requirements. This would give a tremendous degree of control in specifying how and under what circumstances specific legal situations are handled, providing direct accountability back to the students who are both using and paying for this service. If it would be impossible for the ASM Foundation to control or own the new entity, ASM could still create a Limited Liability Company or a Professional Corporation that would function in addition to the ASM Foundation. This entity would function like any other law firm, but would still be custom designed to meet the specifications identified by ASM.

Type of Design

There exists 3 fundamental models on which to provide legal services to campus: 1) legal advice and limited commitment, 2) legal advice and limited representation, and 3) full services offered. Each is able to serve different needs at different costs, as demonstrated in figure 2:



Based on the survey response and apparent need at UW-Madison it is recommended that, dependant on the ability to create a custom entity, one of two courses in design is taken. If a custom entity is to be created, capacity, services, and need served should be the most valued characteristics. From the survey, it would appear that most students are comfortable paying enough for those characteristics that cost is no longer an overriding factor. This would suggest an initial design beginning somewhere in between limited representation and full services. Any service in its first few years will see an increasing trend in usage as students become aware and accepting of it on campus, followed by a leveling off as it becomes ingrained as an available service. A custom entity could potentially be highly responsive to increases in demand and have lower costs, allowing for a better service to be offered initially and allowing for a rapid phase-in to maximum capacity if it was warranted.

If a private law firm is to be contracted with, cost should once again become the most important determining factor of type of service sought. Depending on the services and demand, the cost of a full service contract could easily exceed students' ability and willingness to pay. Since such a contract would likely be adjustable on a timescale of years, it would be wise to err on the side of caution and seek a design near to the limited representation mark.

Finally, the legal advice only route, while better than no legal services, at a campus of this size and need does not represent an avenue worth actively pursuing. Such a service would constantly be found wanting, and it should be of similar difficulty to institute a number of the more expansive models.

Special Tasks Group Continuation

Upon resuming work on creating the rest of the proposal, several additional recommendations for the Special Tasks Group in moving forward should be considered.

First, a concerted effort to procure additional detailed models such as the one provided by the University of Minnesota – Twin Cities should be pursued. The usefulness of having working models from which to base your own design off of cannot be understated, especially given the complexity of designing such a service. This could potentially reduce the workload of the group significantly, as desirable characteristics could be cherry-picked from successful models instead of synthesized based on estimation and inference.

Second, a detailed outline of the areas of law, the scope of those areas, and the degree of involvement expected by the providers of this service should be generated. This will be critical in determining what

law firm to contract with if that route is taken, or aid in hiring attorneys with specific skills in the case ASM decides to create its own entity to contract with.

Third, UW- Purchasing Services and the ASM Foundation should be proactively outreached and engaged. The former determines how the contract request is handled and generated, which will be a difficult process given the unique nature of this contract request in the history of this university. The latter could allow or aid in creating a custom entity capable of filling all of the needs established in the eventual proposal.

Finally, new members should be brought in to the Special Tasks Group as several members graduate to aid in the carryover of institutional knowledge that will be necessary in going from designing the service to implementing it.

Process Continuation

In the eventuality that the Special Tasks Group is successful in completing its charge and producing a viable proposal for a Student Legal Services Center, ASM must be incredibly mindful of the fact that this process is still operating outside of any official segregated fee process. To ensure the legality of the remainder of the process, and guarantee decisions made by ASM able to be effectively implemented, the proposal and its consideration should immediately be inserted at the appropriate point into the Campus Services Fund process as approved on April 27th. This can be done through a simple resolution by ASM, however official and specific student government action should be taken so as not to put the organization or its ability to generate revenue in legal jeopardy.

Law School Involvement

If a proposal is eventually adopted and a Student Legal Services Center implemented, it is recommended that the UW Law School be approached and the feasibility of integrating this service into a law clinic be evaluated. Although approached at the initial onset of the STG's creation, it was determined that such integration would not be feasible in before that. Such a move would provide two additional benefits to students on campus. First, it could be used to continue to cut down costs as law students are able to do much of the same work as attorneys yet would require little, if any, compensation. Second, it would

provide an additional educational opportunity for students at this university to learn and develop the craft for which they are going to school for.

Evaluating Program Effectiveness

If a proposal is eventually adopted and a Student Legal Services Center implemented, there should be put in place mechanisms by which to evaluate the effectiveness of the service as outlined in the initial proposal and provide for clear changes to be made in response to the evaluation.

The primary mechanism by which to do this is tracking the operations of the service and compiling the findings into monthly or quarterly reports. Aspects of the SLSC to be monitored should, at minimum, include:

- The number of cases opened and closed by the staff
- The types of cases brought to the service
- The length of time until case resolution, and the manner by which that resolution was achieved (successful in favor of the student, student loses, student leaves, etc)
- Workload of the staff
- Student satisfaction of services
- Significant or major cases engaged in

These reports could then be used to identify patterns or trends, promote successes of the service, or notice problem areas and identify ways to improve.

Appendix 1

Glossary

Allocable SUF - Those fees which provide support for student government, student organizations, campus media, bus services, and other student-controlled services and activities.

Associated Student of Madison (ASM) - The recognized student government at the University of Wisconsin- Madison.

Campus Services Fund – A new funding stream designed to provide comprehensive budgets and a process by which ASM can initiate and maintain important services for the student body. This is a non-viewpoint neutral funding stream that has been specifically designed to operate outside of the legal restrictions placed on SSFC over the past 11 years.

Financial Policy F-50 – The governing Regent policy that delineates appropriate uses for segregated fees.

General Student Services Fund (GSSF) - An allocable SUF fund established and administered by SSFC to provide comprehensive annual funding to student organizations with service missions, identified by objective criteria in the ASM bylaws.

Legal Information Center – An RSO that provides free legal information and referrals to individuals seeking assistance with legal issues, both students and community residents alike. They can provide basic legal information, legal forms, and similar assistance.

Non-Allocable SUF - Those fees which provide support for long-term obligations and debt management, including support for student unions, health services, and SUF-supported building projects.

Appendix 1

Registered Student Organization (RSO)- A student group registered through the Office of the Dean of Students' Student Organization Office.

Segregated University Fee Allocation Committee (SUFAC) - A student-led committee on each UW system campus responsible for the disposition of SUF, pursuant to §36.09(5).

Segregated University Fees (SUF) - Fees assessed in addition to tuition for the support of student services, activities, programs, and facilities which are not integral for the instructional or research mission of the university.

Southworth et al v. University of Wisconsin Board of Regents (Southworth) - A 2000 United States Supreme Court case in which a UW-Madison student argued that mandatory student fees providing funding for student organizations with which he disagreed violated his first amendment rights. The Supreme Court found in a unanimous 9-0 decision that segregated fee allocations constituted a limited public forum and were therefore constitutional, as long as they are allocated in a viewpoint-neutral manner using objective criteria.

Student Services Finance Committee (SSFC) - A subsidiary of ASM student government and the recognized SUFAC on the UW-Madison campus.

Viewpoint Neutrality – The first amendment protection afforded individuals seeking to engage in free speech. When making decisions, the government cannot consider an individual's viewpoint to either promote or squander that message. All decisions must be made without value judgments.

Appendix 2

Legal center deserves support

ASM should approve a budget for the Student Legal Services Center.

By [The Daily Cardinal Editorial Board](#)

Published: Tuesday, January 25, 2011

Hidden in the depths of the Student Activity Center, behind the door of Office No. 1, lies a location few people ever tread. It is a forlorn place of great potential but virtually no resources. This place is the Legal Information Center. Staffed entirely by volunteer law students and undergrads, the Legal Information Center seeks to fill a hole in the campus community by providing residents with the resources they need to deal with various legal difficulties that college students often encounter. While the Legal Information Center strives to provide the best services it can, it is still hamstrung by a series of crippling limitations.

For one, there are the obvious difficulties of using an entire volunteer staff, which entails significant turnover and makes it difficult to ensure proper training for each staffer. But more importantly, the center is legally prohibited from dispensing legal advice. As no licensed attorneys work at the center, all it can provide are simple information on statutes and some basic legal forms. For any student with real legal troubles, the best the Legal Information Center can do is provide a referral.

Thankfully, there may be a solution in play to provide the student body with legitimate legal resources. Student Council Chair Brandon Williams and Student Services Finance Committee Chair Matt Manes recently introduced a proposal endorsing a new Student Legal Services Center, which would be able to provide a much more expansive level of services than the current Legal Information Center.

The key difference is money. The Legal Information Center has long gone without funding from the General Student Services Fund due to poor leadership in the past. An ASM-endorsed Student Legal Services Center would not have such a problem. It would be provided with a budget to advertise its presence and properly staff itself with professional attorneys. This would be a vast improvement for students merely looking for some advice on how to handle a drinking ticket or deal with an obstinate landlord.

Manes had previously mentioned a revamped legal center last semester when pushing the Campus Services Fund, and it is good to see that he and Williams are continuing to pursue such a project even after the CSF was shelved. Professional legal counsel is something that UW-Madison students sorely need, and it would come with a relatively small price tag. An increase in segregated fees of just \$2 would be enough to pay one attorney's salary, and there are plenty of unemployed graduates from the UW Law School alone who would consider this respectable pay. There has been some discussion over whether a committee is necessary to properly plan for the center, and as the proposal is in the early stages, a task force of some sort is probably a good idea. However, we urge ASM to push forward with the Student Legal Services Center as quickly as possible as students should not have to wait another year for such basic assistance. Because right now, the Legal Information Center just won't do.

Appendix 3

Legal Services Center a good consolation for CSF

By [Badger Herald Editorial Board](#)

Sunday, January 23, 2011

With [Student Services Finance Committee](#) Chair Matt Manes' proposed Campus Services Fund trapped in the netherworld of student government bureaucracy, this campus lost a valuable opportunity to witness proactive change to its process for funding student groups.

The CSF, which would have allowed certain organizations, such as tutoring services and legal advice, to circumvent normal funding processes, was that opportunity.

But with trademark bellicosity, Manes has refused to put his plans to rest. Instead, he has urged [Student Council](#) to create a task force which would study the creation of a legal services center — the same type of group that would have theoretically been created by the passage of the CSF.

The task force would be composed of six members with a strong commitment to seeing the center get funded, and they would have roughly two and a half months to create a working proposal.

While such unorthodox methods for the creation of a new service are always worthy of scrutiny, we strongly support the creation of a Legal Services Center. There are a great many students trapped in one legal quagmire or another, and a body that could provide advice for those who are attempting to understand their situation is not only appropriate, but critical.

The creation of a legal services center would also be a means for [Student Council](#) to give definitive proof that it is not merely a deliberative body. By taking immediate action to provide a service that is very much in demand, this campus' representatives can transcend the excessive resume-padding and inane leftist-moderate bickering that has come to define the organization since its inception.

Even if a Legal Services Center cannot directly provide advice, it can help students navigate the painful complexities of the adversarial system. This is doubly true for those without the financial means to hire a private-sector lawyer. For them, this limited form of aid is better than none whatsoever, and we urge [Student Council](#) to reflect this reality in its vote.

Appendix 4

Community Justice Incorporated

222 S. Hamilton St · Suite 22

Madison, Wisconsin 53703

Phone: 608.204.9642

Fax: 608.204.9645

Mission:

Community Justice, Incorporated (CJI) is a non-profit law firm that provides people with access to justice by offering affordable legal services from qualified and dedicated attorneys. CJI works with low-income families and individuals to secure fair representation in court, protecting the legal rights of those who would otherwise face the system alone.

CJI currently employs 8 attorneys and covers the following areas of law:

- Family
- Restraining Orders
- Housing
- Mental Health
- Employment
- Discrimination
- Consumer Fraud & Scams
- Criminal
- Personal Bankruptcy
- Social Security Disability Insurance
- Basic Estate Planning

Due to their status as a non-profit that targets low-income demographics, CJI may not be able to directly take the contract. Regardless, CJI could prove an incredibly valuable resource in formulating our own proposal and outlining the legal services we should seek to provide and the manner in which they should be provided. Additionally, CJI has recently employed Eric Heywood, a 2010 UW-Madison Law graduate

Appendix 4

with whom I served on ASM Student Council over the 2009-10 session. If this firm were to be consulted, he may be able to help integrate necessary functions of the two organizations that other firms would be unable to.

Sipsma, Hahn, and Brophy

701 East Washington Avenue

Suite 201

Madison, WI 53703-2958

608.243.1230

Fax 608.243.1232

Email: help@shblawyer.com

SHB is staffed by 4 attorneys and 2 paralegals, and covers the following areas of law:

- [Criminal Law](#)
- [Personal Injury](#)
- [Family Law](#)
- [Estate Planning](#)
- [Civil Litigation](#)
- [Probate](#)

Although they do cover a number of areas of law, SHB focuses primarily on criminal law and personal injuries. Given the anticipated use of this service by students, their expertise and ability to engage relevant areas of law may be found wanting.

Aplin & Ringsmuth

10 East Doty Street

Madison, WI 53703

(608) 764-2907

Mission:

Appendix 4

At Aplin & Ringsmuth, LLC, our mission is to provide quality legal support and counsel to our clients. We have a reputation for thoroughness and preparedness that is widely recognized and respected in the legal community. We work together, with the client, to achieve the most successful client outcome. Our attorneys are committed, experienced lawyers who take our responsibilities seriously, knowing that the results we achieve for our client will have lasting impacts.

Aplin & Ringsmuth employs 9 attorneys and has multiple locations across Wisconsin. Areas of law covered include:

- Business Counseling
- Civil Litigation
- Credit Law
- Employment Law
- Family Law
- Personal Injury
- Real Estate
- Trusts and Estates
- Worker's Compensation

This firm is decently sized and might be able to handle the additional load of serving the student body without having to hire too many more attorneys. Their ability to engage in criminal law and housing law is questionable however, and could potentially be prohibitively expensive.

Stafford Rosenbaum

222 West Washington Avenue

Suite 900

P.O. Box 1784

Madison, WI 53701-1784

PH: 608.256.0226

FX: 608.259.2600

Mission:

Appendix 4

Leaders in business, government, the legal profession, and the community turn to Stafford Rosenbaum LLP for legal assistance because our firm is guided by three basic principles: professional excellence, integrity, and service. With attorneys based in Madison and Milwaukee, Wisconsin, we pride ourselves on being easily accessible because we know the role that competent counsel plays in our clients' lives. Every member of our staff has a direct phone number, and we're committed to providing legal solutions on time and with a smile.

Stafford Rosenbaum employs 32 attorneys and covers 14 areas of law:

- Alternative Dispute Resolution
- Antitrust and Trade Regulation
- Bankruptcy and Creditors' Rights
- Business Law
- Dealership and Franchise Law
- Employment and Labor Law
- Environmental Law
- Estate Planning and Probate Law
- Family Law
- Government Law
- Insurance Law
- Litigation
- Public Utility and Energy Law
- Real Estate Law

This firm appears to be capable of adequately handling our request, being both large enough and diverse enough in practice to serve the general student body. Unfortunately, it appears unlikely that their services could be procured given the monetary constraints of ASM and SSFC.

Cullen Weston Pines & Bach

122 West Washington Avenue

Suite 900

Appendix 4

Madison, WI 53703

608-807-0752

Mission:

Cullen Weston Pines & Bach LLP (CWPB) is a full service, Madison law firm with a robust legal practice. Our clients include individuals, families, businesses, regulatory agencies, unions and government entities seeking a wide range of legal services and counsel.

Our attorneys practice across a broad range of legal disciplines and are united by our:

- Care for our clients' well-being and success
- Commitment to the interests of our clients
- Ability to quickly grasp key issues and apply our solution-oriented approach
- In-depth, intelligent approach to the law

CWP&B employs 15 attorneys and covers the following areas of law:

- Business law and litigation
- Governmental Relations
- Civil litigation
- Labor and employment
- Protection of licensed professionals
- Energy and telecommunications
- Environmental law and litigation
- Real estate law and litigation
- Criminal defense, including white collar crime, drug offenses and federal offenses
- Consumer protection and collections
- Family Law, including collaborative divorce, child custody and complex property division
- Estate planning
- Personal Injury

Appendix 4

Like Stafford Rosenbaum, this firm also appears to be capable of adequately handling our request, being both large enough and diverse enough in practice to serve the general student body. Unfortunately, it again may prove to be the case that their services are outside of ASM's ability to pay.