

## EJ I I N K

ECONOMIC JUSTICE INSTITUTE

FALL 2012

## New Student Opportunities with the Pro Bono Program

The Pro Bono Program is excited to announce two new pro bono opportunities, the Veterans Law Center and the Indian Wills Caravan Winter Break Trip. Both initiatives will provide UW Law School students with opportunities to put their coursework into action and make a difference by providing greatly needed legal services in Dane County and western Wisconsin.

The Veterans Law Center (VLC) is a free legal center staffed by volunteer lawyers, paralegals and law students. The center will serve low-income veterans and their families, providing brief legal advice, information, and referrals on a variety of civil legal matters. Additionally, staff from the Dane County Veterans Service Office will provide information about non-legal resources available to veterans.

The VLC was developed as a resource for local veterans in need of civil legal assistance by the University of Wisconsin Law School Pro Bono Program, the Dane County Bar Association, the Dane County Veterans Service Office, and Porchlight, Inc., with funding provided by the State Bar of Wisconsin.

The parties involved recognized a need to create the center because military service members, veterans, and their families are facing a growing number of civil legal issues for which they do not have adequate representation. The number of military veterans that have recently or will soon return home from the wars in Iraq and Afghanistan has intensified the need. Prolonged and multiple deployments contribute to a range of reintegration challenges for service members returning from duty, including landlord-tenant matters,



Rachel Mielke, President EJ I Board and Louise Trubek, Founder of the Center for Public Representation. EJ I Anniversary Celebration.

family law issues such as child custody disputes, credit and lending problems, and bankruptcy.

The VLC will serve as a central resource and will be able to consistently provide accurate legal information for veterans in need. Because of this, it is anticipated that fewer veterans will miss out on receiving quality legal information simply because they are not sure where to go for help. The VLC will open on November 8th in conjunction with Veterans Day and will operate at the City-County Building on the 2nd Thursday of each month, from 11:00 a.m. to 1:00 p.m., and at Porchlight, Inc., on the 4th Thursday of each month, from 4:00 to 6:00 p.m. For additional information about this initiative, please visit the VLC website (<http://law.wisc.edu/probono/veteranslawcenter/index.html>).

The second exciting new opportunity available for students is the Indian Wills Caravan Winter Break trip. During the course of the trip students will staff wills clinics for tribal members throughout western Wisconsin. At the clinics, volunteer attorneys and law students will prepare wills and other estate planning documents at no charge for eligible tribal members. The Pro Bono Program partner attorneys David Armstrong of Wisconsin Judicare Inc., and Julie Short of Easter Seals Wisconsin, as well as the Elder Law and Estate Planning Society,

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Photo By: Mike Hall

## EJ I Director's Welcome

Fall has seen changes to EJ I other than the weather. Over the summer we held a successful EJ I Anniversary Celebration where we had the opportunity to enjoy an evening with our alumni and EJ I supporters. The summer also brought us new students eager to learn the work of our clinics, and we have two new clinics that began operations this fall. So there is much news to share with you.

On June 15, EJ I held a Ten Year Anniversary Celebration. We honored Louise Trubek, Clinical Professor of Law Emerita, and founder of the Center for Public Representation, the predecessor organization to EJ I. It was wonderful to see old friends and colleagues who came to honor Louise, as well as other EJ I alumni and supporters. I want to especially thank Brenda Balch, who is EJ I's Legal Associate, and the alumni team at the U.W. Law School, including Jini Jasti and Kim (Frank) Raether. Their hard work made the event run

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Dane County Judges Ehlike, Genovese, St. John and Colas join State Bar President-Elect Pat Fiedler Encourage Pro Bono at the Pro Bono Program's Fall Reception.

## Fraudsters Don't Act Alone

*The Consumer Law Clinic is a prestigious litigation clinic producing amazing results for all its clients, year after year. For a small monthly fee, we'll eliminate your legal and financial burdens NOW, replacing your stress with peace of mind. Just send us your personal and financial information, and we'll make your debt disappear! ACT NOW for a special one-time offer !*

Sound enticing? Welcome to the world of fraud. Before working for the Consumer Law Clinic, I assumed—albeit naively—that because we have laws prohibiting fraudulent business

practices, only a few treacherous foes would be out there cheating people.

Yet, through my work in the CLC I discovered that entire industries build their business models on misinformation and intentional deception of consumers. In a recession, where credit is scarce and jobs unstable, swindlers prey upon those willing to reach for a lifeline. This is more than an isolated, annoying email about an “investment opportunity in Nigeria.” These are networks of companies, involving dozens of employees and countless aliases, all colluding to plunder from vulnerable people such as the poor, retirees, the computer illiterate, foreigners on student visas, and distressed homeowners.

The first time I spoke with a consumer on our intake line, I thought her story was an anomaly. How could there be more than one company out there brazen enough to steal money under the guise of phony names and addresses? After a few more weeks talking with people who contacted the CLC, however, I recognized how lucrative these scams can be. Fabricated company names, fake addresses, illusory benefits of “signing with us today”—I have seen how companies and unscrupulous individuals use these schemes to take tens of thousands of dollars from those who can least afford it and are least able to protect themselves. They reap huge profits not only because the potential vulnerable targets are so numerous, but because so many other companies play by the rules.

When we hear a person's story, my colleagues and I race to the rescue “How can we serve justice?” we ask. We diligently parse state and federal statutes to find solutions for the victims. But there is still one question to which the answer continues to elude me: how do the people behind the scams manage to sleep at night?

-Benjamin Clarke (2L)

## Positive Pro Bono Experiences Highlighted at Reception

On September 13th, the UW Law School's Pro Bono Program held its annual reception, featuring guest speakers State Bar President-Elect Patrick Fiedler, Dean Margaret Raymond, Attorney Julie Short of Easter Seals of Wisconsin, and 2L Law Student Patrick O'Neill. Other guests included Supreme Court Chief Justice Shirley Abrahamson and a number of local appellate and circuit court judges. The speakers spoke about the importance of pro bono work in the community and highlighted the recent success of the Pro Bono Program's efforts to help develop legal and professional skills, gain practical, hands-on experience in real work environments and explore their ethical responsibility to provide

service through doing pro bono work.

This year in particular the Program had much to celebrate. Thanks to a generous grant from the State Bar of Wisconsin, the Pro Bono Program will open a new Veterans Law Center on November 8th to provide civil legal services to low-income veterans and their families. The Program also created a partnership with Community Justice Inc., to place student volunteers at their non-profit law firm, and a new Indian Wills Caravan Winter Break Trip. The trip, a collaboration between the Pro Bono Program, Wisconsin Judicare, and Easter Seals of Wisconsin, will provide wills clinics for underrepresented tribal members throughout the state. Funding has

been provided by Associated Students of Madison and Easter Seals of Wisconsin. These efforts build upon the previous work of the program, led by UW Law School clinical professors Ben Kempinen and Marsha Mansfield, who created and implemented the program five years ago.

Said Ann Zimmerman, Director of the Pro Bono Program, “Our annual reception is a wonderful opportunity to celebrate our past successes in helping UW Law Students provide pro bono services to underserved community members, and build enthusiasm for new projects and partnerships that increase access to justice for all.”

- Jonathan Seok

### Produced by:

Economic Justice Institute Clinical Programs  
(Marsha M. Mansfield, Director)

Design: Kimberly Frank/Editor: Brenda Balch

For more information: [www.law.wisc.edu/fjr/clinicals/eji.htm](http://www.law.wisc.edu/fjr/clinicals/eji.htm)



## Reflections on the First Year of the Mediation Clinic

The Mediation Clinic has had a successful and productive first year and we are excited for our second year to begin! We are working hard to increase the Clinic's mediation and dispute resolution services for community members by expanding our first year programs and developing new mediation initiatives.

The Dane County Small Claims Mediation Program, a partnership between the Mediation Clinic and the Dane County Small Claims Court, has developed into a thriving program that is helping empower community members while lightening the caseload at the Courthouse. Over the past year, the Clinic has mediated approximately 100 cases for the Dane County Small Claims Court. Of those cases, significantly more than one-half have concluded with a mutually acceptable agreement that has become a final settlement. When parties

have been asked about the mediation process, some commented that the thing they liked about mediation was that they were "able to resolve the case quickly and easily" and that they would use mediation again because it was "a good opportunity to reopen the lines of communication and possibly hear more of the other parties' side."

The Mediation Clinic has made several new connections with various community members both on and off the UW Madison campus. We will be partnering with the Dean of Student Life's Office to address on-campus conflicts this upcoming school year. In addition, the Dean's office will be sending some members of their office to our Basic Mediation Training in January. The training will help prepare the Dean's office for on-campus conflicts and help them identify appropriate referrals to the Mediation Clinic.

The Mediation Clinic is in the initial planning stages for the Waukesha County Child Permanency Mediation Program. The Mediation Clinic would

mediate issues surrounding placement of children in foster care, including relationships and communication between parties, custody/visitation/guardianship petitions, termination of parental rights and other issues. Although we are still in the beginning of the planning process, we are excited for this wonderful opportunity to work with the children and families of Wisconsin.

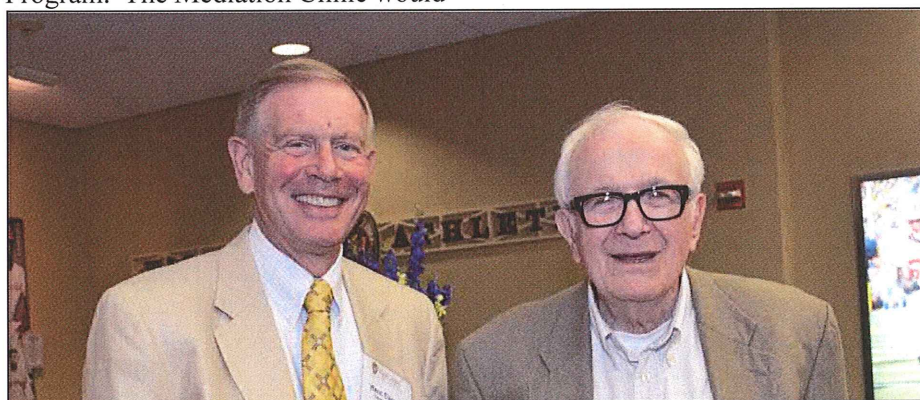
Finally, we are grateful to both the Law School and the University of Wisconsin's Morgridge Center for Public Service for their generous financial support of the Mediation Clinic for the upcoming year. The Morgridge Center's mission is to connect the UW campus with community through service, service-learning, and community-based research to build a thriving democratic society. We are excited to serve their mission, having law students mediate community member disputes and support the Dane County community.

-Donna Erez-Navot

## DVIC Update

The Domestic Violence Immigration Clinic (DVIC) has five students this year who are focusing on U Visa and VAWA petitions for victims of violence. The students started working in late May and were immediately introduced to lawyering by receiving a few cases each. They are learning as they work through the cases, and as the class lectures supplement their case work. We look forward to submitting to the United States Customs and Enforcement Service (USCIS) about twenty-five petitions this academic year.

The students have been busy responding to requests for further evidence in their cases. In one of our cases, the client did not inform us of his prior arrest because, unbeknownst to the client, there was a bench warrant which



Kent Carnell (Lawton & Cates) and Stewart Macaulay (UW Law Professor)

had been standing for ten years. The student was able to track down the case number and police report from another state, found the public defender, and requested that the public defender close the case. Within a short time, the student received the court order closing the case. We were able to submit this information to USCIS for further review, a waiver of the inadmissibility, and hopefully an

approval of the U Visa petition. The student's tenacity will hopefully lead to a successful petition. This is just one example of the great work of the DVIC students this fall.

-Rosa Frazier

Photo By: Mike Hall



## Reflections About the Family Court Clinic

I look back at the very first client that came in on my first Monday morning courthouse shift. He came in and while we were scrambling to set up and said something like “Well I think it’s about time I file for divorce,” with an almost cheery demeanor. At that time, I did not even connect the dots between that demeanor and what he was saying, but looking back I have to think that it was difficult to say those words in the way he did.

The clients that come to the Family Court Clinic come in for more than just legal information. They are going through an emotional experience and, putting myself in that position, I would be much more satisfied with talking to a person about a problem than just printing off a form and instructions online. That being said, most of the clients that I’ve seen have given little indication that they are going through this emotional experience. I often have to remind myself that this person is here for more than just an answer, they are here to be heard and to have their problems aired to a sympathetic ear. Therefore, I do everything I can to help clients get to where they want to go, and I can anticipate where they want to go in the context of the legal system.

I think the clinic has helped me to think more like a professional because I think there needs to be some actual law practice in order to achieve that type of thinking. In classes we learn to think like a lawyer by studying the law and wrapping our heads around what is expected as far as substantive arguments, but actually putting the law into action requires more than that. Practice requires being able to predict real life consequences that come from making those substantive arguments, and being able to predict whether an argument will achieve what the client is actually looking to achieve. That is especially relevant in family law, where the best substantive argument is not always the best for the client.

We always have to take into account what a certain course of action will do to each person emotionally, as well as what secondary consequences will come as a result of those substantive decisions. For example, many clients come in for their appointments with an end goal, but are not willing to take the steps to get to that goal if it means alienating their children, or sometimes even the other spouse. In the context of family law especially, it seems that the best substantive answer and the best end goal are very rarely the same thing, which is where thinking like a professional is required and thinking only like a lawyer can hurt a client. It is true that the law does not exist in a vacuum, and every move or motion has consequences that require more than just the substantive knowledge taught in law school classes. That is an important lesson I’ve learned from participating in the clinic.

- Derek Daron (2L)



Daphne Webb, Former President of EJI

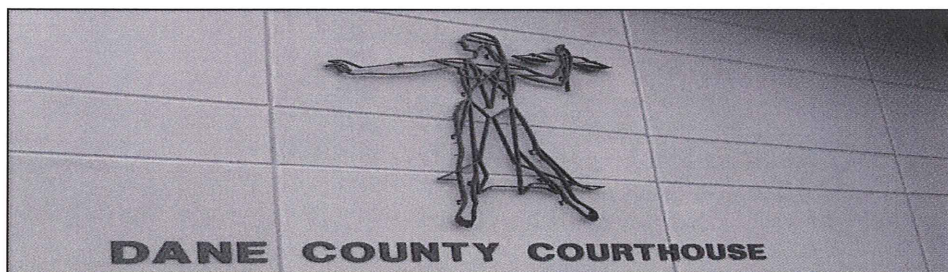
*Welcome (continued from page 1)*

seamlessly and everyone who attended enjoyed themselves tremendously. A tremendous thank you also goes to the law firms whose financial support allowed us to host this wonderful event: Axley Brynson, Lawton & Cates, Melli Law, Michael Best & Friedrich, Perkins Coie, Quarles & Brady, Stafford Rosenbaum, Von Briesen & Roper and Whyte Hirschboeck Dudek. The funds that we raised will allow us to support the many programs that EJI is developing.

This fall we welcomed two new Clinical Assistant Professors: Erin McBride and Stacy Tauber. Erin is the new Director of the Government & Legislative Clinic. Her article describing her background and the clinic illustrates the interesting work engaged in by her students as they work alongside with governmental agencies. Stacy’s presence is the result of a grant written by Kate Finley, a 3L who was a student in the Domestic Violence Immigration Clinic last year. Kate, along with the Latino Law Student Association (LLSA), won a prestigious Ira and Ineva Reilly Baldwin Wisconsin Idea Endowment grant to create the state’s first Immigrant Justice Clinic at the UW Law School with Stacy as the Director. The clinic works closely with the Community Law Immigration Clinic, a free walk-in clinic staffed by volunteer immigration attorneys, and her students work out of our community office at the Villager Mall. We are very excited to have these new clinics join us in the Economic Justice Institute so we can offer even more students the opportunity to engage in reflective learning while providing needed services to our community.

Enjoy the pictures from the Anniversary Event and the stories about EJI’s work.

-Marsha Mansfield  
Director, Economic Justice Institute



View of the Dane County Courthouse facade.



Photo By: Mike Hall



Brenda Balch, EJI Board Member Kelly Noyes (von Briesen & Roper) and Treater Prestine (UW 2007).

## New Director of the Government & Legislative Clinic

I am very happy to join the clinical faculty here at the UW-Law School as an assistant professor and Director of the Government and Legislative Clinic (GLC). I come to this position after a decade of lawyering, including stints with the Justice Department, a start-up biotech company, and two different non-governmental organizations working on issues of human trafficking and health benefits counseling, among other issues. Along the way I also wrote and was awarded eight patents and successfully (recently) litigated a ninth. These experiences have given me the opportunity to interact with corporations, clients, and agencies at all levels of government and in a variety of jurisdictions, including the Court of Appeals for the Seventh Circuit and the US Supreme Court. I grew up in Neenah, WI and, with my twin sister Brynne, attended Bryn Mawr College where we both majored in Chemistry. We both returned to Wisconsin after law school at the University of Iowa and have worked together in every firm until August of this year. My husband and I currently live on Madison's near west side with our Portuguese water dog, Zazie.

I assume the GLC from its founder Kathleen Noonan who built a strong foundation for the future growth and success of this clinic. Attorney Russ Whitesel will continue in his role as Adjunct Faculty. Russ has

been instrumental in smoothing this transition, providing context and expertise, developing contacts, and generally "showing me the ropes." I would also like to thank Marsha Mansfield, the EJI staff, and all the clinic students for providing time, space, and making me feel so welcome at the Law School. At GLC, we are crafting a program that builds on the clinic's strengths while establishing a commitment to comprehensive and practical lawyer education, developing key lawyering techniques and skills such as negotiation, policy making, and formal/informal advocacy, gaining competent and effective public service experience, and cultivating a professional understanding of ethical and moral issues as they arise in practice.

GLC seeks to provide an innovative, student-focused learning environment that prepares our students to become highly skilled lawyers in a competitive marketplace. The clinic integrates a public and administrative law classroom education with an applied, real-world setting. Our weekly seminar sessions add the necessary background and context to the students' field experiences by exploring topics such as rule making and the administrative process, federalism and state sovereignty, state budgeting issues and ethical considerations for the public lawyer.

This semester in particular, as we rapidly approach the November elections and begin a new biennial State budget process, GLC students have a tremendous opportunity to insert themselves into the machinery that is state government. Working closely with attorneys in placements ranging from the Government Accountability Board and Legislative Council to the Office of the Commissioner of Insurance, GLC students have unprecedented behind-the-scenes access to key players, information, and strategies. We live in interesting, dynamic times; the GLC clinches this chance to provide students the opportunity to shape how policy evolves in Wisconsin.

As with all clinics, our main goal at GLC is to offer the students the time and space to explore a variety of lawyering styles, skills and settings. I look forward to working with everyone in EJI as we prepare the next generation of attorneys for a rapidly changing legal profession.

-Erin McBride



Chief Justice Shirley S. Abrahamson and Marsha Mansfield





Erin McBride and Stacy Taeuber

## New Immigration Justice Clinic

Thanks to a grant from the Ira and Ineva Reilly Baldwin Wisconsin Idea Endowment, EJI launched the new Immigrant Justice Clinic (IJC) this fall. The Latino Law Students Association applied for and won the grant to fund the clinic. In collaboration with partner organizations the Community Immigration Law Center (CILC) and the National Immigrant Justice Center (NIJC), clinic students will participate in monthly “know your rights” presentations to noncitizens detained by Immigration and Customs Enforcement (ICE) at the Dodge County Jail, will provide representation to noncitizens in deportation proceedings in immigration court, and will engage in community outreach and advocacy.

Six students are currently enrolled in the clinic. They are working on cases involving applications for “cancellation of removal,” in which individuals with many years in the United States and strong family ties can apply for relief from deportation; an asylum case, involving a woman who fears being subjected to female genital mutilation (FGM) if she is deported to her home country of Gambia; an application for Deferred Action for Childhood Arrivals (DACA) under the Obama Administration’s new program giving qualified young people a two-year reprieve from deportation, and others. Student projects include developing a partnership with the Public Defender’s office to provide advice on the immigration consequences of criminal charges in appropriate cases; creating a program to get self-

help materials to pro se detainees who are eligible to apply for relief from deportation but are unable to obtain legal representation; and working with local advocacy groups to create an emergency response team and hotline that people can access when a loved one is detained by ICE. Beginning next spring, students working under close faculty supervision will provide full representation to detained noncitizens in immigration court. Federal regulations allow law students to appear in immigration court provided they are supervised by a licensed attorney, and the timing of detained cases in immigration court is such that students can see a single case through from beginning to end in one semester.

A recent study on access to counsel in immigration proceedings conducted by Cardozo Law School found that, according to immigration judges, “immigrants received ‘inadequate’ legal assistance in 33% of the cases ... and ‘grossly inadequate’ assistance in 14% of the cases.” The study found that 67% of detained noncitizens lacked representation in immigration court, and of those who appear without an attorney, only 8% succeed in their cases, compared with almost 70% for those with an attorney. The immigration judges surveyed were critical of much of the representation provided by the private bar, but praised the high quality of representation provided by pro bono attorneys, non-profit organizations, and law school clinics.

The IJC is the first law school clinic in Wisconsin, and the only non-profit legal service provider in the state, dedicated to providing representation and services

to noncitizens in removal proceedings. In addition to providing a desperately needed service to Wisconsin’s noncitizen residents, the clinic will give law students a deep understanding of this complex area of immigration law and the opportunity to hone their in-court advocacy skills.

-Stacy Taeuber

### *Student Opportunities (cont. from page 1)*

collaborated to plan this trip to help Native Americans living on reservations in Northern Wisconsin.

Attorneys Armstrong and Short will provide training to 10 law students in Madison on the first day of the project. For the next four days, the students, under direct attorney supervision, will draft culturally responsive wills and other estate planning documents for indigent Native Americans at different tribal locations. Last year, Armstrong’s group drafted 250 wills. The trip is scheduled for January 14-18, 2013.

There is a great need for Native American estate planning in Wisconsin because these estates present unique legal challenges due to legal complexities related to the transfer of tribal land. The Wisconsin Indian Wills Caravan Winter Break Project provides an opportunity to introduce law students to a unique and complex area of law while helping a disadvantaged population. Participating students will bring their knowledge and experience back to Madison and use it to promote a greater understanding of Indian and Estate Planning Law, in addition to other issues pertaining to Native Americans, on campus.

These opportunities are in line with the Pro Bono Program’s goal to provide students with opportunities to deliver law-related services to underrepresented community members. In keeping with the Law School’s law-in-action tradition, these initiatives provide students with the opportunity to develop legal and professional skills, gain practical, hands-on experience in real work environments and explore their ethical responsibility to provide pro bono service. For more information about these opportunities please visit the Pro Bono Program website or e-mail the Pro Bono Program at [probonoprogram@law.wisc.edu](mailto:probonoprogram@law.wisc.edu).



## EJI In The News

### Advocacy

NLC student, Yanni Yang, pursued two landlords who improperly withheld security deposits from our clients. Students Leslie Freehill and Patrick O'Neil used their careful interviewing, research, and negotiation skills to save two families—one in Beloit, and another in Madison—from being wrongfully evicted. Another NLC student, Rachel Grischke, prepared a trial brief, assisted at a half-day trial, and drafted a post-trial brief in a hotly-contested housing case. Kevin Layde, in addition to extensively using his Spanish language skills, assisted at a contested housing trial in Janesville, and drafted an appellate brief in an employment case.

James Drennan (3L) successfully represented a victim of domestic violence in obtaining a restraining order hearing through the Family Court Clinic.

### “What a Difference A Lawyer Makes”

Of the many lessons I've learned as an EJI clinical law student, none has been as apparent or as relevant as this: when it comes to small claims court, self-represented litigants often do not stand a chance. Whenever I sit down with a potential client at an intake session and I discover that this person has already been in the courtroom, the result has not been good. No matter how sympathetic that person may be, or how valid the claims might appear to be at first blush; the end of the story always seems to be the same. Self-represented litigants just cannot win.

Folks who walk through the door tend to be in the midst of an extremely stressful moment in their lives. Eviction, loss of sustenance, and discrimination are stressful enough on their own. But when people experiencing one of them go to court and learn they must navigate the unfamiliar landscape of litigation against parties with more money and more sophistica-

### Presentations

NLC student Henry Wiener contacted W-2 offices throughout the state, educating workers and gathering feedback on the Emergency Assistance Stay of Eviction forms that NLC helped create.

Mitch presented at an all-day CLE seminar on recent changes in landlord tenant law and worked with community partners, the Financial Education Center and the Dane County Parent Council, culminating in two presentations designed to educate diverse audiences about their rights and helpful resources—including EJI.

In August, the Mediation Clinic and Neighborhood Law Clinic co-presented about the EJI programs to the Resident Advisors (RA's) at the Towers and Statesider Buildings near the UW Campus.

Marsha, Mitch, and Sarah will make presentations at the upcoming trainings for the Family Law Assistance Center (FLAC) and the Small

tion—well, their prospects start to look pretty bleak.

A second lesson learned was when a low-income person facing one of these problems can secure representation, the whole game changes. An example came from representing my client, John (name changed to protect confidentiality). John lived in an apartment on the south side of Madison that became infested with roaches shortly after he moved in. His property manager failed to deal with the infestation despite repeated requests from his tenants. After doing research, John learned about the rent abatement provision in section 704.07(4) of the Wisconsin Statutes.

John began withholding 50% of his monthly rent until the landlord fixed the problem. His landlord was not amused, and before long John had been taken to court and pressured to sign a stipulation holding him liable for all back rent under threat of eviction. Fortunately, he contacted the Neighborhood Law Clinic (NLC) and we took him on as a client. After

Claims Assistance Project (SCAP) at the Dane County Courthouse. These presentations help train new and returning volunteers who are interested in providing pro bono services at the courthouse clinics.

Marsha made a presentation on Conflicts of Interest at the 18th Annual Traffic and Impaired Driving Law Program in March, 2012. She is also presenting on the Ethics of Settlement at the Divorce Cooperation Institute's fall training in November.

### Service

Marsha helped organize a series of hearings sponsored by the Wisconsin Access to Justice Commission to elicit testimony about civil legal needs throughout our state and how the Commission can assist in meeting those needs. She also convened a meeting of non-profit legal providers through the ATJ Commission to address provider needs and interest in collaborating on future endeavors.

John retained us, we sent the property manager a detailed explanation of which laws he was violating and what we viewed as a likely outcome in the event of trial. His attitude changed, and before long I was negotiating a mutually acceptable settlement with the management company's corporate office.

This the matter has yet to be finalized, but it is needless to say, John went from a position of extreme weakness to one of relative strength immediately after retaining the services of NLC. I do not think this occurrence is unique, and in my mind it underscores the importance of the work that is done by all the clinics in the EJI: we provide free, high quality services to the members of the community that would otherwise be overwhelmed by the vagaries of the legal world.

-Kevin Layde (2L)





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