

Washington State Access to Justice Board

2011 Annual Report

to the Washington Supreme Court
and the WSBA Board of Governors

April 21, 2011



ACCESS TO JUSTICE BOARD ANNUAL REPORT
to the
WASHINGTON SUPREME COURT
WASHINGTON STATE BAR ASSOCIATION BOARD OF GOVERNORS

April 2011

CONTENTS

I.	Access to Justice Board	1
A.	Mission	1
B.	Members and Participants	1
C.	Meetings	2
D.	Communication.....	2
E.	Staff	2
F.	Administration.....	3
G.	ATJ Board Role in Washington State.....	3
H.	National and International Participation.....	7
II.	Supreme Court-Funded ATJ Board Initiatives	7
A.	Status Report on FY 2009-2011 Funding Request.....	7
B.	Final Report on FY 2010 Initiatives	8
C.	Status Report on Current FY 2011 Initiatives	8
III.	ATJ Board Standing Committees	9
A.	Access to Justice Conference Planning Committee	9
B.	Communications Committee	10
C.	Delivery Systems Committee	10
D.	Equal Justice Coalition.....	11
E.	GAAP (Greater Access and Assistance Project) Committee	12
F.	Justice Without Barriers Committee	12
G.	Law School Relations Committee	13
H.	Nominating and Leadership Development Committee	14
I.	Technology Committee	14
IV.	Living History Project	15
V.	Current Civil Equal Justice Funding.....	16
VI.	Next Steps	16

I. ACCESS TO JUSTICE BOARD

A. Mission

Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers.

The Access to Justice (ATJ) Board continues to track and evaluate its progress under the directives of this Court's 2010 Amended Order (**page 1**). The ATJ Board continues to refine its mission through the mechanisms it has established to do so: Access to Justice Statement of Principles and Goals (**page 5**); Hallmarks of an Effective Statewide Civil Legal Services System (**page 6**); the *2006 Plan for the Delivery of Civil Legal Aid to Low-Income People in Washington State* (State Plan), and the ATJ Board's annual priorities.

Current ATJ Board annual priorities (June 2010 – June 2011) include:

- Strengthening the pro bono function of the civil legal aid delivery system
- Addressing the issues facing pro se individuals in the justice system
- Securing ample funding for civil legal aid and the courts
- Using and integrating technology in the work of the ATJ Board and its committees consistent with the ATJ Technology Principles
- Leadership development

B. Members and Participants

Attached is a current roster of ATJ Board members (**page 7**). On the recommendation of the Washington State Bar Association (WSBA) Board of Governors (BOG), in May 2010 the Supreme Court appointed Ishbel Dickens to the position vacated by Dan Gottlieb. The Supreme Court also reappointed Aiko Schaefer to her first full term (she had completed the term of a previous Board member who vacated the position mid-term). On February 15, 2011, the Supreme Court appointed new ATJ Board members Breean Beggs and Nicholas P. Gellert for three-year terms beginning May 18, 2011. They will fill positions vacated by Gregory R. Dallaire, who is completing his second three-year term, and by Elizabeth Schoedel, who is completing her first three-year term and has not requested reappointment. The ATJ Board elected Kirsten Barron as Chair-Elect.

Attached is a current roster of ATJ Board Committee Chairs, ATJ Board and staff liaisons (**page 8**). Approximately 200 volunteers currently serve on the ATJ Board's nine standing committees. The ATJ Board has created a web page for each of its committees which include the names and affiliations of members. These new pages will be launched in May 2011 on the Washington State Bar Association's new website.

Committee membership includes judges and court commissioners, administrative law judges, tribal court judges, private and government attorneys, law and public librarians, court clerks, courthouse facilitators, paralegals, members of the Alliance for Equal Justice (Alliance) (legal aid, pro bono program and specialty provider staff), law students and faculty, mediators, educators, technology specialists, Legal Aid for Washington Fund (LAW Fund) and Legal Foundation of Washington (LFW) representatives, Office of Civil Legal Aid (OCLA), staff from the Administrative Office of the Courts (AOC) and the WSBA, representatives from the Washington State Office of Administrative Hearings (OAH), and disability groups.

The ATJ Board also enjoys the active participation of formal liaisons from key justice system partners, including the BOG, AOC, Seattle University School of Law's Access to Justice Institute (ATJI), the WSBA Family Law Executive Committee, Superior Court Judges Association, District and Municipal Court Judges Association, the Seattle City Attorney's Office, and Office of Administrative Hearings. A complete list of liaisons is attached **(page 9)**.

The ATJ Board is a supporter of the Washington State Alliance for Equal Justice www.allianceforequaljustice.org. A current list of Alliance members is attached **(page 11)**.

C. Meetings

The ATJ Board met 14 times since its last annual report, including March 4, 2010 and December 1, 2010 meetings with the Supreme Court. Attached are agenda from the February 26, March 4, April 2, June 4, June 18, July 2, July 30, September 10, October 8, November 12, and December 1, 2010 meetings; the January 14 and February 25, 2011 meetings; and the April 30, 2010 ATJ Board retreat **(page 13–28)**.

On September 10, 2010 the ATJ Board hosted its third annual meeting of its committee chairs **(page 30)**.

D. Communications

This Report and ATJ Board meeting minutes are posted on the ATJ Board's website: www.wsba.org/atj. The WSBA is launching its new website in May 2011, which will include updated and reconfigured Access to Justice Board pages.

To improve communication and facilitate the dissemination of information, the WSBA hosts email lists for the ATJ Board, each of the ATJ Board's committees and special projects, and the Washington State Alliance for Equal Justice Leadership Group. Staff maintains a web-based calendar of ATJ Board and ATJ Board committee meetings for use by volunteers, which will be migrated to the WSBA events calendar with the launch of the new WSBA website in May 2011.

The ATJ Board's Communications Committee has developed an online Equal Justice Newsletter www.allianceforequaljustice.org **(page 31–52)**.

The WSBA is now providing web conferencing tools for ATJ Board committee meetings, and has videoconferencing capacity available to the ATJ Board.

The ATJ Board can now be followed on [Facebook](#).

E. Staff

The ATJ Board and its committees (with the exception of the Equal Justice Coalition and the Communications Committee, which are staffed by the Legal Foundation of Washington) are administered by the WSBA within its Justice Programs Division. This Division is part of the WSBA Department of Justice and Diversity Initiatives (JDI). Current Justice Programs Division staff include: Justice Programs Manager Joan Fairbanks and Justice Programs Coordinator Allison Durazzi. The ATJ Board's Conference Planning Committee is staffed by WSBA Events Coordinator Pamela Wuest.

Staffing for the ATJ Board/AOC/Office of Administrative Hearings (OAH) Pro Se Project is provided by Consultant Charles Dyer with funds from the Supreme Court.

The ATJ Board continues to host law student interns and externs. UW School of Law student Brian Ledbetter volunteered full-time from June through August 2010 on technology-related initiatives. Notre Dame School of Law student Wendy Tran volunteered during May and June 2010 on the ATJ Board's Living History Project. Currently the ATJ Board is hosting University of Washington School of Law Extern Angela Hoppel. Her focus will be on electronic access to court records.

F. Administration

The ATJ Board is administered by the WSBA under the auspices of a Memorandum of Understanding between the ATJ Board and the WSBA (**page 53**).

The ATJ Board Order provides that the Board "may adopt internal operational rules pertinent to [its] powers and duties." The ATJ Board's Operational Rules (**page 56**), updated regularly, address the roles and duties of ATJ Board members, officers and committee chairs; committee structure and function; the role of staff; and other pertinent matters.

The ATJ Board has a four-member Executive Committee that sets the ATJ Board meeting agenda and performs other functions as provided in the Operational Rules.

G. ATJ Board Role in Washington State

Within Washington State, the ATJ Board is a mechanism for "expanding, coordinating, and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people," as contemplated by the Order. The ATJ Board enjoys an active role in Washington State's justice community. Examples of this involvement (since the February 2010 Report) include the following:

Supreme Court Assessment of its Boards, Commissions and Task Forces:

Representatives from the ATJ Board's Justice Without Barriers and Technology Committees participated in a Supreme Court Boards Commission and Task Forces Assessment Work Group to study, and made recommendations regarding, the structure and function of ten Supreme Court established entities responsible for addressing bias and barriers in the justice system.

The ATJ Board is currently in the process of soliciting comments from the Alliance in order to provide a response to the Supreme Court on the Work Group's Final Report and a subsequently written "Minority Report."

Race and the Criminal Justice System: ATJ Board Chair Judge Steven González and Professor Robert S. Chang, Director, Fred T. Korematsu Center for Law and Equality at Seattle University School of Law took the lead in convening and co-chairing a Task Force on Race and the Criminal Justice System to address racial disparity. The Task Force's Research Working Group and Recommendations/Implementation Working Group presented their Preliminary Report and Findings to the Washington Supreme Court on March 2, 2011 (**page 63**) <http://www.law.seattleu.edu/x4920.xml>.

Funding for Civil Legal Aid and the Courts

- On November 12, 2010, the ATJ Board adopted a Resolution Urging Adequate Funding of the Judicial Branch **(page 65)**.
- During the 2010 Legislative Session, the ATJ Board opposed proposed funding cuts to the Washington Supreme Court and Washington State Court of Appeals **(page 67)**. The ATJ Board supported adequate funding of the justice system, but opposed legislation creating new Superior Court filing fees as the funding mechanism **(page 68–70)**. The ATJ Board also succeeded in having the BOG join in opposition to further increases in filing fees.
- The ATJ Board facilitated the May 19, 2010 Office of Civil Legal Aid (OCLA) Budget Development Stakeholder Meeting focused on priorities of requests for additional money for civil legal aid in the FY 2011-13 biennium. 35 stakeholders participated.
- The ATJ Board facilitated a September 13, 2010 meeting with representatives from the Civil Legal Aid Oversight Committee, the Office of Civil Legal Aid, and the Equal Justice Coalition to discuss roles and responsibilities with regard to state funding for civil legal aid, to resolve any misunderstandings, and to address expectations for the 2011 legislative session. The meeting resulted in a list of guidelines for decision-making. The ATJ Board facilitated conference calls on September 21 and 23 to address issues relating to Chief Justice's response to the Governor's Executive Order for 6.3% funding reductions.
- ATJ Board submitted a February 14, 2011 resolution to the American Bar Association supporting the ABA's opposition to proposed Legal Services Corporation funding cuts **(page 71)**.
- The ATJ Board joined with the WSBA in a March 18, 2011 letter to Washington's Congressional delegation urging continuation of support for Legal Services Corporation funding **(page 73)**.
- The ATJ Board opposed King County Court Fees/Ordinances 2010-0576, 2010-0577, 2010-0578, 2010-0579, on the basis that user fees are an impediment to access to justice for those who face economic and other significant barriers **(page 75)**. ATJ Board member Ishbel Dickens testified on November 14, 2010 in opposition to the proposed ordinances.
- The ATJ Board supported national efforts to encourage the Federal Deposit Insurance Corporation (FDIC) to delay implementation of proposed regulations detrimental to IOLTA accounts **(page 77)**.
- The ATJ Board wrote a letter in support of state Attorney General funding for a fellowship position for the Seattle Community Law Center. Funding was awarded and the two-year fellowship is being advertised.

Court Rules:

- **GR 34 (Waiver of Court and Clerks' Fees and Charges in Civil Matters):** The ATJ Board has been involved for four years in efforts to develop and promote support for this rule, which was adopted by the Supreme Court on December 3, 2010 (**page 79**). The ATJ Board continues to be involved in drafting the forms to implement GR 34.
- **GR 35 (Clerk's Fees and Charges):** At its 2010 annual meeting with the Supreme Court, the ATJ Board raised a concern about the recent surge of new fees being assessed in local courts around the state. A proposed rule concerning this issue is before the Court (**page 82**). The ATJ Board initiated a series of meetings with representatives from the Washington Association of County Clerks to discuss proposed GR 35 and related issues. In addition, at the Access to Justice and Bar Leaders Conference in June 2010, the ATJ Board met with members of the Supreme Court, BOG, and representatives of the Washington State Clerks Association to discuss the proposed Rule.
- **Proposed Case Load Limits for Defenders (CrR3.1, CrRLJ3.1, JuCR9.2):** The ATJ Board joined the WSBA Council on Public Defense in support of these amendments (**page 85**).
- **Code of Judicial Conduct Rule 2.2:** At the request of the Chief Justice, the ATJ Board provided the Court with an opinion regarding the advisability of expanding Comment 4 of Rule 2.2 of the recently adopted Washington State Code of Judicial Conduct to provide judges with guidance on providing accommodation to pro se individuals.

Immigration Reform: The ATJ Board voted to support the five draft recommendations presented at the Access to Justice/Bar Leader Conference on June 6, 2010 (**page 87**). These recommendations relate to: immigration enforcement in Washington courthouses; threatened or actual use of immigration enforcement to gain an advantage in a civil matter; racial profiling; immigration and local law enforcement; and support for comprehensive immigration reform. The ATJ Board is working with WSBA, the Board for Judicial Administration, and other stakeholders on the implementation of these recommendations.

WSBA Emeritus Status: The ATJ Board joined the WSBA Pro Bono and Legal Committee in submitting comments on proposed WSBA Bylaws changes to Emeritus status (**page 92**).

Continuing Legal Education:

- Greg Dallaire represented the ATJ Board on a October 21, 2010 CLE panel on ethical considerations relevant to online dispute resolution sponsored by the Dispute Resolution Board at Seattle University School of Law.
- Members of the ATJ Board participated at the February 19-20, 2010 Symposium and CLE titled "Civil Legal Representation and Access to Justice: Breaking Point or Opportunity for Change."

Diversifying the Bench Guidebook: The ATJ Board co-sponsored this Washington State Minority and Justice Commission's Workforce Diversity Committee project.

Participation on Task Forces and Committees: ATJ Board representatives currently serve on the following: WSBA's Council on Public Legal Education; WSBA's Council on Public Defense; and the Supreme Court's Public Trust and Confidence Committee.

Recognition for Outstanding Contributions: The ATJ Board continues to nominate, and support the nomination of individuals and organizations for awards and recognition.

- The ATJ Board presented its annual awards (**page 94**) at the 2010 Access to Justice Conference: the Judicial Leadership Award to Equal Employment Opportunity Commission Judge Zulema Hinojos-Fall; the Access to Justice Leadership Award to Immediate Past LAW Advocates Director Mary Swenson; the Civil Equal Justice Advocacy Award to Columbia Legal Services attorneys Andrew Kashyap and Aurora Martin; and the ATJ Board/WSBA Norm Maleng Leadership Award to Lonnie Davis, Alliance of People with Disabilities. The ATJ Board and the WSBA also presented a Special Recognition Award to Washington State Governor Christine Gregoire, who keynoted the 2010 Access to Justice and Bar Leaders Conferences.
- The ATJ Board supported the successful nomination of the Washington State Bar Association for the 2010 American Bar Association Harrison-Tweed Award.
- ATJ Board Chair Judge Steven González received the Latina/o Bar Association of Washington Extraordinary Member Award on January 28, 2011.
- Long-time ATJ Board volunteer Don Horowitz received the 2010 WSBA Award of Merit.

Increased participation by ATJ Board Members in Legal Community Events: In an effort to increase awareness about the ATJ Board and its mission, the ATJ Board has committed to an ATJ Board presence at key legal community events (**page 96**).

Outreach to Non-Legal Communities: The ATJ Board has established an Outreach and External Relations Task Force to address the dual goals of fostering deeper engagement with distinct communities around the state to increase support for access to justice and to enhance the ATJ Board's understanding of the civil legal aid needs of low and moderate income communities across the state. Current efforts are focused on greater involvement by local community leaders at the June Access to Justice and Bar Leaders Conference in the Tri-Cities (**page 99**).

Civil Legal Needs Work Group: The ATJ Board is a member of a newly formed initiative chaired by ATJ Board Member Wayne Blair. The Work Group will address the 2003 *Washington State Civil Legal Needs Study* finding that low- and moderate-income people face more than 85% of their legal problems without any assistance from an attorney. The Work Group will solicit and review all ideas and proposals for expanding civil legal assistance to these low- and moderate-income populations and develop appropriate recommendations to the Supreme Court (**page 101**).

Integration with the Judiciary: The ATJ Board works to enhance collaboration and communication with the judiciary in the following ways: (1) semi-annual meetings with the

Supreme Court; (2) active recruitment of judges from all levels of state court, administrative, and tribal courts for participation on the ATJ Board and on ATJ Board committees; (3) establishment of formal liaisons to the ATJ Board from the Superior Court Judges Association, the District and Municipal Court Judges Association, and the Office of Administrative Hearings; (4) establishment of a formal liaison to the ATJ Board from the Administrative Office of the Courts; and (5) appointment of an ATJ Board liaison to the Board for Judicial Administration (BJA). The ATJ Board also coordinated an orientation for new Supreme Court Justice Charles Wiggins on February 9, 2011 **(page 103)**.

Integration with the Organized Bar: The ATJ Board works to enhance collaboration and communication with the Washington State Bar Association and local, specialty, and minority bar associations in the following ways: (1) annual ATJ Board presentations to the BOG; (2) participation in WSBA orientations for volunteers; (3) annual orientation of the WSBA president and new BOG members; (4) reciprocal liaisons with the BOG; and (5) regular ATJ Board participation at key legal community events.

H. National and International Participation

The ATJ Board continues to be active at the national level and regularly receives inquiries from other states and other countries regarding its initiatives.

Annual Meeting of State ATJ Board Chairs and Commissions: Sponsored by the American Bar Association (ABA) and National Legal Aid and Defender Association (NLADA), the ATJ Board has participated in these meetings since their inception. Along with many other organizations and individuals, the ATJ Board boycotted the 2010 meeting in Phoenix to protest the enactment of Arizona's Senate Bill 1070 which potentially criminalizes a person's presence based on suspected immigration status. This year's meeting is May 21, 2011 in Las Vegas, Nevada.

Road Map: The ATJ Board's Open Society Institute-funded handbook, "Equal Justice...The Noblest Common Denominator: A Road Map for Building an Equal Justice Community," published in 2001, has been widely distributed throughout the country. The handbook continues to be used by many states in a variety of ways to build and enhance their own state and local equal justice communities.

II. SUPREME COURT-FUNDED ATJ BOARD INITIATIVES

A. Status Report on FY 2009-2011 Funding Request

The Court budgeted \$100,000 (\$50,000 annually) for the ATJ Board for FY 2009-2011.

The ATJ Board advised Chief Justice Barbara Madsen on July 19, 2010 of specific initiatives and support functions that the Board planned to undertake with these funds during FY 2011 **(page 104)**. These included:

- Continuation of staffing and support for a statewide pro se initiative in collaboration with the AOC, OAH, and other Justice System partners (\$25,000).

- Support of the design phase of the ATJ Board's new Leadership Development Initiative (\$5,000)
- The ATJ Board held \$20,000 of its FY 2011 funds in reserve until October 2010 when its priorities could be further developed. On October 25, 2010, the Chief Justice notified the ATJ Board that its FY 2011 funds were being reduced by \$20,000 (**page 106**).

B. Final Report on FY 2010 Initiatives

Pro Se Project (\$33,000): Consistent with its priority to address access issues facing pro se individuals in the justice system, the ATJ Board used Supreme Court funds to contract with Lynn Greiner to staff and support the development of a statewide pro se initiative in collaboration with AOC, OAH, and other justice system partners. The Pro Se Project Work Group included representatives from key justice system stakeholders. After an extensive exploration of approaches to improved services for pro se individuals, the Work Group developed The Washington State Plan for Integrated Pro Se Assistance Services (**page 108–144**). The Plan calls for the development of a robust technology-based system in Washington State to assist those who are navigating the justice system on their own. The first phase is the creation of an online Self Help Center focused on family law, with plain language forms, instructions and information, to be housed on the existing website www.washingtonlawhelp.org. Trained and knowledgeable facilitators would also be available to respond to online or telephone-based inquiries. The second phase will link the Self Help Center with existing onsite courthouse facilitators. The final phase will expand the Self Help Center to other relevant substantive areas and other forums for resolving disputes.

Legal Server Training (\$15,000): Consistent with its priority to strengthen pro bono services, the ATJ Board approved funds to be used by the Legal Foundation of Washington (LFW) to increase Legal Server's effectiveness for pro bono and specialty providers to record and manage client service data. Funds were used for the following specific projects: (1) Legal Server experts traveled from Chicago to provide individualized training to LFW grantees at the 2010 Access to Justice and Bar Leaders Conference in Wenatchee. (2) The Legal Server development team designed a module to track simple advice cases for pro bono programs and a customized version for the King County neighborhood legal clinics. (3) Each pro bono program's Legal Server site was further tailored to streamline how legal problems are recorded. (4) LFW held an advanced Legal Server training on February 26, 2010 for 25 legal aid providers.

Proposed Strategies for Using Washington State Program Performance Standards (\$2,000): Using allocated, but unexpended, FY 2010 Supreme Court funds, the ATJ Board contracted with Consultant John A. Tull and Associates to work with the ATJ Board's Performance Standards Workgroup to develop protocols for using the "Performance Standards for Legal Aid in the State of Washington," adopted by the ATJ Board on November 13, 2009 (**page 145**).

C. Status Report on Current FY 2011 Initiatives

Pro Se Initiative (\$26,182.62): On July 30, 2010 the ATJ Board adopted "The Washington State Plan for Integrated Pro Se Assistance Services." The ATJ Board contracted with Consultant Charles Dyer to staff the initiative, and has dedicated the remainder of the funds for the translation of 18 family law forms into plain language format. This translation work is being done by Transcend, based in Davis, California,

under contract with the WSBA (on behalf of the ATJ Board) and the AOC. The ATJ Board has established a Plain Language Forms Work Group to review and approve the forms. Membership includes representatives from the Court's Pattern Forms Committee.

Leadership Development (\$3,819.38): The 2006 State Plan charges the ATJ Board with the responsibility of coordinating ongoing individual, organizational, and statewide leadership development. After an extensive search, the ATJ Board selected a leadership development program created by the Boston-based Center for Legal Aid Education (CLAE). The goal of the leadership initiative is to cultivate, train and empower a rich and diverse community of leaders for Washington State's Access to Justice Movement. Supreme Court funds were used to supplement funds from the Office of Civil Legal Aid to support the initial design phase of the project, which is now complete (**page 158**). The ATJ Board is looking for funds for the remaining four phases of the project, which includes the training of 50 new leaders. This is a 24-month program with a full curriculum, mentoring, web-based learning activities, leadership initiatives and quarterly retreats.

III. ATJ BOARD STANDING COMMITTEES

The ATJ Board currently oversees the work of nine standing committees that are addressing the priorities established by the Supreme Court's Order and the ATJ Board's current priorities.

A. Access to Justice Conference Planning Committee — Colleen Kinerk and Judge Ann Schindler, Co-Chairs

Mission: *Plans, organizes and coordinates the annual Access to Justice Conferences.*

Since 1996, these annual conferences, held in conjunction with the WSBA Bar Leaders Conference, have brought together members of this state's justice community around key issues that impact access to the justice system for those facing economic and other significant barriers.

The 15th annual conference, "Transformation: Crisis and Opportunity," was held in Wenatchee, Washington on June 4-6, 2010 (**page 201**). Workshop topics included:

- Advocates Unite! Protecting Children's Rights in Times of Economic Crisis: We Can't Afford not to
- Communication as a Tool to Transform Crisis into Opportunity
- Current Immigration and Civil Rights Issues in Washington State
- Keeping the Power on: Advocating for Clients Facing a Utility Termination
- Privacy and Access to Court Records: Collateral Consequences of the Information Boom
- Serving Clients Respectfully: Ethical Challenges to the Justice System in Serving Diverse Client Communities
- Show me the Jobs: Creative Strategies for New Lawyers in Tough Economic Times
- Technology: Power Tools for Justice
- The Ivory Tower and the Legal Community: A New Paradigm for Access
- Washington Home Foreclosure Crisis: Legal Updates and Advocacy Approaches

The joint ATJ Conference/Bar Leaders Conference plenary featured leaders from the three branches of government and the organized bar sharing their perspectives on the impact of the crisis on our justice system and the people it serves. They included Supreme Court Chief Justice Barbara Madsen, King County Councilman Rob Ferguson, Office of Governor Representative Narda Pierce, and WSBA President Salvador Mungia. The session was facilitated by Seattle University School of Law Professor John McKay.

B. Communications Committee — Michele Storms, Chair

Mission: *To build a common understanding about the value of equal justice for low-income and vulnerable people and how the Alliance for Equal Justice works together to narrow Washington’s justice gap. We facilitate internal communications for the Alliance for Equal Justice and external relations with the broader legal community and beyond. Through this work, the Communications Committee helps the Alliance build resources and support for legal aid and equal justice in Washington.*

Communications Plan: The Committee continues to work to implement its 2005 Communications Plan. A current focus is to develop strategies for more effectively using the media (**page 207**).

Equal Justice Newsletter: The Communications Committee established the first Alliance for Equal Justice e-newsletter. This newsletter facilitates both internal communications and positive external relations. The nearly 3,000 recipients of the Equal Justice Newsletter include the ATJ Board, EJC members, Campaign donors, and Alliance organization staff and volunteers. Features include regional spotlights, interviews with staff, volunteers, and supporters, client stories, “superstar” volunteer profiles, media coverage, and an online event calendar. Copies of the Equal Justice Newsletter are archived at <http://www.allianceforequaljustice.org/index.php?p=Newsletter&s=239>.

WSBA Bar News: The Committee has collaborated with the WSBA Pro Bono and Legal Aid Committee on a pro bono-themed issue of the *Washington State Bar News*, to be published in May 2011.

Welcome Wagon: The Committee has developed a program for welcoming and orientating new members of the Washington State Alliance for Equal Justice. New members now have an online orientation at www.allianceforequaljustice.org. The web page includes links to basic “need to know” materials on legal aid in Washington and an online slideshow presentation that can be downloaded, edited, and used to orient others.

Access to Justice Conference: For the third year, the Communications Committee coordinated the annual Orientation Workshop for the annual Access to Justice and Bar Leaders Conference.

C. Delivery Systems Committee –Kirsten Barron and Dan Gottlieb and, Co-Chairs

Mission: *The ATJ Board established the Delivery Systems Committee in 2010 to address the following:*

- *Serve as a clearinghouse and “think tank” to help monitor changes in client needs*
- *Establish and oversee working groups to address new and unfinished State Plan implementation*
- *Provide ongoing support and technical assistance for regional planning efforts*

- *Ensure that related legal assistance initiatives in the state are coordinated with the civil legal aid delivery system*
- *Monitor and assess the impact of national and state policy changes/initiatives on Washington's civil legal aid delivery system*

Based on a review of the current State Plan and other relevant information, the Committee has identified the following four priority areas of focus and is in the process of developing work plans for each area:

- **Coordination/Collaboration/Regional Planning:** Encourage and promote inter- and intra-regional planning efforts throughout the state.
- **Training:** Develop an inventory of training and a functional assessment of training capacities relevant to client needs.
- **Access (including Education):** Develop strategies (e.g., outreach, use of interpreters, approaches to special populations) to improve access to the delivery system for those unable to utilize CLEAR.
- **Pro Bono:** Assess and prioritize approaches to improving pro bono service delivery.
- **State Support:** Assess statewide support functions that can be developed with no significant additional resources.

The Committee sponsored a community meeting for the Alliance on February 25, 2011 to discuss how best to deliver volunteer attorney legal help to low-income clients in the event of possible significant legal aid funding reductions.

D. Equal Justice Coalition (EJC) – Stan Bastian, Chair

Mission: *To ensure that people are treated equally and fairly before the law by educating policymakers and the public about the importance of civil legal aid in our communities and advocating for sufficient public funding for civil legal aid in Washington.*

Current Focus: *Protecting current public funding levels for legal aid in the midst of skyrocketing demand, a state budget deficit and the continuing national recession.*

Local Funding: Facing a \$60 million shortfall in the General Fund, the King County Executive eliminated FY 2010 funding (\$107,500 total) for four Alliance legal aid providers. The Equal Justice Coalition coordinated a successful strategy of scheduling meetings with King County Council members, testimony at public hearings, Action Alerts, and articles to help restore and preserve funding for the Eastside Legal Assistance Program, Northwest Immigrant Rights Project and TeamChild (**page 209**).

State Funding: OCLA received a relatively small reduction in the 2010 Supplemental Session and TeamChild funding was maintained. More than 300 people took part in grassroots advocacy. The 2011 Session is underway. The EJC has developed educational materials (**page 210–211**) and is keeping supporters informed through its EJC Action Alerts.

Federal Funding: Funding for the Legal Services Corporation is at risk. It currently receives \$420 million. The U.S. House recently voted to cut LSC by \$70 million for the remainder of FY 2011. This would mean a \$1 Million cut to the Northwest Justice Project

in 2011. For Fiscal Year 2012, President Obama has recommended an increase for LSC, recognizing the critical importance of legal aid for low-income Americans. Prior to the budget vote, an amendment to eliminate LSC failed on the House floor. Seven out of Washington's nine U.S. Representatives voted to continue LSC funding. The EJC led a team in Washington, D.C., in mid-April 2010 to urge Washington's Congressional delegation to support funding for legal aid. They included Washington Supreme Court Justice Mary Fairhurst, Attorney General Rob McKenna, Washington State Bar Association President Salvador Mungia, Northwest Justice Project Director César Torres, and Equal Justice Coalition Director Nell McNamara. The EJC coordinated a welcome lunch for Seattle attorney Harry Korrell, a new member of the Legal Services Corporation Board of Directors.

Education: The Justice in Jeopardy Initiative co-sponsored Justice at Work Open Court on January 5, 2011 at the Thurston County Superior Court and on February 8, 2011 at the King County Superior Court. Following remarks by judicial officers and court users, participants observed the courts in session, learned about court programs and services, and visited resource tables to learn about the justice system (**page 212–213**).

E. GAAP (Greater Access and Assistance Project) Committee — Jennifer Harris, and Jaime Hawk, Co-Chairs

Mission: *Establish a structure to support viable moderate means panels in Washington State.*

This is a joint committee of the ATJ Board and the WYLD. The Committee has turned its attention from supporting the development of county GAAP programs to supporting the development of the Washington State Bar Association's Moderate Means Program in conjunction with this state's three law schools. The ATJ Board is phasing out of this initiative. However, the Board will continue to ensure coordination and collaboration between the civil legal aid delivery system for low-income people and the Moderate Means Program through membership by Moderate Means Program staff on the ATJ Board's Delivery Systems Committee.

F. Justice Without Barriers Committee –Josefina Ramirez and Judge Gregory Sypolt, Co-Chairs

Mission: *Ensure a fully inclusive justice system by identifying and removing impediments to accessing and using the justice system, including physical, language, and communication barriers, and other barriers resulting from ineffectual and unworkable rules, complex procedures, disparate treatment, and any other obstacles that may serve as impediments to achieving equal and meaningful access to justice.*

The Committee oversees the work of four subcommittees:

Pro Se Project: [See Section II of this Report]

Disability Access: This Committee is nearing completion of a new publication, *Ensuring Equal Access for People with Disabilities: a Guide for Washington Administrative Proceedings*. It will serve as a desk book for decision-makers on identifying and accommodating disabilities and the legal obligations for public agencies conducting

administrative hearings for people with disabilities. This publication is an adaptation of the Committee's 2005 publication, *Ensuring Equal Access for People with Disabilities: a Guide for Washington Courts*. On December 2, 2010, the Supreme Court adopted technical amendments to GR 33 proposed by the Justice Without Barriers Committee (page 214–220).

Administrative Justice: The subcommittee continues to work to review, develop and make recommendations for improvements in administrative procedures affecting low-income persons..

Electronic Access to Court Records: The subcommittee is examining the inconsistencies of electronic access to court records at county levels throughout the state, including fee structures and other barriers that confront low-income people and the organizations that serve them.

G. Law School Relations Committee – Ishbel Dickens and Kathleen Manning, Co-Chairs

Mission: *The ATJ Law School Relations Committee fosters collaboration among Alliance members and law schools to ensure that every law student in the state has an understanding of the importance of public interest law, familiarity with the Alliance for Equal Justice community, an opportunity to work with Alliance members in some capacity as a student, an appreciation for the work that is being done on behalf of low-income clients, and a commitment to support the Alliance's work in some capacity after law school.*

The Committee oversees the work of the following initiatives:

Post-Graduate Fellowships: The Committee is developing a fellowship guide with the goal of increasing fellowships available to the Alliance.

Outreach: Since 2007, the Committee has coordinated activities for students from Washington's three law schools in conjunction with the annual February Goldmark Awards Luncheon. In February 2010 and February 2011, the Committee arranged "mini conferences" attended by about 40 law students each. The 2010 program, hosted by Foster Pepper, featured a panel on community lawyering. The 2011 program, hosted by Davis Wright Tremaine, featured a panel on debtors' prisons. Networking receptions followed these panel presentations.

Laurel Rubin Rural Externship Advocacy Project (REAP): A joint effort with the Laurel Rubin Farm Worker Justice Project, the Committee has designed and implemented a collaboration with the state's three law schools to expand access to justice for migrant and seasonal farm workers. A REAP extern from each law school has been selected for the fall semester. Receiving academic credit, the externs will work on site under the supervision of experienced legal aid attorneys on a wide variety of civil legal issues. Coordination will also be provided by faculty from each law school.

Orientation: On June 23, 2010 the Committee produced the training for summer interns at Alliance organizations. Topics covered included resources for students, ethics, and training on working with clients with limited English proficiency. The Committee

coordinated lunch discussions for the summer 2010 law student Alliance interns. The Committee has created a Facebook page for the ATJ Board.

ATJ Conference: Committee members coordinated the 2010 Conference workshop “Show Me the Jobs: Creative Strategies for New Lawyers in Tough Economic Times.” Committee members coordinated a networking reception for law students and legal aid service providers at the Conference.

H. Nominating and Leadership Development Committee — Judge Elizabeth Fry, Chair

Nominating: The Committee is charged with (1) identifying and nominating new members for the ATJ Board and (2) developing qualifications for, and nominating candidates for, ATJ Board Chair-Elect and Chair. The Committee fulfills the ATJ Board's statutory requirement to recommend the appointment of three members of the Civil Legal Aid Oversight Committee. The Committee, on request, recommends to the ATJ Board appointments for service on boards and committees of justice system partners.

The Committee recruited and interviewed applicants for two ATJ Board vacancies effective May 2011. The ATJ Board submitted a slate of recommendations for nomination by the BOG to the Supreme Court. On February 15, 2011, the Supreme Court appointed new ATJ Board members Breean Beggs and Nicholas P. Gellert for three-year terms beginning May 18 2011. After conducting an extensive recruitment and interview process, the ATJ Board also nominated Jesse Magana for a position of the Civil Legal Aid Oversight Committee (RCW 2.53.010).

Leadership Development: [See Section II. of this Report]

I. Technology Committee — Mike Katell, Chair

Mission: *To increase and improve access to the justice system by promoting efficient inter-agency technology needs-assessment, planning, collaboration and evaluation.*

Implementation of the Access to Justice Technology Principles: This is a primary function of the Committee, which influences everything the Committee does, plans, develops, or advises:

- **ATJ Tech Principles Website:** The Committee has, in collaboration with the University of Washington Information School, developed an ATJ Technology Principles Website (www.atjweb.org) which is, among other things, a resource bank for various implementation efforts as well as a resource for ATJ information and services generally. It is an ongoing goal of the Committee to improve this website and increase both its public and professional awareness and visibility.
- **Assistive Technology Website:** The Committee is developing an assistive technology website to enhance the information provided at www.courts.wa.gov/ada_assistive_technology. The companion site will feature information for consumers who can access assistive technology while using the justice system outside the court system, as well as reviews of equipment. The Committee is partnering with Disability Rights Washington

JusticeNet: Technology Committee members were instrumental in creating JusticeNet, a dedicated system to build broadband communications infrastructure and corresponding communications and information delivery capacity through the state, especially those areas that are underserved or underserved with broadband capacity. The Washington State Justice Net consortium represents a large group of partners working to ensure adequate broadband deployment for the justice system and delivery of essential online services for vulnerable populations.

In August, 2010, the Department of Commerce's National Telecommunications and Information Administration (NTIA) awarded \$4.1 million under its Broadband Technology Opportunity Program (BTOP) to the Puget Sound Center Foundation (PCC) for Teaching, Learning and Technology. A JusticeNet component of this grant includes funding for the establishment of courthouse-based public justice centers in Chelan, Whatcom and Cowlitz Counties and the Kalispel Tribe. In addition, Northwest Justice Project will develop self-help streaming videos and provide additional training and support for existing community based public computer centers designed to increase literacy and access to essential information for individuals who currently lack meaningful broadband access. The innovative character of the Washington State proposal and its focus on bringing broadband access to serve core civil access to justice concerns and the highlighted partnership with NJP have received national attention (**page 221**). A video of the press conference announcing this award is archived online: http://www.ntia.doc.gov/press/2010/pressconf_09162010.html

Proposed Rules on Discovery of Electronically Stored Information: The Committee is working with the WSBA Court Rules Committee on adopting a statewide rule based on the federal electronic discovery rules (Civil Rules 26, 33, 34, 37 and 45). Of particular importance to the Committee are the "safe harbor" and cost-shifting provisions. The Technology Committee and others have expressed concerns that because the federal courts deal with a different population than do state courts, these rules may inadvertently create access to justice issues.

Access to Justice Conference: The Committee coordinating a workshop, "Technology: Power Tools for Justice" for the 2010 Conference.

IV. LIVING HISTORY PROJECT

At its November 13, 2009 meeting, the ATJ Board formally approved the development of a Living History of the Washington State Access to Justice Movement (**page 223**). The ATJ Board, its committees, and other Alliance partners have been working on related initiatives addressing leadership development, strategic communications, fundraising and friend-raising, orientation of new Alliance members and partners, innovative uses of technology, and the digitization and archiving of the documentation of the history of access to justice in Washington State.

The University of Washington Information School offered to make this one of its Capstone projects, and assigned three graduate students – Andrew McCord, Sara Votipka and Andrew Wells – to work with the ATJ Board on this initiative (**page 228**). The students developed a wire frame for the website and a set of recommendations for its development. The Project is beginning to develop content. With the assistance of law

students Wendy Tran and Brian Ledbetter, ATJ Board member Greg Dallaire is writing an early (1967-1985) narrative history of civil legal aid in Washington State.

V. CURRENT CIVIL EQUAL JUSTICE FUNDING

The information set forth below provides the current calendar year 2011 civil equal justice funding picture. Each funding source has its own particular set of restrictions and requirements which dictate how the money is used. The multiple small sources of public and private funds brought in by individual programs are not necessarily counted in the totals. A chart showing the sources and recipients of funds is attached (**page 229**).

Source:

Legal Foundation of Washington (includes IOLTA; does not include LAW Fund/Campaign for Equal Justice): \$2.2 million.

Federal (Legal Services Corporation): \$6.567 million.

State (OCLA): \$11 million

Private (LAW Fund/Campaign for Equal Justice): \$1.4 million – (administered by Legal Foundation of Washington)

Final Recipient:

Northwest Justice Project (statewide delivery, CLEAR and website operation, support): \$5.8 million (Legal Services Corporation); \$11.46 million (OCLA; of which \$1.9 million is subcontracted to support six specialized legal aid providers and local pro bono programs); \$200,000 (Legal Foundation of Washington).

Columbia Legal Services, Northwest Immigrant Rights Project and other specialty programs (serving special populations or providing representation that cannot be underwritten with state or federal funding): \$5.1 million (Legal Foundation of Washington).

Local Pro Bono Programs (leverage local pro bono attorney involvement in legal aid delivery) \$1.3 million (approximately half is funded by Legal Foundation of Washington and half is funded by the State).

VI. NEXT STEPS

The ATJ Board is grateful to Chief Justice Barbara Madsen for her interest in more frequent updates from the ATJ Board on its goals and initiatives. This will facilitate the Court's ability to track and coordinate justice system initiatives and will provide greater guidance to the ATJ Board as it sets its annual priorities. With adequate funding from the Court, the ATJ Board will be able to continue to implement its pro se initiative and other efforts relevant to removing barriers to the justice system for those with economic and other significant barriers.

The ATJ Board thanks the Washington State Bar Association for its continued financial, staffing and administrative support, and for its demonstrated commitment to improving access to the justice system for all.

Attached is a list of the ATJ Board's significant accomplishments since 1995 (**page 230**). The ATJ Board continues to be responsive to justice system needs and challenges and welcomes the opportunity to continue to serve in that capacity.

to work with Alliance members in some capacity as a student, an appreciation for the work that is being done on behalf of low-income clients, and a commitment to support the Alliance's work in some capacity after law school.

14. **Incubator for New Initiatives:** The ATJ Board serves as the research and development component for initiatives to promote and expand access to the justice system for low and moderate income people. Examples include: Uniform Courthouse Facilitator Rule, rules on Unbundled Legal Services, standards adopted by the Board of Governors regarding fee for service telephone provider legal aid services; development of a pilot project for low fee services (GAAP); amendments to CR 23 (*cy pres*); GR 33 (accommodation of persons with disabilities); *Ensuring Equal Access for People with Disabilities – a Guide for Washington Courts*; Access to Justice Technology Principles; JusticeNet; and plain language mandatory forms.

15. **Setting the National Standard:** The ATJ Board is a recognized national model for effective, integrated statewide legal aid planning and the development of a broad and inclusive statewide justice community. While first in the nation, there are now ATJ coordinating entities in nearly two-thirds of the states. Recognizing the success of the Washington experience, effective statewide planning and coordination has become a requirement for receipt of funding from the federal Legal Services Corporation. The ATJ Board has published a model planning guide which is used by state civil legal aid planning entities across the nation.