



MINUTES
Access to Justice Board
June 3, 2011
Three Rivers Convention Center
Kennewick, Washington

Present: **ATJ Board Members** Chair Judge Steve González, Aiko Schaefer, Breean Beggs, Kirsten Barron, Wayne Blair, Nick Gellert, Ishbel Dickens; **ATJ Board Committee Members:** Threesa Milligan, Alex Doolittle, Jorge Barón, Brian Rowe, Ada Shen-Jaffe; **Guests:** Andy Prazuch, Mark Sideman, Judy Dirks, Errin Gailey, Ana Guzman, Melinda García; **Staff:** Joan Fairbanks, Charles Dyer

Local Community Issues: The ATJ Board's Outreach Community invited local community service providers to discuss current issues facing people with economic and other significant barriers in Benton and Franklin Counties. These included Ana Guzman and Melinda García from Consejo Counseling and Referral Services; Judy Dirks, Co-Director, Safe Harbor Crisis Nursery; and Errin Gailey, Program Director, Domestic Violence Services of Benton and Franklin Counties. ATJ Board member Aiko Schaefer facilitated the discussion. Following is a summary of their remarks:

Melinda García and Ana Guzman: Consejo Counseling is a new agency which provides services to victims of domestic violence, primarily in the Pasco area where the need is greatest. It is supported by local, state and federal funds – and also funds from the Northwest Immigrant Rights Project. The program helps people through the entire process: filing protection orders; getting to the hospital; guiding them to counseling services; and accompanying them to court. The major challenges include securing interpreter services at the hospital and dealing with a growing need for document assistance for undocumented clients. Law enforcement is not always helpful in helping people get documentation for visas.

Many clients are afraid of going to court because of the presence of ICE (the ICE office is next door to the courthouse), so her agency spends a great deal of time counseling them. The main reason these clients don't call 911 to report domestic violence is fear that the partner will be deported. The Tri-Cities has unusually high rates of women being arrested for domestic violence. Many currently are in jail

There are no bilingual staff in the clerks' office and no certified interpreters. In dealing with people with language barriers, the clerks will suggest using a web site or hiring an attorney. There are few attorneys available to handle these cases. The Tri-Cities is becoming a location for refugees. World Relief provides services for 30 days. There are many Iraqis with good educations. There are large numbers of Russian, Bosnian and Nigerian with low English and no technology skills. Google translator is often the only resource for her agency.

Erinn Gailey: Domestic Violence Services of Benton and Franklin Counties provides advocacy services in women's shelters. The Tri-Cities has been experiencing a surge of new residents – but there is very little housing or affordable housing. The typical stay in a shelter is 30 days, but in her experience 30 days is not enough time for people in crisis to get back on their feet. The cycle of violence is driven by economic realities. There are specific barriers in the justice system. These include the issuance of protective

orders that don't include children or are for a short period of time. In her opinion, this is a violation of the statute and inconsistent with the legislative intent of protecting the victim and the children. She has observed that often judges aren't interested in the domestic violence problems – only on the parenting plan. Erinn does a lot of training throughout the state on issues related to domestic violence. There is a lot of resistance to developing program to reduce barriers to the justice system because of resistance to following what goes on in Seattle.

Erinn and others reported there are very few attorneys available through the Benton Franklin volunteer attorney program. They have been told this is due to severe budget cuts. They use information from CLEAR, including self-packets. However, unless there is an advocate to help clients with the packets, many don't follow through. NJP has been a tremendous resource to the programs. They all are working to try to build good relationships with judges. Jails provide little or no training on issues relating to domestic violence.

Judges are only available for one hour a day at limited times to approve fee waivers. This schedule makes it difficult for those with seasonable jobs.

Courthouse facilitators charge a fee for each visit.

Judy Dirks: Judy works with Elija Family Homes, which is for people who can't into public housing because of a history of substance abuse. HUD clients pay a portion of the rent; other funding comes from CDBG and donations. Age range for safe harbor: Elija Family Homes currently has ten families. Requirements include that family members are not taking drugs. She noted that court fines are a big problem. Clients in recovery often have such huge court fines. They work minimum wage jobs and if they miss a payment, they may go to jail – which means they will lose their jobs.

Judy is also the co-director of Safe Harbor Crisis Nursery, which focuses on helping traumatized children and working with their families to stop generational issues negatively impacting children. The age range is 18 months to 13 or 14 years. Studies show that adverse childhood experiences can in turn lead to chronic disease and psychiatric disorders. These children need representation because the guardian *ad litem* system is inadequate. They tend to work out of an attorney's office, which may be a conflict. She questions whether they have enough education, training or supervision, and generally work with families who can pay for services. They generally meet with the child and only one of the parents.

The Crisis Nursery will be opening an overnight youth center in the Tri-Cities. Currently the Tri-Cities is the only large community without such a facility. In January there were 625 homeless kids in the Tri-Cities.

The ATJ Board thanked the panelists. Comments and observations from this session will be summarized and provided to the Supreme Court's Gender and Justice Commission.

Approval of February 25 ATJ Board meeting minutes: The minutes were approved.

ATJ Board 2011-12 Priorities: Judge González reviewed the annual priorities. Each ATJ Board Committee is being asked to review the priorities and consider their work plans for the coming year in light of these priorities.

ATJ Board response to Supreme Court Boards, Commissions, Task Forces Assessment: Judge González reviewed the history of this initiative. The Court, in an effort to better coordinate the work of its boards, commission and task forces, established a work group to study the problem and propose solutions. A

final report and a subsequent minority report were circulated. The findings in these reports included: the court is not doing a good job of coordinating its boards, commissions and task forces; there are no clear priorities for their work; there is a lack of vision and meaningful budget process. The ATJ Board discussed a proposed response at its April 29, 2011 retreat. While the ATJ Board found the findings to be valid and supportable, the Board proposed an alternate proposed structure for the boards, commissions and task forces, which is to create four entities that report to the Court: (1) ATJ Board; (2) Regulator and Administrative Affairs – these functions currently handled by regulatory entities would continue to report to the Court through AOC; (3) Council on Public Defense – remain at WSBA but become a “creature” of the Court; (4) a Bias and Diversity Commission – the ATJ Board proposed a variety of models for this, which includes the current Minority and Justice and Gender and Justice Commissions. It is unclear when the Court will be considering the feedback it has received from the ATJ Board and other justice system stakeholders.

ATJ Board endorsement of ABA Language Access Standards: Judge González reported that the ATJ Board is one of two ATJ commissions in the country to endorse these language access standards. There is resistance by judges to the standards because of budget pressures. There is a national battle going on regarding adoption of the standards, as he learned when he and Joan attending the annual meeting of ATJ Chairs in Las Vegas on May 21. The standards will be considered by the ABA House of Delegates this summer. There is a workshop at the ATJ/Bar Leader Conference on language access, which includes a discussion of the proposed standards.

Ensuring Access for People with Disabilities: A Guide for Washington Administrative Proceedings: Joan reported that the new publication is being rolled out that conference, and that is already is getting positive reviews from administrative law judges. The document is a product of the ATJ Board’s Justice Without Barriers Committee.

Task Force on Race and the Criminal Justice System: Judge González reported that the three law schools have each agreed to publish the findings. Gonzaga School of Law is hosting a symposium on bias in the criminal justice system. The Task Force has proposed to the Supreme Court the convening of a forum on juvenile justice moderated by UW School of Law Dean Testy.

ATJ Board web pages: Joan announced the newly configured WSBA web site. She encouraged people to view the ATJ Board’s pages and contact her with any suggestions for content. Board members noted that the calendar function was not working.

ATJ Board budget and anticipated budget needs: Kirsten reported that Supreme Court funding for the plain language forms project runs out on June 30 and that there are no additional funds from other sources to continue the project. The ATJ Board still has not been notified by the Court whether the Board will get any funding for the next biennium.

Respectfully submitted,

Joan E. Fairbanks