



MINUTES

Access to Justice Board
June 8, 2012
10 a.m. – noon
Yakima Convention Center

Present

ATJ Board members Chair Kirsten Barron, Chair-Elect Ishbel Dickens, Hon. Lisa Atkinson, Breean Beggs, Hon. Anita Crawford-Willis, Nick Gellert, Lynn Greiner, Geoff Revelle, Andy Sachs; **ATJ Board committee members** Ada Shen-Jaffe, Brian Rowe, Don Horowitz, Eric Gonzalez, Alex Doolittle; **Guests** New Hampshire School of Law Dean John Broderick, Gail Smith (Jones and Smith, Mt. Vernon), Ken Masters (Chair, WSBA Court Rules and Procedures Committee), Dave Hansen (Director, Sunrise Outreach Center, Yakima), Helen Reddout (President, Community Association for the Restoration of the Environment, Yakima), Sister Roberta Rorke (Professor, Heritage University and Board Member, Rod's House, Yakima), Helen Spencer (AmeriCorps Children's Vision Project, Yakima), Eva Valdivia (paralegal, Yakima); **Staff** ATJ Manager Joan Fairbanks

Proposed CR 34

The ATJ Board's Technology Committee and the WSBA Court Rules and Procedures Committee have been working together on proposed amendments to CR 34 (Electronically Stored Information). The two entities have reached agreement on all the proposed changes, with the exception of the addition of the words "format or format" to the phrase "form or forms." The two entities agreed to abide by the decision of the ATJ Board on this issue.

Technology Committee member Don Horowitz explained the perspective of his committee, which is that the addition of the term format does not detract from the rule and makes it easier to understand the rule. There also is concern that lawyers may not understand that the word "form" includes "format." He asked the ATJ Board to support the addition of this language.

Ken Masters clarified he was not attending in his official capacity as Chair of the WSBA Court Rules and Procedures Committee. He thanked Don Horowitz and Technology Committee Chair Brian Rowe for their assistance with improving the rule. He believes it is harmful to add "format." Federal courts have interpreted forms to include formats and there is no authority to the contrary. According to the rules of statutory structure, the term "form" is very broad. The goal of his Committee is to have as broad a rule as possible.

Members of the ATJ Board expressed general support for limiting the language to the terms “form or forms,” but agreed to defer to the judgment of the Executive Committee of the Pro Se Project. Those working on the Pro Se Project have developed language expertise from translating complex family forms into plain language. The ATJ Board will endorse the decision of the Project and will report its decision to Ken Masters.

Approval of March 30, 2012 ATJ Board meeting minutes

The Minutes were approved.

ATJ Board Chair’s Report

ATJ Board budget: Kirsten Barron reported there will be no staff cuts or meeting/travel cuts for FY 13 because WSBA found an additional \$900,000 to defray these expenses. There will need to be additional work during subsequent years to maintain the status quo.

Board for Judicial Administration Filing Fee Work Group: The ATJ Board has been asked to identify a representative to serve on this Work Group. Kirsten and Ishbel will determine who will attend.

GR 34 Work Group: Kirsten will participate. The first meeting is in June.

Leadership Academy: A Memorandum of Understanding between the ATJ Board and Seattle University School of Law is being drafted. The ATJ Board will review it this summer.

ATJ Board Law School Relations Committee and Hosting ATJ Board Meetings: At its retreat the ATJ Board discussed offers from SU School of Law to facilitate/host these functions, perhaps on a rotating basis with all three law schools. The ATJ Board did not make any final decisions pending the outcome of the WSBA budget discussions.

Access to Justice Conference: WSBA has eliminated funding for the conference. There has been a lot of discussion about proposed models for future conferences and how to maintain the key elements.

Request from Chief Justice Madsen re Judicial Branch Strategic Planning

Chief Justice Madsen is seeking stakeholder support for her Judicial Branch Strategic Planning initiative and has asked the ATJ Board to indicate its support for the initiative and to offer input to the planning process as it moves forward.

The ATJ Board will send a letter to Chief Justice Madsen indicating its support for the initiative. Before the ATJ Board can indicate it will actively participate in the process, it needs additional information about the time commitment and related expectations, and whether the ATJ Board is being asked to identify a representative. The letter also will include a number of suggestions, to include: (1) invest in professional facilitation and guidance; (2) consider the overlap between criminal and civil; (3) conduct the planning in the context of the entire justice system; (4) address the issue of bias in the justice system at all levels of the process.

A draft letter will be sent to the ATJ Board for additional suggestions prior to sending it to the Chief Justice.

Legal Community Events

Geoff Revelle and Hon. Anita Crawford-Willis will attend the June 19 King County Bar Association Annual Awards dinner.

Hon. Anita Crawford-Willis and Andy Sachs will attend the August 22-25 Hispanic National Bar Association Annual Convention.

Listening session:

The ATJ Board invited local community service providers to discuss current issues facing people with economic and other significant barriers in Yakima County. These included Dave Hansen, Director, Sunrise Outreach Center; Helen Reddout; President, Community Association for the Restoration of the Environment; Sister Roberta Rorke, Professor, Heritage University and Board Member, Rod's House;; Helen Spencer, AmeriCorps Children's Vision Project; and Eva Valdivia, paralegal. ATJ Board member Ishbel Dickens facilitated the discussion. Following is a summary of their remarks

Dave Hansen: Sunrise Outreach Center is a Christian-based community development organization. He showed a power point about poverty in Yakima County and what's being done to address it by a 40-agency network (Safe Yakima Valley) that meets monthly to work on homelessness and poverty issues. Yakima County has one of the highest poverty populations in the state, with 50% of single households with children living in poverty. Sixteen percent of the population has less than a 9th grade education; 29% do not graduate from high school; 17.7% of children under 18 have no health insurance; and the most recent homeless population count indicates that 297 of 996 people are age 17 or below. The Yakima County Courts have established a successful Gang Commission modeled on drug courts. This is a collaboration of police/sheriff, city/county government, education, business (profit/non-profit) and churches. Recognizing that poverty is the main contributor to gang activity, the goals are to coordinate gang prevention, intervention and suppression, reduce recidivism and develop a sustainable reentry strategy.

Helen Reddout: Through a power point presentation, she outlined the problems created by Concentrated Animal Feeding Operations (CAFOs) in the Yakima Valley. There are hundreds of these operations, each housing 1000 or more cows in confined areas living in their own waste. There are 18,000 dairy cows in the Yakima Valley. Each cow generates 20-30 pounds of manure daily which is dumped or sprayed onto the fields, turning them into toxic waste dumps. The surface water is being polluted; crops are being burned and destroyed; and people are becoming ill. The manure is seeping into the ground water, polluting the wells and surfacing around homes occupied by low income people, including farmworkers. Local agencies are politically handcuffed. The County health department won't investigate these complains because these are not zoned agricultural areas. The Department of Agriculture defends the interests of the dairies. The Department of Ecology is writing up CAFO permits. The Yakima

Valley is attracting these operations because of the high concentration of poverty and the inability of residents to organize and to influence decision-makers. There is no mandate to treat the manure. John Hopkins University conducted a study of air in the living rooms of people living near dairies. The air is polluted with antibodies and manure particles and there is a very high rate of asthmas and diarrhea. Her goal is to get public interest law firms involved in addressing the problem, and to get government agencies to focus on the factual realities of the CAFOs.

Sister Roberta Rorke: She works primarily with gang members through Rod's House. Former gang members JJ and Antonia co-presented with her about their experiences. The three of them provided an overview of the factors that contribute to gang membership, which include poverty; and parents who are absent or who abuse drugs or alcohol. Many kids who are arrested don't understand the justice system. Often they plead guilty and have a felony on their records for the rest of their lives. The police in Yakima are reputed to pay for sex and manufacture evidence and they threaten to use taser guns on the kids. As a result, kids have no respect for the police. Sister Rorke has seen good results with counseling and mentoring, which was confirmed by JJ and Antonia, who have benefited from counseling and are now in school and moving on with their lives. All three stressed the problem of racial and ethnic bias in our society, which promotes stereotyping of kids in poverty. There is a need for counseling and mentoring services for youth.

Helen Spencer: She described the AmeriCorps Children's Vision Project, which is beginning its third year this fall. Poor vision is related to lower test scores of children in poverty and children of color. In Yakima County alone, 54.6% of foster children they have screened had undetected vision problems despite Medicaid coverage and regular Well Child exams. These problems surfaced initially because some children were getting nauseous in 3D movies, a sign of binocular vision dysfunction. Yakima developmental optometrists are having a great deal of success in helping children with their binocular vision dysfunctions. There are now developmental optometrists in every part of our state (clinics in Lynnwood, Kirkland, Seattle, Federal Way, Olympia, Spokane, Yakima, Pasco) to help children and adults develop better vision skills. So long as the State of Washington does not test children for binocular vision problems, and convergence insufficiency in particular, parents and teachers will continue to be in the dark about their many children with learning problems related to poor vision, and will never learn about appropriate treatments, including vision therapy. Parents and teachers need information on how to help students develop better vision skills, yet none is provided. The goal of the AmeriCorps project is to gather and publicize this information.

Eva Valdivia is a paralegal in a Yakima immigration law firm. Without a background as a farmworker and community advocate, she reviewed what she sees as the most significant issues facing low income and marginalized populations in Yakima County. The gang issues are tied in part to the reduction of after school programs, 4H groups and organized sports. She noted a cultural divide in Yakima, which inhibits the involvement by many low income and racial minorities from participation, and said noted she had never experienced racism until she moved to Yakima from California. She has experienced discrimination in the workplace and in school. Since many residents speak only Spanish, language is a barrier. There is insufficient

affordable housing and lack of public transportation. There are significant immigrant issues and she spends some of her time working to promote immigration reform. Yakima is a socially and politically conservative county, making it difficult to achieve community-wide agreement in how to address many of these challenges. She observes that there is a lack of cultural competency by many professionals and even volunteers who otherwise are providing good services. And although there is a lot of collaboration by and among social and human services providers, the cultural barriers serve to maintain a two-class system in the County.

Joint Meeting With the Civil Legal Aid Oversight Committee to Take Action on Statement of OCLA Director Roles and Functions

The ATJ Board joined the meeting of the Oversight Committee at 2:00 p.m. Oversight Committee Chair Tom Brown introduced ATJ Board Chair Kirsten Barron who in turn introduced the members of the ATJ Board. It was declared that at this point the meeting was a joint meeting of the Civil Legal Aid Oversight Committee and the Access to Justice Board.

ATJ Board member Breann Beggs provided a report and recommendations from the joint Oversight Committee/ATJ Board work group that reviewed the roles and functions of the role of the OCLA Director. He offered that, upon adoption, the documents under consideration will provide solid guidance when the ATJ Board is next asked to make a recommendation to the Supreme Court to fill a vacancy in the position. He noted that the work group did not address the process that the ATJ Board would use should it be asked to do so, but focused solely on the roles and functions and the corresponding skills and competencies that would be used to guide any future ATJ Board effort.

Office of Civil Legal Aid Director Jim Bamberger offered that an important component of these documents is the degree to which they expressly address the relationship between the Office of Civil Legal Aid and the agency director, on the one hand, and the Access to Justice Board, on the other. He also observed that achieving agreement with respect to the roles and expectations of the agency and its director is essential given the parallel roles that the ATJ Board (recruitment and recommendation to the Supreme Court) and the Civil Legal Aid Oversight Committee (performance review) play *vis a vis* the OCLA director.

ATJ Board member Geoff Revelle moved to adopt the draft documents as presented by the joint work group. His motion was seconded by ATJ Board member Ishbel Dickens.

Oversight Committee member Judge Paul Bastine moved to adopt the draft documents as presented by the joint work group. His motion was seconded by Judge Ellen Kalama Clark.

Both bodies unanimously approved the motions. Kirsten Barron made comments about the imperative that we work to identify people who can be groomed and supported to be in a position to take leadership responsibilities at OCLA and other key Alliance positions.