

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

February 2009

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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 Order (**Governing Documents, Tab 1**), and continues to refine its mission through the mechanisms it has established to do so: "Access to Justice Board Statement of Principles and Goals" (**Tab 2**); "Hallmarks of an Effective Statewide Civil Legal Services System" (**Governing Documents, Tab 1**); *Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (Revised 2006) (State Plan)*; and the annual *Access to Justice Conference Recommendations*.

B. Members and Participants

Attached is a current roster of ATJ Board members (**Tab 3**). ATJ Board members Gregory Dallaire and Hon. Steven González were each appointed by the Supreme Court for a second three-year term. Elizabeth Schoedel was appointed by the Supreme Court as an at-large member. ATJ Board member Nieves Negrete resigned in May 2008, leaving a vacancy on the Board. On February 18, 2009, the ATJ Board submitted a slate of recommendations for nomination to the Board of Governors of the Washington State Bar Association (WSBA) for three ATJ Board positions: (1) the current vacancy; (2) a replacement for Bruce Reeves, who completes his second three-year term in May 2009; and (3) a replacement for Millicent Newhouse, who completes her first three-year term in May 2009 and does not seeking reappointment for a second three-year term. The ATJ Board also has asked the Board of Governors to recommend reappointments of Hon. Elizabeth Fry and M. Wayne Blair for second three-year terms. The ATJ Board selected Dan Gottlieb as Chair and the Hon. Steven González as Chair-Elect. The ATJ Board gave a special tribute to outgoing ATJ Board Chair Hon. Greg Tripp at its April 4, 2008 meeting.

Attached is a current roster of ATJ Board Committee Chairs (**Tab 3**). Approximately 175 volunteers currently serve on the ATJ Board's twelve standing committees and its ad hoc Performance Standards Workgroup. The ATJ Board has developed brief overviews of each committee, which include the names and affiliations of members (**Tab 4**). Committee membership includes judges and court commissioners, administrative law judges, tribal court judges, BOG, 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, state agency staff, disability groups, and representatives from the media.

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, WSBA Family Law Section Executive Committee, Superior Court

Judges Association, District and Municipal Court Judges Association, and Office of Administrative Hearings. A complete list of liaisons is attached (**Tab 5**).

C. Meetings

The ATJ Board met twelve times since its last annual report, including the ATJ Board's March 6, 2008 annual meeting with the Supreme Court; a special July 11, 2008 meeting to solicit stakeholder feedback on the ATJ Board's State Plan Implementation Update Report; and three conference call meetings to discuss the Report. Attached are the agendas from the February 29, April 4, May 5-6 retreat, June 6, August 15, November 7, 2008 and January 15 and February 13, 2009 meetings (**Tab 6**).

On October 27, 2008, the ATJ Board hosted its second annual meeting of its committee chairs. The agenda for that meeting is attached (**Tab 7**).

D. Communication

This *Report* and the ATJ Board meeting minutes are posted on the ATJ Board's website: <http://www.wsba.org/atj>. The purpose of the website is to provide useful information for those in Washington state and nationally who are interested in learning about the ATJ Board and its initiatives. The ATJ Board posts its meeting materials for those who prefer to access them online. The website also includes pages for each of the ATJ Board's committees.

To improve communication and facilitate the dissemination of information, the ATJ Board and WSBA host e-mail lists for the ATJ Board, each of the ATJ Board's committees and special projects, the Leadership Group, and WSBA's Pro Bono and Legal Aid Committee.

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 WSBA within its Justice Programs Division. This Division is part of the WSBA Department of Justice and Diversity Initiatives (JDI). Current Justice Program Division staff include: Joan Fairbanks, Justice Programs Manager; Sharlene Steele, Access to Justice Programs Liaison; and Allison Durazzi, Justice Programs Coordinator. The ATJ Board is hosting Brian Rowe, a Seattle University School of Law extern, for the spring semester. The Justice Programs Division has part-time administrative support from JDI Administrative Assistant Jennifer Danis. All Justice Programs Division staff members are assigned to WSBA-specific responsibilities in addition to supporting the work of the ATJ Board and its committees.

F. Administration

The ATJ Board is administered by the WSBA by Washington State Supreme Court Order and under the auspices of a Memorandum of Understanding between the ATJ Board and the WSBA (**Governing Documents, Tab 1**).

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 (**Governing Documents, Tab 1**) 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.

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 2008 Report) include the following:

GR 34 (Waiver of Court and Clerks’ Fees and Charges in Civil Matters): The ATJ Board has been involved for two years in efforts to develop a rule that has substantial support from the justice community. The proposed rule is before the Supreme Court.

Legal Technician Rule: The ATJ Board supported the proposed rule after soliciting comments from key justice community stakeholders. The proposed rule is before the Supreme Court.

AOC Disability Access Coordinator: The ATJ Board’s Impediments Committee played a significant role in the passage of 2SHB 2903 which created a Disability Access Coordinator position at the Administrative Office of the Courts.

RPC 1.5 (Fees): The ATJ Board commented as follows: “The current RPC 1.5 provides a measure of protection for the consumer of legal services to the extent that funds must be kept in trust until earned. While we understand the financial issues the proposed rule seeks to address, especially for solo practitioners and for certain area of practice, it will weaken the consumer protection provided in the current rule.”

Comparability Rule (proposed amendment to RPC 1.15A – the IOLTA rule): The ATJ Board supported this rule in concept. The proposed rule was approved by the BOG and is before the Supreme Court.

APR 8(e) Proposed Amendments to Emeritus Rule: The ATJ Board opposed proposed changes by the Board of Governor’s Bylaw Review Committee to impose a mandatory 80-hour pro bono requirement for Emeritus attorneys. The BOG continues to consider changes to APR 8(e).

Washington State Bar News: The ATJ Board’s Communications Committee coordinated the content development for the May 2008 *Bar News*, which was focused on access to justice, and contained significant articles by members of the Supreme Court and the BOG. **(A copy is in the front folder of this Report).**

WSBA Pro Bono Initiative: WSBA President Mark Johnson has asked ATJ Board Chair-Elect Hon. Steven González to serve as one of two honorary co-chairs of this new initiative, which is to mobilize pro bono attorneys to address the impact of the economic crisis on low-income people in our state, primarily with housing-related issues.

Judicial Training: The ATJ Board was invited to submit a workshop proposal for the annual fall Judicial Conference. The ATJ Board has proposed a panel focused on what judges can do when they encounter litigants that need representation, but can’t afford an attorney, and do not qualify for pro bono services.

Task Forces and Committees: ATJ Board representatives currently serve on the following: Washington State Bar Foundation's Loan Repayment Assistance Program Advisory Board; Council on Public Legal Education; 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, key individuals and organizations for awards and recognition. The ATJ Board presented annual awards at its 2008 Access to Justice Conference: the Judicial Leadership Award to Division I Court of Appeals Judge Marlin Appelwick; the Access to Justice Leadership Award to Northwest Immigrants Rights Project Attorney Matt Adams; the Civil Equal Justice Community Partnership Award to Representative Patricia T. Lantz; the ATJ Board/WSBA Norm Maleng Leadership Award to M. Wayne Blair; and a special recognition to the ATJ Board's Impediments Committee.

Integration with the Organized Bar: The ATJ Board works to enhance collaboration and communication with the BOG and WSBA leaders in the following ways: (1) annual ATJ Board presentations to the BOG; (2) presentation at the annual WSBA Section and Committee Chairs orientation; (3) annual orientation of the WSBA president and new BOG members; and (4) reciprocal liaisons with the BOG.

Integration with the Judiciary: The ATJ Board works to enhance collaboration and communication with the judiciary in the following ways: (1) annual meeting with the Supreme Court; (2) ATJ Board orientation for new Justices; (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) ATJ Board liaison to the Board for Judicial Administration (BJA).

H. National Participation

The ATJ Board continues to be active at the national level and is viewed as a model for other states.

Management Information Exchange Journal (MIE Journal): The ATJ Board's *State Plan* was featured in the Spring 2008 issue, which focused on state Access to Justice boards and commissions (**Tab 8**). The target audience for the *Journal* is the national community of legal aid providers and supporters.

National meeting of ATJ Board Chairs: ATJ Board Chair Dan Gottlieb and ATJ Board Director Joan Fairbanks participated in the seventh National Meeting of State Access to Justice Chairs as part of the American Bar Association/National Legal Aid and Defender Association Equal Justice Conference in Minneapolis on May 9, 2008 (**Tab 9**).

National Conferences: ATJ Board staff participates actively in the planning for key national conferences, including the National Legal Aid and Defender Association Annual Conference and the ABA/NLADA Equal Justice Conference.

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 seven years ago, 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.

Technical Assistance: ATJ Board members and staff continue to provide assistance to those in other states that request information about the ATJ Board and its initiatives.

II. SUPREME COURT-FUNDED ATJ BOARD INITIATIVES

A. Status Report on FY 2009-2011 Funding Request

The ATJ Board submitted a letter to Chief Justice Alexander on May 23, 2008 requesting continued funding for the ATJ Board at current levels (\$200,000 for the biennium) for FY 2009-2011. On December 30, 2008, the ATJ Board followed up with a letter advising the Court of specific initiatives and support functions that the Board plans to undertake with these funds (**Tab 10**). The ATJ Board identified these as consistent with *State Plan* implementation, and necessary to preserve the gains made through statewide planning over the last decade, particularly as the civil equal justice delivery system attempts to weather the current economic and funding crisis.

B. Final Report on FY 2008 Initiatives

Both the Supreme Court and the BOG approved the expenditure of \$100,000 for the Court's 2008 fiscal year (July 1, 2007 – June 30, 2008) to support the implementation of the ATJ Board's *Plan for Delivery of Civil Legal Aid to Low Income People in Washington State (State Plan)*. Funds supported a third year contract for \$60,000 for State Planning Facilitator Lynn Greiner, with the balance of funds used for necessary travel and meeting costs, and for contracting with John A. Tull and Associates to assist the ATJ Board with developing a set of program performance standards as provided for in the *State Plan*. A report detailing state plan implementation activities from July 1, 2007 – December 30, 2007 was submitted with the ATJ Board's 2008 Report to the Court and BOG. The first half of 2008 was spent developing the ATJ Board's State Plan Implementation Update Report, which was adopted by the ATJ Board on August 15, 2008 (**Tab 11**). The performance standards development process is being overseen by the ATJ Board through its Performance Standards Workgroup, established in May 2008.

C. Report on Current FY 2009 Initiatives

Both the Supreme Court and the BOG approved the ATJ Board's proposal to use the full \$100,000 for FY09 to support the implementation of the ATJ Board's *State Plan (Tab 12)*. Funding is supporting a second year contract for \$60,000 with Regional Planning Facilitator Lynn Greiner. The balance of the funds (\$40,000) is being used for travel and meeting expenses and other costs necessary to implement all aspects of the Revised *State Plan*, including the extension of a consultant contract with John A. Tull and Associates to assist the ATJ Board with developing a set of performance standards as provided for in the *State Plan*. The ATJ Board allocated \$5,000 to support Legal Aid Days, a series of events held in October 2008 to celebrate and promote the critical work of legal aid in Washington. A report on the status of the implementation to date of the

State Plan is discussed *below* in *Section III. I. State Plan Oversight Committee (SPOC)*. A report on the progress of the Performance Standards Workgroup is discussed *below* in *Section IV*. A report on Legal Aid Days is discussed *below* in *Section III. C. Equal Justice Coalition*.

III. ATJ BOARD STANDING COMMITTEES

The ATJ Board currently oversees the work of eleven standing committees which are addressing the priorities established by the Supreme Court's Order.

A. Access to Justice Conference Planning Committee — Colleen Kinerk, Chair

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

In 1996, the ATJ Board established the Access to Justice Conference Planning Committee, which has coordinated annual conferences annually since that time. Access to Justice conferences have been held annually since June 1996. The conference brings together many components of the legal community to discuss equal justice issues as they relate to the delivery of legal services to low-income people. Reports generated from each conference include a set of recommendations that serve as benchmarks for measuring the progress of statewide initiatives from year to year.

The 13th annual Access to Justice Conference, *Justice Without Borders*, was held in Vancouver, Washington June 6-8, 2008. Conference workshop topics included workplace health and safety issues for indigenous farm workers, difficulties faced by *pro se* individuals in courts and administrative tribunals, children in dependency, law student partnerships, immigration, nonprofit organization board governance, Native American women and sexual assault, economic justice and legal issues of the homeless. The joint Bar Leaders Conference/ATJ Conference plenary session focused on American immigration policy and its impact on the justice system. Shelley Davis, Deputy Director of Farmworker Justice, provided the keynote address. Conference attendance increased significantly, due to increased focus of the conference theme, which was to identify and acknowledge obstacles to equal justice due to various "borders," such as geographic, multi-cultural and economic. Twelve entities (members and supporters of the Alliance) held meetings in conjunction with the conference. The committee meets monthly between October and May. Conference registration brochures, conference programs, workshop materials and the final conference report are developed, printed and distributed for each conference.

The 2009 Access to Justice Conference will be held at the Yakima Convention Center May 29-31. The general focus of the conference will center on economic issues affecting access to the justice system for low-income clients and finding solutions to the challenges we face and multi-disciplinary approaches to better serving low-income clients, such as legal/medical partnerships. Workshops will be formatted to incorporate the WSBA's increased efforts to promote pro bono at a critical time when legal services to low-income people are at unprecedented levels.

A copy of the 2008 Access to Justice Conference Report is attached (**Tab 13**).

B. Communications Committee — Michele Storms, Chair

Mission: To create and implement clear and consistent messaging about Washington's civil legal aid efforts. A strong, clear and consistent message about the vision and work of the Alliance for Equal Justice is critical for effective communications within the legal community, and to legislators, donors, volunteers, the media, clients and others, for the purpose of achieving greater visibility and support for civil legal aid.

The Committee continues to work on completing and supporting the work outlined in the 2004 ATJ Board Communications Plan. After conducting an assessment of the communication needs of the Alliance, the Communications Committee is focusing on facilitating internal communications for the legal aid providers in the Alliance. To that end, the Committee is developing an electronic newsletter which will be disseminated regularly to an Alliance-wide e-mail list including all staff, board members and volunteers. The Committee is standardizing an orientation for new Alliance members, which will be available online. The Committee participated in the orientation of new Alliance members at the 2008 Access to Justice Conference.

The Committee developed the content for the May 2008 issue of the *Washington State Bar News*, which was designed as an "Access to Justice 101" for bar membership. **(A copy is in the front folder of this Report)**. As a follow-up to that issue, the Committee is coordinating the submission of quarterly articles *Bar News* articles providing more in-depth discussion of the topics and initiatives covered in the May 2008 issue.

C. Equal Justice Coalition (EJC) – John Cary, Chair

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

The current focus of the EJC is to effectively communicate to policymakers and the public about the continued need for increased public funds to close the Justice Gap in Washington, to maintain current funding levels, and to secure another incremental public investment in legal aid.

State Funding: The EJC continues to contribute meaningfully to the Justice in Jeopardy initiative as a member of its core committee, and is working with that coalition during the 2009 legislative session. The EJC was directly involved in (and helped facilitate) the FY 2009-2011 budget development process. The Office of Civil Legal Aid (OCLA) submitted a request to the Legislature for \$900,000 to maintain current funding for the Northwest Justice Project in light of known and measurable personnel and occupancy costs, and for \$950,000 in new investment to leverage greater volunteer support from the private bar. This request was made despite, and because of, heightened economic insecurity impacting this state and the nation. On October 28, 2008, the EJC sent a memorandum updating the Alliance on the state budget request and outlining a strategic plan for securing 2009-2011 funding for legal aid from the Washington Legislature **(Tab 14)**. However, because the expected deficit increased substantially after the original request was prepared, OCLA, together with other offices in the judicial branch, withdrew its request for \$950,000 in new funding. As the 2009 Legislative session got underway, ATJ Board Chair Dan Gottlieb sent a letter to the Alliance outlining the current position of

state-funded legal aid and asking for support to preserve current funding for legal aid to low-income people (**Tab 14**).

Local Funding: In October 2008, the EJC mobilized Alliance supporters to help preserve King County funding for multiple legal aid programs whose funding was in jeopardy. The EJC sent an action alert to its membership and Alliance leadership calling for online testimony, attendance at County Council budget hearings, and letters to council members and County Executive Ron Sims (**Tab 15**). On November 24th, after six public hearings and lengthy debate, the Metropolitan King County Council unanimously adopted a budget that substantially changed County Executive Ron Sims' proposed budget. To close an unprecedented \$93 million shortfall in the 2009 King County budget's general fund, many programs experienced reduced or eliminated funding to make up for the projected revenue shortfall, including critical Alliance programs. Legal Action Center of Catholic Community Services lost its King County funding. The Northwest Immigrant Rights Project will only receive \$10,000—less than half of its 2008 appropriation. The Unemployment Law Project will receive a six month grant at 2008 levels—a 50% cut. TeamChild retained its funding, Eastside Legal Assistance Program received a substantial increase, Solid Ground's family assistance program's funding is likely secured, and King County Law Library has avoided complete elimination of its Kent branch.

Federal Funding: In May 2008, the EJC made its annual visit to Washington, D.C. to meet with the Washington state members of Congress to advocate for increased federal funding for the Legal Services Corporation (LSC). 2008 EJC representatives included: Scott Smith (EJC chair), Justice Susan Owens, César Torres (Northwest Justice Project), Stan Bastian (WSBA President), Caitlin Davis Carlson (Legal Foundation of Washington), Judge Greg Tripp (ATJ Board), John Cary (EJC chair-elect), and Nell McNamara (EJC Director). A continuing appropriations resolution (HR 2638) passed in Congress and was signed into law on September 30, 2008. This resolution means that the Legal Services Corporation (LSC) will continue to operate at fiscal year 2008 funding levels until March 6, 2009, or until the regular fiscal year 2009 appropriation is enacted. The FY 2008 funding level is \$350.5 million. The funding resolution maintains FY 2008 levels, an effective cut for the Northwest Justice Project. LSC could still receive an 11% increase next year because the appropriations committees in both the House and Senate recommended funding LSC at \$390 million.

Education: The EJC drafted and distributed a press release and internal talking points to promote the opening of a new legal aid office in Moses Lake – a collaborative project between Columbia Legal Services, Northwest Immigrant Rights Project, and Grant-Adams Volunteer Legal Services.

The EJC coordinated the Alliance's 2008 Legal Aid Days (formerly known as Open Houses) in October. The events were held in Seattle, Spokane, Bellingham, Chehalis, and Vancouver (**Tab 16**). Legal Aid Days promoted multiple, interrelated goals: 1) building a base of public/political support, 2) increasing giving to the Campaign for Equal Justice, 3) educating and fostering relationships with Legislators, 4) generating positive media attention, 5) educating the community (including service providers) about legal aid, and 6) uniting and mobilizing the Alliance during uncertain times. On behalf of the Alliance, the EJC facilitated a "Champion of Justice Award" to Representative Kelli Linville at the LAW Advocates' annual Lawyers Take Orders Auction.

The Alliance was the focus of an excellent article in the Puget Sound Business Journal's annual Law edition. The EJC publishes an online newsletter, *Justice at Work*, several times a year (**Tab 17**). The EJC garnered significant publicity for civil legal aid in Washington state (**Tab 18**).

D. GAAP (Greater Access and Assistance Project) Committee — Rachelle Anderson and Jennifer Harris, Co-Chairs

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

This is a joint project and committee of the ATJ Board and the Washington Young Lawyers Division (WYLD). The Committee supported the development and implementation of an initial pilot project in Spokane County under the direction of the Spokane County Young Lawyers Division and housed at the Spokane County Bar Association. The Committee has been focused on replicating the Spokane model in other parts of the state. To date, the Snohomish County Bar Association has implemented GAAP. The Committee continues to work with representatives from Kitsap and Whatcom Counties as they move toward implementing GAAP.

The Committee has turned its attention to developing solutions for a statewide centralized GAAP to serve clients whose incomes fall between 200 and 400% of the Federal poverty level. The Committee is exploring an online intake and referral system developed by Delaware.Net and is working on a proposal to develop and staff this proposed system.

E. Impediments to Access to Justice Committee — Hon. Gregory Sypolt and David Lord, 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 has continued to focus over the past year on (1) impediments in the justice system facing people with disabilities and (2) rules and procedures in the administrative justice system that impede access.

Guide (*Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts*): Efforts have focused largely on revising the online version of the *Guide*, which was developed and distributed by this Committee in 2006. Committee members continue to offer training, using a two-hour power point training developed by this Committee in 2006, on providing access to people with disabilities in the courts.

Guide for Administrative Agencies: The Committee has submitted a funding proposal to the WSBA Administrative Law section to adapt the *Guide* to the administrative hearing process.

Disability Access Coordinator: The Committee worked to obtain state funding for a statewide disability access coordinator for the Courts who could focus, among other

duties, on the implementation of GR 33. Carol Maher was hired in July 2008 by the Administrative Office of the Courts, and is an active member of this Committee.

GR 33: On December 12, 2008, members of the Impediments Committee participated in a meeting with the Court Management Council (CMC) to discuss questions and concerns that have arisen after experience by court clerks and others in implementing GR 33, and to discuss whether proposed amendments to the rule are necessary or appropriate at this time.

Administrative Justice: The Committee conducted a status review of a report prepared by this Committee in 1997 which identified 13 impediments to the justice system, the majority of which were targeted to addressing impediments at the administrative level. Based on this review, the Committee established an Administrative Justice Subcommittee which is looking at proposed solutions. The Subcommittee is developing a survey for fair hearing coordinators, attorneys and appellants regarding cognitive disabilities in fair hearings. The Subcommittee is also exploring how to develop a rule comparable to GR33 for administrative hearings.

National Role: Committee members designed and participated in a workshop, held at the annual American Bar Association/National Legal Aid and Defender Association Equal Justice Conference, on “Removing Barriers and Increasing Access to Justice for Older Persons and Persons with Disabilities Through State Planning, Systemic Advocacy and Aging and Disability Resource Centers.”

F. Law School Relations Committee — Lynn Greiner and Steve Fredrickson, Co-Chairs

Mission (draft): The ATJ Law School Relations Committee works to ensure that every law student in the state has an understanding of the importance of legal aid as 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 held a planning retreat in April 2008 and agreed to address the following initiatives:

ARC (Advocate Resource Center): The Committee is working to centralize information for law students about work and volunteer placements with Alliance providers through the existing ARC website administered by the Northwest Justice Project.

Fellowships: The Committee is exploring funding mechanisms and opportunities for post-graduate law school fellowship opportunities in Washington state.

Law School Faculty and Staff: Each of the three law schools is represented by faculty and staff in efforts to develop collaborative projects, which include the Rural Legal Services Project (*below*).

Rural Legal Services Project: The Committee has designed a collaborative externship-based project, which would be housed and supported by Columbia Legal Services, the Northwest Justice Project and the Northwest Immigrants Rights Project. The Committee

has designed a curriculum and secured the participation of faculty from each of the three law schools. The Committee has applied for funding for this initiative from the Laurel Rubin Farmworker Justice Fellowship Project.

Outreach: The Committee has taken responsibility for organizing events for students in all three law schools to educate them about the opportunities for participation in the Alliance. Activities in 2008 included fall events at each of the three schools which introduced civil legal aid providers to law students; a workshop at the June Access to Justice Conference; a summer civil legal aid law student orientation attended by over 70 students; and a spring job shadow program which provided an opportunity for students at each of the three schools to spend time with a legal aid attorney. The Committee also works to facilitate attendance by law students at the annual Goldmark Awards Luncheon and the annual Access to Justice Conference. More than 22 students attended the 2008 Access to Justice Conference.

Seattle Journal for Social Justice: The Committee helps to solicit articles from the Alliance and provides support for students in developing articles for publication in the student-run journal at Seattle University School of Law.

G. Nominating and Leadership Development Committee — Hon. Elizabeth Fry, Chair

Mission: To identify and nominate new ATJ Board members and to coordinate ongoing individual, organizational and statewide leadership development.

Nominating: The Committee is charged with (a) 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 recruited and interviewed applicants for one current and two upcoming ATJ Board vacancies. There were 16 applicants for three positions. On February 18, 2009 the ATJ Board submitted a slate of recommendations for nomination to BOG.

Leadership Development: The *Revised State Plan* charges this Committee with the responsibility for coordinating individual, organizational and statewide leadership development. The Committee is addressing this through the development a sustainable statewide infrastructure to identify, train and support diverse leaders who are committed to equal justice. The Committee has drafted a Request for Proposals to solicit expertise in designing such a system.

H. Pro Se Committee - Millicent Newhouse, Chair

Mission: To develop initiatives to minimize difficulties faced by pro se individuals in courts and administrative tribunals.

National Center for State Courts September 2008 Court Solutions Conference: The Administrative Office of the Courts invited Chair Millicent Newhouse, as a representative from the ATJ Board, to attend this conference, along with representatives from the state court system, AOC, and the state law librarian. A focus of the conference was best practices in assisting self-represented litigants. Washington state participants will convene to develop a statewide plan for addressing the needs of self-represented litigants.

2008 ATJ Conference Workshop: The Committee coordinated a workshop on “Minimizing Difficulties Faced by Pro Se Individuals in Courts and Administrative Tribunals.”

Hot Docs: Committee members served as testers for the Northwest Justice Project’s Hot Docs interactive document assembly software on uncontested dissolutions.

Literacy Project: The Committee is developing a guide for use by judges, administrative hearing officials and court staff when working with people with literacy challenges.

Courts of Limited Jurisdiction: The Committee is exploring how pro se litigants fare in these forums and whether are issues that can be addressed by this Committee.

Courthouse Facilitators: The Committee has identified as a goal the expansion of GR 27 to areas beyond family law.

I. **State Plan Oversight Committee (SPOC)** — Greg Dallaire, Chair

Mission: To oversee and provide technical support for implementation of the Revised State Plan and to monitor changes in the civil equal justice system that may require new or additional planning focus.

Background: In May of 2006, the ATJ Board adopted its revised *Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State*. This *State Plan* set out five areas of planning focus and called for implementation over a three to five year period. From the adoption of the *State Plan* in May 2006 to the end of 2007, major strides were made in three areas: planning teams in 18 regions across the state created plans to enhance their civil legal aid delivery system; the rural delivery system was upgraded through the opening of four new legal aid offices; and a centralized client intake and access system was developed in King County through a partnership between the Northwest Justice Project and the 211 telephone system.

State Plan-related activities in 2008: Having received all of the regional plans, in early 2008 the State Plan Oversight Committee (SPOC) turned its attention to three areas: the reconciliation of these plans as a whole, a proposal by some members of the pro bono community to form a statewide pro bono entity, and the formulation of recommendations regarding all the remaining components of the *State Plan*. Over the following months, SPOC addressed all of these tasks in its State Plan Implementation Update Report, which acknowledged the accomplishments over the previous two years towards implementation of *State Plan* goals, and advanced a number of recommendations regarding how to proceed. Two key proposals included the creation of pro bono “hubs” in five areas of the state which involved combining two or more existing pro bono programs, and the creation of a State Support Center tasked with Alliance-wide professional development and training to all staff, as well as pro bono support. SPOC’s Update Report was completed by the end of May and presented to the ATJ Board for its approval.

Over the summer, the ATJ Board, with SPOC’s assistance, vetted the proposed Implementation Update Report with the broader Alliance community through meetings and written comments. At its August 15th meeting, the ATJ Board adopted the final version of the State Plan Implementation Update Report (**Tab 11**), reflecting changes

resulting from this process. A copy of this Report was distributed to all Alliance members and partners. In the meantime, work on other *State Plan* issues proceeded: a new legal aid office in Moses Lake opened to serve low-income individuals in central Washington, and regional planning teams continued to meet and work on issues to improve regional delivery systems.

In the fall of 2008, it became apparent that the economic downturn in the economy would affect the civil legal aid network as our key funding sources were experiencing a significant decline in revenue. A number of the initiatives advanced in the ATJ Board's Implementation Update Report were dependent on securing additional funding. As it became apparent that this would not be forthcoming, planners spent the final three months of the year evaluating activities that could be pursued without further funding. Plans were made to centralize support for technology and communications needs, develop statewide specialty panels in areas of greatest need, develop ongoing professional training and leadership development for Alliance program staff and pro bono attorneys, and develop protocols for the application of the Program Performance Standards to assess the effectiveness of individual Alliance programs and the delivery system as a whole. On December 11, 2008, the ATJ Board notified the Alliance of this shift in priorities for the first half of 2009 (**Tab 19**).

J. Statewide Website Advisory Group (SWAG) – Sue Encherman and Danielle Rebar, Co-Chairs

Mission: To promote collaborative efforts among websites that provide substantial Access to Justice content and services to the people of Washington state through participation by members from the Alliance for Equal Justice, state government and the public legal education community.

Its broad, long-term goals are to share among its members website updates and ideas for improvement; compile and maintain a directory of justice system websites summarizing what information and services are offered for the public by each; work together to publicize all justice system websites; prepare content that can be shared among all justice system websites; implement and promote Access to Justice Technology Principles via best practices tools; create joint grant proposals for development of new justice system web content and features; and, explore how justice system websites can share resources such as audio/video hosting, technical support, etc.

The committee's primary activity in 2008 was information sharing among the member organizations. The following organizations joined SWAG in 2008: the Washington State Law Library, the Washington State Library and the Washington State Archives. Additionally, SWAG completed the initial version of its directory of justice system websites for the public (also known as "the matrix") and posted it on the web at <http://www.wsba.org/atj/committees/swag.htm>. The purpose of the matrix is to educate staff and leaders within the justice system about how the websites differ and to facilitate cross-linkages among websites.

Initiatives for 2009 include:

- In partnership with its Technology Committee, assist the ATJ Board with implementing the ATJ Technology Principles among SWAG's member organizations and perhaps more broadly.

- Continue to maintain, and publicize, the directory of justice system websites for the public.
- Develop web pages on the following topics that all websites in the justice system can link to: a. How to donate money to legal aid, b. How to find legal help, c. Pro bono opportunities for attorneys.
- Conduct a series of "webinars" (online trainings) for SWAG member organizations on a variety of website accessibility, usability and application topics.
- Continue to use SWAG meetings, and the SWAG e-mail list, as a forum for justice system webmasters to share updates, seek advice, and explore potential partnerships.

K. Technology Committee — Don Horowitz, Chair

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

This current focus of this Committee is to implement the ATJ Board's Revised Technology Plan (2006). To that end the Committee engaged in the following activities and initiatives in 2008:

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. Among other things, in 2008, the following occurred:

- **ATJ Tech Principles Website:** The Committee has, with major collaboration of 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. This website is operational, fundamental information has been loaded, and more features, information and links will be placed in and on the site over time. Among current capabilities of the site are included multi-lingual translation of key documents, and voice read, letter enlargement and other assistive technologies to accommodate and empower persons with disabilities and persons with limited literacy. It is an ongoing goal of the Committee to improve this website and increase both its public and professional awareness and visibility.
- **Sea-Mar Project:** The Committee continued to implement its SeaMar pilot Project, which tests the usability, value and helpfulness for ATJ clients and potential clients and the public generally of specifically developed interactive software and content and form generation on public access computers in easily accessible, high credibility community centers and other gathering places. The Sea-Mar Community Health Center in south Seattle is such a place, which for many years has well served many poor and otherwise vulnerable people in a growing variety of ways. Sea-Mar is where the pilot project, and hopefully an ongoing service will take place. In 2004, an Attorney General Consumer Protection Division Grant was

awarded to the Committee for use in this project. The purpose of the grant is to collaborate with Sea-Mar Community Health Centers and various components of the justice system to develop, implement and effectively deliver public access computers and terminals containing and providing realistically needed and usable legal system information and services to and in the community, in community centers, resource centers and other gathering places people consider safe and credible. Specific steps taken toward implementation in 2008 included developing a proposal for a kiosk, tech support and printer, and making arrangements to get law student support. The original scope of the project may need redefining because system compatibility issues continue to exist between the A2J software (interactive forms) and the computer system at SeaMar. The project will begin in the summer of 2009.

- **WSBA Website:** At the request of the WSBA, a number of Committee members have been and currently are participating and collaborating with the WSBA and the University of Washington Information School to revise the WSBA website to make it more accessible and usable for both the legal profession and the public. Students from the Information School have been assigned to work on this initiative through the School's Capstone Project
- **ATJ Principles Technology Business Case Development Checklists:** The Committee has developed a set of checklists as part of the implementation of the ATJ Technology Principles. The next step is to get AOC approval. The checklists enable justice system decision-makers to use the ATJ Principles as a screening tool in the development of the business case for implementing these principles. The Committee is awaiting AOC approval so that it can disseminate the checklists and use them for training purposes in all justice system and associated websites.

A2J: A2J is client self-interview and document assembly software. Committee members have been working with the Northwest Justice Project's Document Assembly Oversight Committee in developing interviews for domestic violence protective orders, returns of housing security deposits and evictions. The King County Bar Association Housing Justice Project has allowed Committee members to conduct A2J testing with their clients.

Videoconferencing: During the ATJ Board's *State Plan* implementation process, videoconferencing surfaced throughout the various regions as a significant resource to address the needs of the equal justice community for internal communication among programs, but also to as a tool for statewide training, and a tool to enable attorneys to represent clients remotely. In response, this Committee established a Videoconferencing Initiative Task Force. As part of the development of that proposal, the Committee invited a presentation of the technology by Peter Sanders from Solutionz, Inc. and Jeff Sjodin from Polycom, Inc. The ATJ Board approved the proposal and OCLA provided funding to the Northwest Justice Project (NJP) for implementation. NJP has purchased 16 videoconferencing units, which will cover all 16 NJP office locations, including satellite locations. NJP is now looking at a video bridge, which would enable 20 people to be on one call. NJP has purchased the gatekeeper module, which allows NJP to manage the scheduling of the calls.

Alliance for Equal Justice Geographic Information System (GIS): During 2007 the Committee planned and developed a Project Prospectus Proposal for the enhancement of the current GIS mapping system. That proposal was approved by the ATJ Board, and was implemented during 2008 with the input of the Committee. Committee members

participated in the development of the model through presentations by the developer, Karsten Vennemann, and through special access via password to enable Committee members to provide specific feedback on the usability of the system. Several Committee members participated in the “super user” training of this system, which is now up and running. Those interested in viewing the system should contact Joan Fairbanks.

IV. ATJ BOARD PERFORMANCE STANDARDS WORKGROUP

The ATJ Board’s 2006 *State Plan* proposed the establishment of an ATJ Board Performance Assessment and Accountability Committee for the dual purposes of (a) evaluating and making recommendations for changes to the ATJ Board’s Program Performance Standards, and (b) developing a protocol for coordinated peer assessment of Alliance member program performance against the expectations of the *State Plan* and relevant state and national standards.

As a first step in this process, the ATJ Board appointed a Performance Standards Workgroup to upgrade the ATJ Board’s 1999 Civil Equal Justice Program Performance Standards. In February 2008 the ATJ Board retained the services of John A. Tull & Associates, who, in consultation with the Standards Workgroup, was charged with recommending upgrades to the Standards consistent with national standards (ABA Standards for the Provision of Legal Aid, Legal Services Corporation Performance Criteria, ABA Pro Bono Standards), and other standards as appropriate.

Mr. Tull’s contract was renewed on July 1, 2008. The Standards Workgroup has completed a thorough review of the proposed draft ATJ Board Program Performance Standards. During the first half of 2009 the Workgroup will develop a set of standards which address the unique aspects of pro bono programs. The ATJ Board seeks to use a portion of FY 2010 Supreme Court funds to develop a protocol for coordinated peer assessment of Alliance member programs.

V. CURRENT CIVIL EQUAL JUSTICE FUNDING

The information set forth below provides the current civil equal justice funding picture, recognizing that each funding source has its own particular set of restrictions and requirements which dictate how the money is used, and also recognizing that there are multiple small sources of public and private funds that are brought in by individual programs and not necessarily counted in the totals. The following does not include funds raised by bar foundations, or volunteer attorney services and other non-cash contributions to the civil equal justice network. A current list of civil equal justice providers is attached (**Tab 20**).

Calendar Year 2009:

Source:

Legal Foundation of Washington (includes IOLTA; does not include LAW Fund/Campaign for Equal Justice): \$2.5 million.

Federal (Legal Services Corporation): \$5.8 million.

State (OCLA): \$11.5 million (average calendar year level during FY 2007-09 biennium)

Private (LAW Fund/Campaign for Equal Justice): \$1 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 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 Immigrants Rights Project and other specialty programs (serving special populations or providing representation that cannot be underwritten with state or federal funding): \$6.3 million (Legal Foundation of Washington).

Local Pro Bono Programs (leverage local *pro bono* attorney involvement in legal aid delivery) \$1.5 million (approximately half is funded by Legal Foundation of Washington and half is funded by the State).

VI. NEXT STEPS

It is anyone's guess how the precipitous downturn in the economy will impact the civil legal aid delivery system. The OCLA has withdrawn its request for additional state funding and instead will be working hard to maintain existing revenues. The Legal Foundation of Washington has cut funding for all Alliance providers 18% from 2008 levels due to declining interest rates and the resulting reduction in investment income. Additional significant reductions are expected in 2010 because of the drop in interest rates. Furthermore, the Governor's budget eliminates or substantially reduces funding for several key legal aid providers. The Alliance is bracing for additional cuts in funding.

This turn of events has, and will in all likelihood continue to, result in significant reductions in legal aid services for low-income people in this state over the next biennium, if not longer. At the same time, the demand for civil legal aid services continues to rise as low-income people suffer the effects of the economy. The ATJ Board must now focus on preserving the gains made through statewide planning over the last decade, and specifically on providing the support functions necessary to preserve those gains.