

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

February 2008

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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 (Tab 3)*; *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 list of ATJ Board members and ATJ Board committee chairs (**Tab 4**). Two members, Dan Gottlieb and Nieves Negrete, were appointed by the Supreme Court for second three-year terms.

Approximately 235 volunteers currently serve on the ATJ Board's twelve standing committees. The ATJ Board has developed brief overviews of each committee, which include the names and affiliations of members, to be used primarily for recruitment of new members (**Tab 5**). Committee membership includes judges and court commissioners, administrative law judges, tribal court judges, members of the Washington State Bar Association Board of Governors (WSBA 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, paralegal students, members of the armed forces, mediators, educators, technology specialists, LAW (Legal Aid for Washington) Fund and Legal Foundation of Washington (LFW) representatives, Office of Civil Legal Aid (OCLA), staff from the Administrative Office of the Courts (AOC) and WSBA, state agency staff, disability groups, and representatives from the media.

The Statewide Website Advisory Group (SWAG), formerly a subcommittee of the ATJ Board Technology Committee, became an ATJ Board standing committee. The Council on Public Legal Education (CPLÉ) has transitioned from an ATJ Board standing committee to a WSBA advisory committee. Under this new configuration, the ATJ Board nominates one person to serve as its representative on CPLÉ.

The ATJ Board also enjoys the active participation of formal liaisons from key justice system partners, including the WSBA BOG, AOC, Access to Justice Institute (ATJI), WSBA Family Law Executive Committee (FLEC), Superior Court Judges Association (SCJA), District and Municipal Court Judges Association (DMCJA), and Office of Administrative Hearings (OAH). A complete list of liaisons is attached (**Tab 6**).

C. Meetings

The ATJ Board met nine times since its last *Report*, including its annual two-day retreat. Attached are the agendas from the March 8, April 13, May 7-8 retreat, May 21, June 1, September 21, October 12, and November 30, 2007, and January 11, 2008 meetings (**Tab 7**).

On October 25, 2007, the ATJ Board hosted its second annual meeting of its committee chairs for the purpose of reviewing the new ATJ Board Operational Rules and providing a general orientation on current ATJ Board initiatives. The agenda for that meeting is attached (**Tab 8**).

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 of 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 (PBLAC).

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. Under a new WSBA configuration, the Justice Programs Division is now part of the new 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; Guadalupe Cavazos, State Plan Specialist; and Allison Durazzi, Justice Programs Coordinator. The Justice Programs Division has part-time administrative support from JDI Administrative Assistant Jennifer Danis. All Justice Programs Division staff are assigned to WSBA-specific responsibilities in addition to supporting the work of the ATJ Board and its committees.

F. Organizational Development

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 (**see "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. At its June 1, 2007 meeting, the ATJ Board approved its Guidelines Regarding Third-Party Requests for ATJ Board Support (**see "Governing Documents," Tab 1**), which were developed to assist the Board in responding to an increasing number of requests for ATJ Board support and endorsement of legislation, funding requests, awards and initiatives.

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 our February 2007 Report) include the following:

WSBA Committee on Public Defense (CPD): The ATJ Board voted unanimously to support the adoption of the criminal rule changes recommended by this Committee and to support the additional work and recommendations outlined in the CPD’s March 2, 2007 report.

GR 34 (Waiver of Court and Clerks’ Fees and Charges in Civil Matters): The ATJ Board has voted to support the rule and has convened a joint work group with the WSBA Pro Bono and Legal Aid Committee to promote its adoption by the Supreme Court.

Proposed Legal Technician Rule: The Practice of Law Board has asked the ATJ Board to reaffirm its previous support for concept of the proposed rule. The ATJ Board will take a formal position on the proposal at its February 29, 2008 meeting after seeking input from key stakeholders.

WSBA Bar News: The ATJ Board is coordinating content development for the 2008 WSBA *Bar News*, which will be devoted to access to justice.

Right to Assigned Counsel in Civil Cases: Following the Supreme Court’s decision in *King v. King*, those involved in that case will be seeking guidance from the ATJ Board with respect to options for providing a right to counsel.

Process to Explore Questions Relating to the Substance and Scope of the Office of Civil Legal Aid (OCLA): The ATJ Board and the Civil Legal Aid Oversight Committee engaged in this joint process, which was to explore questions relating to the substance and scope of the authority of OCLA and changes, if any, that might be made to clarify OCLA’s statutory authority and responsibility. OCLA engaged the services of consultant John A. Tull of Nederland, Colorado to facilitate the process. Mr. Tull’s Final Report is attached (**Tab 9**).

Norm Maleng Leadership Award: The ATJ Board proposed, and the WSBA approved, the establishment of this award, to be given annually and jointly by the ATJ Board and the WSBA at the annual ATJ Board and Bar Leaders Conference, beginning in June 2008.

Public Service Voices Series of the Gates Public Service Law Scholarship Program: Several ATJ Board members and ATJ Board committee members have agreed to be guest authors for this series, now in its second year.

Task Forces and Committees: ATJ Board representatives currently serve on the following: WSBA Committee on Public Defense; Washington State Bar Foundation’s Loan Repayment Assistance Program Advisory Board; WSBA Amicus Committee; WSBA Committee on Diversity; 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. ATJ Board members supported the nomination of ATJ Board Chair Judge Greg Tripp, who received the 2007 WSBA Outstanding Judge Award. The ATJ Board presented annual awards at its 2007 Access to Justice Conference: the 2007 Judicial Leadership Award to King County Superior Court Judge Catherine Shaffer; the 2007 Access to Justice Leadership Award to Northwest Justice Project Attorney John Purbaugh; and the Civil Equal Justice Community Partnership Award to TV Washington. The ATJ Board also formally recognized the outstanding contributions of retiring WSBA Executive Director Jan Michels; retiring King County Bar Association Executive Director Alice Paine; and outgoing ATJ Board Technology Committee Chair Brian Backus. The ATJ Board nominated its Impediments to Access to Justice Committee for the Paul G. Hearne Award for Disability Rights, which is given annually by the American Bar Association Commission on Mental and Physical Disabilities. The ATJ Board nominated its lead staff person Joan Fairbanks for the Charles Dorsey Award, given biennially by the National Legal Aid and Defender Association.

Integration with the Organized Bar: The ATJ Board works to enhance collaboration and communication with the BOG and WSBA bar 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).

Orientation of Justice System Partners: ATJ Board members and staff regularly make presentations about the ATJ Board, its initiatives, and the broader Washington State Alliance for Equal Justice to new leaders in the justice system.

Expansion of Participation in ATJ Board Initiatives: The ATJ Board continues to work to involve new people on the ATJ Board committees and as liaisons to the ATJ Board, including those outside the legal community.

Education of the ATJ Board: In its role as a statewide coordinating board, the ATJ Board works to enhance its understanding of new initiatives. During the past year, the Board has asked for formal presentations at its meetings from the following: (1) the new Chief Administrative Law Judge Roosevelt Currie regarding his vision for his agency; (2) University of Washington law student Riana Pfefferkorn, who organized and participated in a relief trip to New Orleans as part of the Student Hurricane Network; (3) the new Access to Justice Institute Director Diana Singleton regarding her role and new initiatives at the Institute; (4) Washington State Bar Association Leadership Institute Fellows, presenting their new DVD, "Justice for All: Our Profession, Our Responsibility;" (5) Equal Justice Works Chief Executive Office David Stern, regarding the scope of this national

program and its relevance to Washington State; and (6) new WSBA Executive Director Paula Littlewood on WSBA's mission, guiding principles and strategic goals.

H. National Participation

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

National meeting of ATJ Board Chairs: ATJ Board Chair Judge Greg Tripp and ATJ Board Manager Joan Fairbanks participated in the sixth 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 Philadelphia on March 24, 2007 (**Tab 10**).

Request for ATJ Board Support of the National Domestic Violence Volunteer Attorney Network Act: The ATJ Board wrote a letter in support of this legislation, which would create a coordinated, nationwide referral system to help victims of domestic violence (**Tab 11**).

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. During 2007, the ATJ Board's State Plan Oversight Committee (SPOC) was invited to make presentations on the ATJ Board's State Plan at both these national conferences. The ATJ Board's Impediments to Access to Justice Committee has been invited to make a presentation at the 2008 ABA/NLADA Equal Justice Conference regarding its work on improving access for people with disabilities.

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. Plans are underway to update and revise the handbook.

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 2007-2009 Funding Request

The ATJ Board submitted a letter to Chief Justice Alexander on July 7, 2006 requesting continued funding for the ATJ Board at current levels (\$200,000 for the biennium) for 2007-2009. The request was approved. The ATJ Board has identified a need to continue to dedicate these funds to the implementation of the *Revised State Plan*, as described below. The ATJ Board will be providing the Supreme Court and WSBA with a proposal for how funds will be expended in FY 2009. As in previous years, the ATJ Board will seek approval from WSBA's Budget and Audit Committee.

B. Final Report on FY 2007 Initiatives

Both the WSBA BOG and the Supreme Court approved the expenditure of \$100,000 for the Court's 2007 fiscal year (July 1, 2006 – June 30, 2007) to support two projects: \$10,000 to support the 2006 Open House Project; and \$90,000 to support implementation of the ATJ Board's *Revised State Plan*. A report of the 2006 Open House Project was included in the ATJ Board's 2007 *Report* to the BOG and the Supreme Court. The ATJ Board has submitted quarterly progress reports to the Supreme Court and the Board of Governors on the status of the implementation of the *Revised State Plan*. Two of those reports (July 1, 2006 – September 30, 2006; October 1, 2006 – December 31, 2006) also were submitted as part of the 2007 *Report* to the BOG and the Supreme Court. The third report (January 1, 2007 – June 30, 2007) is attached (**Tab 12**).

C. Report on Current FY 2008 Initiatives

Both the Supreme Court and the Board of Governors approved the ATJ Board's proposal that it use the full \$100,000 for FY08 to support the implementation of the ATJ Board's State Plan (**Tab 13**). 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 a consultant contract with John Tull to assist the ATJ Board with developing a set of performance standards as provided for in the *Revised State Plan*. Reports detailing activities from July 1, 2007 – December 30, 2007 are attached (**Tab 14**). A full report on the status of the implementation to date of the *Revised State Plan* is discussed *below* in Section III. J. State Plan Oversight Committee (SPOC).

III. ATJ BOARD STANDING COMMITTEES

The ATJ Board currently oversees the work of twelve 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, including soliciting and tracking annual conference recommendations.

In 1996, the ATJ Board established the Access to Justice Conference Planning Committee which has coordinated conferences annually since that time. The Access to Justice 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 and moderate income people. Reports generated from each conference include a set of recommendations that serve as benchmarks for measuring the progress of statewide initiatives.

The 12th annual conference, "Valuing Leadership: Ensuring Justice for All," was held in Wenatchee on June 1-3, 2007. Conference workshop topics included *pro bono* partnerships, cognitive disabilities in administrative hearings, the Alliance for Equal Justice and law school partnerships, leadership training, economic justice, Tulalip

Wellness Court, sexual orientation and gender identification, Civil Gideon and Grant County Juvenile Justice Reform Project. John McKay, former U.S. Attorney, provided the keynote address. Twelve committees and boards held meetings in conjunction with the conference. The Moderately Talented (Yet Plucky) Repertory Theatre of Justice, performed "ATJ Idol" at the Friday evening Welcoming Reception.

The Access to Justice Conference is held in conjunction with the annual WSBA Bar Leaders Conference. In 2007 the committees of the two conferences worked together to plan the conferences collaboratively, which resulted in a more seamless event.

The Annual Access to Justice Conference *Report* includes recommendations that have been developed and tracked since the first Access to Justice Conference in 1996. The Conference Committee is developing ways to make the recommendations a more prominent focus during the conferences as well as to serve as tools for assisting the annual conference planning process.

Plans are underway for the 13th annual Access to Justice Conference on June 6-8, 2008 in Vancouver, Washington. The theme of the conference is "Justice Without Borders." The Committee is collaborating with the Oregon State Bar and the Oregon access to justice community in an effort to provide workshops and activities relevant to attorneys from both states.

A copy of the 2007 Access to Justice Conference Report is attached (**Tab 15**).

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.

With the support of FY 2007 funding from the Supreme Court, the Communications Committee has implemented much of the *Alliance for Equal Justice Statewide Communications Plan* (adopted in 2004 by the Access to Justice Board). In October 2007, the Committee reconvened for the purpose of conducting an assessment of the current communications-related work of the Equal Justice Coalition and the ongoing communications needs of the Alliance.

C. Equal Justice Coalition (EJC) – Scott Smith, 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.

State Funding

Up to and during the 2007 legislative session, the EJC participated as a partner in the Justice in Jeopardy initiative, which — through collaboration — achieved increased funding for critical justice systems functions. The EJC continues to meaningfully contribute to the Justice in Jeopardy initiative as a member of the initiative's core committee. In 2007, the Washington

State Legislature appropriated a \$5.26 million biennial increase for legal aid. These funds are being utilized to increase capacity in rural areas of the state that have the greatest unmet need and to expand centralized intake statewide to King County, in accordance with the ATJ Board's *Revised State Plan*.

Federal Funding

Every year, the EJC sends a delegation to Washington, D.C., to meet with Washington State Senators and Members of Congress to advocate for increased federal funding for the Legal Services Corporation (LSC). The 2007 EJC representatives included: Scott Smith (chair), Patrick McIntyre, Ellen Dial, Justice Susan Owens, César Torres, Caitlin Davis Carlson, Judge Greg Tripp, Rob McKenna, and Sara Zier.

The EJC was honored by the American Bar Association with its 2007 Grassroots Advocacy Award for the EJC's efforts to increase public funding for legal aid services for low-income individuals and families.

In early 2007, Congress increased federal funding for FY 2007 for the Legal Services Corporation by \$22 million nationally (over \$300,000 for NJP) — the first funding increase for LSC since 2002, when LSC, like other domestic programs, began suffering across-the-board-cuts.

Education

The EJC continued its communications work on behalf of the Alliance for Equal Justice. The EJC focused on painting a clear picture of this community and the work it does, the importance of civil legal aid, and the unique statewide efforts to close the "Justice Gap."

The Northwest Justice Project opened three new offices in 2007 in Port Angeles, Aberdeen, and Longview. The EJC helped coordinate invitations and press releases promoting opening events. There was positive media coverage for each location (**Tab 16**).

The EJC convened a small work group to prepare for a Washington State Supreme Court decision in *King v. King*. The group discussed strategic responses for various outcomes. After the decision, the EJC worked closely with WSBA to generate positive media coverage, educating the public about civil legal aid and its importance. Examples of press coverage are attached (**Tab 17**).

EJC Chair Scott A. Smith, César Torres, Dick Manning and others were guests on the Bob Pittman "Legal Line" radio show in December 2007 to promote civil legal aid and the Campaign for Equal Justice.

The EJC publishes an on-line newsletter, *Justice at Work*, several times a year (**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 a 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. The Snohomish County Bar Association implemented GAAP this year. The Committee has been working closely with Kitsap and Whatcom Counties to provide guidance as those counties move toward implementing GAAP.

Given the success of these low fee panels, WSBA allocated \$20,000 to conduct a feasibility study for the establishment of a statewide GAAP. The feasibility study was completed in March 2007 by an independent contractor (**Tab 19**). As a result of the study, the GAAP Committee developed a series of proposals for statewide funding for consideration by WSBA. Given the complexity of the structure, staffing, financial eligibility and funding issues introduced through the feasibility study, the GAAP Committee has now expanded to include additional members of the ATJ Board, representatives from the ATJ Board's State Plan Oversight Committee (SPOC), members of the Alliance, and representatives from the WSBA BOG.

E. Impediments to Access to Justice Committee — Hon. Gregory Sypolt and David Lord, Co-Chairs

Mission: Identify and remove impediments to the justice system, including physical and language barriers, ineffectual and unworkable rules and procedures, disparate treatment and other obstacles that may serve as barriers to equal justice.

The Committee has continued to focus over the past year on impediments in the justice system facing people with disabilities. Significant work was completed:

Publications

Efforts continue in the distribution of the *Guide (Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts)* and accompanying brochure, which were developed by this Committee in 2006. All court personnel now have copies, and Committee members distributed copies at events throughout the state.

Training

Equal Access to Courts: Using a two-hour power point training, developed by this Committee in 2006, on providing access to people with disabilities in the courts, the Committee organized and coordinated a series of training events which included participation by committee members and at least one presenter who has a disability and expertise in court access issues. These presenters included Robert Lichtenberg, Office of Deaf and Hard of Hearing; Debbie Cook, Washington Assistive Technology Alliance; and Gretchen Thatcher, Central Washington Disability Resources. Presentations were made at the following events:

- Superior Court Judges Spring Conference, April 23, 2007, Semiahmoo (Blaine)
- Washington Association of Prosecuting Attorneys (WAPA) (125 attending - plenary session), Tacoma
- Washington Defenders Association (WDA), April 28, 2007 (75 attending), Winthrop.

GR 33: Shortly after the adoption of GR 33 (see Court Rules and Forms, *below*), Committee members accepted an invitation to provide training to Spokane court personnel on GR 33 and the new forms to be used in its implementation. Committee members also assisted AOC staff in developing its presentations on GR 33.

Legislative Efforts

Access Coordinator for the Courts: In 2006, Committee members worked with AOC staff to develop a budget proposal to create an Access Coordinator for the Courts. Committee members advocated for funding of this position. Unfortunately, funding was not included in the final budget. Committee members are attempting to secure funding for this position in 2008.

Historic Preservation in the Courts: Committee members worked closely with the Historic Preservation Trust on its successful proposal for an allocation of an additional \$5 million for projects to preserve and restore historic courthouses. The legislature included provisions that ensure that all projects will be reviewed by the state Facilities Accessibility Review Committee to ensure that they meet ADA accessibility requirements.

Disability Definition: Committee members were active in the successful efforts to restore the broad, inclusive disability definition in the Washington Law Against Discrimination.

Disability Communities of Washington Legislative Reception: In January 2007, Impediments Committee Co-Chair David Lord attended the Disability Legislative Reception and discussed issues affecting access to justice.

Court Rules and Forms

GR 33 (Requests for Accommodation by Persons with Disabilities): Adopted by the Supreme Court with an effective date of September 21, 2007 (**Tab 20**), GR 33 was proposed and developed by this Committee. The rule provides a pathway for requesting disability accommodation in court. Committee members have responded to many requests for information about the rule. Committee members also provided a training on GR 33 to Spokane court staff (see Training, *above*). Committee members worked closely with AOC staff to improve the accessibility of forms and instructions used to implement GR 33 to ensure they are readable and accessible. In October, Deborah Perluss, the Committee member who led the effort, was honored with an award presented by the Committee.

Vulnerable Adults Protection Orders: The VAPO statute was amended in 2007, and as a result of Impediments Committee member activities, language was inserted calling for attention to the accessibility of the forms and process used in obtaining a VAPO. Additionally, Committee members provided the resource information from the Court Guide for inclusion in the VAPO Handbook that the AOC developed for court staff.

Planning and Coordination

The Committee continues to coordinate its work on accessibility improvement with that of the ATJ Board's Technology Committee. Assistive technology, accessible websites, and other technology are crucial concerns in the implementation of the goals of the Committee.

Meeting Location Accessibility

As a result of advocacy by an Impediments Committee member, WSBA passed a policy that all WSBA meetings would be held in buildings that have ADA accommodations.

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

Mission: To ensure that every law student in the state has an understanding of the importance of public interest law.

The Committee's focus has been to ensure that every law student in Washington state has an understanding of the work of the Alliance for Equal Justice, and all the various legal aid providers, and to improve communication and collaboration among Washington law school students, faculty, staff and Alliance members. To that end, the Committee has engaged in a series of activities and initiatives during the past year:

The Committee participated in a reception at Seattle University School of Law during Martin Luther King Week in January 2007 to provide students with an opportunity to hear from and meet with local legal aid providers. During February 2007, the Committee participated in receptions at the University of Washington and Gonzaga Law Schools for students to hear from and meet with local legal aid providers.

The Committee recruited over 30 law students from the state's three law schools to attend the Goldmark Awards Luncheon on February 16, 2007, and coordinated a law student reception following that event. The Committee secured funding for travel expenses for the law students from the Legal Foundation of Washington.

The Committee coordinated "job shadowing" in February for five Gonzaga Law School students with the Northwest Justice Project's CLEAR attorneys. In March, the Committee arranged a "job shadow" week for Seattle University and University of Washington Law School students with legal aid providers in the Seattle area.

More than 20 law students attended the June 2007 Access to Justice Conference as a result of the Committee's recruitment efforts and success in securing travel expenses. The Committee hosted a workshop at the conference entitled "Making an Impact with Alliance and Law School Partnerships."

Alliance partners hosted a day-long Legal Aid Summer Intern Orientation in June for the 40-plus law students interning for the summer with legal aid offices around the state.

The Committee is developing a centralized student information Internet based site, hosted by the Advocate Resource Center, which will provide information to law students regarding volunteer, work-study, internship, externship and paid work opportunities.

The Committee is exploring post-graduate fellowship opportunities, including ways to increase Equal Justice Works fellows in the state, and the creation of additional fellowships with legal aid partners which would be available to graduates of the Washington state law schools.

The Committee is establishing a link with the Seattle University Law School's Seattle Journal for Social Justice. The Alliance's statewide Advocacy Coordinators are consulting with SJSJ student staff to determine journal topics that would be of benefit to the legal aid community.

G. Nominating and Leadership Development Committee —
Dan Gottlieb and Nieves Negrete, Co-Chairs

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

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 has been recruiting applicants for an upcoming vacancy on the ATJ Board. This position is held currently by Judge Greg Tripp who is completing his term as ATJ Board Chair in May 2008. Judge Tripp currently holds the Board for Judicial Administration (BJA) position on the ATJ Board. In an effort to recruit from a more diverse pool of applicants, the Committee has been working with the BOG and the BJA to reappoint ATJ Board member Judge Steve González as the BJA representation on the ATJ Board. Judge González currently fills the WSBA Board of Governors position on the ATJ Board. The Committee also is developing qualifications for the election of the new ATJ Board Chair-Elect. Chair-Elect Dan Gottlieb will become ATJ Board Chair in May 2008.

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 plan to identify and develop leaders for the access to justice community from both within and outside of the Alliance, who are as diverse as the people in Washington state.

The Committee has prepared, and distributed for comment, a draft Leadership Development Framework. This is the first step in the creation of a sustainable statewide infrastructure for the ongoing development of leaders with the capacities to enhance the ability of the Washington State equal justice community to achieve equal access to the civil justice system for those facing economic and other significant barriers **(Tab 21)**.

The Committee prepared and distributed a "Call for Volunteers" flier online and at the 2007 Goldmark Awards Luncheon and hosted a leadership training roundtable as a training event in conjunction with the Awards Luncheon **(Tab 22)**. The Committee also developed and coordinated a leadership training workshop at the 2007 Access to Justice Conference.

H. Performance Assessment and Accountability Committee – (vacant)

Mission: (1) evaluate and make recommendations for changes to the ATJ Board's Program Performance Accountability Standards, and (2) develop a protocol for coordinated peer assessment of Alliance member program performance against the expectations of the Revised State Plan and relevant state and national standards.

This Committee is established by the *Revised State Plan*. It has not yet convened.

I. Pro Se Committee - Millicent Newhouse and Hon. Brian Watkins, Co-Chairs

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

This newly-formed committee is orienting new committee members and identifying goals and objectives. The Committee is developing its work plan for the coming year.

J. 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

The ATJ Board is responsible for statewide planning for the provision of civil legal aid, as contemplated by this Court's *Order*, and in accordance with the vision articulated in the ATJ Board's *Hallmarks of an Effective Statewide Civil Legal Aid System*. The ATJ Board adopted its first *Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (State Plan)* in 1995, at the request of the federal Legal Services Corporation, to address Congressional limitations placed on legal aid services that could be provided with federal funds. That plan dramatically reconfigured the delivery system to ensure that no one would be written out of the justice system. In 1999, the ATJ Board revised its *State Plan*, again at the request of the Legal Services Corporation. The 1999 revision set delivery goals and delineated responsibilities, including responsibilities for statewide support of the delivery system. In 2003, Washington state served as a Legal Services Corporation (LSC) pilot site for evaluating state plans and state justice communities.

The ATJ Board established the State Plan Review Committee in 2003 to revise the ATJ Board's 1999 *State Plan*. The current revision of the *State Plan* was developed following the review of the findings in the *Civil Legal Needs Study*, conclusions from the Supreme Court's Task Force on Civil Equal Justice Funding and Quantitative Report; the 2000 Census; the Legal Services Corporation's 2003 evaluation of the ATJ Board's 1999 *State Plan*; recommendations from the Access to Justice Conferences; and interactive GIS (Geographic Information Systems) maps of significant demographic and resource data. Many members and supporters of the Alliance for Equal Justice participated in the state plan review process and contributed comments to the various drafts. The ATJ Board adopted the *Revised State Plan (State Plan)* on May 8, 2006 at its annual retreat. The State Plan sets out five areas of planning focus and calls for implementation over a three to five year period. It established the State Plan Oversight Committee (SPOC) to oversee the implementation of the State Plan.

From the adoption of the State Plan in May to the end of 2006, a number of steps were taken regarding implementation of the Plan's goals. A regional planning facilitator was hired to assist SPOC with the regional planning effort called for in the State Plan. Regional planning teams were created in 19 separate geographic service regions in the state. A template was created and distributed to each of these regional planning teams

outlining an approach to the assessment of existing legal needs, legal aid providers, gaps in service, and barriers to the access of services. Regional planners in all the regions met over the course of the next several months and created regional planning assessments after seeking input from local attorneys, bar leaders, judges, clerks, and social service agency representatives.

State Plan-Related Accomplishments in 2007

SPOC met 19 times during 2007 with meetings lasting between two and four hours. With the information from the assessment in hand, each of the regional planning teams turned to the next phase of this planning effort — development of a legal aid plan for their respective localities. SPOC provided guidance and assistance throughout this effort over the first six months of 2007. A second template was devised to guide the local planners to insure that core issues identified in the State Plan were addressed. SPOC offered and provided facilitation services to a number of planning teams, and information about other statewide resources and demographic data were made available to inform the result. Those core issues largely tracked the State Plan's five primary areas of planning focus. Each is outlined herein, along with implementation-related efforts that occurred over the course of the past year.

Core Issue I: Upgrading Rural Delivery

The State Plan recognizes the insufficient legal aid presence in rural parts of the state and establishes a range of legal aid services that must be available to clients in rural communities. It also sets minimum thresholds for client service delivery. Recognizing that the 19 regions created by the State Plan vary widely in terms of size and existing resources, the Plan groups them into three categories that relate to the degree to which additional resources are necessary to achieve equity of service delivery capacity. While all 19 regions were tasked with planning for the upgrade of their regional delivery system, specific considerations were dependent on where the region fell within these groupings in the State Plan.

Concurrently, as the regional plans were being created, Alliance members were active in the legislative session in an effort to secure increased state funding for civil legal aid. With the support of the organized bar and the judiciary, an appropriation of \$5.26 million of additional funds for civil legal aid was realized for the 2007-2009 biennium. The regional plans were submitted at about the same time as the funds from the legislative appropriation became available. From July until the end of the year, many steps were taken to implement regional planning recommendations regarding the upgrading of rural delivery systems. Based on the three groupings found in the State Plan, these accomplishments include:

- Six local regions lacked the minimum of three full time staff attorneys as called for in the State Plan. With the appropriation of the additional state funding, new money was directed to the Northwest Justice Project (NJP) which established three new offices in communities that had been without a staffed legal aid office for over twenty years:
 - a Port Angeles office now serving Clallam and Jefferson Counties (region 19);
 - an Aberdeen office now serving Grays Harbor and Pacific Counties (region 18);

-a Longview office now serving Cowlitz and Wahkiakum Counties (region 16);

Additionally, in early 2008, NJP will open an office in Colville to serve Ferry, Stevens and Pend Oreille Counties (region 1), another region that had no staffed legal aid office for many years. Two other regions in this grouping are also slated for additional resources: another attorney has been hired for the Okanogan NJP office (region 5); and NJP plans to staff the Walla Walla office with an additional attorney, bringing the total to three lawyers who will serve Walla Walla, Columbia, Garfield and Asotin Counties (region 4).

Accordingly, a key goal of the State Plan has been attained, which is to significantly upgrade the civil legal aid delivery structure in these six regions.

- The State Plan identifies five regions that must have additional resources to achieve equity of service delivery capacity. The funding appropriated by the State legislature was used for the following local communities:
 - the Pasco NJP office will be staffed by an additional attorney, bringing the total to two attorneys serving Benton and Franklin Counties (region 8);
 - the Yakima NJP office is now staffed by an additional attorney, serving Yakima and Kittitas Counties (region 9);
 - the Wenatchee NJP office will be staffed by an additional attorney, serving Chelan and Douglas Counties (region 6);
 - additional attorney staffing from the Olympia NJP office will be devoted to clients in Thurston, Mason and Lewis Counties as this office no longer serves clients in Grays Harbor and Pacific Counties.

Grant and Adams Counties (region 7) are also in this grouping. No additional NJP monies will be spent in this region, but a new project funded by the Legal Foundation of Washington will involve the opening of a new office in Moses Lake. (See Core Issue IV, *below*.)

- Planners in the remaining regions were asked to determine, using existing resources what, if any, changes should be made in the existing delivery system to better serve the needs of clients residing in rural parts of their districts. A number of initiatives were recommended within these regions that will enhance the client delivery system including the continuation of regional planning meetings in order to monitor and evaluate the effectiveness of the system, the use of technology (e.g., videoconferencing) to better serve clients in outlying areas, and better coordination with representatives from specific low income communities including Native American tribes.
- SPOC consolidated Regions 3 and 4 at the suggestion of regional planners in those two regions. Total number of regions is now 18.

•*Core Issue II. Strengthening Pro Bono*

Presently, there are 24 existing *pro bono* programs in the state, all with different organizational configurations. Several of these programs are located in areas where there are an insufficient number of practicing attorneys to be able to sustain a viable *pro*

bono program. Ten of these “stand alones” are specifically slated for some kind of change in order that resources to support the *pro bono* efforts are used efficiently and effectively. Affected regions were asked to develop alternative approaches to *pro bono* administration, recruitment and support in the course of regional planning. Planners in the remaining regions were likewise asked to consider any innovations that would work to strengthen the regional *pro bono* component.

While the regional planning effort was underway, *pro bono* coordinators began to discuss how possible new operational models and configurations might work to strengthen *pro bono* efforts in the state. SPOC supported these discussions by approving funding for a symposium that was convened in July 2007 in Yakima to discuss the creation of a statewide *pro bono* entity. Over thirty *pro bono* coordinators and board members attended this symposium and developed a consensus that this effort should move forward. A steering committee was formed and tasked with creating a proposal to establish such an entity, which proposal would then be vetted among the *pro bono* community at large. A proposal was distributed to the *pro bono* community in early December. SPOC has met with the steering committee in order to determine a mutually agreeable process for the continued exploration of this concept and to insure that these developments meet the objectives of the State Plan.

•*Core Issue III. Centralizing Client Intake and Access in King County*

The CLEAR (Coordinated Legal Education, Advice and Referral) program, operated by the Northwest Justice Project, provides services for low income people in the state, except for King County residents. The State Plan tasked King County legal aid providers with developing specific recommendations for the creation of a centralized intake system for King County. The King County regional planning team proposed utilization of the King County 211 referral system to meet this need. The new system became operational on January 1, 2008 with new state funding. Low income people in King County with legal problems can now call 211 as a centralized source for information about, and referrals to, the many free and low-cost civil legal services that are available in the county.

•*Core Issue IV. Expanding Client Access for all Low Income People*

The State Plan directs that new and innovative efforts be undertaken to address obstacles that limit access to the legal aid system due to cultural, linguistic, status-based, ability-related or other challenges. Over the course of the assessment phase of regional planning, it became clear that the Central Washington corridor has a significant population of low income families and individuals who are ineligible for services from NJP. With the encouragement of SPOC, representatives from Columbia Legal Services (CLS), the Northwest Immigrant Rights Project (NWIRP), and TeamChild began meeting to discuss possible remedies to address the problems arising from this gap in the delivery system. In late summer, a proposal was submitted to the Legal Foundation of Washington (LFW) requesting funds for a new office in Moses Lake to serve this unrepresented population. At its November meeting, the LFW Board of Trustees awarded funding for this project. Staffing will consist of two CLS attorneys and two NWIRP attorneys. It is contemplated that the new office space will also include the Grant-Adams *pro bono* program. This collaborative effort is moving forward and hiring of staff is underway. Once this office is open, staff will serve clients in regions 5 (Okanogan), 6 (Chelan-Douglas), 7 (Grant-Adams), 8 (Benton-Franklin) and 9 (Yakima-Kittitas), in coordination with other advocates in those locations. It is possible that a TeamChild attorney will be added to this office in 2009.

•Core Issue V. Strengthening Statewide Support Functions

The State Plan identifies a number of key statewide support functions. SPOC has deferred action on these until the regional planning effort is concluded and the parameters of the client delivery system are clarified.

K. Statewide Website Advisory Group (SWAG) – Sue Enchermer 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.

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.

SWAG met three times during 2007. Since most of its members were new, and the committee was still defining its role, much committee time was devoted to exploration of the many websites in the state's justice system and brainstorming about how SWAG can be used to the mutual benefit of these websites. As a start, SWAG began compiling a "matrix" of justice system websites that offer content and services to the general public (**Tab 23**). 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.

L. 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) (**Tab 24**). To that end the Committee engaged in the following activities and initiatives in 2007:

Alliance for Equal Justice Geographic Information System (GIS)

The Committee planned and developed a Project Prospectus Proposal to migrate, perpetuate, upgrade and enhance the statewide geographic information system mapping project utilized by the ATJ Board during its State Plan review process (and which was supported with FY 2006 and FY 2007 funds from the Supreme Court). The ATJ Board approved the project as proposed. It will be funded by the Office of Civil Legal Aid (OCLA) with oversight and direction provided by the ATJ Board's State Plan Oversight Committee (**Tab 25**).

Videoconferencing

The Committee is exploring a statewide videoconferencing technology capacity for the Alliance, based in large part on the need identified through the State Plan's regional planning process.

Implementation of the Access to Justice Technology Principles

ATJ Technology Principles Website: The Committee has, with collaboration with the University of Washington Information School, developed the ATJ Technology Principles Website (www.atjweb.org) which will, among other things, provide a resource bank for ATJ Technology Principles implementation efforts. This website is operational, fundamental information has been loaded, and more features, information and links will be placed on the site over time. Current capabilities of the site include 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. The Technology Committee has made several presentations about the website to the ATJ Board and other groups.

Sea-Mar Project: The Committee is completing preparation and will shortly begin its SeaMar pilot project. The goal of this project, which has funding from the Washington State Attorney General's Office, is to test the usability by the public of specifically developed interactive software, 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 the designated site for the pilot.

WSBA Website: At the request of the WSBA, a number of Committee members are participating 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.

IV. 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 26**).

Calendar Year 2008:

Source:

Legal Foundation of Washington (includes IOLTA; does not include LAW Fund/Campaign for Equal Justice): \$8.5 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): \$900,000 (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 (Office of Civil Legal Aid; of which \$1.6 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): \$7.8 million (Legal Foundation of Washington).

Local Pro Bono Programs (leverage local *pro bono* attorney involvement in legal aid delivery) \$1.6 million (approximately half is funded by Legal Foundation of Washington and half is funded by the State).

V. NEXT STEPS

The implementation of the State Plan will continue to drive much of the work of the ATJ Board for the next two to four years. Significantly, much of the work of the ATJ Board committees is increasingly focused around the implementation of the State Plan. This is a result of new information about the importance of statewide support that the ATJ Board is gleaned from the excellent and detailed regional plans that have been developed by legal aid providers and bench and bar leaders in each of the State Plan's 18 geographic regions.

As a nod to these efforts, the ATJ Board has been contacted by the editors of the *Management Information Exchange (MIE)*, a national journal targeted to legal aid providers. The editors want to highlight the implementation of the ATJ Board's State Plan in an upcoming issue featuring ATJ Boards and Commissions throughout the country. While anyone can write a state plan (and many have), the ATJ Board, with the support of the state Supreme Court and the WSBA Board of Governors, is developing a road map for the successful implementation of a values-driven, coordinated statewide initiative to create a client-centered and responsive civil legal aid delivery system which will be a model for the country.