

ANNUAL REPORT

Washington State Access to Justice Board



FEBRUARY 2006

for the
Washington State Supreme Court
and the
Washington State Bar Association Board of Governors



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

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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 ATJ Board continues to track and evaluate its progress under the directives of this Court's Order (**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)*; *Revised Plan for the Delivery of Civil Legal Services to Low Income People in Washington State (Revised State Plan)*, the annual Access to Justice Conference Recommendations and the annual goal setting process.

The ATJ Board is in the process of completing a review of its mission through the vehicle of a long range strategic planning process, which was initiated in 2005. The Board has adopted a new mission statement (above), and will finalize and adopt a long range plan at its May 2006 retreat.

B. Members

Attached is a current list of ATJ Board members and ATJ Board Committee chairs (**Tab 4**). Two new members, Judge Steven C. González and Gregory R. Dallaire, were appointed by the Supreme Court in May 2005. The ATJ Board has elected Judge Greg Tripp to serve as its chair, beginning in May 2006, and has elected Dan Gottlieb to serve as ATJ Board Chair-Elect beginning in May 2006. The ATJ Board will have three vacancies effective May 2006. Dwight Williams, representing the Legal Foundation of Washington, and at-large members Judge Rebecca Baker and Chair Christine Crowell will be completing their second terms. ATJ Board member Bruce Reeves has completed his first three-year term and is seeking reappointment for a second three-year term. The ATJ Board conducted an extensive recruitment process in December 2005, and has submitted a slate of names to the Washington State Bar Association (WSBA) Board of Governors for nomination to the Supreme Court. In selecting these candidates, the ATJ Board evaluated its own leadership needs, and carefully considered geographic and other diversity.

Approximately 200 volunteers currently serve on the ATJ Board's twelve standing committees and on three special initiatives (described in detail below). A roster of volunteers is attached (**Tab 5**). They include state and federal commissioners, and judges and justices, administrative law judges, tribal court judges, members of the WSBA Board of Governors, private and government attorneys, law and public librarians, court clerks, courthouse facilitators, paralegals, members of the Alliance for Equal Justice (legal aid and pro bono program staff), pro bono attorneys, 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 representatives, staff from the Administrative Office of the Courts and the Washington State Bar Association, legislators, Governor's office and state agency staff, disability groups, consumer groups, and representatives from the media.

C. Meetings

The ATJ Board met ten times since its last Report, including its annual two-day retreat. Attached are the agendas from the March 3, April 1, May 12-13, June 3, July

25, September 23, October 21, and December 2, 2005 and the January 13 and February 17, 2006 meetings (**Tab 6**).

D. Communications

This Report and most of the attached documents, and also 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 information for those in Washington State and nationally who are interested in learning about the ATJ Board and its initiatives. The ATJ Board recently began posting its meeting materials for those who prefer to access them online.

To improve communication and facilitate the dissemination of information, the ATJ Board hosts list serves for the ATJ Board, each of the ATJ Board's committees and special projects, volunteer attorney legal services programs, specialized legal aid providers, and the Leadership Group.

E. Staff

The ATJ Board and its committees (with the exception of the Equal Justice Coalition and the Communications Committee, which are staffed by the Legal Foundation of Washington), are administered by the Washington State Bar Association within its Justice Programs Division. Current Justice Programs Division staff include: Joan Fairbanks, Justice Programs Manager; Sharlene Steele, Access to Justice Programs Liaison; Pam Inglesby, Public Legal Education Manager; and Allison Durazzi, Justice Programs Coordinator.

F. Long Range Strategic Planning Process

In July 2004, Consultant Katherine Friedman completed her organizational review of the Justice Programs Division of the Washington State Bar Association and presented her report and a set of recommendations to the ATJ Board. The recommendations relevant to the ATJ Board fell into the following two broad categories: planning and organizational development. Following her presentation, the ATJ Board established an interim Task Force on Board Development and Planning which set forth a proposed work plan to address these recommendations. The Task Force first addressed the planning recommendations, which led to the ATJ Board's long range strategic planning process to evaluate the ATJ Board's performance to date and to review the Board's mission in light of current and prospective justice system needs and challenges.

The planning process involved two major steps: (1) gathering and analyzing data; and (2) convening a facilitated strategic planning retreat. The Task Force developed a questionnaire soliciting information on the ATJ Board's role in addressing access to justice issues (**Tab 7**) that was administered to several hundred stakeholders through individual interviews, twelve facilitated focus groups, and through an online survey mechanism. The Task Force tabulated and evaluated the results with the assistance of Ellen Hemley, a staff attorney at the Massachusetts Law Reform Institute in Boston, and past facilitator for Alliance for Equal Justice initiatives, who was hired by WSBA to oversee the process and facilitate the planning retreat. CLEAR (Coordinated Legal Assistance, Advice and Referral) provided client responses via a modified questionnaire offered telephonically to low income people waiting for assistance.

The ATJ Board held the planning retreat on May 12-13, 2005. The ATJ Board reviewed the information gathered from the questionnaires and voted to focus on three strategic initiatives during the next three years: (1) What ATJ structure best

enables the ATJ Board to fulfill its mission? (2) How can the ATJ Board most effectively choose programs, innovative measures and make policy decisions to further its mission? (3) What can the ATJ Board do to broaden the geographic and cultural diversity of its leadership? The ATJ Board assigned each strategic initiative to a workgroup for further development. The ATJ Board will finalize these initiatives and their work plans at its May 8-9, 2006 retreat.

To further assist the ATJ Board in its planning process, advocates from CLEAR made a presentation on client-identified barriers to the justice system (**Tab 8**).

G. Organizational Development

The ATJ Board Order provides that the ATJ Board “may adopt internal operational rules pertinent to [its] powers and duties.” The ATJ Board’s Task Force on Board Development and Planning developed a set of operating rules to address Consultant Katherine Friedman’s recommendations regarding ATJ Board internal organizational issues. The ATJ Board will adopt these Operational Rules at its March 9, 2006 meeting. They 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. These rules will be provided to the Supreme Court and WSBA after ATJ Board adoption.

H. ATJ Board Relationship with the Office of Civil Legal Aid (OCLA)

The Washington State Legislature created OCLA in 2005 as an independent judicial branch agency to administer and oversee the state funds for civil legal aid service delivery. The OCLA is the single largest investor in Washington State’s Alliance for Equal Justice.

Within the framework of its statutory mandate (codified at RCW 2.53.005 et seq.), the Office of Civil Legal Aid works cooperatively with the ATJ Board to support and develop the systems and capacities that are defined in the ATJ Board’s *State Plan*, including: compliance with the expectations and requirements of the *State Plan*; taking the lead to identify and acquire a unified case management system as defined in the ATJ Board’s *Technology Plan*; and taking active roles in the *State Plan* review process and the ATJ Technology Principles Implementation Strategies Group.

The legislation establishing the OCLA provided that its director be appointed by the Supreme Court from a list of three names forwarded by the ATJ Board. The legislation also charged the ATJ Board with nominating a list of candidates to serve on the OCLA Oversight Committee, including those eligible to receive state-funded civil legal aid. The ATJ Board identified qualified candidates for both the Director and the Advisory Committee by e-mailing announcements to hundreds of attorneys through dozens of list serves (**Tab 9**) and posting them on the website of the Administrative Office of the Courts. The ATJ Board identified client-eligible applicants with the assistance of Alliance members.

The ATJ Board made a presentation at the first OCLA Oversight Committee on October 12, 2005. The OCLA agreed on the appointment of reciprocal liaisons between the two entities. ATJ Board member Dwight Williams will serve as liaison.

I. 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 February 2005) include the following:

CR 23 (Cy Pres): The Access to Justice Board and the Legal Foundation of Washington developed proposed revisions to CR 23, the rule governing class action practice in Washington State. The rule, the first of its kind in the country, was adopted by the Supreme Court on December 1, 2005, and became effective on January 3, 2006. The rule dedicates a fixed percentage of class action residual funds to the Legal Foundation of Washington to support activities and programs that promote access to the civil justice system for low income residents in Washington State. The WSBA Board of Governors, judicial associations and other justice system entities endorsed the proposal.

VOCA (Victims of Crime Act): The ATJ Board voted to support a legislative request by the Washington State Coalition against Domestic Violence to restore funding for advocacy services for victims of domestic violence. These programs provide advocacy support to victims in obtaining protection orders, gathering evidence and other matters. In many areas of the state, domestic violence legal advocates are the only resources available for victims of domestic violence.

Proposed Non-Lawyer Commission Regulations: The ATJ Board voted on February 17, 2006 to endorse the Practice of Law Board’s proposal for limited practice by legal technicians. The endorsement was conditioned on addressing ATJ Board concerns regarding privilege. The ATJ Board was instrumental in the original development of the concept of a practice of law board to help address unmet civil legal needs, and previously formally endorsed GR 24 (Defining the Practice of Law) and GR 25 (Establishing a Practice of Law Board).

ATJ Board Comments on Proposed Changes to the Rules of Professional Conduct: Northwest Justice Project General Counsel Deborah Perluss served as the ATJ Board’s representative on the WSBA Ethics 2003 Committee. In April 2005, The ATJ Board submitted formal comments to the Supreme Court Rules Committee, including RPC 1.15 (Provides for specific rules for attorneys holding trust account; also proposed Comment #15); RPC 6.1 (proposed comments); proposed Preamble language; and several additional rules. On September 13, 2005, the ATJ Board urged the Supreme Court Rules Committee to adopt the proposed Comments to the proposed Revisions of the Rules of Professional Conduct currently before the Court **(Tab 10)**.

Pattern Forms on Domestic Violence: The ATJ Board provided comments concerning proposed changes to the pattern forms put forward by the Gender and Justice Commission’s Subcommittee on Domestic Violence Forms and by the AOC Pattern Forms Committee.

Proposed Amendments to RPC 1.14 (IOLTA Rule): The ATJ Board took a formal position in opposition to a proposal to attach restrictions to the uses of IOLTA funds that would mirror current Washington State restrictions. On January 10, 2006, the ATJ Board submitted a letter to Justice Charles Johnson, Chair of the Supreme Court Rules Committee, in response to his request for comments on the proposed rule change **(Tab 11)**. The ATJ Board asked former WSBA President Wayne Blair to make a formal presentation to the Board of Governors on behalf of the ATJ community regarding its reasons for opposing the proposed rule. The ATJ Board also has supported efforts to clarify the role and responsibility of Columbia Legal Services and the Northwest Justice Project within our state’s civil legal aid delivery system **(Tab 12)**.

Draft Formal Opinion 198 (Attorneys Fees): The WSBA Office of Disciplinary Counsel has proposed Formal Opinion 198 which addresses how lawyers may properly handle client funds, specifically flat fees collected and retained up front for

services to be performed. The BOG has established a task force to address concerns about the proposal. Given the access to justice implications, the ATJ Board has made a formal request to WSBA President Brooke Taylor that former BOG member (and founding ATJ Board member) U.S. Magistrate Judge Mary Alice Theiler represent the ATJ Board on the task force **(Tab 13)**.

Representation of Victims of Trafficking, Domestic Violence and Sexual Assault who are Undocumented: The ATJ Board voted to support SB 6348, which would permit civil legal aid providers to represent victims of trafficking, domestic and sexual assault with state funds. This bill mirrors new federal Legal Services Corporation regulations.

Interview Questions for Public Officials: The ATJ Board previously has provided draft interview questions for judicial selection to county bar associations and the WSBA, which focus on soliciting information about a demonstrated commitment to access to justice. Recently, and at the request of the Governor’s Counsel Richard Mitchell, the ATJ Board participated in the development of a set of proposed access to justice-related questions for the selection of the Chief Administrative Law Judge.

Task Forces and Committees: ATJ Board representatives currently serve on the following: WSBA Committee on Public Defense; WSBA Loan Repayment Assistance Program; WSBA Amicus Committee; Supreme Court’s Public Trust and Confidence Committee; and the Governing Council of the Initiative for Diversity. The ATJ Board has formal liaisons to the Board for Judicial Administration (BJA), Civil Legal Aid Oversight Committee, the Judicial Information Systems (JIS), and the WSBA Board of Governors (BOG).

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 three annual awards at the 2005 ATJ Conference: the 2005 Judicial Leadership Award to Faith Ireland; the 2005 Civil Equal Justice Community Partnership Award to Seattle Times reporters Ken Armstrong, Florangela Davila and Justin Mayo for their investigative reporting on public defense problems; and the 2005 Access to Justice Leadership Award to outgoing Legal Foundation of Washington Executive Director Barbara Clark. The ATJ Board presented a special award at the Conference to Don Horowitz and Jean Holcomb for their outstanding work in providing the vision, leadership, financial and other support for the development of the new Access to Justice Technology Principles.

Integration with the Organized Bar: The ATJ Board works to enhance collaboration and communication with the Board of Governors and WSBA bar leaders in the following ways: (1) annual ATJ Board presentations to the BOG; (2) presentations at the semi-annual WSBA section and committee chair meetings; (3) annual orientation of the WSBA president and new members of the Board of Governors; and (4) reciprocal liaisons with the Board of Governors.

For much of the past year, the ATJ Board has been striving to build a stronger relationship with the WSBA, one that enhances their separate but complementary missions, and fosters their work together, along with the Legal Foundation of Washington, a third independent body, towards the achievement of civil equal justice in Washington State. At the suggestion of the ATJ Board’s liaisons to the Board of Governors, an informal group consisting of three ATJ Board members, two WSBA governors and the WSBA Executive Director, has been working to articulate the framework for that relationship. Those efforts continue, with the goal of reaching an

agreement which will further the ability of the ATJ Board to accomplish its mission consistent with the *Order*.

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) active recruitment of judges from all levels of state court, administrative law 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) coordination with the WSBA Office of Diversity on ATJ Board membership recruitment and other initiatives; and (4) ATJ Board liaison to the Board for Judicial Administration.

Orientation of Justice System Partners: ATJ Board members and staff regularly make presentations about the ATJ Board, its initiatives, and the broader Alliance. Examples during the past year include: Governor’s General Counsel Richard Mitchell; Nepalese judge Dr. Hari Bansh Tripathi (in the United States on a Fulbright Scholarship); Whatcom County Volunteer Attorney Program Board of Directors; Seattle University Public Interest Law Foundation.

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

J. National Role

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

Conference of Chief Justices: The ATJ Board participated in the identification and development of materials for the January 2006 Conference of Chief Justices. The ABA’s Standing Committee on Civil Legal Aid and Indigent Defense (SCLAID) presented a session on the role of state supreme courts in promoting access to civil justice. The panel included Washington Supreme Court Chief Justice Gerry Alexander.

National meeting of ATJ Board Chairs: ATJ Board Chair Christine Crowell participated in the fourth annual meeting of the access to justice board/commission chairs as part of the May 2005 American Bar Association/National Legal Aid and Defender Association Conference Equal Justice Conference in Austin, Texas.

Proposed Bankruptcy Legislation: The ATJ Board took a formal position in opposition to proposed Attorney Liability Provisions in S. 256, and in support of efforts to replace those provisions with proposals to create tough new non-dischargeable sanctions against debtors who lie in court **(Tab 14)**.

Legislation Permitting Attorney Representation for Veterans at the Initial Claim before the Department of Veterans Affairs: The ATJ adopted a resolution supporting the National Organization of Veterans Advocates’ strategy to obtain state bar association endorsement of legislation to permit veterans to hire and pay attorneys to represent them at the administrative claims levels with the Department of Veterans Affairs **(Tab 15)**.

LawHelp: ATJ Board staff serves on the LawHelp Advisory Committee, which focuses its efforts on policy decisions relating to the national network of statewide advocacy resource center websites.

National Conferences: ATJ Board staff and Alliance members participate actively in the planning for key national conferences, including the National Legal Aid and Defender Association Annual Conference and the NLADA/ABA 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 four 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 staff and Alliance members continue to provide assistance to those in other states, and in Canada, that request information about the ATJ Board and its initiatives.

II. SUPREME COURT-FUNDED ATJ BOARD INITIATIVES

A. Six-Month Status Report on Current Initiatives

In 2005 the Legislature, at the request of the Supreme Court, appropriated \$200,000 for the biennium to support the work of the ATJ Board. Both the WSBA Board of Governors and the Supreme Court approved the expenditure of \$100,000 for the current fiscal year (July 1, 2005 – June 30, 2006) to support three projects: \$11,700 for GIS mapping technology to support the revision of the ATJ Board's *State Plan*; \$27,500 to implement the Access to Justice Technology Principles; and \$60,800 to support the implementation of the ATJ Board's Communications Plan. The following is a six-month report on the status of each of these initiatives.

1. Mapping

Development of Mapping Technology for *State Planning*

Overview: The ATJ Board is the planning entity for this state's civil legal aid delivery system, and currently is revising its *State Plan* in line with significant new information regarding low income people in this state over the past few years, which include the Civil Legal Needs Study, the 2000 Census, the restructuring of Columbia Legal Services and the Northwest Justice Project, and an evaluation of the *State Plan* by the Legal Services Corporation. To assist in the planning, the ATJ Board made a decision to utilize GIS mapping software, which provides detailed information about the location of low income people -- including the demographic "cluster" groups of low income people identified in the Civil Legal Needs Study -- and the available legal resources in Washington (e.g., legal aid offices, courthouses, private attorneys). These maps can assist in evaluating the coverage of the current statewide infrastructure for delivering civil legal aid to low income people. The software also can be utilized to collect and map numbers and types of cases handled, and other useful statistical data about services provided through the delivery system. This tool also can be used, and will be made available to, the Administrative Office of the Courts, the Washington State Bar Association, the new Office of Civil Legal Aid, and other justice system partners, for statewide planning and other related purposes.

Consultant: The ATJ Board selected CommEn Space, a non-profit organization with offices in Seattle, Washington and Bozeman, Montana. CommEn Space works exclusively with non-profit organizations to provide mapping, analysis and data management services using GIS (Geographic Information Systems) and related technologies. Information about CommEn Space can be found on its website: www.commenspace.org

Current Status: The goal is to develop an accessible mapping tool that will enable select individuals and organizations involved in state planning for the delivery of civil legal aid to low income people and related initiatives to explore information regarding clients and the location of supporting services, to produce maps that summarize this information, and to maintain its currency over time. The project is close to completion. CommEn Space conducted a needs assessment, and assisted the ATJ Board's *State Plan* Review Committee in identifying and collecting demographic and legal resource data. This included 20 low income and ten resource categories, using census data for the demographics and ZIP code and descriptive data for the resources. A complete list of demographic and resource information that has now been mapped is attached (**Tab 16**). These interactive maps can be viewed on a "mapserver," which can be accessed as follows:

URL: <http://mapserver.commenspace.org/wsba/atj-internal.php>

User ID: atj

Pass code: justice

The first formal demonstration of this mapping tool was on February 17, 2006 during a presentation to the Leadership Group (see Section IV.I. of this Report) about the new draft *State Plan*. The ATJ Board's *State Plan* Review Committee has evaluated the mapping tool and concluded that it has been helpful in the development of the revised *State Plan*, and also will be useful during its implementation.

2. ATJ Technology Principles

Implementation of the Access to Justice Technology Principles

Overview: Following the Supreme Court's adoption of the ATJ Technology Principles in 2004, the ATJ Board instructed ATJ Technology Bill of Rights Committee Chair Don Horowitz to form a group to develop a strategy for institutionalization and implementation of the Principles so they would become reality in the lives of all persons in Washington State. The Implementation Strategies Group (Group) includes members from key justice system entities, including WSBA, OCLA, the Supreme Court and the providers of civil legal aid, so as to ensure that the products will be useful and accessible for those entities, and so that there is strong institutional support for the work of the Group.

Consultant: In November 2005, the Washington State Bar Association entered into an independent contractor relationship with Meg Crager as the Group's half-time project manager. Meg has substantial experience in project management, group facilitation, and writing, as well as background working in both the justice and human services systems.

Current Status: In November and December, the project manager solicited the input from each Group member regarding goals that realistically could be completed with available resources by June 30, 2006. She compiled and organized these items for review and discussion by group members. The full Group met in January 2006. After reviewing and discussing the proposed goals, members agreed on the following work plan, and formed subgroups to achieve the goals (below).

Develop Mechanisms for Institutionalizing the ATJ Technology Principles within the Justice System and Its Agencies.

- Develop a checklist for organizations and agencies to use when planning, designing and implementing new technologies or reviewing and/or modifying existing technology projects. Identify which ATJ Technology Principles are implicated and where and how they are implicated. Determine decision points

and evaluate at such points where and how the Principles are implicated and how they should be addressed.

- Develop a general checklist that organizations can use to measure their own incorporation of the Principles into their processes, products and outcomes.
- Write standard language for contracts and procurement documents (including requests for proposals), to ensure that the Principles are integrated into new and existing projects. Post this language on a Website where it can be readily accessed, and otherwise distribute, inform and make accessible so as to raise awareness, demonstrate ease of use, and stimulate use of such language where appropriate throughout the justice system.

Timeframe: This subgroup will work with, among others, the ATJ Board’s Statewide Website Advisory Group to develop the checklists described above. These products will be complete by June 30, 2006.

Develop a Resource Bank and an ATJ Technology Advisory Group.

- Develop a variety of resources to be contained in an online resource bank, and review their implications.
- Evaluate and finalize the content for the Promising Practices Tool.
- Categorize and organize resources.
- Make recommendations for how to update/maintain resources.
- Develop generally the purpose, tasks, duties and time commitments for an ATJ Technology Advisory Group, what backgrounds and where the members of such group should come from, and identify prospective members of such a group. Promptly thereafter, contact and solicit persons for membership.

Timeframe: By June 30, 2006, the Promising Practices Tool will be completed. A two-year business plan for the Resource Bank will be complete. A host for the Resource Bank will be identified. The subgroup will involve other ATJ Principles Implementation Strategy subgroups as well as other ATJ Board committees in forming an ATJ Technology Advisory Group.

Identify and Initiate or Collaborate on two demonstration projects: one court-based project and one Community-based end-user-oriented project.

- Research existing/existence of projects that incorporate, will incorporate, or should incorporate the Principles
- Look into piggy-backing on existing efforts
- Identify community groups and facilities which have or are willing to provide public access terminals staffed by community-based staff persons to provide guidance in accessing and using systems
- Research potential communities in need
- Consider replication of the SeaMar project:
The Chair of the Group has been leading a collaborative effort to create a pilot community-based technology justice center at the principal site of the SeaMar Community Health Centers in south King County. SeaMar has provided health and associated services to low income, immigrant, and other vulnerable people from centers throughout the state for more than two decades. A large proportion of its clients are Hispanic and Southeast Asian. This project will result in a technology application for delivery of legal information and services

to clients in the subject areas tailored to their needs. The application will be easy to use and easily accessible in places in client communities.

Timeframe: Under development.

Develop a communication plan to inform courts, legal services and associated agencies and the user and potential user community about the Principles.

“De-mystify” the Principles and develop and communicate a simple and practical understanding of how they can be applied to benefit our Primary Audiences.

- Create high recall and correct recognition of the ATJ Technology Principles among target audiences.
- Motivate 5-10 key influencers to inform their constituents about the Principles.
- Test the impact of communication: has there been an increase in process and content improvements and technology projects that incorporate the Principles?
- Present information about implementation of the ATJ Technology Principles at relevant conferences and other events, including community events.

Timeframe: Members of this subgroup have met with “Key Influencers,” including Janet McLane, Administrator of the Courts; Pam Daniels, President of the Washington Association of County Clerks, and the Honorable Art Wang, Chief Administrative Law Judge. The subgroup has applied jointly with the ATJ Impediments Committee to present at several justice system conferences. Subgroup members will collaborate with the ATJ Board’s Communications Committee to develop and implement an effective overall communications plan.

Develop a Long-Term Plan and Recommendations.

In March, 2006, group members will begin work to develop a long-term plan and recommendations. This will be informed by the work of the current subgroups and discussions with key stakeholders. This will include:

- Recommendations for development of an ongoing, sustainable infrastructure; production of a timeline with a 6 month, 1 year, 3 year, and 5 year plan.
- Recommendations for ongoing institutionalization of the Principles.
- Recommendations for ongoing implementation of the Principles.

Timeframe: Recommendations and an initial plan will be complete by June 30, 2006.

3. Implementation of the ATJ Board’s Communications Plan

Overview: The ATJ Board’s *Communications Plan*, adopted at the May 2004 retreat, is the product of three years of work by the ATJ Board’s Communications Committee. The goals of the *Plan* are: (1) achieve clarity about the Alliance for Equal Justice—this State’s network of organizations providing legal aid to those in need—including what the Alliance is and the importance of civil legal aid; and (2) enable and promote consistent and effective use of messages and other communication tools to ultimately meet the legal needs of more low income families by leveraging additional resources and expanding the Alliance’s broad base of supporters. The objectives of the project include:

- Conducting statewide trainings for Alliance members
- Developing an Alliance brochure

- Developing an Alliance info graphic
- Developing a searchable database of civil legal aid client stories
- Developing an Alliance website

Consultant: The Washington State Bar Association entered into a contract with Pyramid Communications, a Seattle public relations firm, which previously provided consulting assistance to the Equal Justice Coalition and for the *Washington State Civil Legal Needs Study*.

Current Status:

Trainings: Ten trainings have been planned and will be hosted statewide for staff legal aid attorneys, volunteer program coordinators, program board members and Campaign for Equal Justice volunteers. The trainings will focus on how to effectively and consistently use messaging to talk about civil legal aid to further the Alliance’s mission of achieving civil equal justice for low income individuals and families. Pyramid compiled and refined a comprehensive list of key messages for this training. Trainings are being scheduled during March, April and May. The content is being developed

Brochure: Pyramid is developing Alliance brochures which describe the Alliance and define civil legal aid. These brochures will have co-branding capability, so Alliance members can insert program-specific information to share with others while also providing information about the statewide Alliance. These currently are in outline format.

Info Graphic: Pyramid is designing a one-page graphic that visually represents the Alliance (members and some key supporters). The goal is to visually describe the Alliance and its relationship with key stakeholders. Pyramid has completed a second draft.

Client Story Database: Pyramid is developing a bank of client stories searchable by geographic area and legal issue. The work of the Alliance is client-centered and this database will help leverage additional resources and build support for the Alliance by allowing individuals to connect with the work of the Alliance by reading about local families in need of civil legal aid services. Pyramid drafted a client story template and is soliciting feedback.

Website: Pyramid is developing a website that will be a resource for Alliance members and their communications needs, as well as a site for the public to learn about the Alliance and civil legal aid. The site will serve as a place to share and borrow communications ideas, find templates and best practices, as well as a central place to direct the media or other members of the public to learn about the Alliance.

Pyramid has drafted an outline for the website architecture and is in the early stages of developing content. A key consideration is ensuring that it is compatible and does not overlap with the content of other justice system websites.

B. Status Report on FY 07 Funding Request

On February 1, 2006 the ATJ Board sent a request for proposals for FY 07 funding. **(Tab 17)** to all ATJ Board committees and other interested parties via the ATJ Board’s list serves. Proposals must fall within one or more of the following priority areas: (1) implementation of the revised *State Plan*; (2) enhancing communications capabilities; and (3) materials development for the education of judges. The proposals also must demonstrate how the ATJ Board can continue to partner with the Washington State Bar Association to make the best use of available resources to

support the project; and how the ATJ Board can complement the activities of the Office of Civil Legal Aid through the support of the project. The project must be capable of completion within a twelve-month period.

A total of \$90,000 is available; the ATJ Board voted to set aside \$10,000 for the support of the statewide Open House Project on October 11, 2006 (**Tab 18**).

Relevant timelines include:

March 15, 2006: Proposals are due to the ATJ Board.

April 14, 2006: ATJ Board will consider and make recommendations for funding.

April 20, 2006: WSBA's Budget and Audit Committee will consider and approve proposals.

June 1, 2006: Supreme Court will consider and approve proposals.

July 1, 2006 – June 30, 2007: Project implementation.

III. ATJ BOARD-COORDINATED STATE PLANNING

A. 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 of a statewide civil legal aid delivery system articulated in the *ATJ Board's Hallmarks of an Effective Statewide Civil Legal Aid Delivery System*. Additionally, the ATJ Board, through its annual Access to Justice Conferences (see Access to Justice Conference Committee, below), has created a mechanism for institutionalizing an ongoing statewide planning process that involves the entire justice system.

The ATJ Board created 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, this state served as a Legal Services Corporation (LSC) pilot site for evaluating state plans and state justice communities. The ATJ Board has incorporated feedback from that process into this *State Plan* revision.

B. Overview of Current State Plan Review Process

The ATJ Board established the *State Plan* Review Committee in 2003 to revise the ATJ Board's 1999 *State Plan*. A six-person Steering Committee developed a workgroup structure, appointed co-chairs, and assisted the co-chairs in identifying workgroup members who reflect the programmatic and geographic diversity within the Washington State Alliance for Equal Justice.

A key goal for the Committee was to build a template for future state planning that would avoid "reinventing the wheel" with each subsequent plan update. The Committee determined that mapping technology software could serve the current and future planning needs and also provide the technology for the collecting, tracking, evaluating and analyzing of data on client service delivery.

The Client Mapping Workgroup identified key demographic information about low income people in Washington State. The Resource Mapping Workgroup identified key legal resources for low income people, which includes licensed attorneys. Utilizing geographic information software (GIS), the client and resource information was compiled into a data base to be used on a map server and website. Technical mapping assistance was provided by CommEn Space, a not-for-profit mapping service, with funding support from the Supreme Court. The Structure Workgroup utilized the client and resource data, and other information, to make specific recommendations to address gaps in the delivery system. The Workgroup also considered feedback from a pro bono program focus group facilitated by Steve Scudder, Counsel to the American Bar Association Standing Committee on Pro Bono and Public Service. The Legal Foundation of Washington funded focus group expenses.

The State Support Workgroup identified the resources and infrastructure necessary to effectively provide relevant civil legal aid services to low income and vulnerable people in Washington.

The Steering Committee synthesized these reports and developed a proposed final revised *State Plan*. The Committee sent the *State Plan* to the Leadership Group on February 10, 2006 and held a full discussion, with an opportunity for feedback, on February 17, 2006. The Access to Justice Board will adopt the revised *State Plan* in late spring 2006.

C. Key Aspects of the Proposed Revised State Plan

Structural Changes: Based on a review of demographic and mapping data regarding client, community, private attorney, legal aid provider and other relevant service numbers, locations, relationships and activity, the Committee made the following changes to address gaps in the delivery system's current ability to achieve the *Hallmarks*:

- Rural service delivery will be strengthened by creating 17 client service regions and local legal aid providers in each region will develop, with state support, a plan for achieving minimum client service delivery benchmarks within three years.
- An Office of Pro Bono Support will be established to strengthen and professionalize the pro bono component of the delivery system, and pro bono service delivery will be reorganized where necessary to meet minimum performance benchmarks.
- King County legal aid providers will study and propose by fall 2006 a plan for implementing a centralized intake hotline in the only county without current access to such services.
- A pilot project will be undertaken to explore the viability of a CLEAR-like capacity available statewide to persons ineligible for federal or state funded legal aid based on their status.
- Client access to all legal aid services will be strengthened by developing alternative access points and methods, by outreach to isolated client groups, and by clarifying roles, relationships and expectations for all participants in the delivery system.

State Support: State support is the establishment of necessary infrastructure and the provision of necessary resources to enable Alliance members and supporters to provide relevant civil legal aid services to low income people and communities in

Washington with economic and other significant barriers. Successful implementation of the revised *State Plan* will require intentional efforts to provide statewide support in the following areas:

- *State Planning* and Implementation
- Evaluation and Accountability
- Advocacy Coordination
- Resource Development
- Training
- Pro Bono Support
- Technology
- Building support for Equal Justice

Implementation and Oversight: The Access to Justice Board bears primary responsibility for overseeing the implementation of the changes to the civil legal aid delivery system as outlined in the proposed *State Plan* revisions. The ATJ Board will establish a permanent *State Plan* Oversight Committee (SPOC) 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. Members will be Alliance members and supporters. The chair will be appointed by the ATJ Board.

This revised *State Plan* contemplates that planning and implementation will occur on the regional level. The drafters also recognize that the *State Plan's* structural recommendations are significant and will require a thoughtful approach that respects local and regional needs while also providing guidance, coordination and technical support at a statewide level. Given that construct, the revisions do not presume an approach or a set of approaches that will be appropriate in any or all regions.

Proposed Timelines: These timelines take effect once the ATJ Board has adopted the revised *State Plan*. The *State Plan* Oversight Committee has the responsibility for monitoring the timeliness of these efforts and for reviewing the planning and implementation:

- Establishment of *State Plan* Oversight Committee: immediately
- Establishment of Pro Bono Support office: three months
- Completion of assessment and planning needs for each region: six months
- Draft regional plans: one year
- Implementation of regional plans: within three years
- Proposal for Centralized Hotline in King County: six months

State Support: each responsible entity or entities will submit a plan of implementation to the *State Plan* Oversight Committee within six months

Opportunity for Comment: The ATJ Board welcomes comments from members of the Supreme Court and the Board of Governors. The deadline for comments is March 31, 2006. A draft with appendices is attached (**Tab 19**).

D. Status of the Implementation of Key Aspects of the State Plan Since the ATJ Board’s February 2005 Report

Technology: The current *State Plan* provides for the utilization of existing and emerging technologies to provide expansive geographic coverage and maximize local legal services aid capacity and presence outside of principal urban centers. The Northwest Justice Project’s Washington Advocate Resource Center (ARC) provides training resources, reference materials and communication tools for legal aid advocates and private attorneys who are handling pro bono matters for low income clients (www.advocateresourcenter.org). The *State Plan* significantly expands the recommendations for ongoing and prospective technology initiatives, many of which are now proposed in the ATJ Board’s Technology Plan (see Section IV.L. of this Report). Specific strategies are being developed to implement the new ATJ Technology Principles (see Section V.B. of this Report). The Statewide Website Advisory Group (SWAG), (see Section IV.K. of this Report) is working on new standards for coordinating website content among those seeking to provide legal information to the public. The Council on Public Legal Education has launched its “gateway” website (lawforwa.org) (see Section IV.C. of this Report). Plans are underway to develop a new uniform case management system for the Alliance (see Section IV.L. of this Report).

Training: The current *State Plan* recommends a role for the ATJ Board in coordinated statewide training. ATJ Board staff has developed a library of CLE-accredited videotapes from training events throughout the state and is making them available to Alliance members. The ATJ Board coordinates the annual Access to Justice Conference (see Section IV.A. of this Report), which is a significant training event. The ATJ Board continues to facilitate the ongoing activities of the Leadership Group, which includes the directors of all members of the Alliance for Equal Justice and state support staff (see Section IV.I. of this Report). ATJ Board staff is also responsible for implementing Washington State Board of Continuing Legal Education Regulation 103(g), which awards CLE credits for handling pro bono cases and coordinating annual training events for attorneys who wish to participate in WSBA’s Emeritus Attorney Program. The Emeritus Attorney Program has grown to 100 members statewide.

Resource Development: The current *State Plan* provides that Alliance members that engage in fundraising activities do so cooperatively so as to maximize the total number of dollars raised and made available in the delivery system. The *State Plan* establishes a resource investment protocol, to ensure that all major civil equal justice fundraisers strategically invest new resources, and allocate funding reductions, in accordance with the protocol. The ATJ Board, along with local bar associations and Alliance members, created the Campaign for Equal Justice, which operates under the direction of LAW (Legal Aid for Washington) Fund. The Equal Justice Coalition (see Section IV.D. of this Report) works closely with the new Office of Civil Legal Aid (OCLA) to increase state funding for civil legal aid. The EJC also works to increased federal funding for civil legal aid.

Private Attorney Involvement: The current *State Plan* includes initiatives to increase private attorney involvement in Washington. The ATJ Board works closely with WSBA’s Pro Bono and Legal Aid Committee (PBLAC), that is taking primary responsibility for implementation key pro bono initiatives, which include: (1) increasing Supreme Court involvement in increasing *pro bono* participation; (2) implementation of Washington State Board of Continuing Legal Education Regulation 103(g), which awards CLE credits for handling *pro bono* cases; (3) promotion of the new amendments to RPC 6.1 and implementation of RPC 6.1’s new voluntary

reporting provision; (4) proposing state and local rule changes to remove barriers to volunteering; and (6) proposing a state court rule to provide uniform standards for the application of *in forma pauperis* petitions. ATJ Board staff participates on the Pro Bono Support Coordinator Oversight Board (PROBSCOB) to oversee the activities of a half-time Pro Bono Support Coordinator based at Columbia Legal Services. PROBSCOB has evaluated the first year of the position and has recommended that it be made permanent. The Coordinator provides technical support for individual pro bono programs and works to ensure these programs are full partners in the Alliance for Equal Justice.

IV. ATJ BOARD STANDING COMMITTEES AND THEIR INITIATIVES:

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.

The tenth annual Access to Justice Conference, "It's Not Justice If It's Not Equal," was held jointly with the annual Bar Leaders Conference on June 3-5, 2005 in Bellevue (**Tab 20**). The ATJ Conference included the following sessions:

- The Campaign for Equal Justice: LAW Fund and the Alliance Working Together
- Washington State Attorney General's Vision for Consumer Protection
- The Impossible Will Take a Little While: A Citizen's Guide to Hope in a Time of Fear
- American with Disabilities in the Courthouse: Responsibilities and Opportunities
- Other Cultures, Other Tongues: Overcoming Barriers for Immigrants and Refugees
- Civil Gideon: When do Equality and Justice Require Appointment of Counsel?
- Access to Justice Issues: Court Clerks and the Trial Courts
- Access to Justice Technology Bill of Rights: A Living Example of Inclusion, Diversity and Multi-cultural Competence
- Access to the Civil Rights Administrative Process: Local, State and Federal Partners
- Law Schools: An Important Part of Access to Justice
- Secondary Trauma: How We are Impacted by The Work we Do and What to Do About It
- Update on Current Access to Justice Issues

The joint ATJ Board/Bar Leaders conference plenary session, *Authorizing Legal Technicians: Protecting the Public and Filling a Need*, featured the State of Washington Practice of Law Board presentation of its proposed legal technician rule.

Authors Sherman Alexie and Paul Loeb delivered the two keynote speeches. The Moderately Talented (Yet Plucky) Repertory Theatre of Justice, performed "ATJ 2095: A Look Back."

The Annual Access to Justice Conference Report, which was provided to members of the Court and BOG who attended the Conference, includes the status of the 47 recommendations that have been developed and tracked since the first Access to Justice Conference in 1996 (**Tab 21**). The Conference Committee is developing ways to make the recommendations a more prominent focus during the conferences and as part of the annual conference planning process.

Plans are underway for the Eleventh Annual Access to Justice Conference on June 9-11, 2006 in Yakima.

B. Communications Committee

Michele Storms, Chair

Mission: Identifies and articulates common messages for those within the delivery system and creates systems for improved communication.

The ATJ Board approved the Access to Justice Communications Plan at its 2004 retreat. The Committee is now implementing the Plan, with the assistance of funding from the Supreme Court (see Section II.A.3. of this Report).

The Plan establishes the Washington State Alliance for Equal Justice, whose mission is to provide civil legal aid - information, advice and representation - to those with nowhere else to turn. Members are those whose predominant mission is to provide civil legal aid to low income people. Supporters include the EJC, ATJ Board, BOG and other justice system partners.. The Committee developed a logo which Alliance members and supporters may use on letterhead, brochures and other documents. The Alliance motto is "It's not justice if it's not equal." Key messages and other tools are being developed as part of implementation.

C. Council on Public Legal Education

Hon. Marlin Appelwick and Judith Billings, Co-Chairs

Mission: To promote public understanding of the law and civic rights and responsibilities. The Council pursues this mission by conducting, coordinating, encouraging and publicizing public legal education efforts in Washington State.

The Council on Public Legal Education (CPLÉ) began in 1998 as the Public Legal Education Workgroup, a joint venture of the Washington State Bar Association, the Access to Justice Board, the courts, the Office of the Governor, and several other entities. Almost 60 representatives from the education community, the legal community, civic organizations and the media came together to develop a vision for public legal education in Washington State. One of the Workgroup's many recommendations was that a permanent entity, the CPLÉ, be formed to realize its vision. The WSBA agreed to house the CPLÉ, and additional staffing was provided by the state courts. Judge Marlin Appelwick and Judith Billings, who co-chaired the Workgroup, stayed on to lead the CPLÉ, and many of the Workgroup's members followed their example. Although originally conceived as an independent entity, the CPLÉ decided in 2005 to formalize its long-standing partnership with the Access to Justice Board by becoming one of its standing committees.

Although its specific priorities shift from year to year, most of the CPLÉ's activity addresses long-term goals. During the last year, the CPLÉ has been focusing on the following:

Delivering PLE Via the Web: The CPLE manages a public legal education "gateway" website, lawforwa.org, which provides the public with easy access to web-based information about the law and government, and includes special resources for teachers and media professionals. The website is housed at the University of Washington and supported by a grant from the Bill & Melinda Gates Foundation. During the last year CPLE volunteers and staff have insured the website's content is up-to-date, developed plans for future expansion of its content and functionality, and began to investigate options for its long-term financial stability. The chair of the lawforwa committee is Hon. Marlin Appelwick.

Involving Volunteer Judges and Lawyers in PLE: One of the CPLE's top priorities this year is to create a low-cost, year-long, statewide system that will allow schools and youth-based groups seeking volunteer judges and lawyers to advertise their needs and identify appropriate volunteers. The CPLE will also offer training opportunities for these volunteers (for example, at the 2006 Access to Justice Conference). Additionally, the CPLE is entering the third year of a partnership with the Washington Judges Foundation (WJF) in which volunteer judges are paired with high schools around the state to assist in the teaching of a semester-long Street Law class. The chair of the volunteer lawyers and judges committee is Justice Mary Fairhurst.

Expanding and Improving Youth Courts in Washington: The CPLE has been involved in providing training and support to new and existing youth courts in Washington since 2001, with the financial support of the WJF, the national Youth For Justice Program, the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, and other entities. This year, the CPLE is also working with the state's approximately 25 youth courts to form a formal state youth court association, as 17 other states have done. The association will develop new youth court legislation, secure funding for youth courts, organize an annual conference, and participate in a new national youth court association. The chair of the youth court committee is educator Margaret Fisher.

Improving Civics Education in K-12 Schools: Increasing the quantity and quality of Civics education in K-12 classrooms has always been a top CPLE priority. In the past year the CPLE has continued to offer professional development opportunities and materials for teachers by partnering with the Washington State Council for Social Studies (WSCSS) and via the lawforwa.org website. Additionally, the CPLE has amassed widespread support throughout the justice system for proposed legislation that would hold school districts accountable for teaching the basic Civics concepts required under state law. The bill is sponsored by CPLE member Rep. Dave Upthegrove. The co-chairs of the K-12 committee are Wendy Ewbank, President of the WSCSS, and Paula Fraser, an elementary school teacher.

In addition to these initiatives, the CPLE also recently conducted a long-term strategic planning process, and is working closely with other justice system entities doing similar work to avoid duplication. These groups include the BJA's Public Trust and Confidence Committee and the WSBA's President's Initiative Advisory Committee.

D. Education Committee

Hon. James Murphy (Retired), Chair

Mission: Coordinates and supports judicial-related educational efforts around the state.

The Education Committee's current focus has been the education of judges and court personnel about the findings of the Civil Legal Needs Study.

The Committee developed and made a presentation at the Washington Court Leadership Conference on May 18, 2005, which included a panel presentation and focus group discussions regarding how courts can address the challenges presented in the Study (**Tab 22**).

E. Equal Justice Coalition (EJC)

J. Richard Manning, Chair; Scott Smith, Chair-Elect

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 Washington State Equal Justice Coalition (EJC) is a non-partisan, broad-based, statewide organization dedicated to equal justice for all. The EJC is comprised of a volunteer work group, an advisory council, member organizations and friends of equal justice that include bar leaders, prosecutors, health care providers, police chiefs, judges, religious, business and community leaders, and many other stakeholders. The EJC is administered by the Legal Foundation of Washington

Key initiatives during the past year have included:

Civil Legal Aid Funding: Based on the findings of the Civil Legal Needs Study nearly \$18 million, in addition to current funding, is needed annually from the state to address the unmet civil legal needs of low income people. The Legislature took a significant step in 2005 with a legislative appropriation of an additional \$7 million for civil legal aid funding for the 2005-07 biennium. This new state funding is being used to provide bridge funding for the VOCA losses, add additional staff positions some Northwest Justice Project offices; and will support the opening of a new NJP office in Walla Walla. The EJC also was instrumental in the passage of legislation (HB 1747) to transfer civil legal aid functions from the executive to the judicial branch and the establishment of the Office of Civil Legal Aid (see Section I.H. of this Report). The EJC also is supporting the current OCLA request for an additional \$600,000 to restore client service capacity which was lost as a result of cuts in VOCA (Victims of Crime Act) funding to civil legal aid programs.

Justice in Jeopardy: The EJC participates in this collaborative effort between justice system stakeholders to ensure the fair and equal administration of justice by supporting adequate funding for trial court operations, criminal indigent defense and civil legal aid. Justice in Jeopardy was formed in response to the large funding gap in the justice system for each of these key functions.

Federal Funding for Civil Legal Aid: The EJC supports efforts to continue federal Legal Services Corporation funding at adequate levels. The House and Senate Appropriations committees agreed to provide flat funding at \$330.8 million for the Legal Services Corporation in FY 2006. The President signed this budget bill in late November. Further government-wide rescissions are probable. Across-the-board cuts reduced LSC funding by \$5 million in FY 2005 and by over \$3 million in FY 2004. Each spring since 1996 the EJC has sent a team to Washington, D.C. to meet with Washington State's congressional delegation. Those participating in the May 2005 visit included former WSBA Presidents J. Richard Manning and Ronald R. Ward, former BOG member William D. Hyslop, Wenatchee attorney Jay Johnson, Seattle attorney Mike McKay, Northwest Justice Project Executive Director Patrick McIntyre, and Equal Justice Coalition Director Sara Zier.

The EJC celebrated its tenth anniversary at the June 2005 ATJ Conference. The event was sponsored by Seattle University School of Law, and keynoted by U.S. Attorney John McKay, the founding Chair of the EJC. The EJC presented awards to those who have provided leadership and support for civil equal justice in the state legislature: Chief Justice Gerry Alexander, WSBA President Ronald R. Ward (2004-05), WSBA Director of Legislative Affairs Gail Stone, BJA Executive director Jeff Hall, and EJC legislative lobbyists Ryan Spiller and Sandi Swarthout.

The EJC held a planning retreat on October 27, 2005 and developed a set of goals for 2005-07 (**Tab 23**).

The EJC now publishes its *Justice at Work* newsletter online (**Tab 24**), which is e-mailed to several thousand supporters. It also e-mails Action Alerts throughout the year, and especially during the legislative session, to keep supporters informed and to solicit their assistance when appropriate.

The EJC has its own website: www.ejc.org.

F. Family Law Committee

Hon. Paul Bastine (Retired), Chair

Mission: Recommends and oversees improvements to the availability and delivery of family law legal services, assistance and information in Washington State for low and moderate income people, including pro se litigants.

The ATJ Board has concluded that the current systems for providing family law legal services, assistance and information in Washington State are inadequate to ensure meaningful access to the justice system for many low and moderate income clients, including those proceeding pro se. The ATJ Board appointed a Family Law Access to Justice Task Force in early 2000 to recommend improvements. That Report and nine recommendations were circulated widely for comment, including a presentation at the June 2001 Access to Justice Conference, and were adopted by the ATJ Board on June 8, 2001. The ATJ Board has established a permanent Family Law Committee to oversee their implementation. This Committee is reviewing and targeting its current mission in light of the findings of the *Civil Legal Needs Study*, the proposed revised *State Plan*, and other changes in the justice system landscape during the past two years. The Committee will be making recommendations to the ATJ Board at its May 2006 retreat.

G. GAAP (Greater Access and Assistance Project) Committee

Rachelle Anderson and Michele Storms, Co-Chairs

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

This is a joint project of the ATJ Board and the Washington Young Lawyers Division (WYLD). The Committee has 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 evaluated the project in 2005, and it now is a permanent access point for moderate income people to the civil justice system.

The Committee is focused on replicating the Spokane model in other parts of the state. The King County Bar Association is working with the Committee to expand its low fee panel, which currently is a component of its Lawyer Referral Service. The WSBA Family Law Section is facilitating free basic family law training in exchange for attendees making a commitment to join King County GAAP panel.

The Washington State Bar Association provides a budget for the project for initial non-recurring expenses for each program. WYLD received a \$1,000 grant from the ABA which also is being used for start-up costs.

H. Impediments to Access to Justice Committee

Hon. Catherine Shaffer and Howard Graham, 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 is working on the following initiatives:

Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts: The Committee has completed this publication, which is a resource for judicial officers and court staff to address the barriers posed by their own courthouses and court practices. The Guide focuses on four broad types of disability: visual and hearing disabilities, mobility impairments, and cognitive disabilities. It discusses the obligations of judges and court personnel, and identifies approaches to solving common difficulties people with disabilities have experienced in gaining access to courts (**Tab 25**). The ATJ Board has formally approved the *Guide*, which has been presented and discussed at both the 2005 ATJ Conference and the Board for Judicial Administration. Presentations are planned for the Court Leadership Conference in May 2006; the District and Municipal Court Judges Association Conference in May 2006; the Northwest Tribal Court Judges Conference; and the national Administrative Law Judges Conference in September 2006. The Committee will present the *Guide* to the WSBA Board of Governors on March 3, 2006. Several of these presentations have been, and are planned to be, joint presentations by the Impediments Committee and the ATJ Technology Principles Implementation Strategies Group, including a joint request for a plenary at the Fall 226 Judicial Conference. There are plans to have the *Guide* available online. The Committee also is developing a brochure based on the *Guide*.

Human Rights Commission Forum: The ATJ Board and the Washington State Human Rights Commission co-sponsored a special forum on January 19, 2006 entitled Making Washington State Courthouses Accessible for People with Disabilities (**Tab 26**). Members of the Impediments Committee and the ATJ Technology Principles Strategy Group developed the program and facilitated the presentation.

Proposed Court Rule for Requesting Accommodations for People with Disabilities: This proposed rule creates a process by which individual litigants can confidentially notify the court if they have disabilities. A determination of accountability will be made on an individual basis. The proposed rule was approved by the ATJ Board in September 2005, and currently is before the WSBA Court Rules Committee for consideration (**Tab 27**).

I. Leadership Group

Theresa Milligan and LeeAnn Friedman, Co-Chairs

Mission: To develop and support strong leadership for the Alliance for Equal Justice.

The ATJ Board has been a key partner during the past three years in coordinating biannual leadership training for members of the Alliance for Equal Justice, with the goal of developing a strong and cohesive group of leaders who will participate actively in the development of statewide and local initiatives to increase access to the civil justice system for low income people. There currently are leadership training

events in conjunction with the annual Access to Justice Conference and annual Goldmark Award Luncheon. The agenda for the last training event is attached (**Tab 28**). The ATJ Board and the Legal Foundation of Washington jointly staff these efforts,

J. State Plan Review Committee

Christine Crowell, Chair

Mission: To develop and oversee a process for the review and revision of the ATJ Board's Plan for the Delivery of Civil Legal Services to Low Income People in Washington State.

The work of this Committee is detailed in Section III. of this Report. The proposed revised *State Plan* contemplates the continuation of this Committee as a permanent state support function.

K. Statewide Website Advisory Group (SWAG)

Brian Lonardo, Chair

Mission: To bring together website managers whose organizations provide substantial Access to Justice Internet content and services for all people in Washington State to explore collaborative efforts.

SWAG originated as a recommendation from the ATJ Board's Technology Plan. Its members include website managers from all justice system partners, including the Washington State Bar Association, Council on Public Legal Education, ATJ Board, Administrative Office of the Courts, Attorney General's Office, King County Law Library, Northwest Justice Project, Northwest Women's Law Center, Human Rights Commission and others.

SWAG's initial project is the development of a statewide website matrix, which will summarize the content of each website in a format to assist SWAG in organizing and streamlining law-related web-based content available for the public, and to eliminate duplication. SWAG is also assisting the Access to Justice Technology Principles Implementation Strategies Group by designing a checklist for justice system partner organizations to use to ensure their websites address the ATJ Technology Principles.

L. Technology Committee

Brian Backus, Chair

Mission: To implement the ATJ Board's Technology Plan.

Case Management System: The Technology Committee has prioritized the development of a statewide uniform case management system for Alliance members and funders, and has determined that the ATJ Board and Alliance cannot move forward without appropriate technical expertise not currently available in this community. OCLA has agreed to underwrite the costs of technical support at this stage, and the Committee is working with OCLA to develop a request for proposals. The Committee is seeking a vendor capable of working with Alliance members and funders to: (1) identify essential business and operational functions and characteristics of a statewide case management system; (2) evaluate and make recommendations relating to the acquisition of an appropriate case management system; and (3) propose a statewide structure and support system to ensure effective implementation and ongoing technical support.

Access Training: The ATJ Board, with a small grant from the Legal Foundation and assistance from the WSBA Information Technology Department, hosted a Microsoft

Access Training for Alliance members on February 15, 2006. Until a statewide uniform statewide case management system is developed, the Committee determined that the most economically feasible way to provide the smaller Alliance members with adequate case management system functionality is to train them to set up an Access data base **(Tab 29)**.

V. ATJ BOARD SPECIAL INITIATIVES

A. ATJ Technology Bill of Rights Committee (ATJ-TBOR)

Hon. Donald Horowitz (Retired), Chair

Mission: To create a body of enforceable fundamental principles to ensure that current and future technology both increases opportunities and eliminates barriers to access to and effective utilization of the justice system, thereby improving the quality of justice for all persons in Washington State.

On December 3, 2004, the Washington State Supreme Court adopted the Washington State Access to Justice Technology Principles, which are published with the Washington Court Rules and on the AOC and WSBA websites. The Access to Justice Institute's Language Bank has translated the Principles into Spanish and Japanese. Arabic, Russian, Tagalog and Vietnamese versions are planned. The Committee hosted a reception on May 20, 2005 at Seattle University School of Law to celebrate the adoption of the ATJ Technology Principles and to thank those who contributed to their development **(Tab 30)**.

The Committee also has been addressing the following initiatives:

ATJ Technology Principles Implementation Strategies Group: The Committee is now focused on implementation, which is being funded by the Supreme Court and which is detailed in Section II.A.2. of this Report. It is anticipated that recommendations from this Group will include location of, and responsibility for, the implementation of the ATJ Technology Principles.

LINX Project: In one of the first applications of the ATJ Technology Principles, the ATJ Board and the JIS Data Dissemination Subcommittee have jointly addressed the barriers to access for low income people posed by fee schedules for electronic files and court records through the Pierce County LINX project. Under the leadership of ATJ-TBOR Chair and ATJ Board Liaison to the JIS Committee Don Horowitz, Pierce County amended its ordinance and fee schedule on December 11, 2005, to provide that no fees (other than the one-time set-up fee) will be charged to any "non profit legal services, legal aid, or pro bono agency" for access to records through LINX **(Tab 31)**. JIS is now considering a statewide application of this policy.

Best Practices Template: The Committee is close to finalizing a project funded by the State Justice Institute (SJI) to develop an online Best Practices Template for the self-assessment of technology design, development and deployment in a state court system. It is anticipated that this tool will be useful for courts in their implementation of the ATJ Technology Principles.

Assistive Technology Website: This website is a joint project of the ATJ Board's ATJ Bill of Rights Committee and UW Center for Technology & Disability Studies: <http://justice-at.uwctds.washington.edu>. The website contains information on specific technologies, their cost, how to obtain them, and other useful information.

SeaMar Community Health Center Project: The Committee received a \$25,000 grant from the Washington State Attorney General's Office to develop a public access terminal at SeaMar Community Health Center, in partnership with the Mexican

Consul and others. The goal is to create a model for a fully equipped and accessorized kiosk and computer terminal containing and providing legal system information and services relevant to the needs, cultures, capabilities and capacities of and understandable and usable by a diverse population, emphasizing people of limited income, different culture and language (in this instance largely Hispanic and Latino) and other circumstances which render them vulnerable.

The Committee's website currently is being redeveloped: www.atjtecbillofrights.org.

B. Task Force on ATJ Board Development and Planning

Dan Gottlieb, Chair

Mission: To coordinate the ATJ Board's long range strategic planning process and the development of internal operational rules.

The Task Force will complete its long range strategic planning process in May 2006 (see Section I.F. of this Report). The ATJ Board will adopt the proposed internal operational rules at its March 2006 meeting (see Section I.G. of this Report).

C. Workgroup on the Statewide Delivery of Legal Aid Services to Domestic Violence Survivors

Leslie Owen, Chair

In June 2005, the ATJ Board convened a workgroup to review and make recommendations regarding the statewide delivery of civil legal aid services for domestic violence victims/survivors. The workgroup was established in response to the loss of \$511,000 in VOCA funds that supported organizations providing emergency legal assistance to survivors of domestic violence. The workgroup focused on the following: 1) a supplemental funding request from the 2006 state legislature; 2) options for increased funding through various state and federal funding streams; 3) the development of a proposal to allow the use of state funds for undocumented domestic violence survivors; and, 4) the current delivery system of legal aid services for domestic violence survivors. The workgroup has presented its final report and recommendations to the ATJ Board for adoption.

VI. CURRENT CIVIL EQUAL JUSTICE FUNDING

The information set forth below provides the current civil equal justice funding picture for 2007, 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 is the source and final location of the four primary sources of funding available to Washington State's Alliance for Equal Justice for the delivery of civil legal aid services. 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 32)**.

Source:

Legal Foundation of Washington (this includes IOLTA, private resources raised by LAW Fund, and other available funds): \$6.5 million

Federal (Legal Services Corporation): \$5.3 million

State (OCLA): \$7.9 million

Private (LAW Fund): \$300,000 - \$350,000

Final Recipient:

Northwest Justice Project (statewide delivery, CLEAR and website operation, support): \$5.3 million (Legal Services Corporation): \$7.9 million (of that, \$1.2 million is subcontracted to support seven specialized legal aid providers and 25 pro bono programs); \$100,000 (Legal Foundation of Washington)

Columbia Legal Services (special populations, special purpose statewide delivery): \$3.6 million (Legal Foundation of Washington)

Local Pro Bono Programs (leverage local *pro bono* representation) and **Specialty Legal Aid Providers** (augment services, serve discrete client communities): \$2.6 million (approximately half is funded by Legal Foundation of Washington and half is funded by the State)

VII. NEXT STEPS

At its May 2006 annual retreat the ATJ Board will have the challenging, yet satisfying, task of finalizing major planning initiatives that have been underway for the past two years. These include the ATJ Board's own long range strategic plan and the proposed revised *State Plan*, which both are informed by the Supreme Court's *Civil Legal Needs Study*. The intersection of these initiatives will guide the ATJ Board in its the future directions — which are driven by the legal needs of low and moderate income people in our state and grounded in the vision and values shared by Alliance members and supporters in this state.

The ATJ Board seeks to build on its decade of significant accomplishments (**Tab 33**) in partnership with the Supreme Court, the Washington State Bar Association and others toward our respective goal of equal access to the civil justice system.