



Access to Justice Board Meeting Agenda
December 15, 2017 – 10:00 AM to 12:00 PM
 Washington State Bar Association, 1325 4th Ave, 6th Floor, Seattle
Call: 1-866-577-9294; Access: 52140#

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.

4 min	Welcome and Introductions	Geoff Revelle		
10 min	Rules Committee:	Sal Mungia	Action	
	<ul style="list-style-type: none"> • RPC 8.4 • WSR 15-15-102 			pp 3-5
1 min	November Board Meeting Minutes	Geoff Revelle	Action	pp 6-8
20 min	ATJ Board Staff and Chair Report	Geoff Revelle, Bonnie Sterken, Report and Diana Singleton		
	<ul style="list-style-type: none"> • Update on Website Redesign • Appointment of ATJ Board-Recommended OCLA Oversight Committee Members • Feedback for Proposed Funding Guidelines • Support for Proposed Changes to RCW 2.53 (Office of Civil Legal Aid) 			pp 9-12 pp 13-22
10 min	JustLead Update	Jennifer Werdell	Report	
10 min	ATJ Board Two-Year Priorities	Geoff Revelle	Action	pp 23-25
10 min	Delivery System Committee Report: State Plan Implementation Update	Catherine Brown	Report	
10 min	BJA Public Trust & Confidence Committee Update	Catherine Brown	Report	

15 min	Wayfind Report	Jodi Nishioka	Report
10 min	Living History Video Update: Screening of "Attacks on Legal Services"		Report
1 min	Other Updates, Upcoming Events	All	Report
	<ul style="list-style-type: none"> • KCBA Martin Luther King Jr. Luncheon, 1/12/18 • Goldmark Awards Luncheon, 2/23/2018 • WSBA Community Networking Events: Tacoma, 1/11/18 Olympia, 1/25/18 Bellingham, 2/8/18 For info: diversity@wsba.org 		

The next ATJ Board meeting is on January 12, 2018 from 10:00 to 12:00 at WSBA.



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia
Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



November 28, 2017

Supreme Court of the State of Washington
Clerk of the Court
P.O. Box 40929
Olympia, WA 98504-0929
Via email to supreme@courts.wa.gov

Re: Proposed Changes to RPC 8.4

Dear Chief Justice Fairhurst and Justices of the Court:

I am writing on behalf of the Access to Justice (ATJ) Board to share our support for the proposed amendments to Rules of Professional Responsibility (RPC) 8.4. The ATJ Board supports the proposed changes to add veterans and members of the military to the anti-discrimination and anti-prejudice provisions of the rule. This important change will make RPC 8.4 consistent with the state laws against discrimination and will provide protection of this very important class.

If you have any questions or need more information, please do not hesitate to contact the Access to Justice Manager, Diana Singleton, at dianas@wsba.org or at 206-727-8025.

Respectfully,

Geoff Revelle
Access to Justice Board Chair



RPC 8.4 - Misconduct

Comments for RPC 8.4 must be received no later than April 30, 2018.

- [Proposed Changes to RPC 8.4 - Misconduct](#) (in Word Format)
- No comments are available at this time.

Suggested Amendments to

RULE 8.4 of the Rules of Professional Conduct (RPC)

A. Proponent

Washington State Bar Association

B. Spokespersons

Mark Fucile, Chair, WSBA Committee on Professional Ethics

Fucile & Reising LLP

Jeanne Marie Clavere

Professional Responsibility Counsel

Washington State Bar Association

C. Purpose

RPC 8.4 specifies professional misconduct for Washington lawyers if they commit or engage in certain types of prohibited conduct. The suggested amendments to (g) and (h) would add veterans and members of the military to the anti-discrimination and anti-prejudice provisions of the rule, which already includes sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. The suggested amendment incorporates the language from the Washington Law Against Discrimination, RCW 49.60, which was amended in 2007 to add "honorably discharged veteran or military status" as a protected category. Amending RPC 8.4 (g) and (h) would make the Rules of Professional Conduct consistent with state law.

SUGGESTED AMENDMENT
RULES OF PROFESSIONAL CONDUCT (RPC)
RULE 8.4 – MISCONDUCT

RPC 8.4
MISCONDUCT

It is professional misconduct for a lawyer to:

(a) - (f) [Unchanged.]

(g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, honorably discharged veteran or military status, or marital status, where the act of discrimination is committed in connection with the lawyer's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability, honorably discharged veteran or military status, or marital status. This Rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16;

(h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward judges, lawyers, or LLLTs, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, honorably discharged veteran or military status, or marital status. This Rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments.

(i) – (n) Unchanged



Access to Justice Board Meeting Minutes November 2, 2017, 10:00am – 12:00pm

Washington State Bar Association, 1325 4th Ave, Suite 600, Seattle

Call: 1-866-577-9294; Access: 52140#

Present: Geoff Revelle (Chair), Sal Mungia, Hon. David Keenan, Hon. Laura Bradley, Lindy Laurence, Hon. Fred Corbit, Francis Adewale, Lynn Greiner, and Andy Sachs

Absent: Michelle Lucas, Mirya Muñoz-Roach

WSBA Staff: Diana Singleton, Bonnie Sterken, Destinee Evers

Guests: Jerry Kroon, Hon. Don Horowitz, Sart, Noah Samuels, Kim Risenmay, Bill Hyslop, Sam Keller, Aaron McCloud, Caitlin Davis, Liz Ford, Antonio Ginatta, Catherine Brown, Cindy Yeung

Minutes: The October minutes were approved without edits

Staff and Chair Report:

WSBA Chairs Meeting: Geoff summarized the WSBA Chairs and Liaisons meeting and the follow up meeting with the chairs and staff of the Supreme Court created boards. The Supreme Court board chairs will continue to meet quarterly to discuss what each group is doing and identify ways to collaborate. Geoff briefly summarized the meeting conversation.

Equal Justice Coalition Update: Andy reported on the status of the EJC and its work. The 2018 session begins in January and the EJC is gearing up. Andy reviewed outcomes from the 2017 session and what was received in the budget. He summarized the ask for this coming session. Kim added that the BOG wants to partner to help the EJC/ATJ Board to advocate for legal aid funding and to improve the process for all of this. Andy noted that the EJC advocates on the importance of civil legal aid through the state's general fund and will maintain that position. Meeting attendees had a discussion about the EJC's role in coordinating the overall message from the Alliance to the Legislature. Andy also reported on other initiatives that the EJC is working on to grow grassroots work. They are forming a legislative committee comprised of members from throughout the state to build relationships with their local lawmakers. They are also setting up site visits for legislators to visit provider offices and to meet with clients to see the impact of civil legal aid on the ground.

Washington Web Lawyer Update: Catherine reported there was a memo and a report in the materials. She reported that OCLA funded an evaluation of WAWeb Lawyer. The advisory committee recommended to the Delivery System Committee to wind down the current WAWeb Lawyer operation and convene a workgroup to develop an operating plan and realistic budget to ensure that the platform will work well in the future. The Delivery System Committee agreed to wind down the operation but recommends that we wait and

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watch what is happening with the State Plan implementation to see what technology solutions come out of that. Sart added that people were served through the platform and there is potential there. He encouraged the ATJ Board to relook at this soon. The group had a discussion about the general benefits of this program. Judge Bradley added that the Technology Committee can continue to discuss and see what other options can be identified.

Fair Work Center Update: Sam Keller reported on what the Fair Work Center does and shared materials summarizing their work. They formed out of the “fight for \$15” campaign and now support workers in achieving fair employment conditions. Sam summarized the history of the program and their current work. They do outreach, education and legal clinics. Liz Ford gave an overview of the legal clinics, including how they are structured and the types of cases they take. Going forward they want to focus on a training component in all of their agreements (i.e., offer workers a “know your rights” training), to make sure that wage theft doesn’t become homelessness, and develop a small claims strategy. Overall they are trying to expand reach to more people, and want to help workers throughout the state. They addressed questions, including where their funding comes from.

Technology Committee

Technology Principles Event: Sart reported on the event at the University of Washington School of Law on October 27. About 45 people were there to look at the changes in technology in the last 13 years and then brainstorm ways to update the ATJ Technology Principles. The committee will be taking the notes that came out of that discussion to continue redrafting the Principles and then have another event at Seattle University in February to do another drafting event. The Committee plans to bring to the Board updated Principles for their consideration after the February event. Francis added that Sart is also visiting the regional planning group in Spokane to get additional feedback.

Net Neutrality: Destiny reported on the net neutrality letter that was included in the materials. She reiterated the comments that the Board submitted to the FCC a couple of months ago. Since then the committee has been collecting stories from the community and legal aid organizations reflecting on how net neutrality impacts on their work. There was a proposed letter in the meeting materials to send to Washington State Senators and Representatives in D.C. in support of net neutrality along with the stories. Judge Horowitz explained that he has been speaking with the state’s senators and they are appreciative of this support. Sal moved to send the letter after deleting footnote 1, and Francis seconded. The motion passed unanimously.

Implicit Bias Training: Judge Bradley reported on the success of the implicit bias training for Administrative Law Judges from across the state. They had 126 attendees and received 38 responses to the evaluation form. Overall the vast majority were satisfied with the training. One of the biggest takeaways was the recognition that implicit bias exists and needs to be addressed. Judge Bradley will comb through more of the comments and put together a report. She noted that all of the presenters were fantastic. They also learned good lessons to make these types of trainings better. Francis noted that everyone involved in criminal justice in Spokane will be receiving a similar training on implicit bias. Caitlin added that LFW staff

and board engaged in a race equity training as well. The group discussed plans to continue to hold these trainings for judges.

Alliance Videos: Diana summarized the process for creating the videos to give an overview of the Alliance and other features for the new website. The group viewed the video about how the Alliance was formed. Lynn asked for feedback on how to distribute the video widely. Sart offered to provide information on other ways to use videos.

Other Updates: The following upcoming events were shared

- Dec 13 CLE about Community Court in Spokane
- NW Health Law Nov 7 event
- TeamChild Nov 7 happy hour
- QLaw fall event on Nov 15
- Snohomish County legal services open house Dec 5
- CLE on building your legal practices through online innovation – see Sart for details

The meeting adjourned 11:56 am.

Memorandum

To: LFW Grantees
From: Access to Justice Board
Date: December 4, 2017
RE: Legal Foundation of Washington Fundraising Protocols for Annual Grantees

Since 2004, the Access to Justice Board has supported the statewide, unified fundraising effort known as the Campaign for Equal Justice, which is housed at the Legal Foundation of Washington (LFW). The purpose of the unified Campaign is to maximize the development of private resources and ensure that they are distributed to civil legal aid programs funded by LFW in a fair and equitable manner, regardless of where low-income people live or what types of legal problems they face.

Background

Prior to the advent of the Campaign, some organizations did private fundraising on their own; however, most resources were raised by programs operating in urban/suburban areas with active local bar associations. Another issue was that programs representing clients with problems that were politically unpopular were not able to raise resources at the same level as programs that provided more mainstream services. Finally, law firms and lawyers were solicited for gifts year-round by many different legal aid and law-related organizations that appeared to have similar missions; the result was confusion and frustration among potential supporters. These concerns gave rise to the birth of the Campaign for Equal Justice: a unified, one-stop, one-shop opportunity for the legal community to support the delivery of legal services to low income communities around the state.

LFW administers and staffs the statewide Campaign for Equal Justice (“Campaign”) which has been an integral funding source for LFW annual grantees since 2004. The Campaign is a coordinated statewide effort designed to equalize access to private funds. Through the Campaign, LFW offers assistance with gift tracking, cultivation, processing, and recognition; fundraising training; and assistance to identify joint major gifts and foundation prospects.

LFW also offers its community of grantees several benefits in addition to stable annual grant funding for operational and other expenses. For example, LFW makes available to its annual grantees professional liability insurance for volunteer lawyers; access to telephonic and in-person interpretation services; the online case management

database, LegalServer; small grants to cover one-time and emergency needs; and other technical assistance. LFW grantees also have access to unique sources of funding which might not otherwise be available to individual organizations, such as IOLTA funds, WSBA license fee renewal donations, law firm contributions, foundation grants, cy pres awards, etc.

The Access to Justice Board and LFW provide fundraising guidance and resource development protocols (“Protocols”) to LFW grantees. These protocols reinforce our commitment as civil legal aid providers to the values of collaboration and cooperation, consistent with the Access to Justice Board’s Hallmarks of an Effective Delivery System, and to making sure that equal justice is available to all people.

As fundraising strategies evolve, the ATJ Board and LFW frequently examine the fundraising guidelines for LFW grantees. To that end, representatives from several civil legal aid providers convened during the past year to revise and update the Fundraising Guidelines. This memo includes proposed changes to the current Fundraising Guidelines. While there is agreement that fundraising efforts among LFW grantees should be coordinated to some degree, some participants disagree about the extent to which individual organizations are limited in their capacity to fundraise directly from the legal community. The ATJ Board plans to recommend updates and revisions to the Fundraising Guidelines. To inform these recommendations, the ATJ Board requests input from the broad Alliance community about the following proposed Guidelines.

PROPOSED FUNDRAISING PROTOCOLS FOR LFW GRANTEES

Grantee Organization Participation Responsibilities

- Encourage 100% giving by Grantee Board Members to the Campaign annually.
- Volunteer for regional Campaign fundraising activities (law firm campaigns, regional phone-a-thons, “Beer & Justice” events, etc.).
- Collaborate with the Campaign on online giving efforts.

LFW Grantee Organizations may

- Solicit gifts from **outside** the legal community.
- Host event(s) for and solicit sponsorships from the legal community. Event invitations, sponsorship requests, and follow-up appeals may be directed at the legal community, but follow-up must be sent within two weeks of the event. Scheduling of such fundraising events should not occur during the Fall C4EJ campaign, from October 1 through December 31. Exceptions to the prohibition on fundraising events during this timeframe include: (1) long-standing and well - established fundraising events for the

local legal community; (2) end-of-year fundraising CLE events; (3) events planned in conjunction with the American Bar Association's "Celebrate Pro Bono" initiative.

- Seek grants outside of LFW's annual, special, and small grant programs. Grantees will consult with LFW or Campaign staff about foundations and other grant-making bodies that grantees intend to approach, along with the focus and estimated dollar amount of proposed requests of \$50,000 or more. Grantees are encouraged to, but do not need to, consult with LFW or Campaign staff about requests for less than \$50,000. Grantees do not need to consult with LFW or Campaign staff about grants from local governments except for grants from King County. Grant requests to King County will continue to be approached collaboratively with support from the Equal Justice Coalition. The purpose of this communication is to ensure coordination among grantees and LFW/Campaign, and to avoid situations where LFW and/or more than one grantee are approaching, plan to, or should approach the target foundation or grant-making body. LFW and/or the ATJ Resource Development Panel described below will provide guidance about the grantee's intended grant proposal if requested to do so. See below, *Exceptions to and Deviations from LFW Resource Development Protocols*, for more information.
- Cultivate and pursue individual "Major Gifts" inside the legal community from supporters of the organization. These solicitations are individualized and targeted to specific individuals and not blanket mailing efforts. A Major Gift is a donation in excess of \$10,000 or efforts to be included in a supporter's will or other estate planning documents.
- LFW grantees in King County may choose to opt-in to a GiveBig pilot project in 2018 led by LFW wherein grantees will combine GiveBig donations and divide all money raised among participating grantees.
- Have "Donate Now" or similar buttons on their websites so long as the grantee does not actively direct potential legal community donors to donate that way except as a way to pay donations from efforts authorized by these protocols. If the grantee has such a website tool, it will also have a notice asking legal community donors to give to the CEJ and provide a link to LFW's website.
- When funding opportunities arise that have the potential to impact funding for multiple provider organizations, LFW or the Access to Justice Board's Delivery System Committee will convene provider gatherings to discuss and determine whether joint and collaborative funding proposals are appropriate. Individual provider organizations are not obligated to participate in such gatherings, nor are organizations obligated to follow or abide by any decisions made by the convened group but are encouraged to do so.

Exceptions to and Deviations from LFW Resource Development Protocols

When an LFW grantee identifies a funding opportunity that would involve the grantee deviating from these Protocols, the organization should approach LFW with a request for an exception/deviation. LFW or the requesting grantee organization may seek guidance from the ATJ Resource Development Review Panel (Review Panel). The Review Panel will include a representative of the ATJ Board, Office of Civil Legal Aid, LFW, a civil legal aid provider organization, and the Pro Bono Council Manager. The Review Panel will timely review requests for exceptions/deviations to the Protocols and will provide guidance as to whether the circumstances and opportunity are sufficiently unique or urgent to warrant the request. The goal of granting deviations and exceptions is to raise funds from sources that are not or cannot be optimally reached by LFW/Campaign efforts, and to enable programs to respond to unique circumstances and opportunities.

Request for Feedback

As we have seen over time, the civil legal aid community raises more support when we work together rather than compete separately. Please provide us your feedback on these guidelines so we can fine-tune them and brainstorm solutions to any unforeseen problems. Also, please give us your feedback if you have ideas about new ways to work together as we think that we can raise even more money with greater collaboration.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0653.1/18

ATTY/TYPIST: KS:akl

BRIEF DESCRIPTION: Concerning civil legal aid.

AN ACT Relating to civil legal aid; and amending RCW 2.53.010, 2.53.020, 2.53.030, and 2.53.045.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 2.53.010 and 2005 c 105 s 4 are each amended to read as follows:

(1) There is created a civil legal aid oversight committee consisting of the following members:

(a) Three persons appointed by the supreme court from a list of nominees submitted by the access to justice board, one of whom at the time of appointment is income eligible to receive state-funded civil legal aid;

(b) Two persons appointed by the board for judicial administration;

(c) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(d) One person appointed by the Washington state bar association; and

(e) One person appointed by the governor.

(2) During the term of his or her appointment, an appointee may not be employed by a state-funded legal aid provider.

(3) Members shall each serve a three-year term, subject to renewal for no more than one additional three-year term. The oversight committee shall develop rules that provide for the staggering of terms so that, after the first three years of the committee's existence, the terms of one-third of the members expire each year. Members of the oversight committee receive no compensation for their services as members of the oversight committee, but may be reimbursed for travel and other expenses in accordance with rules adopted by the office of financial management.

(4) The oversight committee shall: Oversee the activities of the office of civil legal aid created in RCW 2.53.020; review the performance of the director of the office of civil legal aid; and may, from time to time, make recommendations to the supreme court, the access to justice board, and the legislature regarding the provision of civil legal aid funded through RCW 2.53.030 ~~or other matters affecting the activities or operations of the office of civil legal aid.~~

Sec. 2. RCW 2.53.020 and 2005 c 105 s 5 are each amended to read as follows:

(1) There is created an office of civil legal aid as an independent agency of the judicial branch.

(2) Activities of the office of civil legal aid shall be carried out by a director of civil legal aid services. The director of civil legal aid services shall be appointed by the supreme court from a list of three names forwarded by the access to justice board. Qualifications for the director include admission to practice law in this state for at least five years; experience in representation of low-income people in civil matters, which experience may be in the form of volunteer representation; knowledge of and demonstrated commitment to promoting access to the civil justice system for indigent persons; and proven managerial or supervisory experience. The director shall serve at the pleasure of the supreme court and receive a salary to be fixed by the oversight committee.

(3) The director shall:

(a) Contract with one or more qualified legal aid providers to provide civil legal aid services authorized by RCW 2.53.030;

(b) Monitor and oversee the use of state funding to ensure compliance with this chapter;

(c) Report quarterly to the civil legal aid oversight committee established in RCW 2.53.010 and the supreme court's access to justice board on the use of state funds for legal aid; periodically assess the most prevalent civil legal problems experienced by low-

income people in Washington state and the capacity of the state-funded legal aid system to meet the legal needs arising from such problems; and report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid; and

(d) Submit ~~((a biennial))~~ budget requests.

(4) The office shall not provide direct representation of clients.

Sec. 3. RCW 2.53.030 and 2005 c 105 s 3 are each amended to read as follows:

(1)(a) The legislature recognizes the ethical obligation of attorneys to represent clients without interference by third parties in the discharge of professional obligations to clients.

~~((However,))~~ The legislature further finds that the prevalence of civil legal problems experienced by low-income people in Washington state exceeds the capacity of the state-funded legal aid system to address. To ensure the most beneficial use of state resources, the legislature finds ~~((that))~~ it ~~((is within the authority of the legislature to specify the categories of legal cases in which qualified legal aid programs may provide civil representation with state moneys))~~ appropriate to authorize legal assistance with respect to civil legal problems that directly affect important rights and basic needs of individual low-income residents and their families and to define certain limits on the use of state moneys appropriated for civil legal aid. Accordingly, moneys appropriated for civil legal ~~((representation))~~ aid pursuant to this section shall not be used for legal representation that is either outside the scope of ~~((this section))~~ or prohibited by this section.

(b) Nothing in this section is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, the state auditor, and the federal legal services corporation to resolve issues within their respective jurisdictions.

(2) Any money appropriated by the legislature for civil ~~((representation of))~~ legal aid to indigent persons pursuant to this section shall be administered by the office of civil legal aid established under RCW 2.53.020, and shall be used solely for the purpose of contracting with qualified legal aid programs for legal representation of indigent persons in matters relating to: (a) Domestic relations and family law matters, (b) ~~((public))~~ governmental assistance and services, (c) health care, ~~((+e))~~ (d) housing and utilities, ~~((+d) social security,))~~ (e) mortgage foreclosures, (f) ~~((home protection bankruptcies))~~ consumer, financial services, credit, and bankruptcy, (g) ~~((consumer fraud and unfair sales practices))~~ employment, (h) rights of residents of long-term care facilities, (i) wills, estates, and living wills, (j) elder abuse, ~~((and))~~ (k) guardianship, (l) disability rights, (m) education including special education, (n) professional license administrative agency adjudications decisions, and (o) discrimination on the basis of identity characteristics or other circumstances prohibited by local, state, or federal law.

(3) For purposes of this section, a "qualified legal aid program" means a not-for-profit corporation incorporated and operating exclusively in Washington which has received basic field funding for the provision of civil legal aid to indigents from the federal legal services corporation or that has received funding for civil legal aid for indigents under this section before July 1, 1997.

(4) When entering into a contract with a qualified legal aid provider under this section, the office of civil legal aid shall require the provider to provide legal aid in a manner that maximizes geographic access throughout the state and meets generally accepted standards for the delivery of ~~effective and economical~~ civil legal assistance aid.

(5) Funds distributed to qualified legal aid programs under this section may not be used directly or indirectly for:

(a) Lobbying.

(i) For purposes of this section, "lobbying" means any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device directly or indirectly intended to influence any member of congress or any other federal, state, or local nonjudicial official, whether elected or appointed:

(A) In connection with any act, bill, resolution, or similar legislation by the congress of the United States or by any state or local legislative body, or any administrative rule, rule-making activity, standard, rate, or other enactment by any federal, state, or local administrative agency;

(B) In connection with any referendum, initiative, constitutional amendment, or any similar procedure of the congress, any state legislature, any local council, or any similar governing body acting in a legislative capacity; or

(C) In connection with inclusion of any provision in a legislative measure appropriating funds to, or defining or limiting the functions or authority of, the recipient of funds under this section.

(ii) "Lobbying" does not include the response of an employee of a legal aid program to a written request from a governmental agency, an elected or appointed official, or committee on a specific matter. This exception does not authorize communication with anyone other than the requesting party, or agent or employee of such agency, official, or committee.

(b) Grass roots lobbying. For purposes of this section, "grass roots lobbying" means preparation, production, or dissemination of information the purpose of which is to encourage the public at large, or any definable segment thereof, to contact legislators or their staff in support of or in opposition to pending or proposed legislation; or contribute to or participate in a demonstration, march, rally, lobbying campaign, or letter writing or telephone campaign for the purpose of influencing the course of pending or proposed legislation.

(c) Class action lawsuits.

(d) Participating in or identifying the program with prohibited political activities. For purposes of this section, "prohibited political activities" means (i) any activity directed toward the success or failure of a political party, a candidate for partisan or nonpartisan office, a partisan political group, or a ballot measure; (ii) advertising or contributing or soliciting financial support for or against any candidate, political group, or ballot measure; or (iii) voter registration or transportation activities.

(e) Representation in fee-generating cases. For purposes of this section, "fee-generating" means a case that might reasonably be expected to result in a fee for legal aid if undertaken by a private attorney. The charging of a fee pursuant to subsection (6) of this section does not establish the fee-generating nature of a case.

A fee-generating case may be accepted when: (i) The case has been rejected by the local lawyer referral services or by two private attorneys; (ii) neither the referral service nor two private attorneys will consider the case without payment of a consultation fee; (iii) after consultation with the appropriate representatives of the private bar, the program has determined that the type of case is one that private attorneys do not ordinarily accept, or do not accept without prepayment of a fee; or (iv) the director of the program or the director's designee has determined that referral of the case to the private bar is not possible because documented attempts to refer similar cases in the past have been futile, or because emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(f) Organizing any association, union, or federation, or representing a labor union. However, nothing in this subsection (5)(f) prohibits the provision of legal aid to clients as otherwise permitted by this section.

(g) Representation of (~~undocumented aliens~~) individuals who are in the United States without legal authority. However, this

subsection (5)(g) does not prohibit the use of funding to provide legal assistance to persons who:

(i) Have been battered or subjected to extreme cruelty, or who are victims of sexual assault or trafficking in the United States. The term "battered or subjected to extreme cruelty" has the meaning given to such term by regulations issued pursuant to Subtitle G of Title IV of the violence against women act of 1994 (P.L. 103-322, 108 Stat. 1953), as such regulations existed on the effective date of this section.

(ii) Were beneficiaries of the federal executive deferred action for childhood arrivals program or beneficiaries of a federal executive program that had protected them from removal.

(h) Picketing, demonstrations, strikes, or boycotts.

(i) Engaging in inappropriate solicitation. For purposes of this section, "inappropriate solicitation" means promoting the assertion of specific legal claims among persons who know of their rights to make a claim and who decline to do so. Nothing in this subsection precludes a legal aid program or its employees from providing information regarding legal rights and responsibilities or providing information regarding the program's services and intake procedures through community legal education activities, responding to an individual's specific question about whether the individual should consult with an attorney or take legal action, or responding to an individual's specific request for information about the individual's legal rights or request for assistance in connection with a specific legal problem.

(j) Conducting training programs that: (i) Advocate particular public policies; (ii) encourage or facilitate political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations; or (iii) attempt to influence legislation or rule making. Nothing in this subsection (5)(j) precludes representation of clients as otherwise permitted by this section.

(6) The office of civil legal aid may establish requirements for client participation in the provision of civil legal aid under this

section, including but not limited to copayments and sliding fee scales.

(7)(a) Contracts entered into by the office of civil legal aid with qualified legal aid programs under this section must specify that the program's expenditures of moneys distributed under this section:

(i) Must be audited annually by an independent outside auditor. These audit results must be provided to the office of civil legal aid; and

(ii) Are subject to audit by the state auditor.

(b)(i) Any entity auditing a legal aid program under this section shall have access to all records of the legal aid program to the full extent necessary to determine compliance with this section, with the exception of confidential information protected by the United States Constitution, the state Constitution, the attorney-client privilege, and applicable rules of attorney conduct.

(ii) The legal aid program shall have a system allowing for production of case-specific information, including client eligibility and case type, to demonstrate compliance with this section, with the exception of confidential information protected by the United States Constitution, the state Constitution, the attorney-client privilege, and applicable rules of attorney conduct. Such information shall be available to any entity that audits the program.

(8) The office of civil legal aid must recover or withhold amounts determined by an audit to have been used in violation of this section.

(9) The office of civil legal aid may adopt rules to implement this section.

Sec. 4. RCW 2.53.045 and 2014 c 108 s 3 are each amended to read as follows:

(1) Money appropriated by the legislature for legal services provided by an attorney appointed pursuant to RCW 13.34.100 must be

administered by the office of civil legal aid established under RCW 2.53.020.

(2) The office of civil legal aid (~~(may)~~) shall enter into contracts with (~~(the counties to disburse state funds for an attorney appointed pursuant to RCW 13.34.100. The office of civil legal aid may also require a county to use)~~) attorneys (~~(under contract with the office)~~) and agencies for the provision of legal services under RCW 13.34.100 to remain within appropriated amounts.

(3) Prior to distributing state funds under subsection (2) of this section, the office of civil legal aid must verify that attorneys providing legal representation to children under RCW 13.34.100 meet the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits described in this subsection must be determined as provided in RCW 13.34.100(6)(c)(ii).

--- **END** ---



ACCESS TO JUSTICE BOARD TWO-YEAR PRIORITIES – 2017-2019

The Access to Justice Board prioritizes supporting the Alliance for Equal Justice’s collective effort to repudiate the devaluing and dehumanization of anyone seen as “other,” resisting the rollbacks of civil rights and other equity and justice progress, and realigning ourselves so we can strengthen solidarity among our organizations, agencies and communities.

Promote racial equity both systemically and within the board practices, working toward a vision that race or color does not determine the availability and quality of services, fairness of outcomes, or opportunities for communities and individuals.

- Engage in activities that create a shared awareness and understanding of what is needed to achieve race equity in our legal systems and society.
- Conduct a race equity self-audit to identify practices that impede diverse recruitment and retention in board members, staff, and volunteers, and develop strategies to eliminate those practices.
- Raise Board competency and capacity to advance race equity in our legal system and society through ongoing trainings and adoption of race equity tools.
- Increase the visibility of activities and successes in advancing race equity that are supported by Alliance organizations and the greater legal community.
- Partner with the Race Equity and Justice Initiative by serving on the Steering Committee and working with other REJI members to implement Goal One in the 2018-2020 State Plan for the Delivery of Legal Services to Low-Income People and activate the Acknowledgements and Commitments.

Create a more integrated legal aid network by breaking down silos and strengthening partnerships across civil, criminal, and juvenile justice systems, and community-based organizations.

- Work with the Minority and Justice Commission, Gender and Justice Commission and the Interpreter Commission to determine how the Access to Justice Board and those entities can collaborate to eliminate bias and inequity in the justice system.
- Work with civil, criminal and juvenile system stakeholders to: identify the ways in which the systems intersect; explore how an individual's involvement with the criminal or juvenile justice system leads to co-occurring civil legal problems and vice versa; identify gaps and explore ways the stakeholders in the different systems can collaborate to increase access to justice; and facilitate the development of methods to close the gaps in such a way that civil, criminal and juvenile justice systems respond in a coordinated and effective fashion.

- Strengthen partnerships with the Washington State Bar Association and its affiliated justice stakeholders like the Moderate Means Program, the Low Bono Section, the Practice of Law Board and the Limited License Legal Technician Board to leverage our mutual commitment to equity and justice.
- Promote partnerships to decrease the polarization and division that disproportionately harms communities who experience poverty and marginalization.

Work with the Alliance for Equal Justice to oversee the implementation of the 2018-2020 State Plan for the Delivery of Legal Services to Low Income People.

- Oversee the implementation and evaluation of the State Plan.

Improve internal and external communications about access to justice issues, the work of the Board and the Alliance for Equal Justice.

- Continue to implement the Board’s Communications Plan and ensure adequate staffing for Alliance communications.
- Continue to conduct two Board meetings outside of King County annually for the purpose of gaining a better understanding of the needs and work taking place in different areas of Washington and to share about the work of the Board.
- Host the biennial Access to Justice Conference in 2019.
- Continue to prioritize time during Board meetings to hear about equity and justice work being done across the state, particularly from smaller or newer organizations delivering legal services.

Initiate and support efforts to ensure the effective and appropriate use of technology in the justice system and within the Alliance for Equal Justice in order to provide meaningful and equitable access to justice.

- Provide a voice on key issues that maintain or increase access to justice through technology for people and communities that experience poverty and injustice.
- Monitor emerging local, state, national and international technology developments for potential adaption or application for Alliance organizations and their client communities.
- Update the Access to Justice Technology Principles and work with the Communications Committee to develop a communication plan for the updated principles.
- Monitor implementation of the updated Access to Justice Technology Principles and other uses of technology in the justice system.
- Support ongoing efforts like the development of technology for automated family law forms, ATJ Tech Fellows, and other work which promotes the intersection of technology and justice for communities that experience poverty and injustice.

Continue to support the Equal Justice Community Leadership Academy to ensure long-term sustainability and engagement.

- Support JustLead Washington in its work to build long-term sustainability for the Leadership Academy, its efforts to build a network of equity and justice leaders, and its development and delivery of leadership and race equity trainings for the Alliance for Equal Justice and other community partners.
- Develop a plan to improve engagement of Leadership Academy alumni in the work of the Board and Alliance for Equal Justice.

Work with statewide partners to actively promote and secure state funding to achieve greater access to civil legal aid and stimulate new and effective delivery innovations.

- Collaborate with the Office of Civil Legal Aid, the Equal Justice Coalition, the Legal Foundation of Washington, the Washington State Bar Association and others to coordinate and leverage support for increased state funding for civil legal aid.