



Access to Justice Board Meeting Minutes

April 10, 2020, 10:00 am – 12:00 pm

VIRTUAL MEETING ONLY

For video and audio: <https://zoom.us/j/287822392>

For audio only: (253) 215-8782 | Meeting ID: 287 822 392

Present: Sal Mungia, Judge Laura Bradley, Esperanza Borboa, Michelle Lucas, Terry Price, Lindy Laurence, Mirya Munoz-Roach, Judge David Keenan and Francis Adewale

WSBA Staff: Diana Singleton, Carolyn MacGregor

Guests: John Tirpak, Elizabeth Fitzgearld, Hope Hough, Jeanne Englert, Jennifer Werdell, Kirsten Barron, Eloise Barshes, César Torres, Jim Bamberger, Riddhi Mukhopadhyay, Erin Lovell, Linda Inagawa, Alex Doolittle, Jorge Barón, Esther Park, Ada Shen-Jaffe, Janet Chung, Jill Malat, Caitlin Davis, Emily Van Yuga, Will Livesley-O'Neill, Merf Ehman, John Tirpak, Alex Comstock, Melinda Mann, Vanessa Hernandez, Dana Boales, Denise Diskin, Omid Bagheri

March Minutes: The minutes were approved without edits.

Chair's Report: Sal Mungia shared what the Board has been doing (e.g., DSCo meeting to learn about COVID needs) and thanked everyone for their work.

Office of Civil Legal Aid (OCLA) COVID Response: Jim Bamberger shared that OCLA has tried to anticipate what the problems are that will be coming now and down the road. With many new clients, they are exploring a range of funding sources. Governor Inslee has included legal aid in emergency assistance, but FEMA is not currently available. There is an emergency request for more than 4.1 million from an emergency fund outside of the CARES Act. It's a very competitive environment and they are working with legislators interested in unemployment compensation and tenant protections. There hasn't been much transparency in response to the funding request. They're also looking for health-related assistance. Jim thanked NWIRP and ULP for help and guidance.

They are also coordinating with the Employment Security Dept. to ensure that legal aid is part of a coordinated response with regard to CARES Act. Outside of that, they spent 2 ½ weeks working with the Office of Public Defense and other groups to develop an emergency Supreme Court order providing guidance to courts re child welfare cases and visitation rules to determine appropriateness of in-person visitation during the COVID-19 crisis. The order was adopted last Friday and courts are complying.

OCLA is trying to be aggressive, creative and innovative and is engaging low bono services.

Northwest Justice Project (NJP) COVID-19 Response: César Torres said that after the shock factor wears off, there will be a huge increase in demand for services. LSC is having a call next week to discuss thinking on how to distribute funds. He is presuming that all states will be hit, but hoping they'll distribute the funds along poverty line numbers. He doesn't know what restrictions will be imposed on the funds. They are also

pursuing an additional \$50 mil in next phase of relief. There is a high likelihood of a special legislative session in June or possibly in the fall, which would present another opportunity for funds, hopefully. His staff is starting to settle into new challenges and holding town halls every Friday. They are just now starting to get questions that aren't COVID-related.

Vanessa Hernandez said that they are doing rigorous data tracking of the volume of cases and the nature of legal problems. They are starting to see an uptick in housing calls (double), and more than half are COVID-related calls, including questions about rental assistance at the end of the current moratorium. She's concerned that the unlawful detention calendar is continuing. There is also growth in questions regarding parenting plan enforcement and operation. There has been no interruption in their capacity to respond but they are still anticipating growth and asking field offices to review priorities and add COVID-related needs that may not be included in those priorities, or de-prioritize others. This review will be completed next week. The media team is doing a great job with resources and publications, including rapid response videos on housing, parenting plans, etc. They've also received a list of requests from pro bono firms. They are tracking the variety of approaches taken by courts re protection orders and domestic violence and submitted a letter stating concerns but have not gotten a response to all issues.

Denise asked how her community-specific organization can contribute data to NJP to complete the picture of need: housing and healthcare access are issues for trans people. Vanessa said that the Advocacy Coordinators from Alliance organizations are meeting regularly to track this and invited her to join them.

COVID Impacts on the Following Client Communities:

- **Immigrant community** - Jorge Barón (NWIRP) – Regarding access to healthcare, the public charge rule had just gone into effect before the health crisis hit. NWIRP held a Facebook Live event to share that health access re virus would not be subject to the public charge rule. The economic impact is especially harsh. Undocumented people and their families do not qualify for unemployment and stimulus payments and have limited access to other safety net programs. WA is better than some other states but there is still a large gap. Those who still have jobs are at higher risk of exposure. Another area of concern is the Tacoma detention center. A lawsuit was filed against ICE to release people at higher risk. Both requests were denied but 4 of 9 clients did get released and a few others on humanitarian parole. Some deadlines are still in effect and day-to-day work continues. They are anticipating a decision on DACA in the next month. They are also partnering with ULP, and continuing community education and work on the public charge issue.
- **People who are incarcerated** – Merf Ehman (CLS) - Janet Chung is representing CLS today and asking how to keep principles of equity at the forefront? CLS is addressing the needs of those who are incarcerated and undocumented. They filed a case against the Dept. of Corrections, who are unable to implement public health recommendations. The case is on the fast track, with oral arguments on April 3. A minimum security unit with has six COVID cases. The government is prioritizing concerns about public safety and even folks with homes to return to are being held. Farmworkers don't have control over their work settings or access to safety equipment. H28 Visa holders are in residential settings that don't allow distancing. Folks without legal status are left out for the most part. They have created some translated resources for programs available to undocumented people, such as some consumer protection advocacy, housing, and an unemployment insurance program. The resource guide will be ready shortly, at least in English.
- **Domestic violence and sexual violence survivors** – Riddhi Mukhopadhyay (SVLC)

Thanks NJP and NWIRP for their resources. There has been a significant increase in DV and sexual assault cases, mostly coming in from advocates. Seattle Police Dept. has seen a 20% increase and cases are more violent than in the past. Isolation adds to this situation but not sure what capacity law enforcement has to respond to complaints and make calls. There has been a drop in requests for health care, and rape kits, perhaps due to guilt about taking away from virus needs. This can add to the difficulty of prosecuting cases in the long term. Supervised visitation issues are coming up with the stay at home order. There are also employment questions related to investigations. Survivors are being terminated. There is less oversight of undocumented workers, who are now in more danger of exposure and sexual assault. No fee waivers in immigration cases, but there is the inability to pay. With the loss of employment, there is an increased need at SVLC because clients are no longer able to afford private attorneys. There are Inconsistent practices and responses across the state. Some courts are still requiring paper copies of documents, sometimes no interpreters available. There has been an increase in stalking cases and cybercrimes, as well as child solicitation, and a shift in types of victimization. There is also concern about burn out and loss of legal talent after this slows down.

- **People who are experiencing homelessness** – Alex Doolittle (Benefits Law Center)

This is having a big impact on the homeless population. Most shelters have COVID-positive cases but are unable to comply with CDC recommendation and a strike team is sent. There are usually only 12” between beds, and they’re attempting to increase the distance to 6 ft. A lot of housing advocates are collaborating and meeting weekly. Folks are being moved to hotels to create more distance. BLC’s work is in the field, and it’s very difficult to provide virtual services; their Social Security services are all remote now. BLC clients are using the call phone at their physical building to seek assistance. For those workers in the informal economy (paid under table or not earning), there has been a 10-15% increase in nonpayment in April, and a 400% increase in requests for information on rental assistance. KCBA is offering an online portal for folks to apply for rental assistance. There is a greater push to extend the eviction moratorium. TO receive Stimulus checks, taxes need to be filed by June 15. They are setting up a tax clinic for existing SSI clients, along with a United Way website. Links include: www.myfreetaxes.com and <https://benefitslawcenter.org/covid-19-stimulus-ssa/> Alex mentioned in the chat box to Merf and Janet re: reentry issues and noted an idea to DOC fund money toward reentry when they release someone (“cost savings”). It’s been reported that KC jails have reduced the census by 10-15% and there is concern about lack of support for those being released to the street with no shelter.

- **People who are unemployed** – John Tirpak (ULP)

Seattle and Spokane offices are running, and dealing with new emergency rules from the federal bill. The unemployment system hasn’t worked well and now even more so. Folks are being denied without proper appeal rights. They’ve been collecting from overpayments. ULP is part of several workgroups for various communities, and working with Uber and Lyft drivers. There are forty new pro bono and volunteer attorneys and 30 new law student volunteers. Their online fundraiser went very well. They’ve been offering numerous webinars, also in Spanish, and Korean, and other languages are coming. There is a Somali webinar for Uber drivers. It’s not publicized but can respond to requests. There is lots of energy in their office! The Appeals 800 number is not open. Previously you would receive a denial letter with appeal instructions, but now they are just flatly denied.

Pro Bono Council COVID Response: Eloise Barshes & Elizabeth Fitzgearld

Eloise – There is a steady ebb and flow of cases, very busy. They are supporting each other through the changes, while looking for new pro bono manager, and preparing for the influx of need. They're planning to draw from the private bar. Many attorneys have never worked like this, have young children, and are transitioning to remote work.

Elizabeth - VLPs have stepped up to offer education and pool resources. There is a need for tech knowledge support, especially for small VLPs, and to ensure that pro se clients know how to use their technology. Language access is a big issue. They are balancing funding streams and considering how to subsidize their work. She has seen more willingness to engage: while the pool of retired attorneys are more resistant to remote work, some brand new volunteers are appearing. So much is fluctuating with volunteers and clients.

Court update on access during pandemic-related closures and changes: Judge David Keenan

Judge Keenan said that the courts are focusing on essential work while keeping staff safe. Formal reactions: high-level. The Supreme Court will be issuing an order this Monday, which will speak to deadlines. A lower court cannot do less than Supreme Court order, but courts can be more restrictive. The King County Emergency Order 15 states that no civil jury trials are allowed until on or after June 8. Anything without an oral argument can be conducted remotely. He expects the residential eviction moratorium to be extended on Monday. They are still issuing protection orders, but it's confusing because it's difficult getting the protective order served once issued. Clerks are allowed to charge fees for working copies, which is a problem. When courts open up, the priority will be toward criminal cases.

Laura asked if the judges could suspend the rules for filing bench copies. Judge Keenan said that any local court could suspend the rules regarding bench copies. The challenge is, at least in KC, is how to make sure the judicial officer knows that a motion has been filed before the judge. The only way Dave knows now is if someone files a motion with the clerk and pays for e-filing or a party sends a bench copy to him. They need a way for judicial officers to be alerted when someone doesn't pay for e-filing. Vanessa said the courts could just suspend costs for e-filing, ex parte presentment, telephone appearances, etc. Laura said that there should be a way with some programming to notify judges, either by individual case or some type of queue for justices to show motions on their docket.

Equal Justice Coalition Update: Will Livesley-O'Neill

Working on providing resources to policy makers and legislators about contacting legal aid programs as well as on media strategy. At the federal level, the annual trip to DC will not happen but they're working on remote advocacy and calls to congress members and staff to share the importance of legal aid. They're also preparing for a special legislative session this summer. A Seattle Times Op-ed with Former chief justice Fairhurst about increasing support for civil legal aid is forthcoming.

Funding Reports:

- **Legal Foundation of WA:** Caitlin Davis thanked LF partners who have been working so hard. LFW has been reaching out to grantees and was the first emergency funder for ULP. She acknowledged that team for their incredible work.

The grantee support fund has a webinar available on the website to help grantees work remotely and learn how to access funding from the CARES Act. Note publication from CLS for undocumented people to access resources.

They are looking for new sources of civil legal aid funding beyond that of the state government.

The Center for Justice in Spokane has closed, so they are looking to add capacity in Spokane County. There is now a big gap after 20 years in the community.

- **Endowment for Equal Justice:** Melinda Mann shared that the Endowment for Equal Justice has suspended its Reach 20 initiative to raise \$5M by 2020 in order to focus on current needs. The publication of LFW's monthly newsletter, The Brief, has been accelerated to twice a month. Ideas for articles or profiles are welcome. ~~they've postponed all events through the fall and suspended \$5 million of funding to focus on immediate needs, and also increased communication to twice monthly.~~ Right now they are making a big push for GiveBig.

The meeting adjourned at 11:55 am.