

**WASHINGTON STATE
CIVIL LEGAL AID OVERSIGHT
COMMITTEE**

**MEETING OF
MARCH 25, 2016**

**29TH FLOOR CONFERENCE
ROOM**

**KL GATES LLC
925 FOURTH AVE.
SEATTLE, WA**

MEETING MATERIALS

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF MARCH 25, 2016**

MEETING MATERIALS

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TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE

March 25, 2016

10:00 a.m. to 2:00 p.m.

KL Gates Law Firm

925 Fourth Ave., 29th Floor

Seattle, WA

AGENDA

1. Welcome and introductions (Jennifer Greenlee) (10:00 – 10:10)
2. Review and Adopt Minutes of June 12, 2014 Meeting (10:10 – 10:15)
3. Oversight Committee Member Updates (Jim Bamberger, OCLA Director) (10:15 – 10:20)
 - Appointment of Rep. Drew Stokesbary (House Republican Caucus)
 - Status of Senate MCC Appointment
4. OCLA Agency Audit (Jim Bamberger) (10:20 – 10:30) *
5. Supplemental Budget Update (Jim Bamberger) (10:30 – 10:40)*
6. Civil Legal Needs Study Update Rollout; Public Positioning of the Conversation Around Civil Legal Aid (Jim Bamberger, Jay Doran) (10:40 – 11:10)*
7. FY 2017-19 Budget Development: The Civil Access to Justice Reinvestment Plan -- Oversight Committee's Role and Proposed Primary Areas of Investment Focus (Jim Bamberger) (11:10 – 12:00)*

Lunch (12:00 – 12:45) (Video from 2-10-16 Supreme Court Symposium on the Civil Legal Needs Study Update)
8. Proposed Change in Director's Travel Reporting Requirements (Jim Bamberger)** (12:45 – 1:00)
9. ATJ Board State Plan Update (Terra Nevitt, Threesa Milligan) (1:00 – 1:20)
10. OCLA Director's Performance Review (Jennifer Greenlee, Jim Bamberger) (1:20 – 1:40)
11. New Business (1:40 -)

* Related information included in materials.

** Action item

TAB 2

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF SEPTEMBER 18, 2015
DRAFT MINUTES**

Pursuant to notice duly provided in advance, a meeting of the Civil Legal Aid Oversight Committee was held on Friday, September 18, 2015.

Members Participating: Jennifer Greenlee (Chair), Judge Ellen Clark, Martin Bohl, Judge Michael Spearman (by telephone), Jesse Magaña, Taylor “Tip” Wonhoff; Rep. Laurie Jinkins (by telephone), Sen. Jamie Pedersen

Members Not Participating: Judge Greg Tripp, Rep. Jeff Holy

Staff: James Bamberger, Director, Office of Civil Legal Aid

Guests: César Torres (Northwest Justice Project (NJP)); Jill Malat (OCLA Children’s Representation Program Manager); Caitlin Davis Carlson (Legal Foundation of WA), Jay Doran (Equal Justice Coalition); Alex Doolittle (Seattle Community Law Center); John Tirpak (Unemployment Law Project); Sarah Burke (SU law student with Unemployment Law Project);

Ms. Greenlee called the meeting to order at 10:05 a.m.

1. Welcome and introductions

Members and guests introduced themselves.

2. Review and Adopt Minutes of June 12, 2015 Meeting

Motion: By Mr. Wonhoff to approve the minutes of the June 12, 2015.

Second: By Judge Clark

Action: Unanimous in favor.

3. Oversight Committee Member Updates

Mr. Bamberger advised that Senator Jim Honeyford had elected not to be reappointed to the Oversight Committee. Mr. Bamberger is working with the Senate Majority Coalition Caucus to secure a replacement appointee. Mr. Bamberger also advised that Sen. Pedersen’s appointment is pending and that Mr. Wonhoff was reappointed for his first full term by Governor Inslee. Finally, Mr. Bamberger advised that both Jennifer Greenlee and Judge Spearman were reappointed by the WSBA and BJA respectively.

4. Election of Vice-Chair/Chair-Elect

Ms. Greenlee reported that the Executive Committee had met and decided to recruit Judge Spearman to serve as the Vice-Chair/Chair-Elect for the coming two years. Judge Spearman agreed to serve in this capacity if elected.

Motion: By Mr. Bohl to elect Judge Spearman as Vice-Chair/Chair-Elect

Second: By Judge Clark

Action: Unanimous in favor.

5. Report of Executive Committee on Director Compensation

Ms. Greenlee reported that the Legislature had provided funding to allow for a COLA adjustment of 3% for FY 2016 and 1.8% for FY 2017. She advised that Mr. Bamberger had requested a small performance-based adjustment beyond the authorized COLA. The Executive Committee met and determined to authorize the 3% COLA adjustment for FY 2016 and to revisit the request for a performance-based adjustment prior to July 1, 2016.

6. Legislative Update

A. Civil Legal Aid Budget Request (Maintenance and Policy)

Mr. Bamberger reported that the Legislature had provided a small vendor rate increase to cover a portion of NJP's increased personnel costs for the FY 2015-17 biennium but did not provide any additional funding for basic civil legal aid delivery. He advised that the failure to secure additional money coupled with no increase in federal support may place NJP in the position of having to implement additional staffing reductions and service office closures as early as July 1, 2016.

B. Children's Legal Representation Program (Budget and Records Access Legislation)

Mr. Bamberger reported that the Children's Representation Program was fully funded and that proviso language (supported by OCLA) was added requiring that the program move from a county-based contracting system to a direct attorney-contract program modeled on the Parents Representation Program at the Office of Public Defense.

7. Selecting Legislative Member for Executive Committee

Ms. Greenlee advised that the Executive Committee discussed whether a new legislative member might be appointed to the Executive Committee. Senator Pedersen expressed his willingness to continue to serve in this capacity if that is the consensus of the legislative members who, under the Operating Rules, appoint one of their own to the Executive Committee. As Rep. Holy was not present and there is a vacancy in the MCC position, it was decided that Sen. Pedersen would continue to serve as the legislative member on the Executive Committee until all four members were appointed and had an opportunity to make their selection.

8. Civil Legal Needs Study Update – Findings and Implications (Budget and Policy)

Mr. Bamberger provided the Committee with an overview of the findings of the Civil Legal Needs Study Update conducted by Washington State University's Social and Economic Sciences Research Center under the auspices of the Supreme Court's Civil Legal Needs Study Update Committee. He also shared a draft of the Final Report being prepared by Gallatin Public Affairs and described efforts to position release of the study in ways that would garner substantial public interest. Mr. Bamberger advised that OCLA engaged Gallatin to translate the WSU-SESRC technical papers into an accessible synthesis of the core findings of the research effort in ways that offered a human side to the data. He advised that the Legal Foundation of Washington would take the lead in managing a public information campaign following release of the Final Report.

Ms. Davis Carlson and Mr. Doran updated the Committee on the upcoming 90 day campaign to release the report and create a sense of urgency for the Legislature to increase investment in civil legal aid. Given the substance of the study and the urgency of its findings, they expressed their belief that the time to present the study and ask for increased funding is now. They described the importance of the study not only as a means of galvanizing legislative support for increased investment, but also to expand opportunities to expand private support. They advised the Committee that the leadership of the Equal Justice Coalition would be meeting shortly to develop the education campaign.

Mr. Torres reported that NJP staff are deeply engaged in reviewing the study's findings and considering their implications on the focus and scope of services that NJP provides.

Ms. Doolittle noted that the study findings suggest the need to address the institutional drivers and structural barriers that serve as obstacles to economic stability. She noted that, because it does not allow state funding to be used for employment related legal assistance, the statute that governs the Office of Civil Legal Aid may itself be a structural barrier to ending poverty.

Mr. Bohl talked about the importance of addressing underlying problems that drive poverty and economic dislocation. Understanding that there are other issues out there, he said it was important to use the study to increase awareness of the problem and help create an effective response.

9. FY 2016 Supplemental Budget Request (Jim Bamberger)

Mr. Bamberger reported on the supplemental budget process and noted that he will likely request about \$500,000 to protect NJP capacity and presence through the balance of the biennium.

Mr. Torres talked about the specific concerns facing NJP relative to maintaining presence in all parts of the state and the fact that NJP offices in a number of locations are down to one FTE. He explained that without supplemental funding, NJP may be unable to maintain presence in all parts of the state. He outlined the direct and indirect client service consequences on a range of actions that NJP might have to take in the event the program had to eliminate another 5 FTE attorney positions.

Judge Spearman encouraged Mr. Bamberger to develop a supplemental budget request designed to protect existing client service capacity and bring it back to the Oversight Committee for review. Senator Pedersen agreed that it is the responsibility of the Oversight Committee to ask for funding needed to protect the system. Given the budget development timelines involved and the fact that the Committee would not meet again until December, Senator Pedersen recommended that the Oversight Committee agree in principal to support a supplemental request that serves these objectives and comes in below \$1 million. All members in attendance agreed with Sen. Pedersen.

10. Report from the Access to Justice Board – State Planning Update

Ms. Nevitt introduced herself as the Program Manager for the Access to Justice Board. Since its creation in 1994, the ATJ Board has actively planned, prioritized focus and helped coordinate efforts to ensure that the civil legal aid delivery system is efficient, non-duplicative, coordinated and effective in meeting the justice needs of low income people. The most recent state plan was adopted in 2006 following release of the 2003 Civil Legal Needs Study and is way out of date. Ms. Nevitt explained that CLNS tells us the world has changes, both in needs and capacity of the legal aid delivery system. She described the two goals of the current planning effort: (1) to have a State Plan that all can buy into and use as a guide in coming years and (2) to make sure that the civil legal aid delivery partnerships and relationships are enduring and responsive to the needs. Ms. Nevitt outlined the planning process, which she explained will take about a year to complete. Ms. Nevitt explained that the process will be conducted in phases starting with goal development and moving through the development of strategies and accountability/measurement systems. The plan is expected to guide Alliance programs over a three-year time horizon.

Mr. Bamberger explained that the ATJ Board's State Plan serves as the guide for the principal legal aid funders in Washington – OCLA and the Legal Foundation of Washington – in making investment decisions and defining client service expectations of service providers.

11. New Business

Mr. Torres updated the committee on the emergency wildfire efforts under terms of the Memorandum of Agreement between OCLA and NJP. NJP has taken the lead in coordinating statewide efforts, including NJP and other providers. NJP has staff with direct experience with emergency services and response. NJP is working on a two-tiered approach to disaster preparedness and disaster related client service: (1) NJP is developing internal capacity to identify and respond to disasters that are likely to affect low-income people, and (2) NJP is responding to the immediate crisis faced by wildfires exploding in North Central Washington.

A major lesson learned from the Carlton Complex fires from a year ago is that local emergency response and operations centers were lacking in their understanding of language access issues and in communicating with LEP residents in the affected areas. This year NJP staff are working much more closely with emergency centers and emergency operations officers to ensure timely and effective communications with Spanish speaking residents. Mr. Torres said that NJP is working directly with Emergency Management Division at the statewide level and with local emergency operations centers to facilitate better communications. He noted that the Okanogan

County emergency operations center developed Spanish language facebook page and Chelan is posting information in Spanish.

Mr. Torres advised that NJP going live with an 844 toll-free number for civil legal aid for persons who are adversely affected by the fires. Beth Leonard at Pro Bono Council has been working in tandem to help generate local and statewide pro bono resources.

Mr. Bamberger thanked Mr. Torres and the NJP staff for their commitment to helping address the humanitarian consequences of the wildfires.

Mr. Bohl talked about the impact of the fires on the Colville Reservation and the importance of this effort, as well as the need to ensure that all social, economic and legal services are effectively coordinated.

TAB 3

CIVIL LEGAL AID OVERSIGHT COMMITTEE

MISSION STATEMENT

To ensure that all people in Washington share in the fundamental right to civil justice, the Civil Legal Aid Oversight Committee, consistent with its statutory authority, shall oversee and support the Office of Civil Legal Aid and shall periodically make recommendations to the Supreme Court, the Access to Justice Board and the Legislature as to the most efficient and effective use of state-appropriated civil legal aid funds on behalf of low-income people.

TAB 4

CIVIL LEGAL AID OVERSIGHT COMMITTEE ROSTER
(As of March 25, 2016)

Position 1 (BJA 1):

Name: Hon. Michael Spearman
Address: Court of Appeals, Div. 1
600 University St.
One Union Square
Seattle, WA 98101-1176
Phone: 206-464-6047
E-mail: j_m.spearman@courts.wa.gov
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2018; not eligible for reappointment

Position 2 (BJA 2):

Name: Hon. Greg Tripp
Address: Spokane County District Court
1100 W. Mallon
PO Box 2352
Spokane, WA 99210-2352
Phone: 509-477-2965
E-mail: gtripp@spokanecounty.org
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2016; eligible for one additional term

Position 3 (Supreme Court 1):

Name: Hon. Ellen Kalama Clark, Chair
Address: Spokane County Superior Court
1116 W. Broadway
Spokane, WA 99260-0350
Phone: 509-477-6006
E-mail: eclark@spokanecounty.org
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2017; not eligible for reappointment

Position 4 (Supreme Court 2):

Name: Hon. Martin C. Bohl
Address: 821 Kaiser Rd NW
Apt. 3D
Olympia, WA 98502
Phone: (509) 465-2995
E-mail: mtncbohl@msn.com
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2017; not eligible for an additional term

Position 5 (Supreme Court 3 – Client Eligible):

Name: Jesse Magaña
Address: 1619 NE 129th Ave
Vancouver, WA 98684
Phone: 360-903-8548
E-mail: jmagana42@aol.com
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2016; not eligible for reappointment

Position 6 (Senate Majority Coalition Caucus):

Name: Senator Ann Rivers
Address: 405 Legislative Building
Olympia, WA 98504
Phone: 360-786-7634
E-mail: ann.rivers@leg.wa.gov
Appointing Entity: Senate Republican Caucus
Term Expires: June 30, 2017

Position 7 (Senate Democratic Caucus):

Name: Senator Jamie Pedersen
Address: 226 John Cherberg Building
PO Box 40433
Olympia, WA 98504-0443
Phone: 360-786-7628
E-mail: jamie.pedersen@leg.wa.gov
Appointing Entity: Senate Democratic Caucus
Term Expires: June 30, 2015; Reappointment pending

Position 8 (House Republican Caucus):

Name: Representative Drew Stokesbary
Address: 426 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 360-786-7846
E-mail: drew.stokesbary@leg.wa.gov
Appointing Entity: House Republican Caucus
Term Expires: June 30, 2016; eligible for reappointment

Position 9 (House Democratic Caucus):

Name: Representative Laurie Jinkins
Address: 311 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 360-786-7930
E-mail: laurie.jinkins@leg.wa.gov
Appointing Entity: House Democratic Caucus
Term Expires: June 30, 2017; eligible for reappointment

Position 10 (Office of the Governor):

Name: Taylor (“Tip”) Wonhoff
Address: Office of the Governor
PO Box 40002
Olympia, WA 98504-0002
Phone: 360-902-4132
E-mail: taylor.wonhoff@gov.wa.gov
Appointing Entity: Office of the Governor
Term Expires: June 30, 2015; Reappointment requested

Position 11 (Washington State Bar Association):

Name: Jennifer Greenlee
Address: PO Box 55295
Shoreline, WA 98155
Phone: 206-397-4328
206-841-6142
E-mail: jagreenlee@comcast.net
Appointing Entity: Washington State Bar Association
Term Expires: June 30, 2018; not eligible for reappointment

TAB 5

CIVIL LEGAL AID OVERSIGHT COMMITTEE OPERATING RULES AND PROCEDURES

(Revised 4-23-07)

I. Name

The name of this body shall be the Civil Legal Aid Oversight Committee (hereafter Oversight Committee)

II. Membership

The membership of the Committee is established by RCW 2.53.010 and includes:

- (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.

III. Terms of Membership

Pursuant to RCW 2.53.010, the terms of membership of the Oversight Committee shall be staggered so that, after the first three years of the committee's existence, the terms of one-third of the members expire each year. To this end, a term of membership shall be allocated to each position as follows:

A. Judicial Branch

BJA 1	Initial term -- 1 year, expiring June 30, 2006 Eligible for two full additional terms (through June 30, 2012)
BJA 2	Initial term -- 2 years, expiring June 30, 2007 Eligible for one full additional term (through June 30, 2010)
Supreme Court 1 (attorney)	Initial term -- 3 years, expiring June 30, 2008 Eligible for one full additional term (through June 30, 2011)

Supreme Court 2 (attorney) Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

Supreme Court 3 (client eligible) Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

B. Legislative Branch

Senate Republican Caucus Initial term -- 3 years, expiring June 30, 2008
Eligible for one full additional term (through June 30, 2011)

Senate Democratic Caucus Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

House Republican Caucus Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

House Democratic Caucus Initial term -- 3 years, expiring June 30, 2008
Eligible for one full additional term (through June 30, 2011)

C. Other

WSBA Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

Office of the Governor Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

IV. Officers

There shall be a Chair and a Vice-Chair/Chair-Elect. The Chair and Vice-Chair/Chair-Elect shall be selected by the full membership of the oversight committee.

A. Term

The term of the Chair and Vice-Chair/Chair-Elect shall run commensurate with the state fiscal calendar, commencing on July 1st of the odd numbered year and ending on June 30th of the succeeding odd numbered year. The Chair and Vice-Chair/Chair-Elect shall not be eligible to serve more than one biennial term, *provided that*, the initial Chair and Vice-Chair/Chair Elect may serve up to one additional biennial term.

B. Authority/Responsibility of Officers

1. Chair

The Chair shall preside over all meetings of the Civil Legal Aid Oversight Committee. The Chair shall also serve as the spokesperson for the Oversight Committee, execute official documents (including, but not limited to, statutorily required reports) and represent the Oversight Committee on matters relevant to the Oversight Committee's work as circumstances require. The Chair shall be the primary point of contact for the Director of the Office of Civil Legal Aid. The Chair shall serve as the chair of the Executive Committee.

2. Vice-Chair/Chair-Elect

In the event of the Chair's absence or unavailability, the Vice-Chair/Chair-Elect shall perform all functions of the chair on an as-needed basis. The Vice-Chair/Chair-Elect shall serve as a member of the Executive Committee.

V. Committees

There shall be an Executive Committee. The Executive Committee shall consist of three members, the Chair, the Vice-Chair/Chair-Elect and one of the Oversight Committee's legislative members.

A. Appointment of Legislative Member; Succession

The legislative member of the Executive Committee shall be selected by the four legislative members of the Oversight Committee. The first legislative member shall serve from the date of the first meeting through June 30, 2007. In the event that a legislative member is no longer eligible to serve on the Civil Legal Aid Oversight Committee by reason that he or she no longer serves as an elected state senator or representative, such legislator shall submit his or her resignation to the Chair of the

Oversight Committee and the legislative caucus that appointed him or her to the Oversight Committee. Upon appointment of a successor by the appropriate legislative caucus, the legislative members shall meet and select a member to serve on the Executive Committee.

B. Responsibilities

The Executive Committee shall develop procedures and criteria to review the performance of the Director of the Office of Civil Legal Aid and perform such other responsibilities as the Oversight Committee deems appropriate.

The Oversight Committee may establish such other committees as it determines appropriate to perform its statutory functions.

VI. Staffing

The Oversight Committee, the Executive Committee and any other committees established by the Oversight Committee shall be staffed by the Director of the Office of Civil Legal Aid.

VII. Regular and Special Meetings, Notice, Committee Member Attendance

The Oversight Committee shall meet not less than quarterly at dates and times determined in advance by the Committee. Notice of regular meetings of the Oversight Committee shall be provided to the Supreme Court, the Access to Justice Board, the Chairs of the judiciary committees of the Washington State Legislature, the Office of the Governor and the Washington State Bar Association, and shall also be published in the State Register in manner that substantially conforms to the requirements of RCW 42.30.075.

A special meeting may be called at any time by the Chair or by a majority of the members of the Oversight Committee by delivering personally or by mail written notice to each member of the Oversight Committee. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. Notice of a special meeting may be supplemented by an electronic notice transmitted via e-mail to all members of the Oversight Committee. Such notice shall not be deemed a substitute for the personal notice or mailed notice otherwise required by this section. The call and notice shall specify the time and place of the special meeting and the business to be transacted. The Oversight Committee shall limit its business in any special meeting to those matters included in the call and notice.

Regular meetings of the Oversight Committee shall be open and public and all persons shall be permitted to attend any meeting of the Oversight Committee. The Oversight Committee may adjourn to executive session for the following purposes:

- A. To receive and evaluate complaints or charges brought against the Director of the Office of Civil Legal Aid. However, upon the request of the Director of the Office of

- Civil Legal Aid, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
- B. To review the performance of the Director of the Office of Civil Legal Aid; or
 - C. To review the status of investigations carried out by the Director of the Office of Civil Legal Aid which involve matters protected by the attorney-client privilege and where public disclosure could substantially prejudice the interests of client(s) being represented by a legal aid provider that receives funding from the Office of Civil Legal Aid; and
 - D. To discuss with legal counsel representing the Oversight Committee or the Office of Civil Legal Aid matters relating to litigation or potential litigation to which the Oversight Committee or the Office of Civil Legal Aid or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the Oversight Committee or the Office of Civil Legal Aid.

All members are expected to attend regular meetings of the Civil Legal Aid Oversight Committee unless they have good cause not to attend and have been excused from attendance by the Chair. In the event that a member misses two consecutive meetings without sufficient cause, the Chair shall discuss the member's lack of attendance directly with the member. If the Chair determines that the member is not likely to meaningfully and regularly participate in the work of the Oversight Committee, the Chair may notify the appointing entity of the member's lack of attendance and request the appointment of a replacement member.

VIII. Quorum

The presence of six (6) voting members of the Oversight Committee shall constitute a quorum for the purpose of enabling the Oversight Committee to take official action. Upon establishment of a quorum, the Oversight Committee shall have full power to conduct the scheduled business of the meeting even if a member whose presence was necessary to establish the quorum in the first instance subsequently becomes unavailable.

IX. Voting

Each member of the Oversight Committee shall have one vote. All decisions of the Oversight Committee shall be made by majority vote of those present and voting. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

X. Amendment or Repeal

Amendments and/or repeal of any or all of these Operating Rules and Procedures shall be made by majority vote at a regular or special meeting of the Oversight Committee. The notice of the meeting shall include a statement of proposed action to amend or repeal these Operating Rules and Procedures and shall include an interlineated version of the full text of any section subject to proposed amendment or repeal.

TAB 6

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director

Re: Quarterly Report From the OCLA Director

Date: March 2016

Please find below my quarterly report to the Civil Legal Aid Oversight Committee. Principal areas of agency focus this past quarter included:

- a. Continuing the educate legislative members, staff and the public on the findings of the Civil Legal Needs Study Update and its implications
- b. OCLA's FY 2017 supplemental budget request
- c. Victims of Crime Act Funding (VOCA) Opportunity
- d. Access to Justice Board statewide delivery system planning
- e. FY 2017-19 budget development efforts
- f. Internal agency operations

1. Public Education Related to the Civil Legal Needs Study Update

Over the course of the past four months, I have met with many legislative members, partisan and non-partisan legislative staff, editorial boards, reporters, community and faith based organizations to talk about the findings from the 2015 Civil Legal Needs Study Update. About fifteen (15) independent articles have been written and five editorials were published in newspapers including the Seattle Times, Wenatchee World, Everett Herald, The Olympian and the Kitsap Sun. Three legislators wrote opinion pieces, including Senator Ann Rivers (R-Clark County), Rep. Drew MacEwen (R-Mason/Kitsap Counties) and Rep. Christine Kilduff (D-University Place). As reflected in the stories, editorials and op-eds there is a growing recognition of the crisis documented in the study and an urgency to address it in a thoughtful and strategic way. All stories, editorials and op-eds are found in Attachment 1.

On February 10, 2016, we formally presented the findings of the CLNS Update to the Justices of the Washington State Supreme Court. In a formal, in-court proceeding covered live by TWV moderated by Professor John McKay of Seattle University School of Law, I reviewed the methodology and core findings of the study and provided an initial overview of what would be required to close the justice gap documented in the study. My presentation was followed by first person stories offered by four clients whose problems mirrored those chronicled in the CLNS

Update and who were able to get the legal help that they needed. You can see the entire presentation [here](#). I will be playing a portion of the presentation at our meeting on March 25th.

2. FY 2017 Supplemental Budget Development and Submission

As of this writing, the Legislature has not enacted a supplemental budget and is in its first special session. That said, I am hopeful that the \$555,000 supplemental budget request will be funded, as it was included in both the House Democratic and Senate MCC budget proposals. As previously reported, this emergency request is designed to protect existing client service capacity at Northwest Justice Project.

3. Victims of Crime Act (VOCA) Funding Opportunity

This follows up in greater detail on my December 2015 report. Under the federal Victims of Crime Act, the US Department of Justice is responsible for collecting and administering funds collected from fees, fines and forfeitures in the Crime Victims Fund. These funds are appropriated by Congress to fund programs that address the needs of crime victims. In 2015, Congress substantially increased funds appropriated from the fund and directed state receiving agencies to develop plans to invest them in a range of services for crime victims, including victims of domestic violence, sexual assault, human trafficking and child abuse.

Washington State has historically received around \$9 million in Victims of Crime Act (VOCA) funding. None of these funds have recently gone to support civil legal aid services to crime victims. With the new appropriation, the amount of VOCA funding allocated to Washington State will be about \$40 million per year. VOCA funding is administered by the Office of Crime Victims Advocacy (OCVA) in the Department of Commerce.

Building on the findings of the Civil Legal Needs Study and efforts within the Justice Department to increase awareness of the role that legal aid programs play in promoting the substantive policy objectives of federal initiatives, OCLA engaged in conversations during the fall with leadership at OCVA, participated in community based meetings hosted by OCVA and coordinated with leaders of the statewide legal aid community. The goal of this effort is to raise awareness of the value of civil legal aid in addressing the urgent needs of victims of these crimes and to develop a single unified approach that integrates civil legal aid capacity into programs and entities that serve these crime victims. On behalf of the civil legal aid community, OCLA submitted comments suggesting that OCVA make a significant investment in civil legal aid services with the new VOCA funds.

In February, OCVA published its draft plan for investing these new funds. Civil legal aid was expressly included as a core area of new investment. Civil legal aid providers have submitted comments. I joined King County Prosecuting Attorney Dan Satterberg in requesting that \$5 million per year of the new VOCA funds be directed toward civil legal aid services to crime victims.

An RFP for new VOCA funds should be issued in April 2016. OCLA is working with the key legal aid organizational leaders to develop a joint response to the RFP. We should know the

amount of funding directed to civil legal aid by late spring. OCLA's initial comments and the joint Satterberg-Bamberger letter are attached (Attachment 2).

4. FY 2017-19 Budget Development Efforts – Developing the Civil Access to Justice Reinvestment Plan

The findings of the CLNS Update document a deep and chronic gap between the legal problems experienced by low-income Washingtonians and the capacity of the legal aid system to address these problems. It also confirmed that large percentages of those who experience problems in many of the areas of greatest prevalence (e.g., health care, consumer, employment) do not understand that their problems are legal in nature and that they might benefit from legal help. This inability to self-diagnose is compounded by the general lack of knowledge of civil legal aid resources and the lack of capacity of the legal aid system to address their needs. It is a vicious circle.

As a judicial branch entity, OCLA participates in the Supreme Court's budget development process. This process ensures that there is transparency within the branch of the budget priorities and needs of each agency and that efforts are coordinated to ensure that the branch speaks with a single voice about its needs. The process is managed through the Supreme Court's Budget Committee. While neither the Committee nor the Court have authority to modify or direct that OCLA take specific action with respect to its budget requests, OCLA participates in the process. This keeps the Court and partners informed of OCLA's budget priorities and the magnitude of the budget request. Under this process, initial FY 2017-19 budget outlines are to be presented early April.

OCLA intends to seek funding to close the justice gap documented in the CLNS Update over the course of the next two biennia. In the end, it will take about \$30 million in additional biennial funding to address the legal literacy problem documented in the study, to invest in technology-based self-help tools, to maximize the services provided by private volunteer attorneys and to upgrade the professional staffed legal aid programs so that we meet the "minimum access" standard of one FTE legal aid attorney or attorney equivalent¹ for every 5,000 residents living at or below 125% of the federal poverty guideline.

OCLA has developed and posted [on-line](#) a sophisticated analysis of low-income population demographics and state-funded client service capacity. As will be discussed in more detail at the March 25th meeting, this data shows a net shortfall of 107.5 FTE attorneys from the 238 FTE attorneys required to meet the minimum access standard. Closing this gap alone through investments in volunteer and staffed legal aid capacity will require about \$29 million in biennial investment above current levels.

Each biennial budget cycle, OCLA and the ATJ Board host a conversation with leaders within the legal aid community to discuss budget goals and client service objectives that we hope to

¹ For purposes of the minimum access exercise, OCLA equates 2,000 hours of volunteer attorney service to one FTE legal aid attorney. In 2015, volunteers associated with OCLA-funded volunteer attorney programs provided about 45,000 hours of volunteer service. This equates to 22.5 FTE attorneys.

achieve in the coming bienni. This year's conversation was held at the Washington State Bar Association on March 10, 2016. In advance of the meeting, I sent out a detailed memo outlining the budget context as I see it, identifying five areas where I thought the CLNS Update dictated significant increases in investment, and inviting participants to share their thoughts on a list of questions. Thirty-three people participated either in person or by phone. In advance of the meeting I invited leaders of the volunteer legal community working through the Pro Bono Council and leaders of the staffed legal aid programs to address a series of questions designed to help guide the conversation about what it might take to close the justice gap documented in the CLNS Update. Judge Spearman represented the Oversight Committee at the meeting. The meeting was facilitated by former ATJ Board Chair Kirsten Barron, a private attorney from Bellingham. The meeting lasted two hours and the feedback was rich. The group affirmed the general areas of investment focus outlined in OCLA's memo (below). Additional information will be coming to OCLA from both the staffed legal aid and volunteer legal aid program leaders and will be incorporated into OCLA's budget development and reinvestment planning effort.

The principal areas of investment focus are all interrelated; this list is not presented in any hierarchical order of importance:

1. Enhance Legal Problem Awareness/Expand Self-Help Resources
2. Upgrade and Expand Pro Bono Services in Washington State
3. Expand staffed legal aid capacity throughout Washington State
4. Invest in regular statewide training and support for legal aid and pro bono attorneys
5. Monitor and report on the outcomes achieved for clients and effectiveness of strategies underwritten with reinvestment funding.

OCLA intends to seek and secure the needed increases in civil legal aid funding over the FY 2017-19 and FY 2019-21 biennia. This ramping up of capacity will allow for thoughtful and responsible investment over time and development and implementation of systems to monitor and assess performance and outcomes. It will also have less of a fiscal impact in the first biennium.

At the March 25, 2016 Oversight Committee meeting, I will be asking for your review and endorsement of the general approach outlined in the February 5th memo to Alliance members (Attachment 3) and the Draft Civil Legal Aid Reinvestment Plan (Attachment 4). I am not asking for approval or endorsement of specific budget numbers at this point. I will be asking for the Oversight Committee's endorsement at the June 2016 meeting.

5. Access to Justice Board – State Planning

While the CLNS Update documents the need for a significant reinvestment in the statewide civil legal aid system, it also offers critical information that will drive changes in how that system prioritizes and provides client services. For more than 20 years, the Supreme Court's Access to Justice Board has developed and overseen statewide civil legal aid delivery plans. These are designed to ensure the most effective coordination of legal aid delivery among the many legal aid providers, minimize duplication of effort, prioritize and promote innovation in client service delivery and ensure that services focus on areas of high priority client need. The most recent

State Plan was developed in 2006 following shortly after publication of the 2003 Civil Legal Needs Study. A comprehensive update was published in 2008, and periodic modifications have been made informally through the ATJ Board's Delivery Systems Committee since then. The State Plan serves as a guide to OCLA in, among other things, establishing client service expectations in its contract with Northwest Justice Project.

Recognizing that publication of the 2015 CLNS Update presents an important moment to rethink legal aid delivery systems and approaches, the ATJ Board convened a State Plan Committee to define the goals, strategies and outcomes that might be achieved in a new State Plan. The State Plan Committee defined a set of planning objectives in the fall of 2015. The planning effort continues under a State Plan Steering Committee on which the OCLA Director and the Director of the Legal Foundation of Washington serve. A separate State Plan Consensus Group consisting of representatives from legal aid and other organizations is taking the lead in developing the initial drafts of high level goals and initial strategies. Representatives from the ATJ Board will provide an update on the state planning process at our March 25th meeting.

6. Children's Representation Program

The Children's Representation Program is moving forward and making a difference. Jill Malat, now supported by Roxanne Augé, continues to develop and deliver training for more than 50 contract attorneys across the state. We now provide travel assistance for attorneys who must go out-of-county to meet with their clients. We also have reserved a small amount of funds to provide expert services and support in particularly challenging cases. A new attorney review protocol is being initiated. Most importantly, we can see already that the program is making a real difference in the lives of legally free children. Attachment 5 presents a series of charts documenting outcome achieved for legally free children. We will continue to monitor outcomes and performance in the coming months. A detailed report to the Legislature will be published sometime in late fall.

7. State Audit of OCLA Contract Procedures

OCLA was notified in March that it had been targeted for an accountability audit by the State Auditor's Office (SAO). We had our entrance conference on March 9th. The Entrance Conference Memorandum (Attachment 6) identifies the principal areas of audit focus as:

- Contract procurement and payments
- Grant and inter-agency expenditures

As OCLA contracts with the Administrative Office of the Courts for fiscal services and grants management, AOC staff will be actively involved in the audit process. We anticipate completion of the audit by June 30, 2016. At the SAO's request, one-time funding for the audit will be included in OCLA's supplemental budget.

ATTACHMENT 1

CIVIL LEGAL NEEDS STUDY UPDATE

IN THE NEWS

EDITORIALS

North Kitsap Herald In Our Opinion - Dec 25, 2015 at 6:00AM

Legal needs of many are not met

“If you cannot afford an attorney, one will be provided for you.” It’s a constitutional right guaranteed those in the criminal courts; but there’s no right to legal advice or representation in civil cases.

Legal help is available for many low-income families in Washington, but few know they are eligible for assistance, and inadequate funding has limited the legal advice and representation that is available.

“We’ve watched legal needs increase while resources have decreased. There’s a justice gap,” state Supreme Court Justice Charles Wiggins said in an editorial in the (Everett) Daily Herald.

Wiggins is chairman of the Civil Legal Needs Study Update committee, which oversaw a recent survey that found seven in 10 of the state’s low-income households face at least one civil legal problem each year. Those households face an average of nine legal difficulties, three times the level reported in 2003. More than 500,000 low-income residents, about 76 percent of those with legal problems, won’t get any legal advice or representation and are left to face such problems alone.

Most notably, all victims of domestic violence or sexual assault will find themselves in civil legal proceedings related to housing, child custody or divorce.

The survey, conducted by Washington State University’s Social and Economic Research Center, found that the most common legal problems were related to medical debt or the loss of or inability to find insurance coverage; debt collection or inability to get banking services; and problems with employers.

These problems tend to build on each other. For example, according to attorney Yvette War Bonnet of the Northwest Justice Project, difficulty in restoring a driver’s license suspended for nonpayment of a traffic ticket complicates transportation, making it difficult to find or hold onto a job.

The state is facing two challenges in closing the justice gap, said James Bamberger, director of the state Office of Civil Legal Need. Many in need of assistance aren’t aware of the assistance available, and cuts to the services his office provides have resulted in loss of staff around the state. Northwest Justice Program offices, which administer legal aid to

Low-income families, have only one staff member available for regions based in Port Angeles, Aberdeen and Walla Walla.

Where the national minimum standard for representation is one attorney for every 5,000 eligible clients, most of Western Washington sees ratios of one attorney for between 12,500 and 17,500 potential clients.

The state's Volunteer Lawyer Programs provide some assistance. In 2014, pro bono work by attorneys provided 54,430 hours, serving more than 15,000 clients with legal advice and more than 2,800 with representation.

But to come close to the national minimum standard, Bamberger said the state needs to provide funding for 125 more attorneys, which would require an annual budget appropriation of \$15.5 million. Bamberger and others plan to seek about \$500,000 in the coming legislative session's supplemental budget as a stop-gap measure, but also plan to seek more funding in the 2017-18 budget than the \$23.6 million provided in the most recent budget.

Some will see this as yet another financial responsibility for the state and its taxpayers at a time when the Legislature already must fix funding of K-12 public education and meet other needs. That it is. But it clear that civil legal difficulties can quickly fester into problems in finding and holding onto jobs and caring for children and families, trapping families in poverty and forcing them to seek other public assistance.

Justice delayed is justice denied. Justice also is denied when access to it is denied.

***By The Everett Herald Editorial Board
Published: Wednesday, December 9, 2015, 12:01 a.m.***

Legal needs of many low-income families not met

Thanks in large part to TV police dramas nearly everyone knows that “if you cannot afford an attorney, one will be provided for you.”

It's a constitutional right guaranteed those in the criminal courts; but there's no right to legal advice or representation in civil cases. Legal help is available for many low-income families in Washington state, but few know they are eligible for assistance, and inadequate funding has limited the legal advice and representation that is available.

“We've watched legal needs increase while resources have decreased. There's a justice gap,” said state Supreme Court Justice Charles Wiggins.

Justice Wiggins is chairman of the Civil Legal Needs Study Update committee, which oversaw a recent survey and report that outlines how the problem has changed since the first study in 2003. About 7 in 10 of the state's low-income households face at least one civil legal problem each year, and those households face an average of nine legal difficulties, three times the level reported in 2003. More than 500,000 low-income state residents, about 76 percent of those with legal problems, won't get any legal advice or representation and are left to face such problems alone.

Most notably, all victims of domestic violence or sexual assault — that's 100 percent — will be caught up in civil legal problems, such as housing, child custody or divorce.

The survey, conducted by Washington State University's Social and Economic Research Center, found that the most common legal problems reported were related to health care costs, such as medical debt or the loss or inability to find insurance coverage; consumer and financial problems, such as debt collection or inability to get banking services; and problems with employers.

And these problems tend to build on each other. Difficulty in restoring a driver's license suspended for nonpayment of a traffic ticket, said Yvette War Bonnet, an attorney in the Everett office of the Northwest Justice Project, complicates transportation, making it difficult to find or hold onto a job.

The state is facing two challenges in closing the justice gap, said James Bamberger, director of the state Office of Civil Legal Need. Many in need of assistance aren't aware of the assistance available, and cuts to the services his office provides have resulted in loss of staff around the state. Currently, Northwest Justice Program offices, which administer legal aid to low-income families, have only one staff member available for regions based in Port Angeles, Aberdeen and Walla Walla.

Where the national minimum standard for representation is one attorney for every 5,000 eligible clients, Snohomish County and most of Western Washington see ratios of one attorney for between 12,500 and 17,500 potential clients.

The state's Volunteer Lawyer Programs provide some assistance. In 2014, pro bono work by attorneys provided 54,430 hours, serving more than 15,000 clients with legal advice and more than 2,800 with representation. Likewise, War Bonnet said, her office works with agencies, including Housing Hope and the Tulalip Tribes, on outreach to those in need of legal aid.

But to come close to the national minimum standard, Bamberger said the state needs to provide funding for 125 more attorneys, which would require an annual budget appropriation of \$15.5 million.

Bamberger and others plan to seek about \$500,000 in the coming legislative session's supplemental budget as a stop-gap measure, but also plan to seek more funding in the 2017-18 budget than the \$23.6 million provided in the most recent budget.

Some will see this as yet another financial responsibility for the state and its taxpayers at a time when the Legislature already must fix funding of K-12 public education and meet other needs. That it is. But it clear that civil legal difficulties can quickly fester into problems in finding and holding jobs and caring for children and families, trapping families in poverty and forcing them to seek other public assistance. Justice delayed is justice denied. Justice also is denied when access to it is denied.

The Seattle Times

By the Seattle Times editorial board — December 8, 2015 at 6:11:39 AM

Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Brier Dudley, Mark Higgins, Jonathan Martin, Thanh Tan, Blanca Torres, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).

‘Justice for all’ threatened by inaction in Olympia

More than 70 percent of low-income households are hit with one or more civil legal problems, and many don’t know they qualify for free legal help.

IN the upcoming legislative session — that will rightly focus on fully funding basic education — less visible core services are at risk of getting lost in the ether.

The we-can-only-manage-one-problem-at-a-time approach won’t fly when it comes to programs that preserve justice and fair play. This is particularly true in meeting the civil legal needs of all Washingtonians, irrespective of income. Legislators have recognized the justice-funding gap for more than a decade. Since the 2009 recession, it’s gotten worse.

The [2015 Civil Legal Needs Study Update](#), a project chaired by state Supreme Court Justice Charles Wiggins, throws the problem into relief. The report highlights the unmet civil legal needs of poor families throughout Washington.

The sobering take-aways reflect a legal system that seems engineered to fail anyone living paycheck to paycheck. When primary family needs loom, legal concerns fall away, and then get worse.

Every year, more than 70 percent of low-income households are hit with one or more civil legal problems. Of those, three-fourths don’t receive any legal assistance despite qualifying for services. Washington also falls short for its inadequate staffing necessary to meet minimum access to legal aid, a benchmark determined by Congress in 1978. The minimum ratio is one legal-aid attorney for every 5,000 eligible clients. Washington has one attorney for every 11,000.

The most common civil questions arise from housing issues, followed by domestic and family problems, health care, consumer and financial services, employment, and municipal and utility services.

“Equal Justice is a core state responsibility. No Excuses.”

This year’s report, prepared by Washington State University’s Social and Economic Science Research Center, notes that victims of domestic violence and sexual assault register the highest number of civil legal problems per capita than any other group.

Washington’s legal community has tried to meet the challenge. The state Office of Civil Legal Aid is helped by the state-funded volunteer lawyer program, which annually assists more than 15,000 citizens. In addition to Justice Wiggins, former U.S. Attorney John McKay, who served as president of the nonprofit Legal Services Corporation, is a champion. As McKay warns, “We’re witnessing the erosion of the proud American principle of justice for all.”

Sustainable funding is the bottom line. Washington needs nearly 125 new attorneys and \$15.5 million a year to achieve minimum access to legal-aid services. Now, legal-aid offices in Walla Walla and other rural areas are rightfully worried about budget cuts.

If lawmakers kvetch about tapping the general fund — despite the compelling justice needs — they will need to latch on to something creative and reliable such as a legal-services fee or license hike. Equal justice is a core state responsibility. No excuses.

The Olympian – Editorials - November 14, 2015

By *THE OLYMPIAN EDITORIAL BOARD*

There's truly big need for civil legal aid

A Washington Supreme Court study published last month found a huge unmet need for civil legal help for low-income people in the aftermath of the Great Recession.

In criminal cases, an accused party is constitutionally guaranteed a lawyer if he or she cannot afford one. That isn't true for civil legal issues.

The new study – called the 2015 Washington State Civil Legal Needs Update – makes the case for greater action on this issue by our governor and Legislature.

State Supreme Court Justice Charles Wiggins chaired the update committee. He said it challenges our state to make 'liberty and justice' available to all.

The report is based on a scientific survey by Washington State University that included interviews with more than 1,600 people across the state and across a wide diversity of ethnic and racial lines.

Several former top public officials – from former Supreme Court chief justice Gerry Alexander to former Attorney Rob McKenna and former U.S.

Attorney John McKay - and current AG Bob Ferguson have said more needs to be done to ensure 'justice for all.'

Here are a few highlights from the report:

- 70 percent of low income residents have at least one legal problem yearly. The average number of problems grew since 2003 from 3.3 per household to 9.3 problems, and the highest prevalence was for victims of domestic violence and sexual assault.
- Healthcare, consumer and financial problems, and help with city services or state aid programs are the kinds of legal troubles occurring most often. That contrasts to the housing issues that topped the lists in the past. Even so, those who end up seeking out legal aid most often get it for housing and family and domestic problems.
- Whites and Hispanics reported the fewest problems with discrimination or unfair treatment related to juvenile criminal records while Native Americans and blacks reported the most. Blacks and Native Americans reported the most discrimination or unfair treatment related to credit history.
- Many who have legal issues don't know they can get help and 76 percent deal with the legal issues on their own.
- Another 124.5 lawyers are needed to meet the need for client services lawyers providing legal aid – up from 107.5 today. That would get Washington to the national minimum access standard, one lawyer for 5,000 eligible residents for civil legal aid.
- The share of residents whose low incomes would qualify them for legal aid is growing.
-

Since the high court's first report on civil legal aid needs in 2003, state lawmakers have stepped up by increasing funding. The current biennial budget for civil legal aid totals \$23.6 million and another \$3.3 million goes for legal representation for children in dependency cases, said Jim Bamberger, director of the Washington State Office of Civil Legal Aid.

Bamberger estimates \$15 million a year would be needed to get the legal aid staffing up to federal standards. One challenge is that since 2009 legal aid staffing has been cut by about 20 percent, he said.

The tax dollars provided are leveraged with private donations. One large investment is the statewide CLEAR call center (Coordinated Legal Education Advice and Referral), which is run by the Northwest Justice Project. This provides qualified attorneys to give advice or referrals over the phone.

Much else is done by the legal profession to help fill in the gaps. Alexander said there is too little appreciation for what attorneys do offer in donated, or pro bono, services.

In Thurston County, a volunteer legal clinic has operated for years with lawyers donating their time. For example, they staff a Superior Court docket on Fridays that handles housing issues such as evictions.

Leslie Owen, the senior attorney in the Olympia office of the Northwest Justice Project, says a big problem her organization is attacking lately is what happens when someone's driver license is suspended. Sometimes this mushrooms into trouble in multiple courts with snowballing fines, which then go to collection agencies and overwhelm a person.

In one case, Owen said a woman was helped into drug court and treatment to deal with an addiction, which let her get a job; lawyers worked with local courts to set up a payment plan. Without a navigator who knew the courts, the woman was drowning.

Clearly lawmakers and Gov. Jay Inslee have their hands full with legal mandates to boost K-12 school funding, fix mental health institutions, and possibly to fill a larger budget hole caused by Initiative 1366.

But we should not fool ourselves that our social safety net is repaired on the justice front.

"It should scare courts. It should scare policy makers. It should scare all of us - when we realize the phrase liberty and justice for all is nice candy. There's nothing there," Bamberger said.

Editor's note: This post was updated.

OP-EDs

The Kitsap Sun— February 12, 2016

MY TURN/ Access to legal aid must be funded

By Rep. Drew MacEwen, 35th District

Right now, a woman is waking up in a domestic violence shelter in survival mode. Battered and scared, she wonders how she will pick up the pieces and move forward. Who will help her file the paperwork in civil court to receive legal protections?

Right now, a family is being evicted from their apartment without notice and seemingly without recourse. They wonder where they will go next. Who will help them understand their rights as tenants?

Right now, a disabled veteran is trying to prepare paperwork to receive benefits and medical care, but his war wounds make it difficult to complete the process. He wonders what his options are and whether there is someone who can help navigate the government bureaucracy.

Right now, legal advocates across Washington state stand willing to help and are waiting for the Legislature to continue to fund their work through the Office of Civil Legal Aid (OCLA) in the 2016 supplemental operating budget.

As the ranking member on the House General Government and Information Technology Committee, which oversees the budget for the OCLA, I believe we should fully fund the budget request made by OCLA so women in shelters, families wrongly evicted from their homes, veterans in need of care and countless low-income, highly vulnerable Washington residents can receive the legal help they need.

For many Washingtonians who can't afford legal advice, the above scenarios end in a legal maze with unanswered questions, mounting debt, and a downward spiral that could have been avoided with the help of an advocate.

In Kitsap, Mason and Thurston counties, which make up the 35th Legislative District, nearly 1,000 cases were handled by the Northwest Justice Project, a private partner of OCLA, in 2015. This is not just an urban issue, nor is it just a rural issue — it is a Washington issue.

Access to justice is not something that is reserved only for the elite or those who can afford an attorney. Access to justice is a basic civil right that should be enjoyed by all Washingtonians, regardless of their income or station in life.

Statewide, nearly \$11 million in legal aid was rendered to those who could afford it least when they needed it most. But with the-attorney-to-client ratio hovering around 1 lawyer for every 11,000 eligible residents, we must address this issue head on, starting with this year's budget request so this program can continue providing services for those in need.

The Civil Legal Needs Study Update, released last year by Washington State University, overwhelmingly shows the immense needs existing in our state. And, as someone who works on the state budget, I can tell you the OCLA is a sound fiscal investment for Washington.

But more than the dollars and cents, this is a critical investment in the most vulnerable members of our community.

The clock is running on the legislative session, and our opportunity to keep the doors open at OCLA affiliates across the state.

Right now, too many people are going unserved. In 2016, we must take the opportunity to change that.

Contributing writer

Justice shouldn't be denied to low income citizens

- Low-income households in Washington face an average of 9.3 civil legal problems each year
- Cases include massive medical bills and keeping a home or job
- State must restore cuts to civil legal aid to ensure justice for all

The tidal wave of the great recession shrank the middle class and zapped the purchasing power of everyday Americans.

People are working longer hours than ever before, but they're still one emergency away from not being able to pay rent or buy the prescription medicines they need.

One of the toughest and most expensive emergencies is a legal problem. These days, legal bills are astronomical, and can be a stretch even for people with high salaries.

Imagine being hit with nine legal problems a year. Every year. That statistic is no exaggeration. Here's the truth:

- Seventy-one percent of low-income families in our state say they faced at least one legal problem in 2014.
- In 2002, the same survey found an average of 3.3 legal problems per low income household.
- By 2104, that number skyrocketed to 9.3 problems per year. Most of those problems flow from a single event, like being a victim of domestic violence or sexual assault. That's unfathomable; most middle-class and wealthy people don't face nine legal problems in their lifetimes.

These aren't criminal charges. We're only talking about civil legal problems, things like trouble with massive hospital bills, protecting children from harm, and keeping a home or job.

Going to court or tackling a complex legal issue without an attorney is like trying to drive a car with two flat tires. You're at a serious disadvantage from the start. I've seen attorneys pounce on the brave soul who dared to navigate the system solo.

THERE'S SUPPOSED TO BE ONE CIVIL AID ATTORNEY FOR EVERY 5,000 LOW-INCOME PEOPLE WHO MAY NEED HELP. TODAY, WASHINGTON STATE HAS ONE ATTORNEY FOR EVERY 11,000.

And it's a system that's broken. There's supposed to be one civil aid attorney for every 5,000 low-income people who may need help. Today, Washington state has one attorney for every 11,000.

The bottom line is, if you're a victim of domestic violence, a senior on a fixed income, or somebody working hard just to get by, everybody knows you can't afford an attorney. They can get their way by taking you to court or simply threatening you with a lawsuit. So it happens, again and again. Families from Lakewood to Walla Walla are devastated.

Here's one of the stories unearthed in the latest survey: 'I moved here one year ago from Portland after my service to this country and I have had to sell my truck, all my tools and constantly fight to stay afloat. If it were not for my wife and child, I do not believe I would even fight to stay alive. People are struggling, and it's getting worse.' This problem has gotten out of control. It's hurting families, neighborhoods and the entire American commitment to justice for all.

For all. Not for the wealthy few, for all of us.

Everyone in this state needs access to justice and fair treatment by our courts and laws. That bedrock principle is the beating heart of our Declaration of Independence, U.S. Constitution and Washington Constitution.

Our choice, as taxpayers and lawmakers, is simple. The first choice is to do nothing to fix it, which means paying more to clean up the wreckage caused by this problem, including joblessness and homelessness.

Or we can pay far less to prevent this legal carnage.

The solution is simple: Restore cuts to civil legal aid made during the great recession.

Through innovation and investment, we can help families stay on their feet and avoid a downward hopeless spiral. Instead of seniors, veterans and the working poor facing nine legal problems per year, they'd get basic legal help. Lawmakers could stop the bleeding during the 2016 session for a little over \$550,000. That's a small price to help local families, including those who are defending our nation.

Little problems would stop snowballing into a family crisis, and people would know they couldn't walk all over a family by taking them to court.

It's long past time to address this critical need. Together, Democrats and Republicans must deliver on the American promise of justice for all.

State Rep. Christine Kilduff, D-University Place, is vice-chair of the House Judiciary Committee and a former assistant attorney general who has staffed volunteer legal clinics in Pierce, Thurston and King counties.

FOX NEWS Opinion – January 4, 2016

By Marth Bergmark

How to reduce domestic violence with legal assistance—

We just recognized Domestic Violence Awareness month as a nation, but you wouldn't know it from the headlines streaming in.

After Cleveland Browns quarterback Johnny Manziel repeatedly smashed his girlfriend's head against a window in October, the NFL recently announced that the star player won't face any disciplinary action. It's yet another high-profile example of how our culture sanctions domestic violence and a sign of how we're still failing to keep everyone in our communities safe.

Will we do any better in 2016—or will their own homes be the most dangerous place for American women next year, too?

The numbers are startling: Approximately 1.3 million women are physically assaulted by an intimate partner in the U.S. every year. Every day, three women die because of domestic violence. It's a life-or-death matter that requires urgent attention.

The causes of domestic violence are complex, and there is no single policy or program that can prevent it from happening. But there is one critical—and long overdue—step we can take that we know makes a great deal of difference in the lives of survivors: ensuring they have access to legal help, regardless of their ability to pay.

People are surprised when they learn that domestic violence survivors aren't guaranteed a lawyer. Only a small fraction of domestic violence incidents lead to criminal prosecutions, and while abusers facing criminal charges have a right to an attorney, survivors seeking protective orders or full custody of children are not, because these matters are considered civil.

Despite the high stakes, survivors who can't afford an attorney must face complicated legal challenges on their own. Without legal help, they often lose, making it impossible to escape dangerous situations and move forward with their lives.

Research shows that increasing access to civil legal aid is one of the most effective strategies to curb rates of domestic violence. A recent report from the Institute for Policy Integrity explains how legal advocacy can reduce domestic violence substantially—even more than access to shelters or counseling services—as much as 21 percent according to one study.

But how exactly does civil legal aid reduce domestic violence?

Legal help makes it easier for survivors to secure protective orders. While some offenders may be arrested and face criminal charges, most aren't, and the best available remedy for survivors is often a protective order from a civil court.

Getting a protective order in court from an abuser can be difficult or close to impossible if you're on your own, even though it can save lives. One study found that only 32 percent of survivors were able to get a protective order without an attorney, compared to 83 percent of survivors represented by an attorney who were able to get one.

Beyond securing protective orders, legal assistance can give survivors of abuse a second chance by providing the resources for them to leave their abusers and forge new, safe, and stable lives for themselves and their children. This is no easy task—abusers often maintain control over survivors' finances and even children. But we know that help from a legal aid lawyer can empower women to sever these damaging bonds and secure housing, public benefits, or much-needed spousal support, all of which require successfully navigating civil proceedings.

According to a new study by the Washington State Supreme Court, low-income survivors of abuse are twice as likely as other low-income people to experience critical civil challenges—including issues around child custody, health, or consumer finance. Civil legal aid provides survivors with the tools to get their lives back on track and gain independence.

Unfortunately, we simply don't put enough resources towards civil legal aid to support all survivors of domestic violence. According to the most recent census of the National Network to End Domestic Violence, barely half of domestic violence programs are able to provide an advocate to accompany domestic violence survivors to court, and only 11 percent of programs can offer legal representation.

We often think of emergency shelters and counseling services as an important resource for survivors of domestic violence to get back on their feet. But without legal assistance for survivors to deal with the critical issues involved in domestic violence, shelters and counseling are only stopgap measures that can't solve the underlying problem.

It's hard to overstate the difference we can make in the lives of survivors by providing them with the right resources. Take Theresa, a mother of six children. When her husband became abusive, she and her children had nowhere to go. She had no car, no job, and no money. But with the help of Iowa Legal Aid, she was able to break her abuser's hold over her—securing a dissolution of marriage and primary custody of her kids—and start a new life. With the spousal support Iowa Legal Aid secured for her, Theresa was able to finish her college degree and get a job as a teacher that allows her to provide for her family.

Civil legal aid organizations across the country have created innovative programs that reduce barriers for survivors to obtain legal help when they need it. Legal Aid of North Carolina, prosecutors, and local law enforcement joined together to create the Victims' Justice Center, a single place where survivors can report their crimes to police and receive the counsel of an attorney, so that they understand their options and can immediately take action.

Other civil legal aid programs are developing creative partnerships with court systems. Mid-Minnesota Legal Aid launched a promising pilot program in Stearns County that has produced the nation's first domestic violence court for repeat offenders. Impressively, there hasn't been a single intimate partner homicide in the county since the project began. Among survivors of repeated domestic violence offenses who received help through the program, 50 percent successfully left their abusers within a year.

We can and should do better by survivors of domestic violence, especially when the stakes are so high. Greater investment in civil legal aid would allow more people to improve their lives and escape dangerous situations. We might finally see this national epidemic begin to retreat, rather than continue to claim lives and hold back our communities.

Martha Bergmark is the Executive Director of Voices for Civil Justice.

The Columbian – December 20, 2015 6:00 AM
By Sen. Ann Rivers

Rivers: Low-income residents deserve access to civil legal aid

My greatest joy as a legislator is helping people. I love that this position gives me the opportunity to assist my friends and neighbors almost every day.

Time and time again, I've gone to bat for folks frustrated by the bureaucracy of state agencies, I've walked members of my community through a maze of forms and websites, I've introduced bills to right a wrong — but sometimes my hands are tied and all I can do is listen.

There is a clear and distinct separation between the legislative and judicial branches of government. The separation of powers is the cornerstone of our democracy, but it can be a bitter pill to swallow at times. If one of my neighbors needs help that is legal in nature — at all — I cannot assist them. They must take their troubles to the judicial branch. That works if you can afford an attorney, but what if you can't? Or what if you don't know the struggles you are facing could be easily solved through the legal system?

Every Washingtonian deserves fair and equal access to our justice system. But a new report finds individuals and families living in poverty in our state are experiencing a growing number of civil legal problems, including issues that affect their ability to secure safe housing, steady employment and access to health care.

Survey research by Washington State University, the “2015 Washington Civil Legal Needs Study Update” finds that 7 in 10 low-income households have at least one civil legal problem each year. Unfortunately, those in our state who face at least one civil legal problem likely face many more, with the average number topping nine civil legal problems per low-income household each year.

While our constitution guarantees defendants the right to an attorney in a criminal case, there is no such guarantee in cases involving legal problems that are not criminal in nature. In fact, the same study found 76 percent of low-income households in our state that had a legal problem received no help at all.

Volunteer lawyers program

Here in Southwest Washington, we are fortunate to have organizations like the Clark County Volunteer Lawyers Program, which connects private attorneys willing to donate their time and expertise with families and individuals to help resolve pressing civil legal problems. In 2014, this program assisted 601 local clients. This year, though the economy is improving, 500 low-income clients will be helped.

It's gratifying to know that more than 120 lawyers in our community have been willing to take on clients with the only compensation being the satisfaction of assisting a neighbor. One of these lawyers helped a

young mother get her abusive husband out of her home, obtain a divorce and secure court-ordered protection. Another assisted a father of four who had lost his job and nearly lost the family's home. At the same time, I'm deeply concerned about the more than 500,000 low-income Washingtonians who are unable to get at least some kind of civil legal help.

This is not acceptable. Washington can and must do better

.

Let's begin by supporting legal aid programs and nonprofits like the Clark County Volunteer Lawyers Program.

Currently, Washington state has one state-funded legal aid lawyer for every 10,783 low-income residents. That's less than half of the national minimal service level of 1 attorney for every 5,000 residents

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Please take a few minutes to look at the new Civil Legal Needs report posted at: ejc.org/justiceforall/. Then please join me in making sure that, in Washington state, there is fair and equal access to justice for all.

State Sen. Ann Rivers serves Washington's 18th Legislative District. Learn more about the Clark County Volunteer Lawyers Program at: www.ccvlp.org/

The Olympian – December 2, 2015 9:56AM

By Rachael Langen Lundmark, Olympia (Executive Director, Thurston County Volunteer Legal Services)

We need justice for all in Thurston County

Thank you for calling attention to the gaps in civil legal aid in our state and this community. I appreciate Kris Goddard's letter to the editor suggesting the formation of a non-profit to increase funding. While more can and should be done, there are a few organizations already working to fill the gap.

The Campaign for Equal Justice is a statewide nonprofit that raises private funds for civil legal aid, supporting local organizations like Thurston County Volunteer Legal Services (TCVLS). Recently, the Campaign had a fundraising event in Olympia attended by area lawyers and judges. For those interested, there's still time to give – donate at: c4ej.org.

While the civil legal aid community depends on broad financial support, we also appreciate the thousands of hours of personal time donated by local attorneys. TCVLS is a nonprofit that organizes local attorneys to provide civil legal advice to low income residents. Our volunteer attorneys come from a variety of sources --- solo practitioners and law firms, the Office of the Attorney General, retired judges and lawyers. Already in 2015, nearly 100 Thurston County attorneys have already donated their personal time to advise 1,062 individuals and families.

TCVLS also appreciates the funding we receive through the Thurston County Bar Association, the Government Lawyers Bar Association, and the Capitol Chapter of Washington Women Lawyers. We welcome additional support via our website which is set up to accept donations: tcvls.org.

Read more here: <http://www.theolympian.com/opinion/letters-to-the-editor/article47540690.html#storylink=cpy>

The Olympian – November 23, 2015 9:56AM

By Kris Goddard, Olympia

Lawyers can help get “justice for all”

Your recent editorial about the Washington Supreme Court’s study touched my heart. It highlighted the “huge unmet need for civil legal assistance for low-income people.”

In criminal cases, the accused are constitutionally guaranteed a lawyer if they cannot afford one. Those charged with civil offenses are - or believe they are - on their own. Three-quarters of people on the edge of poverty deal with the legal system on their own or must pay lawyers. This is bound to move struggling citizens with their existing myriad challenges from bad to worse.

In spite of the recent state budget increases for funding civil legal aid, the cited Supreme Court study concludes that it would take an additional 124 lawyers to provide civil legal assistance for all eligible lower-income citizens of this state.

Washington will again begin its legislative session with a significant budget shortfall. Might I suggest that some of our states’ highest-earning legal firms step up and form a 501(c)(3) non-profit corporation specifically designed to supplement the gap for civil legal assistance funding?

It could prevent untenable financial hardship for defendants and change people’s lives for the better. It would help fulfill the American promise of equal justice for all.

Read more here: <http://www.theolympian.com/opinion/letters-to-the-editor/article46050490.html#storylink=cpy>

STORIES

KUOW.ORG 94.9 FM – October 29, 2015

By Posey Gruener

Justice Gap For The Low Income Has Widened In Washington

There's a justice gap in Washington state, [according to a study published Thursday](#). It says that low-income Washington residents face multiple civil legal problems, but few can afford the help they need.

TRANSCRIPT

Compared to 2003, the last time a study like this one was done, the average number of legal problems a low-income Washingtonian is facing has tripled.

John McKay: "It's like sitting under a waterfall. So many people are coming with more complex problems than ten years ago, that its clear we have to provide some additional support to them."

McKay is a former U.S. attorney and currently a law professor at Seattle University. He said the legal problems can be complex, and they're often intertwined -- like for Teal Victoria.

Three years ago Victoria was in an abusive relationship with the father of her newborn daughter. She left that relationship, which meant she needed a protection order and a parenting plan.

Then, on the day she was supposed to be in court, Victoria got some bad news.

Victoria: "My daughter was diagnosed with stage four brain cancer, so I didn't go to my court case because my daughter had an 11-hour brain surgery to remove the tumor. So that opened up the need for different legal assistance."

Victoria was able to get help from Jennifer Brugger, a lawyer with Northwest Justice Project. She was lucky - at least as far as getting legal help is concerned. Brugger said that Northwest Justice Project sees more people seeking help than they can manage.

Victoria: "It's just something that we face every day, where we're able to help this person, but we can't help five of these other people."

McKay said he's heard the same thing from legal aid lawyers across the state. McKay said there should be about one civil aide lawyer for every 5,000 residents. Washington has one per 12,000 residents.

The study was performed by Washington State University and commissioned by the Washington State Supreme Court.

Washington Supreme Court Justice Charles K. Wiggins said that this justice gap -- as they call it -- needs a "thoughtful, significant, and coordinated response."

Crosscut — October 29, 2015 at 2:17pm
by Joe Copeland

Help wanted: Attorneys

A newly released report says that low-income Washingtonians face increasing burdens of civil legal issues — debt collection, health-care coverage, housing problems — with little recourse to attorneys or any professional legal services. A survey commissioned by the Washington Supreme Court shows that 7 out of 10 low-income residents runs into some civil problem over the course of a year. It also showed that families face three times the average number of civil problems they did a decade ago.

The suggested solutions include state funding of more civil legal aid attorneys and greater use of volunteer attorneys.

Study: Legal problems of poor triple in past decade



PULLMAN, Wash. – A statewide survey of more than 1,600 low-income Washingtonians found that seven of 10 face at least one significant civil legal problem each year and the average number of problems per low-income household has tripled over the last decade.

The majority of low-income Washingtonians do not receive the legal help they need to solve these problems: More than three-quarters of those with civil legal problems struggle without a lawyer or any type of legal help.

The survey was commissioned by the Washington State Supreme Court and conducted by Washington State University's Social and Economic Sciences Research Center.

"We now have greater clarity than ever that we're witnessing the erosion of the proud American principle of Justice for All," said former U.S. Attorney John McKay in a news release from the Equal Justice Coalition, which advocates for legal services for low-income Washingtonians. "We're standing at a point in our history with the information to defend the rights of those who are most vulnerable. This report allows us not just to see the problem, but act for a solution."

The results indicate nearly a half million Washington residents who live in poverty are unable to find help with their civil legal problems such as access to healthcare, consumer finance and debt collection, and employment related issues.

Low-income persons of color, victims of domestic violence or sexual assault, persons with disabilities and youth experience substantially higher rates of legal problems than the general low-income population.

"We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights," said Supreme Court Justice Charles K. Wiggins, chair of the Civil Legal Needs Study Update Committee. "We can and we must do better."

Washington has one state-funded legal aid attorney for every 11,628 eligible residents, which is less than half the nationally recognized minimal level of service of one legal aid attorney for every 5,000 eligible low-income residents.

The 2015 Washington State Civil Legal Needs Study Update follows a similar study published by a state Supreme Court task force in 2003. In response to the 2003 study, the Legislature devoted more resources to address the civil legal problems of low-income Washingtonians and established an agency to administer and oversee the state investment in civil legal aid. 

http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

Peninsula Daily News - November 7, 2015

By James Casey

Washington state Supreme Court judges link injustice to financial inequality at Port Angeles seminar.

PORT ANGELES — Economic obstacles build bigger barriers to equity and justice than any legal technicalities might pose, two of the state's top jurists said.

State Supreme Court Justices Susan Owens and Charles Wiggins said the state's impoverished population has risen by 40 percent over the past 10 years while poor people's legal troubles have shot up from 3.3 issues to 9.3 issues per person each year.

And where once their problems centered on housing and employment, now they have been swelled by consumer cases, financial services and — the biggest category — health care.

Owens and Wiggins spoke with the Peninsula Daily News after they participated in a Clallam-Jefferson Pro Bono Lawyers continuing legal education seminar Friday in Port Angeles City Hall.

Meanwhile, the jurists said, groups like the Northwest Justice Project that help low-income people solve legal difficulties are laying off lawyers and closing offices.

Back in the day

Owens, who served as a Clallam County District Court judge in Forks and as tribal judge for the Lower Elwha Klallam and Quileute tribes, recalled life on the North Olympic Peninsula before environmental challenges crippled the timber industry.

"This [Port Angeles] was a working-class town, but everyone had health care; everyone had above-minimum-wage jobs," she said, and neediness was largely the fate of single mothers collecting welfare.

Even those people had escape routes from poverty, she said, but "then the timber industry tanked," taking with it not just family-wage jobs but humbler tasks like sweeping out the mills or manhandling logs onto the green chains that fed them.

Crime mushroomed "because people didn't have anything to do" to make money, she said.

Owens and Wiggins urged voters and legislators to read and heed the Supreme Court's 2015 Civil Legal Needs Study Update, available at www.ocla.wa.gov/reports, which tells of civil legal problems of low-income state residents.

Meanwhile, the public and their politicians must find the will to narrow the gap the justices said yawns across the concept of equal justice under the law.

Judges vs. lawmakers

That won't be easy, they admitted. Already the court is fining the state Legislature \$100,000 a day for what justices say is lawmakers' failure to meet the state's constitutional "paramount duty" to equitably fund public education.

The court assessed the sanctions in August, having found legislators in contempt of its order a year earlier.

With lawmakers preparing for their next session Jan. 11, however, they have signaled they have no firm plans for educational funding reform that justices insist must abandon local property tax levies to underwrite school salaries and operations.

"If we all had our druthers," Wiggins said Friday, "the Legislature would step up to the bar and find the money.

"But getting to the reality? Aye, there's the rub."

What the court may do about legislative inaction is unknown, he said.

"All that is completely in play right now. We can't say anything [about a pending case], and if we could, we couldn't," Wiggins said.

"We don't know," Owens added. "We really don't know."

Eyeing Eyman's I-1366

Another issue that has arisen recently that the court might find itself addressing is legislation by initiative.

That's illustrated by tax activist Tim Eyman's apparently successful effort to cut the state sales tax by 1 percent unless the Legislature adopts a constitutional amendment requiring a two-thirds supermajority to raise revenues.

"The initiative process is a great process," Wiggins said.

"However, our Legislature has to match income with outflow, and there is no such requirement in an initiative.

"That leads to some real problems when the amount of money you're taking in differs from the amount of money you're sending out.

"You can't run a household that way; you can't run a state that way."

Opponents of Eyman's initiative have threatened to file suit over I-1366.

During the Pro Bono Lawyers' continuing legal education programs, Owens and Wiggins presented a selection of the court's disciplinary actions against lawyers.

The court automatically reviews recommendations that attorneys be suspended or disbarred that come from the Washington Bar Association's Disciplinary Board.

That board, Wiggins said, includes non-lawyers when it meets quarterly in Seattle.

"It's important to have that voice because those are the people who are being protected under the system," he said.

Of more than 2,000 complaints of lawyer misconduct last year, only 71 came before the court, he said, "which I think speaks well of the system."

On another panel, Owens and Port Townsend attorney Peggy Ann Bierbaum discussed sexual discrimination toward female members of the bar and agreed it wasn't what it once was.

When she began practice, Bierbaum said, she joined a legal fraternity of "old white men" whose attitude toward her was more curious than sexist.

'I was some oddity'

"They looked at me like I was some oddity," she said.

"I realized it wasn't so much my gender; they had just been together so long.

"At the end of the day, it wasn't about my being a woman at all; it was about all of the history being brought to the table."

Owens agreed, at least insofar as her newly minted fellow lawyers were concerned.

"We didn't know anything; we didn't know we didn't know anything," she said.

"We started out in the same boat. They certainly treated me as an equal."

Reporter James Casey can be reached at 360-452-2345, ext. 5074, or at jcasey@peninsuladailynews.com.

Last modified: November 07. 2015 5:12PM

- **SKAGIT VALLEY HERALD** - Nov 10, 2015
- By EVAN MARCZYNSKI @Evan_SVH

MOUNT VERNON — When Ken Ginnett believed a former landlord was violating state law, he felt he had few options to get legal help, he said.

Wanting to do what he thought was right, the Skagit County resident turned to the Northwest Justice Project, a publicly-funded legal aid program designed for those living on limited incomes.

“I had nowhere to turn,” Ginnett said. “I couldn’t go out and hire an attorney. It was kind of a last resort.”

The program put Ginnett in touch with Scott Thomas, a Mount Vernon lawyer who has volunteered civil legal aid for Skagit County clients for about a decade. Thomas agreed to represent Ginnett in court and helped the man reach a settlement with the former landlord.

A new study commissioned by the Washington State Supreme Court found low-income residents in the state are facing a growing number of civil legal problems, but few are able to get the help they need.

The study, titled the “2015 Washington State Civil Legal Needs Study Update,” reported in October that more than half a million Washington residents living on limited incomes lack access to civil legal aid.

Seven in 10 of the state’s low-income households face at least one civil legal problem each year, and the average number of civil legal issues low-income households deal with annually has tripled since 2003, according to the study, which relies on data from a 2014 survey of low-income residents by Washington State University’s Social and Economic Sciences Research Center.

The study also found that people of color and those with disabilities, as well as survivors of domestic violence and sexual assault, are more adversely affected by civil legal issues.

When a person charged with a crime can’t afford a lawyer, a judge must appoint one at public expense. But in almost all civil matters, including landlord-tenant disputes, child custody battles and cases involving access to government assistance, no such requirement exists, leaving many with few outlets for help.

Navigating the courtroom without a lawyer is one option, but Thomas said those who try to go it alone put themselves at risk.

“Our justice system, over time, has become quite complex,” he said. “It’s a very difficult venue for those who have a limited ability or exposure to it.”

According to the study, most people who try to get legal help do so to deal with housing disputes.

Civil matters involving housing for low-income families are common in Skagit County, said Eva Wescott, manager of the volunteer lawyer program at Community Action of Skagit County. Many facing legal problems that involve housing lack a detailed understanding of housing laws, Wescott said, making it difficult to defend themselves against poor rental housing conditions and improper eviction proceedings.

In response to the study, the Equal Justice Coalition, which advocates for better legal aid for low-income people, called on state lawmakers to improve access to legal help, including doubling the number of state-funded civil legal aid lawyers, expanding the number of volunteer lawyers representing low-income clients and building better awareness of legal aid services available to those in need.

The coalition estimates \$15.5 million is needed to have enough state-funded lawyers to meet national minimum standards.

Kirsten Barron, a Bellingham lawyer and advisory member of the LAW Advocates of Whatcom County’s board of directors, said the issue should be one that transcends partisan politics, adding that voters should demand more from lawmakers and candidates for political office on the issue of equal justice.

Barron said that expanding access to civil legal aid could go a long way to boosting confidence in the court system. She added she was particularly concerned with a finding in the study that only 24 percent of the low-income people surveyed said they received some level of legal help for at least one problem.

“That’s not justice. That’s privilege,” she said.

Ginnett, who said he used to manage properties as a landlord, said he wanted to speak about his experience in order to bring awareness to the lack of affordable housing in Skagit County and elsewhere.

He said he couldn't be certain what would be able to happen if he had never been able to work with a lawyer.

"I'm glad I didn't have to get to that point, because I really don't know" he said.

— Reporter *Evan Marczyński*, 360-416-2149, evan@skagitpublishing.com, Twitter: [@Evan_SVH](https://twitter.com/Evan_SVH), facebook.com/EvanReports

By Rachel Alexander rachela@spokesman.com

Study: Most poor Washingtonians don't get legal help they need

Linda White was struggling before she was sent to juvenile detention. Her six-person family was squeezed into a two-bedroom apartment in Spokane Valley where arguments and fights were common. Then, her mom kicked her out.

When she was 16, she started a fight with another student who was bullying her at school, landing her in detention for two and a half months. Inside, she found a lot of other teenagers who were acting out because of other problems in their lives like homelessness or bad foster families.

"Some of the kids were there multiple times and hadn't had anything done about their situation," she said.

A new study from the state's Office of Civil Legal Aid suggests that's all too common. Seventy percent of low-income households in Washington face at least one civil legal problem per year, and three-quarters of them don't get the legal help they need.

That means half a million low-income Washingtonians are doing without legal representation, and the civil legal needs of the average household have tripled since the state's first study in 2003.

"We have not kept up with the need that's there," said Spokane City Attorney Nancy Isserlis, who spent five years working as a legal aid attorney.

In criminal cases, courts are required to appoint an attorney for anyone who can't afford one. But with a few exceptions, there's no corresponding right to legal aid for civil issues like contesting evictions or lost health insurance coverage.

The study on civil legal needs is based on a 2014 survey of 1,375 low-income Washington residents conducted by researchers from WSU's Social and Economic Sciences Research Center. It was commissioned by the Washington Supreme Court to update data from the 2003 study.

White's probation officer referred her to Team Child, a legal advocacy group that works on civil issues for minors. With help from attorney Rosey Thurman, White was able to get placed in Hutton Settlement, a children's home in Spokane Valley. She got access to her birth certificate and had her juvenile records sealed. Now, she's 21, has completed a college program for massage therapy and is working at a grocery store.

Without legal help, civil issues can quickly spiral into large problems. One survey respondent wrote about being threatened with eviction after a neighbor called the police when her boyfriend was assaulting her. The next time she was assaulted, she made the decision not to call for help because she didn't want to become homeless.

Another woman wrote she lost her job because she had to miss so much work to be in court trying to stop an abusive ex-husband from getting custody of their daughter.

"It's very gut-wrenching. It's very real. It often involves children," Isserlis said of civil legal issues.

Civil legal problems are especially acute for black and Native American people, Latinos, sexual assault and domestic violence victims, young adults and families with veterans or military members, the study found. Health care problems, like insurance not covering needed services or problems with medical debt collection, were the most common, followed by issues with consumer and financial services and employment.

A patchwork of pro bono lawyers, legal aid clinics and other services can help low income clients deal with these problems. The Northwest Justice Project maintains a legal aid hotline at (888)201-1014, which helps refer people to legal services they're eligible for, but finding help can be confusing.

"Many people just don't even bother," Isserlis said.

Washington has only one state-funded legal aid lawyer for every 10,783 low-income residents. Having one attorney for every 5,000 residents is considered the minimal service level to ensure low-income people have legal representation.

"We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights," said Supreme Court Justice Charles K. Wiggins, chairman of the study update committee, in a news release.

Many people don't realize the problems they're facing could be solved with legal help, and many don't know services are available.

"When they come in, people don't know what their legal needs are," Thurman said.

As a result, low-income people often end up representing themselves in civil court proceedings.

The Equal Justice Coalition, a nonpartisan group of civil legal aid providers and supporters, estimates it would take \$15.5 million to fund enough lawyers to close the gap. More private attorneys doing pro bono work also would help.

"We need to step up and do our part. Many of us do, but we can always do better," Isserlis said.

FORMER HOMELESS SPOKANE WOMAN LOOKS TO HELP OTHERS

SPOKANE, Wash. -- A Spokane woman credits a local organization for helping her turn her life around. Lynda White said she was she was alone on the streets at 14-years-old where she struggled to stay out of trouble. She said she did not know her potential until someone from TeamChild reached out to her when she was 17.

White said more needs to be done to help teens in our community struggling with homelessness. White moved to Spokane from Detroit, Michigan at 14-years-old with her mother and six other siblings. She said they stayed in a two bedroom home and many of them had to sleep on the floor. Her mother would disappear for days at a time.

"Me being one of the older ones and more responsible I had to be like this is what we're going to have for dinner, you have school tomorrow, this is what needs to be done so it got to a point where it was I can't do this anymore," said White. "So she said I don't want you here anymore and she called the police on me and had me removed from the house."

White was left with nowhere to turn. She struggled to find the basic necessities and started getting into trouble at school.

"A few times I slept outside in the park, or the baseball field at school that way I was closer to school," said White.

[KREM](#)

Study: Almost 3,000 students in Spokane are homeless

White was in an out of juvenile detention until finally she was connected to someone from TeamChild. They helped place her in a group home and eventually helped her get into Hutton Settlement where things finally improved.

"It showed me a whole 'nother life, a life I'd never known before. It was kind of amazing and here I am today," said White. "I'm 21 now and I just graduated from massage therapy school, I work at a Yoke's as a cashier, been there 4 years, and now I'm ready to start a whole new chapter in my life."

White wants to help other kids dealing with the same problems she once struggled with. She said she is one of the lucky ones and not everyone gets the help she did.

"I don't know where I would be I tell people I'd be in jail or not here," said White. "I was suicidal so I had two directions I was going to go to jail like the rest of my family or not be alive but with help I've gotten it allowed me to be here."

TeamChild helped more than 170 kids in 2014. TeamChild leaders said 71 percent had juvenile records and 23 percent were struggling with homelessness.

THE PACIFIC NORTHWEST INLANDER – November 11, 2015 9:28 AM
Posted By Laura Johnson

Veterans Day, ... and more morning headlines

According to a new study from the Office of Civil Legal Aid, **70 percent** of low-income households in Washington face at least one civil legal issue per year, and more than half do not receive the legal help they need. This shows that people's civil legal needs have tripled since Washington's first study in 2003. (Spokesman-Review)

THE UNION BULLETIN – November 11, 2015

By Rachel Alexander – See The Spokesman Review

State's poor lack access to legal help

Washington's poor have little access to the legal system when they need help for civil disputes, a new study from the state's Office of Civil Legal Aid says.

Seventy percent of low-income households in Washington face at least one civil legal problem per year, and three-quarters of them don't get the legal help they need.

That means half a million low-income Washingtonians are doing without legal representation, and the civil legal needs of the average household have tripled since the state's first study in 2003.

"We have not kept up with the need that's there," said Spokane's City Attorney Nancy Isserlis, who spent five years working as a legal aid attorney.

In criminal cases, courts are required to appoint an attorney for anyone who can't afford one. But with a few exceptions, there's no corresponding right to legal aid for civil issues like contesting evictions or lost health insurance coverage.

The study on civil legal needs is based on a 2014 survey of 1,375 low-income Washington residents conducted by researchers from WSU's Social and Economic Sciences Research Center. It was commissioned by the Washington Supreme Court to update data from the 2003 study.

Without legal help, civil issues can quickly spiral into large problems. One survey respondent wrote about being threatened with eviction after a neighbor called the police when her boyfriend was assaulting her. The next time she was assaulted, she made the decision not to call for help because she didn't want to become homeless.

Another woman wrote she lost her job because she had to miss so much work to be in court trying to stop an abusive ex-husband from getting custody of their daughter.

"It's very gut-wrenching. It's very real. It often involves children," Isserlis said of civil legal issues.

Civil legal problems are especially acute for black and Native American people, Latinos, sexual assault and domestic violence victims, young adults and families with veterans or military members, the study found. Health care problems, like insurance not covering needed services or problems with medical debt collection, were the most common, followed by issues with consumer and financial services and employment.

A patchwork of pro bono lawyers, legal aid clinics and other services can help low income clients deal with these problems. The Northwest Justice Project maintains a legal aid hotline at 888-201-1014, which helps refer people to legal services they're eligible for, but finding help can be confusing.

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Washington has only one state-funded legal aid lawyer for every 10,783 low-income residents. Having one attorney for every 5,000 residents is considered the minimal service level to ensure low-income people have legal representation.

“We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights,” said Supreme Court Justice Charles K. Wiggins, chairman of the study update committee, in a news release.

Many people don’t realize the problems they’re facing could be solved with legal help, and many don’t know services are available.

“When they come in, people don’t know what their legal needs are,” Thurman said.

As a result, low-income people often end up representing themselves in civil court proceedings.

The Equal Justice Coalition, a non-partisan group of civil legal aid providers and supporters, estimates it would take \$15.5 million to fund enough lawyers to close the gap. More private attorneys doing pro bono work also would help.

“We need to step up and do our part. Many of us do, but we can always do better,” Isserlis said.

Yakima Herald – November 12, 2015

By Kate Prengaman <mailto:kprengaman@yakimaherald.com>

There's a surge in the need for civil legal services among people who are least able to pay

For Jon Penfold, it's sweet to be home.

For years, he and his wife had trouble finding safe, affordable housing because of a drug felony that had been on his record for more than 20 years.

That left them with few options, and they bounced between slumlords and homelessness before attorneys with the Northwest Justice Project took Penfold's case and convinced a judge to clear his record.

"Right after that, a lot of doors opened, and a month later we moved into the new apartment," said Penfold, who is disabled and lives on Social Security. "Safe housing is a necessity, not a luxury."

Addressing a single legal issue — such as fighting eviction or getting a driver's license reinstated — can often prevent a cascade of mounting issues for low-income families, said Penfold's attorney, Elisabeth Tutsch.

Her client was among the lucky ones. A new state report shows a dramatic rise in the need for civil legal services among those least able to pay for them.

"If you are charged with a crime, you have a right to an attorney, but if you are looking at losing your child or your home, you don't have the same established right to an attorney," Tutsch said. As "civil aid attorneys, we can make a big difference in people's lives; there's just not enough of us."

Legal aid for noncriminal cases in Washington is provided by a patchwork of public assistance firms — such as the state-funded Northwest Justice Project and privately funded Columbia Legal Services — and private attorneys who donate their time.

But the study commissioned by the state Supreme Court found that three-quarters of Washington's low-income residents don't get the legal help they need — either because they don't know that a lawyer could assist them or resources are not available.

"Ultimately, it challenges us to work all the harder to secure the investments needed to deliver on the promise embedded in our constitutional history and our nation's creed — that liberty and justice be made available to all," said Justice Charles K. Wiggins, the chairman of the study committee, in a statement.

The report, released in late October, is an update of the state's first look at the civil legal needs of low-income residents, which was first done in 2003. While it highlights the growing "justice gap" between legal needs and help available, it does not offer estimates for how much funding is needed to alleviate the problems it describes nor does it cite potential sources for the funding.

Among the findings:

- Almost three-fourths of Washington's low-income residents face a civil legal problem each year.
- The most common problems include health care, consumer and financial issues, and employment, but housing and family law issues are significant as well.
- Legal issues are especially acute for victims of domestic violence and sexual assault, minorities and young adults.
- The number of legal problems that low-income families face has tripled in the past decade.

The dramatic increase is likely driven by the economic recession that cost many their jobs, their health care, and in some cases their homes, Tutsch said.

"When the bottom drops out for people because they lose their employment or can't afford medical bills, problems start to spiral," she said.

But the recession also took a hit out of a state funding source that funds legal aid, said Andre Penalver, a Yakima attorney and vice president of Campaign for Equal Justice, a group of Washington lawyers who raise private funds for civil legal aid.

In the 1980s, Washington was the first state to establish a system that puts the interest earned on all money that attorneys hold for their clients — such as when bank accounts are frozen while an estate is settled or payments are made during a foreclosure dispute — toward legal aid for low-income people, Penalver said.

Such programs are now used around the country, but when interest rates crashed in 2008, funds for the program shrunk from \$9 million a year to less than \$2 million.

The Legislature allocates about \$12 million a year to the Office of Civil Legal Aid as well.

Washington state currently has one legal-aid lawyer for every 10,000 low-income residents. Congress recommends twice that. But it's even worse in Yakima County, where the ratio is one lawyer for every 15,000 eligible residents, Tutsch said.

The Equal Justice Coalition says Washington needs an extra \$15 million a year to meet the need statewide.

"People cringe when I say the state should provide more money for legal aid, but there's a long-term benefit to the community," Penalver said. "For example, if an attorney can help a family avoid being evicted, that saves money that would be spent providing services for a homeless family."

Tutsch said some of the most challenging cases involve domestic violence victims who often face medical bills, protection orders, child custody battles and loss of housing.

Given the complexity of many situations, the Northwest Justice Project just doesn't have the capacity to help everyone who calls.

"Yesterday, for example, we got 23 calls, but we can only take about five to six cases a week," Tutsch said.

But the report, which is based on more than 1,300 interviews, also shows that many low-income people still don't know that legal aid could help them or don't trust the justice system to help people like them.

People are more likely to seek help for problems such as foreclosure or custody fights, and less likely for the most commonly reported problems with health care, consumer and financial services, and employment.

Penalver says that shows there's an education need as well as a funding need to close what he sees as an unjust "justice gap."

But more funding — from the state and from donations — would help the half-million residents who are unable to get the legal assistance they need every year, he said.

"\$15 million is not a huge amount relative to the state budget, so it's a solvable problem," Penalver said. "People need to understand that there is a crisis going on and then apply that political pressure."

By Jordan Schrader jschrader@thenewstribune.com

Attorneys hope to ease burden on poor of legal needs

- Survey: Many low-income people face legal problems without help
- Legal woes per household pile up since 2003
- Attorneys want program to help people regain suspended drivers' licenses
-

Attorney Leslie Owen greeted her client with good news last week: A fine for driving with a suspended license had been dropped in Grant County, wiping out \$1,500 of what Teresa Nisbet owed.

The two celebrated the latest step out of a hole Nisbet had dug with credit cards, payday loans, drug use and bad luck. Nisbet recalls how she felt at the bottom of that hole: "I can't see the light. I have no hope."

Now the Olympia resident says she is sober and happy and has resolved the criminal charges against her. What's left are years-old fines scattered across courts and collections agencies in Olympia, Lacey, Thurston County and across the state in Grant County, much of it having accumulated interest at 12 percent a year.

Civil legal-aid lawyers are helping Nisbet, but say their numbers are not nearly enough to represent everyone trying to deal with legal problems. More than three-quarters of poor Washingtonians with civil legal problems face them without attorneys, according to a recent survey due to be presented to state lawmakers at a Thursday committee hearing.

That's actually an improvement from a 2003 survey, but the latest report also found low-income households face far more legal problems than they did before — more than nine problems per household instead of more than three.

Medical bills, debt collection, credit access and other woes pile up for the poor, according to the survey commissioned by the state Supreme Court and conducted by Washington State University.

An advocacy group for civil legal aid, the Equal Justice Coalition, says the state would need to add 124 more state-funded civil legal aid lawyers to the 107 on the job now to meet what the group said are nationally recognized standards for access to legal aid.

That would cost more than \$15 million a year at a time when the Supreme Court demands more money for schools, so lawmakers may look for other solutions.

Owen, senior attorney at the Olympia office of the Northwest Justice Project, said one way to reduce the need for lawyers is a statewide program to help people address suspended-license fines.

Owen said 7 percent of drivers' licenses are suspended and low-level misdemeanor charges for driving with suspended licenses take up about a third of district courts' workloads. She said losing a license is one of the biggest barriers to employment faced by the poor.

"The public should be interested in these people getting their licenses back so they can get a job," said Gerry Alexander, a former state Supreme Court chief justice and an advocate for civil legal aid.

The program Owen envisions would allow participants to access multiple courts at a time as they try to have unpaid fines dropped, put on a payment plan, forgiven through community service, or reduced by pulling them away from collections agencies. Spokane County has a similar program and has seen more revenue, not less, Owen said.

Lacking such a program, Owen goes judge by judge, jurisdiction by jurisdiction on Nisbet's behalf.
"She doesn't have her license yet," Owen said Wednesday, "but we are so close."

The Erosion of Justice for All

I was fortunate to go to a law firm right out of law school that valued pro bono work. There wasn't a lot of preaching about it. I understood I could go down to the legal aid office and meet with clients, something all of the lawyers I admired in the firm did regularly. I did and I was hooked. At my firm, I represented big corporations. While that could be exciting, it was not as rewarding as stopping an eviction that was going to occur at 9 a.m. the next morning. To this day, I believe volunteering for legal aid work connects many lawyers to the reason we went to law school in the first place: we want to help people.

If anything, my commitment to legal aid grows stronger, even though my role has changed over time. I still like the idea of representing real clients, especially helping people who face some pretty awful injustices in their lives. In the nearly 35 years since I started volunteering at Evergreen Legal Services, I've shifted more of my time to being an advocate for legal aid funding because it was obvious that the resources are never adequate.

That's why the recently released 2015 Washington Civil Legal Needs Study Update (available at ocla.wa.gov) is so depressing. We are only reaching a fraction of the Washingtonians who need our help, and the needs are growing exponentially.

We learn from the study that the average number of civil legal problems low-income Washingtonians face in a year has nearly tripled from 3.3 in 2003 to 9.3 today. We get a glimpse of how complex and interrelated civil legal problems often are — and that they can carry long-term consequences.

An eviction is rarely a clear-cut landlord/tenant dispute. Some families can't make the rent because their child has an insurmountable medical problem that has taken them away from their job too many days and cost them a paycheck. Others are caught in abusive, violent relationships and discover they've been served an eviction notice from a landlord who has seen the police on his property too many times.

The 2015 Washington Civil Legal Needs Study Update confirms that, despite our best efforts, we have a wide and growing justice gap in our state. In fact, more than three in four of low-income Washingtonians face significant civil legal problems and get no help at all.

People often know what's happening to them is wrong. They may even know it's against the law. Still, they are powerless because they don't have anyone to advocate for them.

In essence, this study judges the justice system in Washington state and it gives it an extremely low grade — very near failure, in my opinion. There is also an irony within this study: the system is not a failure for those who are able to get help. In fact, 17% of the low-income Washingtonians who got help with their legal problems said their problem was fully resolved.

People are seeing change in their lives. We just don't have enough of it.

So what can we do? I think it begins with awareness. Let's not fool ourselves into thinking there's equal justice for all under the law — because there isn't. Injustice in our state takes many forms, including racial discrimination and economic discrimination. The doors to the courthouse are closed to the poor and the powerless. We have to admit it and confront it.

Government at all levels — local, state and national — has to respond. Washington has just one state-funded civil legal aid attorney for every 10,783 low-income residents. That's less than half the nationally recognized minimum service level of one civil legal aid attorney for every 5,000 eligible residents.

The public and private sectors need to work together to generate much-needed dollars. Financial support for legal aid doesn't pay just for attorneys; it keeps the lights on and makes it possible for staff to screen eligible clients, so more of us can volunteer our time.

And yes, lawyers have to volunteer more to help those cast adrift in our complex world. I personally know the satisfaction that comes when I've been able to help someone to overcome seemingly unsolvable problems. When you are able to help a young mother stay in her home, escape a violent spouse or get the medical attention her child so desperately needs ... that's life-changing.

Finally, we have to reach people who aren't lawyers and encourage them to speak up and say, "Not in my name. The justice gap in Washington state is unacceptable."

Whether you believe in small government or expansion of government, you believe in having a justice system that's open and fair for everyone. That's a bed-rock American principle. Not a political principle. It's what everyone — from the Constitution's framers to Ronald Reagan

— believed in. And yet, today we're witnessing the erosion of the proud American principle of *justice for all*.

Our court system must ensure that people are being treated fairly and in accordance with the law. That is a promise built into the Constitution and a promise that must extend to all, no matter who they are or what resources they have. Not to deliver on that promise is a colossal failure.

Let's roll up our sleeves and get to work. We can do better.

EDITORIALS

North Kitsap Herald In Our Opinion - Dec 25, 2015 at 6:00AM

Legal needs of many are not met

“If you cannot afford an attorney, one will be provided for you.” It’s a constitutional right guaranteed those in the criminal courts; but there’s no right to legal advice or representation in civil cases.

Legal help is available for many low-income families in Washington, but few know they are eligible for assistance, and inadequate funding has limited the legal advice and representation that is available.

“We’ve watched legal needs increase while resources have decreased. There’s a justice gap,” state Supreme Court Justice Charles Wiggins said in an editorial in the (Everett) Daily Herald.

Wiggins is chairman of the Civil Legal Needs Study Update committee, which oversaw a recent survey that found seven in 10 of the state’s low-income households face at least one civil legal problem each year. Those households face an average of nine legal difficulties, three times the level reported in 2003. More than 500,000 low-income residents, about 76 percent of those with legal problems, won’t get any legal advice or representation and are left to face such problems alone.

Most notably, all victims of domestic violence or sexual assault will find themselves in civil legal proceedings related to housing, child custody or divorce.

The survey, conducted by Washington State University’s Social and Economic Research Center, found that the most common legal problems were related to medical debt or the loss of or inability to find insurance coverage; debt collection or inability to get banking services; and problems with employers.

These problems tend to build on each other. For example, according to attorney Yvette War Bonnet of the Northwest Justice Project, difficulty in restoring a driver’s license suspended for nonpayment of a traffic ticket complicates transportation, making it difficult to find or hold onto a job.

The state is facing two challenges in closing the justice gap, said James Bamberger, director of the state Office of Civil Legal Need. Many in need of assistance aren’t aware of the assistance available, and cuts to the services his office provides have resulted in loss of staff around the state. Northwest Justice Program offices, which administer legal aid to

Low-income families, have only one staff member available for regions based in Port Angeles, Aberdeen and Walla Walla.

Where the national minimum standard for representation is one attorney for every 5,000 eligible clients, most of Western Washington sees ratios of one attorney for between 12,500 and 17,500 potential clients.

The state's Volunteer Lawyer Programs provide some assistance. In 2014, pro bono work by attorneys provided 54,430 hours, serving more than 15,000 clients with legal advice and more than 2,800 with representation.

But to come close to the national minimum standard, Bamberger said the state needs to provide funding for 125 more attorneys, which would require an annual budget appropriation of \$15.5 million. Bamberger and others plan to seek about \$500,000 in the coming legislative session's supplemental budget as a stop-gap measure, but also plan to seek more funding in the 2017-18 budget than the \$23.6 million provided in the most recent budget.

Some will see this as yet another financial responsibility for the state and its taxpayers at a time when the Legislature already must fix funding of K-12 public education and meet other needs. That it is. But it clear that civil legal difficulties can quickly fester into problems in finding and holding onto jobs and caring for children and families, trapping families in poverty and forcing them to seek other public assistance.

Justice delayed is justice denied. Justice also is denied when access to it is denied.

***By The Everett Herald Editorial Board
Published: Wednesday, December 9, 2015, 12:01 a.m.***

Legal needs of many low-income families not met

Thanks in large part to TV police dramas nearly everyone knows that “if you cannot afford an attorney, one will be provided for you.”

It's a constitutional right guaranteed those in the criminal courts; but there's no right to legal advice or representation in civil cases. Legal help is available for many low-income families in Washington state, but few know they are eligible for assistance, and inadequate funding has limited the legal advice and representation that is available.

“We've watched legal needs increase while resources have decreased. There's a justice gap,” said state Supreme Court Justice Charles Wiggins.

Justice Wiggins is chairman of the Civil Legal Needs Study Update committee, which oversaw a recent survey and report that outlines how the problem has changed since the first study in 2003. About 7 in 10 of the state's low-income households face at least one civil legal problem each year, and those households face an average of nine legal difficulties, three times the level reported in 2003. More than 500,000 low-income state residents, about 76 percent of those with legal problems, won't get any legal advice or representation and are left to face such problems alone.

Most notably, all victims of domestic violence or sexual assault — that's 100 percent — will be caught up in civil legal problems, such as housing, child custody or divorce.

The survey, conducted by Washington State University's Social and Economic Research Center, found that the most common legal problems reported were related to health care costs, such as medical debt or the loss or inability to find insurance coverage; consumer and financial problems, such as debt collection or inability to get banking services; and problems with employers.

And these problems tend to build on each other. Difficulty in restoring a driver's license suspended for nonpayment of a traffic ticket, said Yvette War Bonnet, an attorney in the Everett office of the Northwest Justice Project, complicates transportation, making it difficult to find or hold onto a job.

The state is facing two challenges in closing the justice gap, said James Bamberger, director of the state Office of Civil Legal Need. Many in need of assistance aren't aware of the assistance available, and cuts to the services his office provides have resulted in loss of staff around the state. Currently, Northwest Justice Program offices, which administer legal aid to low-income families, have only one staff member available for regions based in Port Angeles, Aberdeen and Walla Walla.

Where the national minimum standard for representation is one attorney for every 5,000 eligible clients, Snohomish County and most of Western Washington see ratios of one attorney for between 12,500 and 17,500 potential clients.

The state's Volunteer Lawyer Programs provide some assistance. In 2014, pro bono work by attorneys provided 54,430 hours, serving more than 15,000 clients with legal advice and more than 2,800 with representation. Likewise, War Bonnet said, her office works with agencies, including Housing Hope and the Tulalip Tribes, on outreach to those in need of legal aid.

But to come close to the national minimum standard, Bamberger said the state needs to provide funding for 125 more attorneys, which would require an annual budget appropriation of \$15.5 million.

Bamberger and others plan to seek about \$500,000 in the coming legislative session's supplemental budget as a stop-gap measure, but also plan to seek more funding in the 2017-18 budget than the \$23.6 million provided in the most recent budget.

Some will see this as yet another financial responsibility for the state and its taxpayers at a time when the Legislature already must fix funding of K-12 public education and meet other needs. That it is. But it clear that civil legal difficulties can quickly fester into problems in finding and holding jobs and caring for children and families, trapping families in poverty and forcing them to seek other public assistance. Justice delayed is justice denied. Justice also is denied when access to it is denied.

The Seattle Times

By the Seattle Times editorial board — December 8, 2015 at 6:11:39 AM

Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Brier Dudley, Mark Higgins, Jonathan Martin, Thanh Tan, Blanca Torres, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).

‘Justice for all’ threatened by inaction in Olympia

More than 70 percent of low-income households are hit with one or more civil legal problems, and many don’t know they qualify for free legal help.

IN the upcoming legislative session — that will rightly focus on fully funding basic education — less visible core services are at risk of getting lost in the ether.

The we-can-only-manage-one-problem-at-a-time approach won’t fly when it comes to programs that preserve justice and fair play. This is particularly true in meeting the civil legal needs of all Washingtonians, irrespective of income. Legislators have recognized the justice-funding gap for more than a decade. Since the 2009 recession, it’s gotten worse.

The [2015 Civil Legal Needs Study Update](#), a project chaired by state Supreme Court Justice Charles Wiggins, throws the problem into relief. The report highlights the unmet civil legal needs of poor families throughout Washington.

The sobering take-aways reflect a legal system that seems engineered to fail anyone living paycheck to paycheck. When primary family needs loom, legal concerns fall away, and then get worse.

Every year, more than 70 percent of low-income households are hit with one or more civil legal problems. Of those, three-fourths don’t receive any legal assistance despite qualifying for services. Washington also falls short for its inadequate staffing necessary to meet minimum access to legal aid, a benchmark determined by Congress in 1978. The minimum ratio is one legal-aid attorney for every 5,000 eligible clients. Washington has one attorney for every 11,000.

The most common civil questions arise from housing issues, followed by domestic and family problems, health care, consumer and financial services, employment, and municipal and utility services.

“Equal Justice is a core state responsibility. No Excuses.”

This year’s report, prepared by Washington State University’s Social and Economic Science Research Center, notes that victims of domestic violence and sexual assault register the highest number of civil legal problems per capita than any other group.

Washington’s legal community has tried to meet the challenge. The state Office of Civil Legal Aid is helped by the state-funded volunteer lawyer program, which annually assists more than 15,000 citizens. In addition to Justice Wiggins, former U.S. Attorney John McKay, who served as president of the nonprofit Legal Services Corporation, is a champion. As McKay warns, “We’re witnessing the erosion of the proud American principle of justice for all.”

Sustainable funding is the bottom line. Washington needs nearly 125 new attorneys and \$15.5 million a year to achieve minimum access to legal-aid services. Now, legal-aid offices in Walla Walla and other rural areas are rightfully worried about budget cuts.

If lawmakers kvetch about tapping the general fund — despite the compelling justice needs — they will need to latch on to something creative and reliable such as a legal-services fee or license hike. Equal justice is a core state responsibility. No excuses.

The Olympian – Editorials - November 14, 2015

By *THE OLYMPIAN EDITORIAL BOARD*

There's truly big need for civil legal aid

A Washington Supreme Court study published last month found a huge unmet need for civil legal help for low-income people in the aftermath of the Great Recession.

In criminal cases, an accused party is constitutionally guaranteed a lawyer if he or she cannot afford one. That isn't true for civil legal issues.

The new study – called the 2015 Washington State Civil Legal Needs Update – makes the case for greater action on this issue by our governor and Legislature.

State Supreme Court Justice Charles Wiggins chaired the update committee. He said it challenges our state to make 'liberty and justice' available to all.

The report is based on a scientific survey by Washington State University that included interviews with more than 1,600 people across the state and across a wide diversity of ethnic and racial lines.

Several former top public officials – from former Supreme Court chief justice Gerry Alexander to former Attorney Rob McKenna and former U.S.

Attorney John McKay - and current AG Bob Ferguson have said more needs to be done to ensure 'justice for all.'

Here are a few highlights from the report:

- 70 percent of low income residents have at least one legal problem yearly. The average number of problems grew since 2003 from 3.3 per household to 9.3 problems, and the highest prevalence was for victims of domestic violence and sexual assault.
- Healthcare, consumer and financial problems, and help with city services or state aid programs are the kinds of legal troubles occurring most often. That contrasts to the housing issues that topped the lists in the past. Even so, those who end up seeking out legal aid most often get it for housing and family and domestic problems.
- Whites and Hispanics reported the fewest problems with discrimination or unfair treatment related to juvenile criminal records while Native Americans and blacks reported the most. Blacks and Native Americans reported the most discrimination or unfair treatment related to credit history.
- Many who have legal issues don't know they can get help and 76 percent deal with the legal issues on their own.
- Another 124.5 lawyers are needed to meet the need for client services lawyers providing legal aid – up from 107.5 today. That would get Washington to the national minimum access standard, one lawyer for 5,000 eligible residents for civil legal aid.
- The share of residents whose low incomes would qualify them for legal aid is growing.
-

Since the high court's first report on civil legal aid needs in 2003, state lawmakers have stepped up by increasing funding. The current biennial budget for civil legal aid totals \$23.6 million and another \$3.3 million goes for legal representation for children in dependency cases, said Jim Bamberger, director of the Washington State Office of Civil Legal Aid.

Bamberger estimates \$15 million a year would be needed to get the legal aid staffing up to federal standards. One challenge is that since 2009 legal aid staffing has been cut by about 20 percent, he said.

The tax dollars provided are leveraged with private donations. One large investment is the statewide CLEAR call center (Coordinated Legal Education Advice and Referral), which is run by the Northwest Justice Project. This provides qualified attorneys to give advice or referrals over the phone.

Much else is done by the legal profession to help fill in the gaps. Alexander said there is too little appreciation for what attorneys do offer in donated, or pro bono, services.

In Thurston County, a volunteer legal clinic has operated for years with lawyers donating their time. For example, they staff a Superior Court docket on Fridays that handles housing issues such as evictions.

Leslie Owen, the senior attorney in the Olympia office of the Northwest Justice Project, says a big problem her organization is attacking lately is what happens when someone's driver license is suspended. Sometimes this mushrooms into trouble in multiple courts with snowballing fines, which then go to collection agencies and overwhelm a person.

In one case, Owen said a woman was helped into drug court and treatment to deal with an addiction, which let her get a job; lawyers worked with local courts to set up a payment plan. Without a navigator who knew the courts, the woman was drowning.

Clearly lawmakers and Gov. Jay Inslee have their hands full with legal mandates to boost K-12 school funding, fix mental health institutions, and possibly to fill a larger budget hole caused by Initiative 1366.

But we should not fool ourselves that our social safety net is repaired on the justice front.

"It should scare courts. It should scare policy makers. It should scare all of us - when we realize the phrase liberty and justice for all is nice candy. There's nothing there," Bamberger said.

Editor's note: This post was updated.

OP-EDs

The Kitsap Sun— February 12, 2016

MY TURN/ Access to legal aid must be funded

By Rep. Drew MacEwen, 35th District

Right now, a woman is waking up in a domestic violence shelter in survival mode. Battered and scared, she wonders how she will pick up the pieces and move forward. Who will help her file the paperwork in civil court to receive legal protections?

Right now, a family is being evicted from their apartment without notice and seemingly without recourse. They wonder where they will go next. Who will help them understand their rights as tenants?

Right now, a disabled veteran is trying to prepare paperwork to receive benefits and medical care, but his war wounds make it difficult to complete the process. He wonders what his options are and whether there is someone who can help navigate the government bureaucracy.

Right now, legal advocates across Washington state stand willing to help and are waiting for the Legislature to continue to fund their work through the Office of Civil Legal Aid (OCLA) in the 2016 supplemental operating budget.

As the ranking member on the House General Government and Information Technology Committee, which oversees the budget for the OCLA, I believe we should fully fund the budget request made by OCLA so women in shelters, families wrongly evicted from their homes, veterans in need of care and countless low-income, highly vulnerable Washington residents can receive the legal help they need.

For many Washingtonians who can't afford legal advice, the above scenarios end in a legal maze with unanswered questions, mounting debt, and a downward spiral that could have been avoided with the help of an advocate.

In Kitsap, Mason and Thurston counties, which make up the 35th Legislative District, nearly 1,000 cases were handled by the Northwest Justice Project, a private partner of OCLA, in 2015. This is not just an urban issue, nor is it just a rural issue — it is a Washington issue.

Access to justice is not something that is reserved only for the elite or those who can afford an attorney. Access to justice is a basic civil right that should be enjoyed by all Washingtonians, regardless of their income or station in life.

Statewide, nearly \$11 million in legal aid was rendered to those who could afford it least when they needed it most. But with the-attorney-to-client ratio hovering around 1 lawyer for every 11,000 eligible residents, we must address this issue head on, starting with this year's budget request so this program can continue providing services for those in need.

The Civil Legal Needs Study Update, released last year by Washington State University, overwhelmingly shows the immense needs existing in our state. And, as someone who works on the state budget, I can tell you the OCLA is a sound fiscal investment for Washington.

But more than the dollars and cents, this is a critical investment in the most vulnerable members of our community.

The clock is running on the legislative session, and our opportunity to keep the doors open at OCLA affiliates across the state.

Right now, too many people are going unserved. In 2016, we must take the opportunity to change that.

Contributing writer

Justice shouldn't be denied to low income citizens

- Low-income households in Washington face an average of 9.3 civil legal problems each year
- Cases include massive medical bills and keeping a home or job
- State must restore cuts to civil legal aid to ensure justice for all

The tidal wave of the great recession shrank the middle class and zapped the purchasing power of everyday Americans.

People are working longer hours than ever before, but they're still one emergency away from not being able to pay rent or buy the prescription medicines they need.

One of the toughest and most expensive emergencies is a legal problem. These days, legal bills are astronomical, and can be a stretch even for people with high salaries.

Imagine being hit with nine legal problems a year. Every year. That statistic is no exaggeration. Here's the truth:

- Seventy-one percent of low-income families in our state say they faced at least one legal problem in 2014.
- In 2002, the same survey found an average of 3.3 legal problems per low income household.
- By 2104, that number skyrocketed to 9.3 problems per year. Most of those problems flow from a single event, like being a victim of domestic violence or sexual assault. That's unfathomable; most middle-class and wealthy people don't face nine legal problems in their lifetimes.

These aren't criminal charges. We're only talking about civil legal problems, things like trouble with massive hospital bills, protecting children from harm, and keeping a home or job.

Going to court or tackling a complex legal issue without an attorney is like trying to drive a car with two flat tires. You're at a serious disadvantage from the start. I've seen attorneys pounce on the brave soul who dared to navigate the system solo.

THERE'S SUPPOSED TO BE ONE CIVIL AID ATTORNEY FOR EVERY 5,000 LOW-INCOME PEOPLE WHO MAY NEED HELP. TODAY, WASHINGTON STATE HAS ONE ATTORNEY FOR EVERY 11,000.

And it's a system that's broken. There's supposed to be one civil aid attorney for every 5,000 low-income people who may need help. Today, Washington state has one attorney for every 11,000.

The bottom line is, if you're a victim of domestic violence, a senior on a fixed income, or somebody working hard just to get by, everybody knows you can't afford an attorney. They can get their way by taking you to court or simply threatening you with a lawsuit.

So it happens, again and again. Families from Lakewood to Walla Walla are devastated.

Here's one of the stories unearthed in the latest survey: 'I moved here one year ago from Portland after my service to this country and I have had to sell my truck, all my tools and constantly fight to stay afloat. If it were not for my wife and child, I do not believe I would even fight to stay alive. People are struggling, and it's getting worse.'

This problem has gotten out of control. It's hurting families, neighborhoods and the entire American commitment to justice for all.

For all. Not for the wealthy few, for all of us.

Everyone in this state needs access to justice and fair treatment by our courts and laws.

That bedrock principle is the beating heart of our Declaration of Independence, U.S. Constitution and Washington Constitution.

Our choice, as taxpayers and lawmakers, is simple. The first choice is to do nothing to fix it, which means paying more to clean up the wreckage caused by this problem, including joblessness and homelessness.

Or we can pay far less to prevent this legal carnage.

The solution is simple: Restore cuts to civil legal aid made during the great recession.

Through innovation and investment, we can help families stay on their feet and avoid a downward hopeless spiral. Instead of seniors, veterans and the working poor facing nine legal problems per year, they'd get basic legal help. Lawmakers could stop the bleeding during the 2016 session for a little over \$550,000. That's a small price to help local families, including those who are defending our nation.

Little problems would stop snowballing into a family crisis, and people would know they couldn't walk all over a family by taking them to court.

It's long past time to address this critical need. Together, Democrats and Republicans must deliver on the American promise of justice for all.

State Rep. Christine Kilduff, D-University Place, is vice-chair of the House Judiciary Committee and a former assistant attorney general who has staffed volunteer legal clinics in Pierce, Thurston and King counties.

FOX NEWS Opinion – January 4, 2016

By Marth Bergmark

How to reduce domestic violence with legal assistance—

We just recognized Domestic Violence Awareness month as a nation, but you wouldn't know it from the headlines streaming in.

After Cleveland Browns quarterback Johnny Manziel repeatedly smashed his girlfriend's head against a window in October, the NFL recently announced that the star player won't face any disciplinary action. It's yet another high-profile example of how our culture sanctions domestic violence and a sign of how we're still failing to keep everyone in our communities safe.

Will we do any better in 2016—or will their own homes be the most dangerous place for American women next year, too?

The numbers are startling: Approximately 1.3 million women are physically assaulted by an intimate partner in the U.S. every year. Every day, three women die because of domestic violence. It's a life-or-death matter that requires urgent attention.

The causes of domestic violence are complex, and there is no single policy or program that can prevent it from happening. But there is one critical—and long overdue—step we can take that we know makes a great deal of difference in the lives of survivors: ensuring they have access to legal help, regardless of their ability to pay.

People are surprised when they learn that domestic violence survivors aren't guaranteed a lawyer. Only a small fraction of domestic violence incidents lead to criminal prosecutions, and while abusers facing criminal charges have a right to an attorney, survivors seeking protective orders or full custody of children are not, because these matters are considered civil.

Despite the high stakes, survivors who can't afford an attorney must face complicated legal challenges on their own. Without legal help, they often lose, making it impossible to escape dangerous situations and move forward with their lives.

Research shows that increasing access to civil legal aid is one of the most effective strategies to curb rates of domestic violence. A recent report from the Institute for Policy Integrity explains how legal advocacy can reduce domestic violence substantially—even more than access to shelters or counseling services—as much as 21 percent according to one study.

But how exactly does civil legal aid reduce domestic violence?

Legal help makes it easier for survivors to secure protective orders. While some offenders may be arrested and face criminal charges, most aren't, and the best available remedy for survivors is often a protective order from a civil court.

Getting a protective order in court from an abuser can be difficult or close to impossible if you're on your own, even though it can save lives. One study found that only 32 percent of survivors were able to get a protective order without an attorney, compared to 83 percent of survivors represented by an attorney who were able to get one.

Beyond securing protective orders, legal assistance can give survivors of abuse a second chance by providing the resources for them to leave their abusers and forge new, safe, and stable lives for themselves and their children. This is no easy task—abusers often maintain control over survivors' finances and even children. But we know that help from a legal aid lawyer can empower women to sever these damaging bonds and secure housing, public benefits, or much-needed spousal support, all of which require successfully navigating civil proceedings.

According to a new study by the Washington State Supreme Court, low-income survivors of abuse are twice as likely as other low-income people to experience critical civil challenges—including issues around child custody, health, or consumer finance. Civil legal aid provides survivors with the tools to get their lives back on track and gain independence.

Unfortunately, we simply don't put enough resources towards civil legal aid to support all survivors of domestic violence. According to the most recent census of the National Network to End Domestic Violence, barely half of domestic violence programs are able to provide an advocate to accompany domestic violence survivors to court, and only 11 percent of programs can offer legal representation.

We often think of emergency shelters and counseling services as an important resource for survivors of domestic violence to get back on their feet. But without legal assistance for survivors to deal with the critical issues involved in domestic violence, shelters and counseling are only stopgap measures that can't solve the underlying problem.

It's hard to overstate the difference we can make in the lives of survivors by providing them with the right resources. Take Theresa, a mother of six children. When her husband became abusive, she and her children had nowhere to go. She had no car, no job, and no money. But with the help of Iowa Legal Aid, she was able to break her abuser's hold over her—securing a dissolution of marriage and primary custody of her kids—and start a new life. With the spousal support Iowa Legal Aid secured for her, Theresa was able to finish her college degree and get a job as a teacher that allows her to provide for her family.

Civil legal aid organizations across the country have created innovative programs that reduce barriers for survivors to obtain legal help when they need it. Legal Aid of North Carolina, prosecutors, and local law enforcement joined together to create the Victims' Justice Center, a single place where survivors can report their crimes to police and receive the counsel of an attorney, so that they understand their options and can immediately take action.

Other civil legal aid programs are developing creative partnerships with court systems. Mid-Minnesota Legal Aid launched a promising pilot program in Stearns County that has produced the nation's first domestic violence court for repeat offenders. Impressively, there hasn't been a single intimate partner homicide in the county since the project began. Among survivors of repeated domestic violence offenses who received help through the program, 50 percent successfully left their abusers within a year.

We can and should do better by survivors of domestic violence, especially when the stakes are so high. Greater investment in civil legal aid would allow more people to improve their lives and escape dangerous situations. We might finally see this national epidemic begin to retreat, rather than continue to claim lives and hold back our communities.

Martha Bergmark is the Executive Director of Voices for Civil Justice.

The Columbian – December 20, 2015 6:00 AM
By Sen. Ann Rivers

Rivers: Low-income residents deserve access to civil legal aid

My greatest joy as a legislator is helping people. I love that this position gives me the opportunity to assist my friends and neighbors almost every day.

Time and time again, I've gone to bat for folks frustrated by the bureaucracy of state agencies, I've walked members of my community through a maze of forms and websites, I've introduced bills to right a wrong — but sometimes my hands are tied and all I can do is listen.

There is a clear and distinct separation between the legislative and judicial branches of government. The separation of powers is the cornerstone of our democracy, but it can be a bitter pill to swallow at times. If one of my neighbors needs help that is legal in nature — at all — I cannot assist them. They must take their troubles to the judicial branch. That works if you can afford an attorney, but what if you can't? Or what if you don't know the struggles you are facing could be easily solved through the legal system?

Every Washingtonian deserves fair and equal access to our justice system. But a new report finds individuals and families living in poverty in our state are experiencing a growing number of civil legal problems, including issues that affect their ability to secure safe housing, steady employment and access to health care.

Survey research by Washington State University, the “2015 Washington Civil Legal Needs Study Update” finds that 7 in 10 low-income households have at least one civil legal problem each year. Unfortunately, those in our state who face at least one civil legal problem likely face many more, with the average number topping nine civil legal problems per low-income household each year.

While our constitution guarantees defendants the right to an attorney in a criminal case, there is no such guarantee in cases involving legal problems that are not criminal in nature. In fact, the same study found 76 percent of low-income households in our state that had a legal problem received no help at all.

Volunteer lawyers program

Here in Southwest Washington, we are fortunate to have organizations like the Clark County Volunteer Lawyers Program, which connects private attorneys willing to donate their time and expertise with families and individuals to help resolve pressing civil legal problems. In 2014, this program assisted 601 local clients. This year, though the economy is improving, 500 low-income clients will be helped.

It's gratifying to know that more than 120 lawyers in our community have been willing to take on clients with the only compensation being the satisfaction of assisting a neighbor. One of these lawyers helped a

young mother get her abusive husband out of her home, obtain a divorce and secure court-ordered protection. Another assisted a father of four who had lost his job and nearly lost the family's home. At the same time, I'm deeply concerned about the more than 500,000 low-income Washingtonians who are unable to get at least some kind of civil legal help.

This is not acceptable. Washington can and must do better

.

Let's begin by supporting legal aid programs and nonprofits like the Clark County Volunteer Lawyers Program.

Currently, Washington state has one state-funded legal aid lawyer for every 10,783 low-income residents. That's less than half of the national minimal service level of 1 attorney for every 5,000 residents

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Please take a few minutes to look at the new Civil Legal Needs report posted at: ejc.org/justiceforall/. Then please join me in making sure that, in Washington state, there is fair and equal access to justice for all.

State Sen. Ann Rivers serves Washington's 18th Legislative District. Learn more about the Clark County Volunteer Lawyers Program at: www.ccvlp.org/

The Olympian – December 2, 2015 9:56AM

By Rachael Langen Lundmark, Olympia (Executive Director, Thurston County Volunteer Legal Services)

We need justice for all in Thurston County

Thank you for calling attention to the gaps in civil legal aid in our state and this community. I appreciate Kris Goddard's letter to the editor suggesting the formation of a non-profit to increase funding. While more can and should be done, there are a few organizations already working to fill the gap.

The Campaign for Equal Justice is a statewide nonprofit that raises private funds for civil legal aid, supporting local organizations like Thurston County Volunteer Legal Services (TCVLS). Recently, the Campaign had a fundraising event in Olympia attended by area lawyers and judges. For those interested, there's still time to give – donate at: c4ej.org.

While the civil legal aid community depends on broad financial support, we also appreciate the thousands of hours of personal time donated by local attorneys. TCVLS is a nonprofit that organizes local attorneys to provide civil legal advice to low income residents. Our volunteer attorneys come from a variety of sources --- solo practitioners and law firms, the Office of the Attorney General, retired judges and lawyers. Already in 2015, nearly 100 Thurston County attorneys have already donated their personal time to advise 1,062 individuals and families.

TCVLS also appreciates the funding we receive through the Thurston County Bar Association, the Government Lawyers Bar Association, and the Capitol Chapter of Washington Women Lawyers. We welcome additional support via our website which is set up to accept donations: tcvls.org.

Read more here: <http://www.theolympian.com/opinion/letters-to-the-editor/article47540690.html#storylink=cpy>

The Olympian – November 23, 2015 9:56AM

By Kris Goddard, Olympia

Lawyers can help get “justice for all”

Your recent editorial about the Washington Supreme Court’s study touched my heart. It highlighted the “huge unmet need for civil legal assistance for low-income people.”

In criminal cases, the accused are constitutionally guaranteed a lawyer if they cannot afford one. Those charged with civil offenses are - or believe they are - on their own. Three-quarters of people on the edge of poverty deal with the legal system on their own or must pay lawyers. This is bound to move struggling citizens with their existing myriad challenges from bad to worse.

In spite of the recent state budget increases for funding civil legal aid, the cited Supreme Court study concludes that it would take an additional 124 lawyers to provide civil legal assistance for all eligible lower-income citizens of this state.

Washington will again begin its legislative session with a significant budget shortfall. Might I suggest that some of our states’ highest-earning legal firms step up and form a 501(c)(3) non-profit corporation specifically designed to supplement the gap for civil legal assistance funding?

It could prevent untenable financial hardship for defendants and change people’s lives for the better. It would help fulfill the American promise of equal justice for all.

Read more here: <http://www.theolympian.com/opinion/letters-to-the-editor/article46050490.html#storylink=cpy>

STORIES

KUOW.ORG 94.9 FM – October 29, 2015

By Posey Gruener

Justice Gap For The Low Income Has Widened In Washington

There's a justice gap in Washington state, [according to a study published Thursday](#). It says that low-income Washington residents face multiple civil legal problems, but few can afford the help they need.

TRANSCRIPT

Compared to 2003, the last time a study like this one was done, the average number of legal problems a low-income Washingtonian is facing has tripled.

John McKay: "It's like sitting under a waterfall. So many people are coming with more complex problems than ten years ago, that its clear we have to provide some additional support to them."

McKay is a former U.S. attorney and currently a law professor at Seattle University. He said the legal problems can be complex, and they're often intertwined -- like for Teal Victoria.

Three years ago Victoria was in an abusive relationship with the father of her newborn daughter. She left that relationship, which meant she needed a protection order and a parenting plan.

Then, on the day she was supposed to be in court, Victoria got some bad news.

Victoria: "My daughter was diagnosed with stage four brain cancer, so I didn't go to my court case because my daughter had an 11-hour brain surgery to remove the tumor. So that opened up the need for different legal assistance."

Victoria was able to get help from Jennifer Brugger, a lawyer with Northwest Justice Project. She was lucky - at least as far as getting legal help is concerned. Brugger said that Northwest Justice Project sees more people seeking help than they can manage.

Victoria: "It's just something that we face every day, where we're able to help this person, but we can't help five of these other people."

McKay said he's heard the same thing from legal aid lawyers across the state. McKay said there should be about one civil aide lawyer for every 5,000 residents. Washington has one per 12,000 residents.

The study was performed by Washington State University and commissioned by the Washington State Supreme Court.

Washington Supreme Court Justice Charles K. Wiggins said that this justice gap -- as they call it -- needs a "thoughtful, significant, and coordinated response."

Crosscut — October 29, 2015 at 2:17pm
by Joe Copeland

Help wanted: Attorneys

A newly released report says that low-income Washingtonians face increasing burdens of civil legal issues — debt collection, health-care coverage, housing problems — with little recourse to attorneys or any professional legal services. A survey commissioned by the Washington Supreme Court shows that 7 out of 10 low-income residents runs into some civil problem over the course of a year. It also showed that families face three times the average number of civil problems they did a decade ago.

The suggested solutions include state funding of more civil legal aid attorneys and greater use of volunteer attorneys.

Study: Legal problems of poor triple in past decade



PULLMAN, Wash. – A statewide survey of more than 1,600 low-income Washingtonians found that seven of 10 face at least one significant civil legal problem each year and the average number of problems per low-income household has tripled over the last decade.

The majority of low-income Washingtonians do not receive the legal help they need to solve these problems: More than three-quarters of those with civil legal problems struggle without a lawyer or any type of legal help.

The survey was commissioned by the Washington State Supreme Court and conducted by Washington State University's Social and Economic Sciences Research Center.

"We now have greater clarity than ever that we're witnessing the erosion of the proud American principle of Justice for All," said former U.S. Attorney John McKay in a news release from the Equal Justice Coalition, which advocates for legal services for low-income Washingtonians. "We're standing at a point in our history with the information to defend the rights of those who are most vulnerable. This report allows us not just to see the problem, but act for a solution."

The results indicate nearly a half million Washington residents who live in poverty are unable to find help with their civil legal problems such as access to healthcare, consumer finance and debt collection, and employment related issues.

Low-income persons of color, victims of domestic violence or sexual assault, persons with disabilities and youth experience substantially higher rates of legal problems than the general low-income population.

"We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights," said Supreme Court Justice Charles K. Wiggins, chair of the Civil Legal Needs Study Update Committee. "We can and we must do better."

Washington has one state-funded legal aid attorney for every 11,628 eligible residents, which is less than half the nationally recognized minimal level of service of one legal aid attorney for every 5,000 eligible low-income residents.

The 2015 Washington State Civil Legal Needs Study Update follows a similar study published by a state Supreme Court task force in 2003. In response to the 2003 study, the Legislature devoted more resources to address the civil legal problems of low-income Washingtonians and established an agency to administer and oversee the state investment in civil legal aid. 

http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

Peninsula Daily News - November 7, 2015

By James Casey

Washington state Supreme Court judges link injustice to financial inequality at Port Angeles seminar.

PORT ANGELES — Economic obstacles build bigger barriers to equity and justice than any legal technicalities might pose, two of the state's top jurists said.

State Supreme Court Justices Susan Owens and Charles Wiggins said the state's impoverished population has risen by 40 percent over the past 10 years while poor people's legal troubles have shot up from 3.3 issues to 9.3 issues per person each year.

And where once their problems centered on housing and employment, now they have been swelled by consumer cases, financial services and — the biggest category — health care.

Owens and Wiggins spoke with the Peninsula Daily News after they participated in a Clallam-Jefferson Pro Bono Lawyers continuing legal education seminar Friday in Port Angeles City Hall.

Meanwhile, the jurists said, groups like the Northwest Justice Project that help low-income people solve legal difficulties are laying off lawyers and closing offices.

Back in the day

Owens, who served as a Clallam County District Court judge in Forks and as tribal judge for the Lower Elwha Klallam and Quileute tribes, recalled life on the North Olympic Peninsula before environmental challenges crippled the timber industry.

"This [Port Angeles] was a working-class town, but everyone had health care; everyone had above-minimum-wage jobs," she said, and neediness was largely the fate of single mothers collecting welfare.

Even those people had escape routes from poverty, she said, but "then the timber industry tanked," taking with it not just family-wage jobs but humbler tasks like sweeping out the mills or manhandling logs onto the green chains that fed them.

Crime mushroomed "because people didn't have anything to do" to make money, she said.

Owens and Wiggins urged voters and legislators to read and heed the Supreme Court's 2015 Civil Legal Needs Study Update, available at www.ocla.wa.gov/reports, which tells of civil legal problems of low-income state residents.

Meanwhile, the public and their politicians must find the will to narrow the gap the justices said yawns across the concept of equal justice under the law.

Judges vs. lawmakers

That won't be easy, they admitted. Already the court is fining the state Legislature \$100,000 a day for what justices say is lawmakers' failure to meet the state's constitutional "paramount duty" to equitably fund public education.

The court assessed the sanctions in August, having found legislators in contempt of its order a year earlier.

With lawmakers preparing for their next session Jan. 11, however, they have signaled they have no firm plans for educational funding reform that justices insist must abandon local property tax levies to underwrite school salaries and operations.

"If we all had our druthers," Wiggins said Friday, "the Legislature would step up to the bar and find the money.

"But getting to the reality? Aye, there's the rub."

What the court may do about legislative inaction is unknown, he said.

"All that is completely in play right now. We can't say anything [about a pending case], and if we could, we couldn't," Wiggins said.

"We don't know," Owens added. "We really don't know."

Eyeing Eyman's I-1366

Another issue that has arisen recently that the court might find itself addressing is legislation by initiative.

That's illustrated by tax activist Tim Eyman's apparently successful effort to cut the state sales tax by 1 percent unless the Legislature adopts a constitutional amendment requiring a two-thirds supermajority to raise revenues.

"The initiative process is a great process," Wiggins said.

"However, our Legislature has to match income with outflow, and there is no such requirement in an initiative.

"That leads to some real problems when the amount of money you're taking in differs from the amount of money you're sending out.

"You can't run a household that way; you can't run a state that way."

Opponents of Eyman's initiative have threatened to file suit over I-1366.

During the Pro Bono Lawyers' continuing legal education programs, Owens and Wiggins presented a selection of the court's disciplinary actions against lawyers.

The court automatically reviews recommendations that attorneys be suspended or disbarred that come from the Washington Bar Association's Disciplinary Board.

That board, Wiggins said, includes non-lawyers when it meets quarterly in Seattle.

"It's important to have that voice because those are the people who are being protected under the system," he said.

Of more than 2,000 complaints of lawyer misconduct last year, only 71 came before the court, he said, "which I think speaks well of the system."

On another panel, Owens and Port Townsend attorney Peggy Ann Bierbaum discussed sexual discrimination toward female members of the bar and agreed it wasn't what it once was.

When she began practice, Bierbaum said, she joined a legal fraternity of "old white men" whose attitude toward her was more curious than sexist.

'I was some oddity'

"They looked at me like I was some oddity," she said.

"I realized it wasn't so much my gender; they had just been together so long.

"At the end of the day, it wasn't about my being a woman at all; it was about all of the history being brought to the table."

Owens agreed, at least insofar as her newly minted fellow lawyers were concerned.

"We didn't know anything; we didn't know we didn't know anything," she said.

"We started out in the same boat. They certainly treated me as an equal."

Reporter James Casey can be reached at 360-452-2345, ext. 5074, or at jcasey@peninsuladailynews.com.

Last modified: November 07. 2015 5:12PM

- **SKAGIT VALLEY HERALD** - Nov 10, 2015
- By EVAN MARCZYNSKI @Evan_SVH

MOUNT VERNON — When Ken Ginnett believed a former landlord was violating state law, he felt he had few options to get legal help, he said.

Wanting to do what he thought was right, the Skagit County resident turned to the Northwest Justice Project, a publicly-funded legal aid program designed for those living on limited incomes.

“I had nowhere to turn,” Ginnett said. “I couldn’t go out and hire an attorney. It was kind of a last resort.”

The program put Ginnett in touch with Scott Thomas, a Mount Vernon lawyer who has volunteered civil legal aid for Skagit County clients for about a decade. Thomas agreed to represent Ginnett in court and helped the man reach a settlement with the former landlord.

A new study commissioned by the Washington State Supreme Court found low-income residents in the state are facing a growing number of civil legal problems, but few are able to get the help they need.

The study, titled the “2015 Washington State Civil Legal Needs Study Update,” reported in October that more than half a million Washington residents living on limited incomes lack access to civil legal aid.

Seven in 10 of the state’s low-income households face at least one civil legal problem each year, and the average number of civil legal issues low-income households deal with annually has tripled since 2003, according to the study, which relies on data from a 2014 survey of low-income residents by Washington State University’s Social and Economic Sciences Research Center.

The study also found that people of color and those with disabilities, as well as survivors of domestic violence and sexual assault, are more adversely affected by civil legal issues.

When a person charged with a crime can’t afford a lawyer, a judge must appoint one at public expense. But in almost all civil matters, including landlord-tenant disputes, child custody battles and cases involving access to government assistance, no such requirement exists, leaving many with few outlets for help.

Navigating the courtroom without a lawyer is one option, but Thomas said those who try to go it alone put themselves at risk.

“Our justice system, over time, has become quite complex,” he said. “It’s a very difficult venue for those who have a limited ability or exposure to it.”

According to the study, most people who try to get legal help do so to deal with housing disputes.

Civil matters involving housing for low-income families are common in Skagit County, said Eva Wescott, manager of the volunteer lawyer program at Community Action of Skagit County. Many facing legal problems that involve housing lack a detailed understanding of housing laws, Wescott said, making it difficult to defend themselves against poor rental housing conditions and improper eviction proceedings.

In response to the study, the Equal Justice Coalition, which advocates for better legal aid for low-income people, called on state lawmakers to improve access to legal help, including doubling the number of state-funded civil legal aid lawyers, expanding the number of volunteer lawyers representing low-income clients and building better awareness of legal aid services available to those in need.

The coalition estimates \$15.5 million is needed to have enough state-funded lawyers to meet national minimum standards.

Kirsten Barron, a Bellingham lawyer and advisory member of the LAW Advocates of Whatcom County’s board of directors, said the issue should be one that transcends partisan politics, adding that voters should demand more from lawmakers and candidates for political office on the issue of equal justice.

Barron said that expanding access to civil legal aid could go a long way to boosting confidence in the court system. She added she was particularly concerned with a finding in the study that only 24 percent of the low-income people surveyed said they received some level of legal help for at least one problem.

“That’s not justice. That’s privilege,” she said.

Ginnett, who said he used to manage properties as a landlord, said he wanted to speak about his experience in order to bring awareness to the lack of affordable housing in Skagit County and elsewhere.

He said he couldn't be certain what would be able to happen if he had never been able to work with a lawyer.

"I'm glad I didn't have to get to that point, because I really don't know" he said.

— Reporter *Evan Marczyński*, 360-416-2149, evan@skagitpublishing.com, Twitter: [@Evan_SVH](https://twitter.com/Evan_SVH), facebook.com/EvanReports

THE SPOKESMAN - REVIEW – November 10, 2015 4:47 PM

By Rachel Alexander rachela@spokesman.com

Study: Most poor Washingtonians don't get legal help they need

Linda White was struggling before she was sent to juvenile detention. Her six-person family was squeezed into a two-bedroom apartment in Spokane Valley where arguments and fights were common. Then, her mom kicked her out.

When she was 16, she started a fight with another student who was bullying her at school, landing her in detention for two and a half months. Inside, she found a lot of other teenagers who were acting out because of other problems in their lives like homelessness or bad foster families.

"Some of the kids were there multiple times and hadn't had anything done about their situation," she said.

A new study from the state's Office of Civil Legal Aid suggests that's all too common. Seventy percent of low-income households in Washington face at least one civil legal problem per year, and three-quarters of them don't get the legal help they need.

That means half a million low-income Washingtonians are doing without legal representation, and the civil legal needs of the average household have tripled since the state's first study in 2003.

"We have not kept up with the need that's there," said Spokane City Attorney Nancy Isserlis, who spent five years working as a legal aid attorney.

In criminal cases, courts are required to appoint an attorney for anyone who can't afford one. But with a few exceptions, there's no corresponding right to legal aid for civil issues like contesting evictions or lost health insurance coverage.

The study on civil legal needs is based on a 2014 survey of 1,375 low-income Washington residents conducted by researchers from WSU's Social and Economic Sciences Research Center. It was commissioned by the Washington Supreme Court to update data from the 2003 study.

White's probation officer referred her to Team Child, a legal advocacy group that works on civil issues for minors. With help from attorney Rosey Thurman, White was able to get placed in Hutton Settlement, a children's home in Spokane Valley. She got access to her birth certificate and had her juvenile records sealed. Now, she's 21, has completed a college program for massage therapy and is working at a grocery store.

Without legal help, civil issues can quickly spiral into large problems. One survey respondent wrote about being threatened with eviction after a neighbor called the police when her boyfriend was assaulting her. The next time she was assaulted, she made the decision not to call for help because she didn't want to become homeless.

Another woman wrote she lost her job because she had to miss so much work to be in court trying to stop an abusive ex-husband from getting custody of their daughter.

"It's very gut-wrenching. It's very real. It often involves children," Isserlis said of civil legal issues.

Civil legal problems are especially acute for black and Native American people, Latinos, sexual assault and domestic violence victims, young adults and families with veterans or military members, the study found. Health care problems, like insurance not covering needed services or problems with medical debt collection, were the most common, followed by issues with consumer and financial services and employment.

A patchwork of pro bono lawyers, legal aid clinics and other services can help low income clients deal with these problems. The Northwest Justice Project maintains a legal aid hotline at (888)201-1014, which helps refer people to legal services they're eligible for, but finding help can be confusing.

"Many people just don't even bother," Isserlis said.

Washington has only one state-funded legal aid lawyer for every 10,783 low-income residents. Having one attorney for every 5,000 residents is considered the minimal service level to ensure low-income people have legal representation.

"We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights," said Supreme Court Justice Charles K. Wiggins, chairman of the study update committee, in a news release.

Many people don't realize the problems they're facing could be solved with legal help, and many don't know services are available.

"When they come in, people don't know what their legal needs are," Thurman said.

As a result, low-income people often end up representing themselves in civil court proceedings.

The Equal Justice Coalition, a nonpartisan group of civil legal aid providers and supporters, estimates it would take \$15.5 million to fund enough lawyers to close the gap. More private attorneys doing pro bono work also would help.

"We need to step up and do our part. Many of us do, but we can always do better," Isserlis said.

FORMER HOMELESS SPOKANE WOMAN LOOKS TO HELP OTHERS

SPOKANE, Wash. -- A Spokane woman credits a local organization for helping her turn her life around. Lynda White said she was she was alone on the streets at 14-years-old where she struggled to stay out of trouble. She said she did not know her potential until someone from TeamChild reached out to her when she was 17.

White said more needs to be done to help teens in our community struggling with homelessness. White moved to Spokane from Detroit, Michigan at 14-years-old with her mother and six other siblings. She said they stayed in a two bedroom home and many of them had to sleep on the floor. Her mother would disappear for days at a time.

"Me being one of the older ones and more responsible I had to be like this is what we're going to have for dinner, you have school tomorrow, this is what needs to be done so it got to a point where it was I can't do this anymore," said White. "So she said I don't want you here anymore and she called the police on me and had me removed from the house."

White was left with nowhere to turn. She struggled to find the basic necessities and started getting into trouble at school.

"A few times I slept outside in the park, or the baseball field at school that way I was closer to school," said White.

KREM

Study: Almost 3,000 students in Spokane are homeless

White was in an out of juvenile detention until finally she was connected to someone from TeamChild. They helped place her in a group home and eventually helped her get into Hutton Settlement where things finally improved.

"It showed me a whole 'nother life, a life I'd never known before. It was kind of amazing and here I am today," said White. "I'm 21 now and I just graduated from massage therapy school, I work at a Yoke's as a cashier, been there 4 years, and now I'm ready to start a whole new chapter in my life."

White wants to help other kids dealing with the same problems she once struggled with. She said she is one of the lucky ones and not everyone gets the help she did.

"I don't know where I would be I tell people I'd be in jail or not here," said White. "I was suicidal so I had two directions I was going to go to jail like the rest of my family or not be alive but with help I've gotten it allowed me to be here."

TeamChild helped more than 170 kids in 2014. TeamChild leaders said 71 percent had juvenile records and 23 percent were struggling with homelessness.

THE PACIFIC NORTHWEST INLANDER – November 11, 2015 9:28 AM
Posted By Laura Johnson

Veterans Day, ... and more morning headlines

According to a new study from the Office of Civil Legal Aid, **70 percent** of low-income households in Washington face at least one civil legal issue per year, and more than half do not receive the legal help they need. This shows that people's civil legal needs have tripled since Washington's first study in 2003. (Spokesman-Review)

THE UNION BULLETIN – November 11, 2015

By Rachel Alexander – See The Spokesman Review

State's poor lack access to legal help

Washington's poor have little access to the legal system when they need help for civil disputes, a new study from the state's Office of Civil Legal Aid says.

Seventy percent of low-income households in Washington face at least one civil legal problem per year, and three-quarters of them don't get the legal help they need.

That means half a million low-income Washingtonians are doing without legal representation, and the civil legal needs of the average household have tripled since the state's first study in 2003.

"We have not kept up with the need that's there," said Spokane's City Attorney Nancy Isserlis, who spent five years working as a legal aid attorney.

In criminal cases, courts are required to appoint an attorney for anyone who can't afford one. But with a few exceptions, there's no corresponding right to legal aid for civil issues like contesting evictions or lost health insurance coverage.

The study on civil legal needs is based on a 2014 survey of 1,375 low-income Washington residents conducted by researchers from WSU's Social and Economic Sciences Research Center. It was commissioned by the Washington Supreme Court to update data from the 2003 study.

Without legal help, civil issues can quickly spiral into large problems. One survey respondent wrote about being threatened with eviction after a neighbor called the police when her boyfriend was assaulting her. The next time she was assaulted, she made the decision not to call for help because she didn't want to become homeless.

Another woman wrote she lost her job because she had to miss so much work to be in court trying to stop an abusive ex-husband from getting custody of their daughter.

"It's very gut-wrenching. It's very real. It often involves children," Isserlis said of civil legal issues.

Civil legal problems are especially acute for black and Native American people, Latinos, sexual assault and domestic violence victims, young adults and families with veterans or military members, the study found. Health care problems, like insurance not covering needed services or problems with medical debt collection, were the most common, followed by issues with consumer and financial services and employment.

A patchwork of pro bono lawyers, legal aid clinics and other services can help low income clients deal with these problems. The Northwest Justice Project maintains a legal aid hotline at 888-201-1014, which helps refer people to legal services they're eligible for, but finding help can be confusing.

"Many people just don't even bother," Isserlis said.

Washington has only one state-funded legal aid lawyer for every 10,783 low-income residents. Having one attorney for every 5,000 residents is considered the minimal service level to ensure low-income people have legal representation.

“We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights,” said Supreme Court Justice Charles K. Wiggins, chairman of the study update committee, in a news release.

Many people don’t realize the problems they’re facing could be solved with legal help, and many don’t know services are available.

“When they come in, people don’t know what their legal needs are,” Thurman said.

As a result, low-income people often end up representing themselves in civil court proceedings.

The Equal Justice Coalition, a non-partisan group of civil legal aid providers and supporters, estimates it would take \$15.5 million to fund enough lawyers to close the gap. More private attorneys doing pro bono work also would help.

“We need to step up and do our part. Many of us do, but we can always do better,” Isserlis said.

Yakima Herald – November 12, 2015

By Kate Prengaman <mailto:kprengaman@yakimaherald.com>

There's a surge in the need for civil legal services among people who are least able to pay

For Jon Penfold, it's sweet to be home.

For years, he and his wife had trouble finding safe, affordable housing because of a drug felony that had been on his record for more than 20 years.

That left them with few options, and they bounced between slumlords and homelessness before attorneys with the Northwest Justice Project took Penfold's case and convinced a judge to clear his record.

"Right after that, a lot of doors opened, and a month later we moved into the new apartment," said Penfold, who is disabled and lives on Social Security. "Safe housing is a necessity, not a luxury."

Addressing a single legal issue — such as fighting eviction or getting a driver's license reinstated — can often prevent a cascade of mounting issues for low-income families, said Penfold's attorney, Elisabeth Tutsch.

Her client was among the lucky ones. A new state report shows a dramatic rise in the need for civil legal services among those least able to pay for them.

"If you are charged with a crime, you have a right to an attorney, but if you are looking at losing your child or your home, you don't have the same established right to an attorney," Tutsch said. As "civil aid attorneys, we can make a big difference in people's lives; there's just not enough of us."

Legal aid for noncriminal cases in Washington is provided by a patchwork of public assistance firms — such as the state-funded Northwest Justice Project and privately funded Columbia Legal Services — and private attorneys who donate their time.

But the study commissioned by the state Supreme Court found that three-quarters of Washington's low-income residents don't get the legal help they need — either because they don't know that a lawyer could assist them or resources are not available.

"Ultimately, it challenges us to work all the harder to secure the investments needed to deliver on the promise embedded in our constitutional history and our nation's creed — that liberty and justice be made available to all," said Justice Charles K. Wiggins, the chairman of the study committee, in a statement.

The report, released in late October, is an update of the state's first look at the civil legal needs of low-income residents, which was first done in 2003. While it highlights the growing "justice gap" between legal needs and help available, it does not offer estimates for how much funding is needed to alleviate the problems it describes nor does it cite potential sources for the funding.

Among the findings:

- Almost three-fourths of Washington's low-income residents face a civil legal problem each year.
- The most common problems include health care, consumer and financial issues, and employment, but housing and family law issues are significant as well.
- Legal issues are especially acute for victims of domestic violence and sexual assault, minorities and young adults.
- The number of legal problems that low-income families face has tripled in the past decade.

The dramatic increase is likely driven by the economic recession that cost many their jobs, their health care, and in some cases their homes, Tutsch said.

"When the bottom drops out for people because they lose their employment or can't afford medical bills, problems start to spiral," she said.

But the recession also took a hit out of a state funding source that funds legal aid, said Andre Penalver, a Yakima attorney and vice president of Campaign for Equal Justice, a group of Washington lawyers who raise private funds for civil legal aid.

In the 1980s, Washington was the first state to establish a system that puts the interest earned on all money that attorneys hold for their clients — such as when bank accounts are frozen while an estate is settled or payments are made during a foreclosure dispute — toward legal aid for low-income people, Penalver said.

Such programs are now used around the country, but when interest rates crashed in 2008, funds for the program shrunk from \$9 million a year to less than \$2 million.

The Legislature allocates about \$12 million a year to the Office of Civil Legal Aid as well.

Washington state currently has one legal-aid lawyer for every 10,000 low-income residents. Congress recommends twice that. But it's even worse in Yakima County, where the ratio is one lawyer for every 15,000 eligible residents, Tutsch said.

The Equal Justice Coalition says Washington needs an extra \$15 million a year to meet the need statewide.

"People cringe when I say the state should provide more money for legal aid, but there's a long-term benefit to the community," Penalver said. "For example, if an attorney can help a family avoid being evicted, that saves money that would be spent providing services for a homeless family."

Tutsch said some of the most challenging cases involve domestic violence victims who often face medical bills, protection orders, child custody battles and loss of housing.

Given the complexity of many situations, the Northwest Justice Project just doesn't have the capacity to help everyone who calls.

"Yesterday, for example, we got 23 calls, but we can only take about five to six cases a week," Tutsch said.

But the report, which is based on more than 1,300 interviews, also shows that many low-income people still don't know that legal aid could help them or don't trust the justice system to help people like them.

People are more likely to seek help for problems such as foreclosure or custody fights, and less likely for the most commonly reported problems with health care, consumer and financial services, and employment.

Penalver says that shows there's an education need as well as a funding need to close what he sees as an unjust "justice gap."

But more funding — from the state and from donations — would help the half-million residents who are unable to get the legal assistance they need every year, he said.

"\$15 million is not a huge amount relative to the state budget, so it's a solvable problem," Penalver said. "People need to understand that there is a crisis going on and then apply that political pressure."

By Jordan Schrader jschrader@thenewstribune.com

Attorneys hope to ease burden on poor of legal needs

- Survey: Many low-income people face legal problems without help
- Legal woes per household pile up since 2003
- Attorneys want program to help people regain suspended drivers' licenses
-

Attorney Leslie Owen greeted her client with good news last week: A fine for driving with a suspended license had been dropped in Grant County, wiping out \$1,500 of what Teresa Nisbet owed.

The two celebrated the latest step out of a hole Nisbet had dug with credit cards, payday loans, drug use and bad luck. Nisbet recalls how she felt at the bottom of that hole: "I can't see the light. I have no hope."

Now the Olympia resident says she is sober and happy and has resolved the criminal charges against her. What's left are years-old fines scattered across courts and collections agencies in Olympia, Lacey, Thurston County and across the state in Grant County, much of it having accumulated interest at 12 percent a year.

Civil legal-aid lawyers are helping Nisbet, but say their numbers are not nearly enough to represent everyone trying to deal with legal problems. More than three-quarters of poor Washingtonians with civil legal problems face them without attorneys, according to a recent survey due to be presented to state lawmakers at a Thursday committee hearing.

That's actually an improvement from a 2003 survey, but the latest report also found low-income households face far more legal problems than they did before — more than nine problems per household instead of more than three.

Medical bills, debt collection, credit access and other woes pile up for the poor, according to the survey commissioned by the state Supreme Court and conducted by Washington State University.

An advocacy group for civil legal aid, the Equal Justice Coalition, says the state would need to add 124 more state-funded civil legal aid lawyers to the 107 on the job now to meet what the group said are nationally recognized standards for access to legal aid.

That would cost more than \$15 million a year at a time when the Supreme Court demands more money for schools, so lawmakers may look for other solutions.

Owen, senior attorney at the Olympia office of the Northwest Justice Project, said one way to reduce the need for lawyers is a statewide program to help people address suspended-license fines.

Owen said 7 percent of drivers' licenses are suspended and low-level misdemeanor charges for driving with suspended licenses take up about a third of district courts' workloads. She said losing a license is one of the biggest barriers to employment faced by the poor.

"The public should be interested in these people getting their licenses back so they can get a job," said Gerry Alexander, a former state Supreme Court chief justice and an advocate for civil legal aid.

The program Owen envisions would allow participants to access multiple courts at a time as they try to have unpaid fines dropped, put on a payment plan, forgiven through community service, or reduced by pulling them away from collections agencies. Spokane County has a similar program and has seen more revenue, not less, Owen said.

Lacking such a program, Owen goes judge by judge, jurisdiction by jurisdiction on Nisbet's behalf.
"She doesn't have her license yet," Owen said Wednesday, "but we are so close."

The Erosion of Justice for All

I was fortunate to go to a law firm right out of law school that valued pro bono work. There wasn't a lot of preaching about it. I understood I could go down to the legal aid office and meet with clients, something all of the lawyers I admired in the firm did regularly. I did and I was hooked. At my firm, I represented big corporations. While that could be exciting, it was not as rewarding as stopping an eviction that was going to occur at 9 a.m. the next morning. To this day, I believe volunteering for legal aid work connects many lawyers to the reason we went to law school in the first place: we want to help people.

If anything, my commitment to legal aid grows stronger, even though my role has changed over time. I still like the idea of representing real clients, especially helping people who face some pretty awful injustices in their lives. In the nearly 35 years since I started volunteering at Evergreen Legal Services, I've shifted more of my time to being an advocate for legal aid funding because it was obvious that the resources are never adequate.

That's why the recently released 2015 Washington Civil Legal Needs Study Update (available at ocla.wa.gov) is so depressing. We are only reaching a fraction of the Washingtonians who need our help, and the needs are growing exponentially.

We learn from the study that the average number of civil legal problems low-income Washingtonians face in a year has nearly tripled from 3.3 in 2003 to 9.3 today. We get a glimpse of how complex and interrelated civil legal problems often are — and that they can carry long-term consequences.

An eviction is rarely a clear-cut landlord/tenant dispute. Some families can't make the rent because their child has an insurmountable medical problem that has taken them away from their job too many days and cost them a paycheck. Others are caught in abusive, violent relationships and discover they've been served an eviction notice from a landlord who has seen the police on his property too many times.

The 2015 Washington Civil Legal Needs Study Update confirms that, despite our best efforts, we have a wide and growing justice gap in our state. In fact, more than three in four of low-income Washingtonians face significant civil legal problems and get no help at all.

People often know what's happening to them is wrong. They may even know it's against the law. Still, they are powerless because they don't have anyone to advocate for them.

In essence, this study judges the justice system in Washington state and it gives it an extremely low grade — very near failure, in my opinion. There is also an irony within this study: the system is not a failure for those who are able to get help. In fact, 17% of the low-income Washingtonians who got help with their legal problems said their problem was fully resolved.

People are seeing change in their lives. We just don't have enough of it.

So what can we do? I think it begins with awareness. Let's not fool ourselves into thinking there's equal justice for all under the law — because there isn't. Injustice in our state takes many forms, including racial discrimination and economic discrimination. The doors to the courthouse are closed to the poor and the powerless. We have to admit it and confront it.

Government at all levels — local, state and national — has to respond. Washington has just one state-funded civil legal aid attorney for every 10,783 low-income residents. That's less than half the nationally recognized minimum service level of one civil legal aid attorney for every 5,000 eligible residents.

The public and private sectors need to work together to generate much-needed dollars. Financial support for legal aid doesn't pay just for attorneys; it keeps the lights on and makes it possible for staff to screen eligible clients, so more of us can volunteer our time.

And yes, lawyers have to volunteer more to help those cast adrift in our complex world. I personally know the satisfaction that comes when I've been able to help someone to overcome seemingly unsolvable problems. When you are able to help a young mother stay in her home, escape a violent spouse or get the medical attention her child so desperately needs ... that's life-changing.

Finally, we have to reach people who aren't lawyers and encourage them to speak up and say, "Not in my name. The justice gap in Washington state is unacceptable."

Whether you believe in small government or expansion of government, you believe in having a justice system that's open and fair for everyone. That's a bed-rock American principle. Not a political principle. It's what everyone — from the Constitution's framers to Ronald Reagan

— believed in. And yet, today we're witnessing the erosion of the proud American principle of *justice for all*.

Our court system must ensure that people are being treated fairly and in accordance with the law. That is a promise built into the Constitution and a promise that must extend to all, no matter who they are or what resources they have. Not to deliver on that promise is a colossal failure.

Let's roll up our sleeves and get to work. We can do better.

ATTACHMENT 2

To: Department of Commerce, Office of Crime Victims
2015 VOCA Planning and Priority Setting Participants
DV/SA and Other Crime Victim Service Providers

From: Jim Bamberger, Director
Washington State Office of Civil Legal Aid

Re: Integrated Civil Legal Aid for Crime Victims Partnership

Date: October 1, 2015

I am the Director of the [Washington State Office of Civil Legal Aid \(OCLA\)](#). OCLA is a judicial branch agency. Its principal role is to fund and oversee the operation of a statewide network of non-profit legal aid providers serving low income residents of the state. Originally part of the Department of Commerce/OCVA, OCLA was established as a state judicial branch agency in 2005 and state legal aid funding was moved to the new agency at the same time.

On behalf of OCLA and the community of Washington State civil legal aid programs operating under the banner of the [Alliance for Equal Justice](#), I offer the following comments in response to OCVA's invitation regarding the investment of expanded VOCA funding.

In a nutshell, we propose that OCVA dedicate a portion of expanded VOCA funding now and into the future to establish and maintain a permanent **Integrated Civil Legal Aid for Crime Victims Partnership** between the Washington's civil legal aid community and the community-based programs that provide coordinated advocacy and support services for victims of domestic violence, sexual assault and other crimes against persons, including human trafficking. This memo will outline the high level contours of the proposed partnership and then provide background and supporting information in support of the proposal.

OCLA appreciates the effort OCVA has taken to secure broad and deep input into how best to invest these new funds. We appreciate the universal agreement among participants at the Spokane, Yakima and SeaTac workshops that victims of domestic violence, sexual assault, trafficking and other crimes are in need of legal help from the moment of their victimization and that most do not get the help they need. We offer these ideas as a means of responding to this problem in an effective and integrated fashion.

1. OUTLINE OF THE INTEGRATED CIVIL LEGAL AID FOR CRIME VICTIMS PARTNERSHIP

OCLA recommends that OCVA reserve approximately 17% (\$5 million of the \$30 million) of the expanded FFY 2016 VOCA funding (and proportionate shares in succeeding years) to establish and maintain an *Integrated Civil Legal Aid for Crime Victims Partnership* between community-based DV/SA and crime victim programs, the statewide Northwest Justice Project (NJP) and the broader community of legal aid programs that make up Washington State's [Alliance for Equal Justice](#). This level of funding will underwrite up to 40 full-time crime victim civil legal aid attorneys dedicated to work in partnership with professional staff and volunteers at local and regional DV/SA/crime victim programs. The funding will also enable the statewide legal aid community to establish and maintain dedicated support, training and volunteer attorney involvement to help address a spectrum of civil legal problems that flow from the crime victimization of DV/SA program clients and other victims of crime.

The goal of this initiative is to help address the substantial gap in the availability of critically needed legal services for victims that was consistently identified in the community based meetings hosted by OCVA. It does so by intentionally integrating dedicated legal aid staff and volunteer attorneys with programs that provide services to DV/SA and other crime victims in all regions of the state. The VOCA-funded attorneys will focus their efforts on working with programs that operate in rural and remote regions of the state and those that serve marginalized populations regardless of where they reside. While all low-income (at or below 200% FPL) victims will be eligible for victim-related civil legal aid services, priority will be given to addressing the needs of indigent persons with cultural, language, ability or other barriers that limit their ability to secure the services they need to address and move beyond their presenting crises.

As described more fully below, funding at this level will allow civil legal aid providers throughout the state to significantly increase dedicated attorney staffing and maintain an adequately supported infrastructure to more effectively address the civil justice needs of DV/SA victims and related crime victims. This funding will also help expand strategic partnerships between the Northwest Justice Project and other legal aid providers (e.g., Northwest Immigrant Rights Project, King County Bar Association, Tacoma-Pierce County Bar Association and Snohomish County Legal Services) that have unique experience, capacity or expertise to provide the substance and scope of civil legal aid services that victims need. Because these legal aid attorneys will work in partnership (and often on site) with staff in community-based DV/SA and crime victim programs, the integrated model offers an opportunity to enhance collaborative efforts between the statewide and local civil legal aid community and the community of professionals serving victims of DV/SA and other crimes.

2. VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT EXPERIENCE THE GREATEST NUMBER AND BREADTH OF CIVIL LEGAL PROBLEMS OF ANY GROUP IN WASHINGTON STATE

The Office of Civil Legal Aid regularly monitors and reports on the substance and effect of civil legal problems affecting low income Washingtonians. The agency also facilitates effective partnerships with other state agencies and community based organizations to secure and ensure strategic investment of resources to address these needs.¹ OCLA has spent the past year and a half working with Washington State University's Social and Economic Sciences Research Center (WSU/SESRC) to update our understanding of the substance and prevalence of civil legal problems experienced by low income people. In June and July of this year, four research reports associated with this effort were published. These are:

1. Results of the [statewide probability survey](#)
2. Results of a [non-probability survey](#)
3. Technical paper on [Legal Problems Experienced by Victims of Domestic Violence and Sexual Assault](#)
4. [General views of the civil justice system](#) by race

Of most relevance to the decisions about where and how to invest expanded VOCA funding is the Technical Paper breaking down the findings of civil legal problems experienced by persons who identified as victims of domestic violence or sexual assault (the study did not disaggregate these). DV/SA victims had the highest prevalence of legal problems of any demographic group studied and also had the highest per capita incidence of legal problems (19 per capita) of any group studied. As outlined in the report, the prevalence and incidence of problems experienced by DV/SA victims differentiated on the basis of race, age, gender and disability status. Many of the problems directly impact short- and longer-term safety and security considerations for victims and their families. The Technical Paper is attached to these comments.

There are additional indicators of the gaps between the needs of victims for specialized legal services and the current capacity of service providers. For example, the Northwest Immigrant Rights Project (NWIRP) has been providing immigration legal services to victims of crime for over 20 years. NWIRP has received funding directly from OCVA and other sources to support these services and has worked in close collaboration with community-based agencies. In many ways because of this collaboration, there has been a significant increase in the number of immigrant victims identified as needing specialized immigration legal assistance in order to secure protections available under immigration law. This has led to substantial wait-lists for services at NWIRP. As of this September 2015, there were 767 crime victims currently awaiting either a comprehensive intake or direct representation by an attorney through

¹ For example, OCLA works closely with the Department of Commerce, the Office of the Attorney General and the Housing Finance Commission to ensure effective legal representation of low income families facing foreclosure.

NWIRP's offices. Some of these victims are having to wait well over a year in order to secure legal representation in their immigration matter. This, of course, compromises the ability of these victims to secure the legal certainty and related services and support they need to free themselves of their victimization and move forward with their lives.

Unfortunately, because the general civil legal aid system in Washington State is so undercapitalized, there is limited capacity to provide timely and effective assistance to DV/SA victims generally, and even less capacity in some of the more rural and remote parts of the state. As was recognized in each of the community based forums hosted by OCVA, these crime victims need legal help, and they are not getting it. The availability of expanded VOCA funding offers a very real opportunity to dedicate legal aid capacity in ways that most effectively and collaboratively addresses these needs.

3. CIVIL LEGAL AID IS A NECESSARY RESPONSE TOOL FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND OTHER CRIMES

Legal aid providers have long been involved in helping address the problems experienced by low-income victims of domestic violence, sexual assault and, more recently, human trafficking. Some of the programs that make up the statewide Alliance for Equal Justice received VOCA funding for extended periods prior to changes in funding levels and priorities in 2006. Despite the loss of dedicated VOCA funding, the statewide NJP and many of its client service partners, including state-funded volunteer attorney programs, have continued to work closely at the local and statewide level to provide effective legal assistance to domestic violence and sexual assault victims across the state, including many of whom are mono-lingual non-English speakers or immigrants and refugees. However, civil legal aid resources and capacity are increasingly strained and substantially unable to meet the demand and civil legal needs of DV/SA victims, among other high priority pressing basic needs.

As part of the array of its services, NJP maintains a statewide toll-free hotline for DV/SA service providers to make direct referral of clients facing extreme violence and who are urgently in need of legal protection and other civil legal services. Across the state, volunteer legal services organizations (pro bono providers) work with their cooperating attorneys to provide legal representation to DV/SA victims facing a wide array of civil legal problems. Similarly, NWIRP offers specialized services needed to ensure immigrant crime survivors have access to protections under immigration law.²

It is important to note that there are already existing models of close collaboration between the legal aid community and victim service providers around the state. For instance, since 2011, NJP and NWIRP have worked closely with three victim service provider agencies in North Central Washington to provide necessary legal aid services

² A brief outline of some of the more significant contributions made by legal aid providers to the laws and systems designed to protect victims of domestic violence and sexual assault is attached.

to DV/SA victims.³ And, since 2013, NWIRP has worked closely with the Tacoma-Pierce County Bar Association's Volunteer Lawyer Services program to provide community-based legal assistance to immigrant survivors of domestic violence in a project known as the South Sound Immigrant Survivors Project. NJP has a joint project with the King County Sexual Assault Resource Center that supports an attorney providing civil legal aid representation to immigrant and LEP sexual assault victims. NJP has also had long-term relationships with various King County social service providers serving immigrant communities in the Puget Sound area (i.e. Consejo and ReWA), but the level of services and available staff capacity has fluctuated greatly as federal funding (VAWA) has shifted and waned.

The relationship between civil legal aid and crime victim safety has long been understood. As Vice President Biden noted in his [comments](#) commemorating Domestic Violence Awareness Month in October 2010, "Research tells us that effective legal representation is the single most important factor in whether victims are able to escape the domestic violence cycle." (Quoting Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemp. Econ. Pol'y.* 158 (April 2003)).

While civil legal aid is critical to enabling victims to stabilize their lives and address the often-spiraling array of legal problems that flow from their victimization, two problems substantially limit the ability of the system here in Washington State to meet its core promise and responsibility. These are:

- A. The fundamental lack of resources dedicated to providing civil legal aid services to victims of domestic violence, sexual assault and other related crimes including human trafficking; and
- B. The inability to effectively and consistently integrate dedicated civil legal aid attorneys into the work and operations of community-based providers of intervention and support services for such victims.

4. CONTOURS OF THE INTEGRATED CIVIL LEGAL AID FOR CRIME VICTIMS PARTNERSHIP

Crime victims should not have to search out services from multiple entities and at multiple locations during times of trauma and in the immediate aftermath. They need to be assured that the full range of professional needs can be accessed through the professional community-based organization to which they turn for help. The burden rests on us to offer "one-stop professional support" for critically needed victim services.

In Washington State, services and support for victims of domestic violence, sexual assault and human trafficking are principally delivered by community-based organizations with professional staff and volunteers dedicated to these tasks. These organizations best understand the community conditions, have developed extensive

³ The Integrated Rural Legal Assistance Project operates out of Wenatchee and provides coordinated legal assistance to victims throughout North Central Washington.

relationships with law enforcement, judges, legal aid and other justice system leaders and, depending on the program, provide an extensive array of counseling, shelter and other social and human services.

Some programs have developed or institutionalized a limited civil legal aid capacity within their own organizations, most often focused on the urgent needs of victims to secure a no-contact order in a criminal proceeding or to secure a civil protection order. Others have been able to secure grants to work with providers of immigration and general legal aid services. Few, if any, are able to offer assistance to meet the full spectrum of civil legal problems that flow from their clients' victimization. As the Civil Legal Needs Study Update's findings tell us, without such assistance, many victims find themselves facing what seem to be insurmountable problems. All too many go back to circumstances that are unsafe for them, their children and their loved ones.

OCLA proposes building upon and expanding the integrated delivery model effectively tested through the successful collaboration in Eastern Washington -- the Integrated Rural Legal Assistance Project (IRLAP) that operates out of Wenatchee. This program integrates the culturally and linguistically competent general legal services capacity and infrastructure offered through NJP, the unique immigration assistance services offered through NWIRP and the direct social, advocacy and victim support services offered through The Support Center in Okanogan, SAGE in Wenatchee and New Hope in Moses Lake. Bringing these capacities to the table in real-time has increased the likelihood that rural DV/SA victims -- especially those who are mono-lingual and face immigration status-related barriers -- will get the legal help they need to move safely away from their victimizers and address the range of legal problems they need to resolve in order to move forward with their lives.

The IRLAP model offers a promising framework for building a statewide integrated system that timely offers a full range of legal assistance to those who seek help from dedicated and certified community based domestic violence and sexual assault providers (DV/SA programs). We propose creating formal regional collaborations between legal aid providers and the community-based organizations currently serving DV, SA, and other crime victim survivors. These regional collaborations would build on existing formal and informal collaborations between legal services providers and victim service agencies by more intentionally integrating civil legal aid capacity into already-existing professional services delivery infrastructure, such as the 13 geographical regions of OCVA's Crime Victim Service Center (CVSC) program.

Under this proposal, Commerce/OCVA would set aside approximately 17% of expanded VOCA funds for the purpose of contracting with the Northwest Justice Project to add dedicated local staff resources to meet the most critical civil justice needs of victims in each geographic region.⁴ The contract would require NJP to work with OCVA-funded

⁴ OCVA could contract with NJP directly, or it could enter into an Interagency Agreement with the Office of Civil Legal Aid to do the same. The latter approach is the model used by Commerce to facilitate the

regional victim service providers to identify the best approach to integrating civil legal aid services with services provided to DV/SA and other crime victims in each region. In many regions, the collaboration would involve legal aid attorneys working directly on site (at least part of the time) at community-based agencies. The agency partners would also provide input into the highest-priority needs for legal assistance that they are seeing in their client populations. From the pool of contracted funds, NJP would subcontract with NWIRP to provide critically needed immigration relief services in regions where immigration legal assistance is identified as a priority. In regions where legal aid services, or some portion thereof, would most effectively be carried out by volunteer legal services programs, NJP would subcontract with those programs to ensure appropriate recruitment and support for staff and volunteer attorneys. The new funds directed by OCVA to civil legal aid would be in addition to and not supplant any other VOCA funds currently received by DV/SA victim service providers or current grantees of VOCA funding dedicated to immigration related services.⁵

With these funds, local and regional programs would be able to tap into a sophisticated statewide legal aid program – and broader network of volunteer legal aid programs⁶ -- that has the demonstrated ability to deploy, train, support and oversee high quality legal assistance in ways that are culturally competent and linguistically responsive to those who need them. This model would ensure that the legal aid advocates would work in partnership (and often on location) with local program staff in meeting the urgent and continuing needs of victims. As is the case with the attorneys working in the IRLAP project, the VOCA supported attorneys would be able to provide extensive and ongoing training and support for program staff and volunteers. Finally, the model will ensure for the first time that there will be dedicated, local legal aid capacity to address the full spectrum of civil legal needs experienced by DV/SA victims on an equitable, statewide basis.

5. CONCLUSION

Victims are faced with tremendous challenges and VOCA funding can help build infrastructure and systems that allow them to be helped holistically in the communities where they live. The proposed *Integrated Civil Legal Aid for Crime Victims Partnership* offers a way to institutionalize that capacity and ensure effective integration into and coordination between the legal aid and crime victim support community.

transfer of funding generated from the Foreclosure Fairness Act for foreclosure related civil legal aid services. OCLA defers to OCVA to determine the most efficient contracting and oversight protocol.

⁵ The allocation of funding and legal aid staff capacity to each region would be allocated through negotiations between NJP, OCVA and the statewide coalitions. The objective will be to ensure some level of embedded capacity in each major region and significant community center in Washington State, ensuring geographic proportionality and, where possible given available resources, proportionality to the population in need of help.

⁶ See this [video](#) highlighting a domestic violence client of the Blue Mountain Legal Aid program in Walla Walla.

OCLA and the statewide civil legal aid community welcome your consideration of this proposal and the opportunity to work with the DV/SA and larger crime victim community to build a sustainable, effective and enduring partnership that works for all victims of these crimes.

Legal aid attorneys have long been involved in helping give voice to and addressing systems that limit justice for victims of domestic violence in Washington State.

Examples include:

- 1979- Domestic Violence Act, declaring domestic violence to be a crime and creating a system of official response among law enforcement
- 1984 – Domestic Violence Protection Act, creating a civil remedy to domestic violence now known as the DVPO
- 1989 – Parenting Plan Procedures Act, creating limitations on residential time in care of children based on domestic violence
- 1992 – Courthouse Facilitator Project, to assist pro se persons and domestic violence advocates through family law proceedings
- 1997-VOCA funded project to connect DV service providers to legal assistance (pilot project)
- 1999-DOJ rural domestic violence grant funded Columbia Legal Services to work with community leaders to provide outreach and community education to farmworker victims of domestic violence in rural Eastern Washington, and included direct representation to battered immigrants in contested custody cases in Yakima, Benton, Franklin, and Walla Walla Counties. This effort resulted in, among other things, the establishment of Amigas Unidas, an organization of immigrant Latina DV victims providing support and advocacy for their peers.
- 2001-present – Snohomish County Legal Services partners with Pathways YWCA Shelter to staff and supervise a bi-monthly family law legal clinic at the shelter.
- 2004 – 2010 – DOJ Violence Against Women’s Act project that partnered a legal aid lawyer each with Consejo Counseling and Referral Service and ReWA (Refugee Women’s Alliance) to provide civil legal aid to immigrant survivors of domestic violence and sexual assault
- 2005 -- Present – Thurston County Legal Services partners with SafePlace, a local DV shelter, to provide a bi-monthly legal clinic at the shelter for victims of domestic violence.
- 2005 – NJP/KCBA VOCA funded Multi-Cultural Family Law Clinic serving victims/survivors of Domestic Violence – continues to present (with OCLA/LSC funds)
- 2007 – Present --- OCVA-led program under the Grants to Encourage Arrest Program (GTEA) supports collaboration between Northwest Immigrant Rights Project (NWIRP) and domestic violence and sexual assault agencies.

- 2007 -- Present -- Clark County Volunteer Lawyer Program partners with YWCA Domestic Violence Program to provide bi-monthly legal clinics at the shelter for victims of domestic violence.
- 2007 – Present -- VOCA-funded project supports NWIRP's participation in OCVA's Crime Victims Services Center program to provide legal advocacy on immigration matters to crime victims.
- 2008 -- Present – King County Bar Association Pro Bono Services partners with Foster Pepper PLLC and local DV shelters, New Beginnings and Lifewire, to provide monthly legal clinics at the shelters for victims of domestic violence.
- 2009 – Present – Snohomish County Legal Services partners with local Domestic Violence Services to provide monthly DV classes and legal clinics in the shelter for victims of domestic violence.
- 2010-2012 – Federal grant from Office on Violence Against Women supported collaboration between NWIRP and 5 DV/SA agencies in Eastern Washington (New Hope, Consejo, The Support Center, SAGE and Lower Valley)
- 2011-2013 – OCVA through VOCA funds supports Immigration Legal Services Program, carried out by Northwest Immigrant Rights Project, to provide legal assistance to victims of domestic violence, sexual assault and other crimes. Program was eliminated in 2013 due to reduction in VOCA funding.
- 2011 – Present – NJP and NWIRP along with 3 victim services programs in North Central Washington partner to provide integrated, holistic legal services to immigrant victims/survivors of domestic violence and sexual assault (IRLAP – Integrated Rural Legal Assistance Project)
- 2011 -- Present – LAW Advocates partners with DVSAS of Whatcom County to provide intensive assistance to victims of domestic violence through bi-weekly legal clinics and monthly informational workshops.
- 2011 -- Present – Benton-Franklin Legal Aid partners with Domestic Violence Services of Benton and Franklin County to provide legal services to victims of domestic violence.
- 2013 -- Present – Eastside Legal Assistance Program partners with DAWN, a local DV shelter, to provide a full time staff attorney located at the shelter to serve the legal needs of DAWN's clients.
- 2013 – Present- King County Bar Pro Bono Services becomes a partner on the King County Domestic Violence and Mental Health Collaboration Project, collaborative partnership between the King County Coalition Against Domestic Violence (KCCADV), Consejo Counseling and Referral Service, King County Protection Oder Advocacy Program, LifeWire, Sound Mental Health, and the family law pro bono services programs through the King County Bar. The purpose of the project is to strengthen collaboration between domestic violence advocates, mental health service providers and attorneys in order to better meet

the needs of domestic violence survivors who have mental health concerns and who are involved with the civil legal system.

- 2013 - present -- NWIRP along with the Tacoma-Pierce County Volunteer Legal Services program and Tacoma Community House provide integrated services to immigrant survivors of domestic violence in the South Puget Sound region.
- 2014-present – NWIRP joins existing “Crossing Borders” project led by the Washington State Coalition Against Domestic Violence (WSCADV) and supported by OVW Rural Program grant. Project focuses on serving Latina survivors in rural areas of Eastern Washington.
- 2012 – present – working in conjunction with the DV unit of the Seattle Office of the City Attorney and Seattle law enforcement agencies, NJP provides civil legal assistance to Seattle resident victims of domestic violence (City of Seattle Funded grant)
- 2014-present – NJP partners with King County Sexual Assault Resource Center (KCSARC) to provide civil legal services to monolingual Spanish speaking victims of sexual assault being served by KCSARC.
- 2013-present – NJP collaborates with Washington Anti-Trafficking Response Network (WARN) to provide outreach and civil legal assistance to farmworker victims of trafficking in Eastern Washington (funded by International Rescue Committee – Seattle)
- NJP submitted Amicus brief in support of prevailing domestic violence victims right to seek relief without payment of filing fee under GR 24 – *Jafar v. Webb*, 177 Wn.2d 520 (2013).
- NJP submitted Amicus brief in support of prevailing domestic violence victim’s right to a domestic violence protection order based on hearsay statement’s of child abuse victim. Court held that abuser husband was not denied due process by lack of right to cross-examine alleged child victim of domestic abuse. *Gourley v. Gourley*, 158 Wn.2d 460 (2006)
- NJP represented respondent at trial and on appeal to obtain a Domestic Violence Protection Order protecting victims/survivors from having to present their need for a DVPO to a jury. Court held that an alleged abuser has no right to a jury trial in a DVPO proceeding. *Blackmon v. Blackmon*, 155 Wn. App. 715 (2010)
- NJP attorneys are frequent presenters at annual Washington Coalition Against Domestic Violence (WSCADV) conference and at national convenings of advocates and policy-makers related to proposed solutions to address the problem of domestic violence/sexual assault among immigrant, Native Americans and other particularly vulnerable demographic groups, and have been and currently are members of the Supreme Court’s Gender and Justice Commission.



**CIVIL LEGAL PROBLEMS EXPERIENCED
BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL
ASSAULT IN WASHINGTON STATE**

Findings from 2014 Civil Legal Needs Study Update

Technical Report # 15-034

Submitted by:

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Introduction

This report is based on the data from the 2014 Civil Legal Needs Study Update—a state-wide study the main goal of which was to update and deepen understandings regarding the substance, prevalence and impact of civil legal problems experienced by low-income residents of Washington State. The study consisted of two separate but complementary components:

- A mixed-mode (web, mail, and phone) state-wide probability survey of low-income respondents; and
- A non-probability survey of individual low-income people throughout Washington who represent groups that were unlikely to be sufficiently represented in an address-based probability survey.

A comprehensive Probability Survey Report was published in June 2015.¹ It outlines the key findings relative to the legal problems experienced by the general low-income population and specific targeted subpopulations, including persons who identify as victims of domestic violence and sexual assault (DV/SA victims). The Report documents that DV/SA victims have the highest per capita incidence of problems experienced by any group that was studied and experience a full spectrum of legal problems arising from or related to their victim status. Because the findings were so significant, it was decided to explore the experience of DV/SA victims in more detail.

This report digs deeper into the data and incorporates data from both components (probability and non-probability) of the study and breaks down the key findings in respect to the types of civil (non-criminal) legal problems experienced by victims of domestic violence or sexual assault (DV/SA), the percentage of DV/SA victims that sought legal help, where they went for legal help and the impact of legal assistance in resolving their legal problems. Through this report we effectively take a magnifying glass and look at the experiences of low-income victims of domestic violence and sexual assault and compare these with those reported in the Probability Survey Report for the general population.

A total of 1,599 completed survey from eligible respondents were received. Of these, 1,375 (86%) completed surveys were received from eligible respondents during a probability research effort, and 224 (14%) completed surveys were obtained through a non-probability component. Of all completed surveys, 175, or 10.9%, were received from respondents who identified as DV/SA victims. Respondents did not distinguish between their status as a victim of domestic violence or sexual assault. Of the 175 DV/SA victim respondents, sixteen (9%) were received via phone, fifty-three (30%) were received via web, and one hundred and six (61%) were received via mail. The majority (61%) of DV/SA victims had a cell phone but did not have a landline phone at the time of the survey.

¹ <http://ocla.wa.gov/wp-content/uploads/2015/07/CLNS14-Executive-Report-7-13-2015-FINAL.pdf>

Principal Findings – Problems Identified by Victims of Domestic Violence or Sexual Assault

1. DV/SA victims experience the highest number of problems overall and per capita relative to the general low-income population or any other demographic group studied. While 75% of all survey respondents reported experiencing at least one legal problem, all 175 DV/SA victim respondents experienced at least one problem in the surveyed problem areas.
2. DV/SA victims reported an aggregate total of 3,446 separate problems in areas identified in the survey instrument with an average of 19.69 problems per household/respondent.² This is 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington.
3. The vast majority (81%) of persons who identified as a victim of DV/SA were aware of their legal problems and the same percentage of DV/SA victims were adversely affected by legal problems, including 44% who were severely affected by the problems they experienced.
4. DV/SA victims experienced the greatest percentage of problems in the area of family relations.
5. Besides family-related problems, DV/SA victims experienced substantially higher rates of problems in each of the major substantive areas, including health care, consumer-financing, municipal services, rental housing, and employment.
6. There exist significant disproportionalities in the experiences of members of distinct sub-demographic groups of DV/SA victims. Relative to the entire DV/SA victims groups, African-Americans, Native Americans, Hispanic/Latinos, persons with disabilities and young victims experience substantially higher numbers of substantive legal problems.
7. DV/SA victims experience significantly higher levels of problems associated with discrimination and unfair treatment relative to the general low-income population.
8. The findings regarding discrimination and unfair treatment also show significant disproportionalities in experiences of victims who are African-American, Native American Hispanic/Latino, have disabilities with disabilities and who are young. Members of these groups reported especially high rates of discrimination and unfair treatment in the areas of employment, rental housing, consumer-financing, access to government assistance, education and health care.

² For comparison, respondents in a probability portion of the study reported an aggregate total of 7,460 separate legal problems with an average of 9.3 legal problems per household.

9. Significant differences exist between actions taken by DV/SA victims to secure legal help and those of the general low-income population. Most DV/SA victims sought help from the statewide CLEAR hotline, social or human services organizations, and legal aid. Many also sought help from a volunteer (unpaid) attorney. In contrast, the majority of low-income people who sought help with legal problems tried to get assistance from a private attorney.
10. Consistent with the findings for the overall respondents, the majority (62%) of victims of domestic violence who got legal help were able to gain some resolution of their legal problem. Seventeen percent (17%) were able to completely resolve their problems with legal help.

Demographic Characteristics of DV and Sexual Assault Victims

Of the 1,599 completed surveys, 175, or 10.9%, were received from victims of domestic violence or sexual assault (DV/SA victims).

Table 1 shows the relative breakdown of victims of domestic violence or sexual assault by gender, age, marital status, household composition, immigrant and citizenship status, disability status, homeless status, income and employment status, and military/veteran status.

Fifty eight percent (58%) of DV and sexual assault victims were White, 13.2% were African-American, 16.1% were Native American, 2.3% were Asian, 0.6% were Pacific Islanders, and 8% were mixed or “other” race. Almost 21% of DV and sexual assault victims were Hispanics (Table 1).

The majority of DV and sexual assault victims were female (83.5%). More than half (53.5%) were between 18 and 39 years of age, had a disability (48%), were not employed (55%) and lived in a household with children (62.5%).

Fifteen percent (15%) of DV and sexual assault victims were married; 20% were caring for a one or more dependent persons; and almost 16% were homeless at the time of the survey (Table 1).

Table 1: Household Characteristics of DV/SA Victims³

Demographic Characteristics	Respondents	
	n	%
Race		
White	101	58%
Black or African-American	23	13.2%
Asian	4	2.3%
Pacific Islander	1	0.6%
Native American/Alaska Native/Native Hawaiian	28	16.1%
Mixed race	8	4.6%
Other race	6	3.4%
Hispanic or Latino	36	20.7%
Gender		
Male	26	15.3%
Female	142	83.5%
Transgender or other	1	0.6%
Total	170	100%
Age		
0-17	6	3.5%
18-24	24	14.1%
25-39	67	39.4%
40-64	63	37.1%
65+	10	5.9%
Total	170	100%
Marital Status		
Married	26	15.5%
Not married, but live and share household expenses with another	30	17.9%
Single and live alone	50	29.8%
Other	62	36.9%
Total	168	100%
Households composed of families with children		
Households without children	64	37.4%
Households with children	107	62.5%

³ Note: The table 1 includes only respondents who provided responses to questions asking about income and household characteristics.

Table 1: Household Characteristics of DV/SA Victims³

Demographic Characteristics	Respondents	
	n	%
Total	171	100%
Homeless		
Homeless	26	15.6%
No	141	84.4%
Total	167	100%
Disability		
Disability	83	48%
No disability	90	52%
Total	173	100%
Caring for Dependent		
Yes	36	20.9%
No	136	79.1%
Total	172	100%
Military Status:		
Served in the military	27	16%
Did not serve in the military	142	84%
Total	168	100%
Citizenship		
United States citizen	150	88.2%
U.S. permanent resident, but not a U.S. citizen	6	3.5%
Citizen of another country	10	5.9%
Other	4	2.4%
Total	170	100%
Employment		
Not employed	94	55%
Employed full-time	35	20.5%
Employed part-time	35	20.5%
Self-employed	7	4.1%
Total	171	100%

Prevalence of Legal Problems

Victims of domestic violence and sexual assault (DV/SA) continue to experience the highest number of problems overall and per capita than any other demographic group. While 75% of all survey respondents reported experiencing at least one legal problem, all (100%) of the 175 DV/SA victims participating in the study reported at least one civil legal problem in one of the surveyed problem areas. DV/SA victims reported an aggregate total of 3,446 separate legal problems in areas identified in the survey instrument with an average of 19.69 legal problems per household/respondent⁴ that was 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington.

DV/SA victims have disproportionately higher levels of legal problems than members of the general low-income population in each category of substantive legal problems including family, health care, consumer-financing, municipal services, rental housing, and employment. The vast majority (81%) were aware of their legal problems⁵ and the same percentage were adversely affected by legal problems, including 44% who were severely affected by problems they reported.

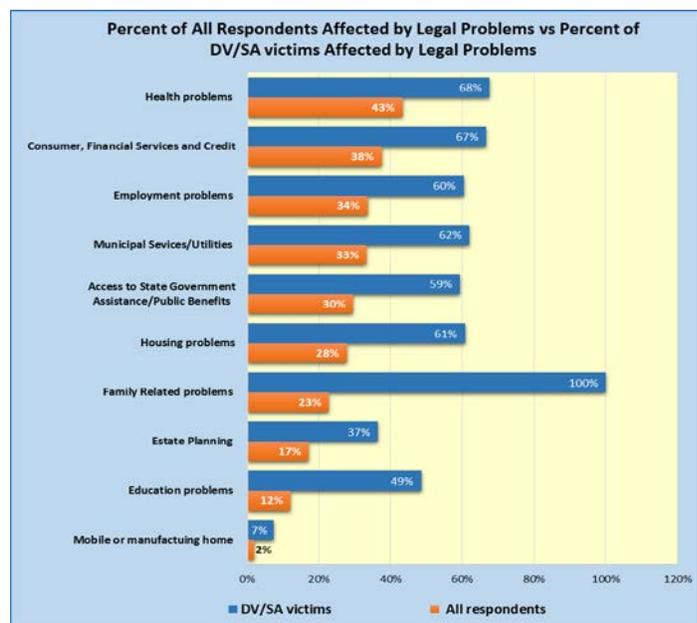


Figure 1: Percentage of DV/SA victims affected by legal problems in relation to the general low-income population, by category

Figure 1 shows the prevalence of legal problems by substantive area experienced by DV/SA victims in relation to comparable percentages reported for the general low-income population.⁶ This group has disproportionately higher levels of legal problems than the general low-income population in each category of substantive legal problems. Family-related problems were the most prevalent, followed by health care (67.6%), consumer-financing (66.7%), municipal services (62%), rental housing (61%), employment (60.4%), and access to government assistance (59.4%). Close to a half (48.6%) experienced at least one education-related problem and 36.5% had legal problems with estate planning, guardianship.

⁴ For comparison, respondents in a probability portion of the study reported an aggregate total of 7,460 separate legal problems with an average of 9.3 legal problems per household.

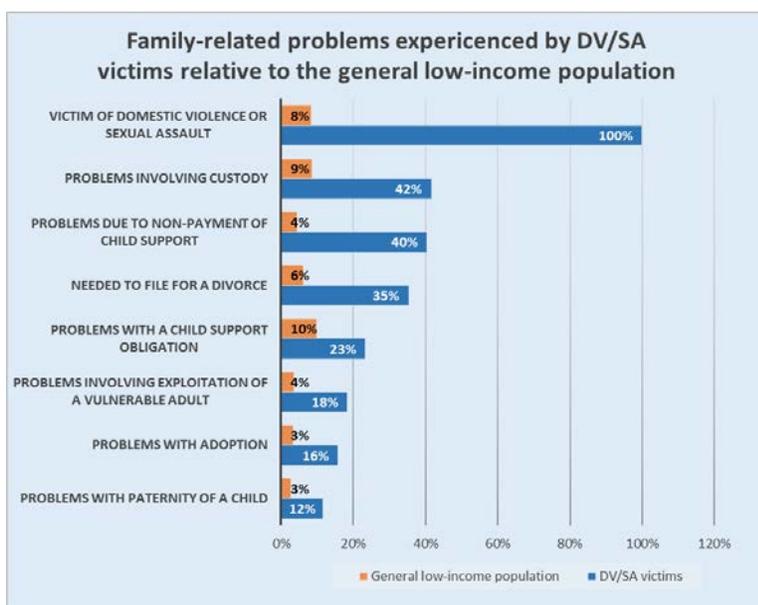
⁵ Question 1 of the survey asked respondents to choose between “Yes” or “No” answer to the following: “In the last 12 months, have you had any civil (not criminal) problems for which you thought you needed legal help? (For this survey, “you” refers to you and the members of your immediate household. Household means all persons living together in a unit and sharing income and expenses).”

⁶ The corresponding percentages were reported in the [Civil Legal Needs Study Update \(June 2014\)](#)

Prevalence of Family-Related Problems

DV/SA victims experience the highest number of family-related problems than any other demographic group. Figure 2 shows the prevalence or percentage of DV/SA victims affected by various specific family-related problems.

Relative to the entire low-income population of Washington⁷, DV/SA victims were 9 times more likely to experience problems associated with non-payment of child support (40% versus 4.4% respectively), 6 times more likely to have problems related to filing a divorce (35% versus 6.1% respectively), 5.12 times more likely to have problems involving custody of children at a (42% versus 8.6% respectively), and 5 times more likely to experience problems involving exploitation of a vulnerable adult (18% versus 3.6% respectively) than the rest of low-income population.



Significant differences also existed in the rates of problems experienced by DV/SA victims in the areas of adoption, paternity of child, and child support obligations.

Specifically, DV/SA victims were almost 2.45 times more likely to be affected by problems associated with child support (23% versus 10%), 4.28 times more likely to have problems related to paternity (12% versus 2.8%), and 5 times more likely to have problems with adoption (16% versus 3%) than the entire low-income population in Washington.

Figure 2: Percentage of DV/SA victims affected by family-related problems relative to the entire low-income population

⁷ See [CLNS14 Legal Needs Study Update](#) at page 29

Discrimination and Unfair Treatment by Demographic Identity

DV/SA victims experience significantly higher levels of problems associated with discrimination and unfair treatment than the general low-income population of Washington. Specifically, while 47.4% of all survey respondents experienced at least one problem associated with discrimination, 67% of all DV/SA victims experienced at least one problem associated with discrimination or unfair treatment.

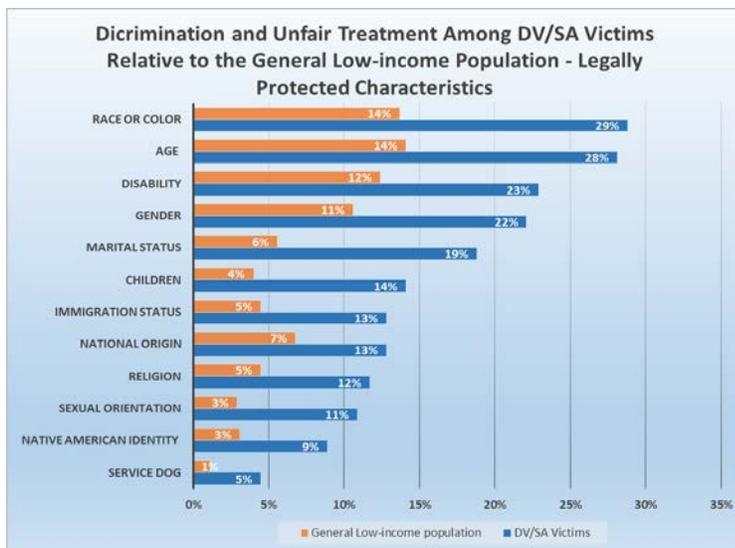


Figure 3: Percentage of DV/SA victims relative to the entire low-income population reporting discrimination or unfair treatment on the basis of at least one legally protected characteristics

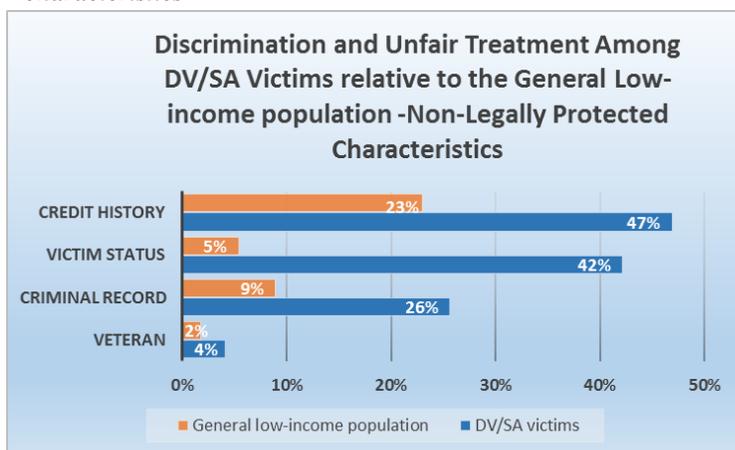


Figure 4: Percentage of DV/SA victims relative to the entire low-income population reporting discrimination or unfair treatment on the basis of at least one non-legally protected characteristics

Figure 3 shows the percentage of DV/SA victims who experienced discrimination on the basis of a state or federal legally protected classification relative to the entire low-income population of Washington⁸, DV/SA victims encounter discrimination at significantly higher rates. Specifically, DV/SA victims were from 2 to 3 times more likely to experience discrimination based on race or color, age, disability, gender, marital status, Native American Identity, and sexual orientation than members of the general low-income population.

Figure 4 shows the prevalence of problems relating to discrimination or unfair treatment experienced by DV/SA victims with respect to characteristics that are not categorically protected under either state or federal law. Relative to the entire low-income population of Washington⁹, DV/SA victims were from 2 to 3 times more likely to experience discrimination based on credit and criminal record. Finally, DV/SA victims were 7.7 times more likely than the entire low-income population to be discriminated on the basis of their status as victims (42% vs 5%).

⁸ See [CLNS14 Legal Needs Study Update](#) at page 41

⁹ See [CLNS14 Legal Needs Study Update](#) at page 41

Percentage of DV/SA Victims Who Try to Get Legal Help

Figure 3 shows the percentage of DV/SA victims who were aware of legal problems they experienced.¹⁰ Relative to the entire low-income population of Washington, DV/SA victims were 2 times more likely to be aware that problems they experienced had a legal component for which they might seek legal help (81% versus 39%, respectively).

The same percentage of DV/SA victims (80%) were adversely affected by legal problems, including 44% who were severely affected by one or more of the problems they reported.

Figure 4 shows the percentages of DV/SA victims tried to get legal help with one or more of the problems they identified. Relative to the general low-income population, DV/SA victims were 2 times more likely to try to get some level of legal help (50% versus 24%), while 15.0% sought, but could not get it. Only thirty six percent (36%) took no action to get legal help to solve legal problems.¹¹



Figure 3: Percent of DV/SA victims who were aware of legal problems they experienced

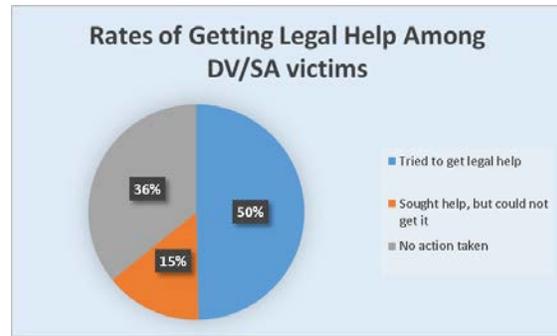


Figure 4: Percent of DV/SA victims who made efforts to get legal help with one or more legal problems

¹⁰ Legal Awareness was measured by Q1 of the survey. Question 1 of the survey asked respondents to choose between "Yes" or "No" answer to the following: "In the last 12 months, have you had any civil (not criminal) problems for which you thought you needed legal help? (For this survey, "you" refers to you and the members of your immediate household. Household means all persons living together in a unit and sharing income and expenses)."

¹¹ This section focuses on steps people take with respect to problems *other than discrimination*. The corresponding figure for the general low-income population is 65%.

Where Do Victims of Domestic Violence Go to Get Legal Help?

Relative to overall low-income residents, DV/SA victims were 2.25 times less likely to seek help from a paid attorney than members of the general population of low-income Washingtonians (16 % versus 36%), but they were 2.5 times more likely to seek help from the statewide CLEAR hotline (30% vs 12%), and 1.8 times more likely to seek help from social or human services organizations (29% vs 16%).

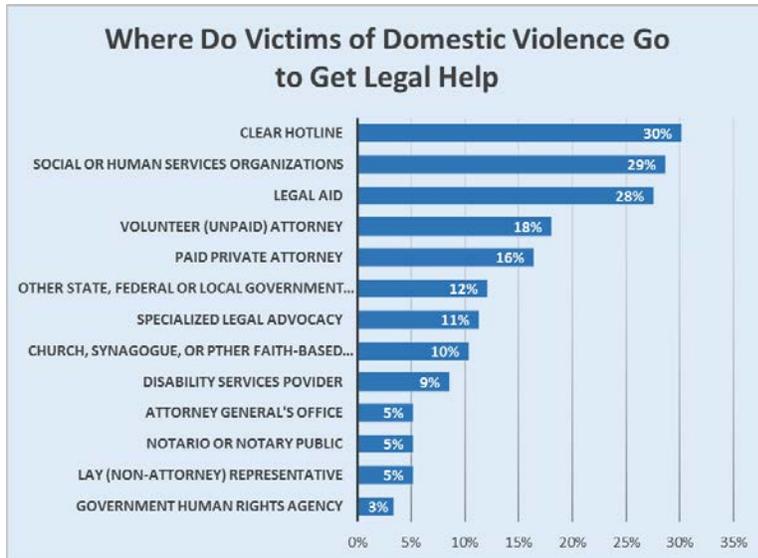


Figure 5: Percentage of DV/SA victims who tried to get legal help with one or more problems, by type of provider.

The rates of getting legal help from volunteer (unpaid) attorney (28%), other state, federal or local government (12%), specialized legal advocacy (11%), church, synagogue, or other faith-based organization (10%) among DV/SA victims are similar to those of the overall low-income population of Washington.

The general breakdown by category of problems for which DV/SA victims sought help were consistent with the general low-income population with exception of a greater percentage in the area of family law (56% vs 21.4%).

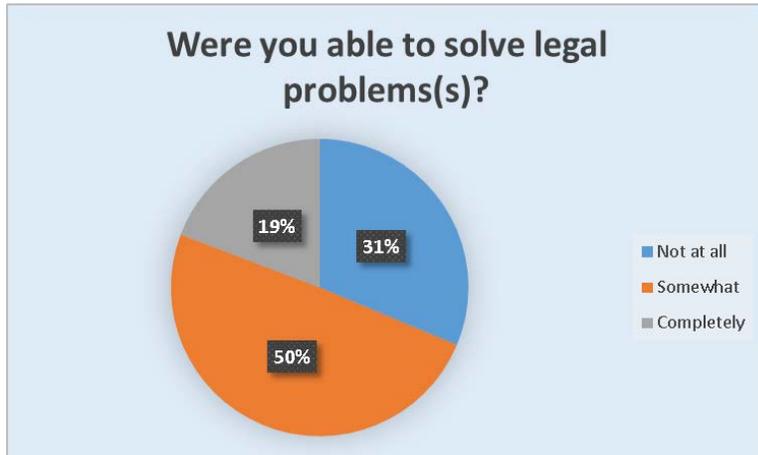


Figure 6: Resolution of problems for DV/SA victims who sought and obtained some level of legal help

The percentage of DV/SA victims who were able to solve some portion of their legal problem was consistent with that reported for overall survey respondents (50% versus 44%). The same is true for the rates of obtaining complete resolution for their problems (19% of DV/SA victims versus 17% for all respondents).

DV/SA Victims' Views of the Civil Justice System

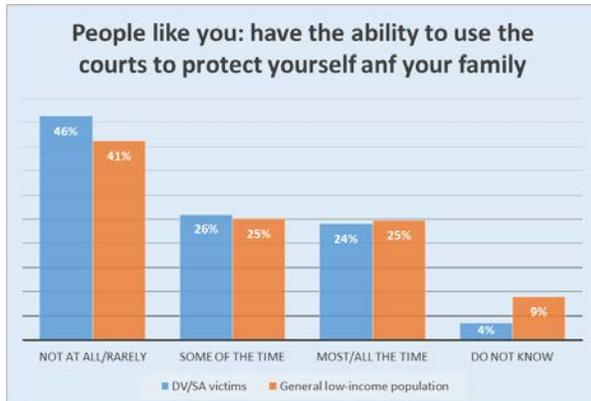


Figure 7: DV/SA victims' views of the courts relative to the views of the entire low-income population

Perceptions regarding fairness or effectiveness of the civil justice system for “people like me” and its ability to serve as a forum for the effective resolution of disputes are not dissimilar from (though a bit magnified) than those shared by the overall respondents.

Figure 7 shows that while 41.2% of all survey respondents did not believe that people like them have the ability to use the courts to protect themselves and their families or to otherwise enforce important legal rights, 46.2% of DV/SA victims felt the same way.

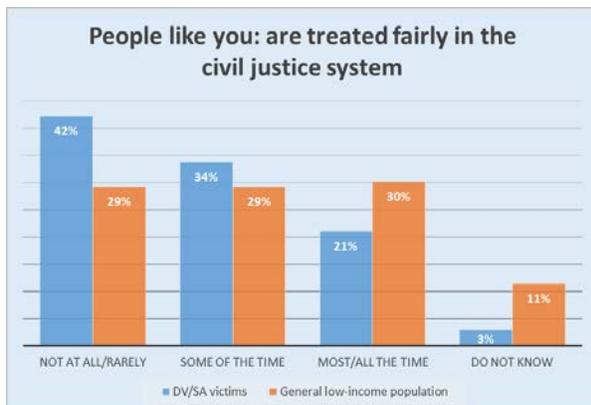


Figure 8: DV/SA victims' views on fair treatment relative to the views of the entire low-income population

Figure 8 shows that while 30% overall respondents felt that people like them are treated fairly in the civil legal system most or all the time, 21% of DV/SA victims felt the same way.

Figure 9 shows that while 26.7% of overall respondents felt that people like them could rarely if ever effectively resolve important problems through the civil justice system, 30.6% of DV/SA victims felt the same way.

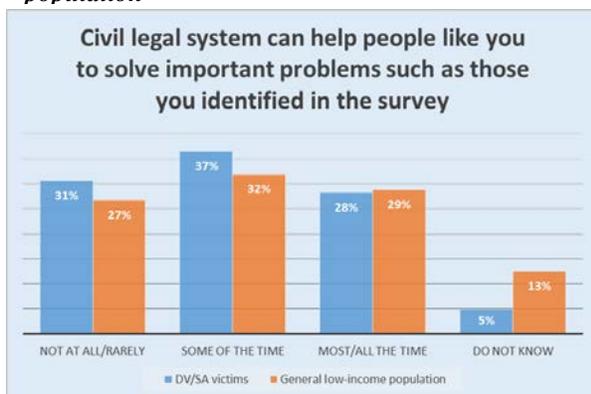


Figure 9: DV/SA victims' views on solving problems relative to the views of the entire low-income population



Department of Commerce, Office of Crime Victims
2015 VOCA Planning and Priority Setting Participants

Re: Comments regarding new/expanded VOCA

Dear Office of Crime Victims,

We write in support of dedicating \$5 million of increased FFY 2016 VOCA funding for civil legal aid as outlined in the October 1, 2015 comments submitted by the Office of Civil Legal Aid. We envision that a portion of this dedicated funding will facilitate new and innovative partnerships between VOCA-funded civil legal aid providers, law enforcement and prosecuting attorneys who work daily with victims of domestic violence and their children.

There is an epidemic of domestic violence in Washington State. Every year 50,000 domestic violence police incident reports lead to 35,000 criminal domestic violence prosecutions. Studies repeatedly find homicide, rampant criminal recidivism, and the highest risk of violent crime in domestic violence offenders.¹ In 2015, the legislature's risk assessment study found domestic violence to be the greatest criminal predictor of violent recidivism, not just of domestic violence, but all violent crime.² This was the basis for a recent New York Times Op-Ed "[To Stop Violence, Start at Home](#)," highlighting the response to domestic violence as key to reducing violent crime.

The criminal response, however, only tells part of the challenge faced by domestic violence victims and their children. The [2015 Civil Legal Needs Study](#) details how domestic violence victims face significant civil legal problems that affect every aspect of their lives from family, health care, credit, housing, education and access to essential governmental benefits and services. Moreover, every year tens of thousands of victims seek civil protection orders without any legal assistance or the means to afford legal representation not only to secure immediate protection, but to address the range of civil legal problems that flow from their victimization. Obtaining a domestic violence protection order is an arduous, emotional and risky task for victims. Many need interpreters and all are taking enormous risks to stand up to their abuser. In 2015 the King County Prosecutor's Office provided protection order advocacy services on 5,715 cases, 90% of whom did not have attorneys. Victims need civil legal assistance.

Civil legal aid and civil protection orders are a key part of what works to reduce domestic violence and violent crime in a community. A 2015 report by Prof. Mary A. Kernic,³ epidemiologist at the University of Washington, found that timely legal assistance can reduce the number of domestic violence victims by 21% and help achieve positive results in critical family related legal disputes between a victim and her abuser which offer greater protection and greater certainty as she moves forward with her life.⁴ Civil protection orders have been consistently shown through public health studies to reduce domestic violence.⁵

¹ Id. Drake, E., Harmon, L., & Miller, M. (2013). *See also* Barnoski, R, and Drake, E .(2007). *Washington's Offender Accountability Act: Department of Corrections' Static Risk Assessment*.

² Hamilton, Z, Barnoski, B (2015). *Designed to Fit: The Development and Validation of the STRONG-R Recidivism Risk Assessment*, Criminal Justice and Behavior

³ Kernic, Mary A., Impact of Legal Representation on Child Custody Decisions among Families with a History of Intimate Partner Violence Study, USDOJ Report No. 24888 (May, 2015).

⁴ I. Dickens, Legal Aid is big help to survivors of domestic violence, Olympian Op-Ed, February 2, 2016.

⁵ M. Kernic, Civil Protection Orders and Risk of Subsequent Police-Reported Violence, JAMA 2002, 288(5): 589-594; Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, & Costs National Institute of Justice No 228350, (2009).

The civil legal aid system for victims of domestic violence is terribly underfunded and understaffed. Very few victims assisted by protection order advocates, victim-witness programs, police, prosecutors, or domestic violence advocates receive legal representation from a legal aid attorney when and where they need it. For example, in a survey of staff at the King County Prosecutor's office only 50 cases out of 7500 criminal domestic violence and civil protection order cases were able to access civil legal aid.

The substantial increase in VOCA funding offers a unique opportunity to facilitate intentional and effective partnerships between the civil legal aid community and the community of law enforcement and prosecuting attorneys who work daily with victims of these crimes. As outlined in the OCLA comments referenced above, integrating civil legal aid with other first line responders and service providers is critical. In King County, we envision a courthouse-based partnership whereby legal aid attorneys work in partnership with protection order advocates to identify those most at risk and in need of civil legal assistance and provide services for these crime victims. In order for this program and other similar programs to be successful, a significant portion of new VOCA funding should be dedicated to enhanced civil legal aid services.

We support the proposal offered by the Office of Civil Legal Aid that \$5 million of the expansion funds be dedicated to integrated civil legal services to victims of crime, with special emphasis on victims of domestic violence. We respectfully request that OCVA reserve this amount for civil legal aid.

Sincerely,



Daniel T. Satterberg
King County Prosecuting Attorney



James A. Bamberger
Director, Office of Civil Legal Aid

ATTACHMENT 3

To: Alliance for Equal Justice

From: Jim Bamberger, Director

Re: FY 2017-19 Biennial Budget Development

Date: February 5, 2016

What: ATJ Board/OCLA Stakeholder Meeting
When: Thursday, March 10, 2016
Time: 10:00 a.m. – 12:00 p.m.
Where: WSBA Conference Center and Teleconference
Purpose: Receive Input on OCLA FY 2017-19 Biennial Budget Request

I. Context

The 2015 Civil Legal Needs Study Update presented a sobering picture of the civil legal problems experienced by low-income people in Washington. It also documented that low-income Washingtonians only get legal help for 24% of the legal problems they experience, while 76% of these problems are experienced without any legal information, advice or assistance. The study also documents that 50% of those who experience civil legal problems do not seek legal help because (a) they do not know that the problem that experience is legal in nature, (b) they do not have the funds to get help from an attorney and (c) they do not know where to go for help. The CLNS Update confirms the scope of a civil legal literacy problem and the structural lack of access to essential self-help and other critically needed informational resources (as well as direct legal assistance) experienced by low-income people across the state.

The CLNS Update tells us that the most prevalent problems have moved from family, housing and employment, to health care, consumer/finance and employment. It also tells us that some groups disproportionately experience problems at greater levels than others and that those who have at least one problem often have many problems that are interrelated and cross multiple substantive areas.

According to the Census Bureau, there are nearly 1.19 million people in Washington State living at or below 125% of the federal poverty level. This figure does not include non-census based individuals including, among others, immigrants and persons resident in correctional and long-term care facilities, homeless persons and run-away and disconnected youth.

The longstanding standard for “minimum access”¹ to civil legal aid services is one FTE attorney for every 5,000 eligible clients. To achieve the minimum access staffing level to address the needs of those living at or below 125% of FPL in 2014, we will require the equivalent of 238 FTE attorneys.

There are currently 107.5 state-funded general legal aid attorneys operating within the Northwest Justice Project, pro bono programs and four specialty legal aid providers.² If we include the effective equivalent number of FTE’s provided by volunteer attorneys affiliated with state-funded pro bono programs,³ we reach a total of 134 FTE attorneys.

Using just the census based population and taking into consideration both the staff legal aid and pro bono contributions, we currently have the equivalent 1 FTE attorney for every 9,000 persons living at or below 125% of FPL.⁴ To achieve minimum access for low-income people living at or below 125% of FPL, we need to secure an additional 104 FTE attorneys. We clearly have a ways to go.

II. Developing the Civil Access to Justice Reinvestment Plan

The Office of Civil legal Aid (OCLA) is responsible for seeking and securing funds from the Legislature to support civil legal aid services. OCLA submits a biennial budget request in the fall of every even numbered year. These budget requests are reviewed by the bipartisan Civil Legal Aid Oversight Committee and the Supreme Court’s Budget Committee. The review process commences about six months prior to submission of OCLA’s budget request to the Office of Financial Management in October.

Over the past few biennia, OCLA has worked in partnership with the Access to Justice Board to ensure opportunities for Alliance members and supporters to provide input into OCLA’s budget development process. We have co-convened a stakeholder meeting in March of the biennial budget year, and are doing so again this year.

In a number of important ways, this year is different from prior years. First, we have the findings of the CLNS Update which document the tremendous gaps in access, legal literacy and client service capacity discussed above. Second, the ATJ Board is in the initial process of

¹ Minimum access is just what it claims to be – the minimum level of legal aid capacity needed to be relevant to and provide some level of equal access to legal assistance for the target low-income population.

² Through the so-called “funding partnership,” state legal aid funding helps support the operations of all 17 LFW-funded pro bono programs and TeamChild, Seattle Community Law Center, Unemployment Law Project and the Family Assistance Program at Solid Ground.

³ OCLA recognizes that there is not a 1:1 relationship between the type and intensity of legal help delivered by volunteer attorneys working with the 17 local programs and the work carried out by full-time staff legal aid attorneys. At the same time and consistent with the approach taken by in the [2004 Quantitative Analysis](#) prepared by the Supreme Court’s Task Force on Equal Justice Funding, it is important to include the very substantial and consistent contributions of volunteer attorneys in determining present and future aggregate statewide and regional FTE legal aid client service capacity. For the purpose of this memo, OCLA equates 2000 hours of active volunteer client assistance to one FTE staff legal aid attorney.

⁴ Were we to employ the 200% FPL standard that many legal aid programs use, the combined attorney-to-eligible client ratio would be 1:15,300.

updating the 2006 State Plan for the Delivery of Civil Legal Aid. Unfortunately, this process will not be completed prior to development of OCLA's biennial budget request. OCLA is cognizant of that process and will work with the State Plan Steering Committee to ensure that the substantive focus of the budget request is consistent with the trajectory of the state planning effort. Finally, OCLA has been advised that the bipartisan Civil Legal Aid Oversight Committee intends to be actively involved in reviewing the Civil Access to Justice Reinvestment Plan prior to its submission to the legislature as the foundation of the FY 2017-19 biennial budget request. The Oversight Committee meets in March, June and September.

Against this background, Alliance members should be aware that OCLA believes that the gap between current funding levels and that needed to address the Justice Gap documented in the CLNS Update is about \$30,000,000 per biennium, or \$15,000,000 per year. In its FY 2017-19 budget request, OCLA intends to ask for a sizeable down payment, with the goal of completing the reinvestment effort by FY 2019-21.

While still in the formative stage and without precluding other areas of focus that may arise through the stakeholder meeting and through other aspects of the budget development process, OCLA intends to focus on five principal areas in the Access to Civil Justice Reinvestment Plan and its biennial budget request. These are all interrelated and not presented in any hierarchical order of importance:

1. Enhance Legal Literacy/Expand Self-Help Resources
2. Upgrade and Expand Pro Bono Services in Washington State
3. Expand staffed legal aid capacity throughout Washington State
4. Invest in regular statewide training and support for legal aid and pro bono attorneys
5. Monitor and report on the outcomes achieved for clients and effectiveness of strategies underwritten with reinvestment funding.

The goal of the first initiative is to secure funding to invest in new and upgraded technology based systems that will enhance the ability of low-income people to self-diagnose their legal problems and self-refer into the legal aid system, as well as to expand self-help resources that will help those able to do so solve their problems by themselves. This may involve new mobile applications, expansion or augmentation of existing capacities and new/expanded partnerships with the courts.

The goal of the second initiative will be to reinvest in and expand the capacity of our state's pro bono programs. The overriding objective will be to provide pro bono programs with the resources necessary to hire and retain professional staff, expand the pool of volunteer attorneys, train them on substantive problems identified in the CLNS Update, and increase the effective FTE contribution to the legal aid system made by volunteer attorneys.

The goal of the third initiative will be to close the remaining FTE gap and achieve "minimum access" by 2021 principally by expanding client service capacity at CLEAR and NJP's field offices as well as through the four specialty legal aid providers.

The fourth initiative is essential to the Alliance's collective ability to effectively respond to the changed substance of legal problems experienced by low-income residents of Washington State and the changing demographics of the low-income population. Staff and pro bono attorneys must be trained in the substance of the legal problems experienced by low-income people and the skills necessary to effectively address them.

The fifth is central to the first four. Any significant new initiative must include a robust monitoring and evaluation effort. We need to understand what we intend to accomplish, how we will accomplish it and what outcomes we expect to realize from our expanded investment. OCLA will likely contract with a state based research institution to develop the relevant indicators (outputs and intended outcomes) and monitor and report on the effectiveness of the investments over time.

III. PURPOSE OF THE STAKEHOLDER MEETING

The March 10th stakeholder meeting is intended to provide Alliance members and supporters with the opportunity to address the following questions:

1. Is expanded investment in the areas outlined above responsive to the challenges presented by the CLNS Update and consistent with the trajectory of the state planning effort?
2. Within the context of existing state law (RCW 2.53.030), are there other investment strategies that are consistent with trajectory of the state planning effort and that should be included in the Reinvestment Plan and the FY 2017-19 biennial budget request? If so, what are they?
3. What other suggestions do stakeholders have either with respect to the Reinvestment Plan or OCLA's FY 2017-19 budget request?

ATTACHMENT 4

CIVIL ACCESS TO JUSTICE DRAFT REINVESTMENT PLAN MARCH 2016

1. Context

The 2015 Civil Legal Needs Study Update (CLNS Update) documents that seventy-one percent (71%) of low-income households in Washington State experience one or more civil legal problems each year and that, of these, at least seventy-six percent (76%) do not get any legal help they need to solve these problems.

Sixty-five percent (65%) of those who experience at least one civil legal problem each year do not seek legal help. According to comments offered by respondents to the CLNS Update survey instrument, many – if not most – do not know that the problem they experienced was legal in nature. This lack of understanding is consistent with national studies¹ which confirm that low-income people have significant difficulties making the link between the problems they experience and the need for legal help.

In addition, many who experienced one or more civil legal problems either did not know where to go for legal help or felt that they could not afford to the legal help that they needed. Finally, of those who did seek legal help, fully one-third got no help whatsoever. Others got some level of help. Of those who got any help, 17% report that they were able to fully resolve their legal problem and another 44% got some help in resolving their problem. While the study did not inquire into the level of service respondents received, it is reasonable to assume (in light of current legal aid delivery system capacity) that many of those who either had limited resolution or no resolution to their problems, were unable to receive the level of direct legal assistance that they needed to solve their problems.

2. Legal Aid Staffing and Minimum Access

Since 1975, the standard for “minimum access”² to civil legal aid services has been 1 FTE attorney for every 5,000 people living at or below 125% of the federal poverty level.

¹ See the most recent discussion in the US Department of Justice National Institute of Justice, Office for Access to Justice, the National Science Foundation and White House Interagency Legal Aid Roundtable, *Civil Legal Aid Research Workshop Report* (February 2016), published at <https://www.ncjrs.gov/pdffiles1/nij/249776.pdf>, at 7 (characterizing the presentation of Dr. Rebecca Sandefur).

² The 2:10,000 figure was established by the Board of Directors of the federal Legal Services Corporation (LSC) in 1975 to serve as the floor for federal investment in the newly created LSC. This figure was used to guide congressional appropriations from 1975-1980 (from \$75 million to \$300 million) by which time minimum access had been achieved. See, Erlich, *Giving Low-Income Americans Minimum Access to Legal Services*, 64 A.B.A.J. 696 (1978)

When the standard was adopted, there was very little if any organized system to develop, deliver and track the contributions of volunteer attorneys. Thus, the formula assumed that there needed to be 1 staffed legal aid attorney for every 5,000 eligible low income residents (or, as it was then-characterized, 2:10,000).

In Washington State we have developed a robust and effective system of volunteer attorney recruitment and engagement. Through 17 local, bar sponsored (and often bar operated) community-based programs, thousands of volunteer legal aid attorneys deliver more than 45,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.³ At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 22 FTE civil legal aid attorneys.

The balance of the civil legal aid delivery system consists of staff attorneys employed by the statewide Northwest Justice Project and four specialized providers of civil legal aid services that provide services to specific hard-to-serve client populations or on matters for which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery.⁴ Along with full time staff attorneys employed by some of the larger volunteer attorney programs, the staffed legal aid programs employ 107 full time attorneys.

According to the Census Bureau, 1.2 million Washingtonians live at or below 125% of the federal poverty level. Using the 1:5,000 formula, a combined total of 238 attorneys is needed to achieve minimum access levels of client service delivery capacity. The combined current client service capacity of the state-funded legal aid system is 129 FTE attorneys. This results in a ratio of 1 FTE equivalent civil legal aid attorney for every 9,300 people living at or below 125% of the federal poverty guideline. The net shortfall is 109 FTE attorneys.

3. Self-Diagnosis, Self-Referral, Self-Help and Other Strategies

While the CLNS Update documents that the areas of greatest prevalence of legal problems are matters relating to health care, consumer/finance and employment, the areas of problems in which low-income residents are most likely to self-diagnose their problems as being legal in nature and seeking legal help are problems relating to family law, rental housing and consumer/finance (mostly debt collection and bankruptcy). This finding is not surprising, as matters arising in these areas are often (a) understood as presenting problems for which solutions are urgently required and (b) matters where the judicial system is the exclusive or most logical forum for the resolution of the problems presented.

³ Eligibility for state-funded civil legal aid services is governed by [RCW 2.53.030](#).

⁴ These are TeamChild, the Seattle Community Law Center, the Unemployment Law Project and the Family Advocacy Program at Solid Ground.

Given the widespread inability of low-income to self-diagnose and effectively access legal aid services for problems with a legal dimension, effort needs to be made to expand outreach, legal education, information tools and applications, and related resources. Dedicated capacity needs to be developed to identify and reach members of low-income communities that experience cultural, linguistic, ability and other barriers that compound the general limited ability of people understand the legal dimensions of the problems they are experiencing and self-refer for legal help.

The civil judicial system is complex and premised on an adversarial relationship between contesting parties, both of whom are represented by attorneys. Under the Code of Judicial Conduct, the independent judicial officer is significantly constrained from assisting any party, even those who are not represented by an attorney.

Unfortunately, a growing and increasing majority of family law litigants are not represented by an attorney. This can result in significant imbalances in power between those who have counsel and those who do not. Further, the growing numbers of unrepresented (or self-represented) parties in family law (and other) cases causes significant drag on the machinery of justice, with self-represented litigants often misfiling documents, failing to complete forms properly and otherwise running afoul of court processes and procedures.

Led nationally by the Self-Represented Litigants Network, the Legal Services Corporation, the National Center for State Courts and others, there is a growing effort to develop and place more technology based tools in the hands of self-represented litigants trying to navigate the civil justice system. A central focus of these efforts has been the development of technology systems designed to enable self-represented litigants to complete (and in some locations electronically file) court forms through automated document assembly systems. These “TurboTax-like” systems offer an iterative and sequential series of questions, the answers to which allow the back end of the system to populate required forms with appropriate data and prepare them for review, printing and filing.

The Washington State Supreme Court recently approved 187 [family law forms](#) that have been translated from legalese into plain language. The product of nearly four years of work, these forms will be required to be used in all cases after May 15, 2015. The Access to Justice Board, Northwest Justice Project and Administrative Office of the Courts collaborated on translating and securing approval of these forms.

The development and publication of the plain language forms offers a singular opportunity to empower self-represented litigants to be more effective and more successful in participating in civil family law proceedings. Given the national public and private sector interest in expanding legal literacy and access to self-help resources, significant opportunities exist to attract matching funds to state-level investment in the

automation of the new family law forms. Through an anticipated inter-agency Memorandum of Understanding between the Office of Civil Legal Aid (OCLA) and the Administrative Office of the Courts (AOC), OCLA has been designated as the lead agency to automate the new family law forms, consistent with usability and other requirements established by the Access to Justice Technology Principles and other relevant considerations.

4. Statewide Infrastructure and Support

Any system as complex as the statewide legal aid delivery system must have sufficient infrastructure, training and support to ensure that services are effectively and economically delivered, are responsive to the most prevalent and pressing needs of clients, deliver results and outcomes that are responsive to client needs and legal rights and are sophisticated and agile enough to take advantage of new and emerging technologies and evidence-based best-practices. This will require dedicated staff and resources to support training, research and to effectively monitor outputs and outcomes realized for clients.

5. Components of the Civil Access to Justice Reinvestment Plan

A. Helping People Understand Their Legal Problems; Expanding Self-Help Tools and Developing Innovative Delivery Strategies

Efforts here will focus on developing and investing resources to (a) expand the ability of low-income people to understand their rights, prerogatives and responsibilities under the law, (b) enable them to understand the potential legal dimensions of the problems that they are experiencing and self-refer to an appropriate legal aid provider, (c) expand self-help resources that will better enable them to solve their legal problems without or with limited assistance of a legal professional. Focus must not only be on those with technology capability and access to internet-based services, but also to those who lack such capabilities or consistent access to the internet, as well as those who experience language, cultural and other barriers.

In addition to automating the new plain language family law forms, a number of opportunities exist to help low-income people better understand their legal rights, self-diagnose their legal problems and gain access to a civil justice system that is otherwise out of reach. Strategies may include developing new smart-phone applications that will allow individuals to assess their current situations, understand their legal rights, and tell them where and how to get legal information, assistance and, if need be, representation. Other potential ideas may include technology-loaded vehicles that will enable legal aid staff and volunteers to be more present on a regular basis at locations where low-income people go and to reach out and connect with communities who are not connected or who experience social, cultural, language, mental health and other

barriers (such as homelessness, geographic isolation or restrictions on their mobility (e.g., trafficking victims)) to learn about their legal rights and get help with problems before they become acute.

Like its federal counterpart, the Legal Services Corporation, OCLA proposes to seek a sum of funding each biennium to competitively stimulate innovation in delivery approaches and technology applications and initiatives that can close the enhance the ability of low-income people to identify and solve their legal problems by themselves.

Investment Required: \$250,000 per year for automation of self-help forms; \$250,000 per year for competitive delivery system innovations (including technology based applications) focused on expanding the ability of people to understand their rights, self-diagnose the legal nature of the problems they are experiencing and self-refer into the civil legal aid system.

Total biennial increase -- \$1.0 million.

B. Expanding Volunteer Lawyer Involvement and Service Delivery

The market value of current services delivered by volunteer attorneys working in association with the 17 community based volunteer attorney programs is nearly \$11 million per year. This is about 90% of the current annual appropriation for civil legal aid.

The key to effectively penetrating and leveraging this under-tapped reservoir of potential legal assistance is to have high quality, professional staff involved in the recruitment, training, mentoring, support and referral of clients to these volunteer attorneys. According to the statewide Pro Bono Council, the minimum staffing level for an effective volunteer attorney program is 2 FTE, one of which should be an attorney licensed to practice law. True partners with the staffed legal aid programs, volunteer attorney program staff should be compensated accordingly. At minimum staffing levels and with strategic additional investment in programs with significant attorney pools, an additional 12,000 to 16,000 of volunteer attorney services can be secured on an annual basis – increasing the leveraged volunteer attorney contribution by between 25% and 35% (or the equivalent of 6-8 FTE) over current levels.

Investment Required: \$1.0 million per year; \$2.0 million per biennium.

C. Achieving Minimum Access Through Expanded Professional Civil Legal Aid Staffing

The core of the civil legal aid system is the professional staffed legal aid programs. Northwest Justice Project (NJP) is the principal statewide legal aid program. NJP hosts the statewide legal aid call center (CLEAR), staffs and supports the statewide legal aid self-help resources website (Washington Law Help), provides statewide coordination and support for professional civil legal aid attorneys across the state and maintains client service offices in 17 locations around the state. In addition, there are four specialized civil legal aid providers that serve specific client populations and carry substantive expertise in specific areas of law. These include TeamChild (serving youth simultaneously involved in multiple legal forums), Seattle Community Law Center (serving homeless disabled residents of King County on matters relating to SSI and SSDI), Solid Ground Family Advocacy Program (serving families with legal problems involving rental housing and state governmental benefits) and the Unemployment Law Project, serving clients contesting denials or terminations from claims for unemployment insurance benefits.

After considering the effective FTE contributions of volunteer attorneys and current levels of basic field client service staffing in these programs, there remains a gap of 109 FTE attorneys from the required level needed to achieve minimum access (using the 1FTE:5,000 eligible client standard).

Investment Required: At an average fully loaded cost of \$125,000/FTE attorney/year, the total required to achieve minimum access is \$13,625,000 per year or \$27,250,000 per biennium.

D. Investing in Necessary Statewide Infrastructure and Support

Effective operation of the statewide civil legal aid system requires intentional efforts to ensure coordination and support for those involved in civil legal aid delivery at the local, regional and statewide level. As is the case in the indigent defense arena, resources must be expressly dedicated to ensure that professional staff and pro bono attorneys are trained in the substance of the legal problems experienced by low-income people and the skills necessary to effectively address them. Additionally, there must be appropriate staff dedicated to ensure coordination of client service delivery and the quality and accountability of services delivered.

Investment Required: \$300,000 per year; \$600,000 per biennium.

Total Civil Legal Aid Reinvestment Program:

Total funding to achieve minimum access, maximize volunteer attorney involvement, expand the ability of low-income people to self-diagnose their legal problems and expand self-help tools, and ensure effective support for the statewide civil legal aid system: \$15,925,000 per year or \$31,850,000.

Additional administrative and oversight expense (2 professional FTE at OCLA): \$200,000 per year; \$400,000 per biennium.

Total: \$17,125,000 per year; \$34,250,000 per biennium

DRAFT

ATTACHMENT 5

**CHILDREN’S REPRESENTATION PROGRAM
CASE INFORMATION**

**Number of Petitions for Reinstatement of Parental Rights by Year
Petition Was Filed**

Year Petition Filed	Number of Reinstatement Petitions Filed	Total
2007	2	2
2009	1	1
2010	2	2
2012	5	5
2013	3	3
2015	9	9
2016	1	1
Total	23	23

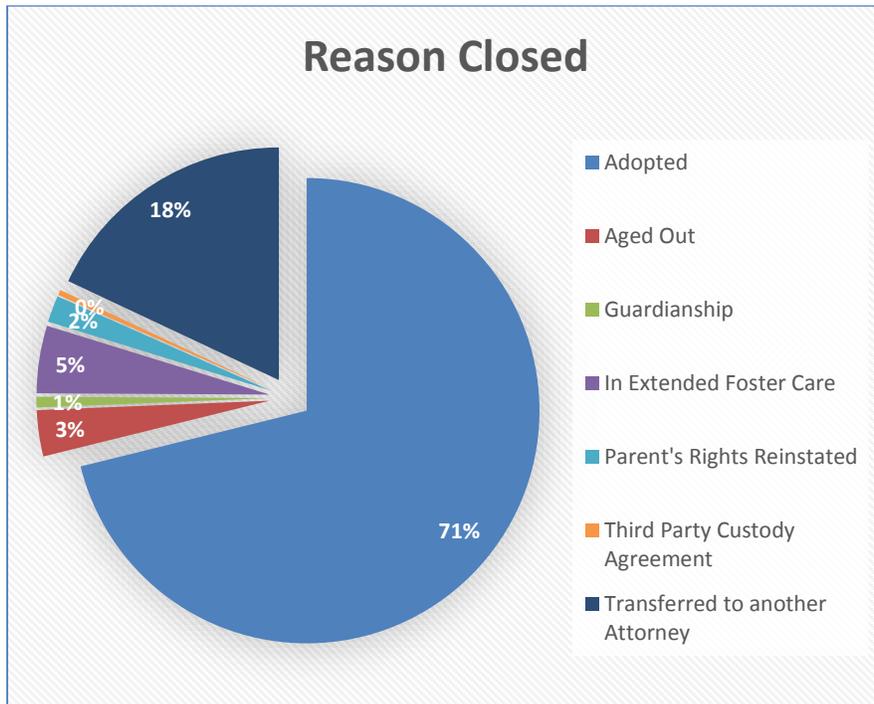
**Average Number of Placements Pre and Post Assignment of
Attorney**

Average # of Placements Prior To Assignment of Attorney	Average # Placements After Attorney Assigned
13.00	2.50

Dispositions of Closed Cases Since Beginning of Children’s Representation Program

Row Labels	Closed
Adopted	577
Aged Out	26
Guardianship	6
In Extended Foster Care	38
Parent's Rights Reinstated	15
Third Party Custody Agreement	3
Transferred to another Attorney	146
Grand Total	811

Children’s Representation Program – Case Closure Reasons/Outcomes



ATTACHMENT 6



Washington State Auditor's Office Entrance Conference

Integrity • Respect • Independence

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Washington State Auditor

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Office of Civil Legal Aid Accountability Audit Entrance Conference March 9, 2016

About our Office

The Washington State Auditor's Office's vision is government that works for citizens. Our goal is for government that works better, costs less and earns greater public trust.

The purpose of this meeting is to share our planned audit scope so that we are focused in the most significant areas. We value and appreciate your input.

Audit Scope

Based on our preliminary planning, we will perform an accountability audit for state fiscal year ending June 30, 2015.

We will assess for the management, use and safeguarding of public resources to ensure there is protection from misuse and misappropriation. In addition, we will evaluate whether there is reasonable assurance for adherence to applicable state laws, regulations and policies and procedures.

We plan to evaluate the following areas:

- Contract procurement and payments
- Grant and inter-agency expenditures

Additional areas may be added as the audit progresses.

Engagement Letter

We have provided an engagement letter which documents both of our responsibilities for conducting and performing the audit. Additionally the letter identifies the cost of the audit, estimated timeline for completion and expected communications.

Levels of Reporting

Findings

Findings in an audit report formally address issues such as significant weaknesses in internal controls; misappropriation; or abuse or non-compliance with laws, regulations, contracts, or grant agreements. You will be given the opportunity to respond to a finding, and this response, or a synopsis of it, will be published in the audit report.

Within 30 days of the issue of an accountability audit finding, SAAM 55.10 requires state agencies to provide a corrective action plan to the OFM Accounting Division. Upon completion of corrective action related to a finding, state agencies are required to submit a certification, signed by the agency head or designee, that the audit resolution process is complete. It is recommended that agencies discuss the completion of corrective action with their assigned OFM Accounting Consultant prior to submitting the certification.

Management Letters

Management letters communicate internal control deficiencies, non-compliance or abuse with a less-than-significant effect on issues related to the audit objectives. Management letters are referenced, but not included, in the audit report.

Exit Items

Exit items address internal control deficiencies or non-compliance with laws or regulations that have an insignificant effect on the audit objectives. These issues are formally communicated to management, but do not warrant the attention of those charged with governance and are not referenced in the audit report.

Other Information

Confidential Information

Our Office is committed to protecting your confidential or sensitive information. Please notify us when you give us any documents, records, files, or data containing information that is covered by confidentiality or privacy laws.

Expected Communications

During the course of the audit, we will communicate with Jim Bamberger, Director, on the audit status, any significant changes in our planned audit scope or schedule and preliminary results or recommendations as they are developed.

Please let us know if, during the audit, any events or concerns come to your attention of which we should be aware. We will expect Mr. Bamberger to keep us informed of any such matters.

Audit Issue Process

Please contact the Audit Manager or Deputy Director to discuss any unresolved disagreements or concerns you have during the performance of our audit. At the conclusion of the audit, we will summarize the results at the exit conference. We will also discuss any significant difficulties or disagreements encountered during the audit

and their resolution.

Customer service survey

When your report is released you will receive a customer service survey from us. We value your opinion on our audit services and hope you provide us feedback.

Loss Reporting

We also investigate suspected frauds that are reported to our Office. State agencies are required to immediately notify us in the event of a known or suspected loss of public resources or other illegal activity. These notifications can be made on our website at <http://portal.sao.wa.gov/saoportal/public.aspx/LossReport>.

Audit Team Qualifications

Jan Jutte, CPA, Deputy State Auditor – Jan has more than 40 years of accounting and auditing experience, and has been with the Washington State Auditor’s Office since 1985. She has managed or been the deputy director over virtually every state agency and local government audit within the Office.

Chuck Pfeil, CPA, Director of State and Performance Audit – Chuck has been with the Washington State Auditor’s Office since 1978. He has lead virtually every part of the Office over his career, and recently received the Governor’s Award for Leadership. Chuck has served on the Washington Finance Officers’ Association Board and is a former President of the Olympia Chapter of Washington Society of Certified Public Accountants.

Troy Niemeyer, Deputy Director of State Audit – Troy has been with the Washington State Auditor’s Office since 2006. As Deputy Director he assists with the statewide oversight and management of most audits of state government, including fraud and whistleblower investigations. He previously managed two local audit teams, along with the Whistleblower Program, and the Statewide Technology Audit Team (STAT). Troy is a member of the Institute of Internal Auditors.

Jim Brownell, Audit Manager – Jim has been with the State Auditor’s Office since 2005 and manages the Single Audit and Whistleblower teams. His notable work experiences include audits of the state’s Comprehensive Annual Financial Report (CAFR), Statewide Single Audit - including Medicaid and financial statement audits for the Departments of Labor and Industries, Ecology and Health. He has also managed accountability audits at multiple state agencies.

Michael Hutchinson, CPA, Assistant Audit Manager – Mike has been with the State Auditor’s Office since 1996. Notable work experiences include audits of local governments for nine years and supervising the Medicaid audit for seven years. He has also supervised accountability audits at multiple state agencies since 2009.

Jay Summers, Auditor-in-charge – Jay has been with the State Auditor’s Office since February 2015. His notable work experiences include auditing the Statewide Single Audit including Medicaid, the state’s Comprehensive Annual Financial Report (CAFR), and auditor-in-charge of various accountability audits.

TAB 7

RESOLUTION NO. 2016-01

AFFIRMING THE AUTHORITY OF THE DIRECTOR OF THE OFFICE OF CIVIL LEGAL AID TO ENGAGE IN TRAVEL NECESSARY OR APPROPRIATE TO THE DISCHARGE OF THE DIRECTOR'S OFFICIAL RESPONSIBILITIES

Whereas, the Office of Civil Legal Aid is an independent judicial branch agency and that, in accordance with RCW 2.53.020, the Director of the Office of Civil Legal Aid is appointed by and serves at the pleasure of the Washington Supreme Court; and

Whereas, under RCW 2.53.010, the Civil Legal Aid Oversight Committee oversees the activities of the Office of Civil Legal Aid and reviews the performance of the Director of the Office of Civil Legal Aid but does not have day-to-day operational authority over the work of the Director of the Office of Civil Legal Aid; and

Whereas, it is important that the Director of the Office of Civil Legal Aid be able to travel, as necessary or appropriate, to perform tasks, attend meetings and otherwise discharge his express and implied duties as Director of an independent judicial branch agency;

Whereas, it is important that there be transparency and meaningful oversight of and accountability for the Director's expenditure of state funds and resources;

Whereas, in an effort to ensure transparency, the Civil Legal Aid Oversight Committee adopted Resolution 2012-02 which requires the OCLA Director to submit an annual report documenting all travel the cost of which exceeds one hundred dollars per instance; and

Whereas, the one hundred dollar threshold is routinely exceeded by the Director's day-to-day activities, which require regular travel to and from Seattle, that objective of the reporting requirement is for the Civil Legal Aid Oversight Committee to be informed about non-routine travel that requires significant expenditures of public funds, and that to this end the Oversight Committee has determined to increase the threshold for travel costs that should be reported;

NOW THEREFORE, BE IT RESOLVED BY THE CIVIL LEGAL AID OVERSIGHT COMMITTEE THAT:

1. The Director of the Office of Civil Legal Aid is expected to engage in travel necessary or appropriate to the discharge of his duties, and that such travel be undertaken consistent with applicable state policies and procedures; and
2. The Director of the Office of Civil Legal Aid is requested to submit an annual report to the Civil Legal Aid Oversight Committee detailing the destination, costs and purpose of each individual trip taken in the prior fiscal year the total cost of which exceeded \$500 and which was incurred in at agency expense and a statement of the total expenses incurred by the Director for agency related travel.
3. The Director of the Office of Civil Legal Aid is requested to consult with the Chair of the Civil Legal Aid Oversight Committee before undertaking travel out-of-state at agency expense.

Revised this 25th day of March, 2016.

Jennifer Greenlee
Chair