

**WASHINGTON STATE
CIVIL LEGAL AID OVERSIGHT
COMMITTEE**

**MEETING OF
SEPTEMBER 18, 2015**

**29TH FLOOR CONFERENCE
ROOM**

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

MEETING MATERIALS

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF JUNE 12, 2015**

MEETING MATERIALS

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Legal Aid (with attachments)**

TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE

September 18, 2015

10:00 a.m. to 12:30 p.m.

KL Gates Law Firm

925 Fourth Ave., 29th Floor

Seattle, WA

AGENDA

1. Welcome and introductions (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)
 - Sen. Honeyford (Senate Republican Caucus; replacement appointment requested)
 - Sen. Pedersen (Senate Democratic Caucus re-appointment requested)
 - Taylor “Tip” Wonhoff (Governor; re-appointment requested)
4. Election of Vice-Chair/Chair-Elect (Jennifer Greenlee, on behalf of the Executive Committee) (10:20 – 10:30)
5. Report of Executive Committee on Director Compensation (Jennifer Greenlee, on behalf of the Executive Committee) (10:30-10:40)
6. Legislative Update (Jim Bamberger, OCLA Director) (10:40-10:50)
 - Civil Legal Aid Budget Request (Maintenance and Policy)
 - Children’s Legal Representation Program (Budget and Records Access Legislation)
7. Selecting Legislative Member for Executive Committee (Jennifer Greenlee) (10:50 – 11:00)
8. Civil Legal Needs Study Update – Findings and Implications (Budget and Policy) (Jim Bamberger, Oversight Committee Members) (11:00 – 11:45)
9. FY 2016 Supplemental Budget Request (Jim Bamberger) (11:45 – 12:00)
10. Report from the Equal Justice Coalition (Jay Doran, Education Director, EJC) (12:00 – 12:15)
11. Report from the Access to Justice Board – State Planning Update (Terra Nevitt, ATJ Program Manager, Breean Beggs, ATJ Board Member) (12:00 – 12:30)

TAB 2

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF JUNE 12, 2014
DRAFT MINUTES**

Pursuant to notice duly provided in advance, a meeting of the Civil Legal Aid Oversight Committee was held on Friday, on June 12, 2015 at the Wenatchee Convention Center, Red Delicious Room, Wenatchee, WA.

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

Members Not Participating: Rep. Jeff Holy, Sen. Jim Honeyford (The Legislature still in special session at the time of the meeting)

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

Guests: Sue Encherman (Northwest Justice Project (NJP)); Joanna Otero (NJP); Jill Malat (OCLA Children’s Representation Program Manager); Sandi Swarthout (Equal Justice Coalition (EJC)); Jay Doran (EJC); Julie Caruso (House Republican Caucus); Alex Doolittle (Seattle Community Law Center)

Judge Clark called the meeting to order at 12:00 p.m.

1. Welcome and introductions

Members and guests introduced themselves.

2. Review and Adopt Minutes of December 12, 2014 Meeting

Motion to approve: by Judge Spearman

Second: by Judge Tripp

Action: Unanimous

3. Oversight Committee Member Updates

Mr. Bamberger updated members on the pending reappointments of Senator Honeyford, Sen. Pedersen, Jennifer Greenlee and Judge Spearman.

4. Legislative Update

Mr. Bamberger provided a status update on the budget. He also noted that the Legislature had and the Governor signed SSB 5262 into law. The statute expressly provides OCLA with access to dependency court records for the purpose of overseeing the work done by children’s representation attorneys.

Sen. Pedersen offered his thoughts on the budgeting process to date and the challenges that need to be overcome in order to complete negotiations. Rep. Jinkins shared her perspectives as well.

5. Update on Implementation of Children’s Representation Program

Ms. Malat provided an update on the Children’s Representation Program established by the Legislature in 2014. After one year of operations, the program has seen significant success, with important results being realized by a number of the children for whom attorneys have been appointed. Ms. Malat advised the Committee of her work in the area of recruitment, training and support of attorneys and coordination with judges and other stakeholders. She advised that OCLA will move from a county-based contracting program to a direct attorney contracting program in the coming biennium.

6. Report on NJP technology systems upgrade

Ms. Enchermer provided an overview of NJP’s new statewide telecommunications system – Microsoft Lync – and the new call center system Touch-Point -- used to support the statewide CLEAR system.

7. Client Service Report -- North Central regional legal aid services

Ms. Lurie introduced herself as the Senior Attorney with Northwest Justice Project for the North Central Washington Region. Mr. Feeney introduced himself as the Executive Director of the Chelan-Douglas County Volunteer Lawyers Program. Ms. Lurie and Mr. Feeney reported on the work of the Northwest Justice Project’s North Central Regional offices in Wenatchee and Omak and the work of the Chelan-Douglas County Volunteer Attorney Services Program. They provided an overview of the core areas of client focus, the range of services provided and the efforts taken to coordinate client service delivery and limit duplication of services.

8. Consideration of staff request for resolution on LSC funding

Mr. Bamberger introduced the draft resolution on funding for the Legal Services Corporation. He explained that the House of Representatives had adopted a budget mark calling for a 20% reduction in LSC funding and that budget discussions in the Senate were hovering around status-quo funding levels. Mr. Bamberger reminded the committee members that the Oversight Committee had previously communicated with state congressional delegation members, urging them to ensure sufficient federal funding for the LSC and through it the Northwest Justice Project. Judge Clark invited comments.

Motion: By Judge Tripp to Adopt the Draft LSC Resolution
Second: By Ms. Greenlee
Action: Unanimous

Mr. Bamberger advised that he would work with Judge Clark to forward copies to all members of the Washington State congressional delegation.

9. Civil Legal Needs Study Update: Joint presentation to Access to Justice Board, Civil Legal Aid Oversight Committee and Minority and Justice Commission

Oversight Committee members relocated to the Gala Room where the Access to Justice Board and Minority and Justice Commission were jointly meeting. Members introduced themselves and Justice Yu (Co-Chair, Supreme Court Minority and Justice Commission) introduced Mr. Bamberger and David Keenan to present the findings of the Civil Legal Needs Study Update. Mr. Keenan introduced himself as the Minority and Justice Commission's representative on the Civil Legal Needs Study Update Committee and as Vice-Chair of the Northwest Justice Project Board of Directors. He provided a high level overview of the goals of the CLNS Update project and the approach taken by the Update Committee in carrying out the task. Mr. Bamberger presented a PowerPoint presentation outlining in greater details the reasons for undertaking the study, the goals sought to be achieved, the methodology employed and the findings of the Probability Survey conducted by Washington State University's Social and Economic Sciences Research Center. Members of all three bodies – the ATJ Board, the Minority and Justice Commission and the Oversight Committee – asked many questions and shared a number of initial observations. All agreed that there is much to be learned by studying the report and discussing its implications.

Following this presentation and discussion, the Civil Legal Aid Oversight Committee meeting was adjourned.

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 12/2014)

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: 11420 N. Lancelot Dr.
Spokane, WA 99218

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 Republican Caucus):

Name: Vacant
Address:

Phone:
E-mail:
Appointing Entity: Senate Republican Caucus
Term Expires: June 30, 2017

Position 7 (Senate Democratic Caucus):

Name: Senator Jamie Pedersen (request for appointment pending)
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 requested

Position 8 (House Republican Caucus):

Name: Representative Jeff Holy
Address: 405 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
or
901 No. Monroe, Suite 354
Spokane, WA 99201
Phone: 509-443-3331
E-mail: holy.jeff@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.

Number	Date	Subject Matter	Status	Further Action Required
2008-01	18-Jan-08	Regarding Recommendations Relating to the Provision of State Funded Civil Legal Aid	approved	
2008-02	21-Feb-08	Acceptance of Tull Report and Related Recommendations	approved	
2009-01	27-Mar-09	Endorsing Temporary Surcharge on Attorney License Fees	approved	
2009-02	11-Dec-09	Endorsing ATJ Board Performance Standards	approved	
2009-03	11-Dec-09	Endorsing JusticeNet	approved	
2010-01	10-May-10	Endorsing Judicial Branch Whistleblower Policy	approved	
2010-02	3-Dec-10	Relating to Oversight Committee Meeting Expenditures	approved	
2010-03	3-Dec-10	Resolution Urging Adequate Funding of the Judicial Branch	approved	
		Regarding the Importance of the Office of Civil Legal Aid and Funding for Essential Civil Legal Aid Services in Washington State	approved	
2010-04	10-Dec-10		approved	
2011-01	7-Sep-11	Regarding Funding for the Federal Legal Services Corporation	approved	Annual Report to the Oversight Committee detailing destination, costs, and purpose of each trip taken in the prior fiscal year the total cost of which exceeded \$100 and which was incurred at agency expense.
		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	approved	
2011-02	7-Oct-11		approved	
2015-01	12-Jun-15	Regarding Funding for the Federal Legal Services Corporation	approved	
Policy Directions and Statements				
		Policy Regarding OCLA Involvement in Promoting or Opposing Bills Before the Washington State Legislature	approved	Notice to OC before taking positions on policy bills not directly affecting OCLA or judicial branch budgets or statutes
	8-Jun-12	Endorsing Policy on Use of State Owned Mobile Telecommunications Devices	endorsed	
	18-Apr-13		via e-mail	

TAB 6

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director

Re: OCLA Director's Quarterly Report

Date: September 14, 2015

Pursuant to RCW 2.53.020(3)(c), I hereby submit a report of agency activities that have occurred since the June 12, 2015 Oversight Committee meeting in Wenatchee. During this time agency activities were focused primarily on (a) OCLA's efforts to secure funding from the Legislature, (b) completion of the first phase of the Civil Legal Needs Study Update and exploring its budget and policy implications, (c) transition of the Children's Representation Program to a direct attorney contracting model as required by budget proviso, and (d) working with the Department of Commerce's Office of Crime Victims Advocacy to ensure that civil legal aid services are effectively included in the investment priorities for new federal Victim of Crimes Act (VOCA) funding coming into our state.

1. Legislative Session and Related Activities

Following our June 12th meeting, the Legislature adopted and the Governor signed a final FY 2015-17 operating budget. The budget provided a very small vendor rate adjustment (\$718,000) for the biennium. This is intended to help mitigate -- but not cover -- NJP's increasing costs of operations. Although we had hoped to secure \$2 million additional funding in the operating budget to stabilize the civil legal aid system, the final budget provided no new funding beyond the vendor rate adjustment.

The operating budget fully funded OCLA's request for the Children's Representation Program and included a budget proviso requiring OCLA to move from a county-based contracting model to a direct attorney contracting model. The Legislature provided funding for .5 FTE to ensure necessary support for the contract attorney program and related agency activities (bringing the agency staff level to 2.5 FTE). OCLA is in the process of hiring the half-time staff person.

2. Civil Legal Needs Study Update

OCLA presented the first findings from the Civil Legal Needs Study Update to a joint meeting of the Access to Justice Board, the Supreme Court's Minority and Justice Commission and the Oversight Committee on June 12, 2015. Along with the researchers from Washington State University and a demographer from the University of Washington's Western Poverty Center, OCLA also presented these findings to a packed plenary session at the Access to Justice Conference on June 14th. At the time of these presentations, OCLA was only able to report findings from the random probability survey. Since that time, we have received three additional reports – (a) the [report](#) from the non-probability component of the survey, (b) a [report](#) documenting the findings relative to victims of domestic violence and sexual assault, who collectively experience the highest per capita number of legal problems and the greatest prevalence of problems across all substantive areas of any other group studied, and (c) a [report](#) documenting perceptions of the civil justice system by race and ethnicity. Copies of these reports are included as Attachments 1 – 4 to this report. A PowerPoint presentation delivered to the Pro Bono Council earlier this month is also attached (Attachment 5).

While it had been the intent of the Civil Legal Needs Study Update committee to include low-income persons who identify lesbian, gay, bisexual, transgender or questioning of their sexual orientation or identity, the group was unintentionally left out of the survey. When this became clear, the CLNS Update Committee directed that we proceed with a supplemental survey focused on the needs of this group, using the same instrument with very minor changes focused on problems experienced by low-income persons who identify as LGBTQ. This supplemental survey will commence in October.

OCLA is in the process of working to complete and publish the final narrative report documenting the findings of the CLNS Update in ways that are accessible to most readers and that allow for people to understand the findings in human terms. This report will be published later this month or in early October.

The findings compel important discussions about the level of funding needed to provide necessary legal services to low-income Washingtonians as well as the areas of authorized legal representation that state-funded providers may be engaged on behalf of their clients.

With respect to the latter, it is important to note that two of the top three most prevalent problems experienced by low-income people (consumer-finance and employment) fall outside the current statutory authorization in RCW 2.53.030. In order to ensure that state funds are directed to services that are responsive to the most prevalent areas of legal problems, OCLA is considering requesting legislation that would change the focus of its statutory authorization from one of authorization by express inclusion to one of authorization of expressed exclusion. Thus, instead of having the Legislature define the areas of authorized legal representation, the Legislature would generally authorize state legal aid funding to be used to address the most important legal problems of low-income Washingtonians as determined by a periodic assessment of such problems by the Office of Civil Legal Aid. Consistent with the approach taken by Congress with respect to Legal Services Corporation funding, the legislation could also – as it currently does –

define activities that would not be allowed to be funded with state legal aid funding. A rough draft of such legislation is attached (Attachment 6).

3. Children's Representation Program

The Children's Representation Program completed its first year. This program ensures effective legal representation for children who remain in the foster care system six months following termination of their parents' legal rights.

As noted above, the final operating budget appropriated an additional \$997,000 to ensure full state funding for this program and directed that we move to a direct contract attorney model, much like the model employed by the Office of Public Defense for its [Parents Representation Program](#). OCLA had always viewed its county-based contracting model as transitional in nature -- a first step toward effective implementation of this program. We welcomed the proviso language and have moved forward with the contract attorney program, which we anticipate will be fully operational by October 1st.

4. Federal Victims of Crime Act (VOCA) Funds

Many years ago, Congress established the federal Victim of Crimes Act (VOCA) as a program by which funds generated as a result of criminal fines, fees and forfeitures (*not taxpayer dollars*) would be used to help address a full spectrum of problems experienced by victims of crime. In the years since the program become operational, priorities have focused on addressing the urgent and continuing needs of victims of domestic violence, sexual assault, human trafficking and child abuse and neglect. Much of the annual VOCA funding appropriation is allocated to the states on a formula basis. Washington State's annual appropriation has historically been about \$12 million per year. Information about VOCA, its origins and funding sources is attached (Attachment 7).

For federal fiscal year 2016, Congress appropriated substantial new funding from the VOCA fund, increasing Washington State's appropriation by \$30 million in FFY 2016. The funds are administered by the Office of Crime Victims Advocacy (OCVA) in the Department of Commerce. Given the findings of the Civil Legal Needs Study Update relative to the overwhelming range of problems experienced by victims of domestic violence and sexual assault, OCLA began conversations with staff at OCVA and with leaders in the community of organizations involved in providing direct support services to victims of these crimes to ensure that civil legal aid is understood to be a very high priority area of need.

OCVA has initiated a thoughtful statewide process by which it intends to develop priorities and protocols for the investment of these new funds, which should be made available sometime in the spring of 2016. The OCVA process has just begun. Additional information about VOCA funding and the current OCVA process can be found at the [OCVA web site](#).

OCLA is working with its peers in the legal aid community to develop a common proposal that will embed legal aid attorneys in and work collaboratively with professionals serving the needs of DV/SA and human trafficking community in community-based programs.

5. Other Matters

Last week OCLA was informed that the Superior Court Judges Association (SCJA) was proposing to ask the Legislature to establish an independent judicial branch agency called the Office of Trial Court Policy and Research (Attachment 8). The functions of this new office would be extracted from the Administrative Office of the Courts (AOC) and set up in a new state agency. As a judicial branch agency, OCLA was invited by the Board for Judicial Administration (BJA) to comment on the SCJA proposal. In considering whether, and if so, what position OCLA might take, I talked extensively with colleagues and with Judge Harold Clarke (SCJA President Judge). Because the proposal will be discussed at the BJA's meeting which occurs at the same time as our meeting, I drafted and submitted comments stating my objections to the proposal (Attachment 9).

ATTACHMENT 1

Civil Legal Needs Study Update



Results of a State-wide Probability Survey of Low- and Lowest-income Households



Social & Economic Sciences Research Center
Washington State University

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Executive Summary

Twelve years ago, the Washington Supreme Court's Task Force on Civil Equal Justice Funding published the first ever report on the civil legal needs of low-income Washingtonians. The [2003 Washington State Civil Legal Needs Study](#) (2003 CLNS) presented striking findings about the percentage of low-income households that experienced important civil (non-criminal) legal problems, the types of problems they experienced, differences in the prevalence and subject matter of legal problems experienced by different demographic subgroups, the percentage of households that sought legal help, where people went for legal help and the impact of legal assistance in resolving their legal problems.

Conditions affecting low-income Washingtonians have changed a lot since the data was gathered for the 2003 CLNS. The number of people living in poverty and the overall poverty rate increased. Many governmental programs that serve low-income people have been substantially altered or eliminated. Passage and implementation of the Affordable Care Act altered the availability and cost of health care services. And the Great Recession of 2008-10 caused great economic dislocation that continues to echo in social and economic indicators from unemployment to household income and wealth.

At the request of the Washington State Office of Civil Legal Aid (OCLA), the Washington State Supreme Court established a committee to oversee a comprehensive update of the 2003 CLNS. A twelve-member 2014 Civil Legal Needs Study Update Committee (2014 Update Committee) was appointed to oversee a comprehensive research effort grounded in the core areas of the 2003 study's focus, augmented to understand new and emerging legal problems. The study was conducted by the Social and Economic Sciences Research Center (SESRC) at Washington State University during the summer and fall of 2014.

Like the 2003 CLNS, this Update was designed to gain information about individual problems experienced by low-income household that do or could give rise to a specific need for civil legal assistance in one or more of the enumerated subject matter areas. Identification and exploration of broader systems, policies, practices or structures that operate unfairly with respect to the low-income population generally or specific sub-demographic components of that population was beyond the scope of this effort.

So, what did we find?

First, consistent with the 2003 CLNS findings, we found that more than 70% of low-income households had a civil legal problem within the prior 12 month period and that more than three quarters of those who had a legal problem did not seek or were not able to obtain legal help with respect to these problems. Also consistent with the findings of the 2003 study, we found that large percentages of low-income people did not get help because they did not understand that the problems they face have a legal dimension or because legal help was not available.

We also found significant differences from the 2003 findings. Most striking is the growth in the per capita incidence of civil legal problems, from 3.3 per household/yr. in 2003 to 9.3 per household/yr. in the 2014 CLNS Update. We also found significant changes in the types of

problems most often experienced by low-income Washingtonians. Whereas low-income respondents to the 2003 survey reported the greatest percentage of problems in the areas of housing, family relations and employment, respondents to the 2014 survey reported the highest percentage of problems in the areas of health care, consumer-finance and employment.

Looking at the impact of legal assistance, we found that of those who were able to get legal help, 61% were able to obtain some resolution of their legal problem(s), including 17% who obtained complete resolution of their problem(s). This is consistent with the 2003 finding that of those who were able to secure legal help, 61% were satisfied with the resolution of their problem.¹

At the same time, we learned that low-income people have limited confidence in the ability of the civil justice system to treat them fairly, help people like them protect important legal rights or help people like them solve important legal problems. Again, this is consistent with the 2003 CLNS finding that 48% of all low-income people who had a legal problem had a negative view of the justice system.²

Some additional important findings generated from the research effort include:

- Victims of domestic violence continue to have the highest number of legal problems per capita, averaging nearly 18 problems per household/yr.
- Significant disproportionalities in the prevalence of legal problems are experienced by African-Americans, Native Americans, Hispanic/Latinos, persons with disabilities and youth.
- Low-income respondents continue to experience high levels of problems associated with discrimination and unfair treatment. The highest rates of discrimination are experienced by racial and ethnic minorities, Native Americans, persons with disabilities, victims of domestic violence and youth. Discrimination and unfair treatment rates are highest in the areas of employment, rental housing, consumer-finance and health care. Youth experience high rates of discrimination and unfair treatment based on their sexual orientation and gender identity.
- In addition to discrimination and unfair treatment on the basis of legally protected characteristics (*e.g.*, race, gender, age, disability), significant percentages of low-income households experience unfair treatment on the basis of their credit histories, prior juvenile or criminal justice system involvement and their status as victims of domestic violence or sexual assault.
- The degree to which low-income Washingtonians look with confidence to the civil justice system for resolution of their legal problems differs by race, age, gender, family composition, and other demographic and status-based characteristics.

In the following pages we explore the data and break down the key findings into their component parts. As the purpose of this 2014 CLNS Update is to report on “what is” rather than “what should be,” we leave it to others in Washington State’s access to justice community to consider the implications relative to resource needs, changes in service delivery focus and related strategies to address the Justice Gap documented in this report.

¹ 2003 CLNS at 55, Fig. 24.

² 2003 CLNS at 56, Fig. 25.

Introduction

Washington State University's Social and Economic Sciences Research Center (WSU-SESRC) was engaged to undertake a comprehensive update of the [2003 Washington State Civil Legal Needs Study](#) (2003 CLNS). Throughout the summer and fall of 2014 SESRC conducted a 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 and the degree to which necessary legal assistance is obtained.

The study was designed to provide answers to the following questions:

- To what degree do legal problems previously identified in the 2003 CLNS (“persistent legal problems”) continue to affect low-income and very low-income households and target sub-demographic groups within the general low-income and very low-income population?
- What is the substance and prevalence of newly emergent civil legal problems; *i.e.*, types of significant problems that emerged since or were not assessed during the conduct of the 2003 CLNS?
- What are the differences in substantive legal problem areas, prevalence of legal problems and outcomes experienced by members of high priority sub-demographic groups relative to the general low-income population, and what is the substance and prevalence of civil legal problems associated with systems and structures that disproportionately affect members of low-income and very low-income racial and ethnic minority groups?
- To what degree are low-income and very low-income households able to access necessary legal help to address important civil legal problems; and for those who do not, the reasons therefore?
- What is the value and impact of securing timely civil legal help (from whatever source), and are there meaningful differences in experience/problem resolution depending upon whether the household did or did not secure legal help?
- How do the legal problems differ by reference to current socio-economic characteristics of these target populations?

Why This Study: Why Now?

Washington State's first-ever Civil Legal Needs Study was published in September 2003 (2003 CLNS). The study documented that more than three-quarters of low-income households in Washington experienced at least one significant civil legal problem for which they needed legal help each year and that of these nearly 90% could not get the help they needed to solve the problem consistent with their basic legal rights. Problems spanned the spectrum from housing, employment, and family-related legal problems to those affecting access to health, mental health, educational and other important services. The 2003 CLNS has guided public and private resource development and client civil legal aid delivery efforts in the twelve years since its publication.

In 2012, OCLA convened a Civil Legal Needs Study Update Scoping Group (Scoping Group) to assess whether there have been sufficient changes in circumstances to merit a comprehensive reassessment of the civil legal problems experienced by low-income residents of the state. The Scoping Group issued its [Final Report and Recommendations](#) in December 2012, concluding that there is a need to update the principal findings relating to the unmet civil legal problems of low-income people and recommending that the effort be guided by a Blue Ribbon panel led by a Justice of the Washington State Supreme Court. Acting on the Scoping Group's recommendation, the Washington Supreme Court established a 12-member 2014 Civil Legal Needs Study Update Committee (Update Committee) and appointed Justice Charles Wiggins to lead it. The Supreme Court asked OCLA to staff the project and serve as principal contracting agent with any research institution selected by the Update Committee to carry out the project.

Overview of the Research Approach

In 2014, OCLA entered into a contract with Washington State University's Social and Economic Sciences Research Center (WSU-SESRC) to conduct the comprehensive reassessment of the civil legal problems of Washington's low- and lowest-income residents. WSU-SESRC's approach employed two separate but complementary components:³

- A mixed-mode (web, mail, and phone) state-wide probability survey⁴ of low-income respondents; and
- A non-probability survey⁵ of individual low-income people throughout Washington who represent groups that were unlikely to be sufficiently represented in an address-based probability survey.

³ A detailed description of the methodology used to conduct this study is located in Appendix A.

⁴ A probability survey employs random sampling of representatives of a discrete target survey group. Depending on response rates and other methodological considerations, results may be used with differing levels of confidence to extrapolate findings to the general population represented by the survey group. The findings from this probability survey may predict experiences for low-income households with incomes at or below 200% of the federal poverty guideline with 95% confidence (+/- 3%).

⁵ A non-probability survey is not random and its results do not predict outcomes for the general population with statistical accuracy. The non-probability component of this survey effort was intended to fill gaps in data generated from the probability survey, particularly for those sub-populations that would not be expected to respond in sufficient numbers to a random, addressed based survey sampling method.

WSU-SESRC used a common questionnaire for both components to ensure comparability. The strategy was to ask respondents about each of 18 specific sets of circumstances, including total of 138 specific civil legal situations anyone in the household may have experienced during the prior twelve month period.

This report outlines the results of the *state-wide probability survey* only. The inclusive nature of the survey made it possible to analyze the extent and type of legal problems experienced by the low-income population as a whole, as well as by identifiable demographic sub-groups who might be expected to experience unique legal problems based on their status or identity.

A total of 3,125 households distributed throughout the state participated in screening for eligibility for the state-wide probability survey. Eligible households were defined as households with income up to 200% of the FPL poverty guidelines based on household size. A total of 1,375 completed surveys from eligible respondents were received. Three hundred sixteen (23.0%) were received via phone, six hundred seventy one (48.8%) were received via web, and three hundred eighty eight (28.2%) were received via mail.⁶

Principal Findings

1. Consistent with the findings of the 2003 CLNS, more than 70% of low-income households continue to annually experience at least one civil legal problem in one of the surveyed problem areas. Of these, more than three quarters do not seek or are not able to obtain legal help with respect to these problems.
2. The number of problems per household tripled from the level documented in the 2003 CLNS. Of those who experienced at least one problem, the 2003 CLNS found an average of 3.3 problems per household/year. The 2014 CLNS Update found that households with at least one problem averaged 9.3 problems per household/year.
3. The substantive types and prevalence of problems experienced by low-income households changed since the 2003 CLNS. Whereas low-income respondents to the 2003 survey reported the greatest percentage of problems in the areas of housing, family relations and employment, respondents to the 2014 survey reported the highest percentage of problems in the areas of health care, consumer-finance (including access to and terms of credit as well as debt collection) and employment.

The 2003 CLNS found an average of 3.3 legal problems per household, while the 2014 CLNS found an average of 9.3 per household.

⁶ A total of 1,375 completed questionnaires from eligible respondents is large enough to ensure a sample error of no larger than +/-3% sample error (SE) at the 95% confidence level. Thus, it is possible to draw conclusions about the low-income population as a whole that can be accepted with a high degree of confidence from observations about the survey respondents.

4. While health care, consumer-finance and employment are the areas with the highest prevalence of legal problems, low-income respondents sought legal help most often when faced with housing, family relations and consumer-finance related problems.
5. Victims of domestic violence and sexual assault continue to experience the highest number of problems per capita than any other demographic group. Members of this group who experienced at least one problem averaged nearly 18 problems per household/year across a broad spectrum of often interrelated substantive legal problems.
6. Very significant differences exist in the type and prevalence of problems respondents experienced depending upon their race, gender, age, disability, military service status and other status-based characteristics.
7. As they did in the 2003 CLNS, low-income respondents continue to report high levels of problems associated with discrimination and unfair treatment. The highest rates of discrimination are experienced by racial and ethnic minorities, Native Americans, persons with disabilities, victims of domestic violence and youth. Discrimination and unfair treatment rates are highest in the areas of employment, rental housing, consumer-finance and health care. Youth who are lesbian, gay, bisexual, transgendered or questioning their sexuality experience high rates of discrimination based on their sexual orientation.
8. In addition to discrimination and unfair treatment on the basis of legally protected characteristics (e.g., race, gender, age, disability, sexual orientation), significant percentages of low-income households experience unfair treatment on the basis of their credit histories, prior juvenile or criminal justice system involvement and their status as victims of domestic violence or sexual assault.
9. The vast majority of low-income people continue to face their civil legal problems without legal assistance. Most of those (65%) who experienced at least one civil legal problem did not take action to get legal help or assistance. Many did not know they had a problem for which assistance from an attorney could help. Many others who understood that they needed legal help did not believe they could afford to get legal help. Only 24% of survey respondents got help with one or more legal problems.
10. Of the respondents who tried to get legal help, most sought help from a legal aid provider, the statewide CLEAR hotline or a volunteer attorney. Many sought help from a paid private attorney. Relatively small percentages sought help from other legal and non-legal related entities such as the Office of the Attorney General, a government agency or a social or human services program.

The 2003 CLNS found that 12% were able to get legal help, while the 2014 CLNS Update found that 24% of households got legal help with one or more problems.

11. Consistent with the findings of the 2003 CLNS the 2014 Update documents that legal assistance makes a difference. Of those who were able to get legal help, 61% were able to obtain some resolution of their legal problem(s), including 17% who obtained complete resolution of their problem(s). This is consistent with the 2003 finding that of those who were able to secure legal help, 61% were satisfied with the resolution of their problem.
12. While most low-income Washingtonians have limited confidence in the civil justice system, perceptions regarding the degree to which that system offers a fair forum for the resolution of important civil problems differ by race, age, gender, family composition, and other demographic and status-based characteristics.

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Demographic Profile of Low-Income Residents of Washington State

This is a study of the civil legal needs of low-income residents of Washington State. The survey was targeted to individuals with household incomes at or below 200% of the federal poverty level (FPL).⁷

The basic standard for determining eligibility for state or federally funded civil legal aid is 125% of FPL, with some exceptions that allow assistance for persons with incomes up to 200% of FPL. In 2014, the household income limits by family size under these standards were:

Federal Poverty Level	Household Size				
	1	2	3	4	5
125% FPL	\$14,363/yr.	\$19,388/yr.	\$24,413/yr.	\$29,438/yr.	\$34,463/yr.
200% FPL	\$23,340/yr.	31,460/yr.	\$39,580/yr.	\$47,700/yr.	\$55,820/yr.

Understanding the demographics of poverty in Washington State helps provide additional context for understanding the substance, prevalence and impact of civil legal problems reported by different segments of the low-income population. The discussion below outlines key poverty demographic indicators and, where appropriate, changes since the 2000 Census which served as the framework for the 2003 CLNS.

According to the Census Bureau, the percentage of the US population living at or below 125% of the federal poverty level (FPL) was 16.5% in 1999 (the figure used for the 2000 Census). In 2013, the Census Bureau reports that the percentage of persons living at or below 125% of FPL increased to 20.6%.⁸

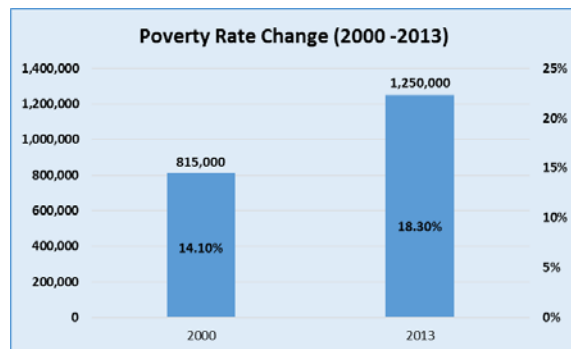


Figure 1: Poverty rate change in Washington between 2000 and 2013

This trend holds true for Washington State. The 2000 Census reported that 815,000 persons were living at or below 125% of FPL (14.1% of the general population). By 2013, this number had increased to 1,250,000 (18.3% of the general population). Figure 1 shows both number of people and the percentage of the general

⁷ For the most part, governmentally funded civil legal aid services, food and nutritional assistance, income assistance, health care, free or reduced lunch programs for students, housing assistance and many other programs employ eligibility benchmarks that range between 125% and 200% of the federal poverty level.

⁸ The Census Bureau measures social and demographic information against a range of poverty related levels. Some data is kept relative to people living at or below 100% of the federal poverty level, while other data is analyzed in by the Census Bureau in relation to households with incomes at or below 125%, 150%, 187% and 200% of FPL. Data presented here highlights salient demographic factors in relation to the most reliable benchmarks available from the Census Bureau's American Community Survey (ACS). Due to limitations in available ACS data, some information is presented in relation to 100% of FPL, while other information is presented in relation to the 125% FPL benchmark.

population living at or below 125% in 2000 and 2013.

The Census Bureau’s 2013 American Community Survey (ACS) showed large differences in poverty rates among Washington counties.⁹ In general, residents of counties in the more rural portion of the state and those living in eastern Washington were more likely to live at or below 125% of the poverty level. For example, 14.0% of residents of Island County, 15.5% of residents of King County and 15.4% of residents of Kitsap County had incomes at or below 125% of FPL, while 24.7% of residents in Grays Harbor County, 23.1% of residents in Cowlitz County, 23.0% of residents of Spokane County, 27.8% of residents of Franklin County and 29.0% of residents in Yakima County had household incomes at or below 125% of FPL.

Members of racial minority groups disproportionately have incomes at or below the poverty level. The incidence of poverty among African Americans, who represent only 4.0% of the total population in Washington State and Hispanics, who represent 11.9% of the population, exceeds that of whites by a factor of more than 2. In 2013, 26.7% of African Americans and 26.6% of Hispanics or Latino origin of any race had incomes below 100% of FPL, compared to 11.2% of non-Hispanic whites and 12.8% of Asians.

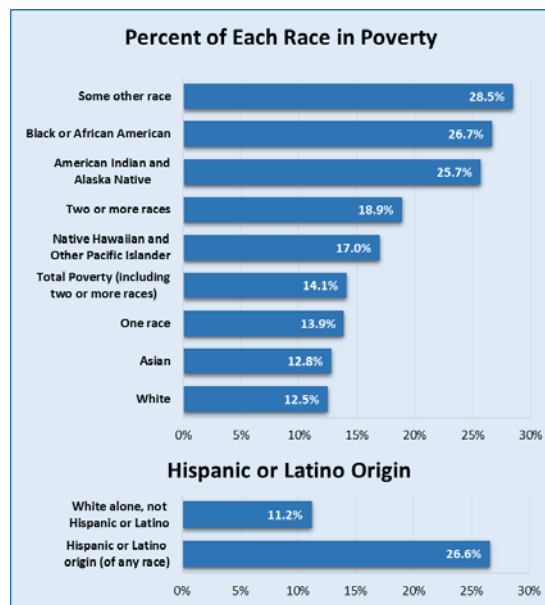


Figure 2: Percent of each race in poverty

Figure 2 shows the relative breakdown of respondents by race and the corresponding percentage of members of each group with incomes at or below 100% of FPL.

Geography also plays a role, intersecting with race. For example, Yakima, Adams and Franklin Counties have large Hispanic populations, while Ferry and Okanogan counties have the largest proportions of American Indians and Alaska Natives, two groups with consistently high poverty rates.

Beyond race and geography, poverty is concentrated among certain other groups. Women, children, persons who are unemployed, those with low levels of educational attainment or job skills and persons who have a disability are especially prone to poverty.

Women are more likely than men to live in poverty in Washington (15.2% compared to 13.1%, respectively). Several factors contribute to the overrepresentation of women among those living in poverty. Women are more likely to be the primary providers for children in single family households. Women also tend to live longer than men and are elderly with fewer resources in their household for their remaining years of life. Women also generally have lower wages than men. The 2013 ACS showed median incomes of about \$30,021 for women and \$40,687 for men who worked full time in Washington.

⁹ Unless otherwise referenced, demographic data comes from the US Census Bureau’s 2000 Decennial Census or the Census Bureau’s ACS.

More than thirty percent of all children in Washington (30.8%) lived at or below 100% of FPL in 2013. Children living in single female-headed families are especially prone to poverty. In 2013 a child living in a single female-headed family was nearly five times more likely to be poor than a child living in a married-couple family. In 2013, among all children living in single female-headed families, 43.3% lived at or below 100% of FPL. Only 9.5% of children living in households headed by married couple lived at or below 100% of FPL.¹⁰

In 2013, 12.6% of native-born residents were poor whereas 18.2% foreign-born residents were poor in 2013. The poverty rate among foreign-born naturalized citizens (11.0%, in 2013) was lower than that of the native-born U.S. population.

Adults with low education, those who are unemployed, or those who have a work-related disability are especially prone to poverty. In 2013, the poverty rate for the population 25 years and over who lacked a high school diploma was 26.2%. In contrast, only 9.7% of those 25 and over with at least a bachelor's degree were found to be living below the poverty line. Among persons who were unemployed in 2013, nearly 3 out of 10 (27.8%) were living at or below 100% of FPL; among those who were employed, only 6.4% had household incomes below 100% of FPL.

In 2013, adults (age 18-64) with disabilities rendering them unable to work represented 11.2%¹¹ of the total civilian non-institutionalized population of Washington. More than a quarter of persons in this group (27.8%) had household incomes at or below 100% of FPL.

In summary, the largest risk factors for living in poverty in Washington State include:

- Race
- Gender
- Family composition, particularly children living in single female head of household family
- Age (children under 18)
- Status as working or unemployed
- Education
- Having a disability that limits a person's ability to work
- Being a foreign national
- Geography

¹⁰ While this discussion singles out specific demographic characteristics, the disproportionate experience of poverty is felt by those who have more than one such characteristic. Poverty rates for minority women and children well exceed those of their white counterparts.

¹¹ http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1810&prodType=table

Demographic Characteristics of Survey Participants

The survey methodology sought to secure participation from representative samples of the low-income population. Of the nearly 1,500 census tracts in Washington, 126 were identified that had either:

- 28.0% of individuals with household incomes at or below 125% of FPL
- At least 1,000 residents who identified as a member of a particular census-based racial or ethnic minority group and where at least 25.0% of the members of that group had household incomes at or below 100% of FPL.

Race and Ethnic Characteristics

One thousand three hundred forty-two respondents (1,342) provided information about their race/ethnicity. Table 1 shows the relative breakdown of survey respondents by race or other Census-based identifying characteristic and the corresponding numbers and percentages of members of each group in the overall poverty population.

Table 1: Demographic Characteristics of Washington State by Race and by Hispanic or Latino Origin and the Corresponding Percentage of Members of Each Group in the Washington State Poverty Population and the Survey Participants.

Race	Total	Poverty	Percent of Each Race in Poverty	Percent of Poverty Population	2014 CLNS Percentage Participation ¹²
One race	6,506,018	904,854	13.9%		
White	5,343,321	668,475	12.5%	69.1%	57.6%
Black or African American	248,640	66,402	26.7%	6.9%	9.2%
American Indian and Alaska Native	92,760	23,815	25.7%	2.5%	6.3%
Asian	529,174	67,765	12.8%	7.0%	7.6%
Native Hawaiian and Other Pacific Islander	41,111	6,972	17.0%	0.7%	1.4%
Some other race	251,012	71,425	28.5%	7.4%	3.1%
Two or more races	330,244	62,428	18.9%	6.5%	3.6%
Total Poverty (including two or more races)	6,836,262	967,282	14.1%		
Hispanic Or Latino Origin					
Hispanic or Latino origin (of any race)	815,416	216,692	26.6%	22.4%	20.4%
White alone, not Hispanic or Latino	4,854,186	543,367	11.2%		

¹² Because the racial and ethnic breakdown of 2014 CLNS survey participants is representative of the overall racial/ethnic breakdown of the poverty population in Washington State, the findings from the survey can be generalized with confidence to the sub-population(s) of interest.

Demographic Characteristics Other Than Race

The survey asked respondents to identify themselves by reference to other key Census-based demographic characteristics. Table 2 shows the relative breakdown of respondents by gender, age, marital status, household composition, immigrant and citizenship status, disability status, homeless status, income and employment status, military/veteran status and geographic region.

Table 2: Income and Household Characteristics of Survey Participants¹³

Demographic Characteristics	PS survey	
	n	%
Immigrant status (born outside the U.S.)		
Yes	325	26.8%
No	889	73.2%
Total	1,214	100%
Gender		
Male	468	38.6%
Female	736	60.8%
Transgender or other	7	0.5%
Total	1,211	100%
Age		
0-17	11	0.9%
18-24	123	10.2%
25-39	344	28.4%
40-64	509	42.0%
65+	224	18.5%
Total	1,211	100%
Marital Status		
Married	394	32.8%
Not married, but live and share household expenses with another	246	20.4%
Single and live alone	203	16.9%
Other	212	17.5%
Total	1,212	100%
Households composed of families with children		
Households without children	691	57%
Households with children	522	43%

¹³ Note: The table 2 includes only respondents who provided responses to questions asking about income and household characteristics.

Table 2: Income and Household Characteristics of Survey Participants¹³

Demographic Characteristics	PS survey	
	n	%
Total	1,213	100%
Homeless		
Homeless	21	1.7%
No	1,192	98.3%
Total	1,213	100%
Disability		
Disability	463	38.1%
No disability	752	61.9%
Total	1,210	100%
Caring for Dependent		
Yes	187	15.4%
No	1,026	84.6%
Total	1,213	100%
Military Status:		
Served in the military	201	16.6%
Did not serve in the military	1,011	83.4%
Total	1,212	100%
Citizenship		
United States citizen	1,073	88.5%
U.S. permanent resident, but not a U.S. citizen	78	6.4%
Citizen of another country	48	4.0%
Other	14	1.2%
Total	1,213	100%
Employment		
Not employed	650	53.9%
Employed full-time	276	22.9%
Employed part-time	218	18.1%
Self-employed	63	5.2%
Total	1,213	100%

Table 2: Income and Household Characteristics of Survey Participants¹³

Demographic Characteristics	PS survey	
	n	%
Income		
1 person: \$23,340 or below	393	28.7%
2 person: \$31,460 or below	308	22.4%
3 person: \$39,580 or below	209	15.2%
4 person: \$47,700 or below	202	14.7%
5 person: \$55, 820 or below	134	9.7%
6 person: \$63,940 or below	72	5.2%
7 person: \$ 72,060 or below	34	2.4%
8 person: \$80,180 or below	14	1%
9 person: \$88,360 or below	7	0.5%
10 person: \$96,540 or below	1	<0.01%
Total	1,375	100%

Substantive Legal Problem Areas

The survey instrument provided opportunities for respondents to say whether they had experienced one or more civil (non-criminal) legal problems within the preceding 12 month period. For purposes of the study, “legal problems” are problems that survey designers determined had a civil legal dimension the resolution of which could be enhanced with timely civil legal assistance. Survey respondents were asked about questions in 17 areas. Questions addressed 138 specific situations that could give rise to a civil legal problem.¹⁴ Ten (10) of the 18 categories of problems related to the following substantive areas:

- Employment
- Health Care
- Estate Planning
- Municipal Services And Utilities
- Rental Housing
- Education
- Family Relations
- Mobile Homes
- Access to Government Assistance
- Consumer and Financial Services

¹⁴ Respondents were encouraged to check all options that applied, so percentages may not sum up to 100%.

Seven (7) categories focused on problems relevant to specific survey target groups. These included:

- Problems experienced by persons with disabilities
- Problems experienced by immigrants
- Problems related to Native American status
- Problems experienced by military service members and veterans
- Problems experienced by youth and young adults
- Problems experienced by persons involved in the child welfare and foster care system
- Problems experienced by persons in juvenile and adult correctional facilities

Prevalence of Legal Problems – Entire Survey Group

Overall, seventy one (71.1%) percent of low-income households reported at least one legal problem during the 12 months preceding the survey. Among households with at least one legal problem the average was 9.3 legal problems.

Respondents reported an aggregate total of 7,460 separate legal problems in areas identified in the survey instrument.¹⁵ One in ten households (10%) reported having just *one* legal problem within the prior 12 months. Slightly less than a fifth (19.6%) of households reported having *two* to *four* legal problems and 40.9% of households reported having *five or more* legal problems during the 12 months preceding the survey.

Legal Problems by Substantive Area

In the following sub-sections we present findings regarding the prevalence of legal problems for all survey respondents by substantive areas of legal problem as well as the relative percentage of problems by subject matter area in relation to the total number of problems reported (excepting problems related to discrimination and unfair treatment, which are reported separately in Section I below).

The prevalence and relative percentages of legal problems by substantive area experienced by the entire survey group and each demographic group surveyed are set forth in Master Tables 1 and 1a in Appendix B. These tables document significant disproportionalities in the experiences of members of distinct sub-demographic groups relative to the general low-income population. Specifically, African-Americans, Native Americans, Hispanics, persons with disabilities, victims of domestic violence, youth and families that include service members or veterans experience substantially greater numbers of problems and different types of problems than the general low-income population. For example, Table 1 shows that 33% of all low-income households experienced one or more problems relating to employment, but that 44.7% of African American households and 56.7% of Native American households reported an employment-related problem. And, while 27.8% of all low-income households had at least one rental housing problem, 41.5% of African American households, 42.9% of Native American households and 37.8% of households that include a person with a disability had rental housing related problems.

¹⁵ Incidents of discrimination and unfair treatment reported by survey respondents are not included into this number.

B.1. Prevalence of Legal Problems by Substantive Area

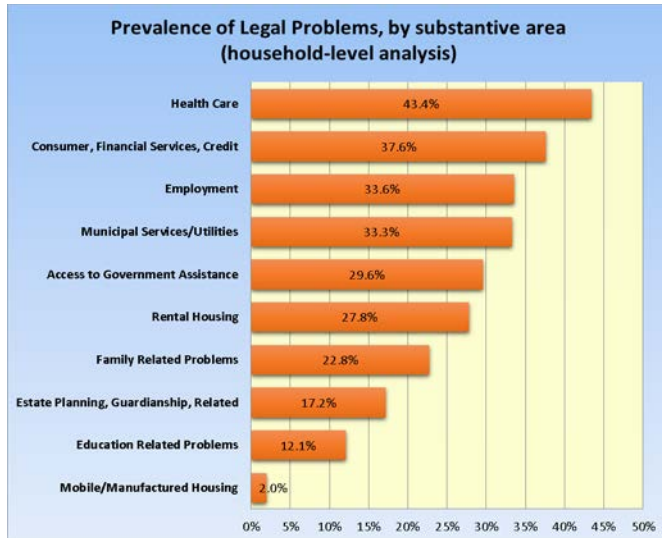


Figure 3: Percentage of households affected by legal problems, by category

Figure 3 documents the prevalence or the percentage of survey respondents who experienced legal problems by substantive category.

Thus, for example, 43.4% of all households, had at least one legal problem with health care, 37.6% experienced at least one consumer problem, 33.6% had at least one problem involving employment, etc.

B.2. Legal Problems as a Percentage of All Substantive Legal Problems Reported

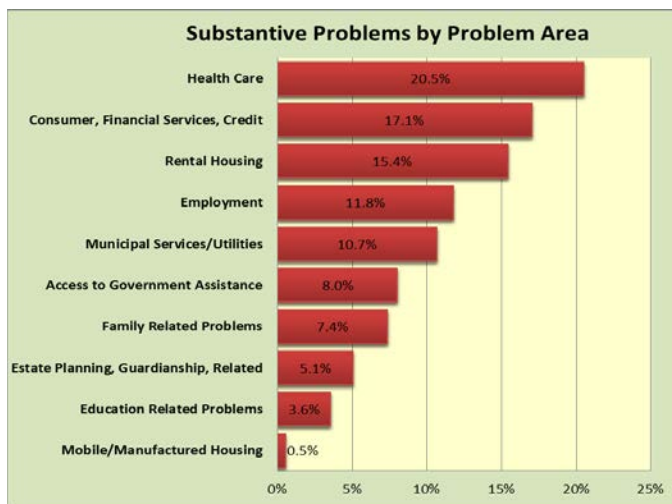


Figure 4: Relative percentage of problems, shown as a percentage of total number of substantive problems

Overall 7,460 separate legal problems were reported in the substantive areas of survey focus.¹⁶ Figure 4 shows the relative percentage of these problems, by legal problem area, as a percentage of all substantive problems reported in the survey. Health care, consumer, rental housing and employment problems account for more than half of all problems affecting low-income households.

¹⁶ Note: Problems relating to discrimination and unfair treatment are reported separately and are not included in the total reported here. Problems unique to specific survey target groups are also reported separately and not included in this presentation.

For What Types of Problems Do Low-income People Seek Legal Help?

The 2014 Update looked to assess whether and with respect to what categories of problems low-income people sought legal help. As was the case in the 2003 CLNS, the 2014 Update found there to be a significant difference between the type of problems that are most often experienced and

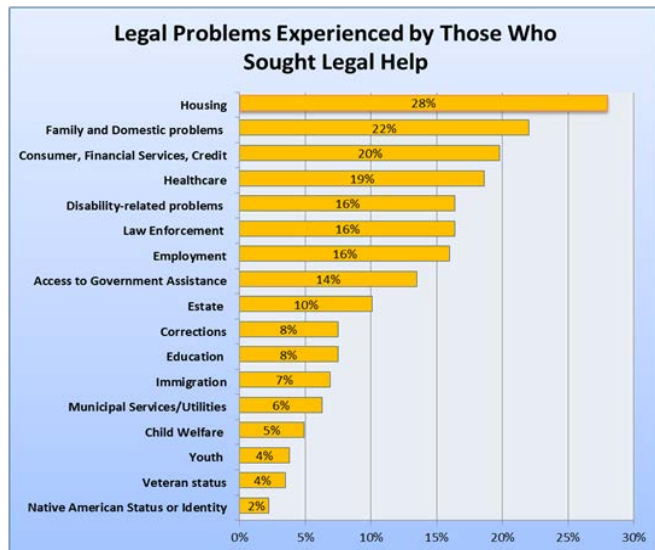


Figure 5: Percentage of problems by substantive area for which legal help was sought.

and types of problems for which legal help was most often sought. While the greatest prevalence of problems fall within the areas of health care (43.4%), consumer-finance-credit (37.6%) and employment (33.6%), low-income people most often seek legal help when they face problems involving housing (28.0%), family relations (27.0%) and consumer-finance-credit issues (20.0%). These appear to be areas of problems where, from the perspective of the low-income respondents, there is a clearer understanding that the problems have a legal dimension and that there are court-based solutions to resolve them.

D. Differences in Prevalence of Legal Problems in 2003 and 2014

A major focus of the study was to assess the degree to which the prevalence of problems identified in the 2003 Civil Legal Needs Study continued in 2014 and the degree to which there were changes in the prevalence of such problems. Table 3 and Figure 6 compare the percentage of households reporting at least one legal problem overall and within each substantive area of legal problems. Between 2003 and 2014, the prevalence of housing and family related problems decreased relative to other areas while problems relating to health care, employment, consumer-finance-credit (including debt collection) and access to state governmental assistance programs increased significantly.¹⁷

¹⁷ While the 2002-03 survey instrument served as its foundation, the 2014 instrument differed from the former instrument in a number of ways, making direct comparisons somewhat difficult, especially at the level of specific legal problems within general substantive areas. Nevertheless, most of the general areas of substantive inquiry were consistent between the two, allowing for the high level comparison shown in Table 1.

Table 3: Percentage of Survey Respondents Affected by Legal Problems

General Overview	2003	2014
Households experienced at least one legal problem ¹	75-79%	71.1%
The average number of legal problems per household	3.3	9.3
Households with four or more legal problems ²	38-54%	46.3%
Percentage of Households	2003	2014
Housing problems ³	41.3%	27.8%
Family Related problems	27.4%	22.8%
Employment problems	25.3%	33.6%
Consumer, Financial Services and Credit	27.0%	37.6%
Municipal Sevices/Utilities	25.6%	33.3%
Access to State Government Assistance/Public Benefits	20.4%	29.6%
Health problems	18.8%	43.4%
Estate Planning	11.3%	17.2%
Education problems	8.6%	12.1%
Mobile or manufacturing home	-	2.0%

¹ Percentage of households experiencing at least one legal problem varied by income group in 2003.

² Percentage of households experiencing four or more problems varied by income group in 2003.

³ Housing problems in 2014 were dealing primarily to Rental Housing. ⁴

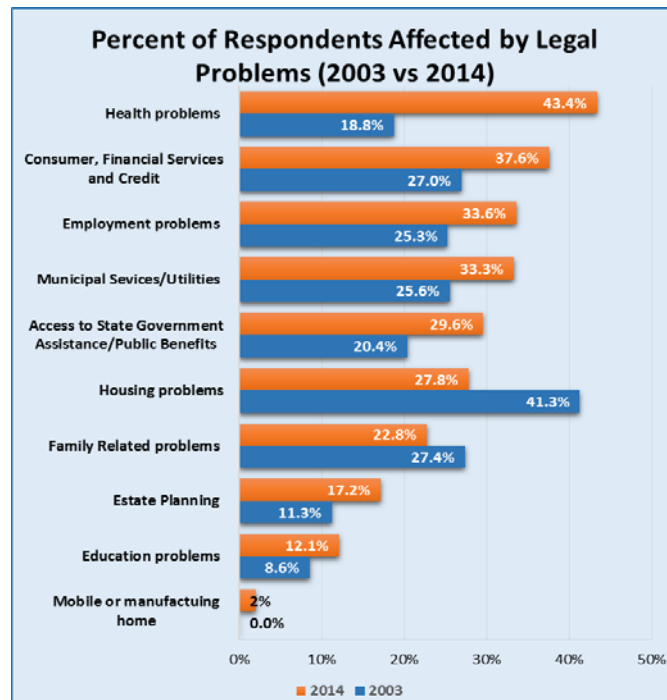


Figure 6: Percent of respondents affected by legal problems in 2003 and 2014

E. Differences in Relative Percentage of Legal Problems in 2003 and 2014¹⁸

Table 4 and Figure 7 compare the relative percentage of legal problems reported by substantive area as a total of all legal problems reported. For example, in 2003, 17.0% of all legal problems reported involved housing. The corresponding percentage for 2014 is 15.4%. In 2003, family related legal problems accounted for 14.0% of all legal problems reported. In 2014, that number is 7.4%.¹⁹

Table 4: Legal Problems as a Percentage of All Substantive Legal Problems Reported

Percentage of Substantive Legal Problems	2003	2014
Housing problems ¹	17.0%	15.4%
Family Related problems	14.0%	7.4%
Employment problems	13.0%	11.8%
Consumer, Financial Services and Credit	10.0%	17.1%
Municipal Sevices/Utilities	9.0%	10.7%
Access to governmental assistance/public benefits	8.0%	8.0%
Health problems	7.0%	20.5%
Estate Planning	5.0%	5.1%
Education problems	3.0%	3.6%
Mobile or Manufacturing home	-	0.5%

¹ Housing problems in 2014 were dealing primarily to Rental Housing



Figure 7: Relative percentage of problems reported in 2003 and 2014

¹⁸Note: Problems relating to discrimination and unfair treatment are reported separately and not included in this table.

¹⁹ The two survey instruments did not mirror one another and that the relative number of questions in each substantive area was different. Thus, the relative percentages are not directly comparable.

F. Prevalence and Relative Percentages of Problems by Substantive Area

In the following pages, this report presents data relating to the prevalence and relative percentage of specific problems reported within each substantive legal area. Each of the following subsections includes two tables – (a) a table showing the prevalence of specific problems within each of the broader substantive areas and (b) a table showing the relative percentage of specific problems within each of the broader substantive areas.

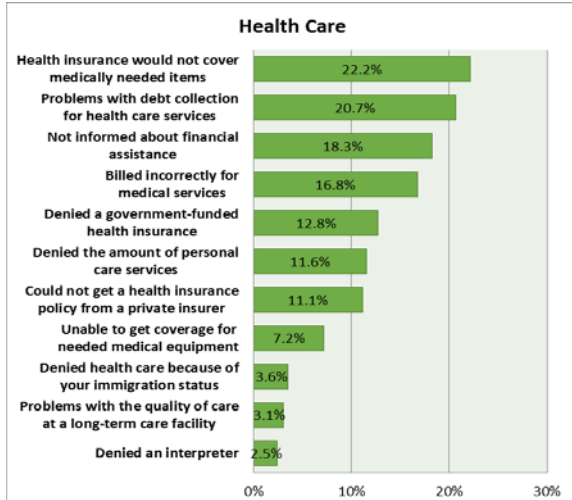


Figure 8: Percentage of households affected by problems relating to health care

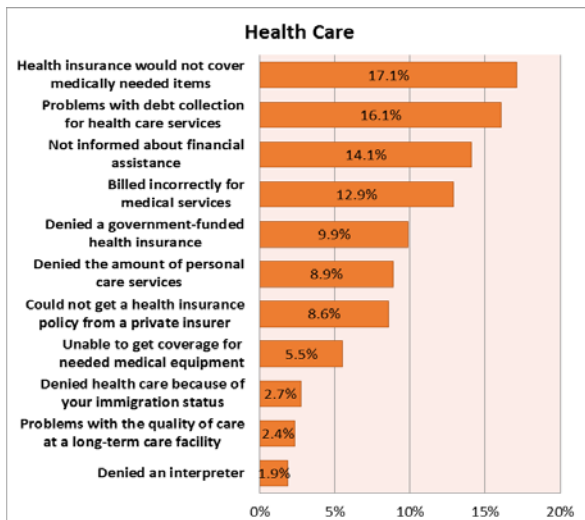


Figure 9: Relative percentage of specific health care problems, shown as a percentage of all health care problems reported

F.1.a. Prevalence of Problems Relating to Health Care

Figure 8 shows the prevalence or percentage of households affected by problems relating to health care. Of all households, 22.2% had a problem with health insurance, while 20.7% experienced at least one problem with collection of debt related to the provision of medical services, etc.²⁰

F.1.b. Relative Percentage of Problems Relating to Health Care

Figure 9 shows the relative percentage of specific problems relating to health care as a percentage of all health care problems reported.

Of the total number of reported problems relating to health care, 17.1% were related to health insurance, 16.1% were related to collection of medical services related debt, 14.1% involved problems associated with financial assistance to defray medical expenses, etc.

²⁰ Because respondents were free to identify more than one legal problem in each area, the total of percentages exceeds 100%.

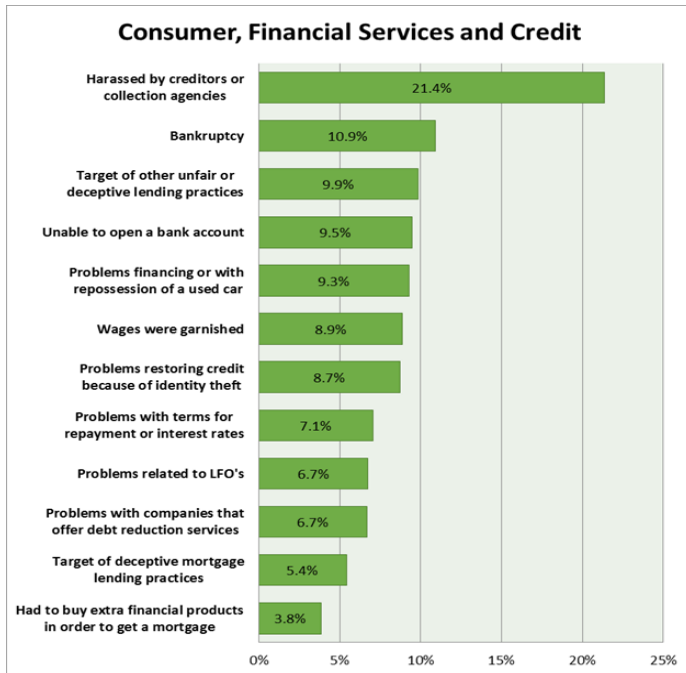


Figure 10: Percentage of households affected by problems relating to relating to consumer, financial services and credit

F.2.a. Prevalence of Problems Relating to Consumer, Financial Services and Credit

Figure 10 shows the prevalence or percentage of households affected by problems relating to consumer, financial services and credit.

Of all households, 21.4% reported problems with debt collection, 10.9% had problems involving bankruptcy, 9.9% were targeted by or experienced unfair or deceptive lending practices, etc.

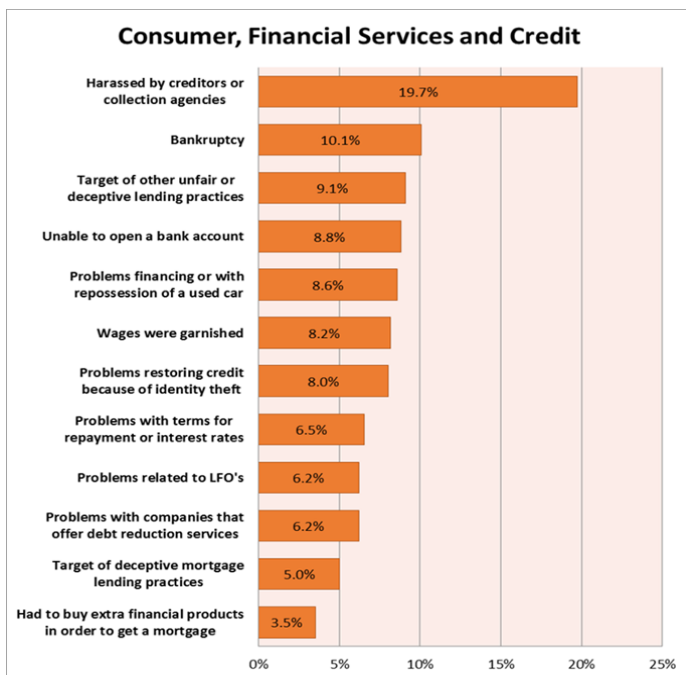


Figure 11: Relative percentage of specific problems, shown as a percentage of all problems in this area

F.2.b. Relative Percentage of Problems Relating to Consumer, Financial Services and Credit

Figure 11 shows the relative percentage of specific problems relating to consumer, financial services and credit as a percentage of all reported problems in this area.

Of the total number of reported consumer, financial services and credit related problems, 19.7% involved problems with debt collection, 10.1% involved bankruptcy, 9.1% involved unfair and deceptive lending practices, etc.

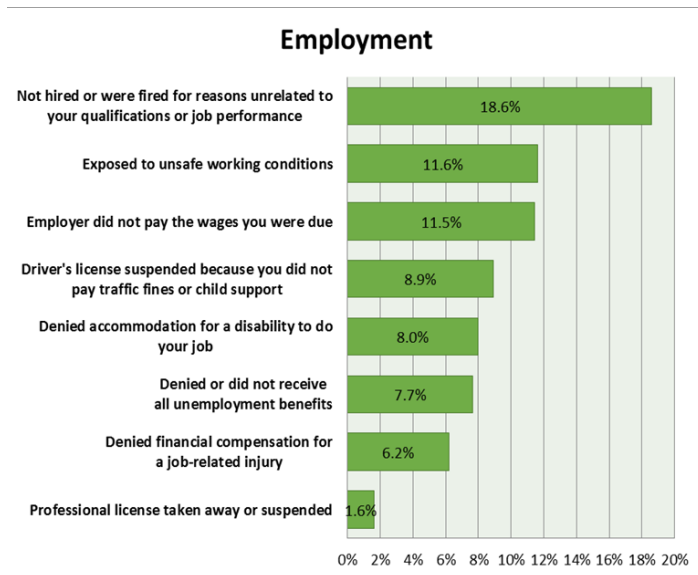


Figure 12: Percentage of households affected by employment problems

F.3.a. Prevalence of Problems Relating to Employment

Figure 12 shows the prevalence or percentage of households affected by employment problems.

Of all households, 18.6% had problems relating to an employer's refusal to hire or termination from a job for reasons unrelated to job qualifications or performance, 11.6% had problems with unsafe working conditions, 11.6% had problems relating to non-payment of wages, etc.

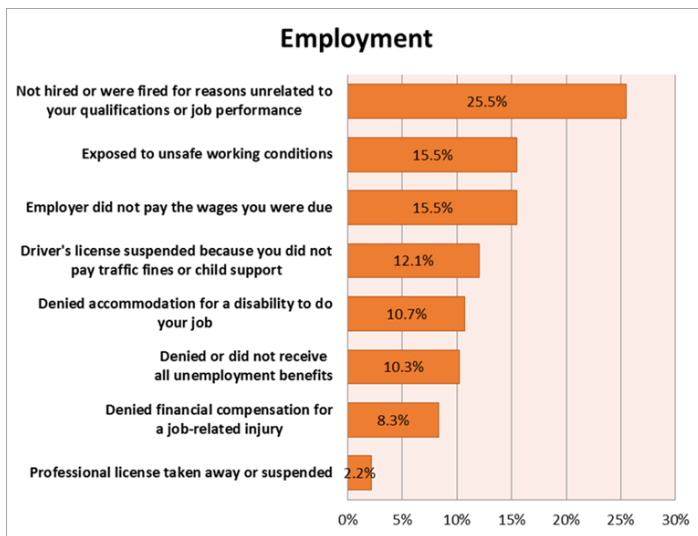


Figure 13: Relative percentage of specific employment problems, shown as a percentage of all employment problems reported

F.3.b. Relative Percentage of Problems Relating to Employment

Figure 13 shows the relative percentage of specific employment problems as a percentage of all employment problems reported in the survey.

For example, of the total number of problems relating to employment, 25.5% related to the improper denial of employment or wrongful termination, 15.5% related to unsafe working conditions, 15.5% related to non-payment of wages, etc.

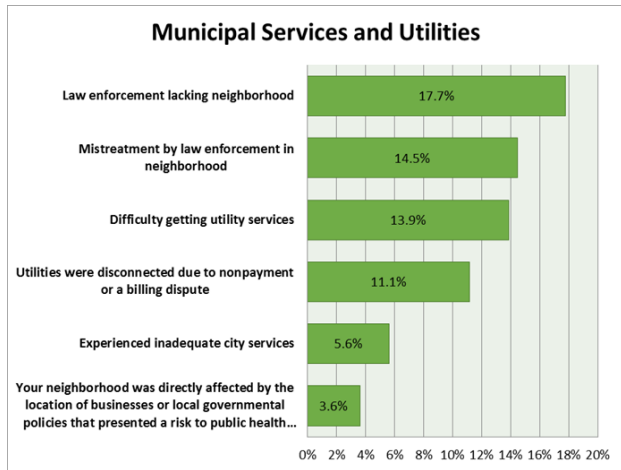


Figure 14: Percentage of households affected by problems relating to municipal services and utilities

F.4.a. Prevalence of Problems Relating to Municipal Services and Utilities

Figure 14 shows the prevalence or percentage of households affected by problems relating to municipal services and utilities.

Of all households, 17.7% experienced problems relating to insufficient or inadequate law enforcement services, 14.5% related to alleged mistreatment by law enforcement officials, 13.9% involved problems with getting utility services, 11.1% involved problems maintaining utility service, etc.

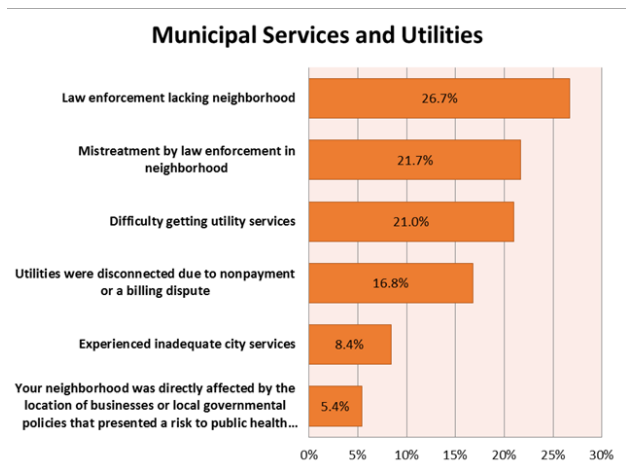


Figure 15: Relative percentage of specific problems relating to municipal services and utilities, shown as a percentage of all problems in this area

F.4.b. Relative Percentage of Specific Problems Relating to Municipal Services and Utilities

Figure 15 shows the relative percentage of specific problems in the area of municipal services or utilities as a percentage of all problems reported in this area. Of the total number of problems relating to the provision of municipal services and utilities, 37.8% related to an inability to obtain or maintain utility services, 26.7% related to inadequate law enforcement in the neighborhood, 21.7% related arose from perceived mistreatment by law enforcement officials, etc.

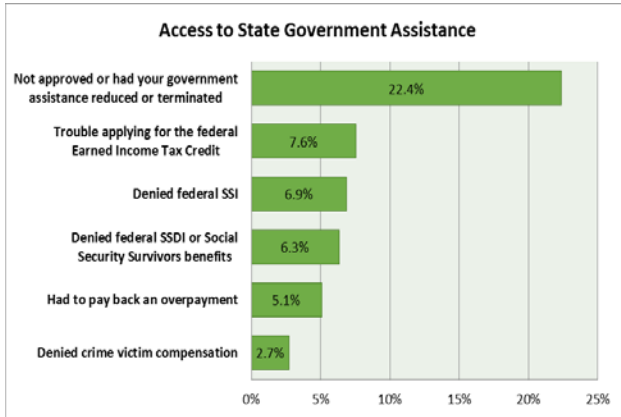


Figure 16: Percentage of households affected by problems relating to needs-based government assistance

F.5.a. Prevalence of Problems Relating to Needs-Based Government Assistance

Figure 16 shows the percentage of households affected by problems relating to needs-based government assistance. Of all households, 22.4% were denied, sanctioned, terminated from or had their level of state governmental assistance reduced in the prior 12 month period, 7.6% reported problems getting the Earned Income Tax Credit (EITC), 6.9% were denied federal Supplemental Security Income (SSI), 6.3% were denied federal Social Security Disability Insurance (SSDI) benefits, etc.

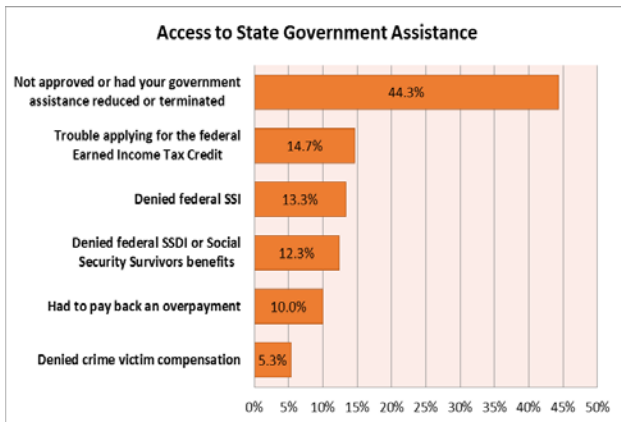


Figure 17: Relative percentage of specific problems relating to state government assistance, shown as a percentage of all problems in this area

F.5.b. Relative Percentage of Problems Relating to State and Federal Needs-Based Government Assistance

Figure 17 shows the relative percentage of specific problems involving access to state and federal needs-based government assistance.

Of the total number of problems involving access to needs-based government assistance, 44.3% involved the denial, termination, reduction or other adverse action in the administration of a state assistance program, 14.7% involved difficulty getting EITC payments, 13.3% involved denial or termination from federal SSI benefits, etc.

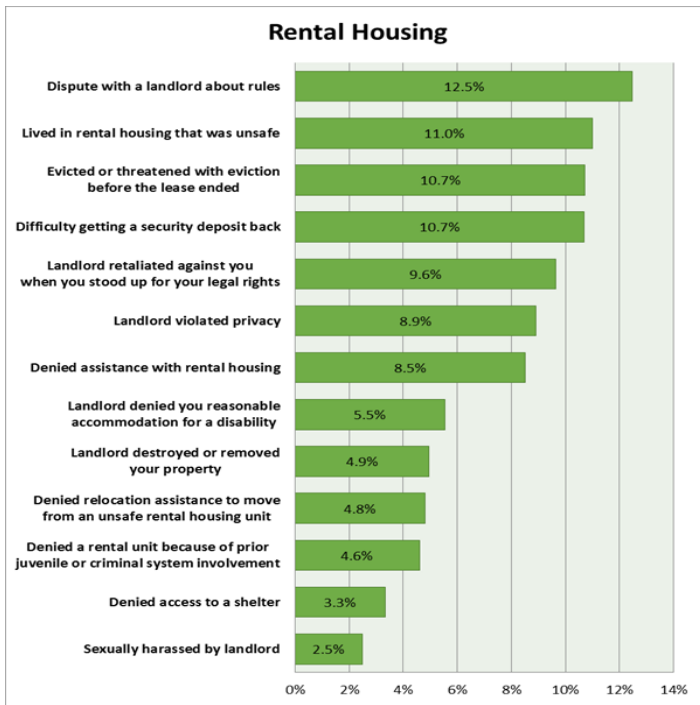


Figure 18: Percentage of households affected by problems relating to rental housing

F.6.a. Prevalence of Problems relating to Rental Housing

Figure 18 shows the prevalence or percentage of households affected by problems relating to rental housing.

Of all households, 12.5% had a dispute with a landlord about rules, 11.0% had problems involving unsafe housing, 10.7% had problems relating to eviction or wrongful termination of their lease, etc.

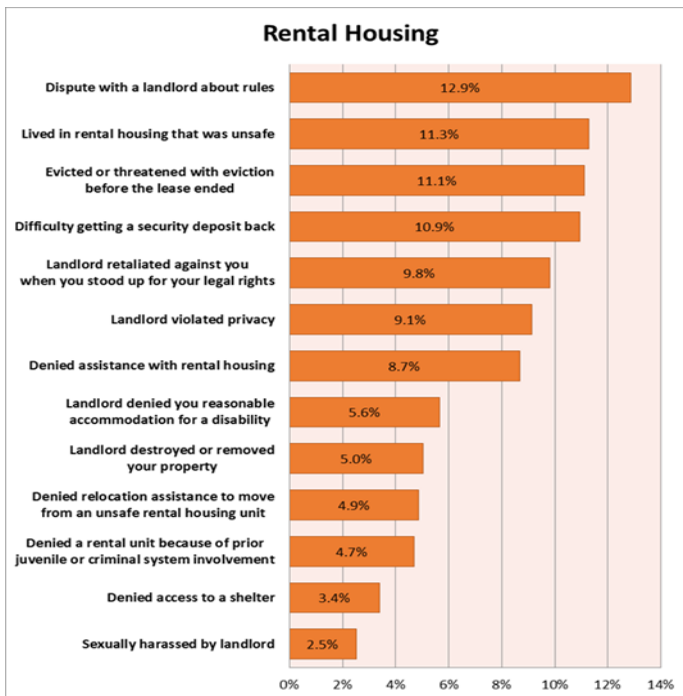


Figure 19: Relative percentage of specific problems relating to rental housing, shown as a percentage of all problems in this area

F.6.b. Relative Percentage of Problems Relating to Rental Housing

Figure 19 shows the relative percentage of specific problems involving rental housing as a percentage of all problems reported in this area.

Of the total number of problems involving rental housing 12.9% involved problems arising from disputes with landlords, 11.3% involved problems associated with unsafe rental units, 11.1% involved evictions, etc.

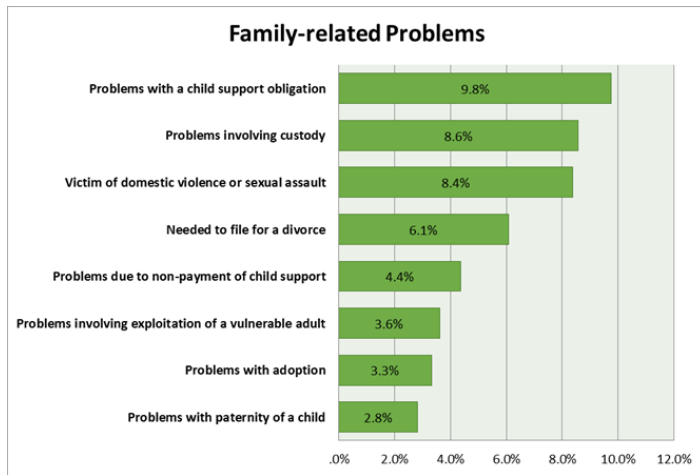


Figure 20: Percentage of households affected by family-related problems

F.7.a. Prevalence of Family-Related Problems

Figure 20 shows the prevalence or percentage of households affected by family-related problems. Of all households, 9.8% had a problem involving child support, 8.6% had a problem involving residential placement (custody) of children, 8.4% had problems associated with being a victim of domestic violence or sexual assault, etc.

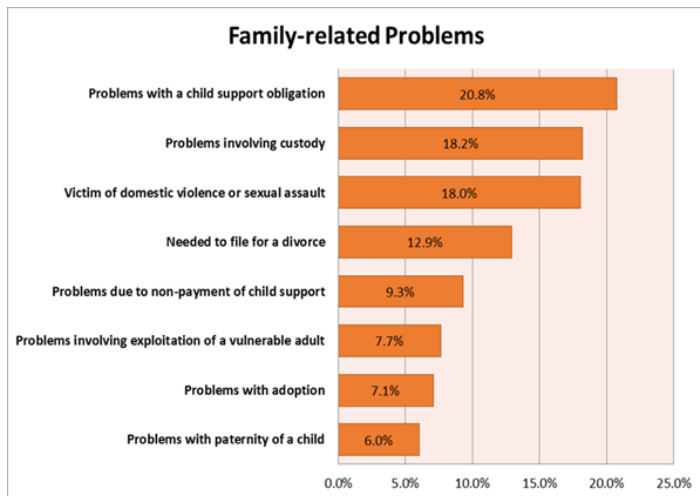


Figure 21: Relative percentage of specific family-related problems, shown as a percentage of all problems in this area

F.7.b. Relative Percentage of Problems Relating to Family Relationships

Figure 21 shows the relative percentage of specific problems involving family relationships.

Of the total number of problems involving family relationships, 20.8% were related to child support, 18.2% involved problems with placement of children (custody), 18.0% involved problems associated with being a victim of domestic violence or sexual assault, etc.

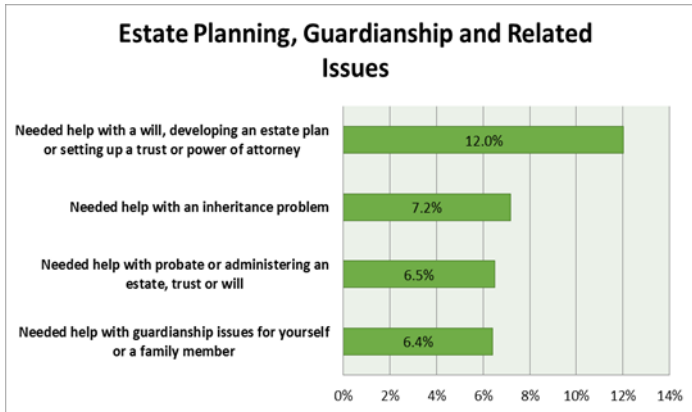


Figure 22: Percentage of households affected by problems relating to estate planning, guardianship, and related issues

F.8.a. Prevalence of Problems Relating to Estate Planning, Guardianship and Related Issues

Figure 22 shows the prevalence or percentage of households affected by problems relating to estate planning, guardianship and related issues.

Of all households, 12.0% needed help with a will or estate plan, 7.2% needed help with an inheritance problem, 6.5% needed help administering an estate, trust or will, etc.

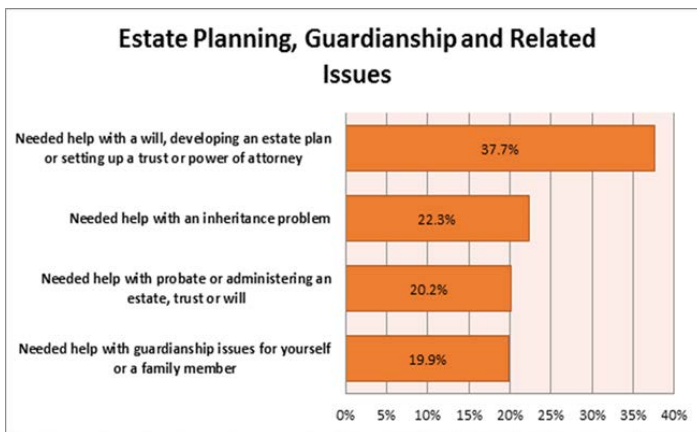


Figure 23: Relative percentage of specific problems relating to estate planning, shown as a percentage of all problems in this area

F.8.b. Relative Percentage of Problems Relating to Estate Planning, Guardianship and Related Issues

Figure 23 shows the relative percentage of specific problems involving estate planning, guardianship and related issues.

Of the total number of problems involving estate planning, 37.7% related to wills, estate planning, setting up a trust or establishing a power of attorney, 22.3% were related to inheritance problem, 20.2% were related to administering an estate, trust or will, etc.

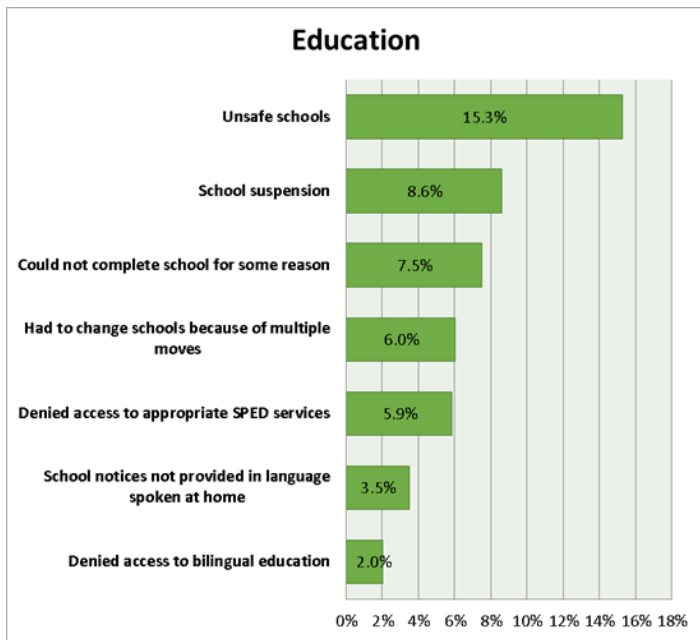


Figure 24: Percentage of households affected by problems relating to education

F.9.a. Prevalence of Education problems

Figure 24 shows the prevalence of education-related legal problems experienced by respondents who were in school or had someone in their immediate household in school.

Of these respondents, 15.3% experienced problems with unsafe schools, 8.6% with school suspension or permanent removal, etc.

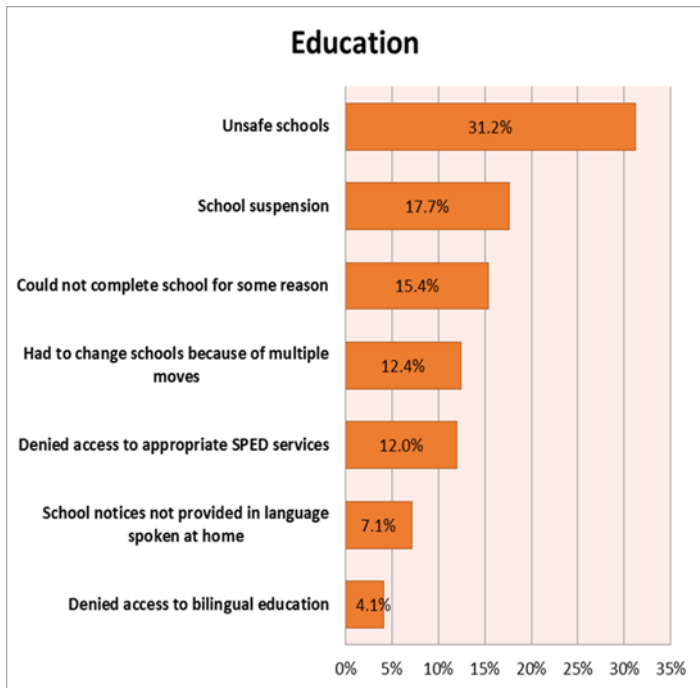


Figure 25: Relative percentage of specific problems relating to education, shown as a percentage of all problems in this area

F.9.b. Relative Percentage of Problems Relating to Education

Figure 25 shows the relative percentage of specific problems involving education.

Of the total number of problems involving education 31.2% related to unsafe schools, 17.7% related to school suspensions or permanent removal, 15.4% related to participation in judicial truancy proceedings or other obstacles to staying in or completing school, etc.

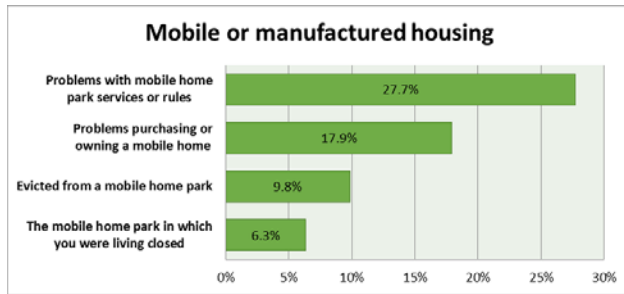


Figure 26: Percentage of households affected by problems relating to mobile or manufactured housing

problems with the purchase or ownership of a mobile or manufactured home, 9.8% had problems associated with eviction from a mobile home park.

F.10.a. Prevalence of Problems Relating to Mobile or Manufactured Housing

Figure 26 shows the prevalence or percentage of households who indicated that they owned, purchased or rented a mobile or manufactured home and had a problem relating to mobile or manufactured housing. Of those who owned, purchased or rented a mobile or manufactured home, 27.7% reported problems with mobile home park services or rules, 17.9% had

F.10.b. Relative Percentage of Problems Relating to Mobile or Manufactured Housing

Figure 27 shows the relative percentage of specific problems involving mobile or manufactured housing. Of the total number of problems reported in this area, 45.0% involved problems related to mobile home park services or rules, 30.0% related to problems purchasing or owning a mobile or manufactured home, 15.0% involved eviction from a mobile home park, and 10.0% involved problems associated with the closure of a mobile home park.

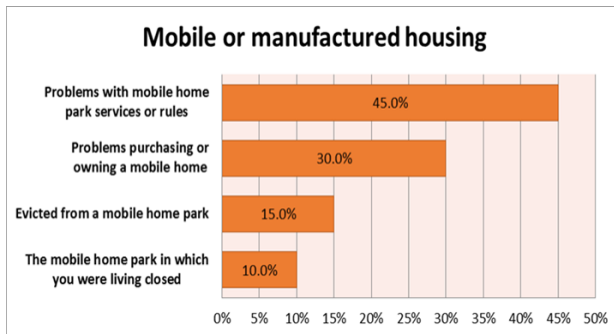


Figure 27: Relative percentage of specific problems relating to mobile or manufactured housing

H. Problems Experienced by Members of Survey Target Groups

The survey instrument asked respondents to identify whether one or more household members were members of specific categories of persons who might be expected to experience common problems relating to their status or circumstances (Survey Target Group). These included:

- Persons with disabilities (n=466)
- Persons who identify as Native Americans (n=78)
- Immigrants (n=326)
- Persons who are military service members or veterans (n=203)
- Youth ages 15-21 (n=151)
- Persons who had involvement with the child welfare system (n=48)
- Persons who have been incarcerated in a juvenile or adult correctional facility (n=50)

Specific questions were incorporated into the survey for each survey target group relating to problems that might arise affecting members of these groups and relating to their common

characteristics or status. The following figures present data showing the prevalence and relative percentage of problems specific to each of the target survey groups.

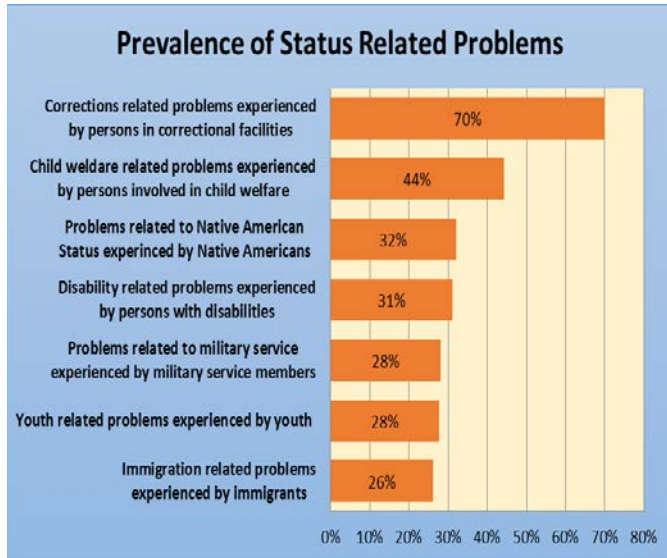


Figure 28: Percentage of households affected by status related problems

H.1. Prevalence of Status-Related Legal Problems Experienced by Members of Survey Target Groups

Figure 28 shows the prevalence of problems relating to the common characteristics or status unique to each group. Of those who identified as having a household member with a physical, mental, health, sensory or developmental disability (“disabled persons”), 31.0% reported experiencing a legal problem related to disability status. Similarly, of respondents who identified as immigrants, 26.0% experienced a problem relating to their immigration status.

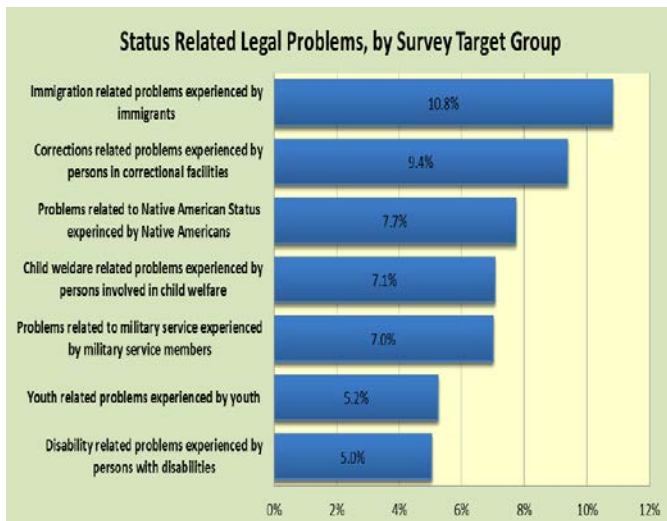


Figure 29: Status related legal problems by specific survey target group, shown as a percentage of all legal problems reported by members of each group

H.2. Percentage of Status-Related Legal Problems Experienced by Survey Target Group

Figure 29 documents the relative percentage of status-related problems experienced as a member of a survey target group in relation to the total number of legal problems experienced by members of each survey target group. Respondents who self-identified as immigrants reported a total of 1,924 legal problems, of which 208 (10.8%) related to immigration. Respondents who had been incarcerated in a juvenile or adult correction facility reported a total of 1,079 problems, of which 9.4% related to the circumstances of their confinement or that of a household member.

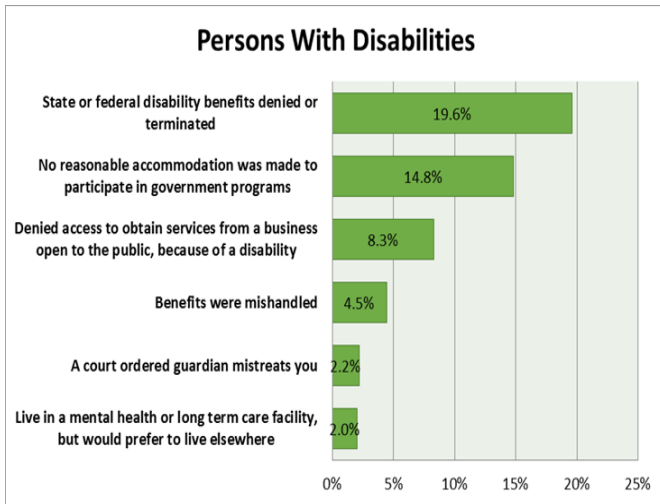


Figure 30: Percentage of persons with physical, sensory, mental health or developmental disabilities affected by disability-related problems

H.3.a. Prevalence of Disability-Related Problems Experienced by Persons with Physical, Sensory, Mental Health or Developmental Disabilities

Figure 30 shows the prevalence of disability-related problems experienced by respondents who indicated that they or a member of their household had a physical, sensory, mental health or developmental disability. Of the members of this group, 19.6% had problems involving the denial or termination of state or federal disability benefits, 14.8% had problems relating to the denial of necessary accommodations to enable them to participate in government programs, 8.3% were denied necessary accommodations to enable them to obtain services from a business open to the public, etc.

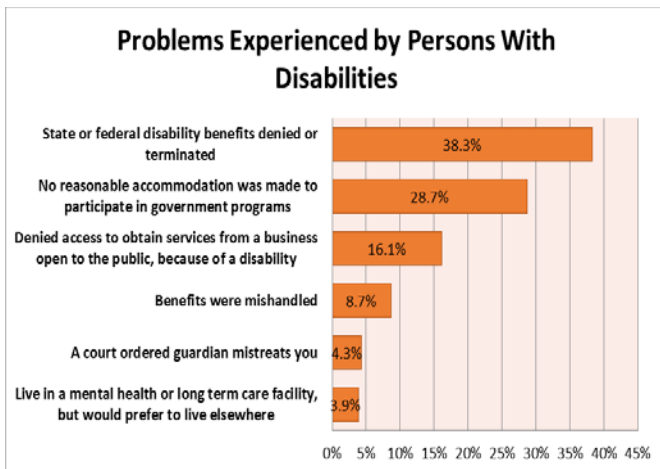


Figure 31: Relative percentage of disability-related problems experienced by persons with disabilities

H.3.b. Relative Percentage of Disability-Related Problems Experienced by Persons with Disabilities

Figure 31 shows the relative percentage of specific disability-related problems experienced by households with a member who had a physical, mental health, sensory or developmental disability. Of the total number of disability-related problems reported by respondents in this group, 38.3% related to the denial or termination of state or federal disability benefits, 28.7% involved the failure of a government agency to make reasonable accommodation necessary to enable them to participate in a program, activity or service, 16.1% involved denial of accommodations necessary to enable them to obtain services from private business, etc.

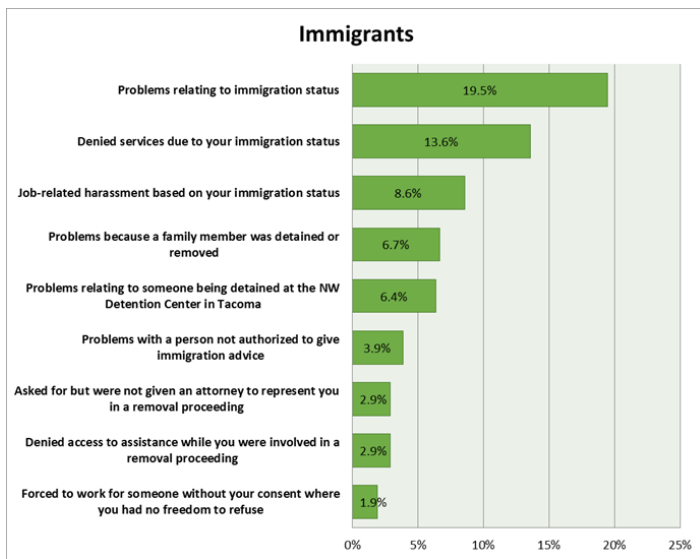


Figure 32: Percentage of immigration-related problems experienced by households with a member who was born outside the United States and experiencing at least one immigration-related problem

H.4.a. Prevalence of Immigration-Related Problems Experienced by Immigrants

Figure 32 shows the prevalence of immigration-related problems experienced by respondents who indicated that they or a member of their household was born outside the United States. Of these respondents, 19.5% experienced problems related to immigration status, 13.6% were denied housing, credit, health or other services due to a household member’s immigration status, 8.6% experienced harassment on the job due to immigration status, etc.

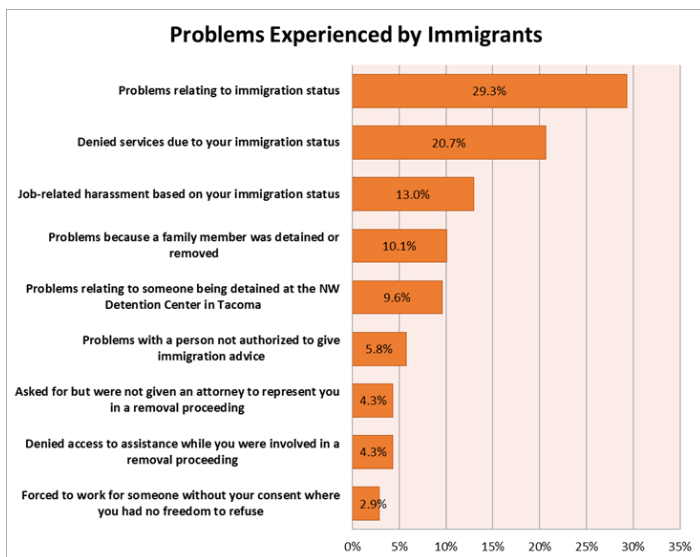


Figure 33: Legal problems experienced by immigrants, shown as a percentage of all legal problems reported by members of this group

H.4.b. Relative Percentage of Immigration-Related Problems Experienced by Immigrants

Figure 33 shows the relative percentage of immigration-related problems experienced by households with a member who was born outside the United States. Of the total number of immigration-related problems reported by respondents in this group, 29.3% related to their immigration status itself, 20.7% involved the denial of housing, employment, credit, health or other services due to their immigration status, 13.0% involved immigration-related on-the-job harassment, etc.

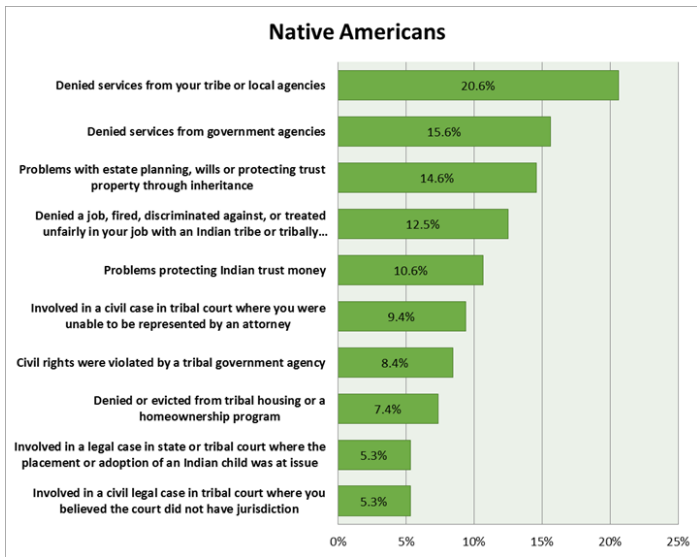


Figure 34: Percentage of Native American status related problems experienced by persons who identify as Indian or Native American

H.5.a. Prevalence of Native American Status Related Problems Experienced by Persons Who Identify as Indian or Native American

Figure 34 shows the prevalence of Native American status related problems experienced by respondents who identified as Indian or Native American and who had at least one problem associated with their Native American identity. Of these respondents, 20.6% were denied services from a tribe or local organization that provides services to Native Americans, 15.6% were denied services from the Bureau of Indian Affairs or the Indian Health Service, 14.6% had problems protecting Indian trust property, etc.

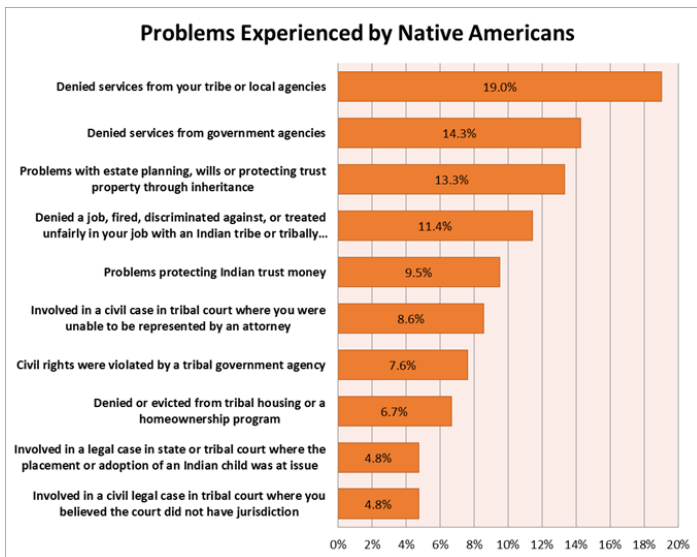


Figure 35: Legal problems experienced by Native Americans, shown as a percentage of all legal problems reported by members of this group

H.5.b. Relative Percentage of Problems Related to Native American Status Experienced by Native Americans

Figure 35 shows the relative percentage of specific Native American status related problems experienced by households with a member who identifies as Indian or Native American. Of the total number of Native American status related problems reported by respondents in this group, 19.0% involved the denial of services from a tribe or community based organization providing services to Native Americans, 14.3% involved the denial of services from the Bureau of Indian Affairs or the Indian Health Service, 13.3% involved problems with estate planning and protection of tribal trust property, etc.

H.6.a. Prevalence of Military Service Related Problems Experienced by Military Service Members and Veterans

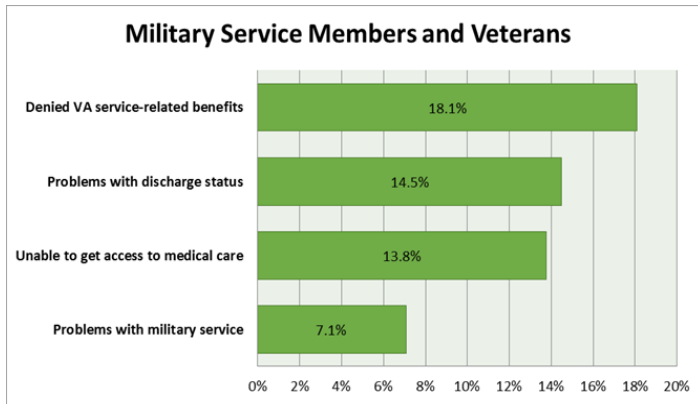


Figure 36: Percentage of military service members and veterans affected by military service related problems

Figure 36 shows the prevalence of military service related problems experienced by respondents who have a household member who currently serves or has served in the military. Of these respondents, 18.1% were denied VA service-related benefits, 14.5% had problems relating to their military discharge status, 13.8% were unable to access necessary medical care for a service-related physical or mental health condition, etc.

H.6.b. Relative Percentage of Military Service Related Problems Experienced by Military Service Members

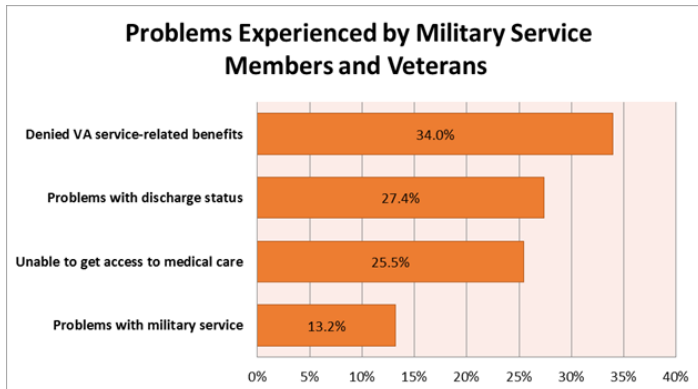


Figure 37: Legal problems experienced by military service members, shown as a percentage of all legal problems reported by members of this group

Figure 37 shows the relative percentage of military status related problems experienced by households with a member who currently serves or has served in the military. Of the total number of military status related problems reported by respondents in this group, 34.0% involved the denial of VA service related benefits, 27.4% involved problems with military discharge status, 25.5% involved the inability to get necessary medical care of a service-related physical or mental health condition, etc.

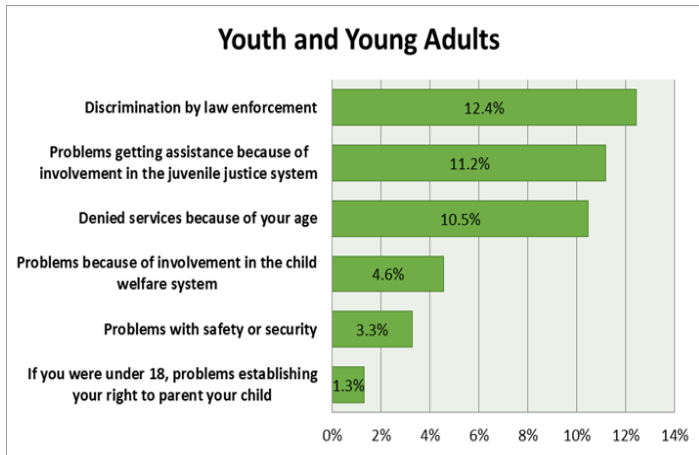


Figure 38: Percentage of youth related problems experienced by respondents ages 15-21

H.7.a.Prevalence of Youth-Related Problems Experienced by Youth Ages 15-21

Figure 38 shows the prevalence of youth related problems experienced by respondents who reported ages between 15 and 21 years of age. Of these respondents, 12.4% had problems involving discrimination or unfair treatment by police or other law enforcement, 11.2% had problems getting housing, a job, credit or educational services because of prior involvement in the juvenile justice system, 10.5% were denied access to housing, financial assistance, medical or mental health care, or educational services because of their age, etc.

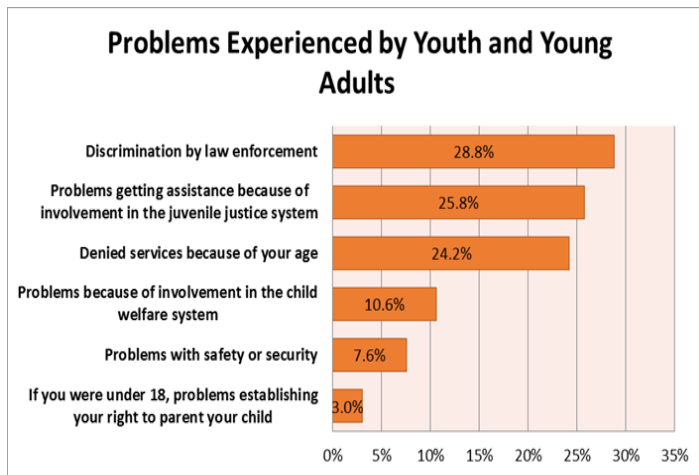


Figure 39: Relative percentage of specific youth related legal problems experienced by youth ages 15-21 shown as a percentage of all legal problems reported by members of this group

H.7.b.Relative Percentage of Youth Related Problems Experienced by Youth Ages 15-21

Figure 39 shows the relative percentage of specific status related problems experienced by young people between the ages of 15 and 21. Of the total number of status related problems reported by respondents in this group, 28.8% involved discrimination or unfair treatment by police or law enforcement, 25.8% involved the denial of financial assistance, medical or mental health care, or educational services because of the respondent's age, 24.2% involved the denial of housing, employment, credit or educational services as a result of prior involvement in the juvenile justice system, etc.

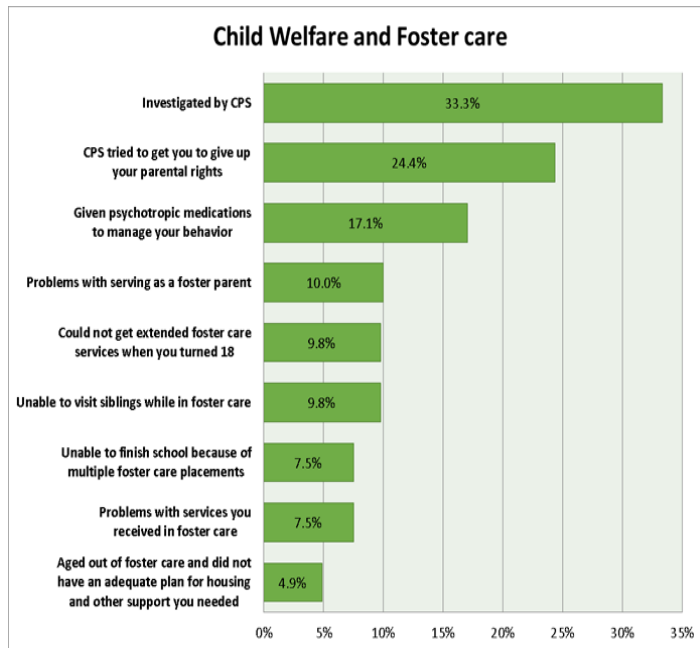


Figure 40: Percentage of households who were involved in a child welfare proceeding and who experienced a child-welfare related problem

H.8.a. Prevalence of Problems Experienced by Persons Involved in Child Welfare

Figure 40 shows the prevalence of child-welfare related problems experienced by respondents who, in the prior 12 months, were involved in a court proceeding involving the dependency of a child or the termination of a parent’s legal rights. Of these respondents, 33.3% reported problems associated with an investigation by Child Protective Services (CPS), 24.4% arose from efforts by CPS to get parents to give up custody of their children, 17.1% involved concerns arising from the involuntary administration of psychotropic medication, etc.

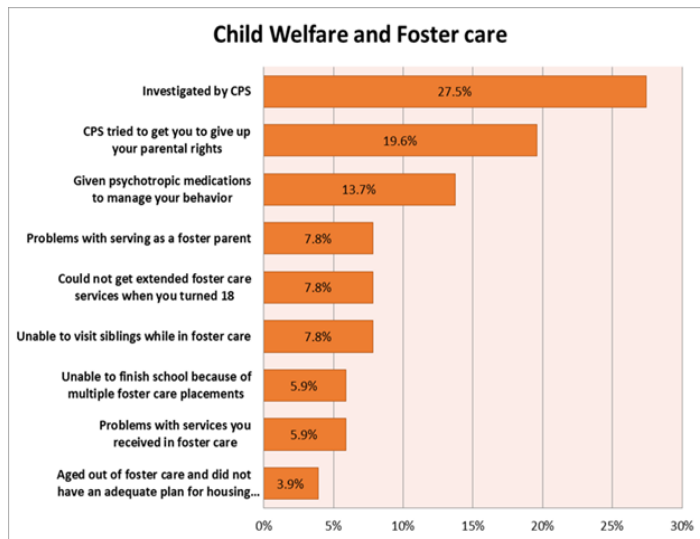


Figure 41: Relative percentage of child-welfare related problems experienced by persons involved in child welfare proceedings

H.8.b. Relative Percentage of Child-Welfare Related Problems Experienced by Persons Involved in Child Welfare Proceedings

Figure 41 shows the relative percentage of specific child welfare related problems experienced by respondents who reported involvement in a dependency or termination case in the prior 12 month period. Of the total number of child welfare related problems reported by respondents in this group, 27.5% involved investigations by CPS, 19.6% related to efforts by CPS to force parents to give up their custody rights, 13.7% involved the administration of psychotropic medicine, 7.8% involved problems related to service as a foster parent, etc.

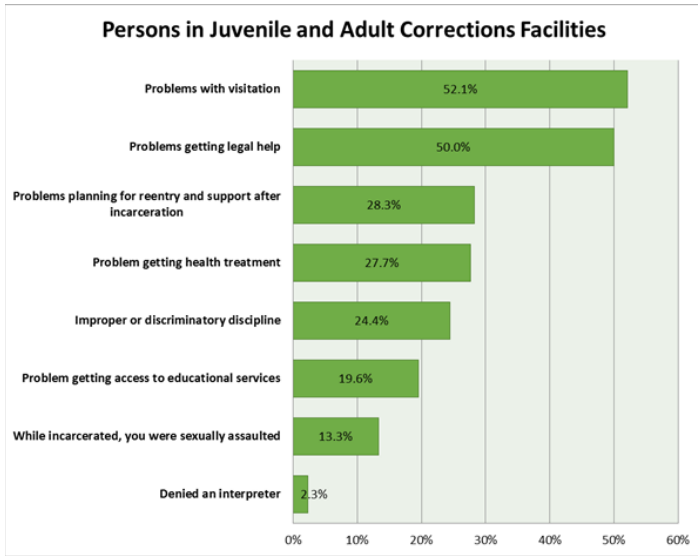


Figure 42: Percentage of incarceration related problems experienced by households with a member who had been confined to a juvenile, adult correctional or immigration detention facility with at least one problem relating to their incarceration.

H.9.a. Prevalence of Incarceration Related Problems Experienced by Persons in Juvenile or Adult Correctional Facilities

Figure 42 shows the prevalence of incarceration related problems experienced by respondents who, in the prior 12 months, were confined in a juvenile or adult correctional or immigration detention facility. Of these respondents, 52.1% reported problems with visitation or communicating with family members and friends, 50.0% had problems getting legal help, legal materials and resources or were not allowed to present information to a court, 28.3% experienced problems planning for reentry and support after their release, 27.7% had problems getting adequate medical or mental health care, etc.

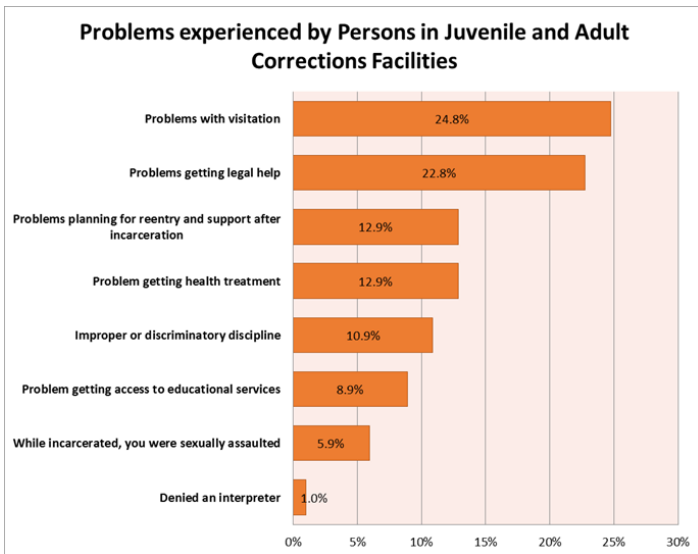


Figure 43: Relative percentage of incarceration related problems experienced by persons confined to juvenile or adult correctional facilities, shown as a percentage of all incarceration related problems reported by this group.

H.9.b. Relative Percentage of Incarceration Related Problems

Figure 43 shows the relative percentage of specific incarceration related problems reported by households where a member was confined to a juvenile, adult correctional or immigration detention facility in the prior 12 months. Of the total number of incarceration related problems reported by respondents in this group, 24.8% related to visitation of family members and friends, 22.8% involved lack of access to legal help or materials, 12.9% involved problems relating to planning for reentry and post-incarceration support, 10.9% involved the improper or discriminatory administration of discipline, etc.

I. Discrimination and Unfair Treatment

Consistent with the 2003 Survey, the 2014 survey instrument asked questions about problems relating to discrimination and unfair treatment. The 2003 survey reported that 27.0% of all respondents reported one or more problems involving discrimination.²¹

While the 2003 survey instrument focused exclusively on discrimination and differential treatment with respect to then-legally protected classes of individuals, the 2014 took a broader approach to this inquiry. The purpose of this broader inquiry is to assess whether and to what degree other forms of categorical treatment have an impact on the ability of low-income individuals and families to obtain and keep employment, stable housing, credit and educational services. The survey drafters were particularly interested in knowing whether and to what degree low-income people were treated differently because of their credit histories, prior involvement in the juvenile or adult criminal justice systems, their immigration status, their status as victims of domestic violence or sexual assault or other non-legally protected characteristics or status.

The following discussion is broken into two subparts:

- 1) Reporting and discussion of results for questions about discrimination and unfair treatment in relation to legally protected classes, characteristics and status, and
- 2) Discrimination and unfair treatment based on characteristics or status that do not currently have legal protection but may nevertheless give rise to a civil legal problem.

I.1.a. Discrimination and Unfair Treatment – Legally Protected Classifications

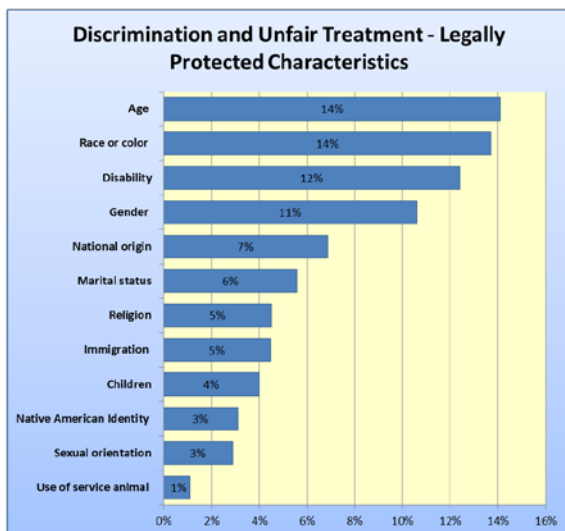


Figure 44: Percent of all responding households reporting discrimination or unfair treatment on the basis of at least one legally

Figure 44 shows the percentage of all survey respondents who experienced at least one problem associated with discrimination or unfair treatment on the basis of a state or federal legally protected classification.

Of all respondents, 14.0% experienced discrimination based on age, 14.0% based on race, 12.0% based on disability, etc.

²¹ 2003 CLNS at 39-41.

I.1.b. Prevalence of Discrimination or Unfair Treatment by Non-Protected Characteristics

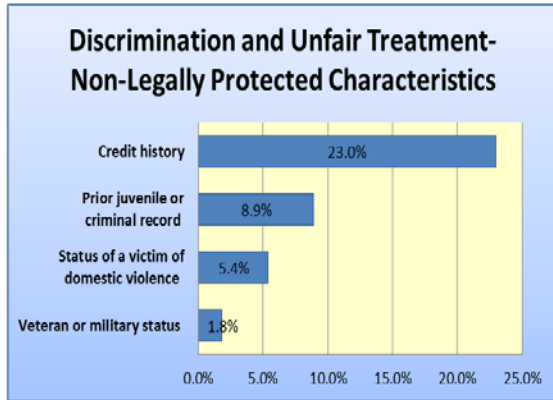


Figure 45: Percent of all responding households reporting discrimination or unfair treatment on the basis of at least one non-legally protected characteristic.

Figure 45 shows the prevalence of problems relating to discrimination or unfair treatment experienced by individuals with respect to characteristics that are not categorically protected under either state or federal law.

Of all survey respondents, 23.0% reported being discriminated against or unfairly treated on the basis of their credit history, 8.9% on the basis of a prior juvenile or criminal record, 5.4% on the basis of their status as a victim of domestic violence and 1.8% on the basis of their veteran or military status.

I.2.a. Discrimination and Unfair Treatment by Demographic Identity and Substantive Problem Area

Appendix B, Master Tables 2 and 2A show the relationships between respondents' reporting of problems relating to discrimination and unfair treatment by reference to their demographic identity/characteristics (X axis) and the substantive problem areas in which the reported acts of discrimination or unfair treatment occurred (Y axis). The tables allow comparison of the prevalence and relative percentages of problems involving discrimination and unfair treatment between different groups of respondents by substantive problem area. Master Table 2 shows the prevalence of discrimination and unfair treatment by demographic category and legal problem area. Table 2A shows the relative percentage of problems for each demographic group. These tables includes all reported instances of discrimination and unfair treatment, including those involving non-legally protected characteristics.

I.2.b. Prevalence of Discrimination and Unfair Treatment by Demographic Identity and Category of Discrimination (All Respondents)

Appendix B, Master Tables 3 and 3A show the relationships between respondents' reporting of problems relating to discrimination and unfair treatment by reference to their demographic identity/characteristics (X axis) and the type or category of discriminatory or unfair treatment they reported (Y axis). Master Table 3 shows that 36.9% of African Americans and 27.6% of Native Americans experienced at least one problem involving discrimination or unfair treatment on the basis of race. Seniors, youth and victims of domestic violence and sexual assault experienced discrimination and unfair treatment on the basis of age at higher levels than members of other demographic groups. African Americans, Native Americans, domestic

violence/sexual assault victims and persons with disabilities experienced the highest rates of discrimination and unfair treatment due to credit history. And African Americans, domestic violence/sexual assault victims and youth had the highest prevalence of discrimination and unfair treatment due to sexual orientation.²² Master Table 3A shows the relative percentage of legal problems involving discrimination and unfair treatment for each of the demographic groups.

²² Data from the federal Center for Disease Control, the federal Substance Abuse and Mental Health Services Administration (SAMHSA), the Washington State Office of the Superintendent of Public Instruction (OSPI) and other sources document that youth who are lesbian, gay bisexual, transgender or questioning their sexuality are at increased risk for negative experiences with discrimination and unfair treatment compared with the general population. See <http://www.cdc.gov/lgbthealth/youth.htm>; <http://www.k12.wa.us/SafetyCenter/LGBTQ/default.aspx>. SAMHSA documents that approximately 5-10% of the general youth population present as gay, lesbian, bisexual, transgender, or questioning (LGBTQ). <http://gainscenter.samhsa.gov/cms-assets/documents/93079-716738.lgbtq-youth.pdf>

Of the 1375 eligible respondents to survey, 151 randomly selected respondents identified as youth within the ages 15-21. Applying SMSHA estimates, between 8 and 15 of these would be LGBTQ. Of the 151 youth who responded to the survey, 10.1% (N = 15) indicated that they experienced discrimination or unfair treatment based on their sexual orientation. When the responses from the non-probability survey are included, this percentage jumps to 15.8%. While these are indirect measures, the results suggest that a very substantial majority of LGBTQ youth experience discrimination or unfair treatment on the basis of their sexual orientation. Literature indicates that this treatment can have profound consequences for LGBTQ youth and, among other things, drives highly disproportionate levels of self-harm and suicide. See, e.g., Killen-Harvey, A. (2006). *Culture and trauma brief: Trauma among lesbian, gay, bisexual, transgender, or questioning youth*. Retrieved from http://www.nctsn.org/nctsn_assets/pdfs/culture_and_trauma_brief_LGBTQ_youth.pdf

J. Steps People Take When Faced With Civil Legal Problems

Like the 2003 effort, the 2014 survey tried to find out what people did when faced with significant problems that have a civil legal dimension. Respondents were asked whether they sought legal help and if so for what types of substantive legal problems. They were also asked where they went for help and whether, and to what degree, they were able to solve their problem with the help they received.

The following discussion presents data regarding the percentage of respondents who sought legal help, where they went to get it, why many were unable to get the help they thought they needed and the degree to which the help they received made a difference.

J.1. Percentage of Respondents Who Take Efforts to Get Legal Help

Figure 46 shows the percentages of respondents who made efforts to get legal help with one or more of the problems they identified. Of all respondents who reported at least one legal problem (71.1% of all households), 24.0 % tried and got some level of legal help while 11.0% sought, but could not get it. Fully 65.0% did not take action to get legal help to solve legal problems ²³

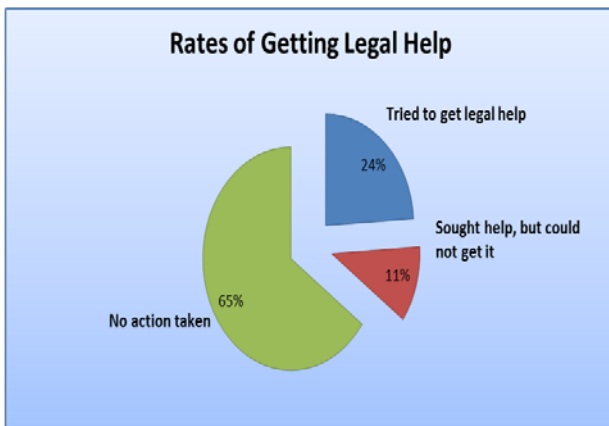


Figure 46: Percent of households who made efforts to get legal help with one or more problems

This is generally consistent with the percentages in the 2003 study and raises continuing questions about the ability of low-income people to understand that problems they experience have a civil legal dimension and that they might benefit from seeking legal help to resolve them.²⁴

Thirty-four percent (34.0%) of all 7,460 problems were experienced by persons who sought attorney help either from the CLEAR hotline, a legal aid provider, volunteer attorney or a paid private attorney. Sixty-six percent (66.0%) of all problems were experienced by respondents who did not seek help from an attorney.

²³ This section focuses on steps people take with respect to problems *other than discrimination*. The survey instrument asked those who identified problems relating to discrimination and unfair treatment to report on whether and, if so, where they went for legal help. The responses were generally consistent with those reported here. Sixty-five percent (65.0%) did not try to get legal help. Thirty-five percent (35.0%) of those who experienced a problem relating to discrimination or unfair treatment tried to get legal help, of whom 19% were able to get some level of legal assistance. Most sought help from a legal aid program (including the CLEAR hotline), a volunteer attorney or a private attorney.

²⁴ 2003 CLNS at 47 (40.0% did not know they had a problem that could be solved through the justice system).

J.2. Where Do Low-income People Go to Get Legal Help?



Figure 47: Percentage of households who tried to get legal help with one or more problems, by type of provider.

Of all respondents who tried to get legal help to resolve a problem they identified (Figure 47), 36.0% went to a paid attorney, 24.0% went to a legal aid, 12% went to the CLEAR hotline, and 19.0% went to a volunteer attorney, etc.²⁵

J.3. Did the Legal Help Make a Difference?

Legal assistance makes a difference. Figure 48 shows that of those who sought and obtained some level of legal help, 44% were able to solve some portion of their legal problem, while an additional 17% were able to solve their legal problems completely.

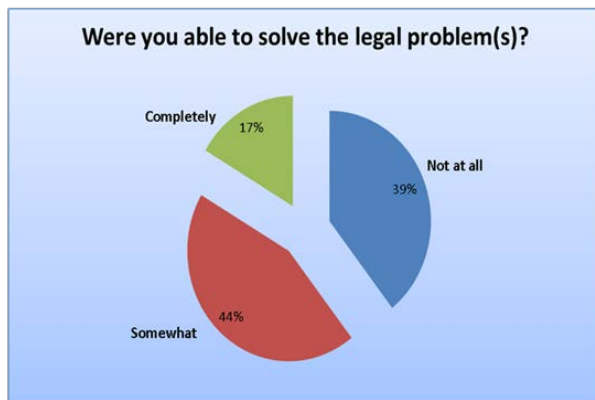


Figure 48: Resolution of problems for respondents who sought and obtained some level of legal help

J.4. Why Some Low-Income Households Were Not Able to Get Legal Help?

One hundred (100) respondents sought but could not get legal help. Respondents were offered an opportunity to explain why they were unable to get help. Nearly one-third (30) said they could not afford to pay for legal help. Other reasons included that they tried calling for help but the phone lines were busy or no one returned a call; they did not know where to go for help; the agency they called was not taking new clients; they did not qualify for free legal assistance; and that they did not understand or were confused by the information they had received.

²⁵ While often considered as part of a single enterprise, the survey instrument asked separately about “Legal Aid”, “CLEAR Hotline” and “Volunteer (unpaid) private attorney”. Survey Instrument, Q64. The survey instrument recognized that people with legal problems often go to more than one source for help. Because respondents were asked to identify each place they went for legal help, the total number of percentages exceeds 100%.

K. Respondents' Views of the Civil Justice System

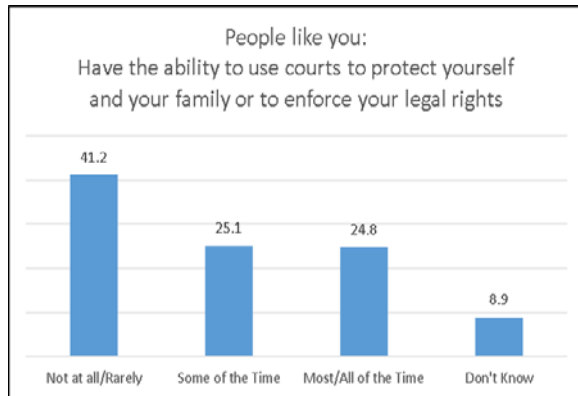


Figure 49: Respondents' views of the courts

Respondents were asked a number of questions relating to their perception of the civil justice system and its ability to effectively help people like them solve important legal problems.

Figure 49 shows that more than forty-percent of all respondents (41.2%) do 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.

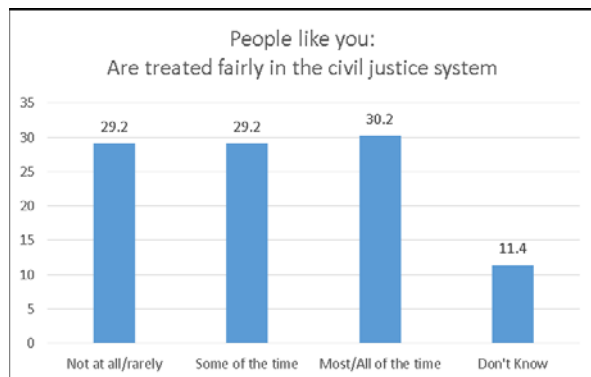


Figure 50: Respondents' views on fair treatment

Figure 50 shows that nearly 30 percent of all respondents do not believe that people like them are treated fairly in the civil justice system.

Respondents also felt that the civil justice system offered limited potential in helping people like them solve important problems. More than one quarter of all respondents (26.7%) felt that people like them could rarely if ever effectively resolve important problems through the civil justice system.

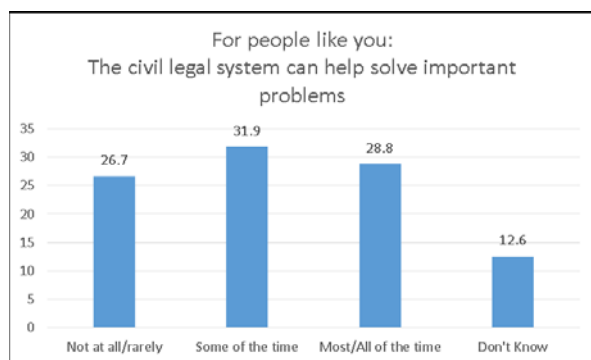


Figure 51: Respondents' views on solving problems

As shown in Figure 51, more than one quarter of respondents (26.7%) felt that the civil justice system offered limited value as a forum for solving important problems; and only 28.8% felt that the civil justice system could help people like them solve important problems most or all of the time.²⁶

²⁶ Perceptions and experience differed somewhat by demographic characteristics. Appendix B, Master Table X breaks out responses to these questions by demographic group.

L. Problems Limiting Effective Participation in State, Tribal or Federal Courts and Administrative Hearings

The survey also wanted to better understand the challenges that low-income participants in state, tribal and federal court proceedings and state and federal administrative proceedings experienced in presenting their cases and otherwise meaningfully participating in the proceedings. Sixty (60) respondents reporting having been involved in a state, tribal, federal or administrative proceeding in the prior 12 month period.²⁷ The following figures show the types of problems that respondents reported and the impact of these problems on their ability to meaningfully participate in the proceedings in which they were involved.

L.1 Prevalence of Problems Limiting Effective Participation in Legal Proceedings

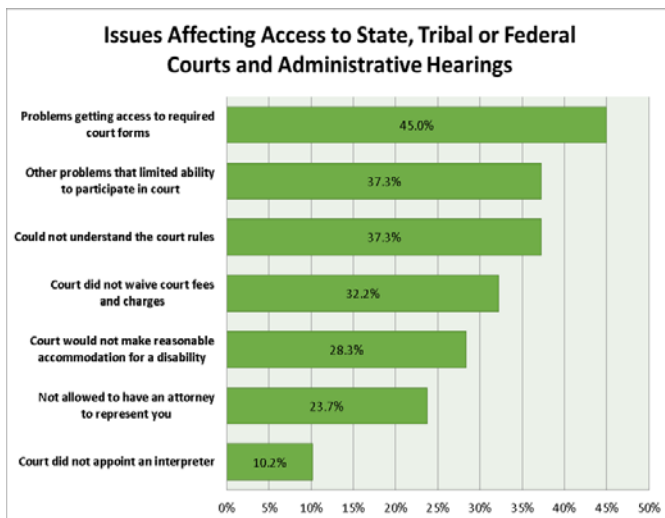


Figure 52 shows that nearly half (45.0%) of these had difficulty accessing and filing required court forms. More than a third (37.3%) reported problems that affected their ability to effectively participate in the proceeding, the same percentage (37.3%) had difficulties with understanding court rules and procedures, and 32.2% reported that the tribunal would not waive court fees and charges.

Figure 52: Percentage of households involved in a state, tribal, federal or administrative proceeding who reported problems associated with their participation in that proceeding

²⁷ The survey instrument did not ask respondents to identify the legal forum in which they had participated.

L.2. Relative Percentage of Problems Limiting Effective Participation in Legal Proceedings

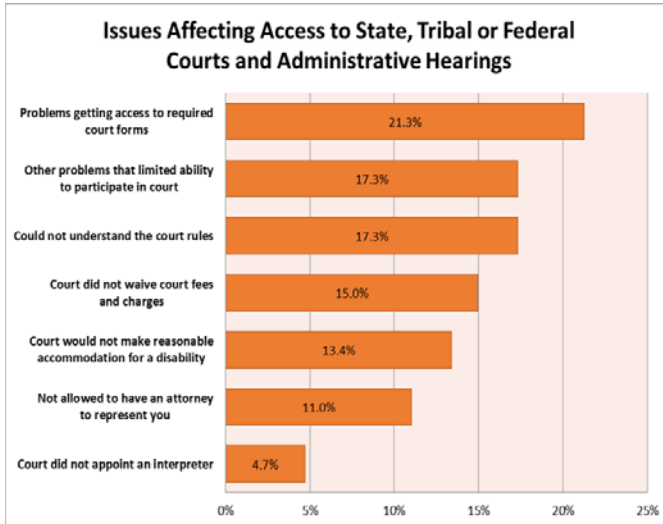


Figure 53: Relative percentage of problems limiting effective participation in state, tribal, federal and administrative proceedings

Figure 53 shows the relative breakdown of problems limiting the respondents' ability to effectively participate in a state, tribal, federal or administrative legal proceeding.

Problems getting access to required court forms account for more than a fifth (21.3%) of all problems reported in this category, followed by problems that limited a respondent's ability to participate in the proceeding (17.3%), problems understanding rules (17.3%), and problems associated with the tribunal's unwillingness to waive required fees and surcharges (15%).

L.3. Impact of Problems on Respondents' Ability to Present Their Cases or Otherwise Participate in the Court or Administrative Hearing.

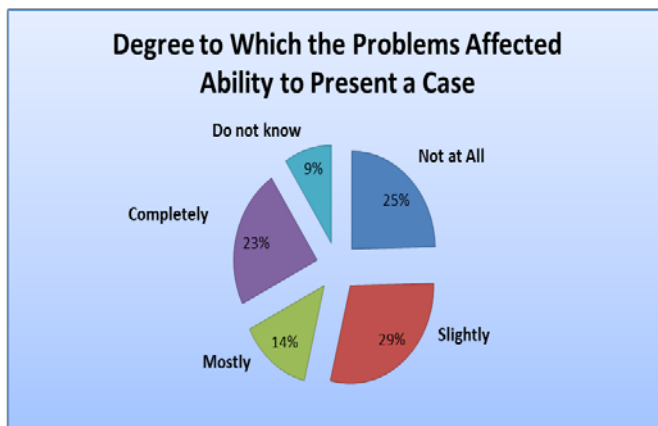


Figure 54: The impact of the problems reported above on the ability of respondents to present their cases or otherwise effectively participate in the court or administrative hearing

Figure 54 shows the impact of the problems reported above on the ability of respondents to present their cases or otherwise effectively participate in the court or administrative hearing. A large percentage (36.9%) said that the problems mostly or completely limited their ability to effectively participate in the legal proceeding.

An additional 29.2% said that the problems had a slight impact on their ability to participate while 24.6% said that the problems had no impact on their ability to participate in the proceeding.

APPENDIX A
METHODOLOGY

Methodology

In collaboration with OCLA, the CNLS Update Committee and a Technical Advisory Group convened by OCLA, SESRC developed a detailed strategy to employ multiple modes of data collection which effectively address the research agenda of the study. The study consisted on two components. The first component, the Probability Survey (PS), included a random probability based statewide (mail, web, and telephone) survey of adults in low- and lowest-income households.

To be eligible for the survey individuals must have a household income that falls at or below 200% of the federal poverty guidelines as established by the U.S. Department of Health and Human Services. In 2014, the average US poverty threshold for an individual living alone was \$11,670; for a two-person family, \$15,730; for a three-person family, \$19,790 and for a family of four, \$23,850.²⁸ The federal poverty threshold was used to determine the eligibility of a household for participation in the survey.

In particular, the eligibility income for an individual living alone was \$23,340 or below; for a two-person household, \$31,460 or below; for a three-person household, \$39,580 or below; for a four-person household, \$47,700 or below; and for a five-person household \$55,820 or below.

To efficiently reach lower-income respondents, 126 census tracts having more than 25% of individuals living at or below 125% of poverty have been selected for sampling.

The study used an Address Based Sample (ABS)—the sampling of addresses from a near universal database listing of addresses. An ABS frame is comprised of all residential addresses within a pre-defined geographic area and, thus, allows targeting the areas with the hard-to-reach demographic groups (e.g., lower income families, people with less education, those with disabilities, Blacks, Hispanics, rural residents, cell phone only households and households without phone service, etc.).

Another advantage of ABS frame is that it can be augmented with an array of socio-economic variables including household size, or neighborhood-level characteristics, such as mean income or education levels, predominant language spoken, and proportion of various racial or ethnic groups. This information can ensure the sample is more representative, particularly if the study wants to target and gain cooperation among the hard-to-reach demographic groups (i.e., people with disabilities, people of color, low-income individuals, new immigrants/English language learners, unemployed/displaced workers, and elders).

Finally, the residential addresses in the ABS frame can be matched against a database of telephone owners. Approximately 40 percent of the addressees in the sample had telephone numbers matched to the location. This allowed for a mixed mode data collection (mail, internet, and phone), the best approach in resident surveying to maximize response rates. Mixing modes

²⁸ Source: <http://familiesusa.org/product/federal-poverty-guidelines>

allowed us to ensure most members of the target population are given a chance to respond to a survey using a mode particularly appealing to them or using a mode that was only available to them.

Prior to conducting a large-scale probability survey, SESRC conducted a Pilot Study. The Pilot Study was designed to test the effect of prepaid cash incentives as well as promise of a \$20 payment upon completion of the survey on the response rate. The Pilot Study was initially fielded on August 8, 2014 and it continued through mid-September 2014.

Screening for the survey involved verifying that the respondent met the criteria of: 1) Being the most knowledgeable about family legal matters; and 2) Providing income information that allowed them to be classified by family income; and 3) Having family income below 200 percent of the Federal Poverty Level (FPL).

For the Pilot Study, a representative address based sample (ABS) of 2,000 households was selected from the 126 census tracts having more than 28% of individuals living at or below 125% of Federal Poverty Level (FPL). All 2,000 sample units were randomly allocated to one of the four experimental groups: 1) \$1 prepaid incentive and \$20 payment upon completion; 2) \$2 prepaid incentive and \$20 payment upon completion; 3) \$0 incentive but \$20 payment upon completion; and 4) \$0 prepaid incentive and \$0 payment upon completion. Members of all four groups were promised to be entered into a lottery drawing of one of three \$50 grocery certificates and one tablet computer upon completing the survey.

The pilot study has shown that the \$2 prepaid incentive and \$20 payment upon completion is generating a substantially higher completion rate.

All four groups were recruited using a mail-based letter-invitation that asked the head of household or a person the most knowledgeable about family legal matters to complete the online survey. The incentives were mailed along with this invitation to members of the incentive groups.

Twelve days later after the initial recruitment mailing, the portion of the sample with mailing addresses only was sent a mail-based invitation to complete the survey in three possible ways: 1) complete an enclosed paper-based version of the survey and return it via mail in the enclosed return envelope; 2) complete the survey via web (URL and unique access code were provided); and 3) complete the survey via phone (a toll-free number to call was provided).

The portion of the sample with known phone numbers was contacted via phone fifteen days later after the initial recruitment mailing and respondents were given the option to complete the survey over the phone at the time of the contact or at the time scheduled by the respondent. If a respondent indicated he/she was unable to complete the survey by phone, he/she was offered the survey URL and unique access code as an alternative way to complete the survey. An email message with the URL and access code were sent at the time of the phone call to those

respondents opting for the internet. The phoning has continued throughout the data collection period.

Five days after the second contact, those with mail addresses only (no corresponding phone number tied to the location) received a postcard-reminder with the URL, username and password that allowed respondents to go to a web survey to complete the survey. Those with known phone numbers are being contacted via phone.

Finally, a week after the third contact the portion of the sample with mailing addresses was sent another mail-based invitation to complete the survey in three possible ways: 1) complete a replacement paper-based survey and return it via mail in the enclosed return envelope; 2) complete the survey via web (URL and unique access code were provided); and 3) complete the survey via phone (a toll-free number to call was provided). Those with known phone numbers are being contacted via phone and were given the option to complete the survey over the phone at the time of the contact or at the time scheduled by the respondent.

The pilot study has shown that the \$2 prepaid incentive and \$20 payment upon completion is generating a substantially higher completion rate than the \$1 prepaid incentive and \$20 payment, and that both are exceeding the zero incentive. This combination of incentives (group 2 in the experiment) was chosen for the larger study because it yielded the highest proportion of responses.

The state-wide survey that was launched in October 2014 used the same data collection used in the pilot study. A sample of 15,000 households within 126 pre-selected census tracts with high concentration of poverty was invited to participate in the survey.

A total of 3,125 households distributed throughout the state participated in screening for eligibility for the study. 1,375 eligible low and lowest income households completed the survey.

A total of 1,375 completed questionnaires from eligible respondents is large enough to ensure a sample error of no larger than +/-3% sample error (SE) at the 95% confidence level. Thus, it is possible to draw conclusions about the low-income population as a whole that can be accepted with a high degree of confidence from observations about the survey respondents.

While conclusions about the entire sampling frame can be drawn with confidence, the word of caution is in order. The universe from which the sample was drawn—residential households—is only an approximation of the universe that the study seeks to measure. High degree of residential instability that was reflected in approximately 15% mailings returned to sender from the total number of surveys sent out indicates that some low and lowest income households were not reached. Further, some households may have limitations of language that prevented them from participating in the survey. Finally, some kinds of sensitive legal problems are difficult, under the best of conditions, to discuss with strangers. A telephone survey is less amenable to building the personal trust and confidence to induce the survey respondent to speak freely about sensitive matters like abuse, immigration problems, or a wide range of family issues.

APPENDIX B
MASTER TABLES

Master Table 1: Prevalence of Legal Problems by Substantive Area and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a disability	Military Service Members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Employment	33.6%	30.5%	38.0%	44.7%	36.1%	21.2%	56.7%	16.3%	31.4%	40.1%	34.2%	37.9%	63.5%	29.3%	41.2%	33.6%	34.7%
Rental Housing	27.8%	26.1%	30.0%	41.5%	21.4%	25.3%	42.9%	11.2%	29.8%	37.8%	26.0%	27.7%	57.3%	18.8%	30.4%	30.0%	23.9%
Municipal Services/Utilities	33.3%	30.0%	37.6%	46.7%	29.2%	30.7%	55.1%	18.8%	33.7%	42.3%	30.9%	37.9%	63.5%	28.6%	41.3%	34.9%	31.8%
Consumer	37.6%	38.2%	38.2%	54.6%	29.2%	22.5%	59.6%	23.1%	38.3%	49.6%	44.9%	37.1%	69.8%	26.5%	39.3%	39.1%	35.8%
Government Assistance	29.6%	29.6%	29.5%	34.3%	23.7%	22.7%	43.4%	13.5%	32.8%	43.3%	28.2%	33.7%	59.8%	24.2%	32.2%	32.4%	25.2%
Health care	43.4%	42.0%	44.9%	46.4%	39.8%	37.5%	58.9%	33.5%	45.4%	57.7%	41.3%	43.8%	69.4%	43.5%	44.7%	45.7%	39.3%
Family	22.8%	20.7%	24.7%	26.6%	24.3%	12.4%	43.9%	10.8%	20.5%	28.7%	21.8%	33.1%	100.0%	17.6%	26.0%	26.1%	17.1%
Education	26.5%	23.3%	28.3%	36.7%	22.8%	19.6%	48.1%	21.1%	28.7%	40.8%	34.8%	31.7%	47.4%	22.7%	29.2%	28.6%	20.2%
Estate Planning	17.2%	18.7%	15.2%	13.8%	10.8%	14.8%	33.3%	25.0%	20.5%	25.3%	23.9%	14.3%	40.9%	11.8%	13.4%	18.5%	14.3%
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	469

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Master Table 1A: Relative Percentage of Legal Problems Shown as a Percentage of Total Number of Legal Problems by Substantive Problem Area and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a disability	Military Service Members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Employment	11.8%	10.2%	12.3%	11.7%	15.1%	9.5%	10.8%	7.4%	10.4%	10.5%	11.1%	11.8%	10.8%	11.5%	14.1%	10.6%	12.9%
Rental Housing	15.4%	15.7%	14.9%	17.4%	11.9%	15.9%	14.4%	11.3%	15.9%	15.6%	15.1%	13.9%	16.9%	12.0%	14.4%	15.7%	13.9%
Mobile Housing	0.5%	0.4%	0.6%	0.0%	0.6%	1.7%	1.1%	1.1%	0.6%	0.5%	0.7%	0.5%	0.9%	0.9%	0.5%	0.3%	1.0%
Municipal Services/Utilities	10.7%	10.2%	10.9%	12.1%	9.4%	11.7%	11.3%	9.5%	11.0%	10.2%	8.8%	11.1%	9.2%	10.8%	11.9%	10.6%	10.8%
Consumer	17.1%	17.6%	17.1%	21.5%	15.3%	15.9%	15.8%	14.0%	16.4%	16.6%	19.4%	16.4%	15.2%	15.6%	13.9%	16.6%	18.7%
Government Assistance	8.0%	8.7%	7.5%	6.2%	7.2%	8.0%	7.6%	7.2%	9.1%	9.1%	7.8%	8.0%	7.3%	7.7%	9.1%	8.2%	8.0%
Health care	20.5%	21.2%	20.4%	16.2%	21.9%	21.4%	18.5%	28.8%	20.8%	22.1%	19.4%	18.7%	15.8%	25.1%	19.9%	20.9%	20.6%
Family	7.4%	7.5%	7.4%	7.4%	8.9%	7.0%	8.0%	4.4%	7.0%	6.8%	6.8%	9.9%	14.7%	6.5%	6.8%	8.2%	6.0%
Education	3.6%	2.6%	4.3%	4.5%	5.6%	3.1%	4.9%	1.1%	3.0%	3.2%	3.9%	5.9%	4.2%	5.2%	5.7%	3.7%	3.1%
Estate Planning	5.1%	6.0%	4.5%	3.0%	4.0%	5.8%	7.6%	15.5%	6.0%	5.4%	7.1%	3.8%	4.9%	4.7%	3.9%	5.2%	5.0%
Number of Legal Problems	7,460	3,234	4,010	881	1,281	515	842	666	3,998	3,921	1,255	3,654	1,770	1,590	1,087	4,600	2,502
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	468
Mean number of problems per capita	6.05	5.10	6.85	7.80	5.10	5.54	10.79	2.97	6.15	8.41	6.18	7.00	17.88	4.88	7.20	6.25	5.35

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Master Table 2: Prevalence of Discrimination and Unfair Treatment Based on Demographic Identity by Substantive Problem Area and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a Disability	Military Service members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Employment	35.5%	35.9%	35.5%	40.5%	36.6%	34.2%	35.3%	26.3%	35.1%	35.4%	31.1%	39.1%	50.0%	36.4%	41.3%	34.2%	38.7%
Rental Housing	26.9%	27.3%	27.1%	44.6%	17.0%	18.4%	27.9%	15.0%	26.4%	32.4%	20.6%	29.7%	50.0%	17.5%	26.7%	32.1%	18.1%
Home ownership	7.8%	6.0%	10.0%	13.5%	6.3%	2.6%	17.6%	2.5%	8.0%	8.4%	8.7%	11.3%	20.8%	7.7%	6.7%	9.7%	5.4%
Utility Services	7.2%	5.0%	8.4%	5.5%	8.0%	5.3%	17.6%	2.5%	8.0%	9.2%	4.9%	8.2%	18.1%	7.0%	10.7%	6.7%	6.3%
Municipal Services/Land Use	3.5%	2.6%	4.0%	1.4%	3.6%	0.0%	13.2%	5.0%	3.7%	4.9%	1.0%	2.3%	6.9%	4.2%	2.7%	3.5%	3.2%
Law Enforcement	18.7%	16.9%	21.1%	21.6%	19.6%	15.8%	33.8%	7.5%	17.0%	23.5%	21.4%	20.2%	31.9%	17.5%	24.0%	16.1%	23.4%
Consumer	28.2%	30.9%	27.4%	33.8%	21.4%	26.3%	38.2%	18.8%	28.6%	32.7%	31.1%	30.0%	37.5%	18.9%	26.7%	28.6%	30.2%
Health care	22.3%	23.3%	21.5%	16.2%	19.8%	21.1%	32.4%	16.5%	26.3%	32.4%	22.5%	19.5%	29.2%	23.1%	21.3%	23.5%	20.8%
Government Assistance	17.7%	16.7%	19.7%	14.9%	16.1%	15.8%	29.4%	13.8%	20.9%	25.7%	24.3%	19.6%	33.3%	16.2%	18.9%	19.2%	15.8%
Education	10.7%	9.0%	13.0%	8.1%	13.4%	10.5%	23.5%	8.8%	11.2%	11.2%	9.7%	12.1%	16.7%	11.9%	18.7%	11.6%	10.4%
Government Programs	5.2%	2.6%	7.7%	5.4%	5.4%	7.9%	13.2%	5.0%	6.2%	7.4%	7.8%	4.7%	15.3%	4.9%	9.3%	5.1%	5.0%
Access to private business srvc.	6.6%	6.6%	6.4%	9.5%	2.7%	2.6%	11.8%	6.3%	7.1%	8.1%	7.8%	5.8%	9.7%	4.9%	12.0%	6.7%	6.8%
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	469

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Note: Percentages include reported problems involving discrimination and unfair treatment on the basis of credit history, juvenile and criminal justice system involvement, immigration status, veteran status and status of a victim of domestic violence or sexual assault

Master Table 2A: Relative Percentage of Legal Problems Involving Discrimination Based on Demographic Identity Shown as a Percentage of Total Number of Discrimination Problems by Substantive Problem Area and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a Disability	Military Service members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Employment	18.7%	19.6%	17.6%	18.9%	21.6%	21.3%	11.6%	20.6%	17.7%	15.3%	16.3%	19.3%	15.7%	21.4%	18.9%	17.4%	21.1%
Rental Housing	14.1%	14.9%	13.4%	20.8%	10.0%	11.5%	9.2%	11.8%	13.3%	14.0%	10.7%	14.6%	15.7%	10.3%	12.2%	16.3%	9.8%
Home ownership	4.1%	3.3%	5.0%	6.3%	3.7%	1.6%	6.4%	2.0%	4.1%	3.6%	4.6%	5.6%	6.5%	4.5%	3.0%	4.9%	2.9%
Utility Services	3.8%	2.7%	4.1%	2.5%	4.7%	3.3%	6.9%	2.0%	4.1%	4.0%	2.6%	4.0%	5.7%	4.1%	4.9%	3.4%	3.4%
Municipal Services/Land Use	1.8%	1.5%	2.0%	0.6%	2.1%	0.0%	4.6%	3.9%	1.9%	2.1%	0.5%	1.2%	2.2%	2.5%	1.2%	1.8%	1.7%
Law Enforcement	9.8%	9.3%	10.4%	10.1%	11.6%	9.8%	12.1%	5.9%	8.6%	10.2%	11.2%	10.0%	10.0%	10.3%	11.0%	8.2%	12.7%
Consumer	14.8%	16.9%	13.6%	15.7%	12.6%	16.4%	12.1%	14.7%	14.4%	14.1%	16.3%	14.8%	11.7%	11.1%	12.2%	14.5%	16.4%
Health care	11.7%	12.7%	10.6%	7.5%	11.6%	13.1%	11.0%	12.7%	13.3%	14.0%	11.7%	9.6%	9.1%	13.6%	9.8%	11.9%	11.3%
Government Assistance	9.3%	9.1%	9.8%	6.9%	9.5%	9.8%	9.2%	10.8%	10.5%	11.1%	12.8%	9.6%	10.4%	9.5%	8.5%	9.7%	8.6%
Education	5.6%	4.9%	6.5%	3.8%	7.9%	6.6%	7.5%	6.9%	5.6%	4.9%	5.1%	6.0%	5.2%	7.0%	8.5%	5.9%	5.6%
Government Programs	2.7%	1.5%	3.8%	2.5%	3.2%	4.9%	5.2%	3.9%	3.1%	3.2%	4.1%	2.3%	4.8%	2.9%	4.3%	2.6%	2.7%
Access to private business srvc.	3.5%	3.8%	3.2%	4.4%	1.6%	1.6%	4.0%	4.9%	3.6%	3.5%	4.1%	2.9%	15.7%	2.9%	5.5%	3.4%	3.7%
Number of Legal Problems	1,209	551	603	159	190	61	173	102	640	658	196	519	230	243	164	731	408
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	468
Mean number of problems per capita	0.98	0.87	1.03	1.41	0.76	0.66	2.22	0.46	0.98	1.41	0.97	0.99	2.32	0.75	1.09	0.99	0.87

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault.

Note: Percentages include reported problems involving discrimination and unfair treatment on the basis of credit history, juvenile and criminal justice system involvement, immigration status, veteran status and status of a victim of domestic violence or sexual assault

Master Table 3: Prevalence of Discrimination and Unfair Treatment by Category of Differential Treatment and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Disability	Military	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Race or color	13.7%	6.5%	21.8%	36.9%	19.6%	9.4%	27.6%	6.4%	12.8%	18.2%	9.6%	16.8%	30.3%	15.1%	19.6%	14.9%	12.6%
National origin	6.9%	4.3%	10.0%	9.5%	11.9%	8.3%	10.6%	1.0%	6.0%	8.0%	4.8%	8.0%	14.9%	15.3%	8.0%	6.6%	7.9%
Religion	4.5%	3.1%	6.5%	7.3%	4.5%	3.5%	15.5%	4.5%	5.4%	7.0%	6.9%	4.4%	11.8%	4.1%	7.9%	4.8%	4.8%
Native American Identity	3.1%	0.9%	5.6%	2.1%	2.2%	3.5%	27.6%	2.5%	4.1%	5.0%	3.7%	2.1%	9.1%	2.1%	3.6%	2.9%	3.3%
Gender	10.6%	10.7%	11.3%	13.7%	5.8%	10.8%	23.5%	7.5%	10.9%	14.4%	11.0%	10.7%	20.9%	5.9%	17.3%	13.5%	6.5%
Marital status	5.6%	4.9%	6.6%	4.2%	5.5%	3.6%	10.6%	2.0%	5.9%	8.1%	4.8%	6.3%	20.9%	3.8%	8.0%	6.8%	3.6%
Children in home	4.0%	2.9%	5.4%	8.4%	1.3%	3.5%	10.5%	0.5%	4.2%	5.6%	4.2%	8.2%	15.1%	3.1%	5.1%	5.4%	1.9%
Sexual orientation	2.9%	2.6%	3.3%	7.3%	1.8%	3.5%	7.4%	2.0%	3.3%	3.9%	3.7%	2.3%	10.5%	1.4%	10.1%	2.3%	3.6%
Age	14.1%	13.7%	14.9%	19.0%	8.4%	11.5%	24.7%	17.6%	16.1%	20.9%	17.4%	12.0%	31.0%	9.5%	22.0%	14.4%	14.0%
Veteran	1.8%	1.7%	1.9%	2.1%	0.0%	2.4%	4.2%	2.1%	2.1%	3.8%	8.4%	0.8%	6.8%	0.7%	1.4%	0.9%	3.3%
Disability	12.3%	13.5%	11.1%	12.4%	6.7%	7.1%	25.8%	7.0%	17.7%	29.5%	15.9%	8.2%	28.2%	5.1%	11.6%	13.5%	10.5%
Service dog	1.1%	0.7%	1.7%	2.1%	0.5%	1.2%	0.0%	0.0%	1.2%	2.2%	1.6%	1.5%	3.4%	0.7%	0.0%	1.2%	1.2%
Prior Juv. or crim. record	8.9%	8.0%	10.0%	18.4%	5.4%	7.1%	20.8%	2.0%	8.2%	13.3%	7.3%	9.5%	24.2%	4.5%	6.5%	8.7%	9.0%
Credit history	23.0%	23.6%	23.2%	38.8%	15.0%	14.1%	38.8%	12.5%	23.8%	30.8%	23.6%	26.0%	44.1%	14.6%	20.7%	24.9%	21.3%
Immigration status	4.5%	0.9%	8.9%	4.3%	12.8%	7.1%	7.4%	0.0%	4.5%	4.4%	2.1%	8.4%	14.9%	15.4%	8.8%	4.2%	5.3%
DV/SA Victim Status	5.4%	5.0%	5.8%	7.4%	4.5%	5.8%	10.5%	3.6%	5.5%	8.7%	4.3%	6.3%	36.0%	3.7%	5.0%	7.1%	2.4%
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	469

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Master Table 3A: Relative Percentage of Legal Problems Involving Discrimination Shown as a Percentage of Total Number of Discrimination Problems by Category of Differential Treatment and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Disability	Military	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Race or color	11.4%	6.3%	15.2%	19.8%	19.2%	9.2%	10.5%	9.1%	9.8%	10.0%	7.3%	13.0%	9.5%	14.6%	12.9%	11.4%	11.5%
National origin	5.6%	4.2%	6.7%	4.7%	11.3%	8.0%	4.4%	1.4%	4.5%	4.3%	3.7%	6.0%	4.6%	14.6%	5.1%	5.0%	7.0%
Religion	3.7%	3.0%	4.4%	3.6%	4.2%	3.4%	5.3%	6.3%	4.0%	3.8%	5.3%	3.3%	3.5%	3.9%	5.1%	3.6%	4.3%
Native American Identity	2.5%	0.8%	3.7%	1.0%	2.1%	3.4%	11.4%	3.5%	3.1%	2.7%	2.8%	1.6%	2.8%	1.9%	2.3%	2.1%	3.0%
Gender	8.6%	10.3%	7.6%	6.8%	5.4%	10.3%	8.8%	10.5%	8.3%	7.8%	8.5%	8.1%	6.4%	5.5%	11.1%	10.2%	5.7%
Marital status	4.5%	4.7%	4.4%	2.1%	5.0%	3.4%	3.9%	2.8%	4.4%	4.3%	3.7%	4.8%	6.4%	3.6%	5.1%	5.1%	3.2%
Children in home	3.2%	2.8%	3.6%	4.2%	1.3%	3.4%	3.9%	0.7%	3.1%	3.0%	3.3%	6.2%	4.6%	2.9%	3.2%	4.1%	1.7%
Sexual orientation	2.3%	2.5%	2.2%	3.6%	1.7%	3.4%	3.1%	2.8%	2.5%	2.1%	2.8%	1.7%	3.2%	1.3%	6.5%	1.7%	3.2%
Age	11.6%	13.3%	10.2%	9.9%	7.9%	11.5%	9.2%	25.2%	12.3%	11.4%	13.4%	9.2%	9.2%	9.1%	14.3%	10.9%	12.8%
Veteran	1.4%	1.7%	1.3%	1.0%	0.0%	2.3%	1.3%	2.8%	1.6%	2.1%	6.5%	0.6%	2.1%	0.6%	0.9%	0.7%	3.0%
Disability	10.1%	13.1%	7.5%	6.3%	6.3%	6.9%	10.1%	9.8%	13.5%	16.2%	12.2%	6.2%	8.5%	4.9%	7.4%	10.3%	9.4%
Service dog	0.9%	0.7%	1.2%	1.0%	0.4%	1.1%	0.0%	0.0%	0.9%	1.2%	1.2%	1.1%	1.1%	0.6%	0.0%	0.9%	1.1%
Prior Juv. or crim. record	7.2%	7.8%	6.7%	9.4%	5.0%	6.9%	7.5%	2.8%	6.2%	7.3%	5.7%	7.1%	7.8%	4.2%	4.1%	6.5%	8.1%
Credit History	18.9%	23.1%	15.8%	20.8%	14.2%	13.8%	14.0%	17.5%	18.4%	17.1%	18.7%	20.0%	14.5%	14.0%	13.4%	19.1%	19.4%
Immigration status	3.7%	0.8%	5.9%	2.1%	12.1%	6.9%	3.1%	0.0%	3.4%	2.3%	1.6%	6.3%	4.6%	14.6%	5.5%	3.2%	4.7%
DV/SA Victim Status	4.3%	4.8%	3.9%	3.6%	4.2%	5.7%	3.5%	4.9%	4.1%	4.7%	3.3%	4.8%	11.3%	3.6%	3.2%	5.3%	2.1%
Number of Legal Problems	1,452	601	778	192	240	87	228	143	773	772	246	631	283	308	217	886	470
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	468

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Master Table 4: Relative Percentage of Legal Problems by Substantive Area and Region.

	King	Capitol	Southwest	North Central	South Central	South East	North East	Northwest	Overall Total
Employment	12%	9%	10%	12%	12%	15%	8%	14%	12%
Rental Housing	16%	17%	15%	17%	13%	14%	19%	15%	15%
Mobile/Manufactured Housing	0%	0%	0%	1%	1%	0%	0%	2%	1%
Municipal Services/Utilities	11%	11%	14%	9%	11%	8%	11%	11%	11%
Consumer/Finance	16%	20%	18%	17%	16%	15%	19%	18%	17%
Access Government Services	7%	9%	10%	8%	8%	9%	7%	8%	8%
Healthcare	21%	21%	21%	23%	22%	19%	18%	18%	21%
Family Related Problems	6%	7%	5%	6%	8%	10%	8%	9%	7%
Education Related Problems	4%	3%	2%	3%	5%	4%	3%	2%	4%
Estate	5%	4%	5%	6%	5%	6%	8%	4%	5%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Number of Legal Problems	2,166	1,167	294	531	1,486	871	242	703	7,460
Number of Respondents	374	151	59	116	242	260	28	145	1,375

Master Table 5: Extent to Which the Civil Legal System Can Solve Important Problems by Demographic Group as Reported by Survey Participants

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a disability	Military Service Members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Not at all	10.2%	8.1%	12.0%	8.0%	17.2%	7.5%	3.9%	10.0%	9.8%	8.1%	9.5%	13.1%	13.8%	10.8%	8.8%	10.1%	9.9%
Rarely	16.5%	16.1%	17.5%	20.5%	14.3%	19.4%	18.2%	10.0%	16.2%	17.8%	11.4%	16.4%	20.2%	14.9%	16.3%	17.1%	15.8%
Some of the time	31.9%	34.2%	30.9%	35.7%	27.9%	25.8%	39.0%	24.9%	30.9%	36.3%	38.3%	29.0%	31.9%	24.1%	36.7%	32.2%	31.5%
Most of the time	21.2%	22.1%	19.4%	14.3%	19.7%	24.7%	24.7%	26.7%	20.7%	19.4%	21.9%	20.4%	16.0%	22.5%	22.4%	20.2%	23.1%
All of the time	7.6%	6.1%	9.5%	8.9%	12.7%	4.3%	7.8%	11.8%	8.7%	5.9%	9.0%	8.8%	12.8%	11.4%	6.1%	6.9%	8.2%
Do not know	12.6%	13.3%	10.6%	12.5%	8.2%	18.3%	6.5%	16.7%	13.6%	12.3%	10.0%	12.3%	5.3%	16.2%	9.5%	13.5%	11.4%
Number of Legal Problems																	
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	469

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

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ATTACHMENT 2

Washington State Civil Legal Needs Study Update Results of Non-Probability Survey

*Supplement to the June 2015
Statewide Civil Legal Needs
Study Probability Survey Report*

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Technical Report # 15-040

Introduction

The 2014 Civil Legal Needs Study Update consisted of two components – a random, statewide probability-based survey (PS) and a targeted non-probability (N-PS) survey of members of specific target groups unlikely to be sufficiently represented in the pool of respondents to an address-based survey. These include:

1. Reservation-based Native Americans
2. Homeless persons (persons with no fixed residential address)
3. Victims of domestic violence and sexual assault
4. Immigrants and refugees
5. Youth and young adults
6. Persons with disabilities¹

The results of the probability based survey are presented in the main Report. This Supplement reports findings of the non-probability survey. Among the key findings are that:

- N-PS respondents experienced a *greater prevalence of problems across a broader range of substantive areas* than those reported by similarly situated PS respondents.
- The N-PS target group members who are also members of racial and ethnic minorities experienced *disproportionately higher levels of problems* than similarly situated group members who are white.
- N-PS respondents experienced *higher rates of discrimination and unfair treatment* across the board than similarly situated PS respondents.
- N-PS respondents were *more likely to seek and secure some level of legal assistance* than low-income respondents to the PS survey.

Non-Probability Study Component – Purpose and Limitations

The N-PS was designed to look deeper into the experience of low-income groups that would not be sufficiently represented in the PS survey. The N-PS was not intended to duplicate the probability survey, and does not offer statistically representative information from which general assumptions can be made about the general low income population. It was rather designed to serve as a distinct complementary research effort to the PS survey – one that would reach and provide deeper understanding of the problems experienced by low-income members of each of the discrete target survey groups.

¹ While the Civil Legal Needs Study Update Committee intended to include persons who identify as lesbian, gay, bisexual, transgender or questioning of their sexual identity or orientation in the N-PS survey, administrative errors resulted in the failure to execute on this intent. Subsequently, the Update Committee has engaged SESRC to expand the N-PS portion of the survey to target low-income persons who identify as LGBTQ. That work was commencing at the time of publication of this Supplement.

Non-Probability Study Component – Data Gathering Approach

Consistent with the purposes outlined above, SESRC and volunteer law students at Seattle University School of Law recruited community-based organizations that provide services to members of the target groups to distribute and secure return of completed surveys from individuals with whom they worked or to whom they provided services. Community-based groups included low-income housing and homeless services providers, food banks, immigrant rights organizations, Indian tribes, domestic violence victim service providers and youth advocacy organizations. While some legal aid organizations were involved in helping recruit community-based organizations to assist with the effort, they did not ask their clients to fill out the surveys.

The targeting was generally successful. Two hundred twenty-four (224) completed surveys from eligible respondents were obtained. Of these, 55 (26.3%) were homeless individuals and families, 102 (47.9%) were persons who were or had a household member who has a disability, 30 (17.5%) were persons who were not US citizens, 76 (36.7%) identified as victims of domestic violence or sexual assault, 45 were youth or young adults, 34 (15.3%) were Native Americans and 53 (23.9%) identified as of Hispanic/Latino descent. Table 1 shows the relative breakdown of PS and N-PS respondents by gender, age, marital status, household composition, immigrant and citizenship status, disability status, homeless status, income and employment status, and military/veteran status.

Table 1: Household Characteristics of PS and N-PS respondents

Demographic Characteristics	PS survey		NP-S survey	
	n	%		
Race				
White or Caucasian	708	57.6%	117	52.7%
Black/African American	113	9.2%	31	14%
Hispanic/Latino	251	20.4%	53	23.9%
Asian	93	7.6%	3	1.4%
Pacific Islander	17	1.4%	3	1.4%
Native American	78	6.3%	34	15.3%
Mixed Race	44	3.6%	18	8.1%
Other	38	3.1%	7	3.2%
Total	1,342	100%	215	100%
Immigrant status (born outside the U.S.)				
Yes	325	26.8%	53	24.8%
No	889	73.2%	161	75.2%
Total	1,214	100%	214	100%
Gender				
Male	468	38.6%	58	26.6%
Female	736	60.8%	158	72.5%
Transgender or other	7	0.5%	1	0.5%
Total	1,211	100%	218	100%
Age				
0-17	11	0.9%	5	2.3%
18-24	123	10.2%	40	18.4
25-39	344	28.4%	78	35.9%
40-64	509	42%	85	39.2%
65+	224	18.5%	9	4.1%
Total	1,211	100%	217	100%
Marital Status				
Married	394	32.5%	33	15.4%
Not married, but live and share household expenses with another	246	20.3%	39	18.2%
Single and live alone	360	29.7%	79	36.9%
Other	212	17.5%	63	29.4%
Total	1,212	100%	214	100%

Demographic Characteristics	PS survey		NP-S Survey	
	n	%	n	%
Households composed of families with children				
Households without children	691	57%	104	47.7%
Households with children	522	43%	114	52.3%
Total	1,213	100%	218	100%
Homeless				
Homeless	21	1.7%	55	26.3%
No	1,192	98.3%	154	73.3%
Total	1,213	100%	209	100%
Disability				
Disability	463	38.1%	102	47.9%
No disability	752	61.9%	111	52.1%
Total	1,210	100%	213	100%
Caring for Dependent				
Yes	187	15.4%	29	13.3%
No	1,026	84.6%	189	86.7%
Total	1,213	100%	218	100%
Military Status:				
Served in the military	201	16.6%	22	10.4%
Did not serve in the military	1,011	83.4%	190	89.6%
Total	1,212	100%	212	100%
Citizenship				
United States citizen	1,073	88.5%	180	82.6%
U.S. permanent resident, but not a U.S. citizen	78	6.4%	7	3.2%
Citizen of another country	48	4%	23	10.6%
Other	14	1.2%	8	3.7%
Total	1,213	100%	218	100%
Employment				
Not employed	650	53.9%	136	62.1%
Employed full-time	276	22.9%	38	17.4%
Employed part-time	218	18.1%	43	19.6%
Self-employed	63	5.2%	2	0.9%
Total	1,213	100%	219	100%
Victim of Domestic Violence or Sexual Assault				
Yes	99	8.4%	76	36.7%
No	1,114	91.6%	143	63.3%

Prevalence of Legal Problems

It is not possible to meaningfully compare the substantive legal prevalence rates between the PS survey and the N-PS survey given the targeted focus of the N-PS effort. The PS is representative of the overall general low income population; the N-PS is not. But the N-PS survey allows for deeper appreciation of the problems unique or disproportionately experienced by members of the groups that were the targets of that survey. As such, the N-PS provides greater insight into the prevalence, substance and scope of legal problems experienced by members of these target groups. The responses are generally consistent but often magnify the underlying findings of the PS survey.

Because of the intentional targeting of victims of domestic violence and others who might be expected to have disproportionately higher levels of legal problems than the general population, the N-PS survey respondents in fact reported a higher level of legal problems (93%) than PS respondents (71%). More than a half of N-PS respondents (59.4%) were aware of their legal problems while only 35.5% of the PS survey respondents were aware of their legal problems, as measured by Q1 early in the survey².

Figure 1 shows the prevalence of legal problems by substantive area reported by N-PS respondents. N-PS respondents experienced substantially higher levels of problems across all substantive areas. For example, while 43% of PS respondents had a problem involving health care, 58.6% of N-PS respondents reported at least one legal problem in this area. While 27.8% of PS survey respondents reported

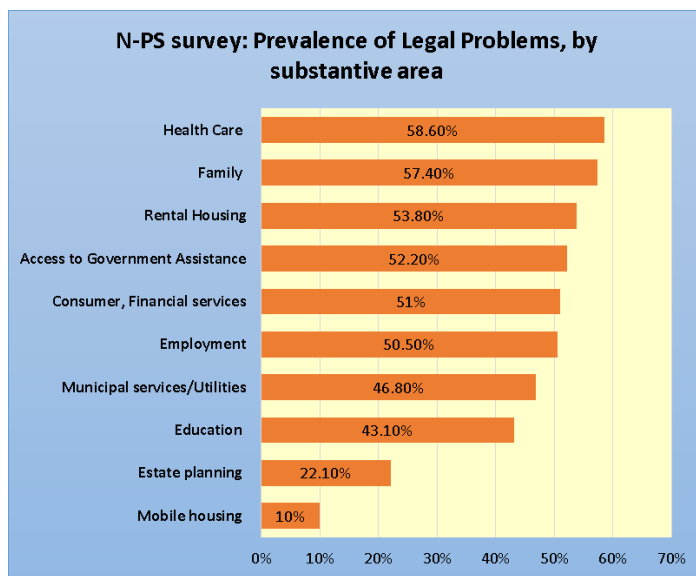


Figure 1: Percentage of N-PS respondents affected by legal problems, by category

PS survey respondents reported problems associated with rental housing, 53.8% of N-PS respondents (who disproportionately included DV/SA victims and persons who had been homeless in the past 12 months) had problems in this area. While 22.8% of PS survey respondents reported a family-related legal problem, 57.4% of N-PS respondents (which disproportionately included DV/SA victims) had problems in this area. Similarly, while 30% of PS survey respondents reported problems associated with access to government assistance, 52.20% of N-PS respondents reported one or more problems in this area.

² 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).”

These distinctions become even more pronounced when looking at specific legal problems in each of the major problem categories experienced by N-PS respondents.

- For example, while 10.7% of PS respondents were threatened with eviction prior to the termination of their lease, 21.3% of N-PS respondents (which disproportionately included high numbers of homeless persons) experienced such problems. Similarly, while 8.5% of PS respondents reported being denied housing assistance, 25.5% of N-PS respondents had this type of problem.
- Looking at family-related problems, 8.4% of PS respondents said that they were victims of DV/SA, while 36.7% of N-PS respondents reported problems with DV/SA. 8.6% of PS respondents had child custody related problems while 21.0% of N-PS respondents (which disproportionately included higher numbers of women, DV/SA survivors and families with children) had custody related problems.
- In the consumer/financial services area, significantly higher percentages of N-PS households had problems with wage garnishment, collection practices and legal financial obligations (LFO's) than the PS households. This reflects the substantially higher percentage of persons who had current or prior involvement in the juvenile and criminal justice systems in the N-PS survey than the PS survey.
- The percentage of N-PS respondents who had problems with law enforcement (25.2%) dwarfs that of those in the PS responses (14.5%), reflecting the substantially higher percentage of persons who are more likely to have negative interactions with law enforcement (e.g., people who are homeless, youth).
- The percentage of persons with denials of government assistance is much higher for the N-PS respondents (34.5%) than the PS respondents (22.4%), again reflecting that the N-PS survey respondents have a higher rate of un- and under-employment than their PS counterparts and are therefore more likely to be seeking some form of government assistance.
- Similar magnifications occur in the areas of access to health insurance, securing coverage for required medical procedures and health care-related debt collection.
- In the child welfare area, a substantially greater percentage of N-PS respondents who were involved in the child welfare system had been investigated by CPS (42.9%) than those in the PS survey (33.3%). This could be due to the disproportionately high percentage of homeless respondents, including homeless respondents with children.
- The percentages of N-PS Native American respondents denied governmental assistance from tribal entities (33.3%) is much higher than the PS respondents (20.6%), due to the higher percentage of reservation-based respondents.
- N-PS respondents with disabilities were far more likely to have been denied state or federal disability assistance (41.6%) than their PS counterparts (19.6%).
- Although similar percentages of immigrants were included in PS and N-PS surveys (around 25% of respondents), respondents to the N-PS survey reported substantially higher percentages of problems involving immigration status (37.0% v. 19.5%), deportation of a family member (24.4% v. 6.7%), denial of services due to immigration status (29.8% v. 13.6%) and job-related harassment due to immigration status (26.1% v. 8.6%).

Master Table 1 shows the prevalence of legal problems by substantive area and by demographic group. This table documents similarities as well as significant disproportionalities in the experiences of members of distinct sub-demographic groups relative to the all N-PS survey respondents³. Specifically, Table 1 shows that while 50% of all N-PS respondents experienced one or more problems relating to employment, 59% of Native Americans and 58% of persons with a disability experienced employment-related problems. Table 1 shows that while 54% of all N-PS respondents experienced one or more problems relating to rental housing, 68% of African-American respondents, 65% of Native America, and 63% of persons with a disability had a problem in this area.

Relative to the entire N-PS respondents, African American, Native American, persons with a disability, veterans, and youth experience substantially greater number of problems in a broader range of areas, including, employment, municipal services, rental housing, consumer/financing and education.

Master Table 1: Prevalence (%) of Legal Problems by Substantive Area and Demographic Group among N-PS Respondents

	All	White	Non-White	African-Americans	Hispanics	Native Americans	Not employed	Persons with a disability	Military Service Members	Households with children	Immigrants	Youth	Women	Men
Employment	50	49	53	50	43	59	55	58	54	46	54	55	49	54
Rental Housing	54	50	62	68	50	65	61	63	50	50	49	60	54	53
Municipal Services/Utilities	47	45	48	53	34	63	52	53	45	43	41	53	42	55
Consumer	51	56	52	50	36	70	57	62	62	45	44	44	47	59
Government Assistance	52	58	50	53	34	67	60	67	52	43	47	51	52	52
Health care	59	60	56	43	53	64	62	68	50	56	66	48	61	51
Family	57	63	56	52	50	70	60	63	73	66	49	55	60	48
Education	43	29	57	63	47	68	41	47	33	48	45	61	44	35
Estate Planning	22	22	24	13	20	32	27	22	32	21	33	21	24	16
Number of respondents	224	117	123	31	53	34	136	102	22	114	53	44	158	58

Note: Only the groups consisting of a sufficiently representative sample of respondents were selected

³ Table 1 uses red color code to highlight the areas in which the prevalence of problems among demographic groups of victims is 10 or more percent higher than the prevalence for the entire groups of victims reported in column 1.

Discrimination and Unfair Treatment

Figure 2 shows the percentage of N-PS respondents who experienced discrimination or unfair treatment on the basis of a state and federal legally protected classification. Figure 3 shows the percentage of N-PS respondents experiencing discrimination or unfair treatment with

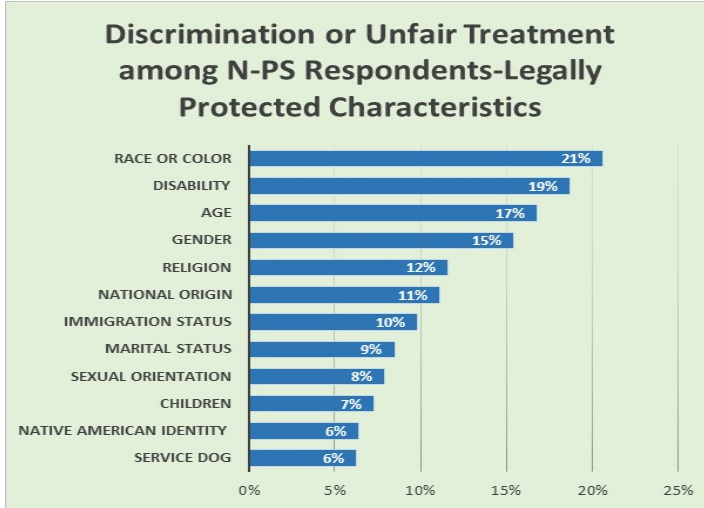


Figure 2: Percentage of N-PS affected by discrimination or unfair treatment on a basis of legally protected characteristics

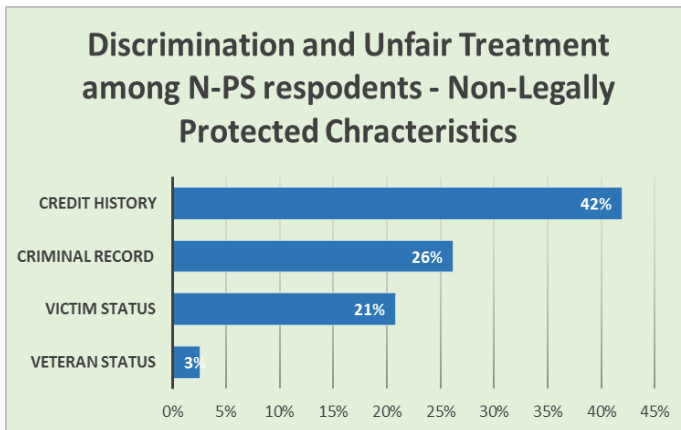


Figure 3: Percentage of N-PS affected by discrimination or unfair treatment on a basis on non-legally protected characteristics

respect to characteristics that are not protected under either state or federal law. The findings regarding discrimination are generally consistent but often magnify the underlying findings reported in the PS survey. Specifically, N-PS respondents are about 1.5 or 2 times more likely to experience discrimination on the basis of race, disability, age, gender, religion, or national origin than their PS counterparts.

Disparities in the levels of discrimination are also evident for cases involving unfair treatment with respect to characteristics that are not categorically protected under either state or federal law. Specifically, while 23% of PS respondents reported being discriminated against or unfairly treated on the basis of their credit history, 42% of N-PS respondents reported being discriminated based on credit history. While only 8.9% of PS respondents reported being discriminated on the basis of a prior juvenile or criminal record, 26% of N-PS respondents have been discriminated on the basis of a prior juvenile or criminal record.

This is because the target population has respondents with disproportionately higher levels of prior involvement in the juvenile and criminal justice system (20.6%) than the general low income population (4.1%). The same is true given the differences in the percentage of youth (20.8% v 12.5%) and persons involved in the child welfare system (16.6% v. 3.9%). Because women were disproportionately represented in the N-PS survey, though not substantially beyond what might be expected for the key target groupings of DV/SA victims and homeless families, N-PS respondents were 4 times more likely than PS respondents to experience discrimination on the basis of their being a victim of domestic violence or sexual assault (21% versus 5.4%).

Master Table 2 shows the prevalence of discrimination and unfair treatment among N-PS respondents based on demographic identity and by demographic group. Specifically, Table 2 shows that 21% of all N-PS respondents experienced discrimination based on race or color, but members of several demographic groups experienced substantially higher levels of discrimination, including African-American victims (58%), immigrants (31%) and youth (36%). In the similar vein, while 15% of all N-PS respondents experienced discrimination based on gender, 25% of African-Americans, 21% of Native Americans, and 19% of youth experienced gender-based discrimination or unfair treatment. Relative to all N-PS respondents, youth were two times more likely to experience discrimination on a basis of sexual orientation than their PS counterparts (16% versus 8%).

Master Table 2: Prevalence (%) of Discrimination and Unfair Treatment Based on Demographic Identity and Demographic Group among N-PS Respondents

	All	White	Non-White	African-Americans	Hispanics	Native Americans	Not employed	Persons with a disability	Military Service Members	Households with children	Immigrants	Youth	Women	Men
Race or color	21	7	33	58	23	28	20	21	25	22	31	36	21	18
National origin	11	4	16	9	21	7	10	10	11	12	36	18	12	6
Religion	12	8	15	25	6	10	10	10	16	7	15	21	10	12
Native American Identity	6	2	11	12	0	22	4	8	16	6	5	11	6	6
Gender	15	14	19	25	13	21	10	18	17	15	12	19	18	8
Marital status	8	6	12	12	13	13	5	8	16	11	12	13	8	6
Children in home	7	4	12	8	19	7	7	7	11	13	14	11	9	2
Sexual orientation	8	9	8	12	4	13	6	12	11	5	7	16	6	10
Age	17	20	14	17	9	17	21	24	44	9	12	29	16	16
Veteran	3	1	5	4	0	6	2	6	10	3	2	5	3	2
Disability	19	24	16	8	6	28	22	32	32	9	17	20	15	27
Service dog	6	7	7	8	2	10	9	13	0	2	2	5	6	8
Prior Juv. or crim. record	26	26	24	33	11	17	31	35	44	15	19	24	21	41
Credit History	42	36	51	57	31	56	43	50	48	38	29	46	39	46
Immigration status	10	3	14	0	27	0	7	3	5	15	34	13	12	2
Number of respondents	224	117	123	31	53	34	136	102	22	114	53	44	158	58

Discrimination and Unfair Treatment by Substantive Problem Area

Master table 3 shows the relationships between N-PS respondents' reporting of problems relating to discrimination and unfair treatment by reference to their demographic identity/characteristics (X axis) and the substantive problem areas in which the reported acts of discrimination or unfair treatment occurred (Y axis). For example, while 44% of all N-PS respondents reported discrimination in the area of employment, 56% of African Americans reported discrimination in this area. While 44% of all N-PS respondents reported discrimination in the area of rental housing, 56% of African-Americans, 56% Native Americans, and 56% of persons with a disability reported discrimination in this area. These differentials mirror the findings in the PS Survey (See PS Survey Report, p. 56, Master Table 2).

Relative to the entire N-PS respondents, African American respondents experienced substantially higher levels of discrimination in the areas of employment, rental housing and consumer/finance. Native American respondents were more likely than all N-PS respondents to report discrimination in the areas of rental housing, law enforcement, health care, and education. Youth experienced substantially higher levels of discrimination in education than members of other N-PS target groups.

Master Table 3: Prevalence (%) of Discrimination and Unfair Treatment Based on Demographic Identity by Substantive Problem Area

	All	White	Non-White	African-Americans	Hispanics	Native Americans	Not employed	Persons with a disability	Military Service Members	Households with children	Immigrants	Youth	Women	Men
Employment	44	42	47	56	44	48	43	48	50	42	42	44	44	44
Rental Housing	44	45	46	56	33	56	50	56	50	47	32	47	45	44
Home ownership	8	8	11	12	8	11	12	11	22	13	15	9	10	5
Utility Services	11	8	12	12	11	15	14	11	11	19	12	15	10	12
Municipal Services/Land Use	5	3	6	4	6	7	4	4	6	5	10	3	3	5
Law Enforcement	25	27	27	20	22	41	29	35	33	24	22	18	25	29
Consumer	28	28	30	32	39	26	26	24	28	31	22	18	31	22
Health care	18	22	19	8	17	37	21	27	22	17	27	18	18	17
Government Assistance	27	24	30	24	42	33	29	29	28	31	40	23	30	20
Education	22	15	29	24	31	37	22	17	28	28	35	41	24	15
Government Programs	10	8	13	4	25	7	10	4	17	15	20	15	10	10
Access to private business srv	12	10	16	20	19	18	11	11	6	13	22	15	12	12
Number of respondents	224	117	123	31	53	34	136	102	22	114	53	44	158	58

Steps N-PS Respondents Take When Faced With Civil Legal Problems

The percentage of N-PS respondents who self-diagnosed their legal problem and tried and got some level of legal help was higher than that for PS survey respondents (43.8% versus 24%). The percentage of N-PS respondents who sought but could not get legal help was lower than that for PS survey respondents (7.7% versus 11%). This is likely due to the types of legal problems reported and for which help was sought as a percentage of the total number of problems reported in the two surveys. Thus, because there were substantially more persons experiencing family law, housing and child welfare related problems, it is expected that there would be a greater level of understanding of the need to get legal help to address these court-based legal problems.

The breakdown by category of problems for which people sought help are generally consistent with that reported in the PS Survey with the exception of a greater percentage of respondents seeking help with family-related legal problems (37.9% v. 21.4%). This is explained by the greater percentage of women with children, DV/SA victims and homeless single parents in the N-PS survey, all of whom experienced higher percentages of family-related legal problems than the general population reported in the PS Survey.

Problems accessing court forms (40.6%), obtaining fee waivers (38.7%) and understanding court rules (28.1%) were the predominant challenges identified by N-PS respondents in relation to their ability to effectively participate in court or administrative agency proceedings. These are not significantly different than the experiences reported by respondents to the PS survey who had been involved in a court or administrative agency proceeding in the prior 12 month period.

Ability to Solve Legal Problems

The percentage of N-PS respondents who were able to solve some portion of their legal problem was not different than for PS survey respondent (45% versus 44%). The same was true for the rates of obtaining the complete resolution for their problems (18.6% of N-PS respondents versus 17% for PS respondents).

N-PS Respondents' Views of the Civil Justice System

Perceptions regarding the fairness or effectiveness of the civil justice system for “people like them” 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 respondents to the PS survey. Specifically, while 41.2% of PS 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, 48.1% of N-PS respondents felt the same way. While 26.7% of PS respondents felt that people like them could rarely if ever effectively resolve important problems through the civil justice system, 32.9% of N-PS respondents felt the same way.

ATTACHMENT 3



**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.

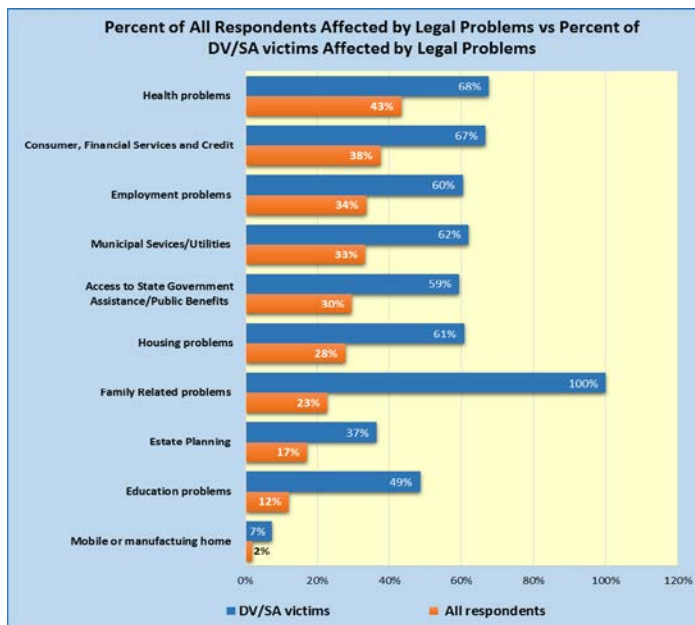


Figure 1: Percentage of DV/SA victims affected by legal problems in relation to the general low-income population, by category

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.

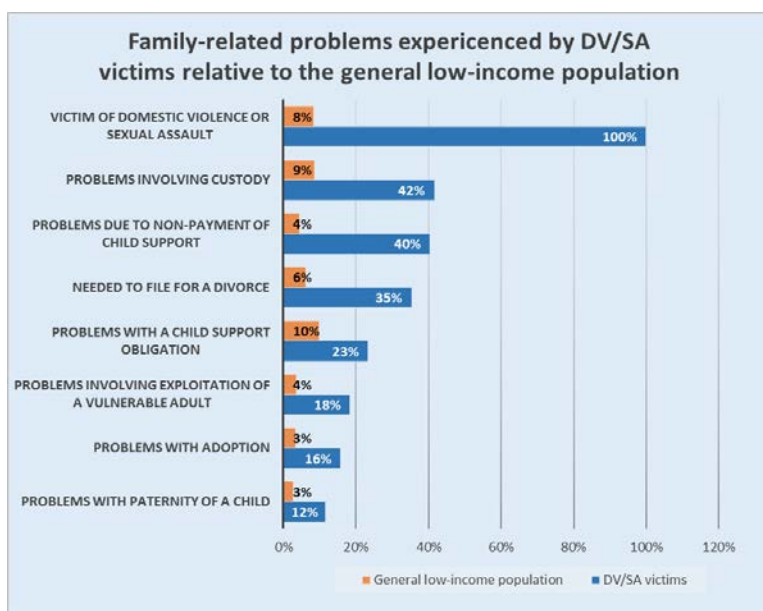
⁵ Question 1 of the survey asked respondents to choose between “Yes” or “No” answer to the following: “In the last 12 months, have you had any civil (not criminal) problems for which you thought you needed legal help? (For this survey, “you” refers to you and the members of your immediate household. 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.

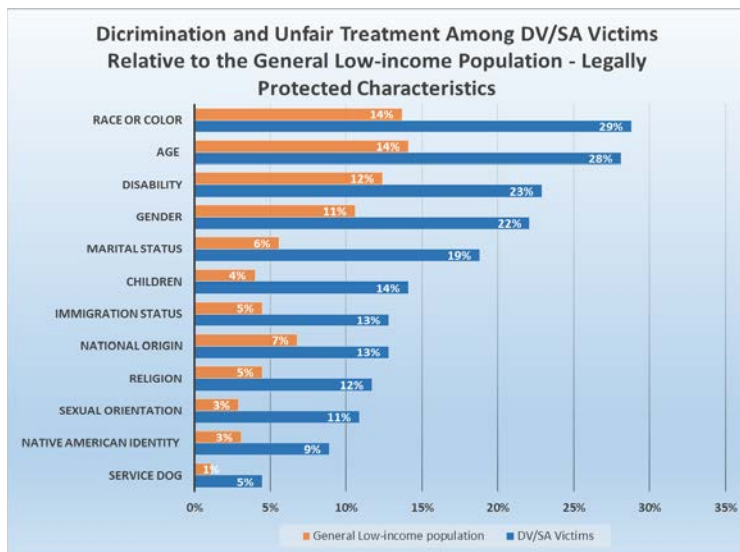


Figure 3: Percentage of DV/SA victims relative to the entire low-income population reporting discrimination or unfair treatment on the basis of at least one legally protected characteristics

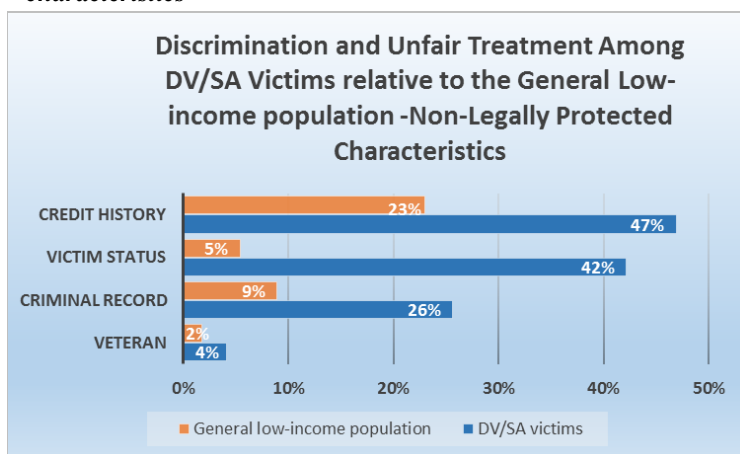


Figure 4: Percentage of DV/SA victims relative to the entire low-income population reporting discrimination or unfair treatment on the basis of at least one non-legally protected characteristics

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%).

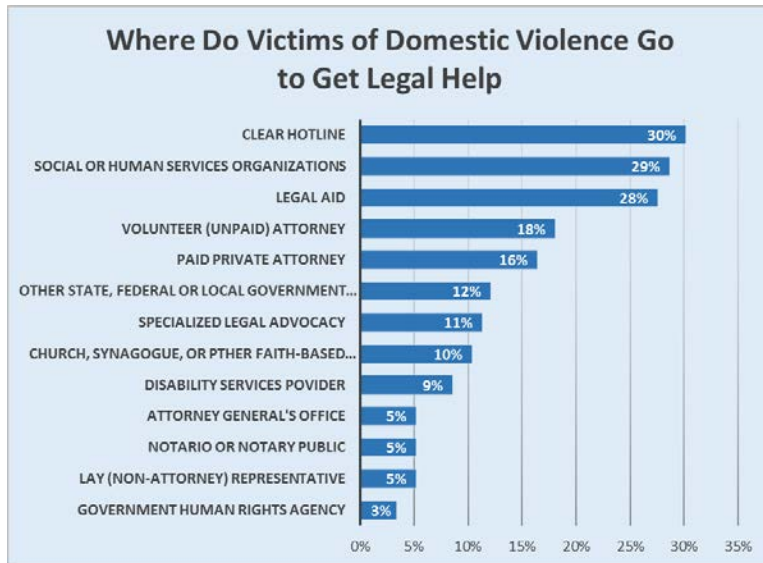


Figure 5: Percentage of DV/SA victims who tried to get legal help with one or more problems, by type of provider.

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%).

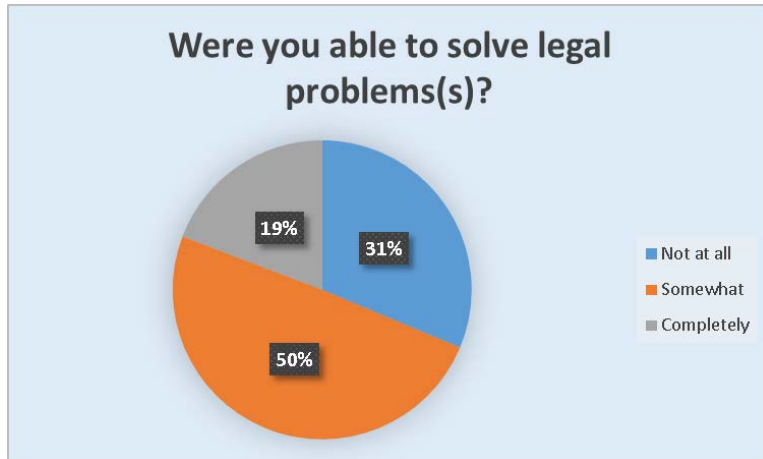


Figure 6: Resolution of problems for DV/SA victims who sought and obtained some level of legal help

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

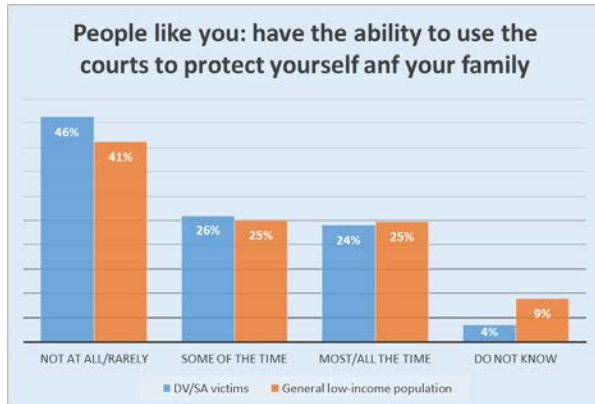


Figure 7: DV/SA victims' views of the courts relative to the views of the entire low-income population

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.

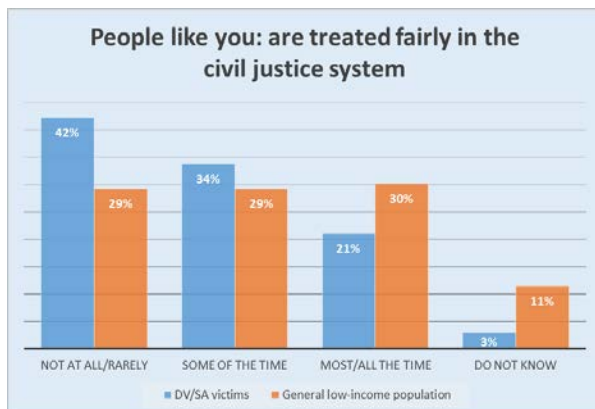


Figure 8: DV/SA victims' views on fair treatment relative to the views of the entire low-income population

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.

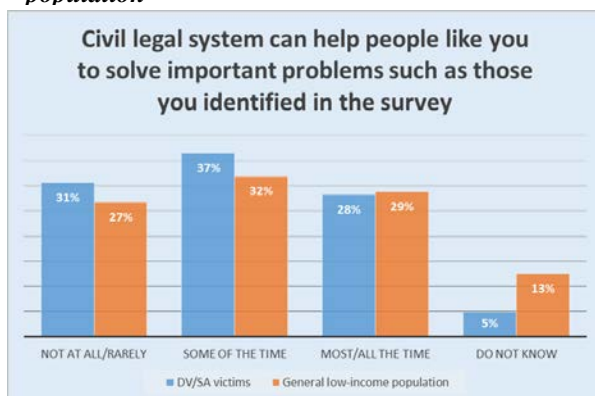


Figure 9: DV/SA victims' views on solving problems relative to the views of the entire low-income population

ATTACHMENT 4

WHITES VS NON-WHITES VIEWS OF THE CIVIL JUSTICE SYSTEM

Results from the 2014 Legal Needs Study Update

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Dichotomous Variable White vs Non-White

Of all respondents, 56.7% were White or Caucasian, 9.2% were Black/African American and 20.4% were Hispanic. Asians accounted 7.6% and Native Americans accounted for 6.3% of respondents. The remaining 1.4% were Pacific Islanders. There was a small group of respondents (3.6%) who reported belonging to a mixed race and the remaining 3.1% of respondents selected “other” category.

Some race/ethnicity categories are small, and, therefore cannot be used for a meaningful comparison analysis. Mathematically, using a dichotomous variable “White vs Non-white” gives more statistical power to our tests than using race as a categorical variable with 6 or 7 categories. For this reason, we turned a multicategory nominal variable “race” into a dichotomous variable with two categories “White” and “Non-White”.

Views of the Civil Justice System

Respondents were asked a number of questions relating to their perception of the civil justice system and its ability to effectively help people like them solve important legal problems.

Our analyses did not reveal differences in the views of White and Non-White respondents regarding courts (Figure 1).

However, the confidence in fairness of the civil justice system and its ability to solve problems differed by race (Figure 2 and Figure 3). In particular, a substantially higher numbers of White respondents than non-White believed that civil justice system treat them fairly “all of the time” or “most of the time” (35% vs 25%). The same 10-point percent gap was documented for the other side of the view scale with 34% of Non-White respondents selecting “Not at all” and “Rarely” answer categories in response to a question about fairness compared to 24% of White respondents selecting the same answer categories (Figure 2).

The differences in confidence that the civil justice system offers potential in helping people like them solve important problems by race were less profound, but still statistically significant. The real differences were manifested at the lower level confidence side of the scale but not at the higher-level confidence side of the scale. In particular, significantly more White respondents than Non-White felt that people like them could effectively resolve important problems through the civil justice system (30% vs 24%) (see Figure 3).

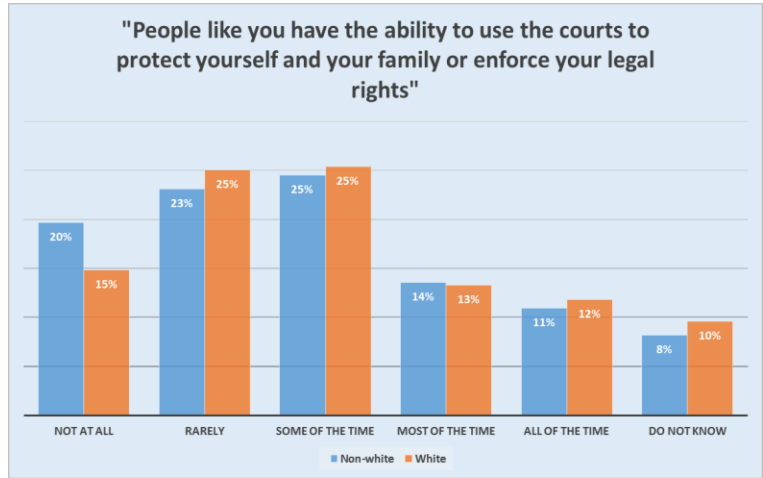


Figure 1: Whites vs Non-Whites' views of courts

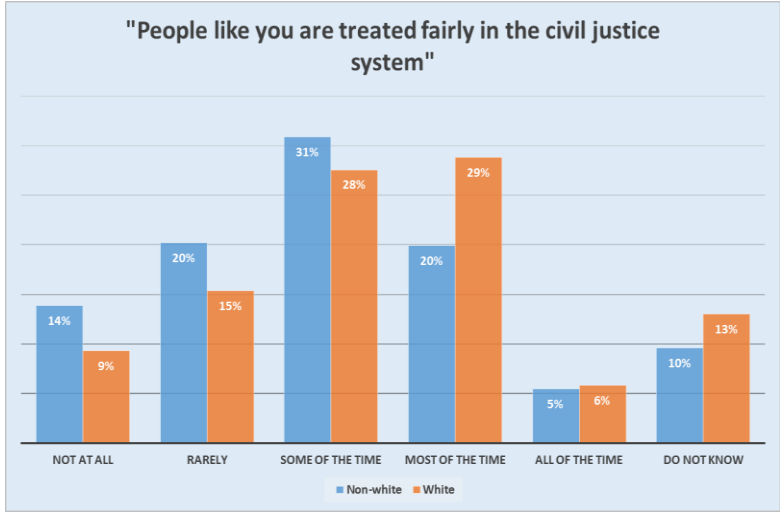


Figure 2: Whites vs Non-Whites's views on fair treatment

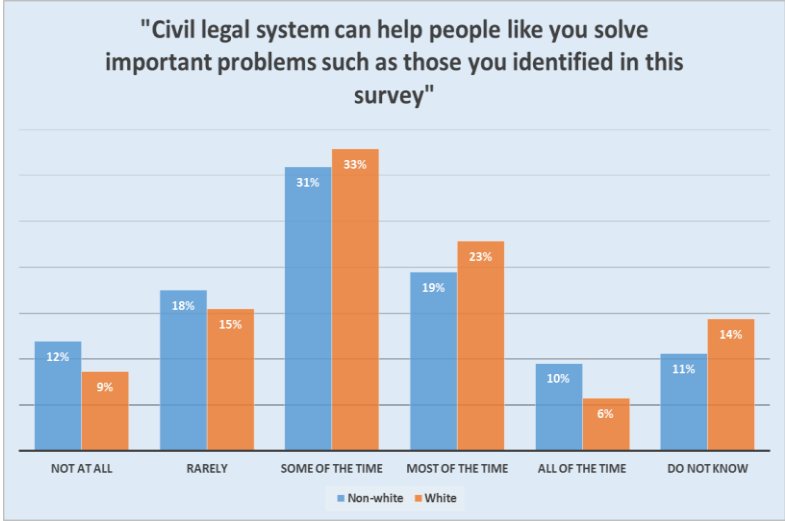


Figure 3: Whites vs Non-Whites' views on solution of problems

ATTACHMENT 5

WASHINGTON STATE SUPREME COURT CIVIL LEGAL NEEDS STUDY UPDATE COMMITTEE

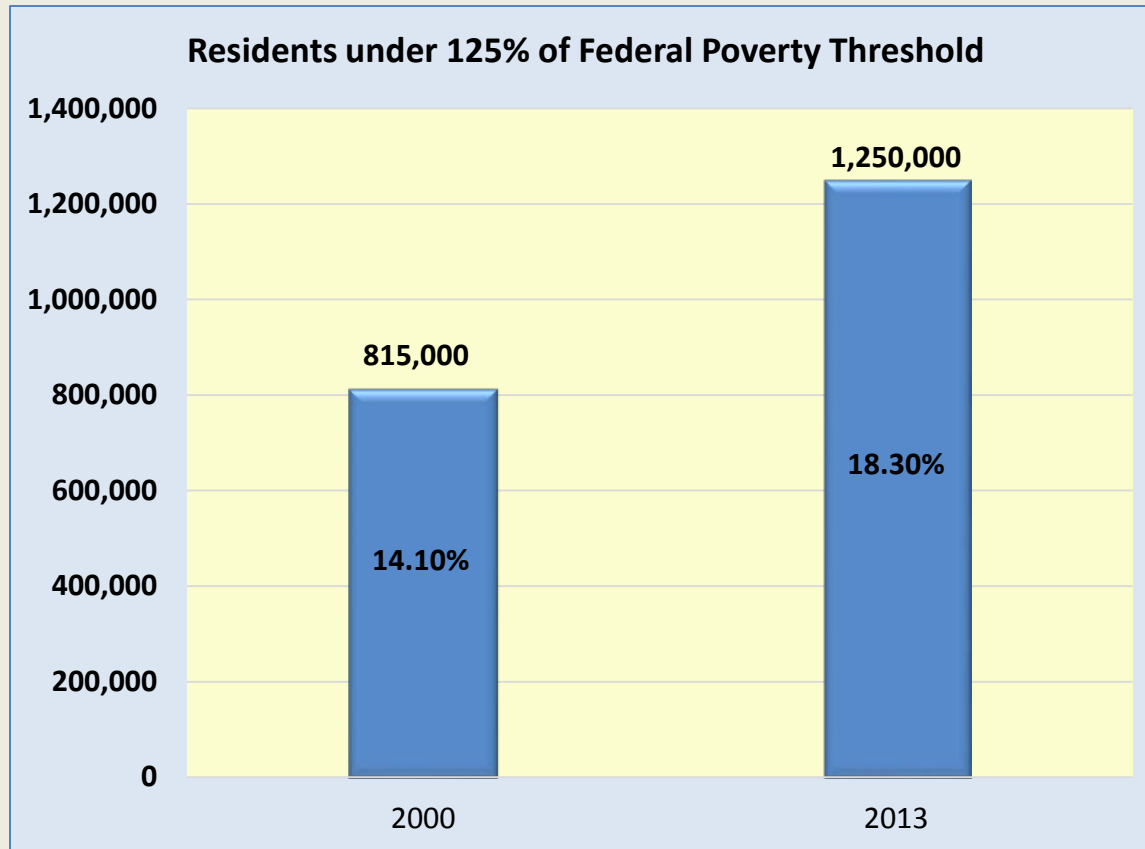


RESULTS OF THE 2015 CIVIL LEGAL NEEDS STUDY UPDATE

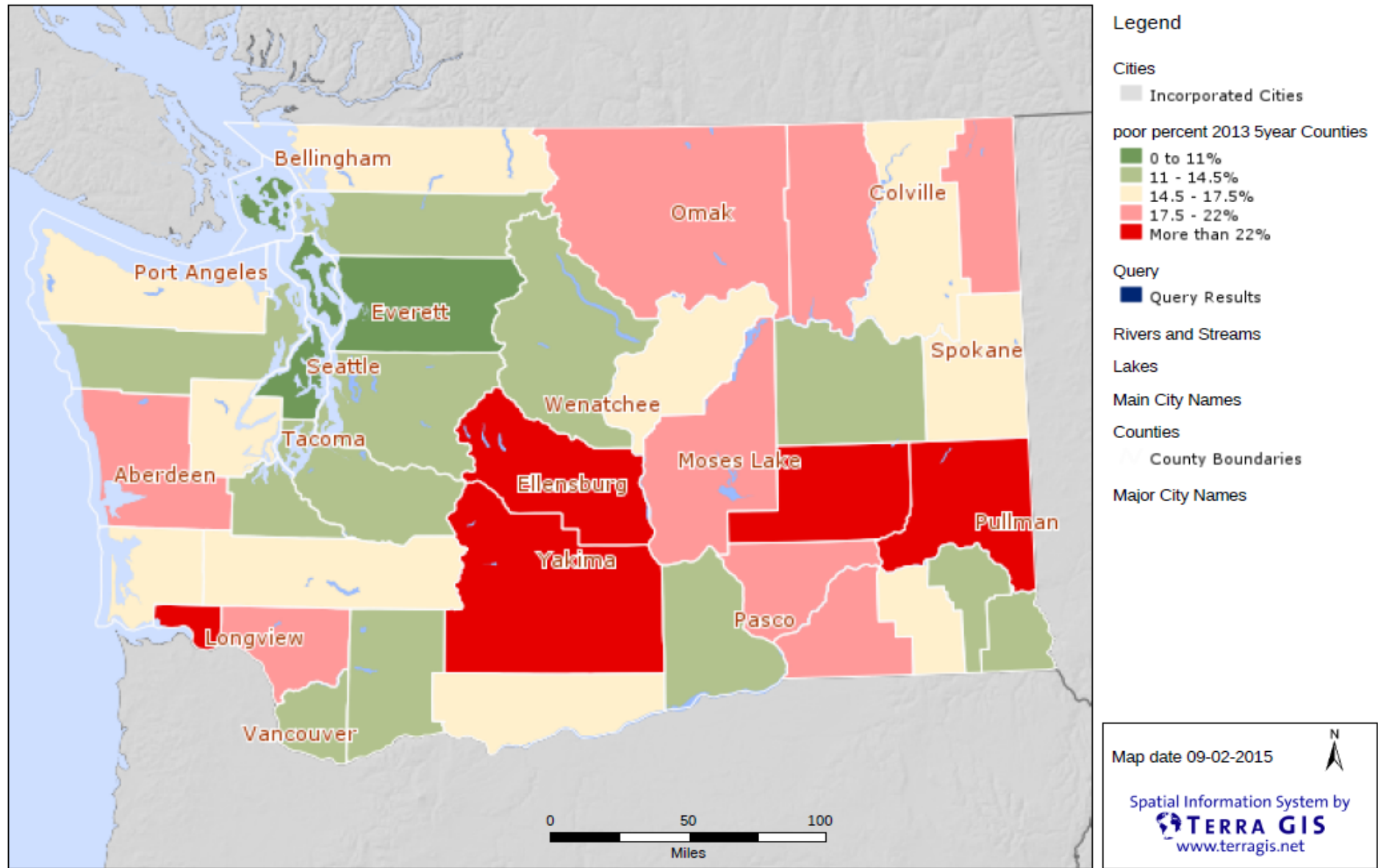
Presentation to the
Regional Legal Services Leaders
September 2015

Jim Bamberger, Office of Civil Legal Aid
PO Box 41183
Olympia, WA 98504-1183
jim.Bamberger@ocla.wa.gov

MORE WASHINGTONIANS UNDER INCOME LIMITS FOR CIVIL LEGAL AID



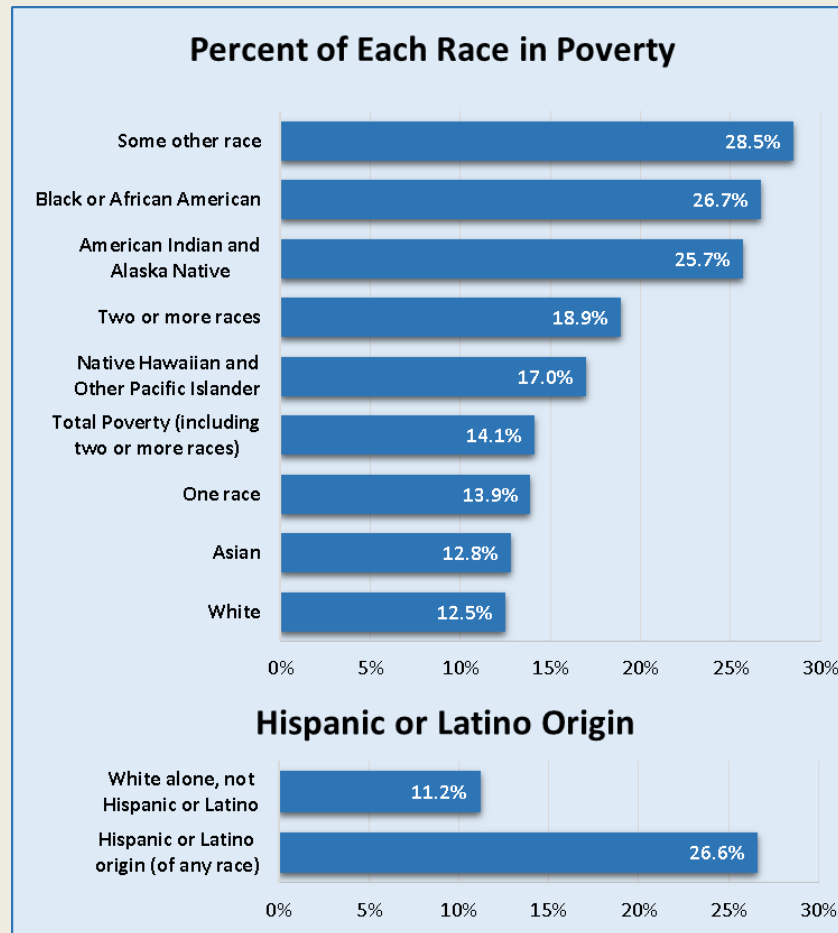
Poverty By County -- 2013 5-Year ACS



(c) 2015 by WA State Office of Civil Legal Aid width: 792.099 height:



RACE AND POVERTY



CIVIL LEGAL NEEDS STUDY UPDATE



REASONS TO UPDATE 2003 STUDY

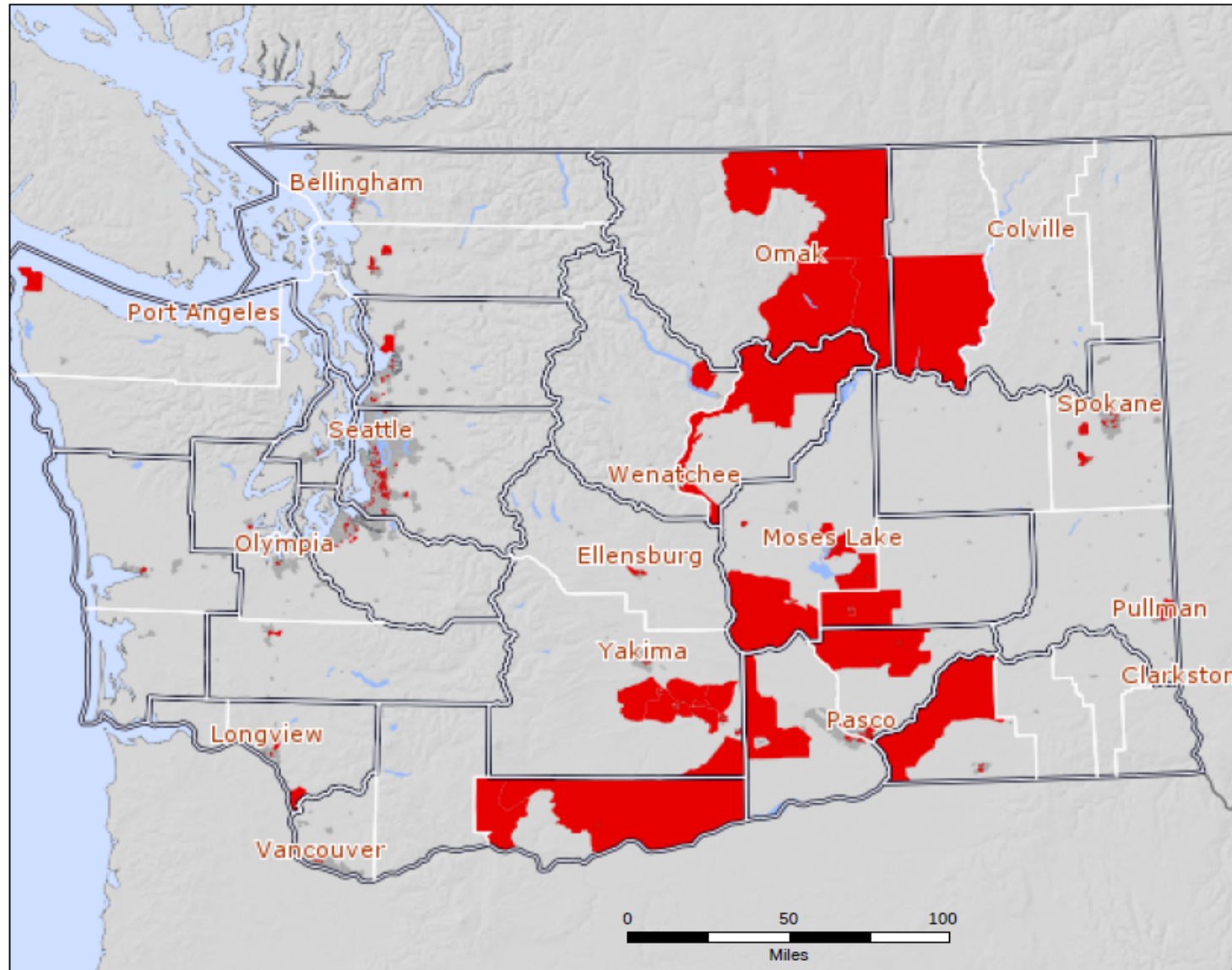


PRINCIPAL GOALS OF THE STUDY

- Understand how the substance and prevalence of legal problems has changed since 2003
- Identify new and emerging legal problems
- Explore differences experienced due to race, gender, age, disability, and status as DV/SA victim, young person (Age 15-21), military member/veteran, immigrant or person involved in the child welfare, juvenile or criminal justice system
- Understand who gets help and who does not
- Explore whether getting legal help leads to problem solution



Target Census Tracts Statewide



Legend

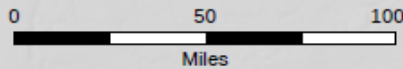
- Cities
 - Incorporated Cities
- Legal Needs Study Update -- Target Census Tracts
 - Target Census Tracts
- Query
 - Query Results
- Rivers and Streams
- Lakes
- City Names
- Main City Names
- Delivery Regions
 - Delivery Region (2007)
- Counties
 - County Boundaries
- Major City Names
- 28% of population at 125% FPL; 1000 or more racial/ethnic minority w/25% poverty

Map date 02-12-2014

N

Spatial Information System by

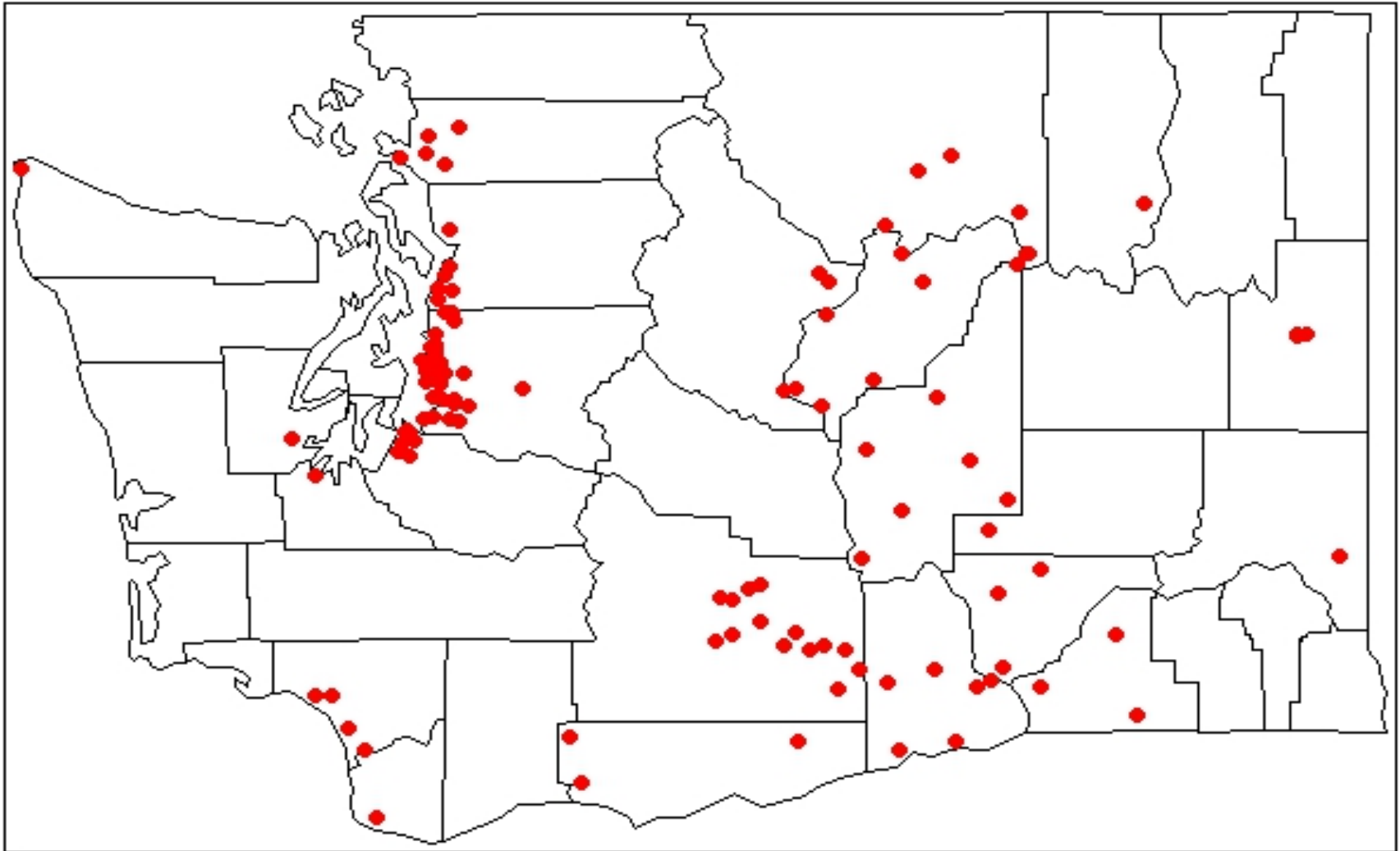
www.terragis.net



(c) 2014 by WA State Office of Civil Legal Aid width: 792.099 height:



SURVEYS COMPLETED BY LOCATION



PARTICIPATION RATES BY RACE

Race	Total	Poverty	Percent of Each Race in Poverty	Percent of Poverty Population	2014 CLNS Percentage Participation
One race	6,506,018	904,854	13.9%		
White	5,343,321	668,475	12.5%	69.1%	57.6%
Black or African American	248,640	66,402	26.7%	6.9%	9.2%
American Indian and Alaska Native	92,760	23,815	25.7%	2.5%	6.3%
Asian	529,174	67,765	12.8%	7.0%	7.6%
Native Hawaiian and Other Pacific Islander	41,111	6,972	17.0%	0.7%	1.4%
Some other race	251,012	71,425	28.5%	7.4%	3.1%
Two or more races	330,244	62,428	18.9%	6.5%	3.6%
Total Poverty (including two or more races)	6,836,262	967,282	14.1%		
Hispanic Or Latino Origin					
Hispanic or Latino origin (of any race)	815,416	216,692	26.6%	22.4%	20.4%
White alone, not Hispanic or Latino	4,854,186	543,367	11.2%		





RESULTS

Straight Ahead



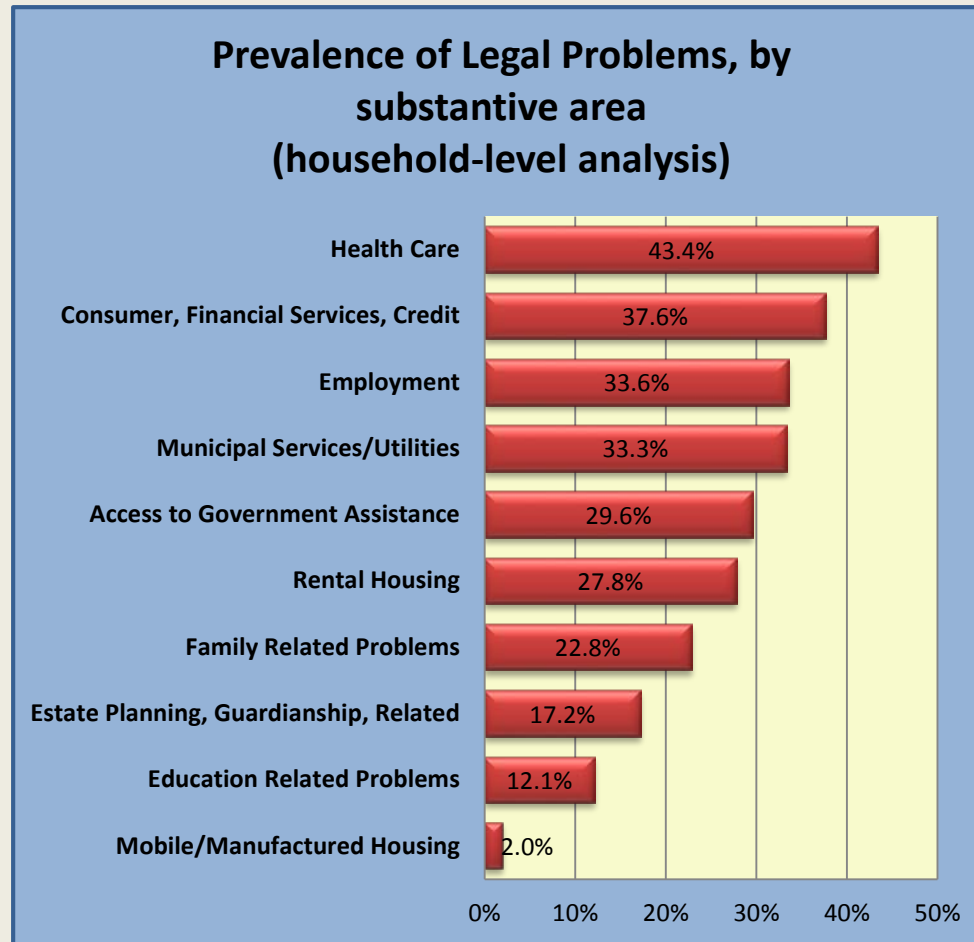
PREVALENCE OF PROBLEMS

- 70% of low-income households have at least one civil legal problem each year
- Of these, 82% do not get any legal help
- If you are low-income and have one problem, you will likely have many

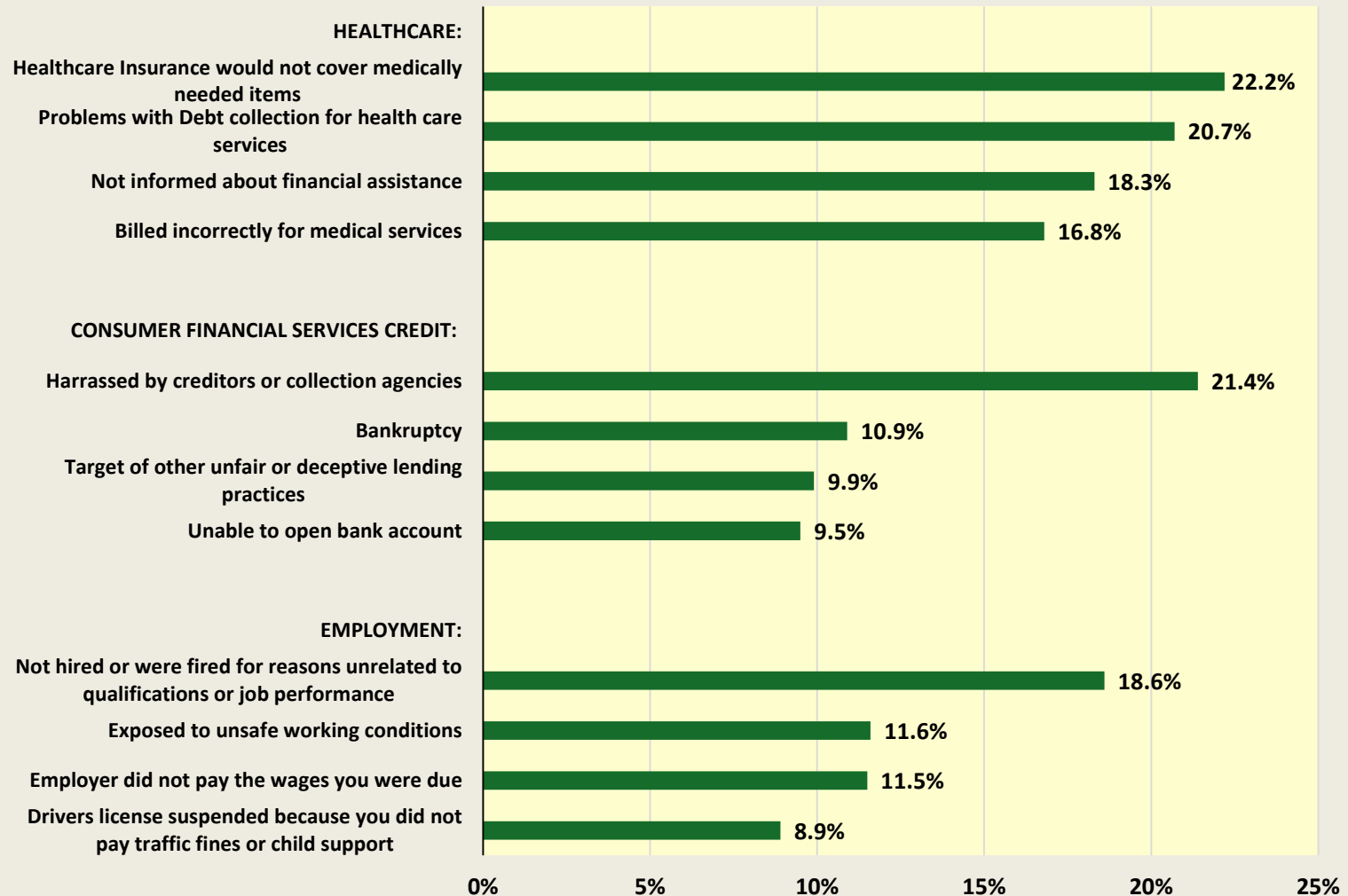
General Overview	2003	2014
Households experienced at least one legal problem	75-79%	71.1%
Average number of legal problems per household	3.3	9.3
Households with four or more legal problems	38-54%	46.3%



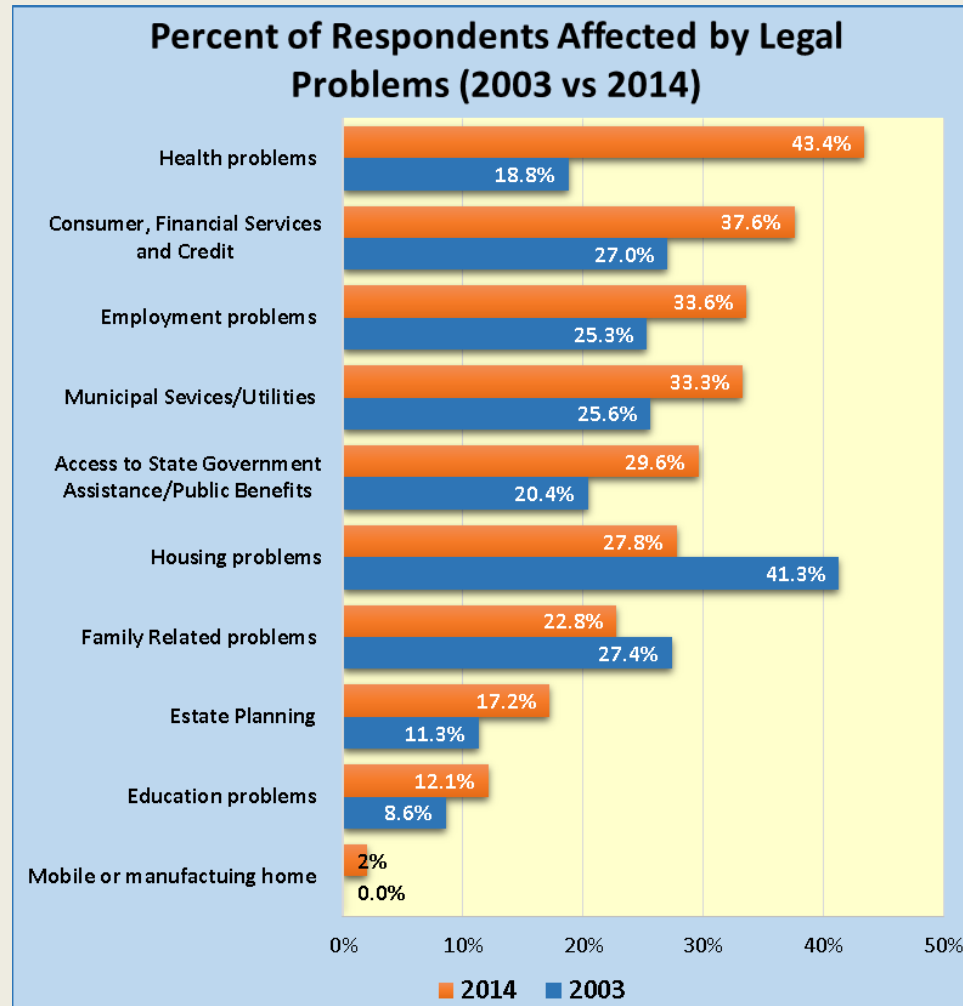
PROBLEMS AFFECT A BROAD RANGE OF SUBSTANTIVE ISSUES



Most Prevalent Problems Within Leading Substantive Problem Areas

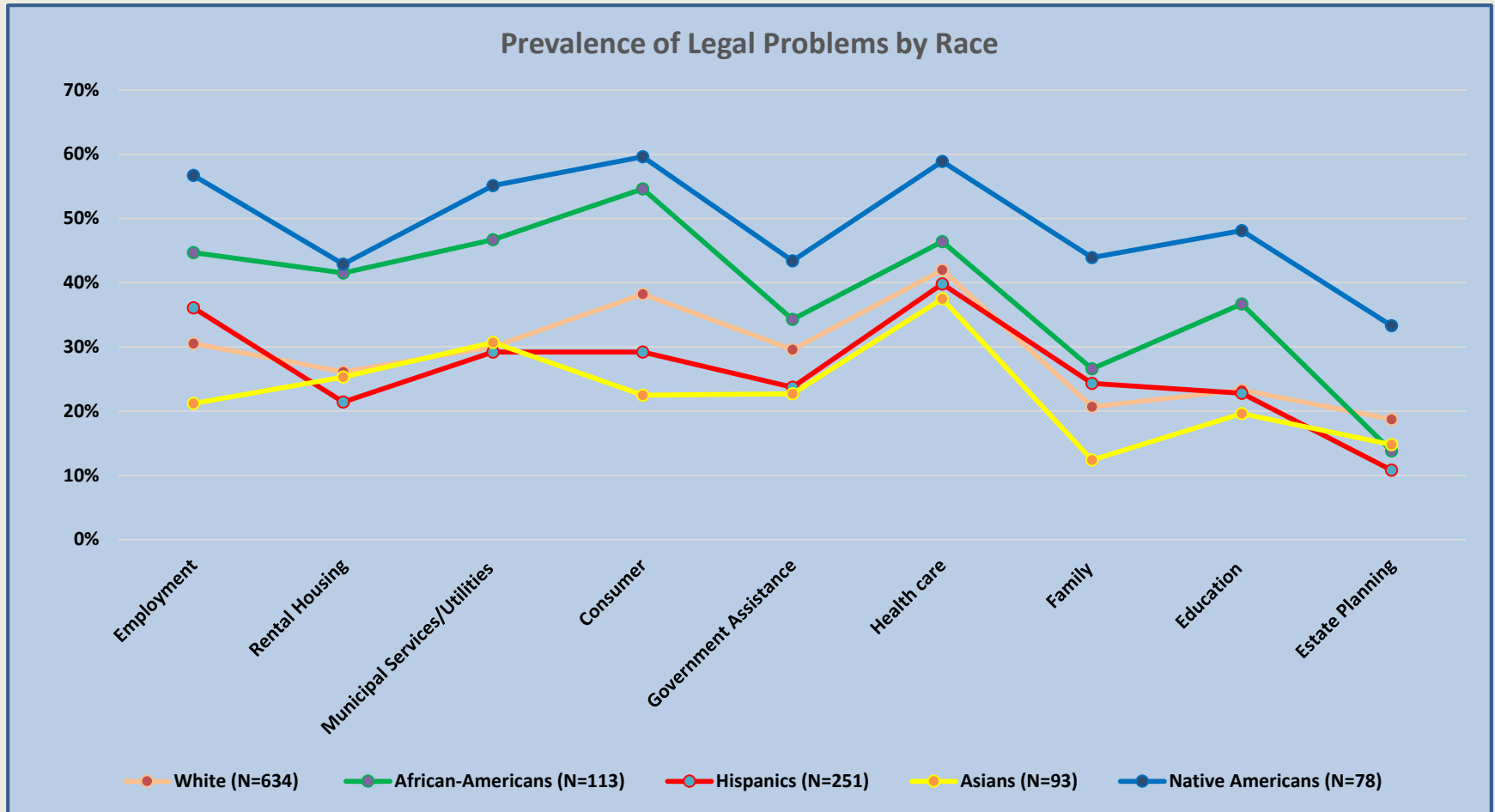


THINGS HAVE CHANGED SINCE 2003

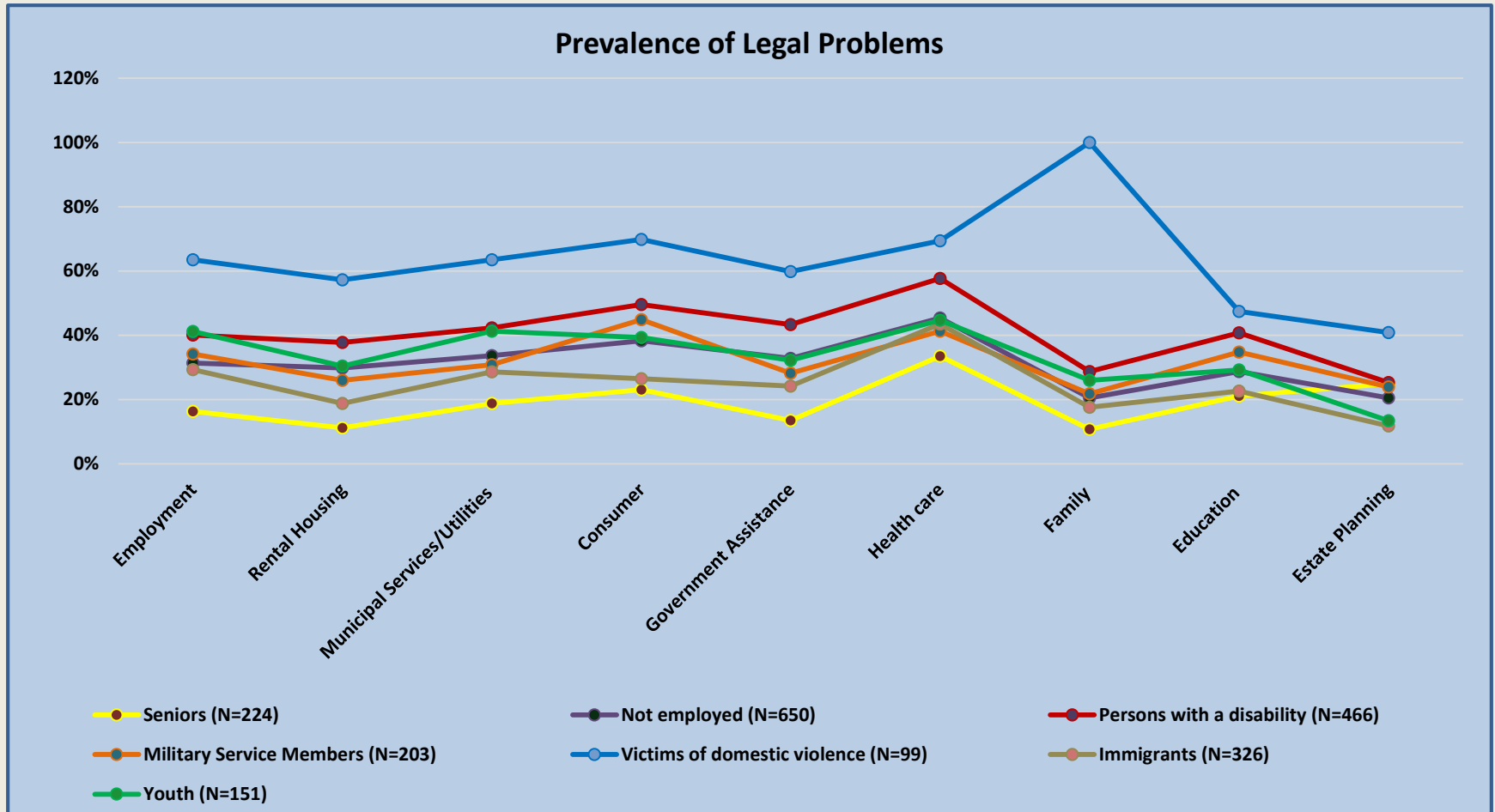


WHO YOU ARE MATTERS

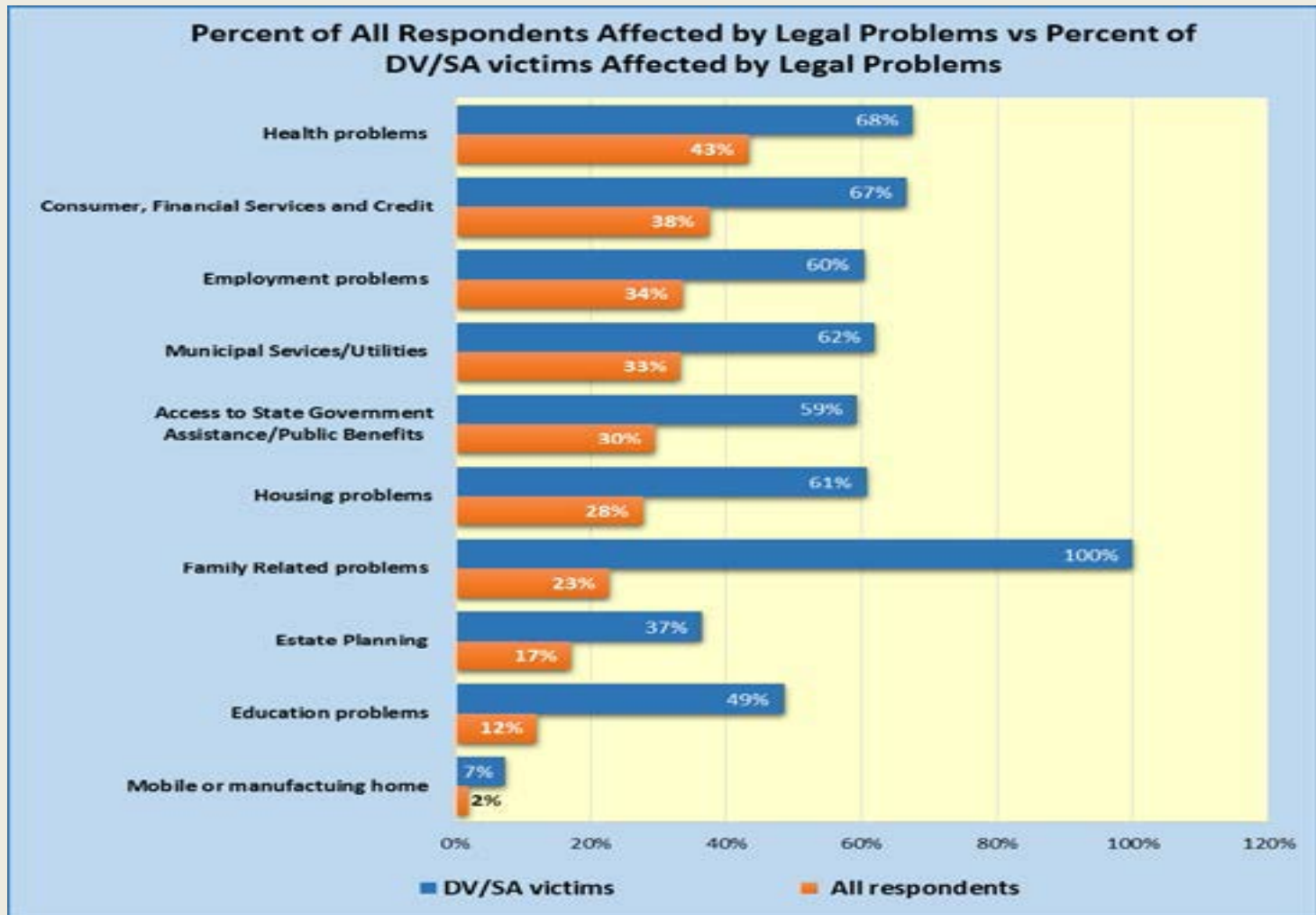
Native Americans and African Americans Experience Disproportionate Levels of Legal Problems



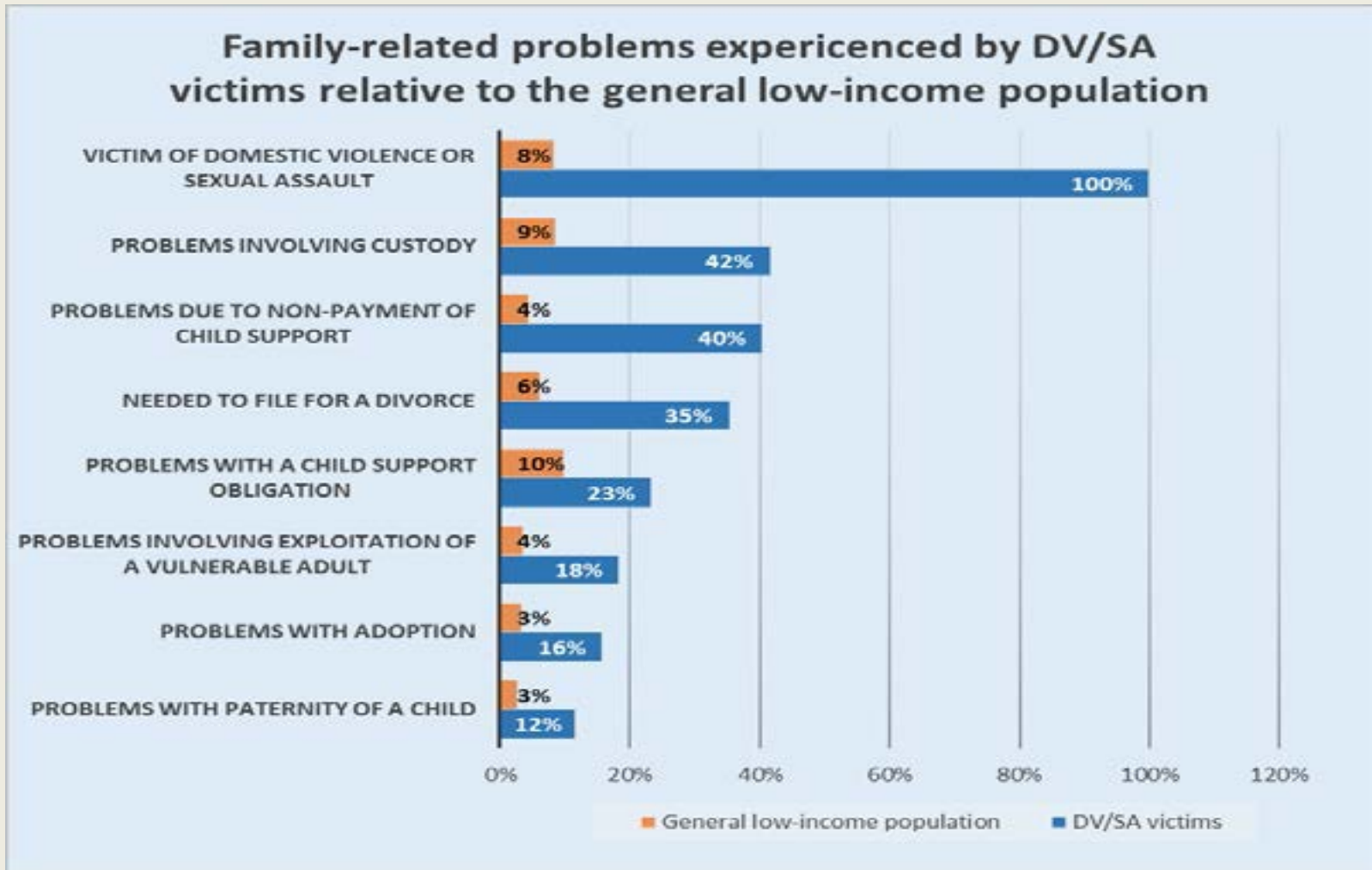
LEGAL PROBLEMS DIFFERENTIATE ON THE BASIS OF OTHER CHARACTERISTICS



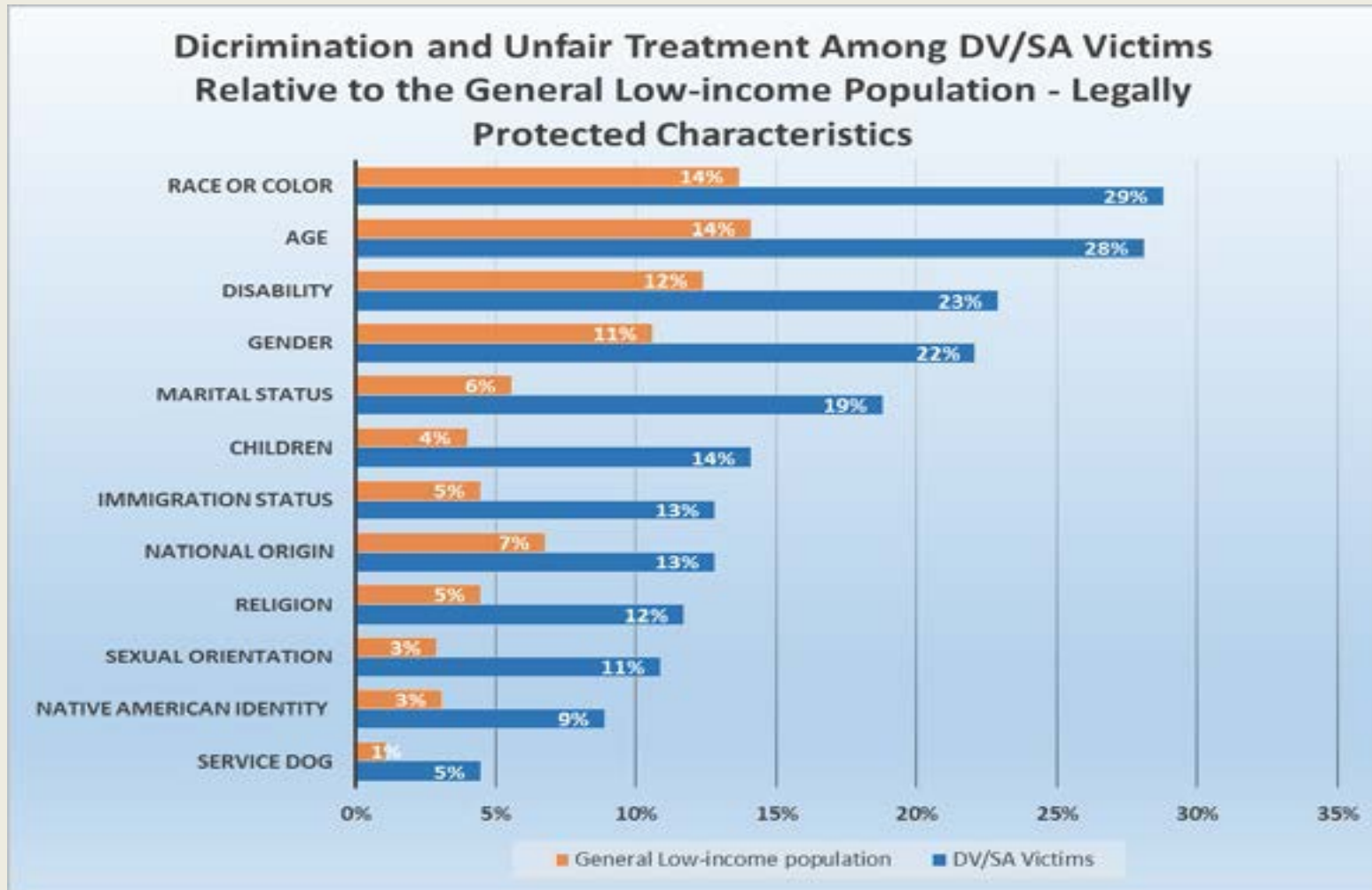
VICTIMS OF DV/SA HAVE HIGHEST PREVALENCE OF PROBLEMS



... INCLUDING FAMILY RELATED LEGAL PROBLEMS



... AND PROBLEMS INVOLVING DISCRIMINATION OR UNFAIR TREATMENT

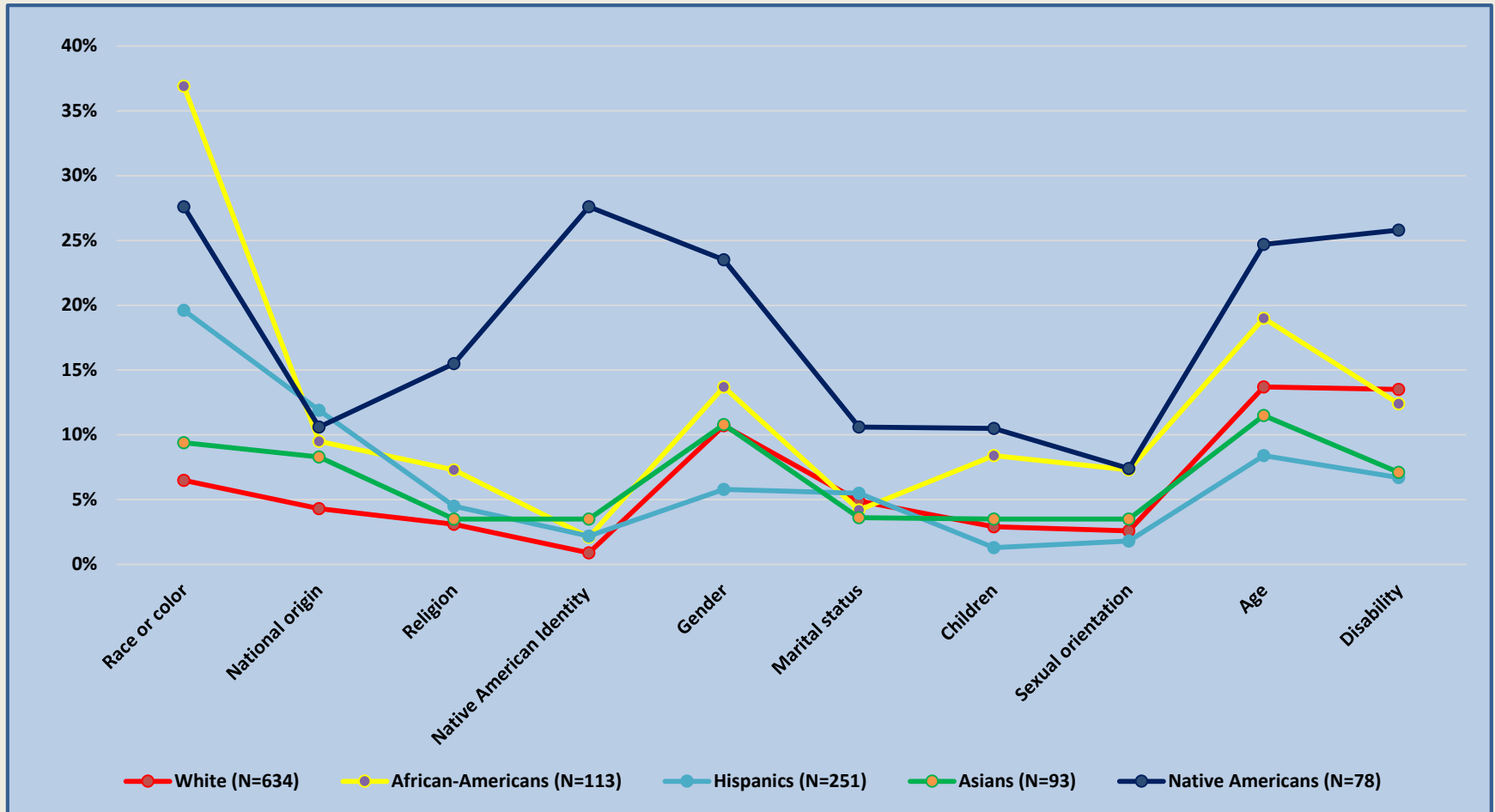


DISCRIMINATION AND UNFAIR TREATMENT

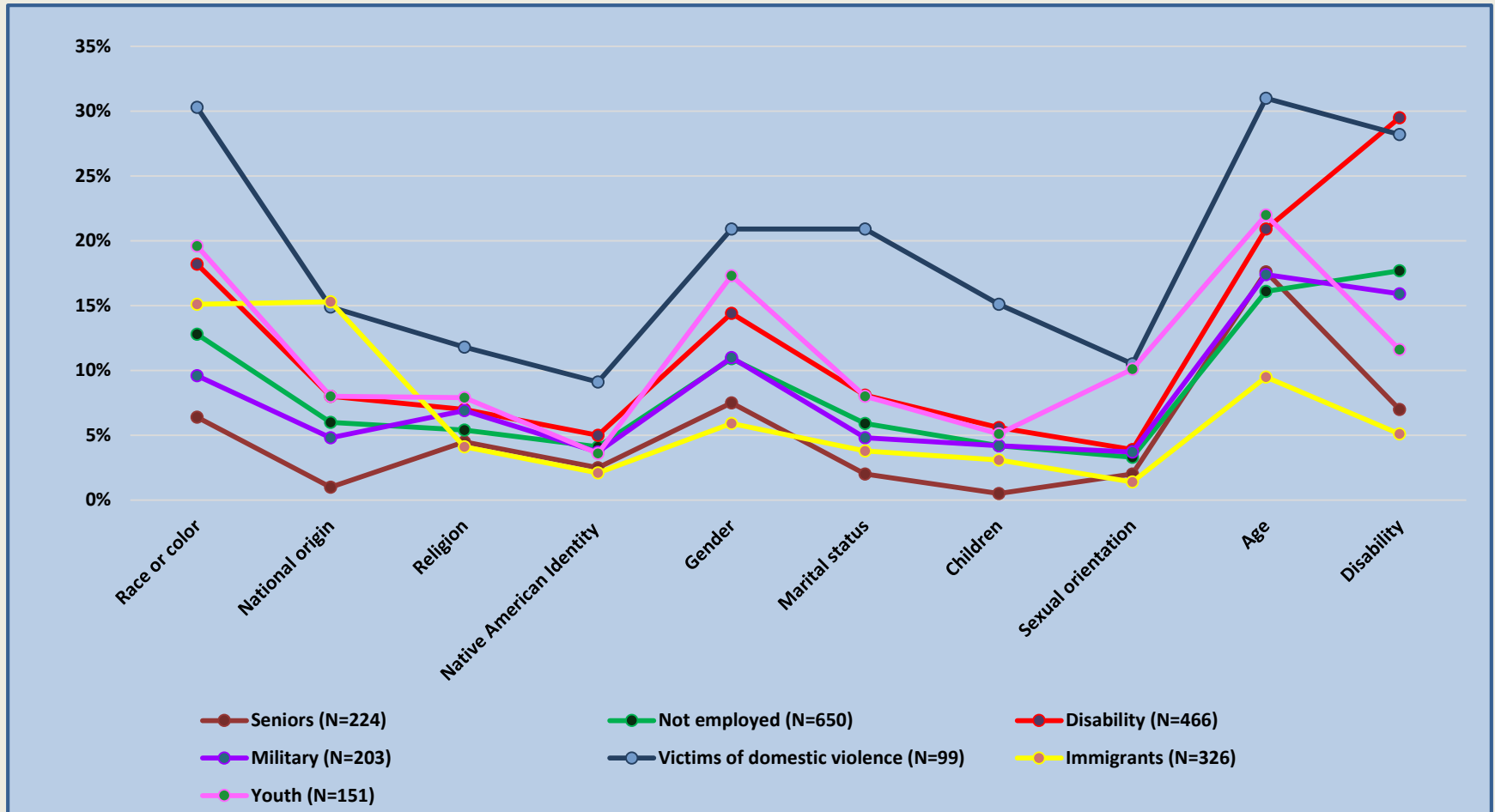
- 44% of respondents experienced discrimination and unfair treatment
- Of these ...
 - 77% experienced discrimination on basis of legally protected status
 - 61% experienced discrimination on basis of other characteristics including: Prior juvenile or criminal history
 - Credit history
 - Status as victim of domestic violence or sexual assault
 - Status as member of military or veteran
 - Immigration status
- 10% of youth experienced discrimination on basis of sexual orientation (more than 3 times rate for general population)



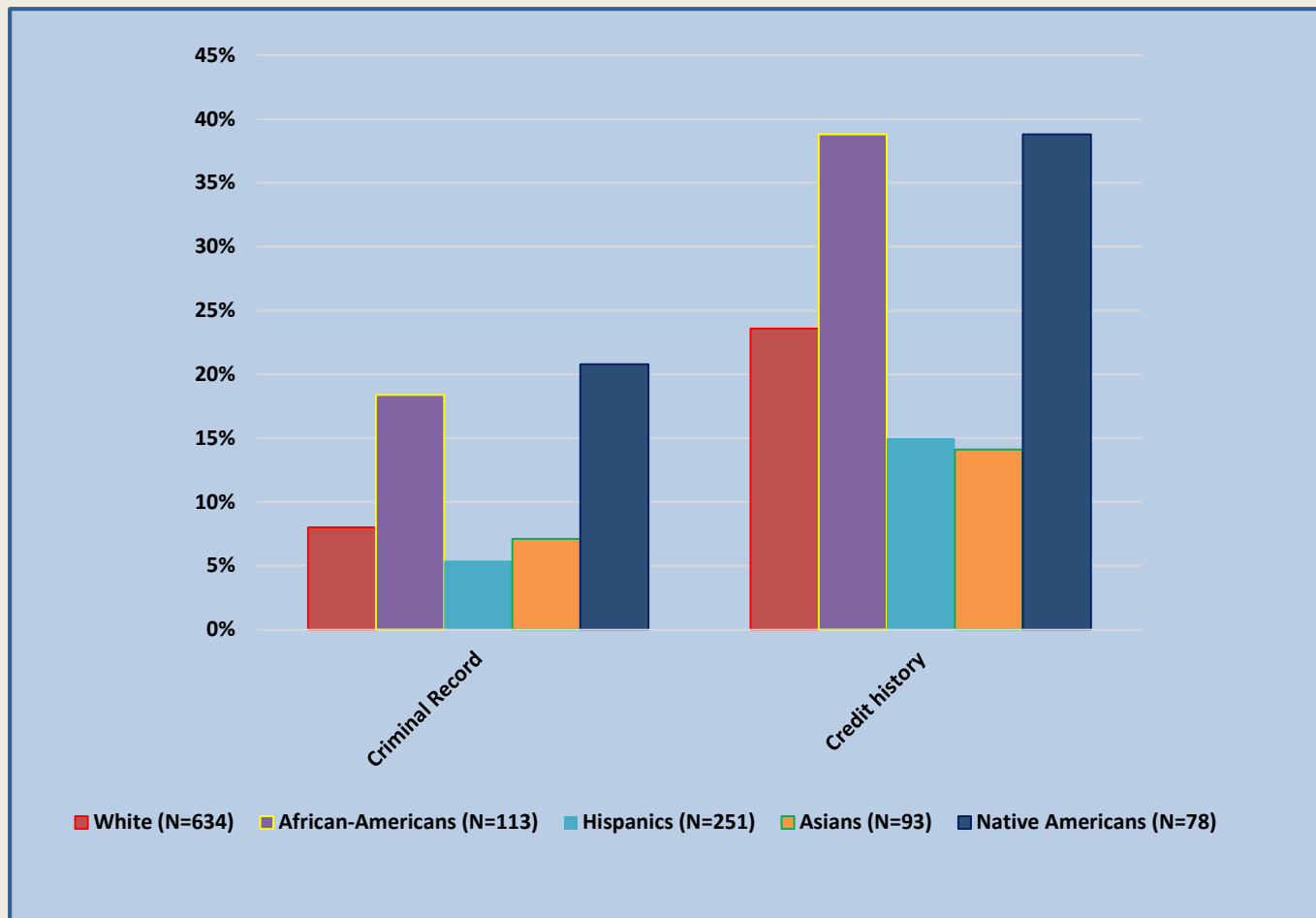
DISCRIMINATION AND UNFAIR TREATMENT BY RACE



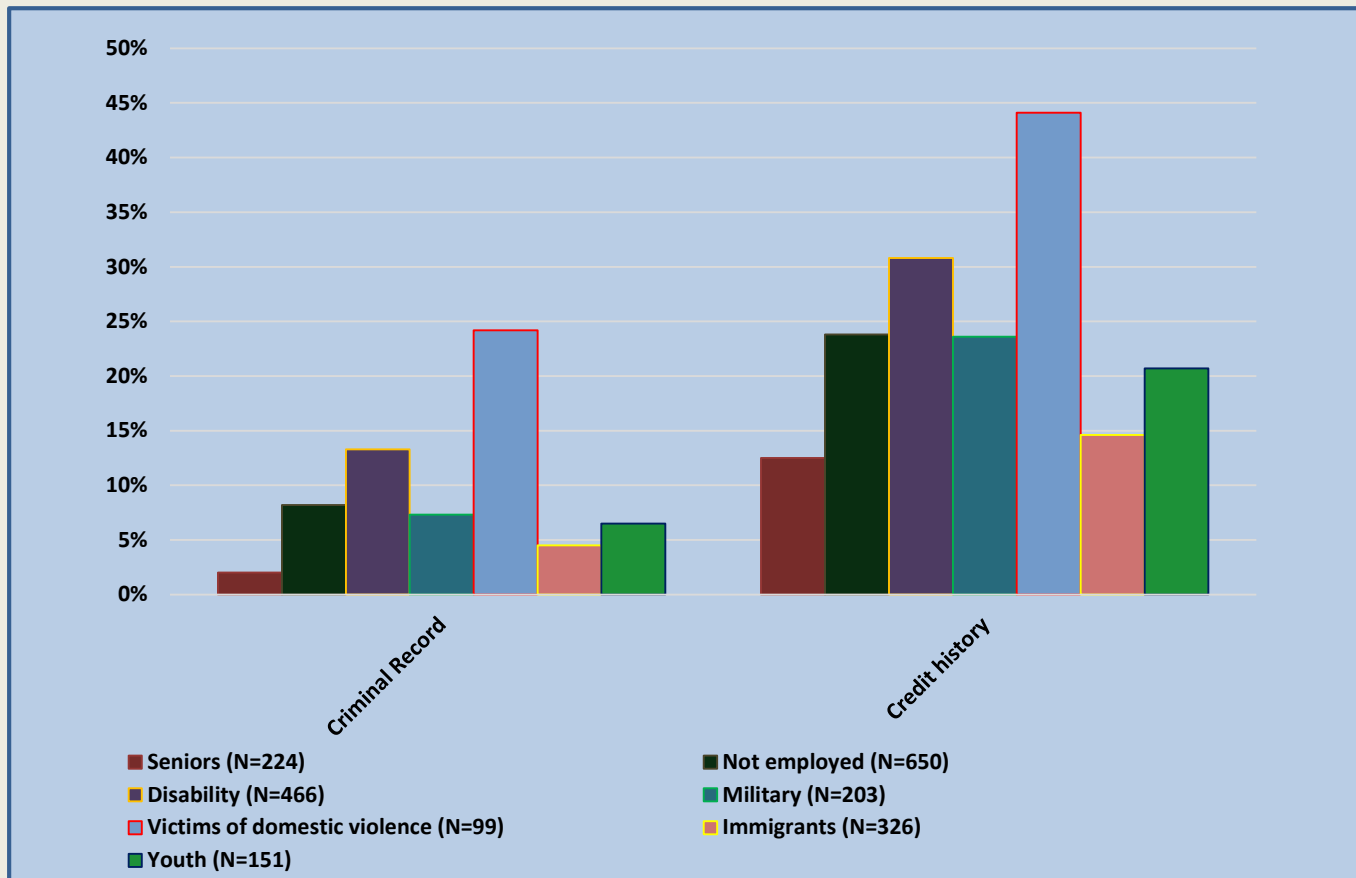
DISCRIMINATION AND UNFAIR TREATMENT -- OTHER CHARACTERISTICS



IMPACT OF PRIOR JUV. AND CRIM. RECORDS AND CREDIT HISTORY BY RACE



IMPACT OF PRIOR JUV. AND CRIM. RECORDS AND CREDIT HISTORY BY OTHER CHARACTERISTICS



MANY DO NOT UNDERSTAND THEIR PROBLEMS HAVE A LEGAL DIMENSION

- 35% of respondents answered a screening question saying they had experienced a civil legal problem in the past 12 months
- 71% of respondents said they had a problem in one or more of the substantive areas of inquiry
- 65% of respondents did not seek help for any legal problem they identified

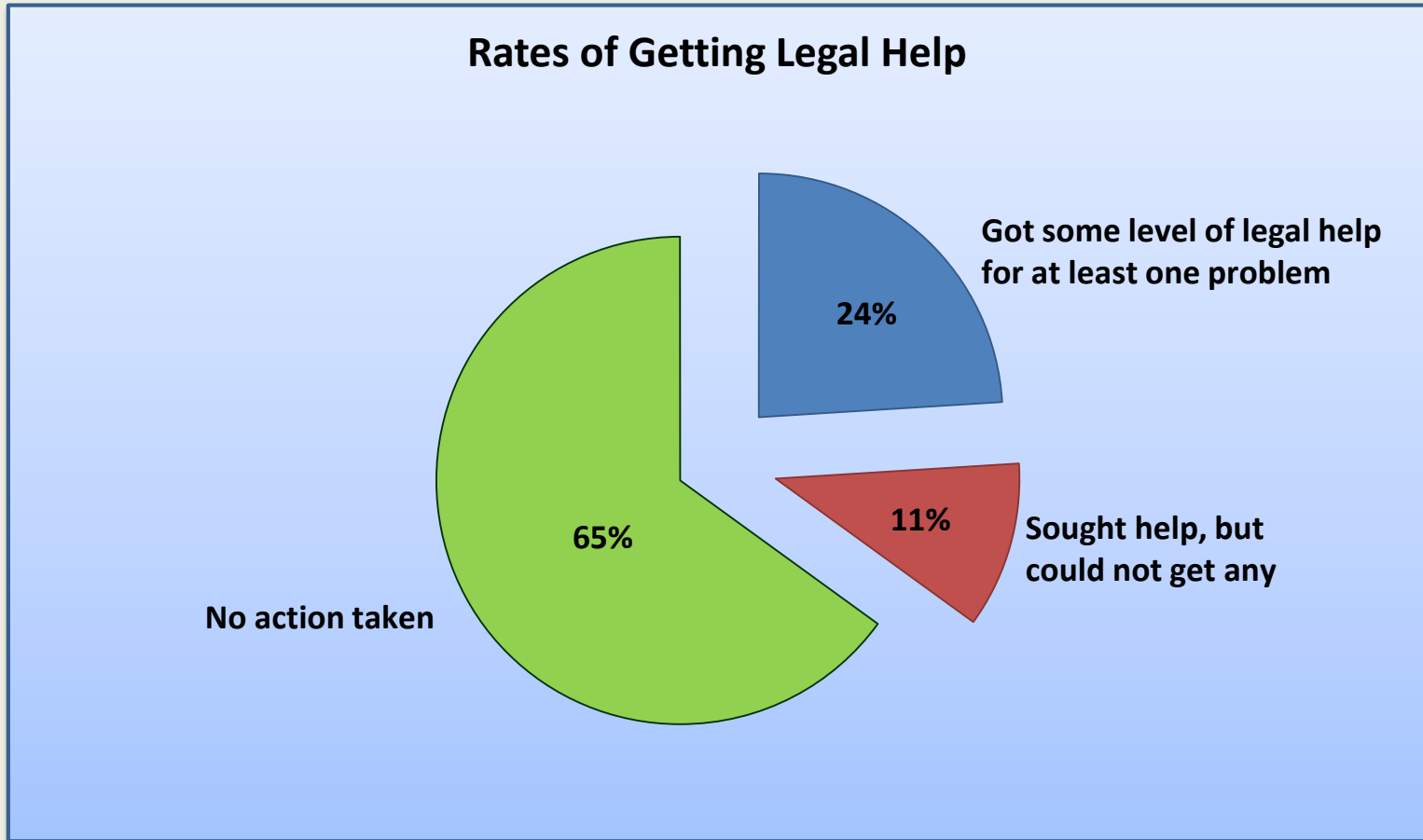


AREAS OF GREATEST PREVALENCE v. AREAS WHERE LEGAL HELP SOUGHT

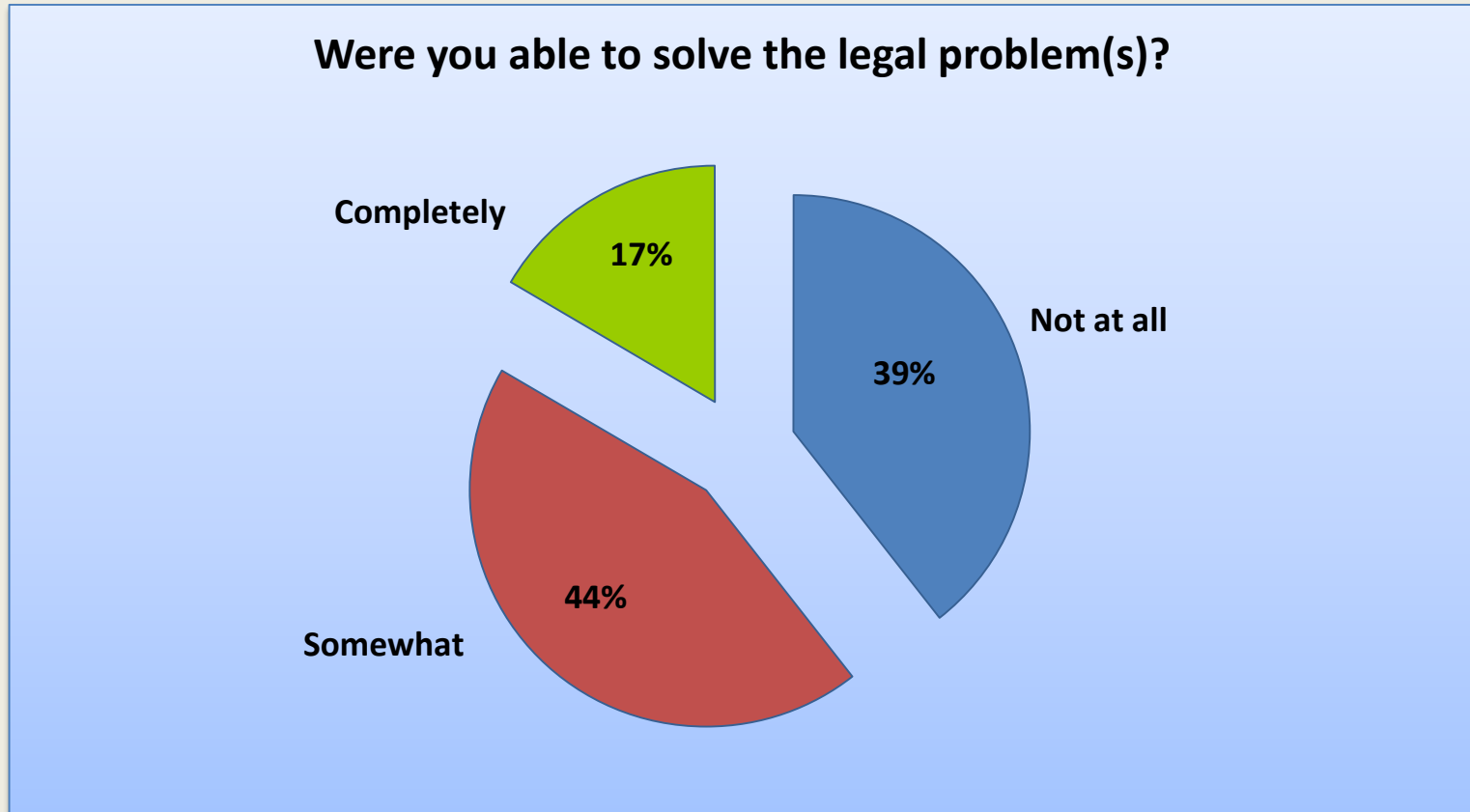
- Areas of greatest prevalence
 - Health Care
 - Consumer/Finance
 - Employment
- Areas for which legal help most often sought
 - Housing
 - Family
 - Consumer Finance



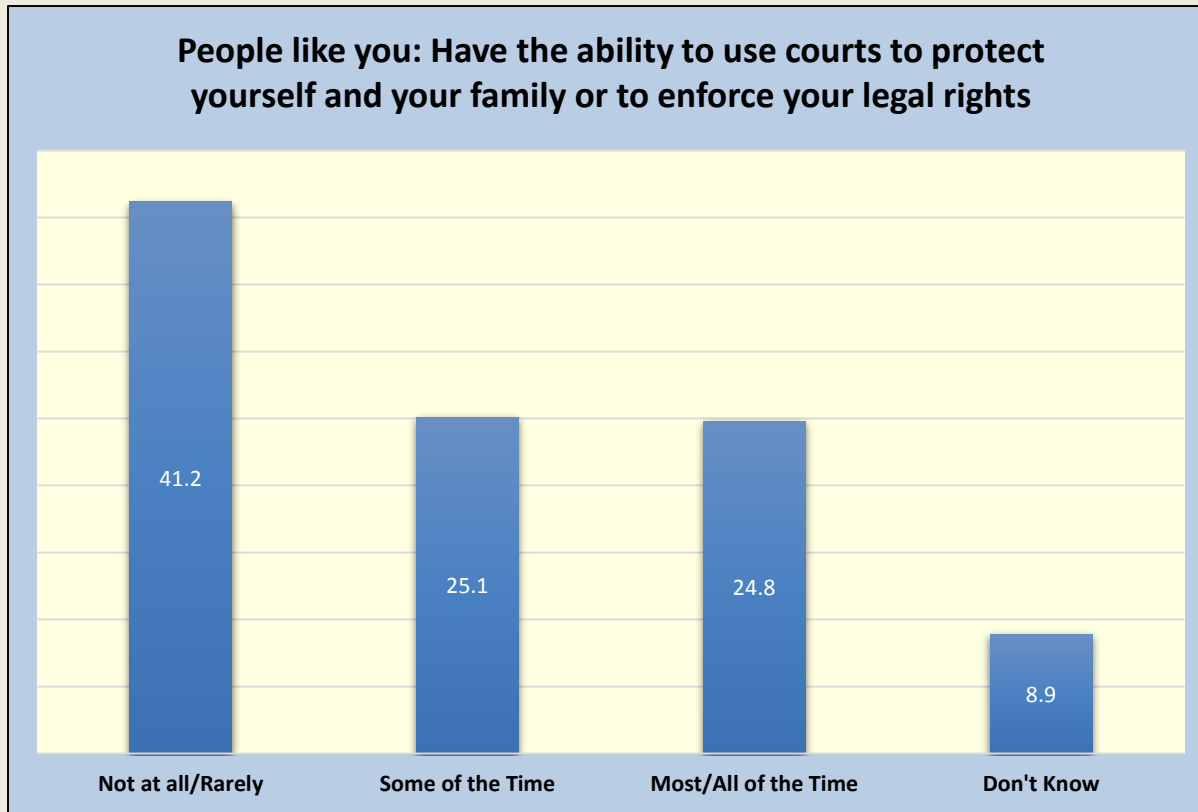
FEW GET THE HELP THEY NEED



LEGAL HELP MAKES A DIFFERENCE



LACK OF ACCESS DRIVES NEGATIVE PERCEPTIONS



RESOURCES AND LINKS

2014 Civil Legal Needs Study Update Related Materials:

[Civil Legal Needs Study Update – Probability Survey Report \(June 2015\)](#)

[Civil Legal Needs Study – Results of Non-Probability Survey \(July 2015\)](#)

[Perspectives of the Civil Justice System By Race \(July 2015\)](#)

[Civil Legal Needs Study Update – Technical Paper on Problems Experienced by Victims of Domestic Violence and Sexual Assault \(July 2015\)](#)

[Report of the Civil Legal Needs Study Scoping Group \(December 2012\)](#)

2003 Civil Legal Needs Study

[Washington State Civil Legal Needs Study \(9/2003\)](#)

Task Force on Civil Equal Justice Funding, [Final Report \(5/2004\)](#)

Task Force on Civil Equal Justice Funding, [Quantification Analysis \(5/2004\)](#)

ATTACHMENT 6

RCW 2.53.010 et seq.
Establishing the Office of Civil Legal Aid and
Civil Legal Aid Oversight Committee

RCW 2.53.005
Findings.

The legislature finds that the provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of civil and criminal justice. The legislature further finds that state-funded legal aid services should be administered by an independent office of civil legal aid located within the judicial branch and subject to formal continuing oversight that includes bipartisan legislative representation.

[2005 c 105 § 1.]

RCW 2.53.010
Civil legal aid oversight committee.

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

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

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

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

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

(e) One person appointed by the governor.

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

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

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

[2005 c 105 § 4.]

RCW 2.53.020

Office of civil legal aid -- Director's duties.

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

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

(3) The director shall:

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

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

(c) Report quarterly to the civil legal aid oversight committee established in RCW [2.53.010](#) and the supreme court's access to justice board on the use of state funds for legal aid; periodically assess the most prevalent civil legal problems experienced by low income Washington State residents and the capacity of the state-funded legal aid system to meet the legal needs arising from such problems and report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid; and

(d) Submit a biennial budget request.

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

[2005 c 105 § 5.]

RCW 2.53.030

Public safety and education account -- Use -- Distribution formula -- Audit -- Rules.

(1)(a) The legislature recognizes the ethical obligation of attorneys to represent clients without interference by third parties in the discharge of professional obligations to clients. The legislature further finds that the prevalence of civil legal problems experienced by low-income residents exceeds the capacity of the state-funded legal aid system to address, and that it is incumbent upon those involved in delivery of civil legal aid services to focus resources on matters that most directly affect important legal rights of individual low-income residents. However, ~~to~~ To ensure the most beneficial use of state resources, the legislature finds ~~that it is appropriate is within the authority of the legislature to~~ authorize legal assistance with respect to civil legal problems that directly affect important rights and basic needs of individual low-income residents and their families and to define certain limits on the use of state moneys appropriated for civil legal aid. ~~specify the categories of legal cases in which qualified legal aid programs may provide civil representation with state moneys.~~ Accordingly, moneys appropriated for civil legal ~~representation aid~~ shall not be used for legal representation that is either outside the scope of this section or prohibited by this section.

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

(2) Any money appropriated by the legislature for civil representation of indigent persons shall be administered by the office of civil legal aid established under RCW [2.53.020](#), and shall be used solely for the purpose of maintaining agency operations and contracting with qualified legal aid programs for civil legal assistance to representation of indigent persons in matters relating to: (a) Domestic relations and family law matters, (b) public assistance and health care, (c) housing and utilities, (d) social security, (e) mortgage foreclosures, (f) home protection bankruptcies, (g) consumer fraud and unfair sales practices, (h) rights of residents of long-term care facilities, (i) wills, estates, and living wills, (j) elder abuse, and (k) guardianship. The office of civil legal aid shall ensure that such money is used to provide legal assistance with respect to civil legal problems that directly affect important rights and basic needs of individual low-income residents and their families consistent with the periodic assessment of civil legal problems required by RCW [2.53.020\(c\)](#).

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

(4) When entering into a contract with a qualified legal aid provider under this section, the office of civil legal aid shall require the provider to provide legal aid in a manner that maximizes

geographic access throughout the state and meets generally accepted standards for the delivery of effective and economical civil legal assistance.

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

(a) Lobbying.

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

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

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

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

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

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

(c) Class action lawsuits.

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

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

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

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

(g) Representation of undocumented aliens individuals who are in the United States without legal authority, provided that this section shall not be construed to prohibit the use of funding to provide legal assistance to persons who have been battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the United States.¹ The term 'battered or subjected to extreme cruelty' has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103-322; 108 Stat. 1953).

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

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

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

¹ Ref. 45 CFR 1626.4 and Sec. 502(a)(2)(C).

(6) The office of civil legal aid may establish requirements for client participation in the provision of civil legal aid under this section, including but not limited to copayments and sliding fee scales.

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

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

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

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

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

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

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

[2005 c 105 § 3; 1997 c 319 § 2; 1995 c 399 § 62; 1992 c 54 § 4. Formerly RCW [43.08.260](#).]

NOTES:

Intent -- 1997 c 319: "It is the intent of the legislature to promote the provision of civil legal services to indigent persons, subject to available funds. To the extent that funds are appropriated for civil legal services for the indigent, the legislature intends that civil legal services be offered within an oversight framework that ensures accountability." [1997 c 319 § 1.]

Effective date -- 1992 c 54: See note following RCW [36.18.020](#).

RCW 2.53.045

Fund distribution for attorneys appointed in dependency proceedings.

(1) Money appropriated by the legislature for legal services provided by an attorney appointed pursuant to RCW [13.34.100](#) must be administered by the office of civil legal aid established

under RCW [2.53.020](#).

~~(2) The office of civil legal aid may enter into contracts with the counties to disburse state funds for an attorney appointed pursuant to RCW [13.34.100](#). As a condition of receiving state funding made available to pay for attorneys appointed pursuant to RCW [13.34.100](#), The office of civil legal aid may also require a county to~~ counties shall use ~~appoint~~ attorneys under contract with the office of civil legal aid ~~for the provision of legal services under RCW [13.34.100](#) to remain within appropriated amounts.~~

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

[2014 c 108 § 3.]

RCW 2.53.900

Effective date -- 2005 c 105.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

[2005 c 105 § 9.]

ATTACHMENT 7

VOCA Background

- The Crime Victim Fund helps an average of 3.7 million victims of all types of crime every year.
- The Fund comes from the collection of Federal criminal fines; **not taxpayers.**
- Congress has repeatedly pledged that all amounts deposited into the Fund would remain available for victim services.

The Victims of Crime Act of 1984 is the Federal government's principle means of providing support for programs that serve victims of all types of crime. Each year, Federal criminal fines, forfeitures and special assessments are deposited into the Crime Victims Fund (the Fund). These offender generated revenues -- **NOT TAXPAYER DOLLARS** -- are used to support these programs:

- Children's Justice Act -- to improve the investigation and prosecution of child abuse cases;
- U.S. Attorney's victim/witness coordinators -- to provide assistance to victims involved in Federal criminal prosecutions by funding 170 FTE United States Attorney Office victim assistance coordinators;;
- F.B.I. victim assistance specialists-- to help victims during Federal criminal investigations by funding 112 FTE victim assistance specialists;
- Federal victim notification system -- to provide automated notification to victims of the status of Federal criminal investigations and prosecutions and the offender's status in the Federal prison system;
- OVC discretionary grants -- to support national scope training and technical assistance and to provide services to victims of Federal crimes;
- State compensation formula grants -- to supplement State funds used to reimburse victims of violent crimes for medical expenses, mental health counseling, lost wages, loss of support and funeral/burial costs;
- State victim assistance formula grants -- to support direct victim assistance services -- such as counseling, emergency shelter, rape crisis centers, help in participating in the criminal justice system. Approximately 3.5 million - 4 million crime victims receive these services by more than 4,000 agencies annually;

- Management & administration (M&A) - For 2012 and future years, Congress directed DOJ to use grant funds to cover its grant M&A.
- Antiterrorism Emergency Reserve -- to replenish a special \$50 million reserve to assist victims of domestic and international terrorism and mass violence.

Prior to FY 2000, all of the money deposited into the Crime Victims Fund from the collection of Federal criminal fines, forfeitures and assessments, was allocated the following fiscal year according to a formula in the Victims of Crime Act (VOCA) statute. Because of wide fluctuations in the amount deposited, beginning in FY 2000, Congress began imposing a limitation or "cap" on the amount of Fund deposits that could be obligated the following year.

Fiscal Year	Prv. Yr. Deposits	Cap	Fiscal Year	Prv. Yr. Deposits	Cap
2000	\$985,185,354	\$500,000,000	2008	1,017,977,475	590,000,000
2001	776,954,858	537,500,000	2009**	896,316,825	635,000,000
2002	544,437,015	550,000,000	2010	1,745,677,602	705,000,000
2003	519,466,480	600,000,000	2011	2,362,337,940	705,000,000
2004	361,341,967	621,312,500*	2012	1,998,220,205	705,000,000
2005	833,695,013	620,000,000*	2013	2,795,547,045	730,000,000
2006	668,268,054	625,000,000	2014	1,489,682,811	745,000,000
2007	649,631,046	625,000,000	2015	3,591,493,390	2,361,000,000

* Includes rescissions.
 ** Does not include \$100 million in Recovery Act funding

Congress said it was delaying use of the deposits above the cap in order "to protect against wide fluctuations in receipts into the Fund, and **to ensure that a stable level of funding will remain available for these programs in future years.**" [Conference Report 106-479] Congress also amended the [VOCA statute](#) to reflect the preservation of all deposits for future VOCA programs.

ATTACHMENT 8

OFFICE of TRIAL COURT POLICY and RESEARCH

Executive Summary

The Office of Trial Court Policy and Research is created to organize and promote activities of trial court associations for judges and administrators that will improve quality access to courts in Washington State. The trial courts are a system that holds itself to a high standard centered on fundamental mandates that provide consistency and reliability in the legal system. The mission is to advance the level of professional policy development and staff assistance to execute high level court reform designs.

The **superior/trial** courts are poised to advance court policy based on contemporary research and best practices, but the current organizational structure does not support advancement. In fact the level and expectations for professional support through research, policy design, and program support is a diminishing resource. This dynamic fails to produce opportunity for statewide improvement for **superior/trial** court infrastructure, available services, and stability with external entities such as the legislature. Our interest is to execute innovative operations that are co-designed and supported by the Legislature.

The goal of the carve-out strategy is to better align reform needs to staff support, without diluting the trial courts' mission. The proposal is to extract association administrative staffing and trial court research, add a layer of support for policy design and program support. While these functions are outlined separately, by becoming part of one office with a singular focus, the duties fuse together over time.



The long term fiscal impact to create the Office of Trial Court Policy and Research is neutral. Removing responsibility from one organization also transfers the budget.

OFFICE of TRIAL COURT POLICY & RESEARCH

LOGO/WATERMARK

*Advance statewide trial court organization
through development of policy and funding initiatives*

Administrative Support

Provide staff support
to Boards and
Committees

Prepare meeting
logistics and
materials

Modernize medium
and delivery of
materials and
meeting logistics

Liaison between
policy development
and association
leadership

External Engagement

Target list of
stakeholders from
other state branches
or member
organizations

Identify and target
areas of mutual
interest

Participate in
statewide forums for
policy development

Legislative and Budget Advocacy

Inform legislators
on issues relevant to
trial courts

Work in partnership
with Legislature on
policy and funding

Design state funding
packages to target
unfunded mandates,
infrastructure gaps,
or program/service
enhancement

When possible
coordinate
communication
between trial court
association
legislative
representatives

Policy and Program Development

Enhance subject
matter expertise
through research
and development

Design policy
focused
opportunities for
superior/trial courts
statewide

Work through
associations to
identify areas of
reform in trial
courts

Reform topics will
incorporate
feedback from
association
committees

Research Center

Evidence is at the
center of policy
making

Understand
performance and
assess outcomes

Create opportunity
for further
advancement of
policy and
measurement

Establish data
collection and
quality assurance
systems

Create web-based
reporting and
dashboard access for
customers

OFFICE of TRIAL COURT POLICY & RESEARCH

Advance statewide trial court organization through development of policy and funding initiatives

Why we exist...

The Office is designed to support **superior/trial** court associations in the areas of policy development and program enhancement. The business of the associations is complex and demands a more sophisticated support model. Trial court improvement strategy to promote court policy and services need staff who have expertise in development and research. We strive for data-informed court governance and are poised to offer structure and programs that yield evidence of effectiveness.

What we do...

The Office provides professional policy and research staff support to **superior/trial** court associations to create opportunity for local court improvement. Through support of the Office, trial court leadership will pursue equal funding and improvement for **superior/trial** courts regardless of size and demographics.

Who we serve...

The Office provides three major areas of concentrated staffing: research, policy development, and association administrative support. The direct customers for staff services provided the Office are statewide **superior court/trial court** associations.

How we do it...

Under direct leadership of the **SCJA/DMCJA**, the Office is committed to pursuing equal advancement of court policy and design statewide. The direct focus of the Office is to allow **superior courts/associations** to be prepared to advocate for contemporary, service-oriented services through trial court operations.

**WASHINGTON STATE
OFFICE OF TRIAL COURT POLICY AND RESEARCH**

I. Mission

- Values
- Purpose
- Measurement
- Customer

II. Charter

- Association Administrative Support
- External Stakeholder Engagement
- Legislative and Budget Advocacy
- Policy Development and Program Support
- Trial Court Research

III. Authority

IV. Funding

WASHINGTON STATE OFFICE OF TRIAL COURT POLICY AND RESEARCH

MISSION

The Office of Trial Court Policy and Research shall organize and promote activities of the associations of trial court judges and administrators to improve quality of and access to trial courts in Washington State. The trial courts hold themselves to a high standard centered on fundamental mandates to provide consistency and reliability in the legal system. The mission is to advance the level of professional policy development and staff assistance to assure consistently high level court performance.

Values

Statewide **superior/trial** court associations exist to improve court operations and to identify and improve **superior/trial** court access to best practices. Contemporary data, relevant research, and the ability to continuously measure outcomes is essential in order to wisely invest and manage limited resources and measure the return on that investment.

The **superior/trial** courts must have a voice in the legislative process. The Office of Trial Court Policy and Research (the Office) will engage in the legislative process providing insight and expertise to legislators and promoting initiatives that will improve trial court efficiency while ensuring equal access for all parties to legal disputes. The Office will advocate for reform that supports fair and equal treatment for all Washingtonians involved in the justice system.

Purpose

The Office is created to provide dedicated support to superior/trial courts. The Office will create a structure to provide analysis, develop policy, support association business, and prepare initiatives to enable and encourage **superior/trial** courts to implement best practices. In contrast with the existing model, the organizational design of the Office will enable the **superior/trial** courts to effectively participate in the ever-changing legislative environment.

The goal of the Office is to create consistent statewide trial court advancement opportunity. Currently, equal access to program and service enhancement is lacking due to inconsistent funding for the trial courts. The Office will use innovative strategies to promote equality for **superior/trial** courts regardless of location and local funding limitations. In order to manage

court business as required by the constitution and legislative enactment, stable policy and program development must be equally available statewide. The Office is designed to create this opportunity.

Measurement

The Office is created to ensure that the state's investment in court policy initiatives produce demonstrable improvement to local trial court operations. It will accomplish this by supporting program development, best practice implementation, technology improvement, and the provision of information to the Legislature. By consolidating research and policy development, and by removing barriers to access, the Office will offer transparent and responsive outcome measurement and quality assurance while keeping contemporary reform a continuing goal.

Customer

The Office will serve the needs of **superior/trial** court leaders and will receive direction from the **superior/trial** court executive committee. The policy development and initiatives of the Office will serve **superior/trial** court judges and administrators as the primary customers.

CHARTER

Association Administrative Support

There will be no interruption in staffing support for association board and committee business. The association meetings will be staffed, with thorough agendas, materials compiled, and facility arrangements made to support the work of the associations. The Office will be responsible to present alternative formats of administrative support for association business (i.e. electronic materials, web meetings, etc.).

External Stakeholder Engagement

Currently, statewide public policy forums related to court practices occur but with limited input from the trial courts. The associations do not now effectively influence system design or provide meaningful input on structural changes. The Office creates a new focus on policy design and research which does not now exist. With assistance of the Office, **superior/trial** courts will provide effective leadership of system reform.

Legislative and Budget Advocacy

The way to equalize services and support of **superior/trial** courts in a decentralized court system, is to increase state funding for trial court infrastructure and development. Only with undiluted information about the core mission and mandates of the **superior/trial** courts will legislators know why current local funding results in an inequity of court access. Laws that govern our system of justice may not be administered equally. Some courts have programs that neighboring jurisdictions do not offer. Sentencing standards and determinant sentencing laws

reflect efforts to equalize justice in trial courts, but equal justice will not be a reality until trial court leadership, with assistance from the Office of Trial Court Policy and Research, provides expertise, information, and resources to stabilize trial court infrastructure and best practice programs.

The Office will work at the direction of **superior/trial** court leadership to develop trial court funding packages consistent with deadlines established by the Supreme Court Budget Committee. The entire list of packages will be submitted to the Supreme Court Budget Committee for informational purposes, which the Supreme Court may or may not include in their annual budget. The Office, through its legislative liaisons, will work with legislators on topic-specific issues to examine budget initiatives. Working through the legislative liaisons, the Office will prepare materials for judges and administrators to inform legislators on trial court initiatives. Before the Legislative Session begins each January, the Office and associations will have clearly developed policy and funding initiatives with legislative support. Trial court funding initiatives will not be delayed by the Supreme Court budget process. The Office will increase responsiveness to the Legislature directly

Policy Development and Program Support

Creating a renewed expectation of policy and program development support for **superior/trial** court business will advance the mission and create an opportunity for ongoing communication between local courts, association leadership, and interested external stakeholders. The Office will specialize in system design to reform court operations while remaining mindful of the interests of investors and customers. By consolidating subject matter expertise and research functions, the Office staff will be able to support advancement with a holistic approach, rather than a piecemeal approach that lacks context.

Trial Court Research

Research provided through the Office will offer direct access and support to trial court reform development. Accessibility to research (outcome evaluation, best practices literature, dashboard reporting, and quality assurance) will directly enhance trial court operations. The Office will specialize in system design to reform court operations while remaining mindful of the interests of investors and customers. By consolidating subject matter expertise and research functions, the Office staff will be able to support advancement with a holistic approach, rather than a piecemeal approach that lacks context.

The Office expects that the duties of policy design and research will be consolidated, which will provide a robust platform to support trial court advancement of programs, services, best practices, and core infrastructure statewide. Policy development and research capacity will grow together under the organizational structure of the Office to create a solid foundation for trial court system advancement.

AUTHORITY

The Office will perform functions that fall in one of three categories: 1) research; 2) policy design and program support; and 3) direct support for (the) association board(s) and committees.

- The Center for Court Research (the Center) will provide additional services to the **superior/trial** courts by supporting policy design and program enhancement. The Center will provide a work plan and communication plan on projects requested by **superior/trial** court association(s).
- Policy and program analysis and design of reform efforts will be at the direction of the association Executive Committee(s).
- Decisions about association business will be handled in the same manner as directed by the **Board of Trustees/Board of Governors** and the association bylaws.

Superior/Trial Court Association Boards remain in full force and effect. Each association, judge and administrator retains the right to organize committees and propose budget ideas based on their bylaws at the direction of their leadership. The Office operates to serve, organize, and coordinate the needs of each association, together and separately.

The Executive Director of the Office will report to an executive committee.

FUNDING

The associations will continue to manage its/their financial business by collecting dues as currently occurs. As part of the mission to support association business, Office staff will coordinate meetings and expenses on behalf of the associations (Board and Committee business and Long Range Planning).

The carve-out funding plan assumes that legislative enactment will extract the above defined responsibilities and that the associated operating cost would be extracted at a level similar to the current cost to state government. Expenses for the Office will likely fall into two categories, infrastructure and staff.

- Infrastructure - facility, desk, chairs, computers, phones, copy machines, printers, paper, business cards, system security, etc.
- Staff – salaries and benefits

ATTACHMENT 9

To: Chief Justice Madsen, BJA Co-Chair
Judge Scott Sparks, BJA Co-Chair

From: Jim Bamberger, Director

Re: Proposal to Establish an Office of Trial Court Policy and Research as an Independent
Judicial Branch Agency

Date: September 14, 2015

The Office of Civil Legal Aid (OCLA), along with other judicial branch entities, has been invited to comment on the proposal offered by the Superior Court Judges Association to establish an Office of Trial Court Policy and Research as an independent judicial branch agency. I appreciate the opportunity to comment on this proposal and its potential implications on OCLA, the courts, court support infrastructure, coherence of judicial branch policy and planning and coherence of judicial branch engagement with the two other branches of state government – especially the legislative branch.

These comments represent my thoughts, framed in the context of my role as the OCLA Director. Given time constraints, I have not vetted them with the Civil Legal Aid Oversight Committee. By coincidence, the Oversight Committee will be meeting at the same time as the September 18th BJA meeting during which you will be discussing the proposal. I will therefore be unable to attend or participate.

In preparing these thoughts, I had an extended conversation with SCJA President Judge Harold Clarke. I want to thank Judge Clarke for taking the time to share his very candid opinions with me regarding the origins and intent of the proposal, as well as the SCJA's determination to proceed with them regardless of the input received from branch partners and stakeholders. I appreciate the substance of the concerns driving the proposal. While I disagree with the solution offered, I did offer Judge Clarke whatever assistance I can to help the principals engage in authentic conversations around the range of options available (short of this proposal) to address the legitimate concerns that have been raised.

1. Context

I believe the judicial branch works best as a single enterprise dedicated to ensuring meaningful access to and disposition of justice in all cases and in all courts. Since joining the judicial branch in 2005, I have worked to encourage integrated planning and priority setting, collective strategic engagement, unity of voice and the development promotion of common and coherent messaging about the role of the judicial branch and the resources it needs to accomplish its charge.

The SCJA proposal runs counter to these objectives. It places the branch as a whole in a potentially precarious position *vis a vis* the other two branches. While facially seductive, the proposal raises significant operational, policy and strategic challenges. I oppose it.

2. OCLA's Status as an Independent Judicial Branch Agency

I am advised that part of the objective is to place the trial courts on an equal footing with OCLA and its sister agency, OPD. Let me be clear here. OCLA exists as an independent agency because it is legally impossible, given the substance of the work funded through this agency, to integrate it into the Supreme Court or AOC.

In fact, before OCLA was established, proponents explored whether civil legal aid funding then administered in the executive branch might be moved over to and administered by either the Supreme Court or the (then) Office of the Administrator of the Courts (now AOC). The determination was that this could not happen given the substance of the legal work carried out by state-funded legal aid programs and attorneys. Both the Court and the OAC were operationally conflicted; and neither could fund or oversee legal representation in cases that presented in the courts themselves without being compromised by these institutional conflicts of interest.

Even though OCLA is an "independent" agency, we have worked to ensure effective and ongoing coordination with and support of the branch's core mission and policy objectives. The OCLA Director is appointed by and serves at the pleasure of the Supreme Court. OCLA regularly participates in meetings of the Board for Judicial Administration, has embraced the Judicial Branch Policy Objectives and participates in the judicial branch budget development process. OCLA is bound to and adheres by statewide judicial branch administrative practices and processes, including everything from procurement and contracting, administrative protocols and compliance with GR 31.1. We coordinate closely with key AOC staff members in areas of common focus and, where appropriate, actively coordinate our efforts with the Court, the State Court Administrator, the Supreme Court's ATJ Board, the judicial associations and appropriate AOC staff.

3. General Thoughts About the OTCPR Proposal

I have reviewed the materials proposing and describing the core functions of an independent Office of Trial Court Policy and Research. If implemented, core administrative support functions would be stripped from the AOC. It would redirect resources away from our shared common research institution (WSSCR) to a more narrowly tailored entity focused exclusively on

trial court operations and policy issues. It would create significant administrative redundancies (and corresponding duplication of scarce funding resources) without any compelling reason to do so. It would create an environment where core components of the branch will likely find themselves publicly at odds with one another in identifying, promoting and working to secure resources for strategic initiatives. Finally, the BJA would be rendered meaningless and the branch's capacity to work in concert for common purpose and with common voice would be significantly diminished.

I appreciate that these have been difficult times and that neither AOC nor the branch as a whole (including OCLA) have secured the resources or capacity to move key initiatives forward, assess the value of recent reforms or secure funding necessary to fully underwrite important initiatives, including those that promote trial court innovation and reform. I further appreciate that some believe that the current model for integrated planning, priority setting, support and legislative engagement has not proven itself effective in generating meaningful increases in state funding for the trial courts since the 2007-09 biennium. This may well be true, but it hardly justifies the suggested solution.

4. Specific Observations

Specific concerns related to this proposal are as follows:

1. I know from firsthand experience that state agency operations are complex and subject to myriad rules and requirements of general applicability. Standing up a new agency is complex. Maintaining agency operations in compliance with sound management practices and applicable fiscal, administrative and performance expectations is even more so. While our branch does not have to comply with all mandates of general application, we do have to comply with many ranging from compliance with state greenhouse gas reduction efforts to continuity of operations planning. Systems need to be developed, processes created and reports filed for each of these. AOC has developed systems to comply with these rules and mandates. A new agency will have to not only create such systems, but to administratively staff and implement them. This is an unnecessary waste of time and resources.
2. In order to ensure consistency with judicial branch practices, keep administrative overhead to a minimum¹ and ensure quality control, OCLA contracts with AOC to provide all of our fiscal, personnel, human resources, budget and much of our administrative support. It does not make sense to extract core functions from within AOC and then create duplicate administrative structures and systems to perform these same functions. Nor does it make sense to extract functions from within AOC and then contract with AOC to provide these same core functions when the agency has been stripped of substantial staff and resources.
3. It is in the interest of the branch to maintain -- and appear to maintain -- coherence of focus, policy and budget priorities. As former BJA Co-Chair Judge Wickham recently observed in expressing his concerns about this proposal, unity of voice and unity of effort

¹ OCLA's administrative expenses are less than 3% of the agency's total budget.

was the genius of the Justice in Jeopardy initiative championed by Judge Fleck and Wayne Blair. This is why OCLA participates at the BJA, in branch wide budget planning and priorities setting processes, branch wide administrative planning and the like. Extracting trial court planning, support, budget and policy advocacy – including legislative advocacy -- from AOC and positioning it as a separate enterprise accountable only to the SJCA is inconsistent with the goal of integrated judicial branch planning, policy making and budget prioritization.

4. The proposal offers no accountability to the branch. The proposal suggests that the Director of the OTCPR be appointed by and serve the interests of the SCJA. Other than the Commission on Judicial Conduct (which is constitutionally independent) there is no precedent for creating a state judicial branch agency (including OCLA and OPD) that is not accountable to the entire branch. The likelihood of institutional mission drift and intra-branch conflict is very high.
5. Research must serve the entire branch – not just the trial courts. If we do not have sufficient funds for research or if we do not like the priorities for research projects, let's address that. We should not strip the branch of dedicated, respected and effective research capacity.
6. The proposal creates too many and competing messages to the Legislature. Over the past few years, we have worked hard to coordinate legislative budget and policy advocacy. Recent budget and policy initiatives of statewide significance have very much focused on the needs of trial courts (e.g., FJCIP, interpreters, JDAI). BJA has worked closely with the associations to promote these objectives. While we have not been as successful as we would have liked, creating a separate legislative presence without any accountability to the larger judicial branch community will be divisive and destructive. As Lincoln told us so long ago, "United we stand; divided we fall."
7. This is the wrong idea at the wrong time. We are at a time of great tension between our branch and the legislative branch. The trial courts are not immune from these tensions. Nothing is to be gained by going to the Legislature and telling them that we have "family dysfunction" and asking them to fix it for us. If things are not working well in the judicial branch family, then let's assume responsibility and fix our own house. During my conversation with Judge Clarke last week, I invited the SCJA to present its specific grievances with detail and particularity. Should they do so, I encourage the rest of us to work with intent and commitment on a short timetable to authentically engage with the SCJA and explore the full range of options (short of the proposed solution) that may allow us to resolve our challenges within the judicial branch family.

5. Conclusion

I see nothing offered in the proposal that cannot be achieved by working within the branch. If AOC is not committing sufficient resources or support for priority superior court policy initiatives, let's address that. If the BJA is broken, let's fix it. If the superior courts are not securing the state resources they need, let's work together to address it. I do not believe we should hand the keys to the judicial branch car to the Legislature and expect anything other than a massive pileup.