

**WASHINGTON STATE
CIVIL LEGAL AID OVERSIGHT
COMMITTEE**

**MEETING OF
JUNE 10, 2016**

**6TH FLOOR HEARING ROOM
WASHINGTON STATE BAR
ASSOCIATION
1325 FOURTH AVE.
SEATTLE, WA**

MEETING MATERIALS

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

MEETING MATERIALS

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Outlining OCLA FY 2017-19 Budget Request**

TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE
June 10, 2016
10:00 a.m. to 2:00 p.m.
Washington State Bar Association
1325 Fourth Ave., Sixth Floor Hearing Room
Seattle, WA

AGENDA

1. Welcome and introductions (Jennifer Greenlee) (10:00 – 10:10)
2. Review and adopt minutes of March 25, 2016 meeting (10:10 – 10:15)
3. Oversight Committee Member Updates – Introduction of new legislative members Sen. Ann Rivers and Rep. Drew Stokesbary (Jim Bamberger, OCLA Director) (10:15 – 10:20)
4. Update on OCLA agency audit (Jim Bamberger) (10:20 – 10:30) *
5. Presentation on Victims of Crime Act (VOCA) funding (Jim Bamberger) (10:30 – 10:45)*
6. Presentation on Plain Language Family Law Forms initiative and implementation of ATJ Board's Pro Se Plan (Lynn Greiner, ATJ Board) (10:45 – 11:15)*
7. Presentation on domestic violence automated document assembly system and Law Help Interactive (Danielle Rebar, Northwest Justice Project and Claudia Johnson from Law Help Interactive) (11:15 – 11:45)
8. Lunch (11:45 – 12:15)
9. Presentation and discussion of the Office of Civil Legal Aid's Civil Justice Reinvestment Plan and related budget implications (Jim Bamberger and Alliance leaders) (12:15 – 1:00)*
10. Presentation, discussion and endorsement of OCLA's FY 2017-19 biennial budget request (Jim Bamberger) (1:00 – 1:30) * **
11. Equal Justice Coalition update (Jay Doran) (1:30 – 1:40)
12. ATJ Board update (Geoff Revelle) (1:40 – 1:50)
13. Update on OCLA Director's performance review (Jennifer Greenlee) (1:50 – 2:00)
14. New Business (2:00 p.m.)

* Related information included in materials.

** Action item

TAB 2

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

Pursuant to notice duly provided in advance, a meeting of the Civil Legal Aid Oversight Committee was held on Friday, March 25, 2016 at the KL Gates law firm located at 925 Fourth Avenue, suite 2900 in Seattle, WA.

Members Participating in Person: Jennifer Greenlee (Chair), Martin Bohl, Judge Michael Spearman, Taylor “Tip” Wonhoff;

Members Participating by Phone: Judge Ellen Clark, Jesse Magaña, Judge Greg Tripp, Sen. Ann Rivers, Rep. Drew Stokesbary

Members Not Participating: Rep. Laurie Jinkins, Sen. Jamie Pedersen

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

Guests: Caitlin Davis Carlson (Legal Foundation of WA), Jay Doran (Equal Justice Coalition); Steve Pelletier, Northwest Justice Project; Threesa Milligan, King County Pro Bono Services; Terra Nevitt, Access to Justice Board.

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

1. Welcome and introductions

Members and guests introduced themselves.

2. Review and Adopt Minutes of September 18, 2015 Meeting

Motion: By Mr. Bohl to approve the minutes.

Second: By Judge Spearman

Action: Unanimous in favor

3. Oversight Committee Member Updates

Mr. Bamberger advised that Senator Ann Rivers was appointed by the Majority Coalition Caucus to fill the position vacated by Senator Jim Honeyford who had elected not to be reappointed. Mr. Bamberger advised the Rep. Drew Stokesbary was appointed by the House Republican Caucus to fill the position formerly held by Representative Jeff Holy. Mr. Bamberger reported that the Oversight Committee was now fully appointed.

Ms. Greenlee invited Rep. Stokesbary to introduce himself and talk about his interest in the state funded legal aid system.

4. OCLA Agency Audit

Mr. Bamberger reported on the status of the current audit being conducted by the State Auditor's Office. The audit is in the early stages, and focus is on OCLA contracts, contract oversight and accountability systems. Mr. Bamberger noted that this is an unusual audit for the CPA's engaged, as OCLA – a judicial branch agency -- is not governed by executive branch/OFM fiscal management and contracting rules. Mr. Bamberger explained that OCLA generally follows judicial branch procurement and contracting policies, many of which tract OFM/SAM policies. The audit should be completed and a report received by the next Oversight Committee meeting.

5. Supplemental Budget Update

Mr. Bamberger explained that OCLA was hopeful that the supplemental budget request would be fully funded, as it had been funded in both the House and Senate budget proposals. Negotiations continue and a budget will hopefully be agreed upon prior to the end of the special session.

6. Civil Legal Needs Study Update Rollout; Public Positioning of the Conversation Around Civil Legal Aid

Mr. Bamberger reminded members that the Civil Legal Needs Study Update was released on October 29, 2015. In the period since, many articles, op-ed pieces and editorials had been published all supporting the need for increased investment in civil legal aid. He said that he was particularly pleased that the editorial support came from very diverse parts of the state, from Wenatchee to Seattle, to Kitsap County, Snohomish County and Olympia. He also noted three important op-eds published by Sen. Rivers, Rep. MacEwen and Rep. Kilduff continuing the tradition of strong bipartisan public support for civil legal aid.

Mr. Bamberger introduced Mr. Doran, Education Director for the Equal Justice Coalition. Mr. Doran provided an overview of the EJC's work and core areas of focus. He described the EJC's efforts to promote the findings of the CLNS Update and build a broad base of expectation for legislative action to address the justice gap documented in the study.

7. FY 2017-19 Budget Development: The Civil Access to Justice Reinvestment Plan -- Oversight Committee's Role and Proposed Primary Areas of Investment Focus

Mr. Bamberger noted that the legal aid system has a unique opportunity and collective responsibility to learn the lessons from the CLNS Update and to champion efforts to solve the systemic problems documented in the study. He reminded members of OCLA's statutory charge to report on the status of access to justice and to submit appropriate budget requests. He explained that the CLNS Update documents a compelling and systemic problem and calls for a robust and courageous response.

Mr. Bamberger reviewed the findings of the CLNS Update in relation to the capacity of the legal aid system to address the problems documented in the study. He described the history and purpose of the "minimum access" staffing benchmark first established by the Legal Services Corporation in 1975 and used to guide the expansion of federal investment in civil legal aid between 1975 and 1980, at which time there was minimum access to legal aid in the United States and in WA State.

Mr. Bamberger walked members through a detailed demographic driven analysis of the current state of the basic field legal aid system and the degree to which it falls, on a regional basis, below the minimum access standard. He presented an Excel spreadsheet showing staffing levels by region and in relation to underlying poverty demographics and minimum access standards. He described the manner in which CLEAR, professional legal aid attorneys and pro bono contributions are aggregated and allocated by geographic region and explained the capacity gaps that remained.

Mr. Bamberger then explained each of the core areas of primary focus in the draft Civil Access to Justice Reinvestment Plan.

Ms. Greenlee asked about the statutory limitations and whether we need to consider seeking a change to the statute. Mr. Bamberger explained that it will be necessary at some point to reconcile the areas of authorized practice in RCW 2.53.030(3) with the areas documented in the CLNS Update to be those where legal problems are most prevalent. He suggested that this may be something to address during the 2018 supplemental session, rather than bring it into the substance of the Reinvestment Plan.

8. Proposed Change in Director's Travel Reporting Requirements

Mr. Bamberger explained his request that the threshold cost level per travel event used for the annual travel report filed by the Director be raised from \$100 to \$500. Members discussed the merits of the request in light of the purpose to ensure transparency and accountability for the Director's travel expenses.

Motion: By Mr. Bohl to endorse proposed Resolution 2016-01 increasing the per travel event threshold cost level from \$100 to \$300.

Second: By Judge Spearman

Action: Unanimously approved

9. ATJ Board State Plan Update

Mr. Bamberger introduced Terra Nevitt, ATJ Program Manager at the Washington State Bar Association and Threesa Milligan, Director of Pro Bono Services at the King County Bar Association and co-chair of the ATJ Board's Delivery Systems Committee which is managing the update of the 2006 State Plan for the Delivery of Civil Legal Aid in Washington State. Ms. Nevitt and Ms. Milligan provided a presentation on the history of state planning in Washington and the State Plan update process. They offered an overview of the initial goals and conceptual strategies. Ms. Milligan invited Oversight Committee members to follow the planning process and participate as they felt appropriate during the public comment process.

Mr. Bohl expressed support for some of the draft goals insofar as they affirmed the importance of helping people engage where they engage with social and human services providers before their problems become acute. He also supported the idea of applying a race equity lens to the

planning and implementation effort, as racial and ethnic minorities are collectively becoming a majority nationally and in significant parts of the state.

10. OCLA Director's Performance Review

Ms. Greenlee advised that it was time for the Oversight Committee to conduct a review of the Director's performance, as the last review was conducted during 2013. She told members that the Executive Committee had taken initial steps to get the review moving and would report back at the June meeting on progress.

There being no further business, the meeting adjourned at 2:05 p.m.

TAB 3

CIVIL LEGAL AID OVERSIGHT COMMITTEE

MISSION STATEMENT

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

TAB 4

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

Position 1 (BJA 1):

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

Position 2 (BJA 2):

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

Position 3 (Supreme Court 1):

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

Position 4 (Supreme Court 2):

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

Position 5 (Supreme Court 3 – Client Eligible):

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

Position 6 (Senate Majority Coalition Caucus):

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

Position 7 (Senate Democratic Caucus):

Name: Senator Jamie Pedersen
Address: 226 John Cherberg Building
PO Box 40433
Olympia, WA 98504-0443
Phone: 360-786-7628
E-mail: jamie.pedersen@leg.wa.gov
Appointing Entity: Senate Democratic Caucus
Term Expires: June 30, 2018; Not eligible for reappointment

Position 8 (House Republican Caucus):

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

Position 9 (House Democratic Caucus):

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

Position 10 (Office of the Governor):

Name: Taylor (“Tip”) Wonhoff
Address: Office of the Governor
PO Box 40002
Olympia, WA 98504-0002
Phone: 360-902-4132
E-mail: taylor.wonhoff@gov.wa.gov
Appointing Entity: Office of the Governor
Term Expires: June 30, 2018; eligible for reappointment

Position 11 (Washington State Bar Association):

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

TAB 5

CIVIL LEGAL AID OVERSIGHT COMMITTEE OPERATING RULES AND PROCEDURES

(Revised 4-23-07)

I. Name

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

II. Membership

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

- (a) Three persons appointed by the supreme court from a list of nominees submitted by the access to justice board, one of whom at the time of appointment is income eligible to receive state-funded civil legal aid;
- (b) Two persons appointed by the board for judicial administration;
- (c) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;
- (d) One person appointed by the Washington state bar association; and
- (e) One person appointed by the governor.

III. Terms of Membership

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

A. Judicial Branch

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

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

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

B. Legislative Branch

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

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

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

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

C. Other

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

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

IV. Officers

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

A. Term

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

B. Authority/Responsibility of Officers

1. Chair

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

2. Vice-Chair/Chair-Elect

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

V. Committees

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

A. Appointment of Legislative Member; Succession

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

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

B. Responsibilities

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

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

VI. Staffing

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

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

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

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

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

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

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

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

VIII. Quorum

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

IX. Voting

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

X. Amendment or Repeal

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

TAB 6

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director

Re: Quarterly Report From the OCLA Director

Date: June 2016

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

- a. 2016 audit by the State Auditor's Office
- b. Developing and vetting the Civil Justice Reinvestment Plan
- c. FY 2017-19 budget development efforts
- d. Securing \$4 million in Victims of Crime Act funding (VOCA)
- e. Access to Justice Board statewide delivery system planning

1. State Audit of the Office of Civil Legal Aid

As previously reported, the Office of Civil Legal Aid was selected for a periodic compliance audit by the State Auditor's Office (SAO). The audit focused on OCLA's contracting and oversight functions during FY 2015 including, but not limited to OCLA's contract and oversight associated with its master contract with the Northwest Justice Project (NJP) and OCLA-approved subcontracted activities, OCLA's contracts with counties for children's legal representation pursuant to RCW 2.53.045 and RCW 13.34.100(6), and OCLA's contracts and revenue related to the Civil Legal Needs Study Update.

On June 6th a close-out meeting was held with representatives from the SAO. A copy of the SAO's close-out correspondence is attached (Attachment 1). The SAO found that OCLA's systems, oversight and accounting practices were appropriate to the tasks assigned. There were no adverse findings and no management letter was issued. During the exit interview, the SAO recommended that: (a) OCLA maintain an accurate list of mandatory trainings attended by Children's Representation attorneys with whom OCLA contracts and (b) more regularly conduct the periodic site visits of NJP and subcontracted agencies as authorized by our contract with NJP and the OCLA-approved subcontract between NJP and the Legal Foundation of Washington.

OCLA does not and has not developed and maintained its own fiscal and accounting systems. Instead, and in the interest of administrative efficiency, OCLA contracts with the Administrative

Office of the Courts (AOC) to provide the same in addition to a range of other services. The clean audit is in large measure a function of the systems and practices employed by AOC, especially its financial services staff. We have expressed our appreciation for all fiscal staff whose work contributes to the ability of OCLA to perform its core functions in a manner that is open, transparent and accountable.

2. Civil Justice Reinvestment Plan

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

In March, OCLA commenced a conversation about how the agency should respond to the CLNS Update. OCLA met with key ATJ Board leaders, staff and stakeholders, convened conversations among the directors of the state-funded legal aid providers, the Pro Bono Council and the directors of volunteer legal aid programs. OCLA consulted with the leadership of the Legal Foundation of Washington, the Washington State Bar Association and other professional leaders. A consensus has emerged around a four-pronged approach to addressing the findings of the CLNS Update. OCLA has developed these into the 2016 Civil Justice Reinvestment Plan (Reinvestment Plan) (Attachment 2).

The Reinvestment Plan is premised on the notion that it is the state's responsibility to ensure a sound foundation for – or *minimum access* to -- basic access to legal information, advice and assistance on the most important civil legal problems. OCLA does not believe assume it to be the state's duty to ensure justice for everyone in every case. Other public and private partners can and must help. But OCLA believes it is the state's duty to ensure that there is a solid, stable and enduring infrastructure that enables those who need help to address problems affecting their basic human needs to gain access to such help. This is the "minimum access" framework that forms the foundation of the Civil Justice Reinvestment Plan.

As outlined in the Reinvestment Plan, this minimum access framework will (a) provide sustained legal aid presence to allow low-income people a realistic hope of getting help for their most important legal problems, (b) offer an effective deterrent to ensure legal accountability for those who might take advantage or otherwise cut legal corners in ways violate the legal rights of low-income people on matters of significance to them, (c) provide essential infrastructure and support to ensure the most effective operation of the state-funded legal aid delivery system and (d) incorporate new technology based systems to enhance the ability of low-income people to self-diagnose the substance and importance of the legal problems they experience and make informed decisions about whether, when and to whom they will look for civil legal help in resolving these problems. When implemented, low income people will be able to:

- Understand the legal nature of the problems they experience and make informed judgments about whether to seek legal help
- Solve more legal problems by themselves
- Have a place to which to turn when they need legal help and know how to access it

Capitalization of the capacities incorporated into the Reinvestment Plan should occur over four years (2 full biennia). This will allow for gradual, progressive and accountable steps to be taken that, at the end of the four-year period, will establish a new and sustainable operating norm for our civil legal aid system.

At the June 10th meeting, OCLA will request that the Civil Legal Aid Oversight Committee endorse the outline of the Civil Justice Reinvestment Plan and the timeline for its implementation. An outline of the gradual incremental costs associated with implementing the Reinvestment Plan is attached (Attachment 3).

3. **FY 2017-19 Budget Development**

As will be outlined in greater detail at the June 10th meeting, OCLA proposes to submit a budget request that seeks \$14,525,000 in increased funding for civil legal aid in the FY 2017-19 biennium. This funding is broken out as follows:

- Maintenance Level (ML) Vendor Rate Adjustment to adjust for known and measureable increases in the state's share of NJP's biennial costs of operations (\$898,200)
- Policy Level (PL) increase to allow NJP to provide a 3% and 2% COLA for its state-funded staff in fiscal years 2018 and 2019 (\$552,500)¹
- PL to fund Phase I of the Civil Justice Reinvestment Plan (\$13,075,000)

The total budget request will be the sum of these three components: **\$14,525,700**. The budget outline is attached (Attachment 4). OCLA requests that the Oversight Committee endorse the budget request and direct OCLA to develop the necessary decision packages for the Committee's final endorsement at its September 30th meeting.

4. **Victims of Crime Act (VOCA) Funding Opportunity**

In December and March we reported on OCLA's efforts to secure significant investment of new federal Victims of Crime Act (VOCA) funding for civil legal aid to victims of crime living in Washington State. Federal VOCA funding originates from civil and criminal fees, fines and forfeitures that are deposited into a Crime Victims Fund administered by the US Department of Justice and are subject to congressional appropriation. As reported previously, Congress in 2015 substantially increased funds appropriated from the fund and directed state receiving agencies to develop plans to invest them in a range of services for crime victims, including victims of domestic violence, sexual assault, human trafficking and child abuse.

¹ OCLA is awaiting the results on an independent salary comparability assessment from NJP in order to justify this proposed budget item.

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

As a result of extensive coordinated efforts over the past nine months supported in large measure by the findings of the 2015 CLNS Update, OCVA included civil legal aid to crime victims as a core area of program focus in its 2015-19 State Plan (Attachment 5). Following publication of the State Plan, OCVA notified OCLA that it had reserved \$4 million in FFY 2015 funds for emergency civil legal assistance to crime victims in accordance with the outline presented by OCLA in its October 2015 comments. OCVA intends to enter into an interagency agreement with OCLA pursuant to which OCLA will contract these funds to seven sub-recipients who, collectively, will provide emergency civil legal assistance to crime victims in every part of the state. A list of the participating organizations and the allocation of FTE's to each is attached (Attachment 6).

While the commitment of VOCA funding to emergency civil legal aid will be extremely helpful, it is important to note that VOCA-funded attorneys will not provide day-to-day civil legal aid services to low-income people along the same lines as their state and federally funded peers. First, services will not be limited on the basis of income. All crime victims are eligible, regardless of income. Second, and more importantly, VOCA funding is currently limited to helping crime victims – victims of domestic violence, sexual assault, trafficking and other crimes – to address *emergency* civil legal problems that flow from their status as victims of criminal behavior. Practically, this means that a VOCA-funded legal aid attorney could help a person secure a civil protection order and an emergency parenting plan but that is where the VOCA funded representation will end. VOCA funded assistance cannot currently be used to finalize the legal protections. Someone else will have to pick up the case – or not. Thus, given the limitations on the use of these funds, OCLA does not consider these funds to substantially help reduce the Justice Gap that is the focus of the Civil Justice Reinvestment Plan. A memo announcing the VOCA funding success is attached (Attachment 7).

5. Access to Justice Board – State Planning

Over the course of the past three months, OCLA has continued to participate in the ATJ Board's State Plan update process. After substantial community based engagement with Alliance for Equal Justice members, clients and representative client communities, the ATJ Board's State Plan Consensus Group published a draft set of planning goals and an initial set of corresponding strategies to guide the delivery system over the course of the next three years. The revised State Plan builds on the findings of the CLNS Update and will serve as a guide not only for legal aid providers at the local, regional and statewide level, it will also serve as guide for state-based legal aid funders in establishing client service and related performance expectations for the programs that we fund. Representatives of the Access to Justice Board will provide an update on the state planning process at the June 10th Oversight Committee meeting.

6. Children's Representation Program

Jill Malat, now supported by Roxanne Augé, continues to develop and deliver training for more than 50 contract attorneys across the state. We now provide travel assistance for attorneys who must go out-of-county to meet with their clients. We also have reserved a small amount of funds to provide expert services and support in particularly challenging cases. Jill is in the process of implementing a new attorney performance review protocol. Jill will be asked to provide an update on the Children's Representation Program and an advanced look at the substance of her first biennial report to the Legislature at the September meeting.

ATTACHMENT 1



Washington State Auditor's Office

Government that works for citizens

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Office of Civil Legal Aid – Exit Conference **June 6, 2016**

About our Office

The Washington State Auditor's Office's vision is government that works for citizens. Our goal is for government that works better, costs less and earns greater public trust.

The purpose of this meeting is to share our audit results and draft reporting. We value and appreciate your participation.

Audit Highlights

- The Office was highly responsive and timely with information requests.
- The Office coordinated contacts and information sharing with two other entities, the Administrator of the Courts (AOC), and the Northwest Justice Project which was of great benefit to the audit.

Audit Scope

We performed an accountability audit for the Office for the fiscal year ending June 30, 2015:

- Please refer to draft report

Recommendations not included in the Audit Reports

Exit Items

We have provided exit recommendations for management's consideration. Exit items address control deficiencies or non-compliance with laws or regulation that have an insignificant or immaterial effect on the entity.

Exit items are not referenced in the audit report.



Washington State Auditor's Office

Government that works for citizens

Accountability Audit Report Office of Civil Legal Aid

For the period July 1, 2014 through June 30, 2015

Published
Report No.





Washington State Auditor's Office

Issue Date – (Issued by OS)

Mr. James Bamberger, Director
Office of Civil Legal Aid
Olympia, Washington

Report on Accountability

Thank you for the opportunity to work with you to promote accountability, integrity and openness in government. The State Auditor's Office takes seriously our role of providing state and local governments with assurance and accountability as the independent auditor of public accounts. In this way, we strive to help government work better, cost less, deliver higher value and earn greater public trust.

Independent audits provide essential accountability and transparency for Agency operations. This information is valuable to management, the governing body and public stakeholders when assessing the government's stewardship of public resources.

The attached comprises our report on the Agency's compliance and safeguarding of public resources. Our independent audit report describes the overall results and conclusions for areas we examined. We appreciate the opportunity to work with your staff and we value your cooperation during the audit.

Sincerely,

Signature Here (Please do not remove this line)

TROY KELLEY
STATE AUDITOR
OLYMPIA, WA

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AUDIT SUMMARY

Results in brief

In the areas we audited, operations at the Office of Civil Legal Aid complied with applicable requirements and provided adequate safeguarding of public resources. The Office also complied with state laws and regulations and its own policies and procedures in the areas we examined.

About the audit

This report contains the results of our independent accountability audit of the Office of Civil Legal Aid from July 1, 2014 through June 30, 2015.

Management is responsible for ensuring compliance and adequate safeguarding of public resources from fraud, loss or abuse. This includes the design, implementation and maintenance of internal controls relevant to these objectives.

Our audit involved performing procedures to obtain evidence about the Agency's uses of public resources, compliance with state laws and regulations and its own policies and procedures, and internal controls over such matters.

In keeping with general auditing practices, we do not examine every transaction, activity or area. Instead, the areas examined were those representing the highest risk of fraud, loss, abuse, or noncompliance. The following areas were examined during this audit period:

- Payments to the Northwest Justice Project
- Payments for the Children's Representation program
- Grant and inter-agency expenditures

RELATED REPORTS

Financial

We perform an annual audit of the statewide basic financial statements, as required by state law (RCW 43.09.310). Our opinion on these financial statements is included in the Comprehensive Annual Financial Report (CAFR) prepared by and available from the Office of Financial Management.

The CAFR reflects the financial activities of all funds, organizations, institutions, agencies, departments and offices that are part of the state's reporting entity. That report is issued by the Office of Financial Management in December of each year and can be found at www.ofm.wa.gov.

A summary of the audit for the period ending June 30, 2015, can be found at: <http://www.sao.wa.gov/resources/Pages/AnnualReports.aspx>

Federal programs

In accordance with the Single Audit Act, we annually audit major federal programs administered by the state of Washington. Rather than perform a single audit of each agency, we audit the state as a whole. The results of that audit are published in a report issued by the Office of Financial Management in March of each year.

INFORMATION ABOUT THE OFFICE

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency created by the Legislature. The Office is responsible for administration and oversight of state funds that are appropriated by the Legislature to provide civil legal aid services to low income people in Washington and to represent children who remain dependent six months following termination of their parents' legal rights. OCLA does not provide civil legal aid services directly. By statute, it is a contracting and oversight agency.

OCLA's activities are overseen by an 11-member bipartisan Civil Legal Aid Oversight Committee established by RCW 2.53.010. The Oversight Committee is responsible for reviewing the performance of the Director and for making recommendations to the Supreme Court, the Access to Justice Board and the Legislature regarding the provision of state-funded civil legal aid.

The Office director is appointed by the Supreme Court. In fiscal year 2015, the Office had an operating budget of \$13.5 million.

Contact information related to this report	
Address:	Office of Civil Legal Aid 1112 Quince Street SE PO Box 41183 Olympia, WA 98504-1183
Contact:	James Bamberger, Director
Telephone:	(360) 704-4135
Website:	www.ocla.wa.gov

Information current as of report publish date.

Audit history

You can find current and past audit reports for the Office of Civil Legal Aid at <http://portal.sao.wa.gov/ReportSearch>.

ABOUT THE STATE AUDITOR'S OFFICE

The State Auditor's Office is established in the state's Constitution and is part of the executive branch of state government. The State Auditor is elected by the citizens of Washington and serves four-year terms.

We work with our audit clients and citizens to achieve our vision of government that works for citizens, by helping governments work better, cost less, deliver higher value, and earn greater public trust.

In fulfilling our mission to hold state and local governments accountable for the use of public resources, we also hold ourselves accountable by continually improving our audit quality and operational efficiency and developing highly engaged and committed employees.

As an elected agency, the State Auditor's Office has the independence necessary to objectively perform audits and investigations. Our audits are designed to comply with professional standards as well as to satisfy the requirements of federal, state, and local laws.

Our audits look at financial information and compliance with state, federal and local laws on the part of all local governments, including schools, and all state agencies, including institutions of higher education. In addition, we conduct performance audits of state agencies and local governments as well as [fraud](#), state [whistleblower](#) and [citizen hotline](#) investigations.

The results of our work are widely distributed through a variety of reports, which are available on our [website](#) and through our free, electronic [subscription](#) service.

We take our role as partners in accountability seriously, and provide training and technical assistance to governments, and have an extensive quality assurance program.

Contact information for the State Auditor's Office	
Public Records requests	PublicRecords@sao.wa.gov
Main telephone	(360) 902-0370
Toll-free Citizen Hotline	(866) 902-3900
Website	www.sao.wa.gov

Washington State Auditor's Office Customer Service Survey Distribution

The auditor has specified that surveys will be sent out when this audit report is released.

Agency/Auditee Name: <u style="color: red;">Office of Civil Legal Aid</u>	
Contact Information: <i>Provide Name, Title, Agency, and e-mail address for each person who will be receiving a Customer Service Survey.</i>	
Name, Title, Agency: ❶	E-mail address:
James Bamberger, Director, Office of Civil Legal Aid	

Item ❶: Survey recipients listed were selected when preparing the audit report in ORCA. Typically, this is the entity head and audit liaison; however, surveys may be sent to other entity personnel at the discretion of the audit manager or request of the entity.

To add or remove survey recipients:

1. Open the ORCA report data file using the "Edit" function,
2. Enter the additional or corrected information,
3. Click "Save" to save your changes.

Concluding Comments

Report Publication

Audit reports are published on our website and distributed via e-mail in an electronic .pdf file. We also offer a subscription service that allows you to be notified by email when audit reports are released or posted to our website. You can sign up for this convenient service at: <https://portal.sao.wa.gov/saoportal/Login.aspx>

Customer Service Survey

When your report is released you will receive a customer service survey from us. We value your opinions on our audit services and hope you provide feedback.

Your Next Scheduled Audit

The timing of the Office's next accountability audit has yet to be determined.

ATTACHMENT 2

CIVIL JUSTICE REINVESTMENT PLAN

June 2016

1. Context

The 2015 Civil Legal Needs Study Update (CLNS Update) documents that seventy-one percent (71%) of low-income households in Washington State experience one or more civil legal problems each year and that, of these, at least seventy-six percent (76%) do not get any legal help they need to solve these problems.

Sixty-five percent (65%) of those who experience at least one civil legal problem each year do not seek legal help. According to comments offered by respondents to the CLNS Update survey instrument, many – if not most – do not know that the problem they experienced was legal in nature. This lack of understanding is consistent with national studies¹ which confirm that low-income people have significant difficulties making the link between the problems they experience and the need for legal help.

In addition, many who experienced one or more civil legal problems either did not know where to go for legal help or felt that they could not afford to the legal help that they needed. Finally, of those who did seek legal help, fully one-third got no help whatsoever. Others got some level of help. Of those who got any help, 17% report that they were able to fully resolve their legal problem and another 44% got some help in resolving their problem. While the study did not inquire into the level of service respondents received, it is reasonable to assume (in light of current legal aid delivery system capacity) that many of those who either had limited resolution or no resolution to their problems, were unable to receive the level of direct legal assistance that they needed to solve their problems.

¹ See the most recent discussion in the US Department of Justice National Institute of Justice, Office for Access to Justice, the National Science Foundation and White House Interagency Legal Aid Roundtable, *Civil Legal Aid Research Workshop Report* (February 2016), published at <https://www.ncjrs.gov/pdffiles1/nij/249776.pdf>, at 7 (characterizing the presentation of Dr. Rebecca Sandefur).

2. Legal Aid Staffing and Minimum Access

Since 1975, the standard for “minimum access”² to civil legal aid services has been 1 FTE attorney for every 5,000 people living at or below 125% of the federal poverty level. When the standard was adopted, there was very little if any organized system to develop, deliver and track the contributions of volunteer attorneys. Thus, the formula assumed that there needed to be 1 staffed legal aid attorney for every 5,000 eligible low income residents (or, as it was then-characterized, 2:10,000).

In Washington State we have developed a robust and effective system of volunteer attorney recruitment and engagement. Through 17 local, bar sponsored (and often bar operated) community-based programs, thousands of volunteer legal aid attorneys deliver more than 46,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.³ At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 23 FTE civil legal aid attorneys.

The balance of the civil legal aid delivery system consists of staff attorneys employed by the statewide Northwest Justice Project and four specialized providers of civil legal aid services that provide services to specific hard-to-serve client populations or on matters for which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery.⁴ Along with full time staff attorneys employed by some of the larger volunteer attorney programs, the staffed legal aid programs employ 107 full time attorneys.

According to the Census Bureau, nearly 1.2 million Washingtonians live at or below 125% of the federal poverty level. Using the 1:5,000 formula, a combined total of 240 attorneys is needed to achieve minimum access levels of client service delivery capacity. The combined current client service capacity of the state-funded legal aid system is 130 FTE attorneys. This results in a ratio of 1 FTE equivalent civil legal aid attorney for every 9,450 people living at or below 125% of the federal poverty guideline. The net shortfall is 110 FTE attorneys.

² The 2:10,000 figure was established by the Board of Directors of the federal Legal Services Corporation (LSC) in 1975 to serve as the floor for federal investment in the newly created LSC. This figure was used to guide congressional appropriations from 1975-1980 (from \$75 million to \$300 million) by which time minimum access had been achieved. See, Erlich, *Giving Low-Income Americans Minimum Access to Legal Services*, 64 A.B.A.J. 696 (1978).

³ Eligibility for state-funded civil legal aid services is governed by [RCW 2.53.030](#).

⁴ These are TeamChild, the Seattle Community Law Center, the Unemployment Law Project and the Family Advocacy Program at Solid Ground.

3. Self-Diagnosis, Self-Referral, Self-Help and Other Strategies

While the CLNS Update documents that the areas of greatest prevalence of legal problems are matters relating to health care, consumer/finance and employment, the areas of problems in which low-income residents are most likely to self-diagnose their problems as being legal in nature and seeking legal help are problems relating to family law, rental housing and consumer/finance (mostly debt collection and bankruptcy). This finding is not surprising, as matters arising in these areas are often (a) understood as presenting problems for which solutions are urgently required and (b) matters where the judicial system is the exclusive or most logical forum for the resolution of the problems presented.

Given the widespread inability of low-income to self-diagnose and effectively access legal aid services for problems with a legal dimension, intentional effort needs to be made to expand outreach, legal education, informational tools and technology applications, and related resources to help them do so. Further, dedicated capacity needs to be developed to identify and reach members of low-income communities that experience cultural, linguistic, ability and other barriers that compound the general limited ability of people understand the legal dimensions of the problems they are experiencing and self-refer for legal help.

The civil judicial system is complex and premised on an adversarial relationship between contesting parties, both of whom are represented by attorneys. Under the Code of Judicial Conduct, the independent judicial officer is significantly constrained from assisting any party, even those who are not represented by an attorney.

Unfortunately, a growing and increasing majority of family law litigants are not represented by an attorney. This can result in significant imbalances in power between those who have counsel and those who do not. Further, the growing numbers of unrepresented (or self-represented) parties in family law (and other) cases causes significant drag on the machinery of justice, with self-represented litigants often misfiling documents, failing to complete forms properly and otherwise running afoul of court processes and procedures.

Led nationally by the Self-Represented Litigants Network, the Legal Services Corporation, the National Center for State Courts and others, there is a growing effort to develop and place more technology based tools in the hands of self-represented litigants trying to navigate the civil justice system. A central focus of these efforts has been the development of technology systems designed to enable self-represented litigants to complete (and in some locations electronically file) court forms through automated document assembly systems. These "TurboTax-like" systems offer an iterative and sequential series of questions, the answers to which allow the back end of

the system to populate required forms with appropriate data and prepare them for review, printing and filing.

The Washington State Supreme Court recently approved 211 [family law forms](#) that have been translated from legalese into plain language. The product of nearly four years of work, these forms will be required to be used in all cases after July 1, 2016. The Access to Justice Board, Northwest Justice Project and Administrative Office of the Courts collaborated on translating and securing approval of these forms.

The development and publication of the plain language forms offers a singular opportunity to empower self-represented litigants to be more effective and more successful in participating in civil family law proceedings. Given the national public and private sector interest in expanding legal literacy and access to self-help resources, significant opportunities exist to attract matching funds to state-level investment in the automation of the new family law forms. Through an anticipated inter-agency Memorandum of Understanding between the Office of Civil Legal Aid (OCLA), the Administrative Office of the Courts (AOC), the Access to Justice Board and the Northwest Justice Project, OCLA will assume lead agency status in managing a multi-agency effort to automate the new family law forms. This effort will be carried out consistent with usability and other requirements established by the Supreme Court in its Access to Justice Technology Principles and other relevant considerations.

4. Statewide Infrastructure and Support

Any system as complex as the statewide legal aid delivery system must have sufficient infrastructure, training and support to ensure that services are effectively and economically delivered, are responsive to the most prevalent and pressing needs of clients, deliver results and outcomes that are responsive to client needs and legal rights and are sophisticated and agile enough to take advantage of new and emerging technologies and evidence-based best-practices. This will require dedicated staff and resources to support training, research and to effectively monitor outputs and outcomes realized for clients.

5. Components of the Civil Access to Justice Reinvestment Plan

A. Helping People Understand Their Legal Problems; Expanding Self-Help Tools and Developing Innovative Delivery Strategies

Efforts here will focus on developing and investing resources to (a) expand the ability of low-income people to understand their rights, prerogatives and responsibilities under the law, (b) enable them to understand the potential legal dimensions of the problems that they are experiencing and make informed decisions about whether and, if so, when and where to seek help from an appropriate legal aid provider, and (c) expand self-help

resources that will better enable them to solve their legal problems without or with limited assistance of a legal professional. Focus will not only be on those with technology capability and access to internet-based services, but also to those who lack such capabilities or consistent access to the internet, as well as those who experience language, cultural and other barriers.

In addition to automating the new plain language family law forms, a number of opportunities exist to help low-income people better understand their legal rights, self-diagnose their legal problems and gain access to a civil justice system that is otherwise out of reach. Strategies may include developing new smart-phone applications that will allow individuals to assess their current situations, understand their legal rights, and tell them where and how to get legal information, assistance and, if need be, representation. Other potential ideas may include technology-loaded vehicles that will enable legal aid staff and volunteers to be more present on a regular basis at locations where low-income people go and to reach out and connect with communities who are not connected or who experience social, cultural, language, mental health and other barriers (such as homelessness, geographic isolation or restrictions on their mobility (e.g., trafficking victims)) to learn about their legal rights and get help with problems before they become acute.

There is a wealth of private sector technology programming and development capacity in Washington State. Like its federal counterpart, the Legal Services Corporation, OCLA proposes to seek a sum of funding each biennium to competitively stimulate innovation and new public-private partnerships in delivery approaches and technology applications and initiatives that can enhance the ability of low-income people to identify and solve their legal problems by themselves.

Investment Required: \$250,000 per year for automation of self-help forms; \$250,000 per year for competitive delivery system innovations (including technology based applications) focused on expanding the ability of people to understand their rights, self-diagnose the legal nature of the problems they are experiencing and self-refer into the civil legal aid system.

Total biennial increase -- \$1.0 million.

B. Expanding Volunteer Lawyer Involvement and Service Delivery

The market value of current services delivered by volunteer attorneys working in association with the 17 community based volunteer attorney programs is nearly \$11 million per year. This is about 90% of the current annual appropriation for civil legal aid.

The key to effectively penetrating and leveraging this under-tapped reservoir of potential legal assistance is to have high quality, professional staff involved in the recruitment,

training, mentoring, support and referral of clients to these volunteer attorneys. Strategically expanding and upgrading staff support within the community-based volunteer attorney programs will expand the number of attorney hours dedicated to addressing the civil legal problems of low-income people in Washington State. The Access to Justice Board's Pro Bono Council advises that with sufficient additional investment in volunteer program staff, an additional 12,000 to 16,000 hours of volunteer attorney services can be secured on an annual basis – increasing the leveraged volunteer attorney contribution by between 25% and 30% (or the equivalent of 6-8 FTE) over current levels.

Total Biennial Increase: Between \$2.0 - \$2.4 million per biennium.

C. Achieving Minimum Access Through Expanded Professional Civil Legal Aid Staffing

The core of the civil legal aid system is the professional staffed legal aid programs. Northwest Justice Project (NJP) is the principal statewide legal aid program. NJP hosts the statewide legal aid call center (CLEAR), staffs and supports the statewide legal aid self-help resources website (Washington Law Help), provides statewide coordination and support for professional civil legal aid attorneys across the state and maintains client service offices in 17 locations around the state. In addition, there are four specialized civil legal aid providers that serve specific client populations and carry substantive expertise in specific areas of law. These include TeamChild (serving youth simultaneously involved in multiple legal forums), Seattle Community Law Center (serving homeless disabled residents of King County on matters relating to SSI and SSDI), Solid Ground Family Advocacy Program (serving families with legal problems involving rental housing and state governmental benefits) and the Unemployment Law Project, serving clients contesting denials or terminations from claims for unemployment insurance benefits.

After considering the effective FTE contributions of volunteer attorneys and current levels of basic field client service staffing in these programs, there remains a gap of 110 FTE attorneys from the required level needed to achieve minimum access (using the 1FTE:5,000 eligible client standard).

At an average fully loaded cost of \$125,000/FTE attorney/year, the total increase required to achieve minimum access legal aid staffing is \$13,625,000 per year.

Total Biennial Increase: \$27,250,000

D. Statewide Infrastructure, Support and Accountability

Effective operation of the statewide civil legal aid system requires intentional efforts to ensure coordination and support for those involved in civil legal aid delivery at the local, regional and statewide levels. As is the case in the indigent defense arena, resources must be expressly dedicated to ensure that professional staff and pro bono attorneys are trained in the substance of the legal problems experienced by low-income people and the skills necessary to effectively address them. Additionally, there must be appropriate staff dedicated to ensure coordination of client service delivery and the quality and accountability of services delivered. Finally, systems must be established to monitor the substance and impact of the additional services funded through this Reinvestment Plan to ensure accountability to taxpayers, other investors and clients. Direct incremental outlays for training, support, research and outcomes monitoring will be \$300,000 per year. An additional \$200,000 will be needed for expanded staff at the Office of Civil Legal Aid to manage the civil legal aid program.

Total Biennial Increase: \$1,000,000

Total Biennial Incremental Cost of the Civil Legal Aid Reinvestment Program:

Total incremental funding to achieve minimum access, maximize volunteer attorney involvement, expand the ability of low-income people to self-diagnose their legal problems and expand self-help tools, and ensure effective support for the statewide civil legal aid system: **\$31,250,000.**

ATTACHMENT 3

Civil Legal Aid Reinvestment Plan -- Two-Biennium Investment Strategy

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Legal Education/Self-Help/Delivery System Innovation	\$300,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Expand Volunteer Legal Aid Capacity	\$500,000	\$750,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
Expand Staffed Legal Aid Capacity (30 new FTE in FY 2018; 25 new in FY 2019; 30 new in FY 2020; 25 FTE in 2021)	\$3,750,000	\$6,875,000	\$10,625,000	\$13,750,000	\$13,750,000	\$13,750,000
Statewide Infrastructure, Support, Research, Accountability	\$200,000	\$200,000	\$300,000	\$300,000	\$300,000	\$300,000
Increased Investment Over FY 2015-17 Levels	\$4,750,000	\$8,325,000	\$12,925,000	\$16,050,000	\$16,050,000	\$16,050,000

Increase Over Prior Biennium	FY 2017-19	FY 2019-2021	FY 2021-2023
	\$13,075,000	\$15,900,000	\$3,125,000

ATTACHMENT 4

OCLA FY 2017-19 BIENNIAL BUDGET REQUEST -- DRAFT JUNE 2016

FY 2015-17 Carryforward	24,800,000	GF-S/JSTA
Object	Biennial Increase Over Carryforward	Funding Source
ML: Vendor Rate Adjustment	\$898,200	GF-S
PL 1: NJP COLA Adjustments (3% and 2%)	\$552,500	GF-S
PL 2: Phase I Civil Legal Aid Reinvestment Plan		
(i) Self-Help/Legal Literacy Initiative	\$800,000	GF-S
(ii) Pro Bono Support	\$1,250,000	GF-S
(iii) Add 55 Staff Legal Aid Attys	\$10,625,000	GF-S
(iv) Statewide Support, Research, Training	\$200,000	GF-S
(v) Agency Administration	\$200,000	GF-S
Total	\$14,525,700	GF-S

ATTACHMENT 5

Victims of Crime Act (VOCA) 2015 -2019 State Plan

- A. VOCA Funding Strategies
- B. VOCA Percentage Allocations
- C. Context
- D. What We Heard: Input Received through the VOCA Planning Process

A. VOCA Funding Strategies:

Maintain the statewide vision of services throughout the state for victims of all crimes:

The VOCA 2015-2019 State Plan is designed to address the needs of crime victims within the frameworks provided by state plans for services for victims of domestic violence, sexual assault, and other crimes. While retaining the framework of the three plans, the VOCA 2015-2019 State Plan also recognizes that certain critical victim service needs can best be met through integrated program models (serving victims of multiple types of crime) through designating an administrative home for such integrated program model funding agreements.

1. A. Funding for provision of specific services including but not limited to:

- a) Civil legal services including a portion allocated for a regional approach to providing emergency legal services across the state
- b) Sexual assault nurse examiner services (such as personnel and training costs)
- c) Therapy

B. Funding for victims of specific crimes including but not limited to:

- a) Assault
- b) Burglary
- c) Child abuse and neglect (includes child sexual abuse)
- d) Child pornography
- e) Domestic violence
- f) Drunk or drugged driving
- g) Elder abuse
- h) Hate crimes
- i) Homicide
- j) Identity theft
- k) Robbery
- l) Sexual assault
- m) Stalking
- n) Trafficking
- o) Vehicular victimization

2. Set-aside portions of the increased funding to address key recommendations regarding the needs of crime victims:

a) Programs operated by and for historically marginalized populations:

Support the enhancement and development of additional services for historically marginalized populations. Support “By and for” culturally specific services for victims of domestic violence, sexual assault, and other crimes in historically marginalized populations. Marginalized populations can include, but are not limited to, organizations or groups composed along racial, ethnic, religious, sexual orientation, and gender lines.

b) Tribes:

Support the enhancement and development of additional services for tribal members. Engage in a process with Tribes to identify the most effective methods for addressing needs of crime victims, including use of strategies which integrate services for multiple crime types when appropriate.

c) Programs serving child victims of abuse and neglect:

Support the enhancement and development of additional services for child abuse and neglect (includes child sexual abuse) including a portion allocated for child centered services (case management, forensic interviews, therapy and medical social work) provided by child advocacy programs (such as Child Advocacy Centers).

d) System based victim witness assistance programs:

Utilize a portion of the VOCA funds for development and/or enhancement of systems based **victim witness assistance services** allowable within federal requirements for the use of VOCA funding.

3. Support maintenance of effort (for current services):

a) Invest in staff retention:

Provide funding to improve service quality and stability within existing VOCA supported services through investing resources to **improve staff recruitment and retention**.

- i) Direct a portion of the increased VOCA dollars to improve recruitment and retention of staff through improving compensation (especially compensation for direct service staff) and/or increasing the number of FTE positions available to assist victims.
- ii) Require providers to submit an organizational policy and strategy for improving compensation and/or adding full-time equivalent staff positions (FTE) which identifies the positions within their organization for which compensation will be enhanced, or FTE will be increased, and the rationale for awarding the increased compensation or increasing the FTE positions.
- iii) Award increased financial support for compensation enhancement and/or FTE increase plans that appear reasonable and appropriate in relation to the goals of ensuring the availability of high quality services throughout the state.

b) **Enhance current services:**

Provide funding to **enhance current programming** and **address critical needs** identified in the planning process, including, but not limited to:

- i) Supporting needed direct emergency financial assistance to meet crime victim needs to the fullest extent permissible within VOCA funding requirements.
- ii) Encouraging development and testing of service delivery strategies that meet the needs of crime victims who may have difficulty accessing currently available services.

4. Establish a **VOCA Reserve Fund**, within the limitation of the federal requirements:

a) **Emergent and unanticipated needs** (such as the needs of victims of mass violence).

b) **Establish training bank:**

Provide funding for staff training utilizing a clear “use it or lose it” expectation including the requirement that funds may be used only for staff training expenses (e.g. registration, travel costs). Encourage providers to request adequate funding for staff training.

c) **Expand language bank:**

Provide increased funding for **interpretation** to pay for third party interpretation with “use it or lose it” expectations including the requirement that funds may be used only for interpretation costs.

B. VOCA State Plan*

Purpose	% of VOCA funds
Grants for specific services or crime types:	20%
Including but not limited to the following examples:	
Services: civil legal assistance (including a portion allocated for a regional approach to providing emergency legal services statewide); SANE programming; therapy	
Specific crimes: assault; burglary; child abuse & neglect; child pornography; domestic violence; drunk or drugged driving; elder abuse; hate crimes; identity theft; kidnapping; sexual assault; vehicular victimization	
Set-asides:	25.5%
By & for programs	9.2%
Tribal Governments	7.4%
Child services: abuse & neglect [including a portion allocated for child centered services (case management, forensic interviews, therapy, medical social work) provided by child advocacy programs (such as Child Advocacy Centers)]	6.4%
Victim Witness assistance (system based)	2.5%
Investment in current services:	51%
Maintenance of effort	29.5%
Compensation & FTE improvements	15.0%
Enhancement and expansion	6.5%
Reserve Fund:	3.5%
Emergent issues & emergency response	1.0%
Training bank	1.5%
Language bank	1.0%
*Anticipate awarding up to the percentage listed. OCVA reserves the right to move funding between areas when underutilized.	

C. Context:

The Office of Crime Victims Advocacy (OCVA), located within the Washington State Department of Commerce, serves as the Administrator of federal VOCA Assistance funds. Historically the amount awarded to Washington State for pass-through funding has been between \$7,000,000 and \$10,000,000 per year. Early in 2015, Congress permitted a much larger amount to be withdrawn from the VOCA fund which is comprised of federal fines and property seizures. This congressional change has resulted in an increase in Washington State's award for pass-through funding, with total funds available for Washington pass-through funding anticipated to be approximately \$40,000,000 per federal fiscal year.

OCVA established the VOCA planning group to conduct a statewide planning process to guide the development of the 2015-2019 VOCA State Plan and formulate recommendations to guide the use of VOCA funds through 2019.

The VOCA planning group launched a statewide planning process which included opportunities for input from crime victims, victim service providers, law enforcement, the courts, and other interested parties. The process included a series of five in-person discussions, an online electronic survey, a feedback session at the WomenSpirit Coalition Conference, and opportunities to submit additional comments. OCVA received input from over 160 participants in five discussion sessions held in Spokane, Yakima, Shelton, and Seattle (two sessions held), as well as input from 141 respondents to the online survey, and six comment submissions. While discussion participants, survey respondents, and commenters offered differing perspectives, the input process yielded substantial consensus on key unmet needs of those hurt or harmed by crime and major challenges confronting crime victim service providers.

D. What We Heard: *Input Received through the VOCA Planning Process:*

Respondents identified retention and enhancement of current crime victim services as the highest priority for the 2015-2019 VOCA State Plan. Respondents also identified key crime victim service gaps which should be addressed through the Plan. Comments throughout the input process focused on 9 key areas (*please note: these are not in priority order*):

1. **Historically marginalized populations:**

Respondents noted that while all crime victim service providers should be expected to be culturally responsive, services provided by and for members of historically **marginalized populations** have particular value to crime victims. Respondents emphasized the need to establish a dependable base amount of funding to ensure continuity and capacity development within “by and for” organizations serving marginalized populations.

2. **Tribes:**

Respondents highlighted the needs of **crime victims in Tribal communities**; the importance of culturally specific services provided by and for Tribal members, by Tribes and affirmed the framework of government-to-government relationship between Washington’s Tribes and state government. Respondents called for consultation with Tribes to determine how best to utilize VOCA funds to assist victims of crime in Tribal communities.

3. **Child abuse and neglect:**

Respondents requested that OCVA utilize a portion of the increased VOCA funding for additional availability of services for **child abuse and neglect (including child sexual assault)** and non-offending families and caregivers of child victims.

4. **Training:**

Respondents noted the need for more, and more effective **training** for both crime victim service providers and for community resource persons who work with crime victims. Specifically the need for trauma informed training, advanced level service training, and working with complex cases training.

Washington State has received VOCA funding specifically for training and will be working to address some of the training issues through that grant. Planning for the grant will take place in the fall of 2016.

5. **Capacity building:**

Respondents strongly urged the VOCA planning group to utilize additional funding to improve the effectiveness of crime victim services through building the capacity of existing crime victim service providers to **recruit and retain highly competent staff**. Respondents noted that VOCA funded organizations currently providing crime victim services are experiencing significant barriers to service continuity and depth due to lack of capacity to provide appropriate compensation to their staff, especially to direct service staff. Concerns about inadequate staff compensation spanned all parts of the state, all types of crime, and all types of service providers. Respondents also noted that both recruitment and retention of quality staff were

negatively impacted by inadequate staffing levels which results in creating unsustainable workloads.

6. Victim witness assistance:

Respondents requested that OCVA utilize a portion of the increased VOCA funding for additional availability of system based **victim witness assistance services** throughout the state.

7. Transportation:

Respondents noted that many crime victims confront significant **transportation barriers** to obtaining the victim services they need. Respondents urged more attention to mobile service delivery strategies that would bring needed services to victims rather than requiring victims to travel to obtain services.

Grantees will be reminded that they may utilize current and increased funding to create and support responsive services.

8. Emergency financial assistance:

Respondents requested more flexibility in the use of VOCA funding to meet crime victims' essential needs including but not limited to **emergency financial assistance**. VOCA funding requirements permit the use of federal funds to meet victim emergency needs which impact the victim's immediate health and safety, subject to any restrictions on the use of federal funds. Respondents noted that VOCA service providers need greater clarity regarding the allowable uses of VOCA funds to meet victim emergency health and safety needs to ensure that victims receive assistance with essential needs within the context of permitted uses of VOCA funds.

Grantees will be urged to earmark VOCA funds for emergency financial assistance and to develop policy and protocols for spending. Grantees will be provided with guidance on allowable costs.

9. Legal services:

Respondents highlighted the need for additional funding for legal services for crime victims. Funding should be available for emergency legal services. In addition, other costs associated with helping victims participate in the criminal justice system may be allowable. These services may include emergency representation, advocacy on behalf of crime victims, and accompaniment to criminal justice offices and court.

VOCA funds cannot be used to pay for non-emergency legal representation such as for divorces, or civil restitution recovery efforts.

ATTACHMENT 6

Position	FTE Attorney	Advocates	Cost/yr per FTE	VOCA Contribution	Financial Match Requirement	Comments
NJP CLEAR*DV	2		\$250,000	\$200,000	\$50,000	
CLEAR*DV-NA	1		\$125,000	\$100,000	\$25,000	
IRLAP Replication (Focus on Rural Immigrant Crime Victims in Tri-Cities, Yakima, NW WA, Pierce, South Sound/Grays Harbor)						
NJP	5		\$625,000	\$500,000	\$125,000	
Pro Bono (Pierce)	1		\$90,000	\$90,000	\$0	Total project cost is \$112500. \$22,500 match met through value of volunteer attorney contributions to VOCA related work
NWIRP	3.5	2	\$500,000	\$500,000	\$0	Total project cost is \$625,000. \$125,000 match met through value of volunteer attorney contributions to VOCA related work
KC Pilot Project (Serving Victims of Crime Related to Prosecutions Arising at or Through Both KC Courthouses)						
NJP	2		\$250,000	\$200,000	\$50,000	5 Combined FTE (hold for further conversation with KC PAO DV/SA integrated KC plan). KCBA total project cost is \$112,500 of which \$25,000 is match provided by volunteer attorney contributions. Total NWIRP project cost is \$125,000 of which \$25,000 is match provided by volunteer attorney contributions
KCBA	1		\$90,000	\$90,000	\$0	
SVLC	1		\$90,000	\$72,000	\$18,000	
NWIRP	1		\$100,000	\$100,000	\$0	
SVLC Sexual Assault Victims Hotline	2		\$180,000	\$144,000	\$36,000	
NJP General Crime Victim Attorney South King County	1		\$125,000	\$100,000	\$25,000	
NJP General Crime Victim Attorney Olympic Peninsula	1		\$125,000	\$100,000	\$25,000	
NJP NW WA General Crime Victims (Whatcom, Skagit, Island)	1		\$125,000	\$100,000	\$25,000	
NJP Inland Empire General Crime Victims (Spokane, Lincoln, Tri-County, Whitman)	1		\$125,000	\$100,000	\$25,000	
NJP Pierce County General Crime Victims	1		\$125,000	\$100,000	\$25,000	
NJP SW Washington Crime Victims (Clark, Skamania, Cowlitz)	1		\$125,000	\$100,000	\$25,000	
NJP <i>Campešina Digna (Farmworker Sexual Assault Victims in Central WA)</i>	1		\$125,000	\$100,000	\$25,000	
NJP Wage Theft (east/west)	0					Not yet eligible. Save for year two
NWIRP Detention Needs	1	0.5	\$150,000	\$150,000	\$0	Total project cost is \$187,000 of which \$37,500 is match is provided through value of volunteer attorney contributions to VOCA related work
NWIRP DV Asylum/Child Abuse (Tacoma, Wenatchee and Granger)	3.5	2	\$450,000	\$450,000	\$0	Total project cost is \$562,500. \$112,000 in match met through value of volunteer attorney contributions to VOCA related work
Snohohmish VLS	1		\$90,000	\$90,000	\$0	1 FTE to provide emergency assistance to stabilize, transfer to pro bono attorneys for extended representation. Total project cost is \$112,500. \$22,500 in match met through value of attorney contributions to VOCA related work.
KC Bar Association	1		\$90,000	\$90,000	\$0	KCBA Mentor attorney to provide emergency assistance to stabilize and transfer to pro bono attorneys for extended legal representation. Focus should be on crimes other than those handled in the partnership with KCPAO. Total project cost is \$112,500. \$22,500 in match met through value of attorney contributions to VOCA related work.
ELAP	1		\$90,000	\$90,000	\$0	1 FTE to provide emergency assistance to stabilize, transfer to pro bono attorneys for extended representation. Total project cost is \$112,500. \$22,500 in match met through value of attorney contributions to VOCA related work.
Statewide Crime Victims Advocacy Coordinators -- NJP	1		\$125,000	\$100,000	\$25,000	Coordinate statewide strategic initiatives, coordinate with statewide DV/SA, Prosecutors, Child Abuse and other associations and networks
Total	35	4.5	\$4,170,000	\$3,666,000	\$504,000	
Net VOCA Available						
			June 10, 2016 Meeting Materials	Page 60	\$66,800	

ATTACHMENT 7

To: Alliance Members and Supporters

From: Jim Bamberger, Director

Re: Civil Legal Aid Services to Crime Victims

Date: May 23, 2016

Last fall the Office of Crime Victims Advocacy (OCVA) at the Department of Commerce announced that it was revising its state plan for the administration of federal Victims of Crime Act (VOCA) funding in light of a substantial increase in congressionally appropriated funding. In response to this announcement, and after consultation with OCVA staff and leaders in the DV and sexual assault advocacy community, the Office of Civil Legal Aid (OCLA) convened a work group that included Beth Leonard (Pro Bono Council), Terra Nevitt (ATJ Board), César Torres (NJP), Jorge Baron (NWIRP) and Jay Doran (EJC). Together, we developed and submitted comments and recommendations regarding the use of a portion of new VOCA funding for a statewide Integrated Civil Legal Aid to Crime Victims program. The comments suggested that \$5 million per year of new VOCA funding be dedicated to a coordinated effort to deploy up to 40 new civil legal aid attorneys to work with community based crime victim assistance professionals in every part of the state to address the emergent and longer term needs of victims of crime, with special emphasis on persons who were victims of sexual assault, domestic violence, human trafficking and other crimes affecting personal safety and security. The comments were submitted by OCLA “on behalf of the community of Washington State civil legal aid programs operating under the banner of the Alliance for Equal Justice.” The comments were shared through the Alliance listserv and are attached to this memo.

In early October 2015, the EJC sent out two alerts through the Alliance listserv advising that comments had been filed recommending the allocation of a significant portion of new VOCA funding to civil legal aid for crime victims and encouraging Alliance leaders to submit comments affirming the importance of civil legal aid for crime victims and supporting the proposed Integrated Civil Legal Aid for Crime Victims program. The October 6th e-mail is attached to this memo.

On February 1, 2016, OCVA published its draft state plan. In response to our comments and the many comments that OCVA heard during four community based focus group meetings held across the state along with a strong letter of support from King County Prosecuting Attorney Dan Satterberg, the draft plan proposed to reserve a significant percentage of the new funding for civil legal aid to crime victims. While no amount was stated, OCLA convened a broader group of stakeholders to develop the outlines of a plan pursuant to which we would invest significant

new funding in civil legal aid to crime victims should it be made available. The planning group included representatives from NWIRP, the Pro Bono Council, NJP, the Tacoma-Pierce County Bar Association Volunteer Legal Services (Tacoma Pro Bono), King County Pro Bono Program (KCBA), the Sexual Violence Law Center (SVLC) at the YWCA of King and Snohomish County and the Access to Justice Board. The group developed and agreed upon a Statement of Purposes and Principal Strategies to guide the investment of new VOCA dollars in the civil legal aid delivery system (attached). Anticipating that between \$3-\$5 million of VOCA money would be directed to civil legal aid services, the group then developed a proposed VOCA investment and staff deployment plan.

Earlier this month Governor Inslee approved the OCVA's final FY 2015-2019 VOCA State Plan. The state plan confirmed OCVA's intent to commit significant additional VOCA funding for civil legal aid to crime victims. Last week OCLA was advised that an initial \$4 million/year would be made available for this purpose. This money will be administered by OCLA pursuant to an interagency agreement with Commerce/OCVA. Consistent with the Statement of Purpose and Principal Strategies, the planning group agrees that OCLA should invest these new VOCA funds in seven legal aid programs – NWIRP, NJP, Tacoma Pro Bono, KCBA, Snohomish County Legal Services, Eastside Legal Assistance Program and SVLC – that together will work to deliver high quality, coordinated and effective legal aid services to crime victims in every corner of the state. The VOCA Civil Legal Aid Deployment Plan contemplates an initial hiring of 35 crime victim attorneys and 4.5 immigration legal advocates as outline below:

- 2 FTE's to NJP's CLEAR*DV hotline
- 1 FTE to NJP's CLEAR*NA hotline
- 6 crime victim attorneys at NJP to serve victims in South King County, the Olympic Peninsula, Northwest Washington, the Inland Empire, Pierce County and Southwest Washington
- 1 attorney at NJP to serve farmworker victims of sexual assault in Central Washington
- 2 attorneys to staff the Sexual Assault Victims Hotline administered by SVLC
- 5 attorneys allocated between NJP (2), KCBA (1), SVLC (1) and NWIRP (1) to develop a courthouse based crime victims pilot partnership with the King County Prosecuting Attorney's Office
- 9.5 attorneys and 2 immigration advocates allocated between NJP (5), Tacoma Pro Bono (1) and NWIRP (3.5/2) to provide coordinated services to immigrant victims of crime in Central Washington, Benton-Franklin Counties, Northwest Washington, Pierce County and the South Puget Sound region.
- 1 attorney and .5 immigration advocates at NWIRP for assistance to crime victims at the NW Detention Center
- 3.5 attorneys and 2 immigration advocates at NWIRP to serve victims of child abuse and DV victims seeking asylum in Seattle, Tacoma, Wenatchee and Granger
- 1 attorney to SCLS to expand its services to crime victims in Snohomish County
- 1 attorney to KCBA to expand its services to crime victims in King County
- 1 attorney to ELAP to expand its services to crime victims in East and South King County
- 1 Victims of Crime Legal Assistance Statewide Advocacy Coordinator at NJP

We anticipate that initial recruitment and hiring will occur during the summer, fall and winter of 2016.

We are advised that, in addition to the bulk commitment of \$4 million/year to civil legal aid, OCVA will issue competitive RFP's for expanded crime victim services for which all Alliance programs will be eligible to compete.

I am grateful for the contributions made by those who have been involved in the process and by OCVA's confidence in our ability to add significant value to its efforts to ensure safety and security for victims of crime in Washington State.

Please feel free to contact me if you have any questions about the matters discussed in this memo.

To: Department of Commerce, Office of Crime Victims
2015 VOCA Planning and Priority Setting Participants
DV/SA and Other Crime Victim Service Providers

From: Jim Bamberger, Director
Washington State Office of Civil Legal Aid

Re: Integrated Civil Legal Aid for Crime Victims Partnership

Date: October 1, 2015

I am the Director of the [Washington State Office of Civil Legal Aid \(OCLA\)](#). OCLA is a judicial branch agency. Its principal role is to fund and oversee the operation of a statewide network of non-profit legal aid providers serving low income residents of the state. Originally part of the Department of Commerce/OCVA, OCLA was established as a state judicial branch agency in 2005 and state legal aid funding was moved to the new agency at the same time.

On behalf of OCLA and the community of Washington State civil legal aid programs operating under the banner of the [Alliance for Equal Justice](#), I offer the following comments in response to OCVA's invitation regarding the investment of expanded VOCA funding.

In a nutshell, we propose that OCVA dedicate a portion of expanded VOCA funding now and into the future to establish and maintain a permanent **Integrated Civil Legal Aid for Crime Victims Partnership** between the Washington's civil legal aid community and the community-based programs that provide coordinated advocacy and support services for victims of domestic violence, sexual assault and other crimes against persons, including human trafficking. This memo will outline the high level contours of the proposed partnership and then provide background and supporting information in support of the proposal.

OCLA appreciates the effort OCVA has taken to secure broad and deep input into how best to invest these new funds. We appreciate the universal agreement among participants at the Spokane, Yakima and SeaTac workshops that victims of domestic violence, sexual assault, trafficking and other crimes are in need of legal help from the moment of their victimization and that most do not get the help they need. We offer these ideas as a means of responding to this problem in an effective and integrated fashion.

1. OUTLINE OF THE INTEGRATED CIVIL LEGAL AID FOR CRIME VICTIMS PARTNERSHIP

OCLA recommends that OCVA reserve approximately 17% (\$5 million of the \$30 million) of the expanded FFY 2016 VOCA funding (and proportionate shares in succeeding years) to establish and maintain an *Integrated Civil Legal Aid for Crime Victims Partnership* between community-based DV/SA and crime victim programs, the statewide Northwest Justice Project (NJP) and the broader community of legal aid programs that make up Washington State's [Alliance for Equal Justice](#). This level of funding will underwrite up to 40 full-time crime victim civil legal aid attorneys dedicated to work in partnership with professional staff and volunteers at local and regional DV/SA/crime victim programs. The funding will also enable the statewide legal aid community to establish and maintain dedicated support, training and volunteer attorney involvement to help address a spectrum of civil legal problems that flow from the crime victimization of DV/SA program clients and other victims of crime.

The goal of this initiative is to help address the substantial gap in the availability of critically needed legal services for victims that was consistently identified in the community based meetings hosted by OCVA. It does so by intentionally integrating dedicated legal aid staff and volunteer attorneys with programs that provide services to DV/SA and other crime victims in all regions of the state. The VOCA-funded attorneys will focus their efforts on working with programs that operate in rural and remote regions of the state and those that serve marginalized populations regardless of where they reside. While all low-income (at or below 200% FPL) victims will be eligible for victim-related civil legal aid services, priority will be given to addressing the needs of indigent persons with cultural, language, ability or other barriers that limit their ability to secure the services they need to address and move beyond their presenting crises.

As described more fully below, funding at this level will allow civil legal aid providers throughout the state to significantly increase dedicated attorney staffing and maintain an adequately supported infrastructure to more effectively address the civil justice needs of DV/SA victims and related crime victims. This funding will also help expand strategic partnerships between the Northwest Justice Project and other legal aid providers (e.g., Northwest Immigrant Rights Project, King County Bar Association, Tacoma-Pierce County Bar Association and Snohomish County Legal Services) that have unique experience, capacity or expertise to provide the substance and scope of civil legal aid services that victims need. Because these legal aid attorneys will work in partnership (and often on site) with staff in community-based DV/SA and crime victim programs, the integrated model offers an opportunity to enhance collaborative efforts between the statewide and local civil legal aid community and the community of professionals serving victims of DV/SA and other crimes.

2. VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT EXPERIENCE THE GREATEST NUMBER AND BREADTH OF CIVIL LEGAL PROBLEMS OF ANY GROUP IN WASHINGTON STATE

The Office of Civil Legal Aid regularly monitors and reports on the substance and effect of civil legal problems affecting low income Washingtonians. The agency also facilitates effective partnerships with other state agencies and community based organizations to secure and ensure strategic investment of resources to address these needs.¹ OCLA has spent the past year and a half working with Washington State University's Social and Economic Sciences Research Center (WSU/SESRC) to update our understanding of the substance and prevalence of civil legal problems experienced by low income people. In June and July of this year, four research reports associated with this effort were published. These are:

1. Results of the [statewide probability survey](#)
2. Results of a [non-probability survey](#)
3. Technical paper on [Legal Problems Experienced by Victims of Domestic Violence and Sexual Assault](#)
4. [General views of the civil justice system](#) by race

Of most relevance to the decisions about where and how to invest expanded VOCA funding is the Technical Paper breaking down the findings of civil legal problems experienced by persons who identified as victims of domestic violence or sexual assault (the study did not disaggregate these). DV/SA victims had the highest prevalence of legal problems of any demographic group studied and also had the highest per capita incidence of legal problems (19 per capita) of any group studied. As outlined in the report, the prevalence and incidence of problems experienced by DV/SA victims differentiated on the basis of race, age, gender and disability status. Many of the problems directly impact short- and longer-term safety and security considerations for victims and their families. The Technical Paper is attached to these comments.

There are additional indicators of the gaps between the needs of victims for specialized legal services and the current capacity of service providers. For example, the Northwest Immigrant Rights Project (NWIRP) has been providing immigration legal services to victims of crime for over 20 years. NWIRP has received funding directly from OCVA and other sources to support these services and has worked in close collaboration with community-based agencies. In many ways because of this collaboration, there has been a significant increase in the number of immigrant victims identified as needing specialized immigration legal assistance in order to secure protections available under immigration law. This has led to substantial wait-lists for services at NWIRP. As of this September 2015, there were 767 crime victims currently awaiting either a comprehensive intake or direct representation by an attorney through

¹ For example, OCLA works closely with the Department of Commerce, the Office of the Attorney General and the Housing Finance Commission to ensure effective legal representation of low income families facing foreclosure.

NWIRP's offices. Some of these victims are having to wait well over a year in order to secure legal representation in their immigration matter. This, of course, compromises the ability of these victims to secure the legal certainty and related services and support they need to free themselves of their victimization and move forward with their lives.

Unfortunately, because the general civil legal aid system in Washington State is so undercapitalized, there is limited capacity to provide timely and effective assistance to DV/SA victims generally, and even less capacity in some of the more rural and remote parts of the state. As was recognized in each of the community based forums hosted by OCVA, these crime victims need legal help, and they are not getting it. The availability of expanded VOCA funding offers a very real opportunity to dedicate legal aid capacity in ways that most effectively and collaboratively addresses these needs.

3. CIVIL LEGAL AID IS A NECESSARY RESPONSE TOOL FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND OTHER CRIMES

Legal aid providers have long been involved in helping address the problems experienced by low-income victims of domestic violence, sexual assault and, more recently, human trafficking. Some of the programs that make up the statewide Alliance for Equal Justice received VOCA funding for extended periods prior to changes in funding levels and priorities in 2006. Despite the loss of dedicated VOCA funding, the statewide NJP and many of its client service partners, including state-funded volunteer attorney programs, have continued to work closely at the local and statewide level to provide effective legal assistance to domestic violence and sexual assault victims across the state, including many of whom are mono-lingual non-English speakers or immigrants and refugees. However, civil legal aid resources and capacity are increasingly strained and substantially unable to meet the demand and civil legal needs of DV/SA victims, among other high priority pressing basic needs.

As part of the array of its services, NJP maintains a statewide toll-free hotline for DV/SA service providers to make direct referral of clients facing extreme violence and who are urgently in need of legal protection and other civil legal services. Across the state, volunteer legal services organizations (pro bono providers) work with their cooperating attorneys to provide legal representation to DV/SA victims facing a wide array of civil legal problems. Similarly, NWIRP offers specialized services needed to ensure immigrant crime survivors have access to protections under immigration law.²

It is important to note that there are already existing models of close collaboration between the legal aid community and victim service providers around the state. For instance, since 2011, NJP and NWIRP have worked closely with three victim service provider agencies in North Central Washington to provide necessary legal aid services

² A brief outline of some of the more significant contributions made by legal aid providers to the laws and systems designed to protect victims of domestic violence and sexual assault is attached.

to DV/SA victims.³ And, since 2013, NWIRP has worked closely with the Tacoma-Pierce County Bar Association's Volunteer Lawyer Services program to provide community-based legal assistance to immigrant survivors of domestic violence in a project known as the South Sound Immigrant Survivors Project. NJP has a joint project with the King County Sexual Assault Resource Center that supports an attorney providing civil legal aid representation to immigrant and LEP sexual assault victims. NJP has also had long-term relationships with various King County social service providers serving immigrant communities in the Puget Sound area (i.e. Consejo and ReWA), but the level of services and available staff capacity has fluctuated greatly as federal funding (VAWA) has shifted and waned.

The relationship between civil legal aid and crime victim safety has long been understood. As Vice President Biden noted in his [comments](#) commemorating Domestic Violence Awareness Month in October 2010, "Research tells us that effective legal representation is the single most important factor in whether victims are able to escape the domestic violence cycle." (Quoting Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemp. Econ. Pol'y.* 158 (April 2003)).

While civil legal aid is critical to enabling victims to stabilize their lives and address the often-spiraling array of legal problems that flow from their victimization, two problems substantially limit the ability of the system here in Washington State to meet its core promise and responsibility. These are:

- A. The fundamental lack of resources dedicated to providing civil legal aid services to victims of domestic violence, sexual assault and other related crimes including human trafficking; and
- B. The inability to effectively and consistently integrate dedicated civil legal aid attorneys into the work and operations of community-based providers of intervention and support services for such victims.

4. CONTOURS OF THE INTEGRATED CIVIL LEGAL AID FOR CRIME VICTIMS PARTNERSHIP

Crime victims should not have to search out services from multiple entities and at multiple locations during times of trauma and in the immediate aftermath. They need to be assured that the full range of professional needs can be accessed through the professional community-based organization to which they turn for help. The burden rests on us to offer "one-stop professional support" for critically needed victim services.

In Washington State, services and support for victims of domestic violence, sexual assault and human trafficking are principally delivered by community-based organizations with professional staff and volunteers dedicated to these tasks. These organizations best understand the community conditions, have developed extensive

³ The Integrated Rural Legal Assistance Project operates out of Wenatchee and provides coordinated legal assistance to victims throughout North Central Washington.

relationships with law enforcement, judges, legal aid and other justice system leaders and, depending on the program, provide an extensive array of counseling, shelter and other social and human services.

Some programs have developed or institutionalized a limited civil legal aid capacity within their own organizations, most often focused on the urgent needs of victims to secure a no-contact order in a criminal proceeding or to secure a civil protection order. Others have been able to secure grants to work with providers of immigration and general legal aid services. Few, if any, are able to offer assistance to meet the full spectrum of civil legal problems that flow from their clients' victimization. As the Civil Legal Needs Study Update's findings tell us, without such assistance, many victims find themselves facing what seem to be insurmountable problems. All too many go back to circumstances that are unsafe for them, their children and their loved ones.

OCLA proposes building upon and expanding the integrated delivery model effectively tested through the successful collaboration in Eastern Washington -- the Integrated Rural Legal Assistance Project (IRLAP) that operates out of Wenatchee. This program integrates the culturally and linguistically competent general legal services capacity and infrastructure offered through NJP, the unique immigration assistance services offered through NWIRP and the direct social, advocacy and victim support services offered through The Support Center in Okanogan, SAGE in Wenatchee and New Hope in Moses Lake. Bringing these capacities to the table in real-time has increased the likelihood that rural DV/SA victims -- especially those who are mono-lingual and face immigration status-related barriers -- will get the legal help they need to move safely away from their victimizers and address the range of legal problems they need to resolve in order to move forward with their lives.

The IRLAP model offers a promising framework for building a statewide integrated system that timely offers a full range of legal assistance to those who seek help from dedicated and certified community based domestic violence and sexual assault providers (DV/SA programs). We propose creating formal regional collaborations between legal aid providers and the community-based organizations currently serving DV, SA, and other crime victim survivors. These regional collaborations would build on existing formal and informal collaborations between legal services providers and victim service agencies by more intentionally integrating civil legal aid capacity into already-existing professional services delivery infrastructure, such as the 13 geographical regions of OCVA's Crime Victim Service Center (CVSC) program.

Under this proposal, Commerce/OCVA would set aside approximately 17% of expanded VOCA funds for the purpose of contracting with the Northwest Justice Project to add dedicated local staff resources to meet the most critical civil justice needs of victims in each geographic region.⁴ The contract would require NJP to work with OCVA-funded

⁴ OCVA could contract with NJP directly, or it could enter into an Interagency Agreement with the Office of Civil Legal Aid to do the same. The latter approach is the model used by Commerce to facilitate the

regional victim service providers to identify the best approach to integrating civil legal aid services with services provided to DV/SA and other crime victims in each region. In many regions, the collaboration would involve legal aid attorneys working directly on site (at least part of the time) at community-based agencies. The agency partners would also provide input into the highest-priority needs for legal assistance that they are seeing in their client populations. From the pool of contracted funds, NJP would subcontract with NWIRP to provide critically needed immigration relief services in regions where immigration legal assistance is identified as a priority. In regions where legal aid services, or some portion thereof, would most effectively be carried out by volunteer legal services programs, NJP would subcontract with those programs to ensure appropriate recruitment and support for staff and volunteer attorneys. The new funds directed by OCVA to civil legal aid would be in addition to and not supplant any other VOCA funds currently received by DV/SA victim service providers or current grantees of VOCA funding dedicated to immigration related services.⁵

With these funds, local and regional programs would be able to tap into a sophisticated statewide legal aid program – and broader network of volunteer legal aid programs⁶ -- that has the demonstrated ability to deploy, train, support and oversee high quality legal assistance in ways that are culturally competent and linguistically responsive to those who need them. This model would ensure that the legal aid advocates would work in partnership (and often on location) with local program staff in meeting the urgent and continuing needs of victims. As is the case with the attorneys working in the IRLAP project, the VOCA supported attorneys would be able to provide extensive and ongoing training and support for program staff and volunteers. Finally, the model will ensure for the first time that there will be dedicated, local legal aid capacity to address the full spectrum of civil legal needs experienced by DV/SA victims on an equitable, statewide basis.

5. CONCLUSION

Victims are faced with tremendous challenges and VOCA funding can help build infrastructure and systems that allow them to be helped holistically in the communities where they live. The proposed *Integrated Civil Legal Aid for Crime Victims Partnership* offers a way to institutionalize that capacity and ensure effective integration into and coordination between the legal aid and crime victim support community.

transfer of funding generated from the Foreclosure Fairness Act for foreclosure related civil legal aid services. OCLA defers to OCVA to determine the most efficient contracting and oversight protocol.

⁵ The allocation of funding and legal aid staff capacity to each region would be allocated through negotiations between NJP, OCVA and the statewide coalitions. The objective will be to ensure some level of embedded capacity in each major region and significant community center in Washington State, ensuring geographic proportionality and, where possible given available resources, proportionality to the population in need of help.

⁶ See this [video](#) highlighting a domestic violence client of the Blue Mountain Legal Aid program in Walla Walla.

OCLA and the statewide civil legal aid community welcome your consideration of this proposal and the opportunity to work with the DV/SA and larger crime victim community to build a sustainable, effective and enduring partnership that works for all victims of these crimes.

TAB 7

To: Chief Justice Barbara Madsen

From: Jim Bamberger, Director

Re: OCLA FY 2017-19 Preliminary Budget Information

Date: April 18, 2016; Rev. June 5, 2016

The Office of Civil Legal Aid offers the following outline of the core areas of focus for its FY 2017-19 biennial budget request. Because the effort is a work-in-progress and further consultation needs to occur with the Civil Legal Aid Oversight Committee, it is premature to prepare these in decision package format at this time.

1. Background

The 2015 Civil Legal Needs Study Update documents not only that the prevalence and substance of civil legal problems has changed since 2003, it also documents that at least half of those who experience civil legal problems are unaware that the problems they experience have a legal dimension or where to turn for legal help. It also documents that low-income people get no help for 76% of the problems that they experience.

The CLNS Update was rolled out during the fall and winter of 2015-16. It was very well received and critically reviewed. Editorial boards across the state called for immediate action to close the justice gap documented in the study, and Republican and Democratic legislators wrote opinion pieces calling attention to the findings of the study and urging a bipartisan response.

Since February, OCLA has been meeting with stakeholders to identify the substance, focus and scope of the agency's response to the CLNS Update. OCLA prepared an initial memo to stakeholders outlining four areas of potential investment on February 5, 2016. A meeting of key ATJ leaders was held on March 10th, at which 33 ATJ leaders participated and affirmed the four areas of investment focus outlined in the February 5th memo. On March 25, 2016, OCLA reported its high level recommendations to the Civil Legal Aid Oversight Committee. After substantial discussion, the Oversight Committee unanimously affirmed the areas of focus and corresponding rationale and directed OCLA to further develop these along with an analysis of how such investments should be funded. The Oversight Committee will take final action on the substance of the Civil Access to Justice Reinvestment Plan and make recommendations with respect to the source(s) of funding for the final plan at its June 10, 2016 meeting.

2. Anticipated FY 2017-19 Biennial Budget Requests

As in the past, OCLA's biennial budget request will consist of two core components – (a) a maintenance level (ML) adjustment to address known and measureable changes in expenditures needed to preserve current authorized levels of client services, and (b) a policy level request.

a. Maintenance Level Request: Vendor Rate Adjustment (\$898,200)

Historically, OCLA has requested a maintenance level adjustment to address increased personnel costs that the Northwest Justice Project experiences due to staff progression on board approved salary scales. The maintenance level adjustment also includes requests for funding to address known and measureable changes in leasehold expenses. The Legislature approved a maintenance level request (as a vendor rate adjustment) for the FY 2015-17 biennium in the amount of \$718,000. The state's share of NJP's maintenance level funding needs for the FY 2017-19 biennium will be \$898,200.

b. Policy Level Requests

Request No. 1: Compensation Adjustment (\$552,500)

While the Legislature funded provided a basic maintenance level adjustment (vendor rate adjustment) for Northwest Justice Project in the FY 2015-17 biennium, no money was provided to allow for COLA adjustments to NJP's salary scales. The Legislature did provide funding for state employees to receive a two-step salary adjustment of 3% in FY 2016 and an additional 1.8% adjustment in FY 2017.

NJP salaries are substantially below comparability with other publicly funded law offices. The starting salary for an entry level attorney is now \$46,114. A senior level attorney with 25 years of experience is paid \$87,000. NJP staff are not public employees and do not participate in PERS. Those that can fund their retirement through the allocation of pre-tax earnings into a 403(b) account. NJP has had one salary scale adjustment since 2009.

NJP is in the process of updating its salary comparability analysis. At this time, it is anticipated that NJP's Board will initiate a two-step salary scale adjustment over the course of the next two fiscal years. As a placeholder and subject to revision following completion of the comparability analysis, OCLA projects an initial adjustment of 3% in FY 2018 and a second adjustment of 2% in FY 2019. The state share of costs associated with these adjustments will be \$552,500.

Request No. 2: Policy Level Request No. 2: Civil Access to Justice Reinvestment Plan – Phase I (\$14.03M)

OCLA anticipates a two biennial approach to closing the justice gap documented in the 2015 CLNS Update. Over the course of the FY 2017-19 and FY 19-21 biennia, OCLA will seek new and expanded investments in (i) efforts to expand the ability of those who experience problems to self-diagnose the legal dimensions of the problem and self-refer for legal help, (ii) systems and tools that will help low income people solve problems on their own, (iii) pro bono infrastructure and support

to maximize potential pro bono contributions to the civil legal aid effort, (iv) staffed legal aid capacity to achieve the longstanding standard “minimum access” standard, (v) infrastructure to ensure effective training and support for legal aid and pro bono attorneys, and (vi) systems designed to monitor the effectiveness and impact of increased funding for civil legal aid. These areas are fleshed out in greater detail in the attached draft Civil Access to Justice Reinvestment Plan.

The biennial cost breakdown for each of the initiatives is set out below.

Area of Investment Focus	Biennial Investment Above Current Levels
Legal Education/Self-Help/Delivery System Innovation	\$1,000,000
Expand Volunteer Legal Aid Capacity	\$2,000,000
Expand Staffed Legal Aid Capacity (109 FTE Atty's to Achieve Minimum Access of 1FTE:5,000 Persons at or Below 125% FPL)	\$27,500,000
Statewide Oversight, Research, Training and Support	\$600,000
Administration and Program Management	\$400,000
Increased Investment Over FY 2015-17 Levels	\$31,500,000

3. Total Projected FY 2017-19 Budget Request

The total projected FY 2017-19 maintenance and policy level requests are outlined by object below. These numbers are subject to further refinement and adjustment.

FY 2015-17 Carryforward	24,800,000	GF-S/JSTA
Object	Biennial Increase Over Carryforward	Funding Source
ML: Vendor Rate Adjustment	\$898,200	GF-S
PL 1: COLA Adjustments	\$552,500	GF-S
PL 2: Phase I Civil Legal Aid Reinvestment Plan		
(i) Self-Help/Legal Literacy Initiative	\$800,000	GF-S
(ii) Pro Bono Support	\$1,250,000	GF-S
(iii) Add 55 Staff Legal Aid Attys	\$10,625,000	GF-S
(iv) Statewide Support, Research, Training	\$200,000	GF-S
(v) Agency Administration	\$200,000	GF-S
Total	\$14,025,750	GF-S

4. Funding Source(s)

There are currently two sources of funding for civil legal aid – the state general fund (GF-S) and the Judicial Systems Trust Account (JSTA). OCLA currently receives about \$1.4M from the JSTA and \$22M from GF-S for its core civil legal aid program. The JSTA authorization expires at the end of the current biennium and will have to be renewed through new legislation.

Full funding of the Civil Access to Justice Reinvestment Plan will require an additional \$31.5 million in biennial investments over current carryforward levels. At this point, OCLA will look to GF-S for the Phase I investment. At the same time, OCLA was directed by the Civil Legal Aid Oversight Committee to explore and report back on other potential sources of funding that might be recommended to the Legislature to fund the Reinvestment Plan. OCLA is currently in the process of conducting such a review. OCLA will report back to the Oversight Committee at its June 10, 2016 meeting. Decision packages will be prepared shortly thereafter.