



Washington State Civil Legal Aid Oversight Committee

1112 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135

Jennifer Greenlee, Chair (Seattle)
Hon. Ellen Clark (Spokane County Sup. Ct.)
Hon. Michael Spearman (Ct. of App., Div. 1)
Hon. Greg Tripp (Spokane County Dist. Ct.)
Rep. Drew Stokesbary (R-31)
Rep. Laurie Jinkins (D-28)
Sen. Ann Rivers (R-18)
Sen. Jamie Pedersen (D-43)
Martin Bohl (Olympia)
Taylor Wonhoff (Office of the Governor)

VERSION A

RESOLUTION NO. 2016-02

Endorsing the Civil Justice Reinvestment Plan and

Recommending that the Washington State Legislature Provide Adequate

Funding to Implement The Plan

Whereas, access to and the ability to secure just outcomes in the civil justice system for all regardless of income, race, gender, language, age and other characteristics are core commitments of our legal system; and

Whereas, in September, 2003, the Washington State Supreme Court's Task Force on Civil Equal Justice Funding issued the first and then only study on the unmet civil legal needs of low-income Washington residents, and that this study served as the benchmark for developing policy and budget responses designed to address the significant gap in access to justice for low-income individuals documented in the study; and

Whereas, since 2009, basic field legal aid capacity has declined by nearly 20% due to reductions in public support and increased costs of client service operations, and that the ratio of full-time basic field legal aid attorneys to people living at or below 125% of the federal poverty level has gone from 1:9,000 in 2009 to the current level of 1:11,500, placing Washington State substantially below the federal "minimum access" level of 1:5,000.

Whereas, in December, 2013, the Washington Supreme Court concluded that a comprehensive update of the 2003 Civil Legal Needs Study was needed and established a Civil Legal Needs Study Update Committee (Update Committee) to oversee the update the 2003 CLNS and that the Update Committee engaged Washington State University's Social and Economic Sciences Research Center (WSU-SESRC) was engaged to conduce the Civil Legal Needs Study Update; and

Whereas, the Update Committee published its Final Report of the 2015 Washington State Civil Legal Needs Study Update on October 29, 2015 and that this Final Report offers a deeply troubling picture of scope and prevalence of legal problems experienced by low-income Washington residents and their limited ability to secure legal help for a wide-range of problems

affecting their physical and family safety, economic security, access to essential health care, residential stability and other matters affecting basic human needs; and

Whereas, the Final Report also documents significant racial disparities in the substance and prevalence of civil legal problems experienced by low-income Washington residents. In particular, low-income African American and Native American households experience a substantially higher prevalence of legal problems across nearly every substantive problem area than the general low income population, and victims of domestic violence, persons with disabilities and youth ages 15-21 also experience higher than average rates of legal problems than the general low income population; and

Whereas, the Final Report further documents that more than 50% of low-income Washington residents lack the ability to self-diagnose the legal nature of and self-refer for legal assistance with respect to many of the problems they experience, that more than 75% of those who experience civil legal problems do not get any legal help, and that more than 60% of low-income respondents expressed that they had limited or no trust and confidence that the courts and the civil justice system would help people like them solve important civil legal problems; and

Whereas, in response to the findings of the 2015 Civil Legal Needs Study Update and after extensive consultation with the members and supporters of Washington State's Alliance for Equal Justice, the Washington State Office of Civil Legal Aid produced a Civil Reinvestment Plan designed to achieve minimum access staffing and support for civil legal aid and pro bono programs and to enhance the capacity of low-income residents to understand the legal nature of the problems they experience and make informed decisions about whether, when and from whom they should seek legal help; and

Whereas, the Civil Legal Aid Oversight Committee is a bipartisan body established by the Legislature in 2005 to oversee the activities of the Office of Civil Legal Aid, review the performance of the OCLA Director and make recommendations to the Supreme Court, the Access to Justice Board and the Legislature regarding the provision of state funded legal aid services; and

Whereas, the Civil Legal Aid Oversight Committee has received, reviewed and unanimously endorsed the draft Civil Justice Reinvestment Plan developed by the Office of Civil Legal Aid in response to the 2015 Civil Legal Needs Study Update; and

Whereas, the Civil Legal Aid Oversight Committee believes urgent and significant action is required to address the remediate the situation documented in the 2015 Civil Legal Needs Study Update and provide a system that provides meaningful access to and the ability to secure just outcomes within the civil justice system and that fosters trust and confidence in that system.

Whereas, the Civil Legal Aid Oversight Committee believes the time has come for the Legislature to commit and sustain funding necessary to achieve minimum access client service capacity for low-income people throughout Washington State.

NOW THEREFORE, the Civil Legal Aid Oversight Committee established pursuant to RCW 2.53.010:

1. Accepts the findings of the 2015 Civil Legal Needs Study Update as a reliable representation of the civil legal problems experienced by low-income Washington residents in 2014, the serious degree to which low-income people do not understand the legal nature of the problems they experience, the disproportionate experiences of members of certain subgroups of the low-income community with regard to the problems they experience, and the systemic lack of access to necessary legal assistance to help low-income Washington residents solve important civil legal problems; and
2. Endorses the Civil Justice Reinvestment Plan developed by the Washington State Office of Civil Legal Aid;
3. Endorses the budget requests developed by the Office of Civil Legal Aid and respectfully requests that they be funded by the Washington State Legislature; and
4. Respectfully requests that the Washington State Legislature enact a dedicated surcharge or tax on purchased outside legal services to raise sufficient and stable revenues to fully fund the civil legal aid system consistent with the Civil Justice Reinvestment Plan.

Dated this ____ day of _____.

Jennifer A. Greenlee, Chair



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VERSION B

RESOLUTION NO. 2016-02

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Whereas, since 2009, basic field legal aid capacity has declined by nearly 20% due to reductions in public support and increased costs of client service operations, and that the ratio of full-time basic field legal aid attorneys to people living at or below 125% of the federal poverty level has gone from 1:9,000 in 2009 to the current level of 1:11,500, placing Washington State substantially below the federal "minimum access" level of 1:5,000.

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affecting their physical and family safety, economic security, access to essential health care, residential stability and other matters affecting basic human needs; and

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2. Endorses the Civil Justice Reinvestment Plan developed by the Washington State Office of Civil Legal Aid;
3. Endorses the budget requests developed by the Office of Civil Legal Aid and respectfully requests that they be funded by the Washington State Legislature; and
4. Respectfully requests that the Washington State Legislature commit to appropriating sufficient, consistent and stable funding to underwrite the Civil Justice Reinvestment Plan over the course of the next two biennia to ensure minimum access to the civil legal aid system for low-income people in Washington State.

Dated this ____ day of _____.

Jennifer A. Greenlee, Chair