

**WASHINGTON STATE
CIVIL LEGAL AID OVERSIGHT
COMMITTEE**

**MEETING OF
MARCH 23, 2018**

**KL GATES LAW FIRM
925 FOURTH AVE., SUITE 2900
SEATTLE, WA**

MEETING MATERIALS

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF MARCH 23, 2018**

MEETING MATERIALS

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TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE
March 23, 2018
10:30 a.m. to 1:30 p.m.
KL Gates Law Firm, Ellis Conference Room
925 Fourth Ave., Suite 2900
Seattle, WA

AGENDA

- (1) Welcome and introductions of new members (10:30 – 10:45)
 - (2) Review and adopt minutes of December 15, 2018 meeting (10:45 – 10:50)
 - (3) Report on the 2018 Legislative Session (10:50 – 11:00)
 - (4) Presentation on FY 2019-21 Budget Process (11:00 – 11:15)
 - (5) Request for Preliminary Endorsement of Areas of Focus and Funding Levels for FY 2019-21 Budget Request (11:15 – 11:30)
 - (6) Race Equity Discussion – What Do The REJI Acknowledgments and Commitments Mean to the Oversight Committee – Next Steps (11:30 – 12:15)
- Lunch Provided (12:15 – 12:45)
- (7) Report on ATJ Board State Plan Implementation and Related Matters (12:45 – 1:05)
 - (8) Equal Justice Coalition Update (1:05 – 1:15)
 - (9) Other Business (1:15)

TAB 2

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF DECEMBER 15, 2017
DRAFT MINUTES**

Pursuant to notice duly provided in advance, a meeting of the Civil Legal Aid Oversight Committee was held on Friday, December 15, 2017 in the Ellis Conference Room at the KL Gates Law Offices, 925 Fourth Ave., Suite 2900, Seattle, WA.

Members Participating in Person: Ret. Judge Greg Tripp (Vice-Chair, Acting Chair), Jennifer Greenlee, Taylor Wonhoff, Sen. Jamie Pedersen, Rep. Laurie Jinkins (by phone), Judge G. Helen Whitener, Sarah Augustine, Theodore Grammount

Members Not Participating: Judge Michael Spearman, Rep. Drew Stokesbary

Staff: James Bamberger, Director, Office of Civil Legal Aid (OCLA); Jill Malat, OCLA Children's Representation Program Manager; Dana Boales, OCLA Civil Legal Aid to Crime Victims Program Manager

Guests: Jay Doran (Equal Justice Coalition); Jerry Kröon (ELAP); César Torres (NJP); Marilyn Freeman (WaTech Video Productions); Lisa Waldvogel (NJP-Longview); Anne Lee (TeamChild); Randy Pepple (Pepple Communications); Terra Nevitt (WSBA)

In Judge Spearman's absence, Acting Chair Judge Tripp called the meeting to order at 10:30 a.m.

1. Welcome and Introductions

Judge Tripp asked members and guests to introduce themselves.

Judge Tripp noted that three new members had joined the Oversight Committee since its last meeting in June. The three were appointed by the Washington State Supreme Court on recommendation of the Access to Justice Board. Judge Tripp thanked the ATJ Board for working closely with leadership of the Oversight Committee and other stakeholders to vet and generate recommendations to the Supreme Court from an excellent and very diverse group of individuals who had expressed interest in serving. He invited each of the new members to share a few words about themselves. Both Judge Whitener and Ms. Augustine introduced themselves and shared a few words about their backgrounds and interest in serving on the Oversight Committee.

Mr. Bamberger advised that the Senate Republican Caucus position formerly held by Sen. Ann Rivers, remains vacant and pending a new appointment.

2. Review and Adopt Minutes of June 2, 2017 Meeting

Mr. Bamberger noted that he had misspelled Ms. Borboa's name in the draft minutes and suggested that that be corrected in the approved minutes.

Motion: By Mr. Wonhoff to approve the minutes of the December 9, 2017 meeting with the correction made to spelling of Ms. Borboa's name.

Second: By Ms. Greenlee

Action: Unanimous in favor; minutes adopted with change made to the spelling of Ms. Borboa's name.

3. Review, discussion and endorsement of OCLA Supplemental Budget Request

Mr. Bamberger referred members to Attachments 1 and 2 in the quarterly report included in the meeting materials. He outlined the objectives for each of the budget requests. He explained that the amount and focus of the requests had not changed from his last update to the Oversight Committee in September. He advised that Rep. Stokesbary, who was unable to attend the meeting, authorized him to say that he supported both requests.

Mr. Bamberger advised that the Equal Justice Coalition was asking the Legislature to increase funding by about \$1 million more than the level requested by OCLA. He invited Mr. Doran to share thoughts about the EJC's requested budget mark and rationale.

Mr. Doran said that the EJC fully supports OCLA's request, but that after consulting with legislators and stakeholders they believed it possible to secure more following the Legislature's embrace of the Civil Justice Reinvestment Plan. The EJC is therefore seeking \$2.8 million in supplemental funding, in the hope of making faster progress in closing the justice gap documented in the Civil Legal Needs Study.

Rep. Jinkins commented that it makes sense for OCLA to seek the additional funding despite the budget challenges facing the state.

Mr. Torres discussed further the rationale of the EJC's request for greater funding than that proposed by OCLA.

Mr. Bamberger asked that the Oversight Committee provide final endorsement of the agency's request of \$1.85 million for expanded staffing and the automated document assembly system.

Motion: By Judge Whitener to endorse the FY 2019 supplemental budget requests submitted by the Office of Civil Legal Aid

Second: By Ms. Greenlee

Action: Unanimous

4. Review and discussion of proposed amendments to RCW 2.53

Mr. Bamberger reminded longstanding Oversight Committee members that the question of whether and when to seek changes in OCLA's authorizing statute has been a matter of frequent inquiry and some discussion within the committee. He said that, after consulted with many key people including legislators on both sides of the aisle in both the House and Senate, it became clear that it is time to move forward to seek legislation expanding the areas of authorized legal assistance so that they coincide with the areas of greatest legal problem prevalence as documented in the 2015 Civil Legal Needs Study.

Mr. Bamberger noted that OCLA's statute was first enacted in 1992 and most recently revised in 1997. It has not been revisited since then. The statute currently authorizes state funding to provide legal assistance in 11 enumerated subject matter areas which, at the times the statute was first enacted and later revised, reflected the Legislature's best assessment of the most important areas for which state legal aid funding should be used.

He noted that in the time since, we have received two independent legal needs assessments, both of which show a significant mismatch between the areas of authorized legal assistance and the areas of greatest legal problems. He explained that Northwest Justice Project has been able to use funding from the federal Legal Services Corporation to manage around the mismatch without curtailing client service in areas that fall outside of state authorized areas; but that as state funding becomes a larger percentage of NJP's overall budget, the margins by which NJP has been doing so have narrowed.

In considering whether to seek changes to the state statute, Mr. Bamberger asked NJP to address three scenarios to determine whether and under what fiscal circumstances NJP would have to curtail client intake in areas that fall outside state authorized areas. NJP reported that any significant increase in state funding, any significant decrease in federal funding or some combination of the two would place it in a position where it would have to reduce client services in areas outside the eleven state authorized areas of legal assistance. Because it is important to allow client needs to drive access to services, Mr. Bamberger decided to move forward with a proposal to expand the areas of authorized legal representation.

With the assistance of key legislators and the Code Reviser's Office, Mr. Bamberger advised that he had developed a draft that is the current version of the proposed legislation included in the meeting materials. He reported that the initial House and Senate drafts have been circulated and signed on to by bipartisan members in both the House and Senate.

Mr. Bamberger explained that while this was moving forward, he sought the input of the ATJ Board's Delivery Systems Committee. An initial meeting was held on November 13th during which substantial discussion occurred about whether to seek a change in the statute and, if so, what changes, if any, should be proposed. Following that discussion, Mr. Bamberger revised the language in the bill and further conversation was had at the Delivery Systems Committee on December 5th. He reported that at that meeting, the DSC unanimously endorsed the proposed revisions and recommended that the ATJ Board endorse the bill as revised.

Mr. Bamberger walked through each of the proposed changes and the rationale. He asked the Oversight Committee to endorse the bill and join OCLA in requesting the changes.

Ms. Augustine asked for clarification of the areas of primary focus.

Mr. Torres observed that civil legal aid continues to be somewhat challenging to secure public support for. This bill allows for sufficiently broad new areas that resonate with the legal needs study. He cautioned that this effort not become politicized and partisan.

Mr. Torres reported that NJP does some work in many of the proposed areas that are not currently authorized. He said that in 2017 NJP opened 1624 new consumer cases of which only

50 are OCLA eligible. He said that NJP is mindful of issues framed by CLNS and has dedicated new focus on work in areas of debt and credit. That said, he reiterated his concern that moving this bill forward could result in rekindling partisan divide over civil legal aid.

Ms. Augustine asked about who was sponsoring and supporting the bill. Mr. Bamberger reported that the Senate bill was lead-sponsored by Senator Pedersen, Sen. Frockt, Sen. Fain and Sen. O'Ban, and that the House bill was lead-sponsored by Rep. Jenkins, Rep. Kilduff, Rep. Graves, and Rep. Stokesbary.

Judge Tripp asked about the scope of the VAWA authorization for trafficking victims. He then asked Mr. Torres to expand on his concerns about whether this may create partisan problems. Mr. Torres responded that he was principally concerned about the possibility of partisanship driving the outcome of this bill.

Mr. Doran said that the EJC will not be taking a position on the bill. They will remain neutral, not because they don't welcome the changes, but because the EJC's mission has been on funding for civil legal aid and they historically have not advocated for policy bills. He also noted the EJC's historic work to build broaden bipartisan support and advised that they did not want to find themselves in a partisan fight over legal aid.

Ms. Greenlee, asked whether the DACA provisions would create partisan problems for the bill. Rep. Jenkins says that the fact that we have strong bipartisan support on both bills is a good indication of bipartisanship. All who signed know what is in the bill and signed with their eyes open. She predicted that the bill will not have 100% support even without the DACA provision. She advised that this is the year to run the expansion bill. While she can't assure it will make it to the Governor's desk, the bipartisan support during the pre-filing stage is a good indication of potential success.

Motion: By Ms. Greenlee to endorse joining the Office of Civil Legal Aid in requesting the proposed changes in RCW 2.53 as they have been refined following consultation with the ATJ Board's Delivery Systems Committee.

Second: By Mr. Grammount

Action: Unanimous with one abstention (Judge Whitener who indicated support for the policy change but felt she could not vote due to judicial canons)

5. Presentation and consideration of the Race Equity Acknowledgements and Commitments

Mr. Bamberger reintroduced Ms. Werdell of JustLead Washington, the organization that has become host to the Race Equity and Justice Initiative (REJI) which originated the REJI Acknowledgements and Commitments included in the meeting materials. Ms. Werdell described the process that led to the generation of the Acknowledgments and Commitments and the continuing efforts of those involved in the REJI Initiative to encourage justice related organizations to sign onto these and begin the hard work to achieve organizational understanding of the acknowledgments and working to change organizational culture to live up to the

commitments. She noted a number of the justice system organizations that had signed on to the Acknowledgments and Commitments including the ATJ Board, King County Prosecuting Attorney's Office, the Legal Foundation of Washington, the Office of Public Defense, Washington Defender Association, the Northwest Justice Project, Columbia Legal Services, ELAP and other organizations.

Ms. Werdell referenced the primary objectives of the new ATJ Board State Plan including the need for programs to operate with a race equity lens in their internal operations and in the services that they provide. She described the services, training and support that JustLead will be delivering in part under a training contract with OCLA. She explained what it means to sign on to the REJI Acknowledgements and Commitments. A REJI Advisory Council will convene to establish priorities and provide a space for learning and ongoing discussion about how best to implement the Acknowledgments and Commitments. She said that the Advisory Council will meet every two months to share information, assess progress, identify obstacles, and help organizations engage in necessary self-reflection and support. Working with the Advisory Council, JustLead will provide technical support for those trying to do this work and will chronicle the value and results of effective organizational assessments.

Ms. Werdell walked members through the Acknowledgments and Commitments and requested that the Civil Legal Aid Oversight Committee formally endorse them and begin work necessary to understand and act on their implications in relation to the committee's oversight and policy development work.

Ms. Augustine noted that racism is a structural issue and requires structural change. She inquired about how whether and how endorsement will have an impact on the Oversight Committee.

Mr. Bamberger explained that it is important for the Oversight Committee to determine what embracing the Acknowledgements and Commitments means, from committee composition and culture to the discharge of oversight functions and directing information and reports back from OCLA. He suggested that there be a standing agenda item for the committee to explore these issues from individual bias through and including how the state funded legal aid system operates.

Motion: By Ms. Greenlee to endorse the REJI Acknowledgments and Commitments and to include discussion of or training related to race equity related matters as a standing agenda item for Oversight Committee meetings.

Second: Judge Whitener

Action: Unanimous

6. Presentation and discussion of OCLA informational video

Mr. Bamberger introduced Ms. Freeman, a professional filmmaker now employed as a Senior Strategist & Producer of Electronic Media & Digital Content with the Business & Digital Media Services Group at WaTech.

Mr. Bamberger played the video “And Justice for All”.

Ms. Freeman provided a general overview of WaTech’s video productions services and some of the governmental clients with whom she has worked. She described the process by which she and her team conceived and produced the video to tell the civil legal aid story in ways that legislators, opinion leaders, business leaders and members of the general public could understand.

Judge Tripp invited members to share their reactions to the video. Mr. Wonhoff suggested using the video in one of the Governor’s blog posts. Mr. Grammount thought it was really effective in telling the story.

Judge Tripp asked about rollout. Mr. Bamberger talked about the planning going in and asked Mr. Pepple to share some thoughts. Mr. Pepple talked about the importance of effective communications. He suggested sharing the video with legislators and staff on thumb drives. He noted that the video should be used as a strategic component of outreach to media including editorial writers and editorial boards as well as a vehicle to introduce some of those in the videos to the news side. OCLA should make the video available for allied groups to use in telling their own story.

7. Equal Justice Coalition Update

Mr. Doran was invited to provide an update on the efforts of the Equal Justice Coalition. Mr. Doran briefed committee members on the current status of the effort to protect federal funding for the Legal Services Corporation. He noted that funding remains at current levels through the end of the year as a result of the short term continuing resolution passed by Congress earlier this month. He described the EJC’s ongoing efforts to ensure bipartisan support from our congressional delegation members.

Mr. Doran then discussed the EJC’s position relative to the FY 2019 supplemental budget. He referenced his earlier comments regarding the EJC’s decision to ask the Legislature to increase funding by \$1 million more than the level sought by OCLA.

8. NJP Update

Mr. Torres was invited to provide an update on the activities of Northwest Justice Project. He talked about the recent and continuing expansion of client service capacity as a result of the addition of 22 VOCA funded crime victims attorneys and the fifteen new FTE’s funded through the biennial budget. He discussed the impact of the recession on NJP client service capacity and the effective restoration and expansion of services as a result of the VOCA and state funding expansion, including the opening of an office for the first time in South King County.

The expanded capacity at NJP and statewide has been a huge benefit for clients. NJP opened 1722 VOCA cases and closed 1242 cases in the 12 month period ending September 30, 2017. Expansion of state funded positions will ramp up effective starting in January. This will result in the expansion of services in historically areas including the doubling of NJP’s capacity in Southeast Washington. These funds will enable NJP to open a permanent office in Bremerton.

He also noted that the Legislature provided for volunteer attorney programs to expand pro bono legal aid services that will complement the expanded capacity at NJP.

Mr. Torres shared examples of recent significant client service successes. He highlighted two areas of work over past year that has had tremendous impact on low-income people. The first is in the area of family safety. NJP intentionally targeted client service focus on cases that have the potential for systemic impact on systems involving domestic violence victims. This led to appellate court clarification of the duty of judges to impose one-year protection orders in appropriate cases. Another area involved situations where the trial court would decline to provide protection for all children in the same household. He noted a recent Supreme Court ruling that clarified that the presence of DV places all children in the household at risk and entitled to protection under applicable statutes. NJP has also been asked to appear as amicus in appellate cases involving domestic violence, including failure of judicial officers to require perpetrators to surrender all firearms. He spoke about other DV appellate cases in which NJP was asked to participate as amicus. Mr. Torres reported that NJP has participated in fourteen appellate cases addressing DV issues in the last 12 months.

Mr. Torres talked about the impact of driver's license suspensions on the ability of low income people to seek and maintain employment. After years of individualized advocacy in suspension cases due to failure to appear or failure to pay. Over the prior three years, NJP attorneys handled over 2000 cases to better understand the issue and its impact on clients throughout the state. They held forums with defenders, prosecutors, and judges. He noted that there are somewhere between 250,000 to 300,000 individuals statewide who have suspended licenses due to failure to pay or failure to appear on a ticket. NJP's work along with that of others brought increased attention to the issue which in turn led to 2016 legislation directing Attorney General to convene a stakeholder group. In 2016, Attorney General Ferguson issued letter and report along with draft legislation proposing a statewide repayment program. Mr. Torres reported that the Attorney General prefiled the bill seeking significant policy changes to facilitate the ability of individuals to pay off traffic citations and secure return of their drivers' licenses.

Mr. Torres also briefed the Oversight Committee on changes that make the WashingtonLawHelp website more user friendly including the addition of a function that pushes a new monthly e-mail highlighting content upgrades and additions.

9. Children's Representation Program update

Ms. Malat provided committee members with updates on the program that funds, supports and oversees legal representation for children who remain dependent six months after termination of their parents' legal rights. She also provided a status report on implementation of the legislatively funded study designed to assess outcome differences for dependent children who receive standards-based legal representation at the time of the first shelter care hearing and those who do not get legal representation at all. She described the recruitment and training program for the "treatment" attorneys in Grant and Lewis Counties and the work she is doing with the Washington State Center for Court Research which is conducting the study.

10. Victims of Crime Act Program update

Ms. Boales was invited to update the committee on the VOCA-funded Civil Legal Aid to Crime Victims Program. She reminded committee members of the number of attorneys and advocates hired under the program and the main program components. Ms. Boales shared examples of successful legal advocacy for victims of crime served by VOCA-funded legal aid programs.

She informed members that OCLA and the other Project Safety partners have been working with the A2J Lab, a research entity affiliated at Harvard Law School to develop a random control assessment of the benefits experienced by crime victims who receive timely referral to and civil legal assistance from King County based legal aid programs working with the King County Prosecuting Attorney's Office as part of Project Safety. She advised that a Harvard team is coming out to meet with Project Safety staff in January or early February with the goal of developing a final study design to be pitched to funders early this spring.

11. New/Other business

Mr. Wonhoff noted that a number of counties are concerned about public defense funding and expressed concern about the potential for state liability regarding failure to effectively fund trial court indigent defense services and its possible conflict with our efforts to expand funding for civil legal aid.

Motion to Adjourn: Ms. Augustine

Second: Mr. Grammount

Action: Unanimous

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
(December 2017)

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, Ret.
Address: PO Box 8668
Spokane, WA 99203
Phone: 509-838-8850
E-mail: Gregory.tripp@earthlink.net
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2019; not eligible for reappointment

Position 3 (Supreme Court 1):

Name: Hon. G. Helen Whitener
Address: Pierce County Superior Court
930 Tacoma Ave., S.
Tacoma, WA 98402
Phone: 253-798-3654
E-mail: hwhiten@co.pierce.wa.us
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2020; eligible for reappointment

Position 4 (Supreme Court 2):

Name: Sarah Augustine
Address: 132 North 1st Ave.
Yakima, WA 98902
Phone: 509-453-8949
E-mail: director@drcyakima.org
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2020; eligible for reappointment

Position 5 (Supreme Court 3 – Client Eligible):

Name: Theodore Grammount
Address: 2345 Beach Street
Longview, WA 98632
Phone: 360-355-4628
E-mail: theodoregrammount@rocketmail.com;
grammount@gmail.com
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2019; eligible for reappointment

Position 6 (Senate Majority Coalition Caucus):

Name: Senator
Address:

Phone:
E-mail:
Appointing Entity: Senate Republican Caucus
Term Expires: June 30, 2020; eligible for reappointment

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, 2019; 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, 2020; not 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

CIVIL LEGAL AID OVERSIGHT COMMITTEE RESOLUTIONS

Number	Date	Subject Matter	Status	Further Action Required
2008-01	18-Jan-08	Regarding Recommendations Relating to the Provision of State Funded Civil Legal Aid	approved	
2008-02	21-Feb-08	Acceptance of Tull Report and Related Recommendations	approved	
2009-01	27-Mar-09	Endorsing Temporary Surcharge on Attorney License Fees	approved	
2009-02	11-Dec-09	Endorsing ATJ Board Performance Standards	approved	
2009-03	11-Dec-09	Endorsing JusticeNet	approved	
2010-01	10-May-10	Endorsing Judicial Branch Whistleblower Policy	approved	
2010-02	3-Dec-10	Relating to Oversight Committee Meeting Expenditures	approved	
2010-03	3-Dec-10	Resolution Urging Adequate Funding of the Judicial Branch	approved	
2010-04	10-Dec-10	Regarding the Importance of the Office of Civil Legal Aid and Funding for Essential Civil Legal Aid Services in Washington State	approved	
2011-01	7-Sep-11	Regarding Funding for the Federal Legal Services Corporation	approved	
2011-02	7-Oct-11	Affirming the Authority of the Director of the Office of Civil Legal Aid to Engage in Travel Necessary or Appropriate to the Discharge of the Director's Official Responsibilities	approved	Annual Report to the Oversight Committee detailing destination, costs, and purpose of each trip taken in the prior fiscal year the total cost of which exceeded \$100 and which was incurred at agency expense.
2015-01	12-Jun-15	Regarding Funding for the Federal Legal Services Corporation	approved	
2016-01	25-Mar-16	Resolution Re: OCLA Director's Travel -- Revising Resolution 2011-02	approved	Increased threshold for reporting from \$100 per travel event to \$500 per travel event
2016-02	30-Sep-16	Endorsing the Civil Justice Reinvestment Plan and Recommending Legislative Funding of the Same	approved	Encourages Legislature to establish tax or surcharge to generate dedicated funding for civil legal aid
2016-03	28-Dec-16	Endorsing the Civil Justice Reinvestment Plan and Recommending Legislative Funding of the Same -- Revised	approved	Encourages Legislature to fund the Civil Justice Reinvestment Plan, recommends state general fund, proposes alternative of tax or surcharge if general funds not available.
2017-01	5-Apr-17	Opposing Elimination of federal Legal Services Corporation and asking Congress to maintain funding	approved	Requests state congressional delegation to oppose administration's proposal to eliminate LSC effective FFY 2018
Policy Directions and Statements				
	8-Jun-12	Policy Regarding OCLA Involvement in Promoting or Opposing Bills Before the Washington State Legislature	approved	Notice to OC before taking positions on policy bills not directly affecting OCLA or judicial branch budgets or statutes
	18-Apr-13	Endorsing Policy on Use of State Owned Mobile Telecommunications Devices	endorsed via e-mail	
	15-Dec-17	Embracing the Race Equity and Justice Initiative Acknowledgments and Commitments and directing that race equity discussions be a standing agenda item in future meetings	Approved by motion in open meeting	Requires a standard agenda item for discussion and/or training

TAB 7



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director

Re: December 2017 Report from the OCLA Director

Date: March 14, 2018

Please find below my quarterly report to the Civil Legal Aid Oversight Committee. Over the past three months, OCLA staff:

1. Educated lawmakers on OCLA's supplemental policy level budget requests
2. Worked with lawmakers to introduce and secure passage of SHB 2308, legislation expanding authorized areas of state funded legal aid service.
3. Worked with the ATJ Board and state-funded legal aid program leaders to help define the focus and magnitude of OCLA's FY 2019-21 policy level budget requests.
4. Received inquiry from and coordinated with Japanese Consul General Yamada Yoichiro in an effort to bring awareness of the plight of unrepresented foreign national women and wives to legislators and determine whether there might be some action the Legislature might take to respond to the same.
5. Worked with stakeholders to draft and secure passage of legislation authorizing the Children's Administration to purchase legal assistance for kinship care providers who need to non-parental custody or other civil orders to be able to make important decisions in the lives of children in their care.
6. Completed the final two videos in OCLA's three part video project.
7. Continued intentional work within the agency to become more capable of leading on issues of race equity and to ensure that those whom we fund approach their work with an appropriate understanding of the structurally racialized systems within which they operate.
8. Received a delegation from the Access to Justice Lab (A2J Lab) at Harvard Law School as they consider whether and how they would undertake a random controlled study of impacts and outcomes resulting from the provision of legal assistance to crime victims through the King County regional Project Safety Pilot Program

Activities with respect to some of these items are discussed in the balance of the report.

1. The 2018 Legislative Session

In a return to constitutional norms, the 2018 legislative session lasted just 60 days. All major business was completed, including the adoption of supplemental operating, capital and transportation budgets. Issues in which OCLA was involved included:

a. The FY 2019 Supplemental Operating Budget

OCLA's FY 2019 operating budget was well received by members on both sides of the aisle in both the House and Senate. In the House, Representatives Kilduff (D-27) and Graves (R-5) circulated a letter encouraging the budget writers to fully fund our request for funding of 15 additional FTE's and \$300,000 to kick start the family law automated document assembly project (otherwise known as Technology Assisted Forms).

Two other budget issues arose during the session. First, the kinship care provider community sought to add \$80,000 to OCLA's budget to fund a statewide kinship care legal aid training and support coordinator. This amount was included in the House budget but not the Senate budget.

The second was an issue presented by the Japanese Consul General Yamada Yoichiro. He was referred to me by Sen. Pedersen and a longtime colleague, Tony Lee of Solid Ground. He expressed significant concern about the many foreign nationals (mostly women) who are married abroad or brought to the US to marry a national of this country (mail order brides) and who find themselves later in divorce proceedings without power, understanding of the laws, a social support system and many times without language fluency. Many find themselves socially, culturally, economically and physically isolated and without recourse when their husbands file divorce proceedings against them. According to the Consul General, this problem is prevalent among nationals of his country as well as Russia, Brazil, Korea and others.

The attorney for the Japanese Consulate is Naoko Inoue Shatz, a Seattle-based business attorney who has increasingly found herself representing many of these women in family law cases. To address the issue more consistently, Ms. Shatz established the non-profit International Families Justice Coalition, an organization dedicated to recruiting and training culturally and linguistically competent attorneys to represent foreign national women in family law cases here in Washington State. The Consul General asked the Legislature to appropriate a small amount of funding to OCLA to enter into a capacity development contract with the IFJC so that it would be able to hire a full time staff director and begin to address this problem. His request was well received by Republican and Democratic members in both the House and Senate. (See materials in Attachment 1)

Final Supplemental Budget Outcome:

- \$338,000 in funding for 5 additional FTE's, reaffirming the Legislature's commitment to implement the Civil Justice Reinvestment Plan. These FTE's are funded effective January 1, 2019. This funding will carry forward into future biennia. This brings the total of the Legislature's Phase I commitment to 20 FTE's of the 90 needed to achieve "minimum access."

- \$300,000 in funding for the Technology Assisted Forms Project. The budget assumes the need for an additional \$250,000 in FY 2020 and a maintenance funding level of \$125,000 every year thereafter.
- \$125,000 in one-time funding for OCLA to contract with the International Families Justice Coalition

b. Legislation to Expand the Areas of Authorized Legal Aid Activity and Direct OCLA to Periodically Assess and Report on the Unmet Legal Needs of Low-Income People in Washington State (SHB 2308).

Following the Oversight Committee's endorsement at the December 15th meeting, bills were prefiled for the 2018 session by Representative Jinkins (HB 2308) and Sen. Pedersen (SB 6041). The bills were both heard in the respective policy committees early in session. Both passed out with the same amendment – stripping the language that would have authorized continued representation of individuals who were formerly protected by DACA and other individuals protected from removal by executive orders. Because removal of the provisions would not substantially affect the availability of client services to these individuals, OCLA did not object to the amendments.

Senator Pedersen and Rep. Jinkins decided to move the House bill forward. After making its way through the required committees, the bill passed 86-12 in the House and 48-0 in the Senate. The bill was signed into law by Governor Inslee on March 9th. The law becomes effective June 9, 2018. You can find the final version of the bill [here](#).

2. FY 2019-21 Budget Development Process

OCLA began the process of determining the focus and magnitude of its FY 2019-21 policy level budget request on January 5, 2018, just days before the start of the 2018 legislative session. Planning has to commence early to (a) provide for meaningful stakeholder engagement, (b) meet the judicial branch budget development and review timelines and (c) provide ample opportunity for the Civil Legal Aid Oversight Committee to review, provide feedback on, and endorse the budget request.

The planning effort began with a memo to Alliance stakeholders (Attachment 2) and an on-line survey. The survey was developed by OCLA with assistance from several program leaders and EJC staff. OCLA also provided additional information including access to its [Client Demographics/Client Service Capacity Matrix](#), a [Q & A sheet about the Matrix](#) and links to key documents that OCLA determined would inform the budget development process. [Survey results and observations](#) (Attachment 3) were shared on February 15, 2018 in advance of an Alliance-wide conversation held on February 23rd and facilitated by income EJC Chair, Kirsten Barron. A [memo](#) sharing OCLA's observations regarding the discussion on February 23rd were reported back to meeting participants and the ATJ Board's Delivery Systems Committee on March 5, 2018 (Attachment 4).

Building on the feedback received to date, OCLA is positioned to continue efforts to make progress on implementation of the Civil Justice Reinvestment Plan. It intends to do so in ways that continue to reflect the goals of the ATJ Board's 2018-20 State Plan, the REJI Acknowledgments and Commitments and [additional considerations](#) offered by a number of Alliance program directors at

the February 23rd meeting. Specifically, OCLA proposes to develop FY 2017-19 decision packages that will seek funding to:

- Add 40 additional FTE's (Phase II)
- Increase funding for training, support, data analysis and research

Should the Legislature fund an additional 40 FTE's, this will close the gap to 30, which OCLA would seek in the FY 2021-23 biennial budget.

In the FY 2017-19 biennial budget, the Legislature provided \$150,000 for training, support and research. These funds have been used to: (a) engage [JustLead Washington](#) to develop and delivery race equity related training materials and services to help programs implement Goal 1 of the ATJ Board's State Plan and to help underwrite the 2018 Leadership Academy, (b) underwrite the 2018 Statewide Legal Advocates Training in October 2018, and (c) help support the Harvard A2J Lab's study on the effectiveness of the VOCA-funded King County Project Safety. Additional funding will help us get a better handle on client service and demographic data analysis and support initial research into the impacts of recent increases in legislative investment in civil legal aid.

In addition to the Civil Justice Reinvestment Plan component of the budget request, OCLA is considering whether to seek funding to help bring compensation of state-funded pro bono program staff closer to comparability with that of similarly situated staff in the staffed legal aid programs. A determination of whether to move forward with this depends in large part on the findings of a 2018 salary comparability analysis jointly underwritten by OCLA and the Legal Foundation of Washington. Findings should be released within the next month.

Assuming that 20 of the additional FTE's are hired by October 1, 2019, an additional 10 are hired by July 1, 2020 and an additional 10 are hired on January 1, 2021, the projected cost of adding 40 FTE's will be \$6,750,000. An additional \$150,000 will be included for training, support, data analysis and research bringing the total Civil Justice Reinvestment Plan related request to **\$6,900,000**.

In addition to the policy level request(s), OCLA will continue to work with NJP to develop a maintenance level adjustment based on methodology embraced by legislative staff and approved by the Legislature in recent appropriations legislation.

OCLA seeks preliminary conceptual endorsement of the approach outlined above.

3. Kinship Care Issues

During the 2017 legislative session, OCLA was contacted by kinship care community leaders to see whether and how we might help expand affordable legal services to extended family members caring for the more than 45,000 children in kinship care. Conversations with representatives of the kinship care provider community and the legal aid community during the interim resulted in two small initiatives that were presented to the Legislature this past session. The first was a bill prime sponsored by Sen. King (R-12) to authorize the Children's Administration to purchase legal assistance for kinship caregivers in cases where such assistance would either reduce the need for filing a dependency case or would facilitate early permanency and the dismissal of a pending

dependency case. The bill, [SB 6453](#), also encouraged the Children's Administration to work with OCLA and OPD to "develop a cost-effective system for providing effective civil legal representation for parents and kinship caregivers." The bill was widely supported and passed unanimously in both the House and Senate. It awaits the Governor's signature.

The other initiative involved creating and funding a Statewide Kinship Care Legal Aid Training and Support Coordinator. The objective was to develop materials and support the recruitment and training of pro bono and low-bono attorneys to provide a range of legal advice and support to ensure that kinship caregivers have the legal authority to make day-to-day educational, medical and other issues for the children in their care. At the request of Rep. Pettigrew (D-37), the House budget included \$80,000 for this position in FY 2019. The Senate budget did not include this funding and it was not included in the final budget. While it will not be a part of OCLA's policy level request, we anticipate that the effort to establish and fund this position will continue in the FY 2019-21 biennial session.

4. OCLA Video Project

During this last quarter, OCLA completed editing and posting of three videos in a series on Civil Legal Aid In Washington State. These are:

[*"... And Justice for All: Civil Legal Aid in Washington State"*](#)

[*"... One Person at a Time: Civil Legal Aid in Washington State – Tarra Simmons"*](#)

[*"Civil Legal Aid in Washington State: The Business Case"*](#)

The videos have been very well received both here in Washington state and nationally.

5. OCLA Race Equity Related Work

Consistent with the REJI Acknowledgements and Commitments, OCLA staff have been working to better understand how race equity considerations inform the agency's work both internally and externally. Our goal is to be conscious of direct and indirect consequences of our work at the personal, professional, internal and external agency levels.

Specific activities include:

- Regular internal discussions at monthly agency staff meetings, including sequenced review and discussion of the ["Cracking the Codes"](#) video.
- Development and delivery of a three-segment training on race equity issues and awareness for attorneys representing children in the child welfare system
- Contracting with [JustLead](#) to develop a range of training and support materials and to deliver trainings to state-funded legal aid program on issues relating to race equity considerations in the delivery of civil legal aid.
- Monitoring client service data to ensure equitable delivery of civil legal aid services

6. Developing a Plan to Downsize the VOCA Funded Civil Legal Aid to Crime Victims Program

In November 2017, we were informed that OCLA would receive a pro rata reduction in federal Victims of Crime Act (VOCA) funding for FY 2019. This is due to a \$7 million reduction in VOCA funding received by the state between FFY 2016 and FFY 2017. After unsuccessfully trying to work with the Department of Commerce, Office of Crime Victims Advocacy (OCVA) to identify and possibly reprogram unexpended FFY 2015 and FFY 2016 VOCA funds assigned to other programs, we advised the seven VOCA-funded civil legal aid programs that we would have to reduce annualized expenses for this program by about \$900,000 in FY 2019. VOCA Crime Victims Program Manager Dana Boales is working with the programs to develop a plan to reduce the VOCA funded footprint in ways that are consistent with the program's objectives and cause the least disruption to clients and client-centered relationships with victims service and support agencies and organizations. Contract extensions at reduced amounts will be executed prior to June 30th.

ATTACHMENT 1

Urgent Action Needed: Protection of the Rights of Disadvantaged Foreign Spouses in Washington State

March 9, 2018

Q: In what way are foreign nationals disadvantaged in in their divorce proceedings in WA ?

A: There are many and increasing number of foreign nationals who are subject to divorce proceedings in WA (U.S.). When they are divorced without support and legal advice, they are at increased risk of being unable to protect themselves and their rights under the law. Often they have little to no understandings of the legal process and/or their rights under the law. Their language and cultural barriers, economic disparities with their American spouse, in addition to the lack of resources, often exacerbate the problems. Particularly after divorce, these foreign spouses often experience the isolation from the society. They usually do not have their families nearby to support them and their children. They have little to no skills to go into the local workforce. They have little to no money, but are required to support their children in WA (U.S.) because WA has jurisdiction over the children who lived in WA during their marriages and/or were born in WA.

For example, a typical divorce case between a Japanese spouse and an American spouse develops as follows:

- After a US husband and Japanese wife come to the US, their relationship for some reason breaks apart. In the process, these cases have a disproportionately higher rate of aspects of DVs (physical, verbal, economic coercion, etc). The wife usually does not speak English very well. She normally stays home as a house wife with their children, relying solely on her husband's income. The wife is usually unfamiliar with the US legal system or their rights under the US/WA law (fair share of husband's income and wealth). When the husband decides to divorce from his wife, he drafts divorce papers and requests that the wife sign them. If she does not sign them, he tells his wife that he would fight over the custody of the children, knowing that she wants to live with the children. Because the wife lacks basic knowledge about what she is entitled to under the law, she often ends up signing the papers, which puts her in an untenable position.
- A wife experiences DV at home. Yet, her husband often reports to the police or law enforcement officers that his wife is violent. By manipulating the facts, the

husband put his wife in jail or has the law enforcement officers investigate his wife instead of himself (the actual offender). Such experience prevents the wife from seeking any further help from others.

- A wife sometimes insists that she desires to receive a share of the community property during the divorce proceeding. However, the husband at that stage does not want to give any part of his income/wealth to the wife. The husband capitalizes on the desire of the wife to take the custody of their children and compels her to sign a divorce settlement. Panicked about possible loss of parental custody, confused by legal terminology and access to a competent attorney impeded, she signs the document, thereby renouncing her rights to the community assets in exchange for the child's custody.
- When a wife appears in court without counsel or with counsel who is not able to have effective communication with the wife, the wife's case could be prejudiced by the judges or the attorneys. The wife's misunderstanding about the legal system could make the wife appear intransigent to the attorney(s) as well as the judges. This can impair the client's ability to agree on a positive course of action.
- After divorce, a wife instantly faces a financial problem, with no job and with children to look after. She feels wronged, but it is too late when she retains an attorney with the divorce document (she does not have the financial resources to pursue the case through court in order to prove that she was deliberately misled into signing an unfair settlement).
- In many cases the wife and children fall instantly into financial problems. A majority of such wives fall into depression and/or end up relying on food stamps, subsidized medical services etc. for their lives. They have a great danger of falling into homelessness. Their destitution often leads to prostitution as the only means to support herself and children.

Q: Are there many such cases ?

A: The attorney of Consulate General of Japan says her office receives 100-200 phone calls annually from distressed Japanese wives (but there are likely many more cases not reported). **The problem of unjust divorce is widespread among foreign nationals as well.** According to anecdotal reports from other consular officers, the problem is wide spread across many sectors of the immigrant community. (The Consul General of Russia reported it is a huge problem with Russian women. The Brazilian Honorary Consul says it is a very serious problem for their nationals in WA. Consuls of many

other countries agree the problem is serious.) However, Japanese Consulate's attorney can only work on 15-20 such cases a year on a pro bono or a low bono basis. The number of the cases where needs are not being met is substantially high among many foreign wives.

Q: Why does WA need to support "foreign" nationals who are in divorce proceedings?

A: Those foreign nationals are forced to stay or reside in Washington State even after divorce, due to the fact that they have the children born and/or raised in Washington State.

First, **the other major victims of these situations (other than the foreign born spouses) are their children who are often Americans.** Children in these situations experience a range of negative effects from this lack of representation for foreign spouses. This includes loss of access to the father's economic support or wealth that is their mother's legal due under the state law. The children can also suffer from loss of access to the mother by virtue of geographic separation in differing countries, or (if the foreign mother attempts to stay and work in America) the mother being economically disadvantaged and impoverished because she chooses to stay close to her American children rather than return to a country where she can make a positive living economically.

Considering the high risk of wives and children falling destitute and/or homeless, it is a better social policy to help the foreign nationals so that they can address their family law problems before they become additional burden on the state's social welfare resources.

Also, particularly in the Seattle area, it is becoming a diverse region with Tech Companies such as Microsoft and Amazon that employ many foreign nationals with the increasing number of foreign nationals working in the region with technical work visas only. Those foreign nationals often have spouses from their countries, and their status to remain is only based on the marriage and the working spouse status. Accordingly, it is expected that there will be an increasing number of interracial/international divorce matters. Supporting these foreign nationals who are subject to divorce proceedings will indirectly help its economy grow by supporting the businesses that are operated in WA internationally.

Finally, Washington's reputation as a foreigner-friendly, fair and just state, may eventually suffer if these trends cannot be addressed. In many cases they have made

a courageous leap into an unknown land, sacrificing the comfort and security at home. The state should empower them so that they can defend their rights, and such empowerment will add to Washington's reputation as an international leader.

Q: Are the consular offices helping them? They should be the one to help them more.

A: The consular offices are already helping these foreign nationals, providing consular assistance and advice. However, they cannot assist them financially in a civil legal case. Foreign governments do not allocate funds to consular offices to assist their nationals in foreign court proceedings.

Q: What actions are needed to protect these foreign wives?

A: There are four main areas to prevent the abuse of these foreign nationals: prevention through enhanced social awareness, legal countermeasures to restore their rights, familiarization of judges with this problem, and a change in the divorce procedure in the state law.

First, the number of victimized foreign wives needs to be reduced. Raising social awareness of this problem will help prevent its occurrence. Institution with significant numbers of potential victims, such as big corporations and the military services, should be informed as well as encouraged to address the issue among their employees: after all, it is most likely their past overseas assignment that brought those wives to Washington State, and the employee's performance will negatively be impacted if his family situation gets nasty. Media can play a significant role in bringing attention to this wide-spread social ill.

Second, the husbands and their attorneys that help impose unfair divorce conditions should be countered and deterred, so that foreign wives could receive their rightful due. What these disadvantaged nationals need most is affordable, and culturally and linguistically competent legal representation. The **International Families Justice Coalition (IFJC)**, a non-profit organization, established by two attorneys (including the general counsel of the Consulate General of Japan), is the only current non-profit focused on 1) maintaining a list of linguistically and culturally competent attorneys, 2) training those attorneys as well as judges on the issues, and 3) providing direct representation to qualified indigent or distressed persons in divorce proceedings. In March 2018, WA state legislature has approved funding to help IFJC reinforce capacity. Such services as provided by IFJC should be more widely available to foreign wives. By

facing more robust resistance from wives supported by competent attorneys, potential abusers will be expected to change their attitude.

Third, judges should be more informed of this problem. Their training courses should include the study of such cases to avoid favoring the claims of US husbands over those of foreign wives.

Fourth, state laws on divorce procedure should be reviewed to provide better protection of foreign wives. Mandating arbitration by neutral attorneys before finalizing divorce terms may be an option.

ATTACHMENT 2



Washington State Office of Civil Legal Aid

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James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

January 5, 2018

Greetings,

First, apologies for the length of this memo. I have a lot of information to transmit and this seems the best way to do it.

Even though the 2018 legislative session is just starting, we are already beginning the process of developing our budget requests for the FY 2019-21 biennium. On the basis of input received from a number of Alliance leaders, the Office of Civil Legal Aid is trying a new and more inclusive approach to securing stakeholder input to help inform both the focus and substance of our FY 2019-21 budget requests. In short, **we want your help**.

A little background may be helpful here. Under state budgeting rules there are two kinds of budget requests – (a) maintenance level requests designed to address known and measurable changes in anticipated expenditures for existing policy level budget commitments, and (b) new policy level budget commitments. OCLA works with NJP to identify changes in leasehold and personnel expenses over which NJP has no control and which are included in the maintenance level (ML) budget request. We work with the ATJ Board, EJC and the broader Alliance to help guide the focus and magnitude of our policy level budget requests.

For the past four biennia, OCLA and the ATJ Board have hosted an in-person conversation with Alliance leaders and other interested people to discuss the policy level request. Historically, these conversations have been reactive in nature – OCLA reviews the budget environment, outlines the core area of substantive focus for its policy level request and defines a range of potential policy level requests for which it asks stakeholders for their input and advice. This year we are going to try a somewhat different approach.

Attached to this e-mail is a link to a Survey Monkey survey. In this survey we are asking for your suggestions about the substance, size, focus and rationale for proposed funding increases for civil legal aid in FY 2019-21. Please review and respond to the survey on or before February 1, 2018. OCLA will work with a group of Alliance leaders to synthesize the input we receive and present it at a larger stakeholder meeting that will take place immediately after the Goldmark Luncheon on Friday, February 23, 2018. Continuing the tradition of collaboration, this two-hour conversation will be co-hosted by OCLA and the ATJ Board. The conversation will offer opportunities for stakeholders to ask questions, provide additional input and respond to themes coming out of the survey. While no decisions will be made at this meeting, OCLA will incorporate input received into its budget development process.

Following the February 23rd convening, OCLA will generate outlines of proposed policy level budget requests for FY 2019-21. These will be circulated for comment during the first week of March, 2018, with a return date of March 12th. OCLA will then present high level FY 2019-21 budget recommendations to the Civil Legal Aid Oversight Committee at its meeting on March 23, 2018. Following Committee consideration and input, OCLA will generate decision packages for its maintenance and policy level requests and submit them to the Supreme Court Budget Committee on or before May 18, 2018.

In determining what to ask for and why, OCLA is guided by the following:

1. The state's fiscal situation as reported by the [Washington State Economic and Revenue Forecast Council](#)
2. [RCW 2.53.030](#) as it exists now or may be amended during the upcoming legislative session.
3. State operating budget rules and procedures.
4. The [Civil Justice Reinvestment Plan](#) adopted by the Civil Legal Aid Oversight Committee and endorsed by the Access to Justice Board in response to the [2015 Civil Legal Needs Study](#) and which has guided recent budget requests
5. The [2018-2020 State Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State](#) adopted by the ATJ Board in May 2017.
6. The ATJ Board's [Hallmarks of an Effective Civil Legal Aid System](#)
7. The Race Equity and Justice Initiative's [Acknowledgments and Commitments](#)
8. Circumstances affecting or likely to affect other significant underwriting sources of funding for civil legal aid in state eligible matters (e.g., federal Legal Services Corporation (LSC), IOLTA and federal Victims of Crime Act (VOCA) funding)

To assist you in this effort, we are including a large Excel sheet called the Client Service/Client Population Matrix (Matrix). The Matrix is a planning tool developed and used by OCLA to ensure equity of client service capacity throughout the state.

By statute, OCLA is required to ensure geographic proportionality of state funded client service capacity. The Matrix allows us to see client poverty and other demographic data by county and client service region. It also allows us to see the level of state funded legal aid capacity by region. It allows us to measure the relationship between existing combined state funded legal aid capacity and the "minimum access" objective of 1 FTE attorney or attorney equivalent for every 5,000 census based individuals living at or below 125% of the federal poverty level. Finally, it serves as a starting point in determining where to increase client service capacity when state funding increases as well as where to reduce capacity in the face of reduced state investment.

OCLA will be using this tool to help develop the FY 2019-21 biennial budget request. The following information is offered to help you navigate through the Matrix.

- Rows 1-9 of the Matrix show 2015 Census data by county and region.
- Rows 11-20 show the regional allocation of state funded legal aid capacity as it existed in 2016 (the baseline year). This is broken down into the following categories:

- Regional allocation of CLEAR FTE's (%'age of regional CLEAR client service hours divided into CLEAR FTE staffing)
- Regional NJP staffing capacity
- Regional allocation of NJP CAP FTE's
- Regional pro bono program in-house staff attorney FTE's (as reported by the VLP's)
- Regional allocation of pro bono volunteer FTE's (1 FTE = 2,000 volunteer hours)
- Allocation of ULP, SCLC, Solid Ground and TeamChild (all of which receive state funds as part of their LFW grants)
- Rows 24-25 shows the regional minimum access level of funding
- Row 27 shows the total regional allocation of state funded FTE's
- Row 29 shows the allocation of VOCA funded FTE's to state-funded programs (it does not include the VOCA FTE's allocated to NWIRP)
- Row 33 shows the percentage below minimum access for each program after VOCA FTE's were added
- Rows 35-39 lay in the FY 2017-19 expansion of 15 FTE's at NJP
- Rows 81-93 show additional demographic data for planning purposes

Some points of clarification:

1. For the purposes of this planning tool, OCLA considers any attorney FTE that is funded in whole or part with state funds to be a state-funded attorney. For example, all basic field attorneys at NJP are funded with LSC and OCLA dollars. OCLA considers these all to be state-funded attorneys. The same is true for FTE positions in the specialty providers who are engaged in state eligible work and are funded in part with state dollars that come through the Legal Foundation of Washington.
2. For purposes of this planning tool, OCLA considers staff attorneys in state-funded pro bono programs to be state-funded FTE's.
3. The analysis used to determine the level of FTE equivalents from pro bono programs is as follows: OCLA divides the number of volunteer hours dedicated to state-eligible cases (as determined by Legal Server) by 2,000. Stated differently, 2,000 hours of volunteer contributions in state-eligible cases is treated as the equivalent of one FTE legal aid attorney.
4. OCLA does not consider non-state funded FTE's. Thus, we do not include:
 - a. FTE's employed by Columbia Legal Services, Northwest Immigrant Rights Project, Legal Action Center, Open Door Legal Services, law school clinics, etc.
 - b. FTE equivalent pro bono services delivered by corporate sponsored programs (e.g., KIND), pro bono programs not funded with state dollars (e.g., Wayfind) or large firm in-house pro bono programs

I realize you are all incredibly busy. Nevertheless, I hope you will take the time to study and consider each of these documents as you think through what recommendations and/or input you offer during this budget development process.

Re: FY 2019-21 OCLA Budget Development

3/13/2018

Page 4 of 4

Thank you in advance for sharing your wisdom, input and advice as we craft our policy level budget requests for FY 2019-21.

Respectfully,

OFFICE OF CIVIL LEGAL AID

A handwritten signature in black ink that reads "Jim". The signature is written in a cursive, slightly slanted style.

Jim Bamberger, Director

ATTACHMENT 3



Washington State Office of Civil Legal Aid

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360-704-4135

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

To: Interested Persons and Organizations

From: Jim Bamberger, Director

Re: FY 2019-21 Budget Development

Date: February 9, 2018

This is an update on the FY 2019-21 budget development process.

OCLA worked with Alliance leaders to generate a scoping survey designed to solicit input and ideas regarding the magnitude and focus of the agency's budget request in the next biennium. The survey closed on February 1st. Sixteen (16) individuals responded to the survey. Of these, nine (9) disclosed their name and organizational affiliation, and seven (7) were submitted anonymously.

Of the responses received, 73.3% identified "making significant progress on minimum access" as the top priority for OCLA's FY 2019-21 biennial budget request. Development of self-diagnostic, self-help resources was second, with 18.3% identifying this as a first tier objective. Enhancement of pro bono (6.67%) and expanding statewide support and training capacity (6.25%) came in third and fourth. Average scores were:

- Make significant progress on minimum access – 4.47 out of 5
- Expand statewide training and support capacity – 3.25 out of 5
- Develop self-diagnostic and self-help tools – 3.25 out of 5
- Enhance pro bono capacity – 2.93 out of 5
- Other – 1.67 out of 5

Sixty percent (60%) of respondents identified one or more specific populations for which they recommended that increased state funding be targeted to serve. Forty percent (40%) said that we should focus on secure a general increase in funding for civil legal aid.

A number of comments, observations and suggestions were offered in response to questions 2 through 5. The balance of this memo restates some of these and includes OCLA's comments in response.

1. Some responses suggested that OCLA should seek funding targeted to addressing legal problems experienced by members of populations that have been targeted by the federal administration for differential treatment and denial of rights and/or services.

OCLA notes that under applicable law – even as it may be amended this session – state appropriated funding will not be allowed to provide services to persons in the United States without legal authority. Some of these individuals can, are, and will continue to be served by NJP with funding from the Legal Services Corporation and VOCA funding administered by OCLA. LFW and other private funding is made available to provide legal assistance to others who do not fall within the eligibility guidelines of either LSC or VOCA.

2. Some responses identified specific client populations for targeted focus. Among those identified include adults and youth who identify as LGBTQ, immigrants and individuals who identify as members of racial or ethnic minority groups. Another survey respondent questioned whether race equity work was permissible under the restrictions that govern OCLA funding.

Under applicable law – even as it may be amended this session – members of the mentioned groups (with the exception of immigrants in the US without legal authority) are eligible for state funded legal aid services. OCLA expects that the programs that receive state funding are working to identify the needs of these and members of other groups that experience unfair, unjust or discriminatory treatment or disparate barriers to equity and justice. These expectations are grounded in the Hallmarks, State Plan and Performance Standards, and the Race Equity and Justice Initiative’s Acknowledgments and Commitments. Does it make sense to invite the Legislature to differentiate among these or other groups in an appropriation? What if they choose not to prioritize certain groups or leave others out? How will this affect our work? Perhaps this is a better internal strategy?

3. Some responses suggested that OCLA seek funding that will allow programs to engage in activities (i.e., legislative, administrative or other policy advocacy) currently prohibited by RCW 2.53.030 as it currently exists or as it may be changed this session.

OCLA’s statute currently prohibits such activities. The proposed amendments pending in the legislature would not change this prohibition. Consequently, OCLA is not in a position to seek funding for these purposes.

4. One response suggested that we seek funding for systemic advocacy. Another suggested that we seek targeted funding to support development of holistic advocacy approaches.

RCW 2.53.030 prohibits the use of state funding for certain types of systemic advocacy including class actions, lobbying and administrative rule making. Because of the statutory prohibition, OCLA cannot ask the Legislature for funding to underwrite these activities.

Other than these, the State Plan expects all programs to be involved in efforts to identify and address systems that operate to create or perpetuate disparate outcomes for low-income people or sub-segments of the low-income population. The State Plan also encourages holistic approaches to client service delivery. As such, OCLA expects that all state-funded entities be engaged in systemic advocacy work and develop holistic approaches to the delivery of services. Because systemic advocacy is a central component of the scope of client services funded with state dollars and because systemic advocacy most often originates with and through individual client representation, OCLA is not inclined to seek a specific amount of funding for this work.

We will likely discuss the pros and cons of asking the Legislature to direct funding to specific advocacy approaches at the February 23rd conversation. Inviting the Legislature to target funding for systemic, holistic, or other specific types of advocacy may invite them to get too deeply involved in client service operations that interferes with program prerogatives and might lead to unanticipated negative outcomes. Let's talk about this.

5. One respondent suggested that OCLA seek dedicated funding to help establish three to five pilot courthouse based self-help centers to assist unrepresented litigants.

Self-help centers might be part of a targeted ask to implement that part of the Civil Justice Reinvestment Plan focused on expanding the ability of individuals to self-diagnose their legal problems and secure access to expanded self-help resources. OCLA looks forward to more discussion on this topic at the February meeting.

6. One respondent suggested that OCLA replace the hours-based approach to quantifying the FTE equivalent of services generated through pro bono programs with a more outcome-based approach. This individual noted that in many rural locations there is a lack of alternative resources and that the pro bono program staff often play a role in helping low-income people secure access even though there might not be a volunteer attorney involved. The suggestion is that we identify a way to track the magnitude and value of this service and incorporate it into the FTE analysis.

OCLA agrees that VLP's deliver valuable services to low-income people with legal problems beyond the number of hours of volunteer attorney services. OCLA includes in-house VLP staff attorneys in its calculation of regional attorney FTE's. OCLA welcomes discussion about (a) how non-attorney staff services might be quantified into the minimum access analysis and (b) whether and if so why VLP non-attorney staff contributions should be calculated differently than non-attorney staff contributions at NJP or other staffed legal aid providers.

7. A number of survey respondents suggested a focus on low-income people living in rural areas. Comments noted that these people not only face a lack of resources – including a lack of alternative legal aid related resources more generally available in urban areas – but also significant geographic barriers to regional centers where legal aid services are physically situated.

Geographic equity is a statutory requirement. In allocating client service resources, OCLA developed a Client Demographics/Client Service Resources Matrix. This tool allows us to assess relative client service capacity by region. It also allows us to make adjustments in favor of rural and remote regions that lack legal aid resources other than the VLP and NJP staff who are supported with state funds. OCLA recognizes the geographic challenges facing low-income residents of rural areas as well as legal aid providers in these areas. Acknowledging the substantial non-state resources available in the Puget Sound corridor (Everett to Olympia) and Spokane, we have historically worked with NJP to over-allocate staffed legal aid capacity to rural areas to ensure some equity of access. Should we continue to do so?

8. One survey respondent suggested that increased state funding be targeted to addressing unfair debt collection practices.

If the suggested changes to OCLA's statute that are pending before the Legislature are enacted, state-funded programs will be able to use state funding to support a wide range of consumer related legal services including, but not limited to, unfair debt collection practices. Any increase in state funding will provide more resources available for this work. At this moment, OCLA is inclined to leave it to the state-funded programs to determine, on the basis of client need, the level of resources that should be devoted to this or any other substantive area of work. Should we? Let's talk about this on the 23rd.

ATTACHMENT 4



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James A. Bamberger, Director
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To: Participants at the 2/23/18 Post-Goldmark Discussion
ATJ Board Delivery Systems Committee

From: Jim Bamberger, Director

Re: Synthesis of Input Received

Date: March 5, 2018

In the pre-meeting survey and the post-Goldmark meeting on February 23rd, we asked four core questions. These are outlined in the table below along with OCLA's general summary of the survey feedback and comments at the meeting.

What should we invest in?	<p>There is broad support for continuing on the trajectory charted in the Civil Justice Reinvestment Plan (CRJP)¹</p> <p>Questions remain about the CJRP's exclusive focus on attorney FTE's (and pro bono equivalent); some suggest asking the Legislature for authority to fund non-attorney professional client service and support capacity (e.g., social workers, paralegals). Substantial discussion continues to focus on how OCLA allocates legislatively authorized capacity (who decides what, where and how?).</p>
How much should we ask for?	<p>OCLA should seek as much as is feasible considering the prevailing budget and political environment.</p>
Why?	<p>The CJRP continues to represent the Alliance's consensus response to the 2015 Civil Legal Needs Study. The Legislature has expressly embraced that plan in the budget bill and continues to expand funding to implement it.</p>
What will we deliver?	<p>The State Plan informs and governs the work of all Alliance providers. Increased state investment will result in expanded services to clients across the spectrum of allowable activities consistent with the State Plan, and will drive correspondingly positive outcomes for clients and client communities. The CJRP speaks in terms of equitable access to state-funded legal help for eligible clients; expanded capacity of low-income people to self-diagnose and solve problems by themselves; and research documenting the impact of civil legal aid services on those who receive it.</p>

¹Adopted in September 2016, the CJRP calls for increased statewide publicly funded legal aid capacity to achieve a Minimum Access standard of 1 FTE for every 5,000 eligible people at or below 125% FPL; increased support to expand the range and amount of pro bono services; increased investment in self-help tools and resources; and expanded training, coordination and support infrastructure in line with expectations outlined in the State Plan.

In addition to the four questions posed, Anne Lee (speaking on behalf of a number of the staffed program leaders) offered four additional considerations that might be incorporated into the FY 2019-21 budget development process and OCLA’s approach to investing new state resources into the statewide civil legal aid system (as well as broader Alliance-wide strategic resource development and investment decision making). The one-page sheet outlining these considerations is attached. OCLA welcomes and agrees with these considerations and addresses the application of each to OCLA’s budget development and investment efforts in the table below.

<p>Race Equity</p>	<p>In furtherance of State Plan Goal 1, Race Equity, both OCLA and the Civil Legal Aid Oversight Committee adopted the REJI Acknowledgements and Commitments.</p> <p>Recipients of state funding (whether funded directly or indirectly through LFW) are expected to operate internally/organizationally and in advocacy consistent with racial inclusion, racial competence and racial equity work that intentionally tackles institutionalized racism and structural inequities within areas of authorized legal representation.² As this is a universal expectation, this consideration does not, by itself, drive the state funding request or allocation decisions.</p>
<p>Full Continuum of Legal Aid Services</p>	<p>How can OCLA maximize its effectiveness as a key component of a coordinated, integrated statewide delivery system, consistent with applicable statutory authorization governing its funds at any point in time? Passage of SHB 2308 significantly expands the areas of authorized representation to include most problems experienced by eligible clients. However, restrictions remain that preclude services to some groups (immigrants in the US without legal authority) and a range of tools otherwise available to lawyers (e.g., class actions, legislative and administrative lobbying and rule making).</p> <p>The Alliance must continue to look to other funding partners (such as LFW) to underwrite and support work prohibited by state dollars to ensure that the full continuum of client services is made available.</p>
<p>Statewide Support Infrastructure</p>	<p>The CJRP calls for state funding to underwrite critical support, advocacy coordination and training for all state-funded entities. In 2017, the Legislature provided funding that allowed OCLA to invest in race equity training, the Leadership Academy³ and the 2018 Statewide Legal Advocates Training (SLAT). On the basis of input received, OCLA is considering whether to seek additional funding for expanded system support, coordination and training in the FY 2019-21 budget request. It would be helpful for the ATJ Board’s Delivery Systems Committee to develop an outline of essential statewide support functions and components.</p>

² Statutory changes passed this session add “discrimination” as an area of authorized legal representation; to support this work, OCLA is investing in technical assistance and training by JustLead WA to help programs achieve these goals.

³ JustLeadWA’s Leadership Academy develops servant leadership capacities/behaviors such as:

1. Communication of Strategic Intent;
2. Strategic & Systems Thinking;
3. Achieving Workable Unity;
4. Self & Other-Awareness;
5. Leadership Development consistent with Inclusion, Diversity & Cross-Difference Competence;
6. Delivering on Strategic Intent;
7. Fostering Processes of Renewal.

<p>Maximizing Critical Balance in an Ever-Shifting Resource Environment</p>	<p>External factors (federal and state restrictions and related political considerations) have forced the functional bifurcation of Washington State’s civil legal aid system. In its simplest characterization, core day-to-day client services and related coordination and support functions are carried by NJP and the other state-funded client service providers, while services to populations ineligible for publicly funded legal aid and client service activities that cannot be funded with public dollars are carried for the most part by NWIRP and CLS with additional assistance from LFW-funded pro bono and specialty providers.</p> <p>As the balance of public restricted and private unrestricted funds has ebbed and flowed over time, the balance between these two capacities has also. Historically low IOLTA rates have severely eroded the ability to meet the day to day legal needs of clients ineligible for state legal assistance and exacerbated this “critical imbalance”. In the near term, increasing state funds have the ironic effect of exacerbating this imbalance, which we can best tackle through private resource development success of the Endowment for Equity & Justice, the Campaign for Equal Justice and the heartening rise in interest rates that will result in increased IOLTA revenues.</p>
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