



## Washington State Office of Civil Legal Aid

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To: Interested Persons

From: Jim Bamberger, Director

Re: OCLA Client Demographics/Client Service Capacity Matrix

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During a recent conversation with members of the Pro Bono Council, a number of questions came up regarding the purpose and function of the Client Demographics/Client Service Capacity Matrix that OCLA shared with its request for input for the FY 2019-21 budget development process. Below you will find a synthesized version of these questions and OCLA's answers to the same.

**Q:** What is the OCLA Client Services/Client Population Matrix ("Matrix")?

**A:** The Matrix is a tool developed by OCLA to (a) assess relative geographic state-funded client service capacity by region in relation to the poverty population, (b) determine where gaps in state-funded legal aid capacity exist, and (c) develop plans for the deployment of new client service capacity on a geographically equitable basis.

**Q:** Who developed and who maintains the Matrix?

**A:** The Office of Civil Legal Aid

**Q:** What is the Matrix used for?

**A:** The Matrix is a planning tool. It effectively maps income and other demographic indicators by region. It overlays state-funded civil legal aid capacity by region and compares aggregate state-funded legal aid capacity to the benchmark "minimum access" objective for each region.

**Q:** What is "minimum access" and who defined that term?

**A:** "Minimum Access" is the standard OCLA uses to establish the target benchmark for full funding of the State of Washington's obligation to the civil legal aid system. The standard is 1 FTE (including FTE's generated through state-funded pro bono efforts) for every 5,000 eligible people in Washington State living at or below 125% of the federal poverty level. The Minimum Access standard uses census based data for determining the number of people eligible for state-funded legal aid service. This does not include people

in the US without legal authority. The Minimum Access standard was derived from the longstanding (circa 1976) congressional objective of achieving client service capacity of 2:10,000. It was incorporated into the Civil Justice Reinvestment Plan and has been accepted by the Legislature as an appropriate benchmark.

Q: Why do only some of the civil legal aid services organizations appear on the Matrix?

A: The Matrix is a tool developed by OCLA to guide OCLA's investment in the civil legal aid system. By statute OCLA must ensure that the state's investment furthers the objective of geographic equity of client service access. OCLA therefore only maps those components of the statewide civil legal aid system that it underwrites:

- NJP (CLEAR, Basic Field, Contract Attorney Program (CAP))
- Pro Bono programs that receive state funding through the subcontract between NJP and the Legal Foundation of Washington
- Four specialty legal aid providers that receive state funding through the subcontract with the Legal Foundation of Washington

The Matrix does not include client service capacity funded by entities other than OCLA including, but not limited to:

- Law school clinics
- Specialty providers like the Center for Justice, Legal Action Center, Open Door Legal Services
- Large firm in-house pro bono programs
- Columbia Legal Services
- Northwest Immigrant Rights Project

Q: Are there client populations that do not appear on the Matrix?

A: Yes, the Matrix does not include persons who are in the United States without legal authority.

Q: How is CLEAR advocate time calculated by region?

A: NJP tracks CLEAR advocate (not screener) time in Legal Server. It annually reports to OCLA aggregate hours and relative percentages associated with CLEAR by client service region. The relative percentages are then divided into the total number of FTE advocates dedicated to the basic CLEAR line (23). The resulting FTE numbers are assigned regionally on the CLEAR line (line 11).

Q: What is NJP CAP and why is it included on the Matrix?

A: NJP maintains a Contract Attorney Program (CAP) as part of its federally mandated Private Bar Involvement Plan. Through the CAP, NJP contracts with private attorneys at 50% of market rates for legal representation of clients in cases where NJP lacks sufficient capacity or where other circumstances render it impossible for NJP to handle the matter in-house. NJP tracks the hours of client service delivered through CAP (as reported in

attorney hourly billings) and reports them by region. OCLA uses a 2,000 hours/FTE ratio to determine the FTE contribution of CAP services in each region.

Q: Where in the Matrix is non-attorney staff time reflected?

A: The Matrix does not incorporate contributions of non-case handling staff. The costs of infrastructure at NJP, the pro bono's and specialty providers are assumed in the per-FTE funding levels presented to the Legislature in budget requests.

Q: How is the number of volunteer hours generated through pro bono programs translated into attorney FTEs? Who developed that equation?

A: OCLA works with the Legal Foundation of Washington to distinguish between OCLA-eligible and OCLA-ineligible cases reported in Legal Server. The Legal Foundation also tracks the number of hours of state eligible volunteer legal services delivered by volunteer attorneys in each of the 17 VLP's that report to it. These numbers are forwarded to OCLA. OCLA then divides the number of hours by 2000 hours to determine each program's effective FTE contribution to state-eligible client service.

Q: My VLP generates more pro bono hours than are reflected in the Matrix. Why is that?

A: Most VLP's provide services that fall outside of currently authorized substantive client service areas and to individuals who are not eligible for state-funded legal assistance. The Legal Foundation of Washington tracks the total contributions of each program. OCLA only tracks the state eligible contributions.

Q: Do the attorney positions at VLPs that are funded through the pro bono expansion appear on the Matrix?

A: All in-house attorney positions that are dedicated in substantial part to client service to state eligible clients on state eligible matters are included. OCLA is working with the Legal Foundation and the Pro Bono Council to update the numbers to reflect the additional capacity funded with pro bono enhancement funds.

Q: My VLP provides services in adjacent counties where there doesn't appear to be any other civil legal services available. Why does the Matrix show otherwise?

A: This is a good question. OCLA will work with LFW to determine whether it is possible to credit hours delivered by a program in one county to clients residing in another county. Again, it is important to remember that the Matrix is a tool. It offers a rough picture of where and how state eligible client service capacity is allocated relative to the population of state eligible people by region.