



Washington State Office of Civil Legal Aid

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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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