



## Washington State Office of Civil Legal Aid

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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 23<sup>rd</sup> 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 12<sup>th</sup>. 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

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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