

**WASHINGTON STATE
CIVIL LEGAL AID OVERSIGHT
COMMITTEE**

**MEETING OF
SEPTEMBER 14, 2018**

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

MEETING MATERIALS

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF SEPTEMBER 14, 2018**

MEETING MATERIALS

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TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE
September 14, 2018
10:00 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 members and guests (10:00 – 10:10)
2. Introduction of New Members (10:10 – 10:20)
 - Judge Pennell
 - Senator Rivers
 - Senator Frockt
3. Review and Approval of Draft Minutes of the March 23, 2018 Oversight Committee Meeting (10:20 – 10:25)
4. Confirmation of Taylor Wonhoff as Vice-Chair/Chair-Elect (10:25 – 10:30)
5. Confirmation of Appointment of Rep. Stokesbary as the Legislative Member on the Executive Committee (10:30 – 10:35)
6. Update on Implementation of SHB 2308 (10:35 – 10:45)
7. Review of Proposed FY 2019-21 Budget Decision Packages* (10:45 – 11:15)
 - a. NJP Personnel Related Vendor Rate Adjustment
 - b. Civil Justice Reinvestment Plan Phase II
 - c. Children's Representation Study Reauthorization
 - d. VLP Staff Compensation Vendor Rate Adjustment
8. Presentation on Technology Assisted Forms Project (Laurie Garber) (11:15 – 11:35)
9. Standing Race Equity and Justice Discussion: Introduction of the Race Equity Toolkit (JustLeadWA) (11:35 – 12:00)
- Lunch Provided (12:00 – 12:30)
10. Re-Orientation of Oversight Committee Members: Phase I (12:30 – 1:00)
 - a. Northwest Justice Project Overview (César Torres)
 - b. Legal Foundation of Washington Overview (Caitlin Davis)
11. Access to Justice Board Update (1:00 – 1:15)
12. Equal Justice Coalition Update (1:15 – 1:25)
13. Other Business (1:25)

* Committee endorsement requested

TAB 2

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

Pursuant to notice duly provided in advance, a meeting of the Civil Legal Aid Oversight Committee was held on Friday, March 23, 2018 in the Ellis Conference Room at the KL Gates Law Offices, 925 Fourth Ave., Suite 2900, Seattle, WA.

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

Members Not Participating: None

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); Randy Pepple (Pepple Communications); Judge Fred Corbit (ATJ Board); Alex Doolittle (Seattle Community Law Center); Andrea Axel (LFW); Catherine Brown, Pro Bono Council

Judge Spearman called the meeting to order at 10:30 a.m.

1. Welcome and Introductions

Judge Spearman asked members and guests to introduce themselves.

Mr. Bamberger advised that the Senate Republican Caucus position formerly held by Sen. Ann Rivers, remains vacant and pending a new appointment. He also advised that the terms of Judge Spearman and Jennifer Greenlee terminate on June 30, 2018. Because neither is eligible for reappointment, notices of position vacancies have been published by the Board for Judicial Administration (Judge Spearman's position) and the Washington State Bar Association (Ms. Greenlee's position). In addition, Sen. Pedersen's term will also expire on June 30, 2018. Mr. Bamberger reported he is working with Sen. Pedersen to recruit and secure appointment of a suitable successor to represent the Senate Democratic Caucus on the Oversight Committee.

2. Review and Adopt Minutes of December 15, 2017 Meeting

Judge Spearman invited a motion to approve the minutes of the December 15, 2017 meeting.

Motion: By Sen. Pedersen to approve the minutes of the December 15, 2017 meeting.

Second: By Ms. Greenlee

Action: Approved unanimously

3. Report on the 2018 Legislative Session

Judge Spearman asked Mr. Bamberger to review the outcome of the 2018 legislative session. Mr. Bamberger noted that this was an exceptional session for civil legal aid. The OCLA-requested bill, SHB 2308, passed with broad bipartisan support – 86-12 in the House and 48-0 in the Senate. In addition, the Legislature funded an additional 5 FTE positions in the supplemental operating budget extending its down payment on the Civil Justice Reinvestment Plan. The Legislature also fully funded OCLA’s request for \$300,000 to initiate the automated document assembly system for family law forms. This resulted in confirmation and release of the \$187,000 in funding provisionally committed by the Legal Services Corporation. Backup legislative documents assume an additional \$250,000 in funding for FY 2020 and ongoing funding of \$125,000 per year for maintenance and ongoing support.

Rep. Jinkins spoke about the bill process and the level of bipartisan support realized. She referenced a TVW interview she had with Austin Jenkins which she believed helped get information out on the importance of civil legal aid and the bill. Sen. Pedersen noted that bill offered the Legislature an opportunity for expanded discussion about the 2015 Civil Legal Needs Study and the road map to full funding outlined in the Civil Justice Reinvestment Plan. He felt it was good timing to run the bill.

Mr. Bamberger provided an update on the work of the Technology Assistance Forms Committee. He noted that the Software Platform Selection Committee chaired by Judge Christine Schaller of the Thurston County Superior Court recently met with a number of vendors and reviewed statements of interest from others. He advised that the committee had made a preliminary determination that the platform hosted by Pro Bono Net called Law Help Interactive (PBH-LHI) offered the most logical solution and that preliminary conversations have commenced to move forward with PBN-LHI this project.

4. Presentation on FY 2019-21 Budget Process

Mr. Bamberger provided an overview of the process by which OCLA has been scoping the focus and magnitude of the FY 2019-21 biennial budget request. He advised members that a detailed description of the process is outlined in the Director’s Report and the links associated with that report. He provided an overview of the stakeholder survey, the stakeholder discussion held immediately after the Goldmark Awards Luncheon on February 23rd, the data tracked and analyzed in the Client Demographics/Client Service Capacity Matrix, and various conversations that OCLA has had with project directors and other leaders of Alliance organizations.

He advised the Oversight Committee that OCLA believed the 2016 Civil Justice Reinvestment Plan (CJRP) continues to be the most effective vehicle for moving forward to address the justice gap documented in the 2015 Civil Legal Needs Study. He noted legislative investment in the CJRP not only in the biennial budget but most recently in the supplemental budget. He also noted that legislative members readily understand and have embraced the minimum access approach to civil legal aid staffing and that they funded the pro bono capacity enhancement initiative which was also part of the CJRP.

Mr. Bamberger advised that the judicial branch budget development process approved by the Supreme Court is moving on an accelerated schedule. Most policy level decision packages are due in early April. He noted that because of the extensive stakeholder involvement effort and the need to consult with the Oversight Committee, OCLA requested an extension of time to submit its initial decision packages. He reminded members that the judicial branch budget process provides an opportunity for sharing of proposed budget requests and allows OCLA to receive constructive feedback from its judicial branch partners. He noted that because OCLA is an independent state judicial branch agency, the Supreme Court forwards its budget request and that of the Office of Public Defense without recommendation.

Judge Spearman invited others to speak about the process that OCLA has engaged in to develop its budget proposals.

5. Request for Preliminary Endorsement of Areas of Focus and Funding Levels for FY 2019-21 Budget Request

Mr. Bamberger presented a document with OCLA's draft outline of its FY 2019 – 2021 biennial policy level budget requests. He indicated that these were preliminary in nature and would be fleshed out more completely in draft policy level decision packages. He noted that all four components find their source in the 2016 Civil Justice Reinvestment Plan. He then walked members through each of the components:

- Graduated increase of 40 FTE's over the course of the biennium, bringing the total new FTE's to 60 or 2/3 of the level needed to achieve minimum access.
- Second year funding of the family law forms automation project. He noted that this level of ongoing funding was assumed in the supplemental budget that passed, and this may be considered carryforward funding and not a new policy level request.
- Expanded funding for training, support, research and data analysis.
- Funding to help state-funded pro bono programs achieve more equitable compensation consistent with the findings and recommendations of an independent compensation comparability study.

Mr. Bamberger asked the Committee for preliminary endorsement and authorization to proceed to develop the decision packages for each of the four areas. He said that OCLA intended to bring these back to the Oversight Committee through e-mails prior to submitting them to the Supreme Court Budget Committee on or before April 30th.

Judge Spearman invited members to share their thoughts.

Motion: Senator Pedersen to preliminarily endorse the areas of focus for OCLA's FY 2019-21 policy level budget requests.

Second: Mr. Grammount

Action: Approved unanimously

There followed a brief discussion on the relationship between the proposal to increase the number of state-funded attorney positions and the need to secure funding to increase salaries and benefits. Mr. Torres described some challenges that NJP has had recruiting under the existing scales. He also noted that NJP staff recently organized and that bargaining of an initial contract has begun, thus created a sense of uncertainty as to where NJP salaries and benefit expenses will end up. He referenced the recently negotiated contract that placed NJP entry level salaries well below those of a sister program. There was further discussion about ensuring that workload analytics are built into comparisons between civil legal aid programs.

6. Race Equity Discussion – What Do The REJI Acknowledgments and Commitments Mean to the Oversight Committee – Next Steps

Judge Spearman reminded members of the motion that the Oversight Committee adopted in December embracing the Race Equity and Justice Initiative’s Acknowledgements and Commitments and including a discussion and/or training on this issue as a standing agenda item in future meetings. In anticipation of this meeting, he asked Ms. Greenlee and Ms. Augustine to lead an initial conversation on the subject.

Ms. Augustine introduced the conversation and suggested focusing one of the commitments and a related provision of the Hallmarks and Goal 1 of the State Plan. Ms. Augustine provided personal context for the conversation. What does race equity look like? What does race inequity look like? What is a structurally racialized system?

Ms. Greenlee invited input into the ground rules that we may need to have a respectful and appropriate conversation around the issue of race and race equity. How can we talk about these issues in ways that incorporate the different lenses and different experiences that people bring to the table on the issue of race and race equity.

Members agreed that in engaging in conversations about race and race equity, they should be ready to:

- Experience discomfort
- Be and stay engaged
- Listen to understand (and not to prepare your next response); and hear others when they share
- Be authentic and speak from the first person
- Extend patience
- Appreciate the contributions of others to the conversation (honor vulnerability)
- Respect the truths that others share
- Use the conversation to role model how to speak about race equity and racial justice to others
- Honor trust with discretion
- Fail forward
- Honor relationships and grow relationships

Ms. Greenlee and Ms. Augustine then led members through some one-on-one listening sessions and a general conversation and report out on people's initial experiences with the concept of race. The conversation continued to focus on next steps in the work that the Oversight Committee should be doing to live up to the commitments that it made in adopting the REJI Acknowledgments and Commitments.

7. Report on ATJ Board State Plan Implementation and Related Matters

Judge Corbit introduced himself and his professional background. He was a longtime litigation partner at the Heller Ehrman law firm before moving to the Northwest Justice Project as the Senior Attorney in the NJP's King County office. He now serves as the Chief Bankruptcy Judge for the United States District Court for the Eastern District of Washington.

Judge Corbit advised that he is a relatively new member to the Access to Justice Board. He provided members with an update on the ATJ Board's efforts to implement the 2018-20 State Plan. He noted that ATJ Board members are reaching out to legal aid organizations throughout the state to determine what they are doing to move forward in each of the five goal areas.

Judge Corbit also noted that the ATJ Board is working to update the Technology Principles for submission to the Supreme Court and to expand Alliance-wide communications capacity. He referenced the recent launch of a new ATJ website which the Board feels will provide it with a more sophisticated capacity to share information about its work and that of the Alliance for Equal Justice.

8. Equal Justice Coalition Update

Mr. Doran provided a brief update on federal funding for civil legal aid. He noted that the 2018 federal Budget Reconciliation Act included an increase of \$25M for the Legal Services Corporation. He advised that an EJC delegation will travel to Washington DC for its annual effort to persuade members of Congress to expand funding for LSC.

9. Other Business

Ms. Axel reminded members that the Legislature had appropriated additional funding to enhance pro bono client service capacity in the FY 2017-19 operating budget. She updated members on the process used to invest these funds in a range of promising pro bono initiatives across the state.

There being no further business, the meeting was adjourned.

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 (September 2018)

Position 1 (BJA 1):

Name: Hon. Rebecca Pennell
Address: Court of Appeals, Div. 3
500 N Cedar St
Spokane, WA 99201-1905
Phone: 509-456-3920
E-mail: j_r.pennell@courts.wa.gov
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2021; 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 Ann Rivers
Address: 204 Newhouse Legislative Building
Olympia, WA 98504
Phone: 360-786-7634
E-mail: ann.rivers@leg.wa.gov
Appointing Entity: Senate Republican Caucus
Term Expires: June 30, 2020; eligible for reappointment

Position 7 (Senate Democratic Caucus):

Name: Senator David Frockt
Address: 227 John Cherberg Building
PO Box 40433
Olympia, WA 98504-0443
Phone: 360-786-7628
E-mail: david.frockt@leg.wa.gov
Appointing Entity: Senate Democratic Caucus
Term Expires: June 30, 2021; 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, 2021; not eligible for reappointment

Position 11 (Washington State Bar Association):

Name: Chalia Stallings-Ala’ilima
Address: Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
Phone: 206-326-5480
E-mail: chalia.stallingsalailima@atg.wa.gov
Appointing Entity: Washington State Bar Association
Term Expires: June 30, 2021; 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: September 2018 Quarterly Report

Date: September 10, 2018

Here's hoping you all had a great summer. Now that fall is on the horizon, things start to really ramp up.

Normally the quarterly report to the Oversight Committee is lengthy. However, I sent you an extended interim report on July 23rd. That report provided updates on changes to Oversight Committee membership, legislative action taken in the supplemental budget session, commencement of the Technology Assisted Forms Project, recent activities of the Crime Victims and Children's Representation Programs, and initial planning for the FY 2019-21 biennial session. In the interest of brevity, I have attached that update to this report (Attachment 1).

The focus of this report is on the draft FY 2019-21 decision packages for which I am requesting Oversight Committee endorsement at the September 14th meeting. In addition, I report on two other related fiscal matters.

1. Civil Justice Reinvestment Plan – Phase II (Attachment 2)

As noted in the July 23rd report, the Legislature twice acted favorably on the blueprint developed by OCLA and the Oversight Committee after extensive consultation with the Supreme Court's Access to Justice Board and Alliance for Equal Justice Stakeholders. That blueprint – the *Civil Justice Reinvestment Plan* (Attachment 3) – outlines a multi-biennial policy and budget response to the 2015 Civil Legal Needs Study. Core components of the plan focus on:

- a. Enhancing the ability of low-income people to understand the legal nature of the problems they experience, enabling them to solve problems before they spin out of control, and helping them make timely and informed decisions about whether and where to go for legal assistance when they need it.
- b. Increasing the capacity of local volunteer attorney programs to recruit, train, support and refer eligible clients for legal assistance, with an overall goal of

increasing volunteer attorney participation (in both numbers and hours of assistance) by 25% to 30% over the 2015 baseline.

- c. Increasing investment in civil legal aid to achieve “minimum access” levels of client service capacity of one FTE legal aid attorney (or pro bono equivalent) for every 5,000 eligible persons at or below 125% of the federal poverty level; and ensuring equity of client service capacity throughout Washington State.
- d. Investing in training, support, and research to ensure the effectiveness of the Legislature’s expanded investment in civil legal aid.

As outlined in the July 23rd report, the Legislature expressly embraced the Civil Justice Reinvestment Plan (CRJP) in both the biennial operating and supplemental budget bills. It invested in all four components of the CRJP, providing funding to add 20 FTE’s, enhance pro bono services, fund the web-based family law automated document assembly system, and providing funding for training and research.

“Minimum Access” legal aid capacity (1 FTE: 5,000 eligible clients at or below 125% of FPL) in Washington State requires 240 FTE civil legal aid attorneys. Going into the FY 2017-19 biennium, the minimum access shortfall (after taking into consideration the addition of 23 general legal aid attorneys funded with federal Victims of Crime Act (VOCA) funding) was 87 FTE’s. The Legislature funded 20 additional FTE’s in 2017-19 biennium, leaving a minimum access gap of 67 FTE’s. *See*, Civil Justice Reinvestment Plan Status Report (Attachment 4).

Consistent with guidance provided by the Oversight Committee at its March 23rd meeting, OCLA has developed a CJRP Minimum Access Enhancement decision package for submission to the Legislature in the coming biennial session. The proposal seeks to phase in an additional 40 FTE attorneys during the FY 2019-21 biennium, with the first twenty (20) starting October 1, 2019. If funded, these attorneys will be allocated by region and substantive client service function to ensure equity of access throughout the state. OCLA will continue to use the Client Demographics/Client Service Capacity Matrix (which is currently being updated) and will consult closely with the Access to Justice Board’s Delivery Systems Committee in developing the specifics of a deployment plan for any additional FTE’s authorized by the Legislature.

2. Protecting Current Client Service Delivery Capacity at Northwest Justice Project (Attachment 5)

Northwest Justice Project (NJP) is the designated “qualified legal aid program” with which OCLA is required to contract under RCW 2.53.030(2). In FY 2019-21, NJP will experience significant increases in personnel expenses due to implementation of its first collective bargaining agreement (CBA). When executed on or before November 1, 2018, the CBA will legally obligate NJP to:

- a. Implement an across-the-board compensation increase that average \$2,500 per FTE per year.

- b. Provide annual cost-of-living adjustments of about 2.5% per employee per year.
- c. Provide annual experience-based step increases in salaries for all employees in the bargaining unit.
- d. Continue underwriting medical and dental insurance for employees and share costs for the same for dependents of employees.

In August 2016, an independent consulting firm, Compensation Connections, completed and submitted a salary compensation analysis for NJP attorney staff. The report (Attachment 6) found that:

“Staff attorneys at Northwest Justice Project are the lowest paid in Washington State. Comparing actual pay for the Northwest Justice Project Attorneys to the market data midpoint, we found that Staff Attorneys at Northwest Justice Project are currently being paid an average of 44% less than attorneys in all other organizations, at all experience levels. The compensation disparity between Staff Attorneys at Northwest Justice Project and those working in public agencies is also apparent.”

Compensation Connections, Executive Summary (August 18, 2016) at 7.

Compounding the compensation equity issue is the fact that NJP is an independent contractor of state funded legal aid services. Because it is not a state agency, its staff are not eligible to participate in the state's public employee retirement system (PERS). While NJP encourages and provides a small annual contribution to staff 403(b) retirement accounts, staff retirement investment is principally funded through individual employee diversion of pre-tax dollars from salaries that are well-below comparability.

In its 2017-19 operating budget, the Legislature appropriated funds to underwrite the state's share of 2%, 2%, and 2% COLA's. It also provided funding to underwrite the state's share of step-increases on NJP's Board-approved salary scales. These increases allowed NJP staff to keep pace with existing compensation levels, but made no progress toward closing the compensation equity gap documented in the August 2016 report.

NJP staff unionized in 2017 in large part due to continuing concerns about the compensation equity gap. A collective bargaining agreement (CBA) is expected to be executed on or before November 1, 2018. The CBA will be effective January 1, 2019.

Because negotiations on the agreement are continuing, final figures are not yet available. However, NJP management advise that the scope of the changes to the program's compensation and benefit structure under discussion provide the basis for a reasonably reliable and realistic projection of the anticipated state share of personnel cost increases and corresponding revenue shortfalls that will need to be addressed in the FY 2019-21 biennium if current levels of client services are to be maintained. Specifically, these will include:

- a. An initial upward scale adjustment the state's aggregate share of which will be about \$337,150.
- b. Annual COLA increases in the range of 2% to 3%. The draft decision package assumes a 2.5% per year COLA effective January 1, 2019, 2020, and 2021.
- c. A right for all bargained employees to receive a step-increase for each year of experience.
- d. Underwriting of health care and related benefits for all bargaining unit members, including responsibility for paying annual premium increases.

The Legislature has historically funded increases to underwrite NJP's existing operations at the percentage that state funding represents in relation to the total cost of NJP's basic field client service operations. In FY 2019-21, state funding will represent 70% of the cost of NJP's total basic field client service operations. Applying this percentage to anticipated increased personnel costs associated with the CBA, the state's share will be \$1,132,600 in FY 2020 and \$1,945,400 in FY 2021.

Effective January 1, 2019, NJP will be legally required to meet its obligations under the CBA. Failure to secure funding to underwrite the incremental personnel costs resulting from the CBA will result in a need to immediately reduce NJP's client service capacity. At a projected average fully loaded cost of \$151,700 per mid-level (7 year) FTE attorney, failure to fund this request may result in the loss of about 8 FTE attorneys in FY 2020 and an additional 5 FTE attorneys in 2021. This would effectively eliminate 65% of the 20 additional attorney FTE's that the Legislature intended be added with its FY 2017-19 investment in the Civil Justice Reinvestment Plan.

3. Reauthorization of Funding for the Children's Representation Study Authorized by Sec. 28 of 2ESSB 5890 ([Laws of 2017, ch. 20, sec. 28](#)) (Attachment 7)

Section 28 of 2 ESSB 5890 funded a study on the effectiveness of early appointment of counsel in dependency cases. Section 28(2)(c) appropriated \$75,000 for the study and directed the Office of Civil Legal Aid to contract with the Washington State Center for Court Research at the Administrative Office of the Courts (AOC/WSCCR) to perform the study. An initial report to the Legislature is due in December 2019 – which occurs outside of the current FY 2017-19 biennium -- in FY 2020.

OCLA contracted with AOC/WSCCR to do the study. OCLA will receive deliverables and incur about \$37,500 in expenditures prior to June 30, 2019. The remaining funds will be paid upon completion of the report for the Legislature in December 2019. This will occur in FY 2020. OCLA will require expenditure authority to pay for the study in the next biennium. The decision package seeks reauthorization for OCLA to spend this amount in FY 2020.

Two other fiscal matters are worthy of note.

1. Extending the Children's Representation Study

The children's representation study referenced above is designed to assess the impact on time to permanency and other critical child welfare indicators resulting from the appointment of an attorney for children at the initial shelter care hearing. In 2ESSB 5890, the Legislature directed OCLA to contract with AOC/WSCCR to conduct a comparative study involving four counties – Grant and Lewis (Treatment Counties) and Whatcom and Douglas (Control Counties). The study was to start effective September 1, 2017 and an initial report is to be submitted to the Legislature in December 2019.

As the study commenced and moved forward it became clear that (a) it would take substantially longer to ramp up to full caseloads in the treatment counties than had been anticipated in the fiscal note, and (b) the study timeline was too short to generate meaningful outcome data by December 2019. Because of the ramp-up challenges, OCLA substantially underspent (by \$400,000) funds appropriated for FY 2019. OCLA's Children's Representation Program Manager Jill Malat has been working with the study's principal sponsors (Rep.'s Noel Frame and Paul Graves, and Sen. Steve O'Ban) to reauthorize the unspent FY 2019 funding to be used to extend the study period through December 2020, and to allow for a timely wind-down of the project. A copy of Jill's letter to the study sponsors is attached (Attachment 8).

2. Pro Bono Staff Compensation Equity

In March, OCLA advised the Oversight Committee that it was considering seeking funding to address perceived compensation comparability issues for the 17 local volunteer attorney programs (VLP's) across the state. These programs receive state appropriated legal aid funding through the OCLA-approved subcontract between Northwest Justice Project and the Legal Foundation of Washington (LFW). LFW uses the state funds to underwrite state-eligible expenses incurred by the 17 VLP's, four specialty legal aid providers and for state-eligible client service support related activities.

In December 2017, OCLA contracted with the ATJ Board's Pro Bono Council (through the King County Bar Foundation) to help them engage Compensation Connections to undertake a compensation comparability assessment and make recommendations for action, if any, that should be taken. Funding for this effort was also provided by the LFW. In April, OCLA and LFW received the draft reports to the Pro Bono Council. The reports documented a number of situations that give rise to concerns about compensation equity, but offered no path forward for addressing them. In response, OCLA engaged Compensation Connections directly for additional data analysis and a more direct assessment of VLP salary comparability to functionally similar positions at NJP (at anticipated FY 2019 salary levels). OCLA received an initial report from Compensation connections in July. After review, Compensation Connections agreed to further augment the analysis. A final report and supporting data sheets were received on August 27th. LFW Executive Director Caitlin Davis and I had an extended conversation with Nancy Kasmur, principal at Compensation Connections, on August 31st.

While it is clear that there are some significant compensation equity problems, there remain significant issues regarding how any new funds will be invested in ways that move the VLP's substantially closer to compensation equity with NJP and other similarly situated legal aid providers. Because analytical and investment policy challenges remain, OCLA developed a provisional decision package (Attachment 9). OCLA and the Legal Foundation continue to work with the Pro Bono Council to address methodological challenges and strategic investment approaches to compensation equity investments in the volunteer attorney programs. OCLA respectfully requests the Oversight Committee's guidance on this matter.

ATTACHMENT 1



Washington State Office of Civil Legal Aid

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

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director

Re: Summer Update

Date: July 23, 2018

Happy Summer!

Here are a few updates regarding recent and current work of the Office of Civil Legal Aid and changes on the Civil Legal Aid Oversight Committee.

1. Oversight Committee Changes

On June 30, 2018, the terms of Judge Spearman, Jennifer Greenlee, Sen. Pedersen and Taylor “Tip” Wonhoff expired. Judge Spearman, Jennifer Greenlee (both former Chairs), and Sen. Pedersen were not eligible for reappointment. Tip Wonhoff was eligible for reappointment and he was so appointed by Governor Inslee on July 18th.

The Board for Judicial Administration (BJA) appointed Division Three (Eastern Washington) Court of Appeals Judge Rebecca Pennell to the position vacated by Judge Spearman. Oversight Committee member Sarah Augustine and I met with Judge Pennell in Yakima for an initial orientation on July 16th.

Lieutenant Governor Habib appointed Senator David Frockt to fill the Senate Democratic Caucus position vacated by Sen. Pedersen. The Lieutenant Governor also appointed Sen. Ann Rivers to the vacant Republican Caucus position.

The position vacated by Jennifer Greenlee is appointed by the Washington State Bar Association (WSBA). A number of excellent individuals expressed interest in the position. On July 18th, Judge Tripp wrote a letter sharing the thoughts of the Oversight Committee’s leadership regarding the appointment (attached). We anticipate receiving a letter of appointment this week.

Once the WSBA appointment is made, the composition of the Oversight Committee will be complete. Because there are so many new members, we will try use the upcoming September

14th committee meeting and future meetings to bring people up to speed on the range of services funded through the Office of Civil Legal Aid and the internal work of the Oversight Committee.

2. Civil Justice Reinvestment Plan

The [2016 Civil Justice Reinvestment Plan](#) (Reinvestment Plan) offered a policy and budget response to the findings of the 2015 Civil Legal Needs Study. The Reinvestment Plan called for action in four areas:

- Enhancing the ability of low-income people to self-diagnose the legal nature of their problems; determine whether and, if so, where to seek legal help; and, where possible, solve problems themselves with little or no attorney assistance
- Increase the capacity of local pro bono programs to recruit, support and refer clients to volunteer attorneys
- Achieve minimum access staffing of 1 FTE legal aid attorney (or pro bono equivalent) for every 5,000 eligible people living at or below 125% of the federal poverty level.
- Upgrade statewide infrastructure, training, support, and research related to the state-funded civil legal aid system.

The Legislature responded favorably not once – but twice – during the past biennium expressly referencing the Civil Justice Reinvestment Plan and appropriating money to:

- Add 20 FTE's over the course of the biennium (with the last 5 to be added effective January 1, 2019)
- Providing \$575,000/year to expand the capacity of our state's pro bono programs to leverage greater levels of volunteer support
- Providing funding for training and other support for the civil legal aid system. This funding was used in FY 2018 to develop and begin delivering trainings using a Race Equity Toolkit as well as the 2018 Leadership Academy. Later this year, the remaining amount of this funding will be used to underwrite a Statewide Legal Advocates Training in Wenatchee, WA.

The first 15 FTE's were deployed as shown in the attached chart. Of the five additional attorneys that will start on January 1, 2019:

- Two will be focused on serving disabled homeless individuals with claims to Social Security Disability or SSI benefits
- One will be focused on serving low-income clients with problems involving state income assistance.
- One will expand capacity to provide unemployed workers throughout the state with assistance who have been denied unemployment insurance
- One will expand capacity to address civil legal problems of system involved youth in Yakima County

3. Automated Family Law Document Forms Assembly System (Technology Assisted Forms)

One of the projects identified in the Reinvestment Plan was to develop and deploy an automated document assembly system (think TurboTax® for family law forms) to allow unrepresented family law litigants properly complete and print out their family law forms from anywhere and on any technology platform (computer, tablet, smartphone, etc.). After \$200,000 in initial funding was committed by the federal Legal Services Corporation, the Legislature committed to funding the remaining \$550,000 thought to be needed to develop and deploy the system.

Working with a broad stakeholder work group convened by the Access to Justice Board and chaired by King County Superior Court Judge Susan Amini, a nationwide solicitation was sent out to entities with experience and expertise in working with legal automated document assembly systems. After substantial consideration and on-site presentations, the work group decided to proceed with New York-based [Pro Bono Net](#) – which, through its [LawHelp Interactive](#) project, is the largest host of legal aid and related automated document assembly systems in the country. Pro Bono Net is a longstanding partner with the Legal Services Corporation and has a longstanding working relationship with Microsoft Corporation. All of its systems run on the Microsoft Azure framework. In July OCLA engaged Pro Bono Net and subcontractor [Capstone Practice Systems](#) to engage in the first phase of the project – development of the project plan and deliverables. This is due September 15th. This will inform substance, roles, responsibilities and related expenses for the balance of this two-year project. A brief introductory overview of the project will be provided by NJP’s Project Manager Laurie Garber at the September 14th meeting.

4. Victims of Crime Act Program Developments

In October 2016 OCLA established the Integrated Legal Aid to Crime Victims Program. Working with seven legal aid providers across the state, we committed to identifying and addressing the civil problems that crime victims experience incident to their criminal victimization. Dana Boales is OCLA’s Legal Aid to Crime Victims Program Manager.

In July 2018 we issued a report chronicling the first 18 months of the program’s operation and highlighting a number of the client service successes. As noted in the report (attached), VOCA-funded attorneys are working hand-in-hand with local and regional crime victim first responders – law enforcement, prosecuting attorneys, shelters, and crime victim service centers.

In July 2018, we were advised that one of the VOCA-funded projects highlighted in the report – Project Safety – will be honored by the Washington State Bar Association with the 2018 [“Legal Innovation Award”](#). Project Safety is a collaborative effort led by OCLA and the King County Prosecuting Attorney’s Office. It is designed to triage, diagnose and facilitate an effective transfer of domestic violence victims from the criminal justice to the civil legal aid system to help them address civil legal problems arising from their criminal victimization.

Despite a reduction in federal fiscal year 2017 support for the program, OCLA was able to work with the Department of Commerce's Office of Crime Victims Advocacy to secure sufficient funding for FY 2019 to maintain all core client service functions through June 30, 2019.

5. Children's Legal Representation

In 2014, the Legislature established a new program that provides attorneys for foster children whose dependency cases continue more than six months following the termination of their parents' legal rights. Administration of the program was assigned to OCLA. Jill Malat is OCLA's Children's Representation Program Manager. The program has contracts with about 60 attorneys throughout the state, some of whom have a few cases while others have full 60-case caseloads. Jill Malat ensures that all contract attorneys are providing representation consistent with national and state standards, develops and delivers training for contract attorneys and provides ongoing support and assistance for the contract attorneys.

In 2017, the Legislature passed [2ESSB 5890](#). Section 28 of that bill directed that OCLA work with the Washington State Center for Court Research (WSCCR) to assess the impact of early appointment of attorneys in dependency cases on permanency and other child welfare indicators relating to children in foster care. The study will compare outcomes for children in Grant and Lewis Counties where attorneys are appointed at the first (shelter care) hearing following their removal from their parents against those in Whatcom and Douglas Counties where attorneys are not appointed to represent children in dependency cases. Jill Malat recruited and has trained 8 attorneys to represent children in Lewis and Grant Counties. Mandatory appointments started in the two study counties in September 2017 and continue. By year-end, we expect to have reached a "full" caseload of about 250 cases in the two treatment counties. A first report is due to the Legislature in December 2019. OCLA is working with the study's legislative sponsors (Sen. O'Ban, Rep. Frame, Rep. Graves) to redirect funds not expended in the first year (due to the time it took to ramp to full caseloads) and extend the study through December 2020.

6. FY 2019-21 Budget Planning

OCLA continues to work with stakeholders to finalize FY 2019-21 budget proposals. At present OCLA anticipates submitting the following proposals:

- a. A Maintenance Level (ML) proposal to fund known and measureable changes in personnel and leasehold expenses that will be incurred by Northwest Justice Project (NJP) in FY 2019-21. This is consistent with the approach funded by the Legislature the past two biennia.
- b. A Policy Level (PL) proposal designed to implement the next phase of the Civil Justice Reinvestment Plan. Building on the Legislature's FY 2017-19 commitments, this proposal will add 40 FTE attorneys staggered through the biennium and will, if funded, close the "minimum access" gap documented in the Civil Justice Reinvestment Plan by two-thirds. A Status Report on the Civil Justice Reinvestment Plan is attached.
- c. A PL proposal to provide COLA adjustments for state-funded legal aid attorneys consistent with anticipated changes in the CPI.

- d. A PL proposal to address the significant compensation disparities between staff of the 17 state-funded pro bono programs, NJP and other small-to-medium sized non-profit organizations. This proposal will address comparability issues documented in a professional assessment conducted by an independent firm, Compensation Connections, during the interim.

At the September 14th meeting, the Oversight Committee will be asked to review, discuss, and endorse the final versions of these – or some of these -- budget proposals.

That's about it from OCLA Central. Please have a safe and satisfying summer. We'll see you in the fall.

PS – I'll be gone from July 27th through and including August 7th. You'll not hear from me during that window. ☺

**CIVIL JUSTICE REINVESTMENT PLAN
STAFF CAPACITY INVESTMENT – PHASE 1 AND 2
PER SEC. 116(2), ESSB 5883 (2017)**

	2017 1-Jul Staffing	FY 2017- 19 New Positions	Timing and Location
OCLA, VOCA and LSC Advocates:			
Bellingham	4	2	(1 Phase 1 and 1 Phase 2)
Everett	5		
King County	11.6	1	(Phase 1) South King County
Olympia	4	2	(1 Phase 1 focused on Lewis County (location TBD), 1 Phase 2)
Spokane	5	2	(1 Phase 1 and 1 Phase 2)
Colville	2		
Tacoma	6		
Kitsap	2	1	(Phase 1)
Vancouver	5	1	(Phase 2)
Pasco	3	2	(1 Phase 1 and 1 Phase 2)
Walla Walla	1	1	(Phase 1 to serve Asotin, Columbia, Garfield, Whitman)
Wenatchee	5	1	(Phase 1 to serve Grant/Adams Counties)
Omak	2		
Yakima	5	1	(Phase 1)
Port Angeles	2		
Aberdeen	2	1	(Phase 1)
Longview	2		
CLEAR/CL SR/CL DV/CAP/VOL	27		
	93.6	15	

ATTACHMENT 2

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Civil Justice Reinvestment – Phase 2

Budget Period: FY 2019-2021

Budget Level: Policy Level

Agency Recommendation Summary Text: Funding is requested to underwrite Phase 2 of the Civil Justice Reinvestment Plan. Requested funding will allow for the graduated addition of 40 FTE legal aid attorneys statewide. This will improve equity of access to civil legal aid for low-income people in Washington and represent a significant step toward achieving the “minimum access” goals of the legislatively approved Civil Justice Reinvestment Plan.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund	\$2275500	\$5461200	\$6068000	\$6068000
Fund	\$Click here to enter text.			
Total Cost	\$Click here to enter text.			
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$2275000	\$5461200	\$6068000	\$6068000
Fund	\$Click here to enter text.			
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. C	\$2275000	\$5461200	\$6068000	\$6068000
Obj. X	Click here to enter text.			
Obj. X	Click here to enter text.			

Package Description

OCLA requests funding to implement Phase 2 of the Civil Justice Reinvestment Plan endorsed by the Legislature in the FY 2018-19 operating (ESSB 5883, sec. 116(2)) and supplemental (ESSB 6032, sec. 115(2)). Funding requested will allow the addition of 40 FTE attorneys over the course of the FY 2019-21 biennium. The first twenty will be hired effective October 1, 2019, with ten more hired effective July 1, 2020 and the final ten hired effective January 1, 2021. As with the Phase 1 increase of 20 FTE's, these attorneys will be deployed throughout Washington State to ensure equity of access to legal aid services for low-income residents as required by RCW 2.53.030(4).

Coupled with the twenty FTE's authorized by the Legislature as part of the Phase 1 investment, hiring of these forty FTE's will result in closing the 90 FTE minimum access client service capacity gap documented in the 2016 Civil Justice Reinvestment Plan by two-thirds.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service. Please include current expenditure authority level and FTEs.

The 2016 Civil Justice Reinvestment Plan endorsed by the bipartisan Civil Legal Aid Oversight Committee and the Supreme Court's Access to Justice Board established a "minimum access to civil legal aid" ("minimum access") standard of 1 FTE attorney (or pro bono service equivalent) for every 5,000 individuals living at or below 125% of the federal poverty level. At the time of its adoption in September 2016, publicly funded legal aid capacity fell 90 FTE short of the minimum access level.

In its FY 2017-19 budget submission, OCLA requested funding for an additional 55 FTE attorneys with the stated objective of closing the minimum access gap over two biennia. The Legislature provided funding to "implement the civil legal aid [*sic*] reinvestment plan" in both the biennial and supplemental operating budgets, funding an additional 20 FTE attorneys to be hired during the FY 2017-19 biennium. This leaves a gap of 70 FTE's between current authorized staffing levels and "minimum access."

This decision package outlines a funding request for an additional 40 FTE attorneys to be phased in over the course of the biennium. If funded, the remaining "minimum access" client service capacity gap will be reduced to 30 FTE's by the end of the biennium.

FTE's are calculated at the Northwest Justice Project's FY 2019-21 average fully loaded cost of \$151,700 per mid-level experienced attorney FTE (see attached). This fully loaded figure includes all direct, indirect and overhead costs.

Allocation and deployment of these additional FTE's will be informed by a OCLA's comprehensive [Client Demographics/Client Service Capacity Matrix](#) and extended consultation with civil legal aid system leaders, to ensure that equity of access to state-funded legal aid client services is available to all regardless of where they live, barriers

they experience in accessing services, the availability of alternative legal resources, and the substance of their presenting civil legal problems.

Decision Package expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

Expenses associated with this decision package are driven by the fully loaded per FTE cost for mid-level experience attorneys (\$151,700) and the timing of hiring over the course of the biennium as outlined in the table below.

Four Year Projection Phase 2 Civil Justice Reinvestment

Date of Hiring	Number	Average Fully Loaded Cost/FTE	FY 2020	FY 2021	FY 2019-21 Total	FY 2022	FY 2023	FY 2021-23
1-Oct-19	20	\$151,700	\$2,275,500	\$3,034,000	\$5,309,500	\$3,034,000	\$3,034,000	\$6,068,000
1-Jul-20	10	\$151,700	\$0	\$1,517,000	\$1,517,000	\$1,517,000	\$1,517,000	\$3,034,000
1-Jan-21	10	\$151,700	\$0	\$910,200	\$910,200	\$1,517,000	\$1,517,000	\$3,034,000
Totals			\$2,275,500	\$5,461,200	\$7,736,700	\$6,068,000	\$6,068,000	\$12,136,000

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Access to timely, competent and effective civil legal assistance is essential to the ability of litigants to effectively assert and defend important legal rights within the justice system. Such access is also essential for the courts to deliver on their constitutional duty to administer justice in all cases openly and without unnecessary delay. Wash. Const. art. 1, sec. 10. Civil legal aid provides meaningful assistance to low income people who lack any other means of participating in legal proceedings in which they are involved. In so doing, it is the vehicle through which the justice system offers both fairness and the appearance of fairness.

Accessibility

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 CLNS, experience a much higher rate of civil legal problems. The availability of civil legal

aid services helps ensure that these people are able to assert their rights to reasonable accommodation and otherwise overcome access barriers that limit their ability to meaningfully participate in legal proceedings in which they are parties. The same is true for individuals who are limited English proficient (LEP) and who are also disproportionately poor. Legal aid helps them assert their language access rights and to effectively participate in civil legal proceedings in which they are involved. Recent amendments to RCW 2.53.030 expressly expand authority for state funded legal aid providers to address issues relating to disability rights.

Access to Necessary Representation

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. The 2015 CLNS documents that only 24% of low-income people who experience one or more civil legal problems get any help at all. Many of the problems experienced by low-income people must be or are addressed through the courts and adjudicative administrative proceedings. In cases where the stakes are important, the issues complex and the other side is represented, an unrepresented individual is at a distinct disadvantage. Within available resource limits, civil legal aid -- whether offered through a staffed legal aid program or a pro bono attorney -- levels the playing field and ensures that evidence and arguments of those with important interests at stake will be heard and considered on their merits.

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What is the impact on other state agencies?

Civil legal aid - whether provided by a staffed legal aid attorney or a cooperating volunteer attorney -- solves problems that if left unaddressed often result in greater demand for state services or the expenditure of other scarce governmental resources. Increased investment in civil legal aid is expected to help reduce caseload costs for other state funded programs and may also help leverage more federal dollars into the state. Studies in New York State, Illinois, Maryland, Alabama, Massachusetts and other states document that investment in civil legal aid returns substantial benefit to states and local communities well in excess of the cost of providing such services and substantially reduces public expenses that would otherwise be incurred in the absence of timely and effective legal aid.

For example, legal assistance to secure protection from a domestically violent relationship can reduce demand on law enforcement and court services; legal assistance that protects a displaced worker's claim for unemployment insurance

protects that worker's family security, housing and income stability while the worker seeks new employment; legal assistance that preserves a family's housing reduces demands on local and state homeless assistance; legal assistance that helps a returning veteran secure access to essential mental health services through the Veteran's Administration reduces demand on state services; legal assistance that secures appropriate special educational services for a failing student could help avoid that student's potential involvement in the juvenile justice system; legal help that results in securing a low income individual's eligibility for federal income and medical assistance programs brings new dollars into the state, results in less demand for scarce state-funded services and, in the case of those who were homeless at the time, saves local government on average \$50,000 per person per year (King County est.) in shelter, transportation and other costs.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

The crisis documented in the 2015 Civil Legal Needs Study requires a substantial infusion of additional funding to achieve minimum access and sustainability. There is general agreement that, as a core function of government, principal support for civil legal aid should come from general state revenues.

That said, OCLA has been aggressive in identifying other sources of funding to help close the capacity gap documented in the 2016 Reinvestment Plan. One successful initiative involved the allocation of \$4.8 million per year in federal Victims of Crime Act (VOCA) funds to address the civil legal problems that crime victims experience incidental to their criminal victimization. Funding is allocated to OCLA through an interagency agreement with the Department of Commerce's Office of Crime Victims Advocacy. VOCA funds have resulted in the addition of 25 FTE attorneys engaged in legal assistance to victims of crime in areas authorized under RCW 2.53.030. These 25 FTE's are included in the calculation of the current "minimum access" client service capacity gap.

What are the consequences of not funding this request?

If the justice system is to be open and available to all who need it, and fairness to be achieved for those involved in it, there is no meaningful alternative to an increase in

state investment in civil legal aid. Failure to expand on the Legislature's commitment to implementing the Civil Justice Reinvestment Plan will allow the problem to grow beyond our capacity to prudently address it; and will result in ever large numbers of low-income people being effectively written out of the civil justice system. For these people, the laws enacted by the Legislature will bear no meaning and carry no force. Failure to continue this effort virtually assures that the picture presented in the next Civil Legal Needs Study Update a decade from now will remain as dire as that presented in the 2015 CLNS.

How has or can the agency address the issue or need in its current appropriation level?

It is not possible to address the capacity gap within the current appropriation level.

Other supporting materials: Please attach or reference any other supporting materials or information that will further help explain this request.

Fully loaded FTE calculation attached.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

ATTACHMENT 3



Washington State Office of Civil Legal Aid

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CIVIL JUSTICE REINVESTMENT PLAN

September 2016

1. Context

The 2015 Civil Legal Needs Study Update (CLNS Update) documents that seventy-one percent (71%) of low-income households in Washington State experience one or more civil legal problems each year and that, of these, at least seventy-six percent (76%) do not get any legal help they need to solve these problems.

Sixty-five percent (65%) of those who experience at least one civil legal problem each year do not seek legal help. According to comments offered by respondents to the CLNS Update survey instrument, many – if not most – do not know that the problem they experienced was legal in nature. This lack of understanding is consistent with national studies¹ which confirm that low-income people have significant difficulties making the link between the problems they experience and the need for legal help.

In addition, many who experienced one or more civil legal problems either did not know where to go for legal help or felt that they could not afford to the legal help that they needed. Finally, of those who did seek legal help, fully one-third got no help whatsoever. Others got some level of help. Of those who got any help, 17% report that they were able to fully resolve their legal problem and another 44% got some help in resolving their problem. While the study did not inquire into the level of service respondents received, it is reasonable to assume (in light of current legal aid delivery system capacity) that many of those who either had limited resolution or no resolution to their problems were unable to receive the level of direct legal assistance that they needed to solve their problems.

2. Legal Aid Staffing and Minimum Access

Since 1975, the standard for “minimum access”² to civil legal aid services has been 1 FTE attorney for every 5,000 people living at or below 125% of the federal poverty level. When the

¹ See the most recent discussion in the US Department of Justice National Institute of Justice, Office for Access to Justice, the National Science Foundation and White House Interagency Legal Aid Roundtable, *Civil Legal Aid Research Workshop Report* (February 2016), published at <https://www.ncjrs.gov/pdffiles1/nij/249776.pdf>, at 7 (characterizing the presentation of Dr. Rebecca Sandefur).

² The 2:10,000 figure was established by the Board of Directors of the federal Legal Services Corporation (LSC) in 1975 to serve as the floor for federal investment in the newly created LSC. This figure was used to guide congressional appropriations from 1975-1980 (from \$75 million to \$300 million) by which time minimum

standard was adopted, there was no organized system to develop, deliver and track the contributions of volunteer attorneys involved in civil legal aid delivery. Thus, the formula assumed that there needed to be 1 professional staffed legal aid attorney for every 5,000 eligible low income residents (or, as it was then-characterized, 2:10,000).

In Washington State we have developed a robust and effective system of volunteer attorney recruitment and engagement. Through 17 local, bar sponsored (and often bar operated) community-based programs, thousands of volunteer legal aid attorneys deliver more than 46,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.³ At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 23 FTE civil legal aid attorneys.⁴

The balance of the state-funded civil legal aid delivery system consists of professional staff legal aid attorneys employed by the statewide Northwest Justice Project and four specialized providers of civil legal aid services that provide services to specific hard-to-serve client populations or on matters for which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery.⁵ Together the state-funded staffed legal aid programs employ about 107 full time attorneys.

According to the Census Bureau, nearly 1.2 million Washingtonians live at or below 125% of the federal poverty level.⁶ Using the 1:5,000 formula, 240 full time attorneys are needed to achieve minimum access levels of client service delivery capacity. The combined current client service capacity of the state-funded legal aid system is 130 FTE attorneys. This results in a ratio of 1 FTE equivalent civil legal aid attorney for every 9,450 people living at or below 125% of the federal poverty guideline. The net shortfall is 110 FTE attorneys.

3. Self-Diagnosis, Self-Referral, Self-Help and Other Strategies

The 2015 CLNS Update documents that low-income people experience the greatest number of legal problems in the areas of health care, consumer/finance and employment. At the same time, it tells us that low-income residents are most likely to self-diagnose their problems as being legal in nature and seek legal help with respect to problems relating to family law, rental housing and consumer/finance (mostly debt collection and bankruptcy). This finding is not surprising, as matters arising in these areas are often (a) understood as presenting problems for which solutions are urgently required and (b) matters where the judicial system is the exclusive or most logical forum for the resolution of the problems presented.

access had been achieved. See, Erlich, *Giving Low-Income Americans Minimum Access to Legal Services*, 64 A.B.A.J. 696 (1978).

³ Eligibility for state-funded civil legal aid services is governed by [RCW 2.53.030](#).

⁴ Substantial additional volunteer contributions are made through dedicated pro bono programs operated at large (principally Seattle-based) law firms and through large in-house corporate counsel offices.

⁵ These are TeamChild, the Seattle Community Law Center, the Unemployment Law Project and the Family Advocacy Program at Solid Ground.

⁶ 2014 5-Year American Community Survey

Given the widespread inability of low-income to self-diagnose and effectively access legal aid services for problems with a legal dimension, intentional effort needs to be made to expand outreach, legal education, informational tools and technology applications, and related resources to help them do so. Further, dedicated capacity needs to be developed to identify and reach members of low-income communities that experience cultural, linguistic, ability and other barriers that compound the general limited ability of people understand the legal dimensions of the problems they are experiencing and self-refer for legal help.

The civil judicial system is complex and premised on an adversarial relationship between contesting parties, both of whom are represented by attorneys. Under the Code of Judicial Conduct, the independent judicial officer is significantly constrained from assisting any party, even those who are not represented by an attorney.

Unfortunately, a growing and increasing majority of family law litigants are not represented by an attorney.⁷ This can result in significant imbalances in power between those who have counsel and those who do not. Further, the growing numbers of unrepresented (or self-represented) parties in family law (and other) cases causes significant drag on the machinery of justice, with self-represented litigants often misfiling documents, failing to complete forms properly and otherwise running afoul of court processes and procedures.

Led nationally by the Self-Represented Litigants Network, the Legal Services Corporation, the National Center for State Courts and others, there is a growing effort to develop and place more technology based tools in the hands of self-represented litigants trying to navigate the civil justice system. A central focus of these efforts has been the development of technology systems designed to enable self-represented litigants to complete (and in some locations electronically file) court forms through automated document assembly systems. These “TurboTax-like” systems offer an iterative and sequential series of questions, the answers to which allow the back end of the system to populate required forms with appropriate data and prepare them for review, printing and filing.

The Washington State Supreme Court recently approved 211 [family law forms](#) that have been translated from legalese into plain language. The product of nearly six years of work, these forms are now required to be used in all cases. The Access to Justice Board, Northwest Justice Project and Administrative Office of the Courts collaborated on translating and securing Supreme Court approval of these forms.

The development and publication of the plain language forms offers a singular opportunity to empower self-represented litigants to be more effective and more successful in participating in civil family law proceedings. Given the national public and private sector interest in expanding legal literacy and access to self-help resources, significant opportunities exist to attract matching funds to state-level investment in the automation of the new family law forms. Through an anticipated inter-agency Memorandum of Understanding between the Office of Civil Legal Aid (OCLA), the Administrative Office of the Courts (AOC), the Access to Justice Board and

⁷ Recent information from the Administrative Office of the Courts suggests that at least one party is unrepresented in nearly 80% of all family law cases, and that both parties are unrepresented in upwards of 60% of such cases.

possibly the Northwest Justice Project, OCLA will assume lead agency status in managing a multi-agency effort to automate the new family law forms. This effort will be carried out consistent with usability and other requirements established by the Supreme Court in its Access to Justice Technology Principles and other relevant considerations.

4. Statewide Infrastructure and Support

Any system as complex as the statewide legal aid delivery system must have sufficient infrastructure, training and support to ensure that services are effectively and economically delivered, are responsive to the most prevalent and pressing needs of clients, deliver results and outcomes that are responsive to client needs and legal rights and are sophisticated and agile enough to take advantage of new and emerging technologies and evidence-based best-practices. This will require dedicated staff and resources to support training, research and to effectively monitor outputs and outcomes realized for clients.

5. Components of the 2016 Civil Justice Reinvestment Plan

A. Helping People Understand Their Legal Problems; Expanding Self-Help Tools; Fostering New Public-Private Partnerships to Develop and Implement Innovative Delivery Strategies

Efforts here will focus on developing and investing resources to (a) expand the ability of low-income people to understand their rights, prerogatives and responsibilities under the law, (b) enable them to understand the potential legal dimensions of the problems that they are experiencing and make informed decisions about whether and, if so, when and where to seek help from an appropriate legal aid provider, and (c) expand self-help resources that will better enable them to solve their legal problems without or with limited assistance of a legal professional. Focus will not only be on those with technology capability and access to internet-based services, but also on those who lack such capabilities or consistent access to the internet, as well as those who experience language, cultural and other barriers.

In addition to automating the new plain language family law forms, a number of opportunities exist to help low-income people better understand their legal rights, self-diagnose their legal problems and gain access to a civil justice system that is otherwise out of reach. Strategies may include developing new smart-phone applications that will allow individuals to assess their current situations, understand their legal rights, and tell them where and how to get legal information, assistance and, if need be, representation. Other potential ideas may include technology-loaded vehicles that will enable legal aid staff and volunteers to be more present on a regular basis at locations where low-income people go and to reach out and connect with communities who are not connected or who experience social, cultural, language, mental health and other barriers (such as homelessness, geographic isolation or restrictions on their mobility (e.g., trafficking victims)) to learn about their legal rights and get help with problems before they become acute.

There is a wealth of private sector technology programming and development capacity in Washington State. Like its federal counterpart, the Legal Services Corporation, OCLA proposes to seek a sum of funding each biennium to competitively stimulate new public-private partnerships in delivery approaches and development of innovative technology applications that will enhance the ability of low-income people to identify and solve their legal problems by themselves.

Investment Required: \$250,000 per year for automation of self-help forms (Phase 1); \$100,000 per year Phase II and beyond)⁸; \$150,000 per year for Technology Innovation Partnership investment (Phase I) designed to stimulate public-private partnerships that generate delivery system innovations (including technology based applications) focused on expanding the ability of people to understand their rights, self-diagnose the legal nature of the problems they are experiencing and self-refer into the civil legal aid system. (Phase II funding moves to \$400,000 per year).

Total Biennial Increase Over Current Levels: \$1.0 million (Phase I -- \$800,000).

B. Expanding Volunteer Lawyer Involvement and Service Delivery

The market value of current services delivered by volunteer attorneys working in association with the 17 community based volunteer attorney programs is nearly \$11.5 million per year.⁹ The value of organized pro bono services is equal to about 85% of the current annual appropriation for civil legal aid.

While the level of service is laudable, there is substantial untapped opportunity for greater volunteer involvement in legal aid delivery. The key to effectively tapping the potential level of volunteer services is to have high quality, professional staff involved in the recruitment, training, mentoring, support and referral of clients to these volunteer attorneys. Strategically expanding and upgrading staff support within the community-based volunteer attorney programs will expand the number of attorneys and attorney hours dedicated to addressing the civil legal problems of low-income people in Washington State. The Access to Justice Board's Pro Bono Council advises that with sufficient additional investment in volunteer program staff, an additional 12,000 to 16,000 hours of volunteer attorney services can be secured on an annual basis – increasing the leveraged volunteer attorney contribution by between 25% and 30% (or the equivalent of 6-8 FTE) over current levels.

Total Biennial Increase Over Current Levels: \$2.0 million (Phase I -- \$1.125M).

⁸ Phase I covers the FY 2017-19 biennium. Phase II covers FY 2019-21 and beyond.

⁹ This assumes a market value of \$250/hr.

C. Achieving Minimum Access Through Expanded Professional Civil Legal Aid Staffing

The core of the civil legal aid system is and will always be the professional staffed legal aid programs. Northwest Justice Project (NJP) is the principal state-funded legal aid program. NJP hosts the statewide legal aid call center (CLEAR), staffs and supports the statewide legal aid self-help resources website ([Washington Law Help](#)), provides statewide coordination and support for professional civil legal aid attorneys across the state and maintains client service offices in 17 locations around the state. In addition, there are four state-funded specialized civil legal aid providers that serve specific client populations and carry substantive expertise in specific areas of law. These include TeamChild (serving youth simultaneously involved in multiple legal forums), Seattle Community Law Center (serving homeless disabled residents of King and Snohomish Counties on matters relating to SSI and SSDI), Solid Ground Benefits Legal Services (serving families with legal problems involving state governmental assistance) and the Unemployment Law Project (serving clients contesting denials or terminations from claims for unemployment insurance benefits).

After incorporating the effective FTE contributions of current and potential volunteer attorney efforts, the 2016-17 addition of 20 FTE attorneys underwritten with federal Victim of Crime Act (VOCA) funds and current levels of basic field client service staffing in these programs, there remains a gap of **88 FTE attorneys** from the required level needed to achieve minimum access (using the 1FTE:5,000 eligible person standard).

At an average fully loaded cost of \$125,000/FTE attorney/year,¹⁰ the total increase required to achieve minimum access legal aid staffing is \$11,000,000 per year.

Total Biennial Increase Over Current Levels: \$22,000,000 (Phase I -- \$9,687,500)

D. Statewide Infrastructure, Support and Accountability

Effective operation of the statewide civil legal aid system requires intentional efforts to ensure coordination and support for staff and volunteers involved in civil legal aid delivery at the local, regional and statewide levels. As is the case in the indigent defense arena, resources must be expressly dedicated to ensure that professional staff and volunteer attorneys are trained in the substance of the legal problems experienced by low-income people and the skills necessary to effectively address them. Additionally, there must be appropriate staff dedicated to ensure coordination of client service delivery and the quality and accountability of services delivered. Finally, systems must be established to monitor the substance and impact of the additional services funded through this Reinvestment Plan to ensure accountability to taxpayers, other investors and clients. Direct incremental outlays for training, support, research and outcomes monitoring will be \$300,000 per year. An additional \$200,000 will be needed for expanded staff at the Office of Civil Legal Aid to manage the civil legal aid program.

Total Biennial Increase Over Existing Levels: \$1,000,000 (Phase I -- \$400,000)

¹⁰ This is the average fully loaded cost (salary, benefits, administration, and overhead) of a 5-7 year attorney at the Northwest Justice Project.

Total Biennial Increase Above Current Levels:

Total incremental funding to achieve minimum access, maximize volunteer attorney involvement, expand the ability of low-income people to self-diagnose their legal problems and expand self-help tools, and ensure effective support for the statewide civil legal aid system:

\$26,000,000 (Phase I -- \$12,012,000)

ATTACHMENT 4



Washington State Office of Civil Legal Aid

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“...And Justice For All”

WASHINGTON STATE’S COMMITMENT TO REINVESTING IN CIVIL JUSTICE

Washington legislators have embraced the need to ensure that access to the civil justice system is not dictated by a person’s wealth. State leaders have a long-demonstrated commitment working to make sure that “Justice For All” is not just a slogan, but is a reality for our state’s residents. Here is a status report on that history.

2005 Washington State Legislature creates the Office of Civil Legal Aid (OCLA) as an independent agency under the judicial branch of state government.

2015 An independently-researched **Civil Legal Needs Study** documents a growing problem for Washingtonians – some 76% of all low-income people who experience civil legal problems (in matters affecting basic human needs and human safety) do not get any legal help.

2016 The **Civil Justice Reinvestment Plan** establishes a state goal to achieve “minimum access” to civil legal aid, and defines that as the equivalent of one legal aid attorney for every 5,000 eligible people living at or below 125% of the federal poverty level – which would mean 240 such attorneys, though only 130 were currently in the state system. OCLA begins addressing the shortfall that fall, adding 23 federally-funded attorneys through the Victims of Crime Act (VOCA).

2017 The Washington State Legislature continues this momentum, expressly endorsing the Civil Justice Reinvestment Plan (CJRP) and funding 15 new attorneys in the 2017 – 2019 operating budget, phased in over the biennium.

2018 Legislators further address the minimum access shortfall with an additional 5 CJRP attorneys in the FY 2019 supplemental budget.

Based on the goals of the Civil Justice Reinvestment Plan, here is where the state now stands in its commitment:

2016 Initial Client Service Capacity Gap	110 full-time equivalent attorneys (FTE’s)
2016-2018 Additions	43 FTE’s
Remaining Minimum Access Shortfall	67 FTE’s

**FY 2019-21 CIVIL JUSTICE REINVESTMENT PLAN
BUDGET PROPOSAL**

The Office of Civil Legal Aid will seek funding to take another incremental step towards implementing the Civil Justice Reinvestment Plan and achieving minimum access client service capacity in the FY 2019-21 biennium.

OCLA FY 2019-21 CJRP Request: 40 FTE's (phased in over biennium)

Four Year Projection Phase 2 Civil Justice Reinvestment

Date of Hiring	Number	Average Fully Loaded Cost/FTE	FY 2020	FY 2021	FY 2019-21 Total	FY 2022	FY 2023	FY 2021-23
1-Oct-19	20	\$151,700	\$2,275,500	\$3,034,000	\$5,309,500	\$3,034,000	\$3,034,000	\$6,068,000
1-Jul-20	10	\$151,700	\$0	\$1,517,000	\$1,517,000	\$1,517,000	\$1,517,000	\$3,034,000
1-Jan-21	10	\$151,700	\$0	\$910,200	\$910,200	\$1,517,000	\$1,517,000	\$3,034,000
Totals			\$2,275,500	\$5,461,200	\$7,736,700	\$6,068,000	\$6,068,000	\$12,136,000

ATTACHMENT 5

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Vendor Rate Adjustment -- Maintain Current Client Service Capacity

Budget Period: FY 2020-21

Budget Level: PL

Agency Recommendation Summary Text: Funding is requested to address known and measureable increases in personnel expenses resulting from execution of a Collective Bargaining Agreement between Northwest Justice Project and its staff union. The vendor rate adjustment is needed to protect existing legislatively authorized levels of client service capacity including the twenty (20) FTE's funded by the Legislature in the FY 2017-19 biennium to begin implementation of the Civil Justice Reinvestment Plan.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$1132600	\$1945400	\$2554500	\$3181200
Fund	\$Click here to enter text.			
Total Cost	\$1132699	\$1945600	\$2554500	\$3181200
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
Fund	\$Click here to enter text.			
Fund	\$Click here to enter text.			
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. C	\$1132600	1945400	2554500	3181200
Obj. X	Click here to enter text.			
Obj. X	Click here to enter text.			

Package Description

The principal statewide provider of state-funded civil legal aid services, Northwest Justice Project (NJP), will experience significant increases in personnel expenses in FY 2020-21 due to implementation of its first collective bargaining agreement (CBA). The CBA will legally obligate NJP to:

1. Implement an across-the-board compensation increase that is projected to add an average of \$2,500 per FTE to the annual salary scales. This initial increase will carry through an expected three year contract.
2. Require NJP to provide annual cost-of-living adjustments of about 2.5% per employee per year.
3. Provide annual experience-based step increases in salaries for all employees in the bargaining unit.
4. Require NJP to continue underwriting medical and dental insurance for employees and share costs for the same for dependents of employees.

In August 2016, an independent consulting firm, Compensation Connections, completed and submitted a salary compensation analysis for NJP attorney staff. The report (attached to this decision package) found that:

“Staff attorneys at Northwest Justice Project are the lowest paid in Washington State. Comparing actual pay for the Northwest Justice Project Attorneys to the market data midpoint, we found that Staff Attorneys at Northwest Justice Project are currently being paid an average of 44% less than attorneys in all other organizations, at all experience levels. The compensation disparity between Staff Attorneys at Northwest Justice Project and those working in public agencies is also apparent.”
Compensation Connections, Executive Summary (August 18, 2016) at 7.

Compounding the compensation equity issue is the fact that NJP is an independent contractor of state funded legal aid services. Because it is not a state agency, its staff are not eligible to participate in PERS. While NJP encourages and provides a small annual contribution to staff 403(b) retirement accounts, staff retirement investment is principally funded through the diversion of pre-tax dollars from salaries that are well-below comparability.

In its 2017-19 operating budget, the Legislature appropriated funds to underwrite the state's share of 2%, 2%, and 2% COLA's. It also provided funding to underwrite the state's share of step-increases on NJP's Board-approved salary scales. These increases allowed NJP staff to keep pace with existing compensation levels, but made

no progress toward closing the compensation equity gap documented in the August 2016 report.

NJP staff unionized in 2017 in large part due to continuing concerns about the compensation equity gap. A collective bargaining agreement (CBA) is expected to be executed by November 1, 2018 with the economic provisions of the contract effective January 1, 2019.

Because bargaining is ongoing and an agreement has not been concluded, the final figures are not yet available. However, the scope of the changes to NJP's compensation and benefit structure under discussion provide the basis for a reasonably reliable and realistic projection of the anticipated state share of personnel cost increases and corresponding revenue shortfalls that will need to be addressed in the FY 2019-21 biennium if current levels of client services are to be maintained. Specifically, these will include:

1. An initial upward scale adjustment the state's aggregate share of which will be about \$337,150.
2. Annual COLA increases in the range of 2% to 3% annually. This decision package assumes an average 2.5% per year COLA adjustment effective January 1, 2019, 2020, and 2021.
3. A right for all bargained employees to receive a step-increase for each year of experience.
4. Underwriting of health care and related benefits for all bargaining unit members and shared cost of dependent coverage, including responsibility for paying annual premium increases.

The state's total share (70%) of anticipated increased personnel costs associated with the CBA will be \$1,132,600 in FY 2020 and \$1,945,400 in FY 2021. A spreadsheet outlining the expenditure increases is attached to this decision package. Final numbers will be provided immediately upon execution of the CBA.

Effective January 1, 2019, NJP will be legally required to meet its obligations under the CBA. Failure to secure funding to underwrite the incremental personnel costs resulting from the CBA will result in a need to immediately reduce NJP's client service capacity. At an anticipated average fully loaded cost of \$151,700 per mid-level (7 year) FTE attorney, failure to fund this request may result in the loss of about 8 FTE attorneys in FY 2020 and an additional 5 FTE attorneys in 2021. This would effectively eliminate 65% of the 20 additional attorney FTE's that the Legislature intended be added with its FY 2017-19 investment in the Civil Justice Reinvestment Plan.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted

to the program or service. Please include current expenditure authority level and FTEs.

This decision package is designed to protect current client service capacity, including the majority of the capacity increases resulting from the Legislature's Phase I Civil Justice Reinvestment Plan (CRJP) appropriation. It protects at least 13 of the 20 CJRP attorney positions funded in the FY 2017-19 biennial and supplemental budgets from being lost in the FY 2019 – 21 biennium due to increased personnel expenses resulting from the CBA. Funding of this decision package will not result in expanded services.

Decision Package expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

Please see the attached spreadsheet that sets for the fiscal analysis in support of this request.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 Civil Legal Needs Study (CLNS), disproportionately experience civil legal problems. Protecting existing levels of client service capacity from further erosion ensures continuity of client services for these people.

Access to Necessary Representation

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. The 2015 CLNS Update documented that only 24% of low-income people who experience one or more civil legal problems get any help at all. OCLA will continue to seek funding to address the crisis documented in the 2015 study consistent with the Civil Justice Reinvestment Plan approved by the Legislature in the FY 2017-19 biennial and supplemental operating budgets. At the same time, it must protect existing (including expanded) client service capacity from immediate erosion.

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What is the impact on other state agencies?

This vendor rate adjustment is designed to protect the gains realized by the Legislature when it endorsed and funded the Civil Justice Reinvestment Plan in the FY 2017-19 biennial and supplemental operating budgets. Erosion of client service capacity will inevitably have negative impacts on other state programs in situations where clients who might otherwise have gotten the help they needed to protect themselves from eviction or homelessness, secure federal disability benefits or other critical services were unable to do so.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

NJP is the largest non-profit law firm in Washington State. It is the “qualified legal aid program” with which OCLA contracts pursuant to RCW 2.53.030(2). State appropriated funds support nearly 122 FTE attorneys (and related overhead) who provide services in every corner of the state.

Upon certification by the National Labor Relations Board, NJP was legally obligated to negotiate with the staff union to address, among other things, compensation issues. NJP will be legally bound to comply with the terms of the final CBA.

While a large non-profit organization, Northwest Justice Project is subject to federal restrictions that limit its ability to maintain sufficient reserves to address increased costs of operation over time. See 45 C.F.R. Part 1628. This is compounded by the cost-reimbursable nature of its state contract, which requires full exhaustion of contract funding each biennium without any carryforward.

NJP has no source of funding to which to turn to mitigate the fiscal impact of the anticipated CBA. In light of these circumstances, OCLA has no alternative but to seek a vendor rate adjustment for NJP.

What are the consequences of not funding this request?

Failure to fund will require NJP to reduce operating expenses by \$1,132,600 in FY 2020 and \$1,945,400 in FY 2021, for a total of \$3,078,000 for the FY 2019-21 biennium. At an average fully loaded cost of \$151,700 per mid-level (7 year) FTE attorney, this would result in the loss of about 8 FTE attorneys in FY 2020 and an additional 5 FTE attorneys in 2021. This would effectively eliminate 65% of the 20 additional attorney FTE’s that

the Legislature intended be added with its FY 2017-19 investment in the Civil Justice Reinvestment Plan.

How has or can the agency address the issue or need in its current appropriation level?

There are no alternatives than seeking a vendor rate adjustment to protect against attrition in NJP's client service staffing due to increased personnel costs resulting from the CBA.

Other supporting materials: Please attach or reference any other supporting materials or information that will further help explain this request.

See attached worksheet

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

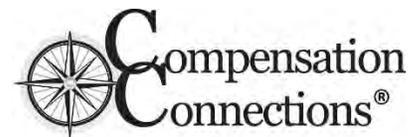
ATTACHMENT 6

EXECUTIVE SUMMARY

2016 Custom Survey & Market Pricing Project

Prepared For:
Northwest Justice Project

Nancy Kasmar, Principal
Shannon Drohman, Principal



August 18, 2016

2016 Custom Survey & Market Pricing Project

Executive Summary

About Compensation Connections

Compensation Connections is a Seattle-area consulting firm advising organizations in matters related to total rewards. The firm is owned by Nancy Kasmar and Shannon Drohman. With more than 30 years of combined experience in HR and compensation, the principals of Compensation Connections have assisted hundreds of organizations with the design or revision of their compensation and reward programs.

We primarily serve organizations in Washington State, most often in the greater Puget Sound region. We have a wide range in client size, from small start-ups to well-established organizations with thousands of employees. Our industry mix includes education, social services, housing, technology, manufacturing, construction, healthcare, financial services, quasi-governmental, conservation, and professional services.

Project Overview

Compensation Connections was engaged by Northwest Justice Project to conduct a custom survey and market pricing project for Staff Attorney pay by experience level. The custom survey additionally gathered information regarding current benefits for these positions. Custom salary data is aggregated and presented on a percentile basis (25-50-75%). Market pricing information is presented from two sources, publicly available data and market data from the most applicable published survey source.

Methodology

Compensation Connections contacted 17 organizations across the state (comprised of nonprofit legal aid organizations and other non-profits who have employees with similar legal positions) to participate in the custom survey. Participants were asked to provide their existing Staff Attorney salary scale information or incumbent salary data, as well as information on their employer contributions for voluntary employee benefits.

Of the 17 organizations contacted, 6 responded with both salary and benefit data and an additional 2 organizations responded with salary data only. Exhaustive research of publicly available attorney salary information yielded further data from 8 Washington State governmental agencies and the Office of Personnel Management, an agency of the United States government.

Data from four published survey sources were also reviewed, with one survey source (Economic Research Institute Salary Assessor) providing consistent enough compensation data to be usable for this project. Even this data was limited to a maximum of 16 years of experience for the applicable position.

Compensation Findings

Publicly Available Data

The compiled compensation data from the publicly available data only are detailed below.

Data from 7 Washington State agencies and the Office of Personnel Management (OPM) are represented. Salary data from Northwest Justice Project are provided for comparison.

Attorney Years of Experience	Source Count	Base P25	Base P50	Base P75	Average	NJP Salary Scale
0-1	7	\$57,642	\$62,581	\$62,945	\$59,905	\$46,114
1-2	7	\$63,282	\$66,361	\$68,024	\$64,011	\$47,816
2-3	6	\$68,330	\$69,335	\$70,750	\$67,532	\$49,533
3-4	6	\$71,387	\$73,246	\$74,990	\$71,903	\$51,262
4-5	6	\$73,235	\$76,186	\$81,673	\$75,982	\$53,017
5-6	6	\$75,174	\$79,218	\$82,634	\$78,229	\$55,036
6-7	6	\$79,685	\$82,345	\$88,997	\$84,652	\$57,051
7-8	5	\$82,216	\$88,931	\$94,211	\$88,598	\$59,067
8-9	5	\$84,439	\$93,378	\$98,324	\$91,761	\$61,081
9-10	5	\$86,661	\$98,046	\$102,521	\$95,019	\$63,096
10-11	4	\$98,468	\$105,011	\$107,156	\$100,613	\$65,113
11-12	4	\$90,449	\$99,679	\$108,595	\$99,365	\$67,128
12-13	3	\$101,221	\$111,471	\$112,486	\$105,314	\$69,443
13-14	3	\$103,419	\$112,863	\$116,019	\$108,671	\$71,759
14-15	3	\$105,625	\$114,273	\$119,704	\$112,128	\$74,075
15-16	3	\$107,812	\$115,703	\$123,547	\$115,672	\$76,389

Survey Respondent Data

The compiled compensation data from the survey respondent data only are detailed below.

Data from 8 responding organizations are represented. Salary data from Northwest Justice Project are provided for comparison.

Attorney Years of Experience	Source Count	Base P25	Base P50	Base P75	Average	NJP Salary Scale
0-1	7	\$49,185	\$50,493	\$55,660	\$55,042	\$46,114
1-2	6	\$50,606	\$53,566	\$59,363	\$57,644	\$47,816
2-3	5	\$51,585	\$54,613	\$56,531	\$55,103	\$49,533
3-4	5	\$53,210	\$56,661	\$58,443	\$57,032	\$51,262
4-5	5	\$54,861	\$58,785	\$60,354	\$58,982	\$53,017
5-6	6	\$57,782	\$61,556	\$68,233	\$65,548	\$55,036
6-7	5	\$58,656	\$62,972	\$64,178	\$63,077	\$57,051
7-8	7	\$62,785	\$66,092	\$72,419	\$70,034	\$59,067
8-9	6	\$63,617	\$67,568	\$75,017	\$71,723	\$61,081
9-10	5	\$64,340	\$69,146	\$69,917	\$69,237	\$63,096
10-11	6	\$67,484	\$71,524	\$80,716	\$74,801	\$65,113
11-12	6	\$69,350	\$73,372	\$83,067	\$78,361	\$67,128
12-13	6	\$71,439	\$75,470	\$86,483	\$80,661	\$69,443
13-14	6	\$73,447	\$77,403	\$89,649	\$83,841	\$71,759
14-15	5	\$74,666	\$77,849	\$80,853	\$80,849	\$74,075
15-16	5	\$76,843	\$79,211	\$83,225	\$83,177	\$76,389

Published Survey Data

The compiled compensation data from the published survey data only are detailed below. Salary data from Northwest Justice Project are provided for comparison.

Criteria used for survey data selection included Seattle geographic area, NAICS 541110 (Office of Lawyers), and \$23 million annual budget.

Attorney Years of Experience	Source Count	Base P25	Base P50	Base P75	Average	NJP Salary Scale
0-1	1	\$92,298	\$102,571	\$115,718	\$109,201	\$46,114
1-2	1	\$99,446	\$110,472	\$124,499	\$117,735	\$47,816
2-3	1	\$106,507	\$118,214	\$133,082	\$126,123	\$49,533
3-4	1	\$113,357	\$125,685	\$141,345	\$134,243	\$51,262
4-5	1	\$119,889	\$132,796	\$149,145	\$141,999	\$53,017
5-6	1	\$126,024	\$139,461	\$156,092	\$149,299	\$55,036
6-7	1	\$131,703	\$145,594	\$163,116	\$156,047	\$57,051
7-8	1	\$136,873	\$151,048	\$169,675	\$162,086	\$59,067
8-9	1	\$141,491	\$155,790	\$175,605	\$167,377	\$61,081
9-10	1	\$145,547	\$160,369	\$180,868	\$172,444	\$63,096
10-11	1	\$149,104	\$164,481	\$185,544	\$177,018	\$65,113
11-12	1	\$152,215	\$168,177	\$189,732	\$181,152	\$67,128
12-13	1	\$154,823	\$171,524	\$193,520	\$184,918	\$69,443
13-14	1	\$157,411	\$174,589	\$196,985	\$188,388	\$71,759
14-15	1	\$159,913	\$177,434	\$200,200	\$191,627	\$74,075
15-16	1	\$162,299	\$180,118	\$203,232	\$194,698	\$76,389

Combined Overall Data

The compiled compensation data from the survey respondent data, publicly available data, and published survey sources are detailed below.

Data represented includes: 7 Washington State agencies and the Office of Personnel Management (OPM), 8 survey respondents, and 1 published survey source. Salary data from Northwest Justice Project are provided for comparison.

Job Level	Base P25	Base P50	Base P75	Average	NJP Salary Scale
Attorney - 1 year	\$72,767	\$82,567	\$91,898	\$85,562	\$46,114
Attorney - 2 years	\$76,869	\$87,297	\$97,401	\$90,258	\$47,816
Attorney - 3 years	\$81,125	\$92,358	\$103,680	\$96,111	\$49,533
Attorney - 4 years	\$85,673	\$97,272	\$109,309	\$101,755	\$51,262
Attorney - 5 years	\$90,543	\$103,043	\$115,809	\$107,478	\$53,017
Attorney - 6 years	\$95,274	\$108,326	\$119,815	\$112,633	\$55,036
Attorney - 7 years	\$99,257	\$111,660	\$127,317	\$117,492	\$57,051
Attorney - 8 years	\$102,732	\$116,476	\$132,420	\$122,066	\$59,067
Attorney - 9 years	\$105,942	\$119,194	\$136,079	\$125,376	\$61,081
Attorney - 10 years	\$109,002	\$122,972	\$141,083	\$129,429	\$63,096
Attorney - 11 years	\$111,701	\$126,415	\$143,136	\$132,550	\$65,113
Attorney - 12 years	\$114,088	\$129,703	\$147,267	\$135,691	\$67,128
Attorney - 13 years	\$116,151	\$133,110	\$152,831	\$139,210	\$69,443
Attorney - 14 years	\$117,818	\$132,367	\$149,889	\$141,186	\$71,759
Attorney - 15 years	\$119,862	\$135,176	\$152,904	\$144,212	\$74,075
Attorney - 16 years	\$122,055	\$140,983	\$154,206	\$147,302	\$76,389

Recommendations

Based on the data collected and demonstrated in the preceding tables, Staff Attorneys at Northwest Justice Project are the lowest paid in Washington State. Comparing actual pay for the Northwest Justice Project Staff Attorneys to the market data midpoint, we found that Staff Attorneys at Northwest Justice Project are currently being paid an average of 44% less than attorneys in all other organizations, at all experience levels. The compensation disparity between Staff Attorneys at Northwest Justice Project and those working in public agencies is also apparent. This pay inequity is remarkably consistent and is most likely related to multiple years with little or no increases to the Northwest Justice Project's salary scale.

This pay inequity is concerning. Pay increases in the Northwest region were low or nonexistent during the recent recession, and annual salary adjustments have remained moderate since then. These data indicate that attorney pay at the Northwest Justice Project was below market prior to the recession. Since the recession, annual salary range adjustments have stagnated and significantly lagged behind the overall market. This combination has led to the current situation where all attorneys at the Northwest Justice Project are significantly underpaid.

It is critical to remedy this pay inequity as soon as possible. The employment situation in the Northwest region is extremely competitive for positions at all levels. Further delay in addressing the problem will only increase the problem to the point where it will be even more difficult to retain and recruit attorneys. At that point, the Northwest Justice Project will be significantly impaired in its mission because it will be unable to hire attorneys or retain attorneys at the existing salary levels.

We recommend that the Northwest Justice Project move quickly to adopt salary increases at each experience level to the average salaries paid to attorney paid in public agencies across Washington State so as to ensure Northwest Justice Project remains competitive and their attorneys are being paid at parity with other publicly funded attorneys across the state.

Benefits Findings

The following tables detail the benefit data compiled from the custom survey. State of Washington benefit information and practices are provided separately for comparison.

Is it your organization's practice to give bonuses?		
	# Orgs	Percent
Yes	0	0%
No	5	83%
Occasionally for extraordinary work	1	17%
TOTAL	6	100%
<i>State of Washington bonus practice</i>	No	

What is your organization's monthly contribution to employee benefits?			
	Lowest	Average	Highest
Participant monthly contribution (employee-only)	\$500.00	\$709.42	\$863.50
<i>State Of Washington monthly contribution</i>	\$630.00		

Total orgs reporting: 6

Does your organization offer graduate law school loan repayment?		
	# Orgs	Percent
Yes	1	17%
No	5	83%
TOTAL	6	100%
<i>State of Washington loan repayment practice</i>	No	

What type of retirement plan do you offer?		
	# Orgs	Percent
403(b)	3	50%
401(k)	2	33%
Employee Pension Plan	0	0%
No retirement plan	1	17%
TOTAL	6	100%
<i>State of Washington retirement plan</i>	Employee Pension Plan (PERS Plan 2 and 3)	

How is your retirement plan funded?		
	# Orgs	Percent
Employee contribution only	1	20%
Company contribution only	0	0%
Company contributes only if employee contributes	0	0%
Company contributes and employee may contribute	3	60%
Other	1	20%
TOTAL	5	100%
<i>State of Washington PERS Plan 2 funding</i>	<i>2% X service years X average final compensation</i>	
<i>State of Washington PERS Plan 3 funding</i>	<i>1% X service years X average final compensation + employee contribution</i>	

What is the average retirement contribution match amount made by your organization?			
	Lowest	Average	Highest
Organization percentage match (% of salary)	2.0%	3.1%	4.5%
<i>State Of Washington monthly contribution</i>	<i>Average = 9.21%</i>		

Total orgs reporting: 4

The benefits information was collected for informational purposes. Should the Northwest Justice Project decide to change their benefits offerings based on these results, the increased cost would need to be considered in addition to the significant increase in the salary budget that will be required to address the severe inequity of the attorneys pay at all levels.

Addendum A: Custom Survey Participant Invitees

Organizations invited to participate in the custom survey and this study are listed here. Note that not all invited participants responded with survey data.

American Civil Liberties Union (ACLU)

Center for Children and Youth Justice (CCYJ)

Center for Justice

Columbia Legal Services

Disability Rights WASHINGTON

Gonzaga University School of Law

King County Bar Association

Legal Voice

Northwest Consumer Law Center

Northwest Immigrants Rights Project (NWIRP)

Seattle University School of Law

Team Child

Tulalip Office of Civil Legal Aid

Unemployment Law Project

University of Washington Law School

Washington State Bar Association (WSBA)

YWCA

Addendum B: Publicly Available Data Sources

Publicly available data sources used in the custom survey and this study are listed here. For the sake of consistency, not all publicly available salary data were incorporated into the custom survey and compensation findings.

City of Spokane Prosecutors and Defenders

King County Prosecutors

King County Public Defenders

Legal Service Corporation

Office of Personnel Management (Federal)

Pierce County Prosecutors

Snohomish County Prosecutors

Washington State Attorney General Office

Addendum C: Publicly Available Data - Salary Scales

Copies of publicly available salary data that were consulted are provided here. For the sake of consistency, not all publicly available salary data were incorporated into the custom survey and compensation findings.

NOTE: The aging of older data sources is problematic and can compromise the accuracy and integrity of the data; we would strongly discourage aging this data forward any more than what has already been done for this survey.

CITY OF SPOKANE
Salary Chart
Office of the Prosecuting Attorney and
Office of the Public Defender.

TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Assistant Prosecutor	56,563.92	61,783.92	67,296.24	73,226.16	79,197.84	
Chief Assistant Prosecutor	74,353.48	77,506.56	81,202.32	87,376.08	87,800.40	90,869.76
City Prosecuting Attorney	86,652.00	90,431.28	94,210.56	98,323.92	102,520.80	107,072.64
Public Defender I	41,488.56	45,643.68	49,715.28	54,079.20	59,633.28	
Public Defender II	55,081.44	61,742.16	68,110.56	75,543.84	83,290.32	
Public Defender	86,652.00	90,431.28	94,210.56	98,323.92	102,520.80	107,072.64

The City uses a 2088 hours/year salary basis.

2016 Attorney Salary Grid

35 Hour Week

2016 COLA= 2.25%

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Deputy Pros Atty I	\$ 62,581						
100							
Bi-Weekly Amount	\$ 2,406.98						
Hourly:	\$ 34.3854						
Deputy Pros Atty II	\$ 66,279						
101							
Bi-Weekly Amount	\$ 2,549.19						
Hourly:	\$ 36.4171						
Deputy Pros Atty III	\$ 76,549						
102							
Bi-Weekly Amount	\$ 2,944.20						
Hourly:	\$ 42.0600						
Deputy Pros Atty IV	\$ 87,641						
103							
Bi-Weekly Amount	\$ 3,370.79						
Hourly:	\$ 48.1542						
Deputy Pros Atty V	\$ 94,351	\$ 96,816	\$ 99,281	\$ 101,471	\$ 104,211	\$ 107,086	\$ 109,825
104							
Bi-Weekly Amount	\$ 3,628.90	\$ 3,723.67	\$ 3,818.50	\$ 3,902.75	\$ 4,008.10	\$ 4,118.68	\$ 4,224.03
Hourly:	\$ 51.8414	\$ 53.1953	\$ 54.5500	\$ 55.7535	\$ 57.2586	\$ 58.8382	\$ 60.3434
Senior Deputy Pros Atty I	\$ 112,571	\$ 113,979	\$ 115,403	\$ 116,844	\$ 118,306	\$ 119,785	\$ 121,281
105							
Bi-Weekly Amount	\$ 4,329.65	\$ 4,383.80	\$ 4,438.57	\$ 4,494.01	\$ 4,550.23	\$ 4,607.11	\$ 4,664.67
Hourly:	\$ 61.8522	\$ 62.6257	\$ 63.4082	\$ 64.2002	\$ 65.0032	\$ 65.8159	\$ 66.6382
Senior Deputy Pros Atty II	\$ 122,797	\$ 124,332	\$ 125,886	\$ 127,459	\$ 129,054		
106							
Bi-Weekly Amount	\$ 4,722.95	\$ 4,782.00	\$ 4,841.78	\$ 4,902.28	\$ 4,963.61		
Hourly:	\$ 67.4707	\$ 68.3144	\$ 69.1683	\$ 70.0326	\$ 70.9087		
Senior Deputy Pros Atty III	\$ 130,667	\$ 132,300	\$ 133,954	\$ 135,629	\$ 137,324		
107							
Bi-Weekly Amount	\$ 5,025.66	\$ 5,088.48	\$ 5,152.08	\$ 5,216.50	\$ 5,281.70		
Hourly:	\$ 71.7951	\$ 72.6925	\$ 73.6011	\$ 74.5214	\$ 75.4528		
Senior Deputy Pros Atty IV	\$ 139,041	\$ 140,779	\$ 142,538	\$ 144,319	\$ 146,123		
108							
Bi-Weekly Amount	\$ 5,347.72	\$ 5,414.57	\$ 5,482.24	\$ 5,550.74	\$ 5,620.12		
Hourly:	\$ 76.3960	\$ 77.3510	\$ 78.3177	\$ 79.2963	\$ 80.2875		
Senior Deputy Pros Atty V	\$ 153,430	\$ 155,348	\$ 157,290	\$ 159,256	\$ 161,246		
109							
Bi-Weekly Amount	\$ 5,901.15	\$ 5,974.91	\$ 6,049.61	\$ 6,125.23	\$ 6,201.79		
Hourly:	\$ 84.3021	\$ 85.3559	\$ 86.4230	\$ 87.5033	\$ 88.5969		

ADDENDUM A
Service Employees International Union, Local 925
Department of Public Defense
Wage Addendum
Public Defense Attorney

King County

2015 Public Defense Attorney Salary Grid

2015 COLA = 2.00%

Classification Title	PeopleSoft	Job Class
	Job Code	Code
Public Defense Attorney 1	5160100	516101

Initial Steps:	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Annual:	\$ 61,204	\$ 64,821	\$ 74,865	\$ 85,712	\$ 92,275	\$ 94,685	\$ 97,096	\$ 99,239	\$ 101,918	\$ 104,729	\$ 107,408
Hourly:	\$29.4252	\$31.1638	\$35.9926	\$41.2077	\$44.3630	\$45.5217	\$46.6809	\$47.7108	\$48.9988	\$50.3506	\$51.6386
Senior Level 1	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18				
Annual:	\$ 110,094	\$ 111,471	\$ 112,863	\$ 114,273	\$ 115,703	\$ 117,149	\$ 118,613				
Hourly:	\$52.9297	\$53.5917	\$54.2613	\$54.9390	\$55.6263	\$56.3217	\$57.0253				
Senior Level 2	Step 19	Step 20	Step 21	Step 22	Step 23						
Annual:	\$ 120,095	\$ 121,596	\$ 123,116	\$ 124,655	\$ 126,214						
Hourly:	\$57.7378	\$58.4597	\$59.1905	\$59.9301	\$60.6798						
Senior Level 3	Step 24	Step 25	Step 26	Step 27	Step 28						
Annual:	\$ 127,792	\$ 129,389	\$ 131,006	\$ 132,644	\$ 134,302						
Hourly:	\$61.4383	\$62.2063	\$62.9838	\$63.7714	\$64.5684						
Senior Level 4	Step 29	Step 30	Step 31	Step 32	Step 33						
Annual:	\$ 135,981	\$ 137,681	\$ 139,402	\$ 141,144	\$ 142,908						
Hourly:	\$65.3755	\$66.1928	\$67.0201	\$67.8575	\$68.7056						
Senior Level 5	Step 34	Step 35	Step 36	Step 37	Step 38						
Annual:	\$ 150,054	\$ 151,929	\$ 153,829	\$ 155,752	\$ 157,698						
Hourly:	\$72.1411	\$73.0429	\$73.9561	\$74.8806	\$75.8165						

2014 Summary of Program Staffing by Job Classification, Years of Experience in Profession and Average Salary²²

Years of Experience	Director		Deputy Director		Director of Litigation		Managing Attorney	
	# of Positions	Average Salary (\$)	# of Positions	Average Salary (\$)	# of Positions	Average Salary (\$)	# of Positions	Average Salary (\$)
0-1 YEAR	0.0	0.00	0.0	0.00	0.0	0.00	2.9	72,053.25
2 YEARS	0.0	0.00	0.0	0.00	0.0	0.00	2.6	53,364.33
3 YEARS	0.0	0.00	0.0	0.00	0.0	0.00	6.0	56,820.33
4 YEARS	0.0	0.00	0.0	0.00	0.0	0.00	6.6	65,726.13
5 YEARS	0.0	0.00	0.0	0.00	0.0	0.00	6.3	52,907.75
6-7 YEARS	0.0	0.00	0.9	61,400.00	0.0	0.00	23.2	63,526.11
8-9 YEARS	1.0	52,500.00	1.0	90,000.00	2.0	74,750.00	35.4	66,128.08
10-14 YEARS	0.6	66,280.00	5.7	85,725.00	1.0	127,500.00	111.7	69,563.02
15-19 YEARS	9.9	101,958.18	10.7	90,767.33	6.0	75,408.17	75.7	77,387.38
20-24 YEARS	9.6	106,175.20	12.0	105,717.50	8.0	97,538.75	91.1	78,126.22
25-29 YEARS	20.0	118,119.00	14.6	110,045.31	6.8	99,781.71	95.6	80,149.07
30 OR MORE YEARS	94.1	123,972.58	50.4	104,986.28	38.2	98,475.21	188.1	86,233.74
Total Count/Avg. Salary	135.1	119,345.02	95.2	102,296.97	62.0	96,124.09	645.4	77,178.68

Years of Experience	Supervising Attorney		Staff Attorney		Paralegal		Information Technology Staff	
	# of Positions	Average Salary (\$)	# of Positions	Average Salary (\$)	# of Positions	Average Salary (\$)	# of Positions	Average Salary (\$)
0-1 YEAR	2.0	59,093.00	274.7	45,402.76	112.9	29,227.74	2.9	26,450.44
2 YEARS	1.0	49,000.00	252.5	46,444.54	73.1	29,192.67	3.8	39,577.60
3 YEARS	6.6	62,166.86	189.7	48,667.94	51.5	31,927.06	3.0	45,193.67
4 YEARS	11.3	54,209.15	189.3	49,074.92	55.2	32,643.22	2.0	40,749.00
5 YEARS	10.0	57,042.27	157.0	51,497.03	36.9	32,309.85	2.0	45,417.50
6-7 YEARS	42.9	61,769.43	305.6	54,435.28	99.5	34,223.28	9.8	49,367.00
8-9 YEARS	32.8	67,727.49	267.2	55,668.06	90.9	36,499.80	5.7	57,137.71
10-14 YEARS	83.7	70,089.14	369.0	59,557.32	200.3	39,142.81	31.7	54,566.97
15-19 YEARS	67.7	75,488.18	254.7	64,468.75	178.5	41,815.30	25.3	59,528.96
20-24 YEARS	64.7	84,786.97	189.0	71,645.26	165.4	43,844.48	20.6	65,352.91
25-29 YEARS	55.1	85,449.27	152.2	73,464.37	142.4	47,007.16	14.5	62,349.27
30 OR MORE YEARS	119.4	87,388.45	255.9	74,439.80	297.9	49,201.23	16.1	67,761.72
Total Count/Avg. Salary	497.2	76,899.61	2856.8	56,760.77	1504.5	39,332.90	137.5	56,400.84

SALARY TABLE 2014-SEA
INCORPORATING THE 1% GENERAL SCHEDULE INCREASE AND A LOCALITY PAYMENT OF 21.81%
FOR THE LOCALITY PAY AREA OF SEATTLE-TACOMA-OLYMPIA, WA
TOTAL INCREASE: 1%
EFFECTIVE JANUARY 2014

Annual Rates by Grade and Step

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	\$ 21,903	\$ 22,635	\$ 23,363	\$ 24,088	\$ 24,816	\$ 25,244	\$ 25,964	\$ 26,690	\$ 26,718	\$ 27,400
2	24,626	25,212	26,027	26,718	27,016	27,810	28,605	29,399	30,193	30,987
3	26,869	27,764	28,659	29,555	30,450	31,345	32,241	33,136	34,031	34,927
4	30,164	31,169	32,174	33,179	34,184	35,188	36,193	37,198	38,203	39,208
5	33,747	34,873	35,999	37,124	38,250	39,375	40,501	41,626	42,752	43,877
6	37,619	38,872	40,125	41,379	42,632	43,886	45,139	46,393	47,646	48,899
7	41,804	43,197	44,591	45,984	47,378	48,772	50,165	51,559	52,952	54,346
8	46,296	47,840	49,383	50,926	52,470	54,013	55,556	57,100	58,643	60,186
9	51,135	52,839	54,543	56,247	57,951	59,655	61,359	63,063	64,768	66,472
10	56,312	58,189	60,066	61,943	63,820	65,697	67,574	69,451	71,328	73,205
11	61,867	63,930	65,992	68,054	70,116	72,179	74,241	76,303	78,365	80,427
12	74,154	76,626	79,097	81,569	84,040	86,512	88,983	91,455	93,926	96,398
13	88,179	91,119	94,058	96,997	99,937	102,876	105,815	108,754	111,694	114,633
14	104,201	107,674	111,147	114,620	118,092	121,565	125,038	128,511	131,984	135,456
15	122,570	126,656	130,741	134,827	138,912	142,998	147,083	151,169	155,254	157,100 *

* Rate limited to the rate for level IV of the Executive Schedule (5 U.S.C. 5304 (g)(1)).

Applicable locations are shown on the 2014 Locality Pay Area Definitions page: <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/locality-pay-area-definitions/>

Pierce County Current Salary Rates Class Plan

Job Profile	Compensation Grade	Compensation Grade Profile	Rate Eff Date	Step 01	Step 02	Step 03	Step 04	Step 05	Step 06	Step 07	Step 08	Step 09	Step 10
County Attorney 1	Legal 01 (salaried)	Legal 01 (salaried): Pierce Co Prosec Atty Assoc Merit 06 Inc 2 (35.00 Hours Per Week)	6/20/16	62,688.87	67,163.85	68,989.16	70,794.85	72,463.16	74,308.09	76,113.78	78,390.53	80,745.78	83,140.28
County Attorney 2	Legal 02 (salaried)	Legal 02 (salaried): Pierce Co Prosec Atty Assoc Merit 06 Inc 2 (35.00 Hours Per Week)	6/20/16	76,192.30	79,116.73	82,119.68	85,024.48	88,007.79	90,971.48	93,974.43	96,977.37	99,921.42	102,845.86
County Attorney 3	Legal 03 (salaried)	Legal 03 (salaried): Pierce Co Prosec Atty Assoc Merit 06 Inc 2 (35.00 Hours Per Week)	6/20/16	86,417.99	89,676.09	92,875.32	96,094.15	99,293.36	102,512.20	105,789.93	108,969.51	112,266.85	115,603.46

SNOHOMISH COUNTY HUMAN RESOURCES DEPARTMENT

2016 PROSECUTING ATTORNEY CIVIL SALARY SCHEDULE

Contract Settled 3/2016

40 HOUR (Monthly, Hourly & Annual Rates) 2.0% COLA

Effective 1/1/2016

PAY GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
451	5,266.81	5,530.12	5,806.66	6,096.97	6,401.85	6,721.93
451	30.385	31.905	33.500	35.175	36.934	38.780
451	63,201.72	66,361.44	69,679.92	73,163.64	76,822.20	80,663.16
452	7,058.00	7,410.92	7,781.47	8,170.53	8,579.05	9,007.99
452	40.719	42.755	44.893	47.138	49.495	51.969
452	84,696.00	88,931.04	93,377.64	98,046.36	102,948.60	108,095.88
453	9,458.41	9,931.32	10,427.88	10,949.29	11,496.75	12,071.60
453	54.568	57.296	60.161	63.169	66.327	69.644
453	113,500.92	119,175.84	125,134.56	131,391.48	137,961.00	144,859.20
454	11,496.75	12,071.60	(MINIMUM/MAXIMUM SALARIES)			
454	66.327	69.644				
454	137,961.00	144,859.20				
455	12,071.60	12,675.16	(MINIMUM/MAXIMUM SALARIES)			
455	69.644	73.126				
455	144,859.20	152,101.92				

**Office of the Attorney General
Salary Scale**

Years	AGO Average Salary
1-5 yrs	\$69,059
6-10 yrs	\$79,582
11-15 yrs	\$91,263
16-20 yrs	\$100,445
20+ yrs	\$112,852

Addendum D: Published Survey Sources

Published survey sources used in the custom survey and this study are listed here. Note that only one published survey source, Economic Research Institute Salary Assessor, provided compensation data consistent enough for this project.

Economic Research Institute Salary Assessor

Milliman Northwest Management & Professional Salary Survey

Milliman Puget Sound Regional Salary Survey

Milliman Washington Public Employers Salary Survey

Salary.com CompAnalyst

Consultant Biographies

Nancy Kasmar, MS, SPHR, CCP, SHRM-SCP

Nancy Kasmar is a Principal of Compensation Connections, with over 25 years of management experience in addition to ten years in human resources. She received her Master of Science degree from the University of California, San Francisco, and a Certificate in Management from the University of California, San Diego. Nancy holds a Senior Professional in Human Resources (SPHR) designation with an additional certification as a Certified Compensation Professional (CCP). She is also certified as a SHRM-SCP.

Nancy has worked with hundreds of companies throughout North America as a compensation consultant. She was the 2014 President of Lake Washington Human Resource Association, and is the Certification Director for the Washington State Human Resources Council for 2015 and 2016. In addition to her professional and volunteer responsibilities, Nancy delivers presentations on HR topics, including compensation and benefits, throughout Washington State.

Shannon Drohman, MS/HR, SPHR, SHRM-SCP, CCP

Shannon Drohman is a Principal of Compensation Connections and has worked in human resources for over twenty years. With an emphasis on total rewards, she has developed compensation strategies and designed comprehensive total reward programs as an internal partner and external consultant. Her clients have ranged in size from small start-ups to over 4,000 employees, in a variety of sectors including financial services, manufacturing, technology, health care, forest products, biomedical research, professional services, education,

Shannon is an instructor for the University of Washington's Human Resources Certificate program, teaching compensation principles to HR professionals. She is active with the Lake Washington Human Resource Association and serves as the 2016 President-elect. Shannon's credentials include an MS/HR, SPHR and SHRM-SCP certifications, and a Certified Compensation Professional designation.

ATTACHMENT 7

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Children’s Representation Study Completion

Budget Period: FY 2020

Budget Level: PL

Agency Recommendation Summary Text: Reauthorization of unexpended funds from FY 2019 is requested to complete the study on the effectiveness of early appointment of attorneys for children in dependency cases, the report from which is due December 2019.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$37,500	\$0Click here to enter text.	\$0Click here to enter text.	\$0Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Total Cost	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. C	\$37,500	\$0	\$0	\$0
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Package Description

OCLA asks that \$37,500 in unexpended funds from FY 2019 be reauthorized to allow completion of the study funded by Sec. 28 of 2 ESSB 5890 (Ch. 20, Laws of 201), the report from which is due to the Legislature on December 31, 2019.

Section 28 of 2 ESSB 5890 funded a study on the effectiveness of early appointment of counsel in dependency cases. Section 28(2)(c) appropriated \$75,000 for the study and directed the Office of Civil Legal Aid to contract with the Washington State Center for Court Research at the Administrative Office of the Courts to perform the study. An initial report to the Legislature is due in December 2019 – which occurs outside of the current FY 2017-19 biennium -- in FY 2020.

OCLA contracted with WSCCR to do the study. OCLA will receive deliverables and incur about \$37,500 in expenditures prior to June 30, 2019. The remaining funds will be paid upon completion of the report for the Legislature in December 2019. This will occur in FY 2020. OCLA will require expenditure authority to pay for the study in the next biennium.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service. Please include current expenditure authority level and FTEs.

Decision Package expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

Funding requested reflects funding previously appropriated but unspent because the final deliverable (the December 31, 2019 report to the Legislature) will occur outside the FY 2017-19 biennium

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

N/A

Access to Necessary Representation

N/A

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What is the impact on other state agencies?

N/A

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

None, this is a technical request to allow the legislative study to be completed.

What are the consequences of not funding this request?

The study will not be completed and the report required by the Legislature will not be delivered.

How has or can the agency address the issue or need in its current appropriation level?

N/A

Other supporting materials: Please attach or reference any other supporting materials or information that will further help explain this request.

[Click here to enter text.](#)

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

ATTACHMENT 8



Washington State Office of Civil Legal Aid

110 Prefontaine Pl S, Ste 610
Seattle, WA 98104
(206) 923-7761
(360) 972-5794

Jill Malat, Program Manager
Children's Representation Program
jill.malat@ocla.wa.gov

August 21, 2018

Rep. Noel Frame
319 John L O'Brien Bldg
PO Box 40600
Olympia, WA 98504-0600

Rep. Paul Graves
122B Legislative Bldg
PO Box 40600
Olympia, WA 98504-0600

Re: 2ESSB 5890 Children's Representation Study

Dear Representatives Frame and Graves,

The purpose of this letter is to update you on the status of the Children's Representation Study and to request your help in reprogramming a portion of unexpended funds to extend the study through the next biennium.

As previously reported, OCLA contracted with six attorneys to provide standards-based legal representation for children in Grant and Lewis counties. These attorneys have been active, engaged and are delivering effective results for their children and youth clients. Attached you will find a synopsis of just one of the Grant County cases that highlights the role that our attorneys play in securing just outcomes for their clients.

As you may remember, section 28 of SB 5890 (Laws of 2017, ch. 20), appropriated \$648,000 for FY 2018 and FY 2019 to pay for legal representation of children in Grant and Lewis counties commencing with the shelter care hearing. This figure was derived from a review of dependency caseloads in the two counties. In developing the fiscal note, we did not consider the time

necessary to ramp up to full caseloads in both counties and the corresponding lower expenditure rate in year one of the study.

A year into the project, we are now operating at full caseloads. There are 124 open cases in Grant County and 92 open cases in Lewis County. Because the caseloads are higher than projected, we have had to add attorney assistance. Even so, we anticipate underspending the FY 2018 appropriation by about \$400,000.

Re: 2ESSB 5890 Children's Representation Study

August 21, 2018

Page 2 of 2

SB 5890 contemplates a two-year study period to assess the impact of early legal representation on time to permanency, outcomes in relation to a range of child well-being indicators, and assess whether the appointment of attorneys at the shelter care stage will result in cost savings to the state. Pursuant to the authority granted in section 28, OCLA engaged the Washington State Center for Court Research (WSCCR) to conduct the study. WSCCR in turn partnered with an experienced senior researcher at the University of Washington's School of Social Work to play a lead role in developing study metrics and methodology and conducting the study. An initial report to the Legislature is due in December 2019. Section 28(c) did authorize continuation of the study with future appropriated funds or other funding obtained by WSCCR.

Given the delayed time it took to achieve a statistically significant number of cases and the average time from filing to permanency in these cases (between 15 and 47 months depending on the nature of the permanency outcome), the researchers believe that the reliability of any findings will be enhanced by extending the study period for an additional year and extending the period for reporting to the Legislature to December 2020. We agree. Extending the study will enable us to develop a more complete longitudinal perspective on the impact of early attorney representation. It will also allow the Legislature time to assess the policy and budget implications of the findings and develop solutions in the 2021 legislative session.

For this reason, we respectfully request that you pass legislation in the coming session that will:

- Extend the study period through FY 2020; and
- Re-appropriate the \$400,000 in unspent FY 2018 funding to cover the costs of extending the study through the end of FY 2020

Finally, we will need to discuss how to wind down the study without adversely affecting the children and youth for whom attorneys have been appointed. Prior to the upcoming legislative session, we will provide you with a plan to terminate the prospective appointment of attorneys in the two study counties, and budget numbers needed to continue legal representation in those cases for which attorneys have been appointed through the end of the dependency proceedings.

We thank you for your leadership on this issue and look forward to working with you to ensure that the study results offer a sound foundation for future legislative policy and budget decisions.

Sincerely,

OFFICE OF CIVIL LEGAL AID

/s/

Jill A. Malat, Program Manager
Children's Representation Program

cc: Senator Steve O'Ban



May 16, 2018

Jill Malat
Children's Representation Program Manager
Office of Civil Legal Aid
PO Box 41183
Olympia, WA 98504

Dear Ms. Malat,

The practice of assigning attorneys to children in Lewis and Grant Counties began on September 1st of 2017. The study of the impact of trained attorneys representing children in dependency proceedings that begins on July 1st of this year is scheduled to end by June 30th of 2019, with a final report to the Legislature in December of 2019. Because attorney assignment began last year, we will have 10 months of relevant data from Children's Administration and the Office of Public Instruction as of 7/1/18, and 22 months by 6/30/19.

If the purpose of the study is to assess the value of the appointment of standards based attorneys for all children in dependency proceedings for children in foster care and for the State, then I recommend extending the duration of the study. The primary reason is that 22 months' observation of a) the practices of attorneys and b) outcomes for children will at best reflect only a fraction of the foster care experience for most of the children involved in the study. The 2017 edition of the Center for Court Research's state dependency report shows that the state achieves permanency within 15 months of placement for only 28% of children in foster care. For a study that runs 22 months we are unlikely to have a clear view of the entirety of the foster care experience for much more than one-half of the total number of children who will be included in the study.

Because many of the outcomes of interest, such as school moves, school performance, reunification, and placement stability necessarily take time to manifest themselves, a longer study period would be very helpful for the purpose of attaining meaningful indicators of the impact of representation. A longer study duration would likely add to the value of retrospective assessments by youth of the roles played by standards based attorneys and of the court experience. Extending the duration of the observation period will also increase the number of observations and therefore increase statistical power of the study. For these reasons, I recommend extending the study period by at least 12 months.

Sincerely,

A handwritten signature in blue ink that reads "Carl McCurley".

Carl McCurley, Ph.D., Manager
Washington State Center for Court Research
Washington Administrative Office of the Courts

**MAKING A DIFFERENCE:
CHILDRENS'S LEGAL ADVOCACY**

Four children from Moses Lake -- ages 10, 7, 2, and an infant -- were placed with their paternal aunt in Spokane. The court-appointed Children's Representation Program (CRP) attorney visited the aunt's home the day after the initial 72 hour shelter care hearing. The aunt who had three children of her own was feeling overwhelmed with the addition of three children in the home. Her concerns were compounded by the fact that the infant was still in the hospital. She was, however, committed to keeping the children for as long as needed.

Unfortunately, after the infant was released from the hospital, the aunt advised the children's attorney that she was unable to care for seven children of varying ages. During the attorney's next visit to the aunt's home the two older children, a boy and a girl, told their attorney that they wanted to return to their father's house and their school in Moses Lake. The children were missing their teachers, friends, and family. The seven year old had found the move away from her school particularly upsetting. She had thrown up before the first day of school and suffered extreme anxiety during the school days.

The CRP attorney learned from the children's aunt -- not the Department's social worker -- that an emergency Family Team Decision Making Conference (FTDM) was scheduled for the following day. The attorney attended the meeting and conveyed the stated interests of the two older children, which included their request to return to home and school. The father's attorney advised that he planned to seek return the children to his home. The mother was out of the home in drug treatment.

After the FTDM was concluded, the CRP attorney stayed to talk to the social workers. They advised that the Department was opposed to returning the children to the father. They also stated that there were no placements close to the father's home and the children's school. They further stated that they believed that the children were in need of intensive therapy because of their "severe trauma" and that they had found the "perfect" placement in a therapeutic home in Wenatchee. The CRP attorney was puzzled because, apart from the trauma of being removed from their home, she had not seen any evidence of trauma in any written reports or during her visits. Prior to their forced relocation to Spokane, both children had attended the same school since kindergarten and had top grades. The CRP attorney expressed concern about such a radical and unsubstantiated move. The social workers were adamant. The following day, the CRP attorney emailed the Department and formally requested that the two children be relocated to Moses Lake and be allowed to return to their school. The Department responded that there were no placements in Moses Lake.

In preparation for the next hearing, the CRP attorney reviewed materials from a children's educational rights training presented by the Office of Civil Legal Aid Children's Representation Program. She drafted a short brief outlining the educational rights of her clients. She attached a declaration to the brief from the aunt and letters from the children.

At the hearing the power of her advocacy was immediately evident. The Court Commissioner began to grill the social worker about her choice of placement far from the children's school. He was not convinced about the alleged need for placement in a therapeutic home. When pushed, the social worker backtracked and indicated that she could probably find a placement in Moses Lake in about ten minutes. This was contrary to what had been stated at the FTDM a few days prior.

The Assistant Attorney General supported the Social Worker's recommendation. The Volunteer Guardian Ad Litem (VGAL) stated that she deferred to the children's position, including return to the father. The VGAL had not visited the children.

On the basis of all the facts presented and the arguments of the CRP attorney, the Court Commissioner agreed to allow the school-age children to return to their father in Moses Lake and reenroll in their school of origin.

TAB 9

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Vendor Rate Adjustment – Pro Bono

Budget Period: FY 2019-21

Budget Level: Policy Level

Agency Recommendation Summary Text: Funding is requested to address significant compensation equity problems experienced by subcontracted volunteer (pro bono) civil legal aid programs throughout Washington State. These problems contribute to difficulty in recruiting and retaining staff and high rates of staff turnover which, in turn, disrupts consistency of volunteer attorney involvement in the delivery of civil legal aid services.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$300000	\$300000	\$300000	\$300000
Fund	\$Click here to enter text.			
Total Cost	\$300000	\$300000	\$300000	\$300000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
Fund	\$Click here to enter text.			
Fund	\$Click here to enter text.			
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. X	\$300000	\$300000	\$300000	\$300000
Obj. X	Click here to enter text.			
Obj. X	Click here to enter text.			

Package Description

Funding is requested to underwrite a portion of costs to close a significant compensation equity gap between the Northwest Justice Project (NJP) and staff employed by the seventeen (17) independent volunteer attorney programs that, through an OCLA-approved subcontract with NJP, are funded to recruit, train, support and refer eligible clients for legal assistance from volunteer attorneys.

Volunteer attorney programs (VLP's) have long been critical private sector partners in the effort to meet the civil justice needs of low income people. In nearly every corner of the state staff in these programs work with local volunteer attorneys to provide legal aid services to clients in community based clinics and through the direct assignment of clients for representation by these volunteer attorneys. In 2017, the seventeen volunteer attorney programs engaged over two thousand volunteer attorneys who provided 69,000 hours of assistance to clients with problems in state-authorized areas of law. At an average value of \$250/hr., these programs leveraged more than \$17 million in civil legal aid services.

Expanding the volunteer role in civil legal aid delivery is a core component of the Civil Justice Reinvestment Plan. In the FY 2017-19 operating budget, the Legislature embraced this objective and appropriated \$875,000 to stimulate expanded pro bono involvement in the delivery of civil legal aid. Following a competitive process, Pro Bono Enhancement Grants were issued to 11 VLP's in an effort to expand pro bono efforts.

The 17 VLP's range in size from one professional staff person (Yakima County Volunteer Attorney Services) to sixteen (King County Bar Association). A list of the programs by location is attached. Some have in-house attorney staff while others do not. Professional and paraprofessional staff in these programs manage every aspect of the organization, from basic non-profit and employer related functions through and including interviewing and referring eligible clients for legal assistance in state-eligible matters from trained volunteer attorneys.

For nearly 20 years, a portion of state-appropriated funds has been subcontracted to the Legal Foundation of Washington to help underwrite a substantial portion of VLP operations. In the aggregate, state funding represents about 50% of total VLP operations.

In recent years these programs have experienced substantial turnover in their professional and paraprofessional staff as well as difficulties in hiring replacement staff. According to a recent analysis, the VLP's experienced a 39% staff turnover rate in the previous two years. Much of this turnover is attributed to compensation that falls far short in both salary and benefits of that paid to employees at the state-funded NJP and other similarly situated non-profit organizations.

During 2018, OCLA worked with the statewide Pro Bono Council and the Legal Foundation to assess the magnitude of the compensation equity gap. Compensation Connections, a Seattle-based employer compensation consulting firm, was retained to assess the scope of the comparability problem and make recommendations regarding how to address it. Initial reports documenting the salary and benefits comparability between the VLP's and regional market comparisons were received on April 3, 2018. Following further consultations, additional research was conducted and supplemental report produced documenting the salary equity gap between VLP staff and functionally similar staff positions at the Northwest Justice Project.

This assessment (attached) concluded that 54% of VLP staff (45 of 83) are paid below the anticipated 2019 NJP pay scale for their position. Closing the total annual salary gap would require an additional \$648,963.

Also troubling is the substantial disparity when it comes to benefits. Nearly 30% of the programs (N=5) offer no healthcare benefits. Three programs provide a stipend for each employee to purchase health care. Seven programs offer employer-sponsored health care benefits to full-time employees only, while only two (2) programs offer health care benefits to all employees.

This request seeks \$600,000 in FY 2019-21 to underwrite a portion of the cost of taking a first step toward compensation comparability for VLP staff. Additional contributions toward VLP compensation will be provided by the Legal Foundation of Washington and public and private funding sources available to the volunteer attorney programs.

OCLA continues to work with the Compensation Connections, the Legal Foundation of Washington and the Pro Bono Council to develop program-specific investment strategies for these funds.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service. Please include current expenditure authority level and FTEs.

These are sub-contracted services. The purpose of the vendor rate adjustment is to move toward equity of compensation within state-funded legal aid system and protect against staff turnover, which has been a recurrent experience in recent years.

Decision Package expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

The funding will be pooled with other resources to take initial steps toward compensation equity within the state-funded civil legal aid system. OCLA and the Legal Foundation of Washington will coordinate investment to allow programs to move toward

compensation equity relative to one another as well as to the state-funded Northwest Justice Project.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

Volunteer attorneys often provide legal assistance and representation to persons who, because of disabilities, language access or other barriers, would be unable to meaningfully participate in legal proceedings. Language access services provided with support in part from state-appropriated funds ensure that LEP clients are effectively served and represented.

Access to Necessary Representation

Volunteer (pro bono) legal aid services play a critical role in ensuring that unrepresented low-income individuals have the ability to meaningfully participate in legal proceedings in which they are involved. Pro bono attorneys augment the capacity of the core professional civil legal aid system, and expand the pool of attorney resources available to assist clients in matters ranging from family law and domestic violence to debt collection, bankruptcy, housing, guardianship, wills and estate protection.

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What is the impact on other state agencies?

N/A

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

As co-funders of the VLP's, OCLA and the Legal Foundation of Washington have been concerned for years about the increase in staff turnover experienced by these programs. While this decision package requests a portion of the funding needed to take initial steps toward compensation equity, additional funding will be required from LFW and other public and private organizations that support these volunteer attorney programs.

What are the consequences of not funding this request?

Volunteer engagement is a “high touch” relations-based endeavor. Staff continuity is critical to developing and maintaining relations with and trust and confidence of volunteer attorneys. High rates of staff turnover create substantial disruption in these relationships which dampens the level and consistency of volunteer attorney involvement in the delivery of civil legal aid services. Failure to fund this request will result in continued high rates of staff turnover due to the lack of compensation equity and resulting disruptions in client service capacity.

How has or can the agency address the issue or need in its current appropriation level?

There is no funding within the current appropriation to address the compensation equity issues identified in the reports from Compensation Connections.

Other supporting materials: Please attach or reference any other supporting materials or information that will further help explain this request.

April 5, 2018 Report from Compensation Connections to the Pro Bono Council

August 28, 2018 Report from Compensation Connections to OCLA

List of Volunteer Attorney Programs

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes



WASHINGTON STATE PRO BONO COUNCIL

2018 COMPENSATION AND BENEFITS SURVEY

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2018 COMPENSATION AND BENEFITS SURVEY

NOTE OF APPRECIATION

The Washington Pro Bono Council appreciates your contributions to this survey. We welcome any suggestions and/or comments to make this survey more useful in the future. We hope you find the survey valuable in your pay and policy decision processes. To that end, the survey results are structured to meet the requirements of a variety of users.

CONFIDENTIAL INFORMATION

This survey is provided to assist you in administering your pay programs and making policy decisions. We ask your cooperation in not duplicating or forwarding any part of this survey to any third party.

SURVEY SUMMARY

Compensation, benefit, and policy data were collected from January through February 2018 from Washington Pro Bono Council members. The effective date for all salary information submitted is January 2018. The 17 participating organizations submitted salary and benefit information for a total of 83 em-

ployees in 15 different position titles within their companies. To ensure accuracy in data collection, job summaries were provided to assist survey participants in matching the survey jobs with their internal job descriptions.

Employee pay rates may be influenced by numerous factors, including the nature of the job, the size and geographic location of the organization, the overall economic environment, and the supply of available talent in the market. An identical job across multiple organizations may reflect a wide variety of employee pay due to these factors, and that is before considering employee characteristics such as experience level, education, or job performance. To help you make the most of this varied salary data, this report provides aggregated pay data at the 25th, 50th, and 75th percentiles, for each surveyed job.

It should be noted that a number of survey participants indicated that some or all employees in their organization perform multiple roles and duties spanning more than one survey job, and it was difficult to match these individuals to one survey job title only. This is a common issue for organizations with small staff sizes. In instances where an employee performs elements of more than one of the survey jobs, participants were instructed to report their data for the job in which the employee spends the majority of their time.

Data elements included in this report represent data from at least three participating organizations to safeguard confidentiality and ensure no individual participant data can be identified.



GUIDE TO COMPENSATION REPORTS

The following titles and definitions correspond with the column and row titles on each Job Report.

JOB TITLE (1)

Job summary (2)

BASE PAY (3)						SALARY RANGE AVERAGES (10)		
# Orgs (4)	# Emps (5)	Wtd Avg (6)	25th (7)	Median (8)	75th (9)	# Orgs (11)	Range Min (12)	Range Max (13)

(1) Job Title

Survey job title

(2) Job Summary

Benchmark summary of skill and responsibility level performed in the job

(3) Base Pay

Annual base salary not including benefits or deferred compensation

(4) Number of Organizations (# Orgs)

Number of respondents supplying data on the job

(5) Number of Employees (# Emps)

Number of employees reported for the job

(6) Weighted Average (Wtd Avg)

Total of the amounts paid to all employees divided by the total number of employees reported

(7) Interquartile Range - 25th%

The 25th percentile of the sample; the average amounts paid by 25% of the respondents are less than this amount

(8) Interquartile Range - Median

The median or 50th percentile of the sample; the average amounts paid by half of the respondents are more than this amount and half are less

(9) Interquartile Range - 75th%

The 75th percentile of the sample; the average amounts paid by 25% of the respondents are more than this amount

(10) Salary Range Averages

Established salary range information, including minimum and maximum averages

(11) Number of Organizations (# Orgs) – Salary Ranges

Number of respondents supplying data on the job who also have a formal salary range in place for the job

(12) Range Minimum (Range Min)

Average of reported range minimums

(13) Range Maximum (Range Max)

Average of reported range maximums



USING SALARY SURVEY DATA

Most companies use salary survey data to determine how their pay rates compare to other companies in their industry and geographic area. Typical practice is for organizations to use the 50th percentile of the survey data when comparing pay for their jobs. The salary data reported in this survey reflects an annualized dollar amount for every surveyed job. The annualized rate means the pay rate for an employee working 40 hours per week or 2,080 hours per year. Not every employee is paid on a full-time basis. The following information outlines how to convert annualized pay rates to monthly, weekly or hourly pay rates.

To compare the monthly pay of a full-time employee against the reported survey data, divide the pay rate in the survey by 12 (number of months in a year). To make a comparison of the pay rate for an hourly full-time employee with the data reported in the survey, divide the survey pay rate by 2,080 (the number of full-time hours worked in a year).

Comparing the annualized salary data in the survey with the pay for a part-time employee is a bit more complicated. First divide the amount reported in the survey data by 2,080 to get the hourly rate for the survey job. If the employee is paid weekly, multiply the hourly rate of the survey data by the number of hours the employee works per week to get a comparable rate from the survey data.

To compare the pay of a part-time employee paid monthly with the survey data, first calculate the hourly rate for the survey job as described above. Then, multiply the resulting hourly rate for the survey data by the number of hours the employee works each month. The result will be the most valid way to compare the pay for a part-time employee against the survey data.

DATA COLLECTION

Salary and benefit data was collected through an online form using the Qualtrics® survey tool. Telephone and/or email confirmation was made when additional information was necessary to confirm the data that was submitted.

SALARY DATA COLLECTION

Job titles were accompanied by job summaries to facilitate accurate job matching. Participants were asked to:

- Report base salary and employment data from the payroll period closest to January 1, 2018, not including benefits or deferred compensation.
- Report individual incumbent data, not average data.

* Please Note: To provide consistency in reporting, all annual salary data is reported based on a 40-hour per week schedule.

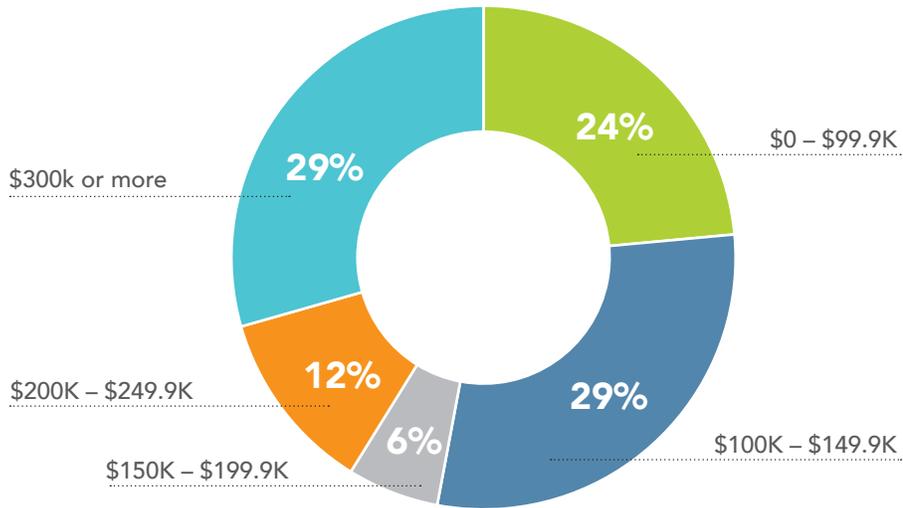
SALARY DATA PRESENTATION STANDARDS

When necessary, data for individual jobs was suppressed (indicated by dashes) because the number of responses is not sufficient to compute the statistic and safeguard individual participant data confidentiality. Please note the following in reviewing reports:

- At least three (3) organization responses are required to display any pay information for a job.
- At least five (5) organization responses are required to display pay distribution statistics (percentiles) for a job.

DEMOGRAPHICS

ORGANIZATION TOTAL BUDGET



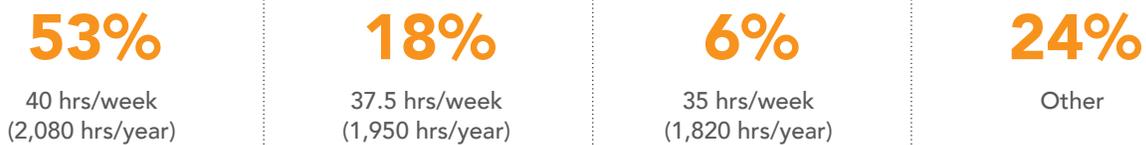
n = 17

ORGANIZATION SIZE: NUMBER OF PEOPLE ON STAFF



n = 17

HOURS WORKED PER WEEK



Other responses include: 30 hrs/week (1,560 hrs/year) • Hours vary depending on drop-in clinics held on the weekends. Usually 40+ hours per week. • 20 for Assistant • 30 hrs week Director, plus 20 hrs week administrative assistant

HEALTHCARE BENEFITS

ORGANIZATION-PROVIDED HEALTHCARE STIPEND

\$211

Monthly stipend offered to each employee

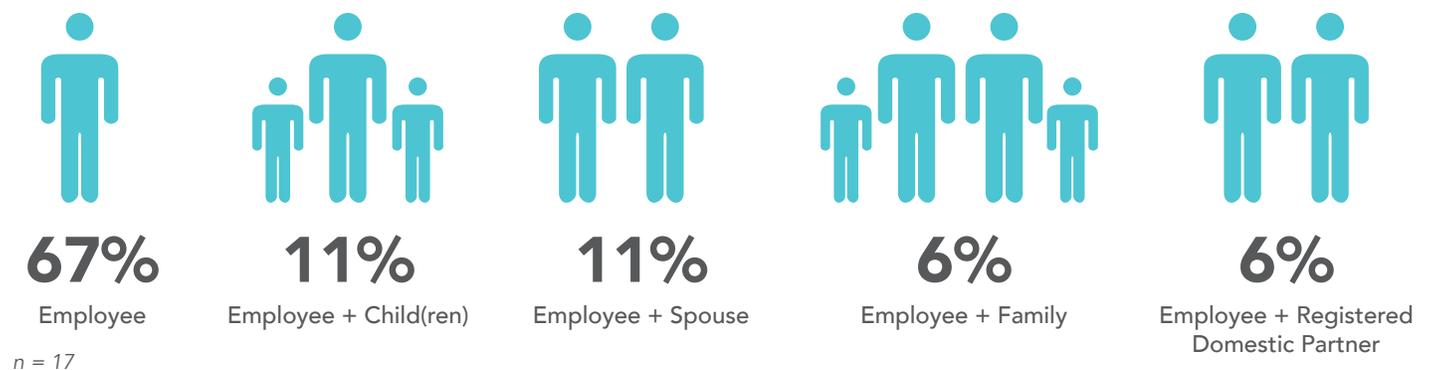
n = 3

NOTE: 1 respondent indicated the stipend is offered to the Director only

HEALTHCARE BENEFITS



GROUP HEALTHCARE COVERAGE OFFERINGS



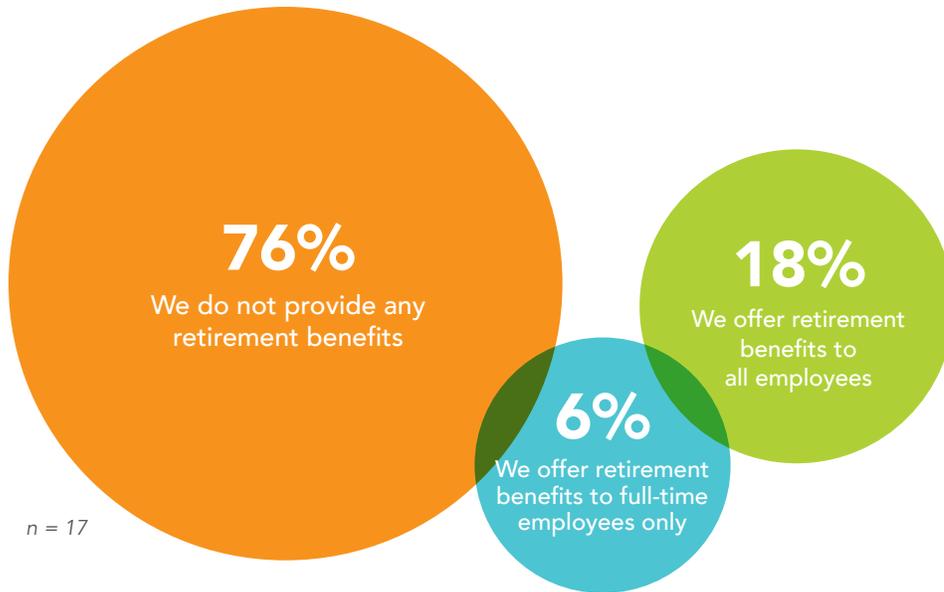
HEALTHCARE MONTHLY PREMIUMS

	TOTAL PREMIUM		EMPLOYER COST		EMPLOYEE COST		% PAID BY EMPLOYER		
	Average	Median	Average	Median	Average	Median	Average	Median	100% Paid
Employee only	\$619	\$556	\$584	\$545	\$36	\$0	90%	100%	60%

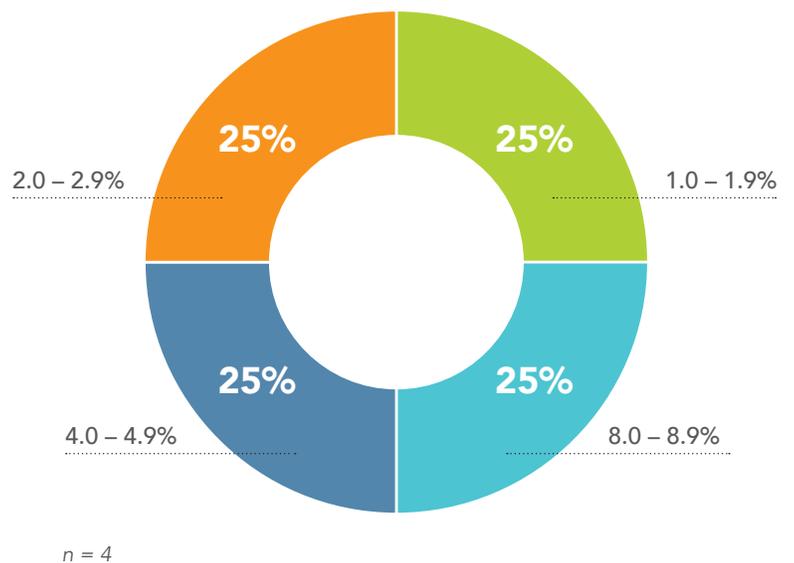
n = 10 (NOTE: There was insufficient data to report premium data for other reported employee types.)

RETIREMENT BENEFITS

RETIREMENT BENEFIT OFFERINGS



AVERAGE RETIREMENT EMPLOYER CONTRIBUTION MATCH



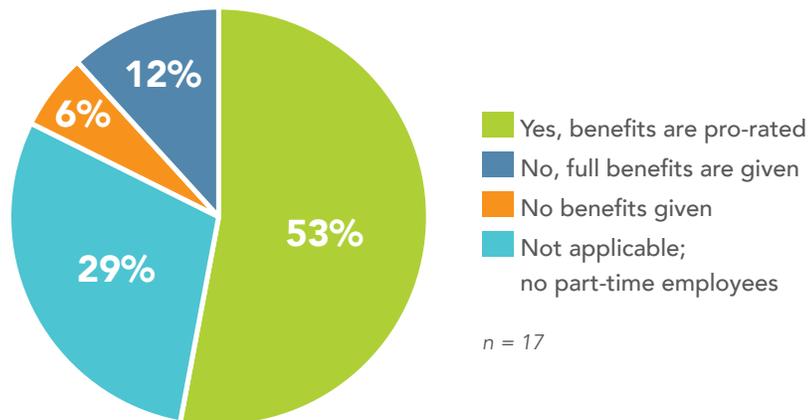
PAID TIME OFF BENEFITS

PAID HOLIDAYS



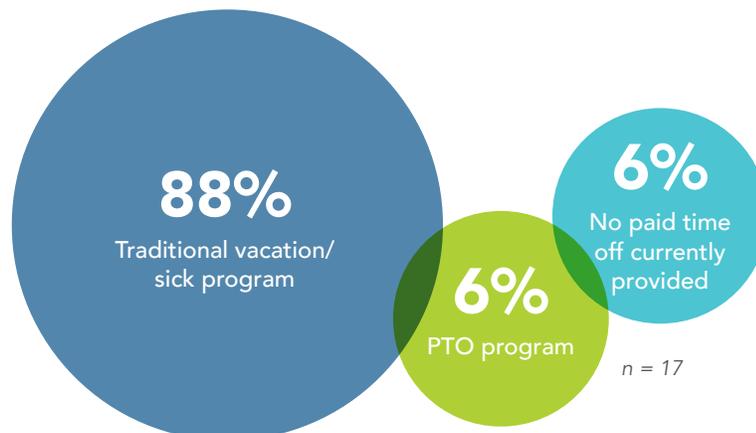
n = 17

REDUCED BENEFITS FOR PART-TIME EMPLOYEES



n = 17

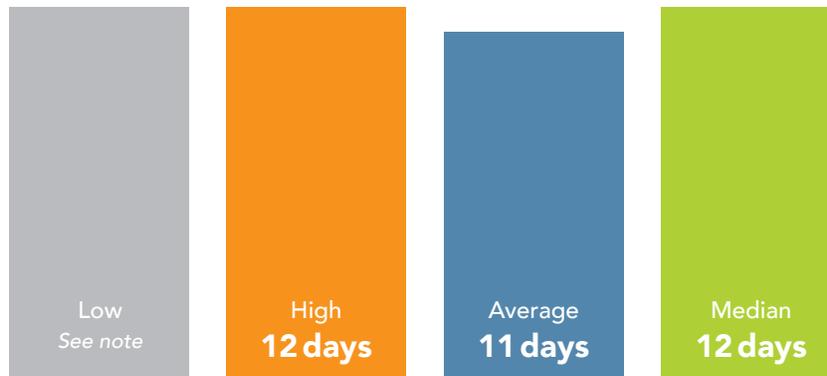
TYPE OF PAID TIME OFF PROGRAM



n = 17

PAID TIME OFF BENEFITS

ANNUAL PAID SICK LEAVE DAYS



n = 15

NOTE: Several participants indicated they comply with the Washington State sick leave law, which states "Employees must accrue paid sick leave at a minimum rate of 1 hour for every 40 hours worked. This includes part-time and seasonal workers. Paid sick leave must be paid to employees at their normal hourly compensation."

ANNUAL PAID VACATION DAYS PER YEARS OF SERVICE

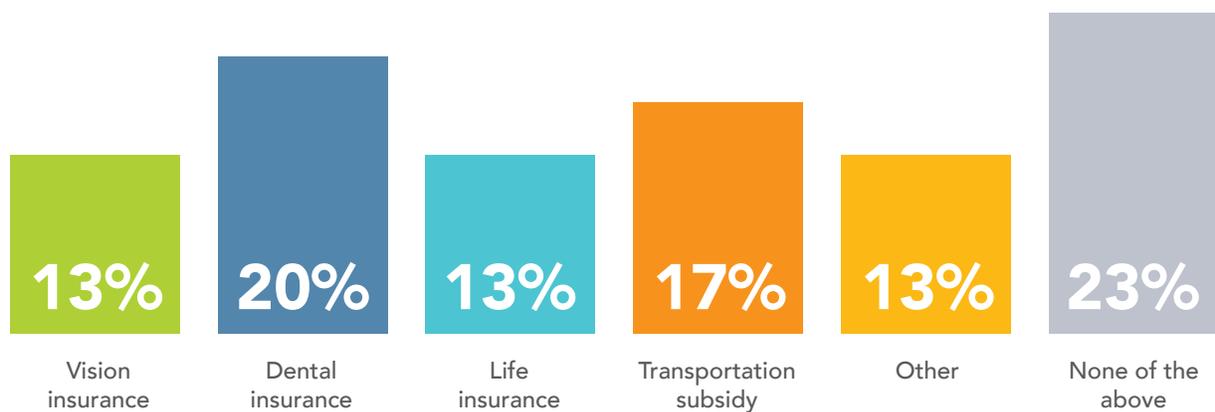
	EXEMPT		NON-EXEMPT	
	Average # of days	Median # of days	Average # of days	Median # of days
0.0 to 0.9 years	9.8	10.0	9.6	10.0
1.0 to 2.9 years	11.1	12.0	10.9	12.0
3.0 to 4.9 years	12.1	12.0	11.9	12.0
5.0 to 6.9 years	14.6	15.0	14.4	15.0
7.0 to 8.9 years	15.1	15.0	14.8	15.0
9.0 to 10.9 years	15.7	15.0	15.4	15.0
11.0 to 15.9 years	16.6	18.0	16.4	16.0
16.0 to 19.9 years	16.7	18.0	16.4	17.0
20.0 years or more	16.7	18.0	16.4	17.0

n = 15

NOTE: There was insufficient data to report PTO program data

ADDITIONAL EMPLOYEE BENEFITS

Participants indicated they offer the following additional employee benefits. The percentage of participants responding "Yes" to each benefit are displayed in the chart below.



n = 17

Other responses include: Free parking • Paid parking • Full pay for up to three days of leave in the event of a death in the employee's immediate family.

SALARY DATA

EXECUTIVE DIRECTOR

Provides overall direction and guidance to nonprofit's programs. Acts as a spokesperson, represents the organization's programs to the public, and works directly with the Board to inform sound and effective governance. Assesses needs and ensures that program objectives are met. Requires a Bachelor's degree. Typically requires 5+ years of managerial experience.

BASE PAY						SALARY RANGE AVERAGES*		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
16	16	\$54,180	\$39,937	\$48,750	\$61,230	5	\$46,141	\$54,613

*Salary range averages reflect only the data from organizations submitting this information.

DIRECTOR OF DEVELOPMENT

Responsible for planning, implementing, and managing all aspects of the organization's donated and grant-based income. Develops fundraising budget and targets and ensures revenue goals are met. Manages all aspects of development operations, including data collection and management, and the major gifts and institutional giving programs. Requires at least a Bachelor's Degree and 5 years of experience in managing fundraising programs.

BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
5	5	\$58,484	\$48,000	\$61,320	\$69,000	2	--	--

ASSISTANT PROGRAM DIRECTOR

Assists Program/Executive Director in the development, implementation, and growth of the organization's programs. Oversees program operations including budgets, personnel management, development, and quality management. Identifies goals and assures the effectiveness of programs. Requires Bachelor's degree and 5 years of experience.

BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
3	3	\$39,356	--	--	--	1	--	--

PROGRAM MANAGER WITH JD

Develops and manages the organization's programmatic offerings. Coordinates the program budget and staffing requirements and ensures the program meets its stated objectives. Recruits, trains, supports, coordinates attorney and other volunteer participation, including clinic scheduling and case referral. May have limited participation in the direct delivery of legal services including providing legal advice. Requires Washington State Bar Association membership.

BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
3	4	\$58,769	--	--	--	2	--	--

SALARY DATA

PROGRAM MANAGER

Develops and manages one or more of the organization's programs, including screening clients for eligibility, identifying and assigning volunteers with appropriate skills, and providing on-going support for those volunteers. Evaluate and report on program efficacy to ensure the program meets its stated objectives. Requires a Bachelor's degree and 5 years of experience.

BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
6	6	\$44,886	\$40,128	\$43,200	\$51,190	2	--	--

PROGRAM ASSISTANT

Assists in the daily execution of program services. Requires a broad range of administrative, editorial, and research skills. High school education or equivalent required and 2 years of experience.

BASE PAY						SALARY RANGE AVERAGES*		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
8	14	\$33,668	\$29,728	\$35,360	\$37,440	3	\$31,179	\$39,164

*Salary range averages reflect only the data from organizations submitting this information.

PROGRAM PARALEGAL

Conducts client intake interviews. Schedules and facilitates legal advice clinics. Provides research and support activity to attorneys. Prepares documents, agreements, and pleadings related to litigation and non-litigation matter under attorney supervision. Associate's degree and accredited paralegal certification preferred, and 2 years of experience.

BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
3	4	\$36,432	--	--	--	--	--	--

VOLUNTEER/PRO BONO COORDINATOR

Primary responsibility is to identify organizational need for volunteers and to recruit, train, and support volunteers to align with that need. Develops, updates, and delivers high quality orientation and relevant trainings and certifies that volunteers have access to and complete any required or suggested training programs. Develop and implement volunteer appreciation, recognition, and stewardship program. Work with organization staff to schedule volunteers and responds to questions or inquiries from current and prospective volunteers. High school education or equivalent required and 2 years of experience.

BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
3	3	\$37,733	--	--	--	--	--	--

SALARY DATA

SENIOR/MANAGING STAFF ATTORNEY

Manages, coordinates, and evaluates program services. Recruits, trains, and supports attorney and paralegal volunteers for participation in program activities. Trains and supervises staff attorneys and support staff. May provide legal advice and limited representation to clients. Writes grant applications and participates in fundraising events and sponsorships. Develops draft budget and strategic plans for program operations. Must be member of Washington State Bar Association membership. Program design and/or management experience preferred.

BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
4	5	\$57,400	--	--	--	1	--	--

ATTORNEY ON STAFF

Primary duties are recruitment of volunteer lawyers, program administration, and the delivery of direct legal services to clients when necessary. Responsible for case review, assessing clients' legal needs and legal merit, and case follow-up. Coordinate, schedule, and make case referrals to volunteer attorneys to ensure active participation in various programs. Oversee and maintain quality of client advocacy by volunteers through client and volunteer feedback and other appropriate channels. Requires Washington State Bar Association membership and at least 2 years of experience.

BASE PAY						SALARY RANGE AVERAGES*		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
7	15	\$52,529	\$50,376	\$55,000	\$55,000	4	\$50,750	\$57,740

*Salary range averages reflect only the data from organizations submitting this information.

ADMINISTRATIVE ASSISTANT/SECRETARY

Performs clerical duties such as keyboarding, scheduling, and opening mail. Reviews and answers correspondence. Screens callers and visitors. Develops appropriate methods to handle information. Maintains electronic files. Possesses strong communication, interpersonal, secretarial skills and knowledge of organization policy and procedures and department operations. High school education or equivalent required and 2 years of experience.

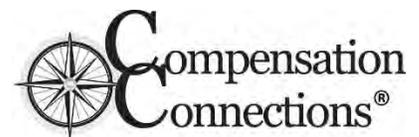
BASE PAY						SALARY RANGE AVERAGES		
# Orgs	# Emps	Wtd Avg	25th	Median	75th	# Orgs	Range Min	Range Max
6	6	\$27,387	\$24,180	\$25,480	\$29,900	2	--	--

EXECUTIVE SUMMARY

Washington State Volunteer Lawyer Programs 2018 Salary Recommendations

Prepared For:
Office of Civil Legal Aid (OCLA)

Nancy Kasmar, Principal
Shannon Drohman, Principal



August 28, 2018

2018 Volunteer Lawyer Programs Salary Recommendations

About Compensation Connections

Compensation Connections is a Seattle-area consulting firm advising organizations in matters related to total rewards. The firm is owned by Nancy Kasmar and Shannon Drohman, who started the business four years ago. Our team also includes seven staff members who serve as project consultants or analysts.

The collective experience of the team exceeds 90 years in HR and total rewards. We have assisted hundreds of organizations with custom pay surveys, benchmarking studies, development or revision of pay structures, incentive plans, performance management systems, competency creation, and overall design of compensation and rewards programs.

Our firm primarily serves organizations in Washington State, although we do have clients along the west coast and in the northeastern U.S. We have a wide range in client size, from small start-ups to well-established organizations with thousands of employees. Our industry mix includes financial services, non-profit, education, construction, manufacturing, professional services, local governments, and public agencies.

Project Overview

Compensation Connections was engaged by the Washington State Pro Bono Council to conduct a custom survey and market pricing project to analyze compensation, including benefits and parity between the 17 Volunteer Lawyer Programs and other organizations. Custom salary data was aggregated and presented on a percentile basis (25-50-75%). Salary data was collected from two sources: participants in the custom survey and market data from published survey sources.

Following publication of the survey report, the Office of Civil Legal Aid engaged Compensation Connections to complete an assessment of the aggregate annual salary shortfall of all VLP programs combined, based on the position and experience salary data already gathered. This was done for the purpose of calculating the cost to achieve salary parity with other non-profit legal aid programs in Washington State.

Methodology

Compensation Connections contacted Washington's 17 Volunteer Lawyer Programs to participate in a custom compensation survey. Participants were asked to match current employee positions with 12 descriptions for common Volunteer Lawyer Program employee roles, and provide incumbent salary data, as well as information on employer contributions for voluntary employee benefits. Of the 17 organizations contacted, all responded with both salary and benefit information. Data from six published survey sources were also reviewed.

Compensation Findings

Survey Respondent Data

The compiled compensation data from the survey respondents is illustrative. There is remarkable pay consistency between Volunteer Lawyer Programs. This is even more striking given the differences in location, budget size, and number of employees in each office. The reported pay consistency validates the care taken by the participants in matching their jobs to the job summaries provided in the custom salary survey. It also lends weight to the degree of disparity in pay between employees of the Volunteer Lawyer Programs and the published survey sources. Also, over half the incumbents whose pay was reported in the custom survey have been with their respective organization less than two years. This suggests these organizations are experiencing a great deal of difficulty with both recruiting and retaining staff.

Published Survey Data

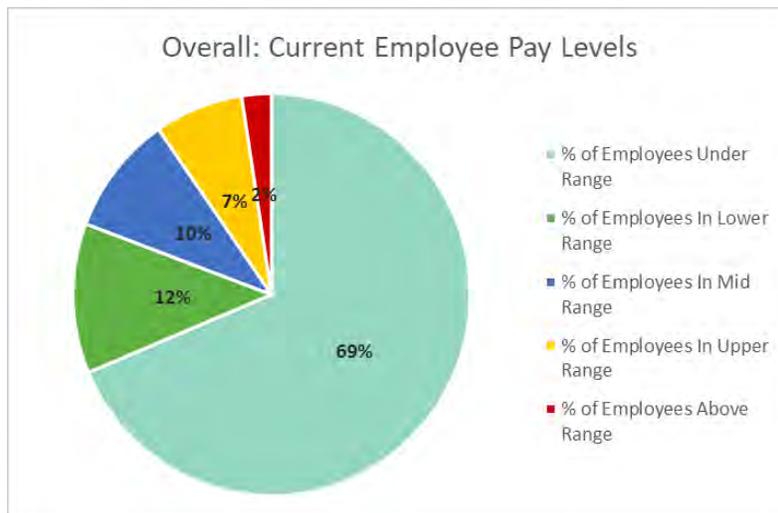
Compensation data from relevant published survey was compared to the salary data collected in the custom survey. Criteria used for survey data selection included the Seattle or Puget Sound geographic area, organizations with less than 100 employees, and non-profit organizations. When available, NAICS code 813300 (Social Advocacy Organizations) was selected to increase the survey data applicability.

Recommendations

Solution A: Increase Pay to Market Level

Using the data collected in the custom survey and in the published salary surveys, employees in the Washington’s Volunteer Lawyer Programs are paid an average of 37% less than employees in comparable jobs and organizations in Washington State. Only 1 of the 12 positions surveyed is paid the same as at comparable organizations. The pay differential for all other positions surveyed is between 20.11% to 61.76% **less than** employees in similar jobs in Washington State. We also found that attorneys at all levels of experience within Volunteer Lawyer Programs are the most underpaid. They are paid between 48.05% to 61.76% **less than** attorneys in similar jobs in Washington State.

Overall, 69% of the employees of the Volunteer Lawyer Programs are paid below the market-based salary range for their position. An additional 12% are paid in the lower range for their position, while just 10% are paid at market. The chart below illustrates these findings.



We estimate that market adjustments need to be made for 65 of the 83 employees of the Volunteer Lawyer Programs. Should the decision be made to adjust pay for 2019 to market levels, the total cost would be \$1,801,615, or an additional 47.1% of the current salary budget.

Solution B: Set Pay at Pre-Established Scale

A study of attorney pay completed in 2016 reported results similar to the findings in this survey. Based on those findings, a new pay scale was established in 2017 for the attorneys at the Northwest Justice Project (NJP). One alternative to setting pay at market levels for the Volunteer Lawyer Programs is to use the pay scale for the NJP as the basis for creating a new pay scale for these positions.

This approach was modeled using the data from the custom survey data. Using this method, it was noted that overall the current NJP pay scale is 35.5% **lower than** market. For only four positions was the NJP salary scale higher than the market levels in the survey report. There was no match for two of the positions surveyed.

With this solution, 54% of the employees of the Volunteer Lawyer Programs are paid below the NJP-based pay scale for their position. For 2019, 45 of the 83 employees of the Volunteer Lawyer Program will need a pay adjustment. The total cost would be \$648,963, or an additional 17.1% of the current salary budget.

The pay inequity noted in the compensation study is concerning. Pay increases in the Northwest region were low or nonexistent during the recent recession, and annual salary adjustments have remained moderate since then. It is very likely that staff pay within the Volunteer Lawyer Programs was below market prior to the recession, and that situation has continued with the economic recovery.

It is critical to remedy this pay inequity as soon as possible. The employment situation in the Northwest region is extremely competitive for positions at all levels. Further delay in addressing the problem will only increase the problem to the point where it will be even more difficult to retain and recruit staff. At that point, Washington's 17 Volunteer Lawyer Programs will be significantly impaired in their respective missions because they will be unable to hire or retain staff at the existing salary levels.

We recommend that the Office of Civil Legal Aid move quickly to work with the Volunteer Lawyer Programs to advocate for the recommended salary increases. This should serve to decrease what appears to be a much higher than usual difficulty in recruiting and retaining staff.

Additional Note:

The 17 Volunteer Lawyer Programs are spread across Washington State. The choice was made not to apply a geographical differential to the recommended salary ranges for all the positions evaluated in this project. It is our belief that using salary ranges based on salary data from the Puget Sound area may alleviate some of the difficulty most Volunteer Lawyer Programs appear to have with recruiting and retaining employees.

Benefits Findings

Benefits information was collected as part of the custom survey and reported in the Washington State Pro Bono Council 2018 Compensation and Benefits Report. It was noted that 29% of the Volunteer Lawyer Programs do not offer healthcare benefits to their employees.

Should these programs decide to change their benefits offerings based on the survey report, the increased cost would need to be considered in addition to the significant increase in the salary budget that will be required to address the pay inequity at all levels for employees of the Volunteer Lawyer Programs.

Additional Note:

Given the number of individual Volunteer Lawyer Programs that do not offer healthcare benefits to their employees, we suggest a shared employer group plan be established to make this financially viable for all of Washington's 17 Volunteer Lawyer Programs. We believe this will further aid with solving the significant recruitment and retention issues mentioned earlier.

Addendum A: Published Survey Sources

Published survey sources used in study of Volunteer Lawyer Programs:

Economic Research Institute Salary Assessor

Milliman Northwest Benefits Survey

Milliman Northwest Management & Professional Salary Survey

Milliman Puget Sound Regional Salary Survey

Milliman Washington Public Employers Salary Survey

Salary.com CompAnalyst

Consultant Biographies

Nancy Kasmar, MS, SPHR, CCP, SHRM-SCP

Nancy Kasmar is a Principal of Compensation Connections, with over 25 years of management experience in addition to ten years in human resources. She received her Master of Science degree from the University of California, San Francisco, and a Certificate in Management from the University of California, San Diego. Nancy holds a Senior Professional in Human Resources (SPHR) designation with an additional certification as a Certified Compensation Professional (CCP). She is also certified as a SHRM-SCP.

Since 2008, Nancy has worked with hundreds of companies throughout North America as a compensation consultant. She is the 2018 Director for Washington State SHRM and served as the 2014 President of Lake Washington Human Resource Association, a local SHRM affiliate with nearly 1,400 members. In addition to her professional and volunteer responsibilities, Nancy delivers presentations on HR topics, including compensation and benefits, throughout Washington State.

Shannon Drohman, MS/HR, SPHR, SHRM-SCP, CCP

Shannon Drohman is a Principal of Compensation Connections and has worked in human resources for over twenty years. With an emphasis on total rewards, she has developed compensation strategies and designed comprehensive total reward programs as an internal partner and external consultant.

Shannon has extensive experience working “in-house” in the financial services sector, most recently as VP, Compensation and Benefits Manager at HomeStreet Bank. As a consultant, her clients have ranged in size from small start-ups to over 10,000 employees, in a variety of sectors including financial services, manufacturing, technology, health care, professional services, education, media, non-profit and government.

Shannon is active in the Lake Washington Human Resource Association and is on its Board of Directors for 2018. She is a past instructor for the University of Washington’s Human Resources Certificate program, teaching compensation principles to HR professionals. Shannon’s credentials include an MS/HR, SPHR and SHRM-SCP certifications, and a Certified Compensation Professional designation.

Matt Johnson

Matt is a Consultant with Compensation Connections. He has over 25 years of human resources, performance management, total rewards, and leadership coaching experience.

Most recently Matt led the Total Rewards and Workplace Experience teams at Simple. Prior to that he ran a successful software company called NextComp and was President of Johnson HR Consulting where he worked with some of the leading companies in the Pacific NW. Matt is a past President of the Northwest Compensation and Rewards Forum and co-led the successful launch of the first Rewards NW regional conference in 2014.

State Funded Volunteer Attorney Programs

BENTON-FRANKLIN LEGAL AID SOCIETY

7103 W Clearwater, Suite C
Kennewick, WA 99336
(509) 734-9840

BLUE MOUNTAIN ACTION COUNCIL VOLUNTEER ATTORNEY PROGRAM

1520 Kelly Place, Suite 140
Walla Walla, WA 99363
(509) 529-4980

CHELAN-DOUGLAS VOLUNTEER ATTORNEY SERVICES

300 Okanogan Ave #3-B
Wenatchee, WA 98801
(509) 663-2778

CLALLAM-JEFFERSON COUNTY PRO BONO LAWYERS

228 West 1st Street, Suite N
Port Angeles, WA 98362
(360) 504-2579

CLARK COUNTY VOLUNTEER LAWYERS PROGRAM

1409 Franklin Street, Suite 101
Vancouver, WA 98660
(360) 695-5975

COWLITZ-WAHKIAKUM LEGAL AID

1338 Commerce, Suite C
Longview, WA 98632
(360) 425-3430

EASTSIDE LEGAL ASSISTANCE PROGRAM

1239 120th Ave NE, Suite J
Bellevue, WA 98005
(425) 747-7274
(425) 747-7504

KING COUNTY BAR PRO BONO SERVICES

The IBM Building
1200 Fifth Avenue, Suite 700
Seattle, WA 98101
(206) 624-9365

KITSAP LEGAL SERVICES
P.O. Box 1446
Bremerton, WA 98337
(800) 338-3363

LEGAL ASSISTANCE BY WHATCOM (LAW) ADVOCATES
PO Box 937
Bellingham, WA 98227
(360) 671-6079

LEWIS COUNTY BAR LEGAL AID
PO Box 117
Chehalis, WA 98532
(360) 748-0430

SKAGIT COUNTY COMMUNITY ACTION AGENCY VLP
PO Box 1507
Mt. Vernon, WA 98273
(360) 416-7585

SNOHOMISH COUNTY LEGAL SERVICES
PO Box 5675
Everett, WA 98206
(425) 258-9283

SPOKANE COUNTY BAR ASSOCIATION VOLUNTEER LAWYERS PROGRAM
1704 West Broadway Ave
Spokane, WA 99201
(509) 462-3701

TACOMA-PIERCE BAR ASSOCIATION COUNTY VOLUNTEER LEGAL SERVICES PROGRAM
621 Tacoma Avenue S, Suite 303
Tacoma, WA 98402
(253) 572-5134

THURSTON COUNTY VOLUNTEER LEGAL SERVICES FOUNDATION
PO Box 405
Olympia, WA 98507-0405
(360) 705-8194

YAKIMA COUNTY VOLUNTEER ATTORNEY SERVICES
311 N 4th St.
Yakima, WA 98901
(509) 453-4400