

**CIVIL LEGAL AID
OVERSIGHT COMMITTEE**

**MEETING OF
JUNE 21, 2024**

MATERIALS

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF June 21, 2024**

MEETING MATERIALS

- Tab 1: Meeting Agenda**
- Tab 2: Draft Minutes of March 28, 2024 Meeting**
- Tab 3: Civil Legal Aid Oversight Committee Mission**
- Tab 4: Civil Legal Aid Oversight Committee Roster**
- Tab 5: Civil Legal Aid Oversight Committee
Oversight Committee Mission Statement
(DRAFT) AND Legislative Involvement Policy
(DRAFT)**
- Tab 6: OCLA Director's Report (including
attachments)**
- Tab 7: OCLA Program Presentation Materials**

TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE

June 21, 2024

11:30 a.m. – 1:00 p.m.

Via Zoom Link

AGENDA

1. Welcome and Introductions (Chair Stallings-Ala'ilima)
2. Occupied Land Acknowledgment and Recognition of Responsibility (TBD)
3. Approval of Minutes of March 29, 2024 Meetings (Chair Stallings-Ala'ilima)
4. Chair Transition (Chair Stallings-Ala'ilima)
5. Update on Oversight Committee Composition (Director, Sara Robbins)
6. Oversight Committee Policies Updates (Chair Stallings-Ala'ilima)
 - a. Oversight Committee Mission Statement (updated)
 - b. Legislative Involvement Policy (updated)
7. OCLA Program Updates (OCLA Program Managers, Annalise Martucci, Philippe Knab, and Jeffrey Adams on behalf of Bailey Zydek)
8. Director's Quarterly Report (Director, Sara Robbins)
9. Public Comment/New Business
10. Adjourn

TAB 2

**CIVIL LEGAL AID OVERSIGHT
COMMITTEE MEETING OF
MARCH 29, 2024
DRAFT MINUTES**

Pursuant to notice duly provided in advance the quarterly meeting of the Civil Legal Aid Oversight Committee was held virtually through ZOOM on Friday March 29, 2024.

Members Participating: Chair Chalia Stallings-Ala'ilima, Alejandro (Ale') Sanchez, Judge Rebecca Pennell, Judge Faye Chess, Senator Drew MacEwen, Megan Johnston, Rep. Greg Cheney

Members Not Participating: Rep. Peter Abbarno, Sen. Drew MacEwen, Margaret MacRae, Senator June Robinson, Rep. My-Linh Thai

OCLA Staff: Sara Robbins (OCLA Director), Hope Hough (OCLA Support Team), Jim Bamberger (Transitional Counsel), Annalise Martucci (VOCA and DV Programs Manager), Philippe Knab (Eviction Defense Program Manager)

Guests: Kari Petrasek, Erin Lovell (LCYC), Sarah Augustine (AJWG)

The meeting convened at 11:32 a.m.

1. Welcome and Introductions

Chair Chalia Stallings-Ala'ilima welcomed members and invited them to introduce themselves. She then invited guests to introduce themselves.

She noted that this is the first meeting for new member Representative Greg Cheney who represents the 18th legislative district in the southern part of the state. Representative Cheney was not in attendance to further introduce himself.

2. Occupied Land Acknowledgment and Recognition of Responsibility

Sara Robbins said that she is attending the meeting from Seattle. The city of Seattle is the unseated traditional land of the Coast Salish, specifically ancestral lands of the Duwamish, Suquamish, Stillaguamish, and Muckleshoot people. It's important to her that we aren't just acknowledging the land that we're on, but we're talking about what we're doing as individuals, organizations, and agencies to prevent further harm of indigenous land and people.

Annalise Martucci spoke last month on the steps that OCLA is currently taking to acknowledge past harms of indigenous populations through allocations that we have in civil legal aid dollars to support native communities. One of Sara's goals is to explore other ways that we can expand this engagement, and commit to looking at ways we can collaborate and support further legal

service dollars in native communities. She looks forward to the committee members being thoughtful partners and collaborators in this work.

3. Approval of Minutes of December 15, 2023, Meeting

Chair Stallings-Ala-ilima invited a motion to approve the December 15th meeting minutes.

Motion to Approve the December 15, 2024, Meeting Minutes: By Ale Sanchez

Second: By Faye Chess

Action: Unanimously Approved

4. Update on Oversight Committee Composition (Director, Sara Robbins)

There is currently active recruitment for two positions on the OCLA Oversight Committee. The Washington Supreme Court position is currently vacant. This is the position appointed by the Washington Supreme Court upon recommendation of the Access to Justice (ATJ) Board. The ATJ Board is actively recruiting for this position. The term will begin immediately upon appointment. This position is reserved for individuals with lived experience from communities most harmed by the legal system and who are eligible to receive civil legal aid services.

The other position with open recruitment is the WSBA position that is currently filled by Chair Stallings-Ala'ilima whose term will come to an end on June 30, 2024. The new committee member will start July 1, 2024, with the term ending June 30, 2027.

We just learned that the other Washington Supreme Court position has been vacated and we are working with the Court and the ATJ Board to begin recruitment for this position.

5. Oversight Committee Policies Update (Chair, Chalia Stallings-Ala'ilima)

Chair Stallings-Ala'ilima referred members to two policies (Tab 5) that need review by the Committee. The majority of the updates to the Operating Rules and Procedures are clarifications of existing policies. Substantive changes include clarification that the Director or their designee is the Oversight Committee Secretary; further clarification of meeting notice; permission to hold meetings virtually; why executive sessions can be called for personnel matters; and further clarification around attendance of members. Chair Stallings-Ala'ilima asked if members have any questions.

- Operating Rules and Procedures - Revised

The Operating Rules and Procedures were last updated in 2007 and needed updating. Chair Stallings-Ala'ilima asked the Committee if they have any questions about the revisions.

Motion to Approve the revisions to the Operating Rules and Procedures: By Megan Johnston

Second: By Faye Chess

Action: Unanimously Approved

- Compensation Policy - New

In accordance with RCW 43.03.220(2), OCLA is authorized by this policy to provide stipends to low-income members of the Oversight Committee who have been appointed by the Washington Supreme Court to provide authentic voice and perspectives on matters falling within the scope of the Oversight Committee's authority. Chair Stallings-Ala'ilima asked if members have any questions.

Motion to Approve the Compensation Policy: By Faye Chess

Second: By Ale Sanchez

Action: Unanimously Approved

6. Director's Quarterly Report (Director, Sara Robbins)

Sara acknowledged that Jim Bamberger has stayed on over the last few months as transitional counsel to help her understand state government, and appreciated all of the guidance and assistance that he provided. She has also been looking at what additional infrastructure OCLA needs to ensure we're doing our proper oversight and being good stewards of services to clients across the state and tax dollars and will be doing additional hiring.

In regard to the recent legislative session, OCLA submitted two requests for supplemental funding to address emergent need for increased attorney capacity in the Tenant Defense Program and continue *State vs. Blake* civil consequences efforts. Both were fully funded!

Senate Bill 5805 in regard to developing a schedule for court appointment of attorneys for children and youth in dependency and termination proceedings was passed. The bill extended the schedule for full statewide implementation of RCW 13.34.212(3) which directs that courts appoint attorneys to represent children and youth aged 8 and above in dependency cases and all children regardless of age upon the filing of parental rights termination proceedings. It also requires that no more than 1,250 new dependency cases are added to the program each fiscal year which extends the implementation of the program to achieve full statewide implementation by January 1, 2028, instead of 2027.

Lastly, OCLA has an Inter-agency Agreement with the Department of Commerce. Commerce receives money to fund the Foreclosure Fairness safety net, including legal aid, housing counseling, and the foreclosure hotline. The funds for legal aid are passed through to OCLA via an

inter-agency agreement with Commerce. The funds OCLA receives are subcontracted in full to the Northwest Justice Project to provide services through their specialized Foreclosure Prevention Unit (FPU). This is the only foreclosure specialized legal aid unit of its type in the state. This was partially funded in the budget at \$3.6 million vs the \$6 million that was requested. OCLA is working with Commerce and the Foreclosure Fairness Act (FFA) partners to determine how these funds will be invested and what portion will be allocated to FPU services.

In regard to the biennial budget, the process of planning for the 2025-2027 biennial budget has begun. We are committed to an interactive process with stakeholders that will result in budget proposals that allow us to meet critical agency needs and responsibilities, maintain meaningful levels of support for the basic civil legal aid program, address new/urgent needs, and operate within the fiscal framework that we will be presented with. While we know basic needs of the agency and existing programs, we also know that much will be changing in the funding landscape prior to that legislative session including a) a new Governor and executive administration; b) changes in the composition of the legislature; and c) a range of unknowns regarding the continuation of important funding streams at both the state and federal levels.

7. Equitable Access to the Courts Workgroup Update (Sarah Augustine)

Chair Stallings-Ala-ilima introduced Sarah Augustine to present an update regarding the work that she and others are doing regarding access to the appellate justice system for unrepresented appellants. Sarah Augustine is a former member of the Oversight Committee and Co-Chair of the Equitable Access to the Courts Workgroup. Chair Stallings-Ala'ilima referred members to the materials in Tab 6 that includes a copy of the Decision Package submitted by the Supreme Court to fund a study to identify barriers to the appellate justice system.

Sarah Augustine said in June 2020, the Washington State Supreme Court issued a public letter committing the court to supporting the rules that bring greater racial justice to the legal system, which is a platform for the workgroup. In January 2022, a request was received to form a workgroup to investigate the appellate system on behalf of indigent residents and research and propose a solution.

In 2022, the workgroup reviewed RAP 15.2, pertaining to the determination of indigency and rights of an indigent party in appellate cases. They suggested the removal of RAP 15.2c and RAP 15.2d because the language denied access to justice for indigent people. In April 2023, the recommendation was adopted by the court without public comment, which is highly unusual. With the removal of 15.2 c and 15.2d, it became apparent that there is no access to justice for the appellate system for indigent people.

The workgroup is now in the research phase and plan to report their findings to the legislature in January 2025. Sarah has made a commitment to also report back to the Oversight Committee in December of 2024 and the first quarter of 2025.

8. Public Comment/New Business

Chair Stallings-Ala-ilima invited public comment.

There being no new business, the meeting adjourned at 12:29 p.m.

Motion to approve the meeting being adjourned: Judge Rebecca Pennell

Second: Judge Faye Chess

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

(June 2024)

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, 2024; not eligible for reappointment

Position 2 (BJA 2):

Name: Hon. Faye Chess
Address: Seattle Municipal Court
600 5th Ave.
Seattle, WA 98104
Phone: 206-684-5600
E-mail: faye.chess@seattle.gov
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2025; not eligible for reappointment

Position 3 (Supreme Court 1):

Name: Megan Johnston
Address: P.O. Box 6188
Olympia, WA 98507-6188
Phone: (360) 628-9560
E-mail: mjohnston@resolutionwa.org
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2026; eligible for reappointment

Position 4 (Supreme Court 2):

Name: Appointment Pending

Address:

Phone:

E-mail:

Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)

Term Expires: June 30, 2026; eligible for reappointment

Position 5 (Supreme Court 3 – Client Eligible):

Name: Appointment Pending

Address:

Phone:

E-mail:

Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)

Term Expires:

Position 6 (Senate Republican Caucus):

Name: Senator Drew MacEwen

Address: 115 Legislative Modular Building
PO Box 40435
Olympia, WA 98504

Phone: (360) 786-7668

E-mail: Drew.MacEwen@leg.wa.gov

Appointing Entity: Senate Republican Caucus

Term Expires: June 30, 2026; eligible for reappointment

Position 7 (Senate Democratic Caucus):

Name: Senator June Robinson
Address: 236 John Cherberg Building
PO Box 40433
Olympia, WA 98504-0443
Phone: 360-786-7674
E-mail: june.robinson@leg.wa.gov
Appointing Entity: Senate Democratic Caucus
Term Expires: June 30, 2024; eligible for reappointment

Position 8 (House Republican Caucus):

Name: Representative Greg Cheney
Address: 406 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 360-786-7812
E-mail: greg.cheney@leg.wa.gov
Appointing Entity: House Republican Caucus
Term Expires: June 30, 2025; eligible for reappointment

Position 9 (House Democratic Caucus):

Name: Representative My-Linh Thai
Address: 424 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 206-333-4107
E-mail: My-linh.thai@leg.wa.gov
Appointing Entity: House Democratic Caucus
Term Expires: June 30, 2025; eligible for reappointment

Position 10 (Office of the Governor):

Name: Alejandro (Ale') Sanchez
Address: WA St. Department of Licensing
1125 Washington Street SE - HLB, FL 4 - MS: 48002
Olympia, WA 98501
Phone: (360)634-5252
E-mail: alejandro.sanchez@gov.wa.gov
Appointing Entity: Office of the Governor
Term Expires: June 30, 2027; 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, 2024; not eligible for reappointment

TAB 5

CLA Oversight Committee Mission Statement (Long Form)

As a steward for ensuring access to civil justice, and in full recognition of the structural inequities faced by those who identify as low income, persons of color, gender and sexual minorities, and persons with disabilities, the Civil Legal Aid Oversight Committee fulfills its statutory requirements relative to the Office of Civil Legal Aid and the state-funded legal aid system, by reviewing the performance of the director and setting their salary, and by making recommendations on the delivery of civil legal aid, all while holding transparency, fiscal accountability, and availability to underserved voices as its highest priorities.

CLA Oversight Committee Mission Statement (Short Form)

Grounded in the Office of Civil Legal Aid's Race Equity and Justice Commitments, the Civil Legal Aid Oversight Committee fulfills its statutory purposes by reviewing the performance of the director and setting their salary, and by making recommendations on the delivery of civil legal aid, all while holding transparency, fiscal accountability, and availability to underserved voices as its highest priorities.



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135
360-704-4003 (fax)

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

POLICY REGARDING OFFICE OF CIVIL LEGAL AID INVOLVEMENT IN PROMOTING OR OPPOSING BILLS BEFORE THE WASHINGTON STATE LEGISLATURE

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency. The agency administers and oversees the use of state funding appropriated for the provision of civil legal aid services to eligible low income people in Washington State. OCLA's authority is set forth in RCW 2.53.030. OCLA does not play a general lobbying or policy advocacy function for low-income people unrelated to its core statutory functions.

I. OCLA's Involvement With the Washington State Legislature

OCLA develops, submits and educates members of the Legislature on matters relating to its budget and the operation of civil legal aid programs assigned to it by statute, budget proviso, and interagency agreements with state agencies~~state-funded civil legal aid system~~. OCLA responds to legislative member and staff requests for information relating to agency budgets and operations.

As a judicial branch agency, OCLA also monitors and communicates with the Legislature on proposed legislation the passage of which could expand or otherwise~~would~~ affect funding for civil legal representation of low-income people in Washington State. OCLA actively monitors proposed policy legislation to assess its potential impact on its civil legal aid programs, including proposed legislation that, if enacted, might expand or reduce client service capacity or demand. the funding and operations of the judicial branch, with special emphasis on those that would affect access to and the fair operation of the civil justice system for low-income residents of Washington State (e.g., Justice in Jeopardy).~~OCLA's activities are carried out in consultation with the Chief Justice, the Board for Judicial Administration and key judicial branch agency organizations and leaders.~~

~~Because the state-funded civil legal aid system is able to provide civil legal aid services to only a small portion of those who need them, OCLA monitors proposed policy legislation to assess its potential impact on demand on the civil legal aid system.~~

II. Establishment of Policy on Legislative Involvement

The purpose of this Policy is to clarify and distinguish OCLA's status as an independent judicial branch agency and make clear that OCLA (or any staff member thereof) will not involve itself in legislative matters unrelated to its budget, the agency's statutory or programmatic responsibilities or judicial branch budgets and operations without contemporaneous notice and consultation with the Chair and Vice Chair/Chair-Elect of the Civil Legal Aid Oversight Committee. ~~except in rare and exceptional circumstances consistent with objective considerations and only after consultation with the Civil Legal Aid Oversight Committee.~~ This policy is necessary to protect OCLA's institutional integrity and non-partisan credibility.

- A. OCLA may take positions on proposed policy legislation ~~only~~ if passage of such legislation will have a direct and consequential policy or fiscal impact on (a) the agency, (b) demand for civil legal aid services, ~~or~~ (c) the ability of low income people to seek and secure civil legal aid services, or (d) the operation of programs assigned to or administered by the agency.
- B. To the extent possible in light of compressed timelines during the legislative session, the OCLA Director will inform the Chair and Vice Chair/Chair-Elect of the Civil Legal Aid Oversight Committee before or shortly after taking a position on proposed policy legislation that meets the criteria of Section A. ~~the OCLA Director will timely consult with the Civil Legal Aid Oversight Committee. In doing so, the OCLA Director is encouraged to provide the following information in presenting the proposal that the agency take a position, the OCLA Director will set forth in writing (e-mail is sufficient):~~
1. The bill number, prime sponsors, links to bill reports (if any) and a narrative description of its substantive focus and impact.
 2. The reasons why the OCLA Director believes passage or defeat of the bill will have a direct and consequential policy or fiscal impact on (a) the agency, (b) demand for civil legal aid services, ~~or~~ (c) the rights of low income people to seek and secure civil legal aid services, and the nature of the impacts identified, or (d) the operation of programs assigned to or administered by the agency.
 - ~~3. Other organizations and entities with an interest in the outcome of the legislation, including an overview of the positions in support of and contrary to the position that the OCLA Director proposes to take~~
 - ~~4. The reasons why the Director believes it important that OCLA be actively involved in legislative deliberations relating to the bill. A statement outlining the unique message/impact that OCLA's involvement will bring~~

~~The OCLA Director will seek and give special consideration to input received from legislative members of the Oversight Committee.~~

~~The Civil Legal Aid Oversight Committee will provide its input and guidance to the OCLA Director in a timely manner. If OCLA proceeds to take a position on proposed policy legislation, it will report the same to the Oversight Committee and provide copies of any materials made available to legislators, committees or legislative staff.~~

This Policy Regarding OCLA Involvement in Promoting or Opposing Bills Before the Washington State Legislature was reviewed and endorsed by the Civil Legal Aid Oversight Committee at its meeting of June 8, 2012.

DRAFT

TAB 6



Washington State Office of Civil Legal Aid

PO Box 41183
Olympia, WA 98504
sara.robbsins@ocla.wa.gov
360-485-1544

Sara Robbins, Director

To: Civil Legal Aid Oversight Committee

From: Sara Robbins, Director

Re: Director's Report

Date: June 10, 2024

I write this report with almost six months under my belt as the Director of OCLA. There are days where things go smoothly and I feel as though I know the role, and there are other days that something comes up that I have never seen, and things feel a bit bumpy. In this short amount of time, I have started to build relationships internally and externally with people that are knowledgeable and willing to lend their help and expertise to get me through those bumpy patches. A few of those people include OCLA managers and staff, the fiscal team at the Administrative Office of the Courts, community partners, and many of you on this committee. I will only be successful in this position with the support of those in state government, the legal aid community, and community partners.

Oversight Committee Recruitment

There is currently active recruitment for multiple positions on the Civil Legal Aid Oversight Committee. The two Washington Supreme Court positions are currently vacant. These positions are appointed by the Washington Supreme Court upon recommendation of the Access to Justice (ATJ) Board. The ATJ Board is actively recruiting for these positions. The terms will begin immediately upon appointment. One position is reserved for individuals with lived experience from communities most harmed by the legal system and who are eligible to receive civil legal aid services.

The other position with open and active recruitment is the Washington State Bar Association (WSBA) position that is currently filled by Chair Chalia Stallings-Ala'ilima. Chalia's term will end on June 30, 2024, and the new committee member will start July 1, 2024, with the term ending June 30, 2027. I feel very lucky to have gotten to work with Chalia over these few months. She has been there to help me problem-solve and as a listening ear. I want to thank her so much for her service on this committee, her guidance over these six months, and her passion for the work towards justice.

Alejandro Sanchez has been reappointed by Governor Inslee to another term on the committee that goes through June 30, 2027.

Judge Rebecca Pennell's term ends on June 30, 2024. Judge Janet Chung, Division I Court of Appeals, has been appointed by the Board of Judicial Administration (BJA) for a term of July 1, 2024, through June 30, 2027. I want to thank Judge Pennell for her service on the Oversight Committee. I appreciate and respect the way that Judge Pennell has a deep commitment to a fair and accessible legal and judicial system. I hope that our paths continue to cross.

Senator June Robinson will not be renewing for a second term on the committee. The Senate Democratic Caucus is working to fill this position for a term of July 1, 2024, through June 30, 2027. I want to thank Senator Robinson for her time on the committee. Senator Robinson and I spoke recently about her time on the committee, and her commitment to ensuring that Washington state has a strong safety net to support families, individuals, and communities that are struggling.

OCLA Staffing

Since our last meeting, OCLA has hired for three positions!

1. Bret Smith will be joining OCLA in July as the new Children's Representation Program Counsel. Bret is currently an Assistant Attorney General. He has experience in dependencies and child welfare law through his work with the Department of Children, Youth, and Families as an Assistant Attorney General for almost five years.
1. Stefanie Powell will be joining OCLA in July as the new Director of Operations. Stefanie Powell began her career in accounting at Deloitte & Touche. She has worked in higher education administration at Ohio University and the University of North Carolina Wilmington, serving in various roles including Associate Dean for Administration, Interim Associate Vice Chancellor for Finance and Controller, and Chief Audit Executive. She is coming to OCLA from Saint Martin's University where she has served as the Vice President for Business and Chief Financial Officer. Stefanie earned her bachelor's degree from Ohio University and is a North Carolina Certified Public Accountant and a Certified Information Systems Auditor.
2. Beth Leonard will be joining OCLA in July as the new Civil Legal Aid Program Counsel. Currently serving as a Staff Attorney at Disability Rights Washington, she specializes in enforcing the rights of individuals with disabilities through litigation and policy development. Previously, Beth managed the Statewide Pro Bono Council, advocating for volunteer lawyer programs and facilitating statewide legal aid initiatives. She is also an adjunct professor at Seattle University School of Law, focusing on poverty law and disability law.

Staff Retreat

OCLA staff had their first in-person retreat of the year in May. In planning the retreat, I had three goals for the two-day agenda which were team building, collaboration, and gratitude. Being new to OCLA and having many staff that have been at OCLA for less than a year, it was important to me for staff to get to know each other and start to build rapport with colleagues that they do not interact with on a day-to-day basis.

The team building and collaboration went better than I could have ever predicted. Much of the work that we do at OCLA is in silos due to the nature of the programs that we administer. It was fabulous to have dedicated time to talk about the work of the programs and come away with ways that we can begin to work on different types of collaboration around trainings, systems, and outreach.

Lastly, I think it is important that we pay attention and appreciate when things are going well. Our last activity of the retreat was an art project focused on gratitude for co-workers. Unfortunately, we did not get a photo of all of the staff. However, here is a photo of some of us.



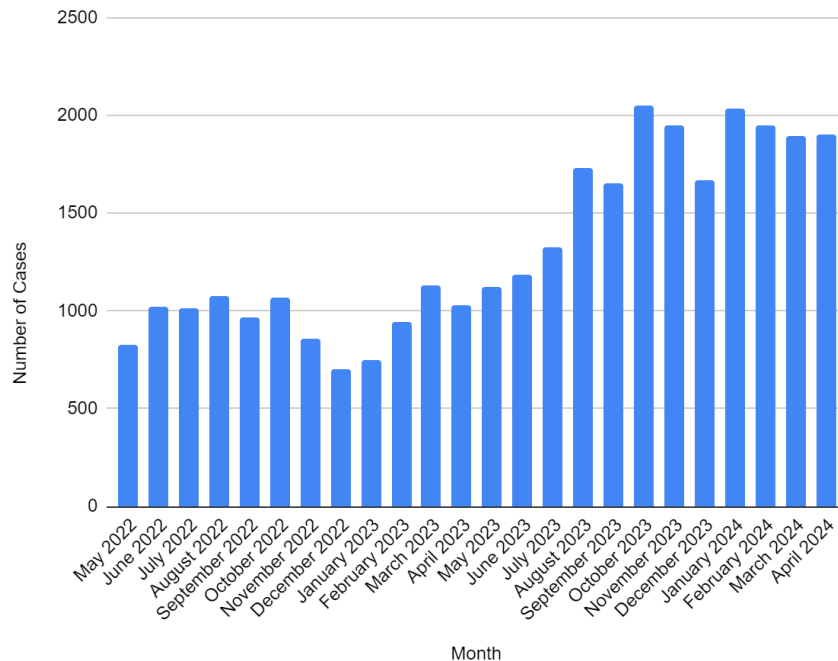
Legislative Session

OCLA is beginning to put together our requests and decision packages for the upcoming legislative session. We will have all the information for this committee to review at the September meeting. The way that I am currently thinking about our legislative requests is to ensure that the programs that we presently administer and fund are meeting the needs across the state, and that our programs receive continued vendor rate adjustments. OCLA is listening to the projections from the Office of Financial Management on the state budget, and we know that there need to be limits on our requests given the budget outlook. Here is some of what we are exploring:

Children's Representation Program (CRP). In 2021, the legislature expanded a child's right to counsel in dependency proceedings codified at [RCW 13.34.212\(3\)](#). In the last legislative session, Senate Bill 5805 revised the schedule for implementation. OCLA is responsible for the development of the phase-in schedule, as well as the recruitment, training, oversight, and payment of appointed attorneys. We will need to ask for funding for proper implementation of the next phase of expansion.

Tenant Defense Program. Eviction filings in Washington state remain at unrepresented levels of almost 2,000 filings per month. This significant increase in filings substantially outpaces pre-pandemic levels, indicating a sustained and considerable demand for tenant defense services. In response to this ongoing challenge, OCLA's enacted supplemental budget request funded 10 additional attorney positions to address indigent tenant defense capacity needs for FY 25. Our appointed counsel tenant defense program continues to represent every eligible tenant. Over the next few months, we will continue to assess the numbers of filings and what level of funding we will need to keep pace with the need.

Number of Cases vs. Month



Continue *State v. Blake* Civil Consequences Efforts. OCLA has received *State v. Blake* civil consequences funding since FY 22. Working through three primary contractors, the funding is used to provide information, advice, and legal representation to individuals entitled to civil relief (vacation of convictions, refund of legal financial obligations (LFOs)). The legislature has funded this effort on a year-to-year basis to respond to the Supreme Court's 2021 decision that determined the state's prior drug possession laws unconstitutional. Estimates are that more than 250,000 people are eligible for civil relief from these unconstitutional convictions.

OCLA requested biennial funding for these services in the FY 2023-25 operating budget. The legislature elected to provide one year of funding, with instruction to resubmit any request for year 2 funding in the supplemental budget. OCLA's supplemental funds will continue existing programs and add two attorneys who will handle appeals from determinations made by the Refund Bureau established and administered by the Administrative Office of the Courts. This continues to be one-time funding, and OCLA will have to ask for continuing support in the FY 2025-27 biennial budget request.

Civil Legal Needs Study. OCLA is tasked with a periodic assessment of the most prevalent civil legal problems experienced by low-income people in Washington state and the capacity of the state-funded legal aid system to meet those legal needs ([RCW 2.53.020\(c\)](#)). The last study was done in 2015, and it is time for the next assessment. As this is a statutory requirement and the

last study was done almost 10 years ago, we will be asking the legislature for funding for the initial development and scoping of this study.

Priorities

There is always so much important work happening here at OCLA, however I do have a few top priorities that I will be working on over the next few months. The onboarding of our new Director of Operations will be one of my top priorities. I am looking forward to having this position filled and having a partner in everything operations! I am also working with the Chief Justice on the scoping of the next Washington State Civil Legal Needs Study. I expect to have more information to share about the scoping process in July. Lastly, much of my time will be spent preparing for the 2025-27 biennial budget. I will be working closely with OCLA Program Managers, and the fiscal team at the Administrative Office of the Courts to ensure that we are putting together a budget that addresses imminent needs, leads to equitable outcomes, but also is responsive to the budget environment.

TAB 7

OCLA Programs Update

Annalise Martucci
Programs Manager

- General Legal Aid
- Kinship
- Foreclosure
- Domestic Violence
- Victims of Crime



General Legal Aid Contract



Northwest Justice Project

- Biennial contract with Northwest Justice Project pursuant to RCW 2.53.030
 - FY 24: \$23,426,729, FY 25: \$28,939,685.
 - Critical operating funding for largest statewide legal aid provider
 - NJP provided legal assistance and representation in 12,888 cases in 2023.
- Updates
 - OCLA conducted a site visit to the Colville satellite office on June 11th.
 - Subsidiary (LLC) planning efforts to use state funds without federal restrictions
 - César Torres, Executive Director, retiring after nearly 18 years of service.



Kinship Care

- Two contracts with KCBA totaling \$470,000
 - Statewide Kinship Care Legal Aid Coordinator
 - Legal Advice and Referral for Kinship Care (LAARK Hotline)
 - Established in 2022 to provide legal advice and referrals to kinship caregivers statewide on legal issues that relate to the welfare of children in their care. Topics include minor guardianships, housing, public benefits, and the child welfare system.
 - 231 clients from 24 counties served in first 12 months. 88% not “formal” caregivers (October 22-September 2023)

“Kinship care is a term for the **raising of children by grandparents**, other extended family members, and adults with whom they have a close family-like relationship because biological parents are unable to do so for whatever reason.”



Foreclosure Fairness

- Foreclosure Fairness Act of 2011 (RCW 61.23.123)
- Directs 6% of fund revenue to OCLA.
- Single contract with Northwest Justice Project's Foreclosure Prevention Unit.
 - Specialized services: housing counseling, mediation, submitting HAF applications, consulting and referring for bankruptcy, etc.
 - In first two quarters of FY 24, served 250 clients. Prevented foreclosure in 33 cases , preserved over \$6M in homeowner equity.
 - FFA fund revenue not sustaining at necessary levels. Commerce's decision package in FY 24 supplemental not fully funded



Legal Aid for Survivors

**3,897 survivors served in first
three quarters of FY 2024**

Crime Victim Legal Aid (VOCA)

- \$4.6M state funding through IAA with Commerce, OCVA
 - State and federal funding
- Five contracts
 - Northwest Immigrant Rights Project
 - Sexual Violence Law Center
 - Tacomaprobono
 - Northwest Justice Project
 - King County Bar Association

Civil Legal Aid for Survivors of Domestic Violence

- Proviso to OCLA for \$2M beginning 2022
- Seven contracts
 - Northwest Immigrant Rights Project
 - Sexual Violence Law Center
 - Tacomaprobono
 - Spokane YWCA
 - Sound Legal Aid
 - Womenspirit Coalition
 - Lummi Victims of Crime



Crime Victim Services Funding

- Federal VOCA funding allocated to WA has decreased from \$74.7 million in FFY2018 to \$17.8 million in FFY 24.
- State provided supplemental funding for each of last four years to maintain funding at SFY 2018 levels, current supplemental expires 6/30/2025.
- Available funding for crime victim services to be reduced by over 40% if no additional state funding



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CHILDREN'S REPRESENTATION PROGRAM (CRP)

June 21, 2024



Current Team

Program Manager:	Bailey Zydek
Program Counsel:	Daria Spartan Karrina Guilbault
Training Coordinator:	Jeffrey Adams
Administrative Support :	Gabriel Robinson Rowan Gordon



The CRP administers two appointed counsel programs:

“Legally Free” Children’s Representation

- Codified at RCW 13.34.212(1)
- Concerns representation for children who are six months post termination of parental rights and who remain in dependency
- Fully operational across the state since 2014
- Contract with 31 individual attorneys and law firms to provide standards-based legal representation to approximately 400 legally free children in 24 counties

“1219” Children’s Representation

- Codified at RCW 13.34.212(3)
- Children and youth 8+ who are subject to dependency proceedings (including Extended Foster Care) and all dependent children under the age of 8 where a petition to terminate parental rights has been filed
- Effective July 1, 2021 with full, statewide implementation by January 1, 2028
- Phased-in on a county-by-county basis
- Currently contract with 45 individual attorneys and law firms to provide standards-based legal representation to approximately 1,400 dependent children and youth in 15 counties



1219 Implementation

Implementation schedule codified at RCW 13.34.212(3)(c):

- July 1, 2022, first three counties: Grant, Lewis, Cowlitz
- January 1, 2023, five additional counties: Yakima, Kittitas, Walla Walla, Benton, Franklin
- January 1, 2024, seven additional counties: Thurston, Mason, Grays Harbor, Pacific, Skamania, Klickitat, Adams
- Currently recruiting for attorneys for Pierce, Wahkiakum, Ferry, Stevens, and Pend Oreille, coming online by January 1, 2025. Lots of interest from qualified applicants!
- Implementation schedule amended last legislative session to provide CRP with greater flexibility in staffing out counties on an extended timeline

Key implementation strategies:

- Actively engage judicial officers, court administrators, and other key systems players in implementation efforts
- Generalized attorney recruitment (e.g. web postings)
- Targeted attorney recruitment (e.g. bar associations, individual attorneys)



2023 Program Highlights

Children & Parent's Rights Justice Initiative

- OCLA & OPD partnered with Gonzaga Law to create a pipeline of law school graduates who are ready, willing, and able to enter the world of child welfare by creating an academic track within the law school's curriculum
- Memorandum of Understanding signed October 2023 to create the Children's and Parent's Rights and Justice Initiative (CRJI)
- CRP has been actively supporting Gonzaga in the design of and content of the initiative

Training Advisory Committee

- Empaneled child welfare professionals and youth with lived experience to advise on the CRP's training curricula and strategy
- Committee approved CRP's strategic training plan

Families Stronger Together 2023

- Partnered with the Office of Public Defense (OPD) to provide 2 day, in-person CLE & training for OPD and OCLA contractors September 2023 in Tacoma, WA



Looking Ahead:

Team Growth

- Our third program counsel, Bret Smith, will be joining us July 2024
- Necessary to effect the CRP's growing monitoring and oversight responsibilities under RCW 2.53.045

CRP General Advisory Committee

- To include a broad array of child welfare interest holders, including lived experts
- Seek to create a line of communication between the CRP and those impacted by its work to empower the program to be responsive to concerns or developments in the child welfare space as the program continues to expand its presence across the state

Families Stronger Together 2024

- Second annual 2.5 day, in-person CLE training for OPD and OCLA contractors October 2024 in Yakima, WA

Virtual Training Academy

- On demand, curated training series designed to ensure all contractors receive education necessary to render standards-based legal advocacy
- Expected to launch this Fall



Questions?

Contact the team at any time by emailing
crp@ocla.wa.gov



Eviction Defense and Reentry Update

**Presentation to
OCLA Oversight Committee**

June 21, 2024



Homelessness and Eviction Defense

- Approximately 24,000 evictions will be filed this year in Washington State.
- Over 25,000 people were experiencing homelessness as of the January 2023 Point-in-Time count.

OCLA's Eviction Defense Programs:

- Appointed Counsel for Indigent Tenants:
 - Washington is the first and only state to provide an attorney for every low-income tenant facing eviction.
 - impact: Ensures access to legal defense, improving tenants' chances of avoiding eviction. Promotes housing stability and access to services.
- Pre-Filing Eviction Defense Legal Services:
 - Offers targeted pre-filing legal services to prevent extrajudicial evictions and reduce default rates.
 - Early intervention helps prevent homelessness and reduces the legal system's burden.



Tenant Defense Since Appointed Counsel

- Since January 2022 every tenant screened and found eligible assigned an attorney through an OCLA-contracted eviction defense provider
- Over 18,174 tenants represented by OCLA-contracted eviction defense attorneys in unlawful detainer cases.
 - 8,710 cases opened in 2023.
 - 39% self identify as disabled
 - 45% non-white
 - 57% remain in home subject to UDA
 - 80% have no writ issued
 - Over 9 million dollars saved by low-income tenants.

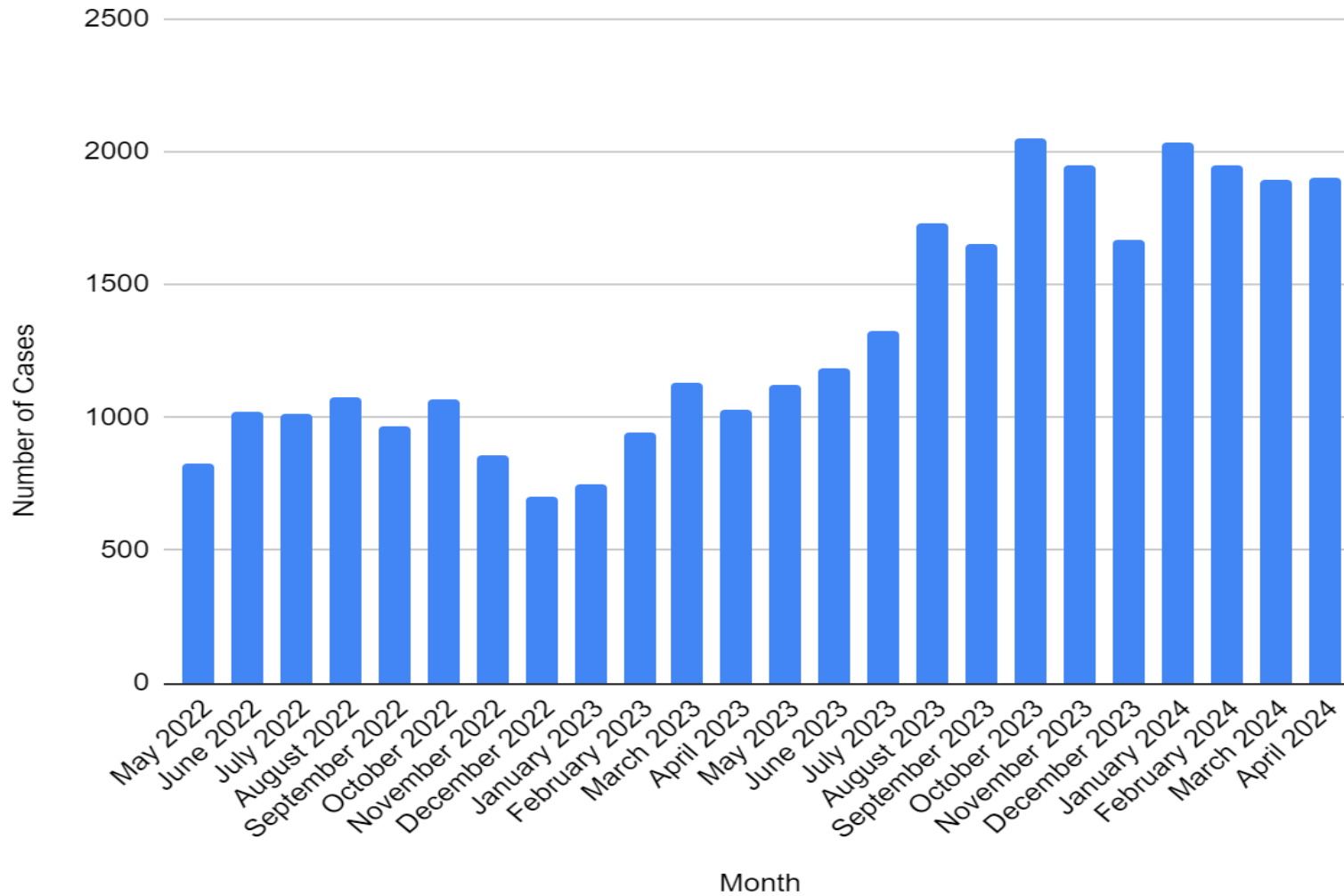


Fairness in Eviction Proceeding

- Representation Disparity:
 - Prior to 2021, less than 3% tenants facing eviction had legal representation nationwide, in Washington this figure was slightly higher but still under 10%
- Comprehensive Homelessness Prevention:
 - Rent Assistance
 - Benefits
 - Behavioral health services
 - Dignity
 - [UW Evans School Longitudinal Study of Eviction Defense Outcomes](#)
 - “I felt like ... my attorney, was the savior. He was the one person in that room that gave a damn about my situation. ... it’s kind of like, here I am in a hostile environment.. And then I get [my attorney], knight in shining armor comes through, he is like, yeah, I’ll back you. It’s like, finally, some backup.”



Number of Cases vs. Month



State v. Blake Overview

Blake Civil Consequences:

- WA Supreme Court: State's former simple drug possession laws unconstitutional.
- Historical Impact: Harmed communities of color, restricted job and housing opportunities, and affected access to benefits.
- Vacated Convictions: All prior convictions vacated, LFOs refunded to those unconstitutionally convicted since 1972.
- Over 300,000 unconstitutional convictions and over 51 million allocated for LFO refunds.

OCLA's Role and Services:

- OCLA contracts with providers for Blake effected individuals' civil relief
- Services Offered: Outreach, Eligibility Determination, Blake-related resources and information, Representation for both LFO refunds and Vacature.



Legal Services For Blake Eligible

OCLA-Contracted Organizations Providing Blake-Related Civil Legal Information and Assistance:

- [Civil Survival](#): Assessing eligibility, representation or referral for eligible individuals, and advocating statewide for impacted centered policies and procedures.
- [The Way to Justice](#): Primary provider for Blake related matters on the east side of the state, assessing eligibility, representation and impact work.
- [Living with Conviction](#): Legal Empowerment Model peer-to-peer support, resources collaboration with NJP and online forms.
- [Northwest Justice Project](#): Providing legal assistance.

Other Legal Resources and Sources of Blake-Related Legal Help:

- [Washington Law Help](#): A comprehensive hub for legal self-help resources, including specific guided Blake-related forms for those aiming to vacate prior convictions or remit LFOs.
- [Justice in Motion](#): This platform empowers individuals by allowing them to access their criminal histories, vital for those seeking to redress prior criminal justice involvement.
- [Office of Public Defense](#): OCLA's sister judicial branch agency is a partner in our efforts to secure justice for individuals with unconstitutional convictions.



Community Reinvestment Programs

In 2022, the Washington State legislature set aside \$200 million in the Community Reinvestment Account to invest in communities disproportionately harmed by the war on drugs. The Department of Commerce allocated \$6 million for civil and criminal legal assistance, administered by the Office of Civil Legal Aid (OCLA). This funding supports individuals impacted by the criminal justice system, enhances legal reentry services, and fosters collaboration among legal service providers.

[Redemption Project](#)-Immigration consequences for criminal convictions & long sentences

Provides post-conviction relief for those improperly advised of immigration consequences and supports reforms for long sentences.

Offers reentry-centered training and materials for legal professionals.

[Snohomish County Public Defense Association](#)-Integrated Public Defense

Offers reentry and civil legal aid services for individuals involved in criminal legal proceedings. Services include LFO relief, driver's license reinstatement, vacating convictions, housing, and healthcare access.

[The Way to Justice](#)-Holistic reentry legal services

Expands capacity by supporting community-based organizations, conducting pop-up legal clinics, and traveling statewide. Services include vacating convictions, LFO relief, and relicensing.

[Thurston County Public Defense-](#) Integrated Public Defense

Integrates civil legal aid attorney and paralegal into the Public Defender's office to assist with LFO relief, vacating convictions, and civil forfeiture proceedings.



Reentry Legal Assistance Program (RLAP)

Independent recognition of the need to work with previously incarcerated to remove barriers to successful reintegration

- Vacature
- LFO remission
- Re-licensure
- Employment
- Forfeiture
- Discrimination

Small investment and limited resources-

- Online intake
- Community based
- [Request Your Criminal History Report – Civil Survival](#)



Contact

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