

# OFFICE OF CIVIL LEGAL AID 2009-2011 BIENNIAL REPORT



Washington State's constitution promises justice "in all cases . . . without necessary delay." This means justice must be available for all people, including those unable to pay for legal help. The Office of Civil Legal Aid (OCLA) helps tens of thousands of individuals and families secure justice on matters affecting their most fundamental rights and basic human needs.

## ABOUT THE OFFICE OF CIVIL LEGAL AID

The Office of Civil Legal Aid is an independent judicial branch agency established by the Legislature to meet the justice needs of low-income people facing critical civil legal problems. OCLA is responsible for overseeing the expenditure of \$23.2 million appropriated biennially for civil legal aid.

Pursuant to RCW 2.53.020(3)(c), OCLA submits this Biennial Report on the status of access to the civil justice system for low-income people eligible for state-funded legal aid in Washington.

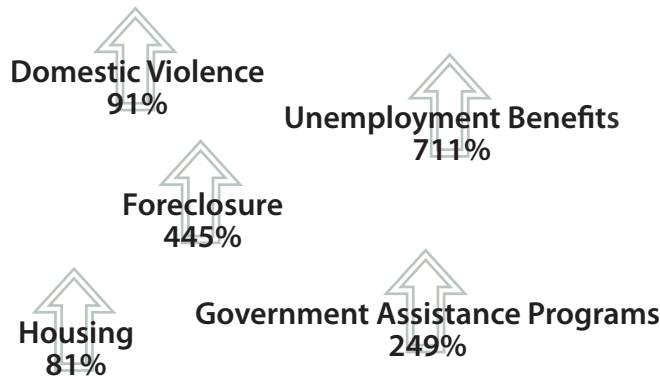


**Overwhelming medical bills caused MICHELLE to fall behind on her mortgage payments. She and her young family faced foreclosure. Michelle negotiated with her bank and was led to believe her loan had been modified and the foreclosure put on hold. But the foreclosure went forward anyway, and the**

**home was sold at a trustee's sale. The bank then tried to evict Michelle and her family. Attorneys in the OCLA-funded Northwest Justice Project's Yakima office immediately stepped in to stop the eviction, then negotiated with the bank to reverse the foreclosure and reinstate the loan. They also forced the bank to refund hundreds of dollars in wrongful charges for double insurance. Michelle is now able to make regular payments on her mortgage; she and her family are still living in their home.**

*NJP attorneys handled 935 mortgage foreclosure cases in the FY 2009-11 biennium. Demand for assistance in this area is growing exponentially.*

## Demand for legal help skyrockets amidst increasing poverty & unemployment.



Source: King County Crisis Clinic, January-June, 2008 vs. 2011

OCLA contracts with the nonprofit Northwest Justice Project (NJP), Washington's largest legal aid provider. Through NJP, OCLA funds are used to support a highly integrated system that provides civil legal assistance and representation to eligible low-income individuals and families throughout Washington.

*\*To protect client confidentiality, this report does not use actual client names and photos; all case stories are real.*

# THE NORTHWEST JUSTICE PROJECT

- The OCLA-funded Northwest Justice Project is the hub of Washington’s nationally recognized civil legal aid system. NJP leverages public and private resources to provide and coordinate civil legal aid to eligible clients across Washington.
- NJP uses OCLA funding to operate a toll-free hotline, CLEAR, and the online self-help resource center, WashingtonLawHelp.org. NJP’s 17 regional and sub-regional satellite offices provide extended legal assistance and representation in the most pressing and difficult cases facing low-income people across the state.
- NJP’s CLEAR hotline provides eligibility screening, legal assessment, emergency advice, assistance, and referral to staff and volunteer attorneys for people in need. CLEAR handles an average of more than 500 calls daily.



Manny and Ana’s son, SAM, was forced to undergo a tracheotomy and needed a ventilator to breathe. The young boy required full-time nursing care to remain clinically stable while living at home. Suddenly the family faced a new nightmare: their health insurance company refused to cover the nursing care. Attorneys at the OCLA-funded Northwest Justice Project in Seattle represented the family and prevented the wrongful termination of the nursing benefits. With the private insurance company paying these benefits, Sam has been able to continue living at home with his parents. NJP’s intervention saved the state more than \$100,000 per year in Medicaid costs that would have been incurred had the insurance company successfully avoided paying for Sam’s benefits.

*Timely intervention by OCLA-funded legal aid attorneys can save the state precious resources and, at the same time, protect and stabilize families in crisis.*

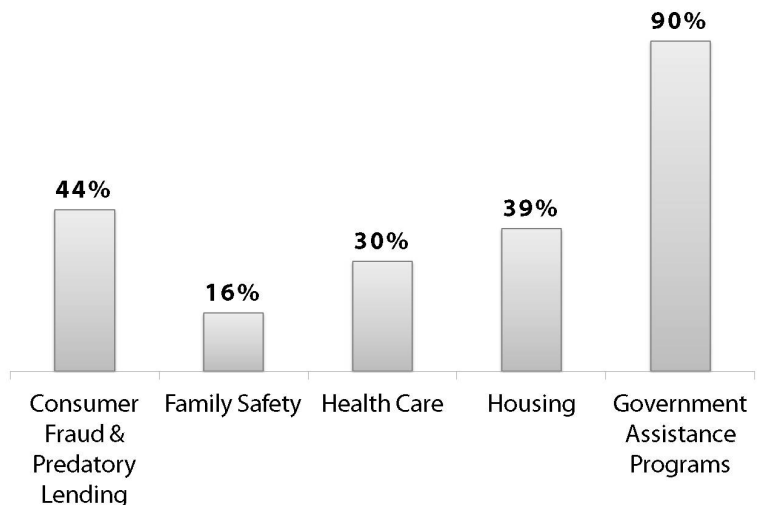
# RESPONDING TO THE GREAT RECESSION

- With the use of OCLA funding, NJP handled nearly 27,000 cases in the FY 2009-11 biennium.
- Although facing extraordinary demand with substantially fewer resources, NJP was able to increase service to clients with recession driven legal problems.

"The severe economic crisis has caused a drastic increase in the number of Washington families seeking legal assistance with every aspect of their lives. During this time of unprecedented demand, NJP lost 15 percent of its state-supported attorneys and curtailed critical services to thousands of struggling families throughout Washington."

*César Torres, Executive Director  
Northwest Justice Project*

**Northwest Justice Project: Percentage Service Increase in Areas of Greatest Need**



Due to serious physical and mental health problems, RUTHANN had become homeless in Bellingham. She was unable to obtain needed medical care. When she received notice that her application for Social Security Disability benefits had been denied, she was too discouraged to seek help. Fortunately, volunteer attorneys at the OCLA-supported LAW Advocates' Homeless Disability Benefits Advocacy Project visited the shelter where Ruthann was staying and offered to help her appeal the denial. They helped her to build a medical record, and her claim was approved. Thanks to the legal help she received, Ruthann was able to afford the care she needed and is no longer struggling with untreated medical problems and homelessness.



*Thousands of families turn to OCLA-funded legal aid programs each year to protect their safety, housing, access to essential public and private assistance.*

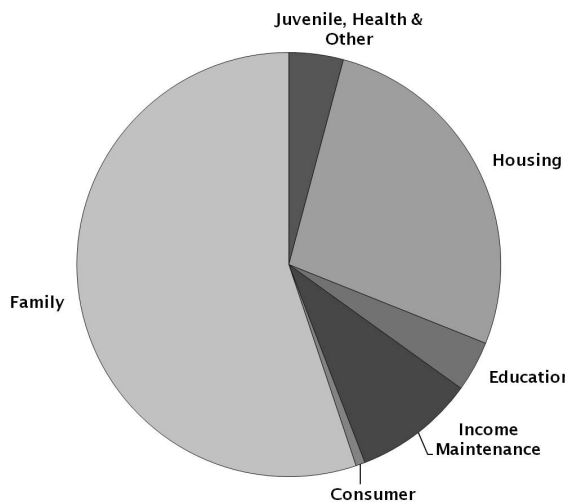
## FUNDING REDUCTIONS FOR LEGAL AID

- During the FY 2009-11 biennium, state funding for legal aid was cut by \$1.4 million. Over this same period, NJP's capacity to maintain 2009 client service capacity levels eroded by a cumulative \$4 million. Since July 2009, NJP has lost 16 OCLA-funded attorneys in 11 locations.
- Reduced funding and the resulting loss of client service staffing makes it far less likely that a family in need will receive state-supported legal help on matters of critical importance. With few exceptions, cuts have been taken in every office around the state.
- Federal funding to NJP had been relatively stable in recent years. Now this critical piece of support is uncertain in the face of continued economic turmoil and pending federal deficit reduction measures.

## LEVERAGING VOLUNTEER & SPECIALIZED LEGAL HELP

- Through NJP, OCLA funding supports a network of volunteer attorney programs and specialized providers operating in every corner of the state.
- In 2010, OCLA funding leveraged more than 50,000 hours provided by more than 5,000 volunteer attorneys. By accessing sophisticated client service expertise, the state legal aid system maximizes efficiency and avoids unnecessary duplication of efforts.
- OCLA-supported volunteer and specialty legal services providers closed 37,908 cases for OCLA-eligible clients in the FY 2009-11 biennium. **The majority of these cases were handled by volunteer attorneys.**

Washington's legal aid network is a nationally recognized public-private partnership model. OCLA funding strategically enhances already existing but under resourced providers. Leveraging every available dollar and volunteer hour of assistance achieves the greatest level of efficiency to serve those who need it most.



*Breakdown of case types handled by OCLA-supported volunteer and specialty legal services providers.*

## “... WITH LIBERTY AND JUSTICE FOR ALL.”

We daily pledge allegiance to this national ideal. Yet tens of thousands of Washingtonians face profound civil legal crises with no place to turn for help.

### Ensuring justice is the core constitutional duty of our judicial branch of government.

The Office of Civil Legal Aid was created as an independent judicial branch agency to ensure that low-income people facing critical legal problems can meaningfully participate in our justice system.

Three years into the worst economic calamity since the Great Depression, unemployment and home foreclosures continue at historic levels and essential state and local safety net programs have been dismantled. According to the Census Bureau, in 2010 more than 1.08 million Washingtonians had annual incomes that fell below 125 percent of the federal poverty level - just \$27,563 for a family of four.

All across Washington, legal aid and private volunteer attorneys help families defend against mortgage foreclosures, fight illegal predatory lending schemes, appeal wrongful denials and terminations of essential services, help secure legal protection for domestic violence victims and their families, and enforce legal rights to critically needed health care services.

The state-funded legal aid system administered and overseen through OCLA is a model public-private partnership that serves as the legal lifeline for families facing the most critical life and legal challenges.

Our state-funded legal aid system has proven itself resilient, agile, efficient, and responsive to the growing and changing needs of the poor and newly poor. But it is stretched to the breaking point.

### Vast regions of rural Washington are now served by a single legal aid attorney. Some face the prospect of losing all legal aid presence.

Justice cannot only be a promise etched into courthouse stone. It must live and breathe. “Equal Justice Under Law” must be available to both those who have and those who have not. The vitality of our democracy depends on it.

**Jim Bamberger, OCLA Director**  
September 2011



**TANYA** had finally escaped from a dangerous domestic violence situation with her young daughter. Her husband was abusive and under investigation by Child Protective Services (CPS) for allegedly raping another child. Tanya was terrified when her husband got a court order giving him custody of their daughter. On very short notice, attorneys with the OCLA-funded Northwest Justice Project in Wenatchee obtained an emergency order to keep the girl with her mother and allowing mother and daughter to find safety in a different town. Based on the CPS investigation, the father was charged with two counts of child molestation. Because of NJP’s representation, Tanya and her daughter are now safely building a new life together.

*State-funded legal aid enables traumatized families to secure legal protection from further domestic violence and abuse.*

## CIVIL LEGAL AID OVERSIGHT COMMITTEE

Recognizing the need for independent oversight of Washington’s state-funded legal aid system, the Legislature established a bipartisan Civil Legal Aid Oversight Committee. The Oversight Committee ensures that OCLA underwrites the delivery of high quality and strategically targeted services that are delivered in accordance with best practices and applicable laws and regulations.

Washington Supreme Court:	Judge Ellen Kalama Clark, Spokane County Superior Court Martin C. Bohl, Tribal Judge and Administrator, Spokane Jesse Magaña, non-lawyer, Clark County
Board for Judicial Administration:	Judge Lesley Allan, Chelan County Superior Court Judge Erik Rohrer, Clallam County District Court
House Republican Caucus:	Representative Terry Nealey (R-Dayton)
House Democratic Caucus:	Representative Jamie Pedersen (D-Seattle)
Senate Republican Caucus:	Senator Cheryl Pflug (R-Maple Valley)
Senate Democratic Caucus:	Senator Adam Kline (D-Seattle)
Governor:	Judge Paul Bastine, Spokane County Superior Court (Ret.)
Washington State Bar Association:	Thomas A. Brown, attorney, Aberdeen (Chair)