

# Civil Legal Aid

Delivering justice to those who need it most



Washington State  
Office of Civil Legal Aid

Biennial Report  
Fiscal Year 2007-09

[www.ocla.wa.gov](http://www.ocla.wa.gov)



## **I**ntervention stops bad credit card charges

**K**aren lives on a fixed, limited income. As she paid her bills one Saturday, she found a credit card bill from an unfamiliar company. The balance was already charged past the stated limit.

Karen immediately called the company to alert them to the fraudulent credit application—she had never applied for this card and, of course, never used it. About a year later, Karen was shocked to find that the company was suing her for that original balance plus the year’s interest.

A volunteer private attorney recruited by a state-funded local volunteer legal aid program represented Karen in her case and found that the company never provided proof of purchase for the charges. The assistance protected her from unjust consequences that would have been financially devastating.

---

“The fair and impartial administration of justice is a paramount duty of the government for which the judicial branch bears special responsibility. Civil legal aid services funded through the Office of Civil Legal Aid ensure meaningful access to the justice system for thousands of our state’s poorest residents every year. Through the provision of these services we keep faith with our democracy’s commitment to equal justice under law.”

- Hon. Gerry Alexander, Chief Justice  
Washington State Supreme Court

---

## Table of Contents

Shattered economy increases need for legal aid.....	2
More people than ever need help .....	4
Trends in open and resolved cases.....	5
Gap widens between needs and resources .....	6
Working together for results.....	8

**T**hroughout Washington state, people are hurting. Jobs are lost, homes foreclosed upon and families evicted. Scam artists are preying on the desperate and vulnerable, and family stresses are reaching the breaking point. From these problems arise a host of civil legal problems—problems for which legal help is needed. Those who cannot get the legal help they need often face grave consequences.

The Washington State Office of Civil Legal Aid (OCLA) is an independent judicial branch agency that receives appropriations from the Legislature to administer and oversee the state's investment in civil legal aid services to eligible low-income people. Funding made available through OCLA underwrites a comprehensive, statewide integrated civil legal aid system that brings together the strengths of a flagship legal aid program (the Northwest Justice Project), the unique competencies of small, specialized providers of civil legal aid services and the volunteer efforts of thousands of public and private attorneys. Together, this network delivers critically needed legal information, advice and representation to more than 26,000 low-income households each year, and leverages over \$14 million worth of volunteer legal services a year.

In 2003, the Washington Supreme Court's Task Force on Civil Equal Justice Funding issued the first comprehensive assessment of the unmet civil legal needs of low-income people in our state. The task force documented that 75% of low-income households experience at least one civil legal problem each year and that, of these, more than eight in ten could not get the help they needed.

The study further documented that the civil legal needs of the poor affect the most personal and profound issues families can face—physical safety and security, housing

and homelessness, access to essential health, nutritional and economic assistance, protection of the rights of vulnerable persons with disabilities and the elderly.

The Office of Civil Legal Aid is required to report on the status of access to the civil justice system for low-income people eligible for state-funded civil legal aid. As of the publication of this report, the status is grave. Despite increased support from the Washington State Legislature and the implementation of client service delivery efficiencies in recent years, the current economic crisis threatens to overwhelm our state's civil legal aid delivery system. Across the state, thousands of low-income people who desperately need legal help to protect their families, income, homes and health care cannot get the help they need.

While the challenges are daunting, this report offers hope. It sheds light not only on the gravity of the problems facing the civil legal aid delivery system but the real and tangible results achieved for clients faced with profound personal and family crises. It documents the magnitude of the contributions made by professional staff and volunteer attorneys throughout the state. And it affirms the wisdom of our state's commitment to ensuring that effective legal help is available for those who face civil legal problems that affect their most basic human needs. While we have a long way to go, our destination is clear. It is demarcated in four simple words carved into the marble of the U.S. Supreme Court building: Equal Justice Under Law.



Jim Bamberger, Director  
Washington State Office of Civil Legal Aid

## Mission Statement

The provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of justice. The mission of the Office of Civil Legal Aid is to work within the judicial branch and with the Supreme Court's Access to Justice

Board to ensure justice for low-income residents of Washington state through the funding and oversight of effective, economical and responsive state-funded civil legal aid services and to ensure accountability for state-appropriated funds dedicated to this purpose.

## Shattered Economy Fuels Unprecedented Need for Legal Aid

Access to legal aid was already difficult for many Washington residents—the working poor, low-income families, the elderly and disabled, and households on fixed incomes. Devastating downward trends in our current economy compound the problem, making it even more difficult for people to get necessary legal help on urgent matters affecting safety, shelter, economic security and access to health care and other services.

From 2000 to 2006 the poverty rate in Washington state increased by 20% (U.S. Census Bureau)—and this was before the economic meltdown that has resulted in the loss of more than 180,000 jobs in our state since December 2007. As of March 2009 about 322,000 Washingtonians were unemployed and actively seeking work. Foreclosure rates have skyrocketed. In March 2009, one in every 390 homes in Clark County was in foreclosure; one in every 450 in Pierce County. In February 2009 alone there were 971 new foreclosures in King County, 694 in Pierce County, 478 in Snohomish County and 388 in Clark County.

The current economic crisis has hit families with a range of problems unheard of in good times—skyrocketing unemployment, thousands who have lost health insurance, many thousands more who will lose access to government health insurance through the Basic Health Plan, and a growing epidemic of individuals and families facing eviction, foreclosure and homelessness. Financial crises stress family relationships, leading to increases in

domestic violence and related negative family dynamics. And, in their desperation, more and more people find themselves falling victim to predatory lenders and distressed home salvation and debt consolidation scams.

These are the people who are turning in record numbers to the state-funded civil legal aid system. The flagship of this system is the Northwest Justice Project (NJP), a statewide nonprofit law firm that maintains a centralized toll-free legal aid hotline and offices in 17 locations throughout the state.

Already stretched to its limits, client demand for services has jumped 30% over 2005 levels. During the last six months of 2008, NJP attorneys closed about 1,200 cases per month, compared with about 900 cases per month in 2005.

Due in large part to the economic crisis, the difference between available resources and the need for services—the Justice Gap—is more pronounced than ever. Despite legislative action to increase and maintain state funding for civil legal aid since 2005, the number of people in need of legal aid continues to far exceed the capacity of the state-funded civil legal aid system to meet that need. As was the case in 2003<sup>1</sup>, today the vast majority of low-income residents with compelling legal problems—problems that directly affect personal and family safety and security—cannot get the legal help they need.

<sup>1</sup> *Washington State Supreme Court Task Force on Civil Equal Justice Funding, Civil Legal Needs Study (Sept. 2003)*



### Tenant eviction keeps homeowner safe

James, an elderly, disabled man, accepted a tenant into his home to help meet expenses. Eventually, his tenant stopped making rent payments and James came to realize that the man living in his house was addicted to methamphetamine.

James asked him to vacate the premises. The tenant refused.

James sought help from the local office of the Northwest Justice Project. His attorneys successfully helped James safely evict the unreliable and potentially dangerous tenant from his home.

—~~~~—

“The severe economic crisis is causing deterioration in the well-being of an ever growing number of Washington families.

Though more and more people seek help on ever more complex problems, the Northwest Justice Project is unable to increase its capacity to address these needs. As a result, the Justice Gap continues to grow.”

- César Torres, Executive Director, Northwest Justice Project

—~~~~—

## State-Funded Legal Aid Addresses Many Basic Human Needs

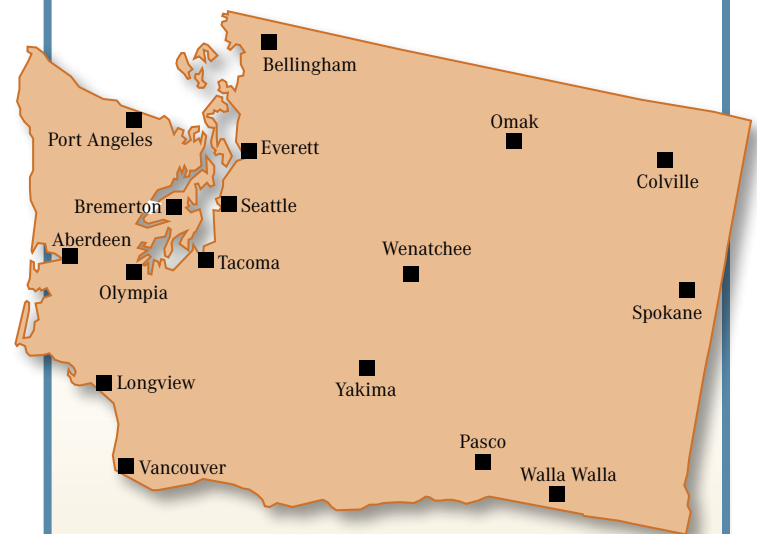
Legal issues are quietly woven into many aspects of life. People need legal aid to help with the most basic human needs:

- Foreclosures • Evictions
- Family conflict • Domestic violence
- Consumer fraud • Predatory lending
- Special education • Disability rights
- Health care • Unemployment insurance
- Access to essential government services

## Northwest Justice Project Uses State-Appropriated Funding to:

- Operate a centralized statewide toll-free telephone legal assistance and referral system called CLEAR (1-888-201-1014; 2-1-1 for King County residents)
- Operate a statewide online self-help resources center called Washington Law Help, [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)
- Support 17 client service offices throughout Washington state
- Help support 19 local and regional volunteer attorney programs that leverage more than 80,000 hours of free legal help annually
- Help support 5 providers of specialized legal aid services in various parts of the state

### Statewide Help: Phone and In-Person



■ Northwest Justice Project Office Locations 2009  
■ Area served by CLEAR and King County 2-1-1 system

## Despite Client Service Capacity Gains, More People Than Ever Need Help

Responding to the legal aid crisis documented in 2003 by the Washington State Supreme Court's Task Force on Civil Equal Justice Funding, the Washington State Legislature significantly increased its support for essential civil legal aid services during the FY 2005-07 and FY 2007-09 biennia. The Legislature maintained funding for civil legal aid at near-current levels for the FY 2009-11 biennium, recognizing the heightened need for civil legal aid services due to the present economic crisis.

As of 2009, average annual state funding for civil legal aid is \$11.8 million. Between 2005 and 2009, legal aid offices were opened in Walla Walla, Pasco, Colville, Port Angeles, Aberdeen and Longview. During this time, client service capacity was increased in other rural locations and new efficiencies in client services were brought to bear throughout the state.

Yet, during this same time, the poverty population continued to grow. As of 2009, 12.5% of Washington state's residents live at the federal poverty level (\$27,500 for a family of four). One of every five residents in Washington lives at or below 200% of the federal poverty level.

This number increases daily as more and more families find themselves jobless and dependent upon unemployment compensation. As of March 2009, Washington's unemployment rate was 9.2%, and there were 322,000 individuals unemployed and looking for work.

---

**In March 2009 the state unemployment rate was 9.2%, up from 4.6% a year ago.**

**Also in March 2009, 1 in 400 homes in Clark County was in some stage of foreclosure.**

---

## Legal aid strengthened man's health care case

Robert lost his job and was left without health insurance. Suffering from multiple severe medical conditions that would be terminal if left untreated, Robert was panicked.

The state denied Robert's application for financial and medical assistance. The denial said Robert was over the resource limit and didn't have the proper medical documentation to prove he was incapacitated. Robert was at a loss.

Fortunately, an attorney with the state-funded Northwest Justice Project was able to help. Robert's attorney helped him find errors in the record and document his serious medical condition.

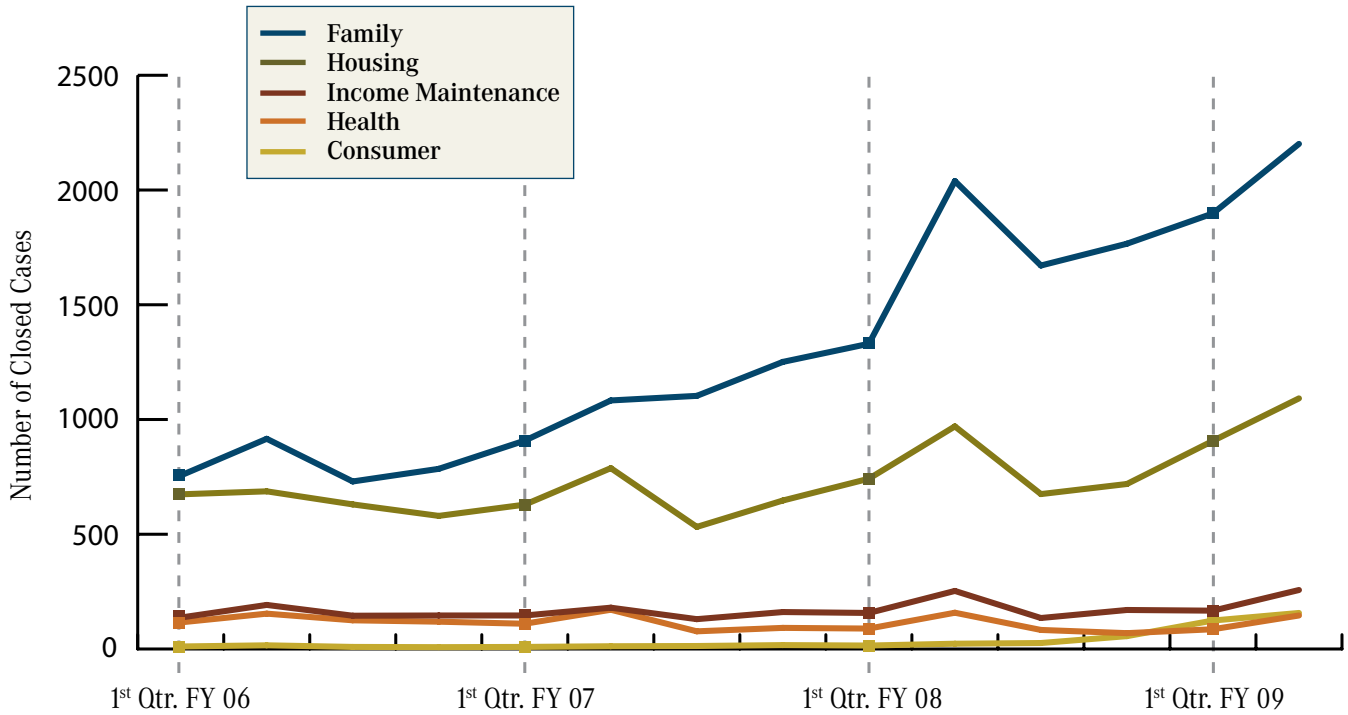
As a result of this free legal help, Robert is now receiving the financial and medical benefits he desperately needs.



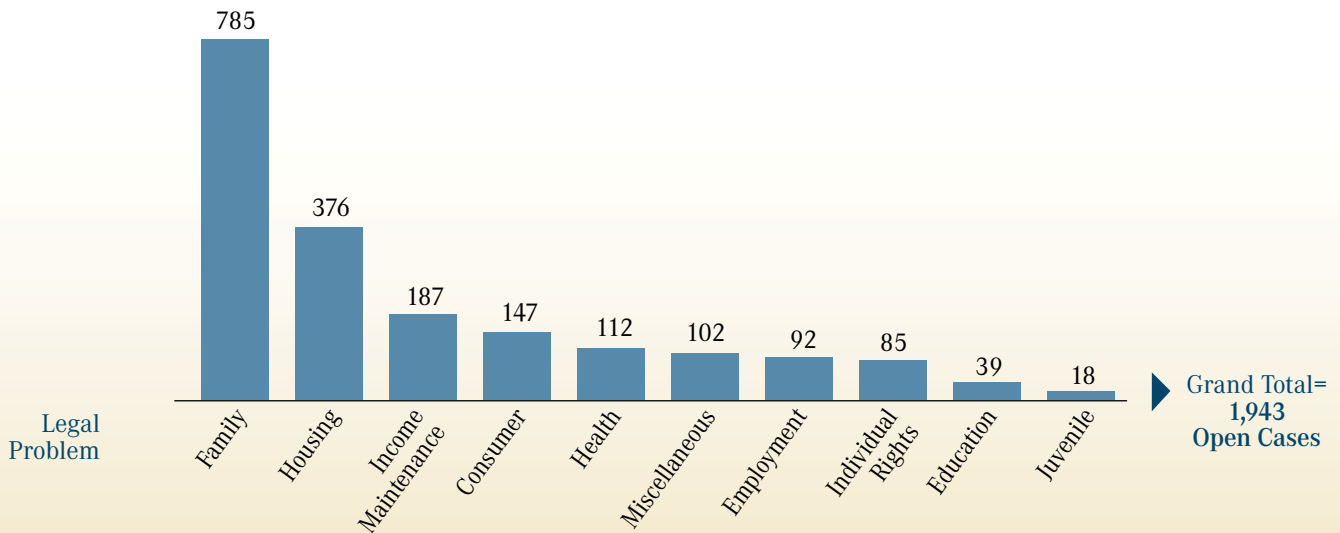
## Family, Housing Issues Top State Legal Aid Caseload

From family safety and shelter preservation to preserving access to health care and protecting the educational rights of children with disabilities, state-funded legal aid cases respond to basic human needs.

Northwest Justice Project: Closed Cases by Legal Problem Type—FY 2006-2009



Northwest Justice Project: Total Open Cases—March 10, 2009



## Gap Widens Between Needs and Resources

Because people are finding themselves facing life problems they never could have imagined, the need for civil legal aid is now greater than ever.

The sudden and dramatic downturn in economic conditions makes it difficult to track the standard indicators of poverty. However, extrapolating from poverty population increases documented by the U.S. Census Bureau through 2006, at least 15,000 more low-income households per year require civil legal aid than required such help in 2000.

### Nearly 1,600 calls for legal help every day

CLEAR, the Northwest Justice Project's Coordinated Legal Education, Advice and Referral phone service is the gateway into Washington state's civil legal aid system.

CLEAR lines are open five days per week, with 23 attorneys providing intake, advice, legal assistance and referral to thousands of people facing crises from eviction to

**CLEAR Legal Aid Hotline**  
**1-888-201-1014**  
**2-1-1 King County**

bankruptcy; from foreclosure to domestic violence.

Even before the current economic crisis, CLEAR was operating at the limits of its capacity. CLEAR maintains 30 dedicated telephone lines and employs sophisticated software and screening systems that allow the greatest number of clients to be served within the limits of existing resources. Phone lines fill up quickly after opening, and as each call is completed, a new one takes its place. In one week in January 2009, an average of 1,600 calls were attempted each day. The Northwest Justice Project did not have sufficient capacity to meet demand on the CLEAR system before, and is unable to increase staff to respond to increased demand resulting from the current economic crisis. As a result, many more low income people who need legal help as a result of personal and family crises receive a busy signal when they call the CLEAR line.

### State civil legal aid programs focus on basic human needs

The state-funded civil legal aid system works to address civil legal problems that affect the most critical problems faced by low-income and vulnerable residents—family safety, housing preservation, access to essential health, income and nutritional services and the like.

In 2008 the Northwest Justice Project provided direct legal assistance and representation to 12,958 individual households with funding made available through the Office of Civil Legal Aid. These cases affected more than 28,000 individuals of which more than 13,000 were children under the age of 18.

Cases involving family conflict comprised more than half (58%) of all 2008 cases. These cases focus on ensuring protection from domestic violence and threats to the life, safety and security of families with children.

The second most-common area of legal assistance involved preservation of housing, including private and subsidized tenancies, foreclosure and foreclosure rescue scams (28% of all 2008 cases).

---

**“Hundreds of thousands of jobs are vanishing every month. Evictions are epidemic, cars are becoming homes and families are dissolving. More people are indigent, and more indigent people need the assistance of lawyers on issues of housing and personal safety.”**

*— Mark A. Johnson, President,  
Washington State Bar Association*

---



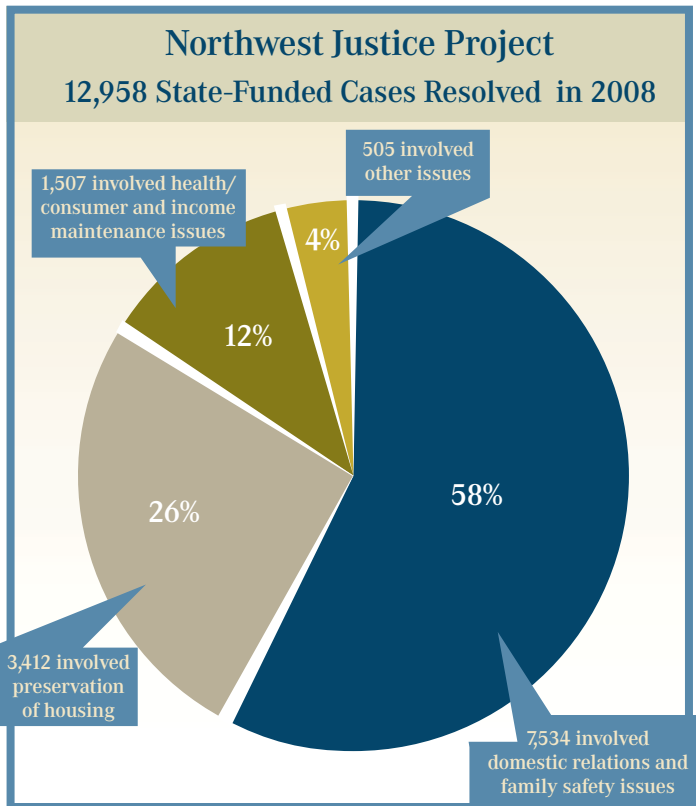
Health care, consumer protection and income maintenance made up 12% of all 2008 cases.

### Integrated legal aid delivery system faces new threats

The state-funded civil legal aid system integrates the strengths of a statewide full-service legal aid program (NJP), specialized providers of targeted legal aid services and the professional commitment of thousands of attorneys working with organized volunteer attorney—“pro bono”—programs.

*Leveraging volunteer legal aid services:* Through an OCLA-approved subcontract, state-appropriated legal aid funding helps support the operations of 19 local programs that recruit, train, support and refer eligible clients to volunteer attorneys. This investment in staff coordination and support helped leverage more than 80,000 hours of free legal assistance for eligible low-income clients throughout the state in 2008. The value of these volunteer legal services exceeds \$14 million per year.

*Effectively serving especially vulnerable and hard-to-serve populations:* A portion of state funding is also used to help support small nonprofit legal aid programs that provide specialized legal aid services to discrete client communities on both a statewide and local basis.



“We are in the midst of a situation that is quickly reaching crisis proportions throughout the state.”

– November 2008 memorandum from Volunteer Legal Services Program directors and coordinators

These programs have developed unique competencies to provide effective services to especially vulnerable clients or with respect to substantive legal matters of local and statewide significance. Providers supported with state-appropriated legal aid funding in 2009 include:

- TeamChild (statewide civil legal representation of youth involved in the juvenile justice system)
- Unemployment Law Project (statewide representation of individuals with unemployment compensation claims)
- Legal Action Center (King County regional representation in eviction proceedings)
- Seattle Community Law Center (outreach and legal assistance to individuals with disabilities)
- Solid Ground (King County-based representation on matters relating to income and other governmental assistance)

*New threats to client service capacity:* In addition to state-appropriated funding made available through the OCLA-approved subcontract, these volunteer and specialty legal aid providers receive a significant amount of support from the Supreme Court-created Legal Foundation of Washington, a nonprofit foundation that collects and distributes interest earned on lawyer trust accounts (IOLTA) in Washington state. Interest-rate sensitive, IOLTA revenues have dropped precipitously since 2007. Revenues for 2009 are down nearly 80% from 2007 levels. Lost capacity resulting from these revenue declines presents a real and present threat to important components of the state-funded civil legal aid delivery system.

## Legal aid keeps home in the right hands

Bill and Nancy, a disabled, almost completely illiterate couple, have owned their home for nine years. Scammers convinced the vulnerable couple that their home would be sold in a foreclosure sale. Desperate to prevent this catastrophe, Bill and Nancy decided to sign the documents put before them.

Because they couldn't read and understand the legal documents, the couple had unknowingly transferred the title of their home to the scam artists. Immediately, their home was refinanced and stripped of \$50,000 in equity.

Legal aid attorneys with the state-funded Northwest Justice Project successfully litigated against these predators. Unaware of their rights and unable to assert them, Bill and Nancy would have been homeless without legal aid.

---

**“Effectiveness and accountability are hallmarks of our state-funded civil legal aid system. Judges must—and do—have confidence in the quality of state-funded legal aid providers. The clients and the justice system demand no less.”**

*- Hon. Lesley Allan, Judge, Chelan County Superior Court,  
Chair, Civil Legal Aid Oversight Committee*

---

### Statewide Civil Legal Aid: An Integrated System Helping One Person at a Time

The state-funded civil legal aid system integrates the strengths of a statewide, full-service legal aid program, the unique capacities of attorneys working with programs that serve especially vulnerable or hard-to-service client populations, and the professional commitment of thousands of attorneys working with organized “pro bono” legal aid programs who in 2008 contributed more than 80,000 hours of free legal assistance to eligible low-income clients.

Collaboratively trained, effectively supported and strategically deployed, these staff and volunteer attorneys work together to deliver meaningful results for tens of thousands of clients each year.

### Working together for results

- 19 state-funded local volunteer attorney programs in 2008 provided 80,000 hours of “pro bono” legal aid services worth in excess of \$14 million.
- State-supported volunteer and specialized nonprofit legal services providers served over 14,000 state-eligible clients in 2007.
- The Northwest Justice Project closed 12,958 state-eligible cases in 2008.

## The faces of justice

In 2008, state-funded legal aid helped:

- A 78 year-old widow in Omak regain title to her home which had been signed away under undue influence by a family member.
- A single mother of two avoid foreclosure and recover much of the equity that had been stripped through a fraudulent equity skimming scam.
- A disabled resident of public housing enforce federal and state reasonable accommodation rights, thereby preventing his wrongful eviction.
- A deaf African immigrant victim of domestic violence and sexual assault secure protection from her abuser.
- An elderly disabled woman secure essential personal care services, thereby allowing her to continue living safely in her own home.

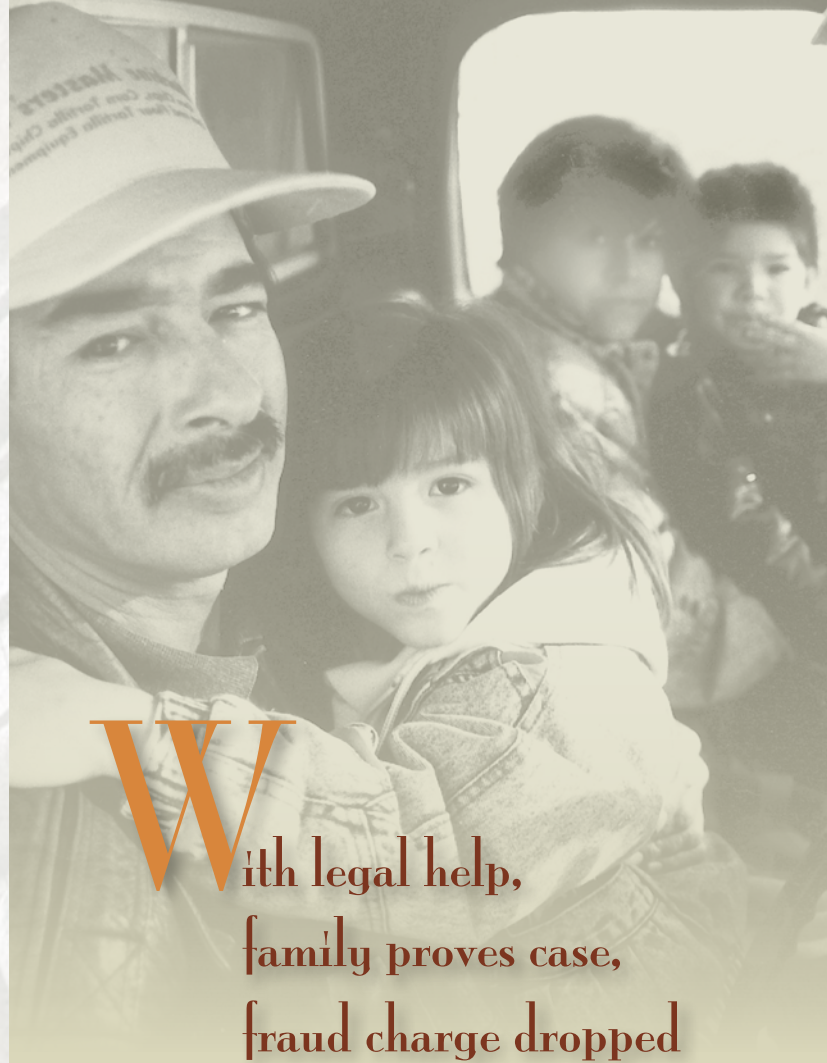
...and so many more.

---

**“Our laws guarantee basic rights and protections to all of us, not just those who can afford a lawyer. In this time of economic uncertainty, access to civil legal aid services is all the more important as people across our state face the loss of their homes, jobs and health care.”**

*John McKay, Professor from Practice,  
Seattle University School of Law  
Former United States Attorney,  
Western District of Washington  
Former President, Federal Legal Services Corporation*

---



**W**ith legal help,  
family proves case,  
fraud charge dropped

Sophia and Raphael live in subsidized housing with their two children. One day they received notice that their federal subsidy was to be terminated. The County Housing Authority alleged that Sophia had fraudulently signed her husband's name to an employment verification form. The family didn't know what to do and was preparing to move out. Attorneys from the state-funded Northwest Justice Project intervened on the family's behalf, requested a hearing and prepared the family to testify. At the hearing, Sophia showed that she had power of attorney and was authorized to sign her husband's name. The hearing officer reversed the termination. Because of NJP's involvement, this low-income family of four was able to stay in their home.

# State-Funded Legal Aid Providers Northwest Justice Project

## Volunteer Legal Services Programs

Benton-Franklin Legal Aid  
Blue Mountain Action Council Volunteer Attorney Program  
Chelan-Douglas County VAS  
Clallam-Jefferson County Pro Bono Lawyers  
Clark County VLP  
Cowlitz Wahkiakum Legal Aid  
Eastside Legal Assistance Program  
Grant-Adams Volunteer Legal Services (GAVLS)  
King County Bar Foundation Community Legal Services  
Kitsap Legal Services  
Legal Assistance by Whatcom ( LAW) Advocates  
Lewis County Bar Legal Aid  
Skagit County Community Action Agency VLS Program  
Snohomish County Legal Services  
Spokane County Bar Association VLP  
Tacoma-Pierce County Bar Association VLS Program  
Thurston County Volunteer Legal Services Foundation  
Volunteer Lawyer Program of Island County  
Yakima County VAS

## Speciality Legal Services Programs

Legal Action Center, Catholic Community Services  
Seattle Community Law Center  
Solid Ground  
TeamChild Advocacy for Youth  
Unemployment Law Project

## Washington State Office of Civil and Legal Aid

1112 Quince Street SE  
P.O. Box 41183  
Olympia, WA 98504-1183  
(360) 704-4135  
Fax: (360) 704-4003  
Email: [ocla@ocla.wa.gov](mailto:ocla@ocla.wa.gov)

