

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF DECEMBER 7, 2018
DRAFT MINUTES**

Pursuant to notice duly provided in advance, a meeting of the Civil Legal Aid Oversight Committee was held on Friday, December 7, 2018 in the Adams/Rainier rooms at the Washington State Bar Association, 1325 Fourth Ave., Sixth Floor, Seattle, WA.

Members Participating in Person: Judge Greg Tripp (Ret.)(Chair, by phone), Taylor Wonhoff, Judge G. Helen Whitener, Judge Rebecca Pennell, Chalia Stallings-Ali-Ilima, Sarah Augustine, Theodore Grammount; Sen. Frockt (by phone)

Members Not Participating: Sen. David Frockt, Sen. Ann Rivers, Rep. Laurie Jenkins

Staff: James Bamberger, Director, Office of Civil Legal Aid (OCLA); Hope Hough, Senior Administrative Assistant, Office of Civil Legal Aid

Guests: Caitlin Davis (Legal Foundation of Washington/Equal Justice Coalition); Will Livesly-O'Neill (EJC); Steve Pelletier (NJP); Sal Mungia (ATJ Board Chair); Diana Singleton (ATJ Board); Catherine Brown (Pro Bono Council); Sen. Jamie Pedersen; Judge Michael Spearman (Ret.); Maren Anderson (Skagit County Volunteer Lawyers Program); Michael Heatherly (Law Advocates of Whatcom County, by phone); Terra Nevitt (WSBA); Eva Wescott (NJP); Anne Paxton (ULP)

Mr. Wonhoff advised that Judge Tripp had come down sick was unable to attend the meeting, and that Judge Tripp asked Mr. Wonhoff to chair the meeting. Mr. Wonhoff then called the meeting to order at 10:30 a.m.

1. Welcome and Introductions

Mr. Wonhoff asked members and guests to introduce themselves.

2. Review and Adopt Minutes of September 14, 2018 Meeting

Mr. Wonhoff asked if there were any suggested changes to the draft minutes of the September 14, 2018 Oversight Committee meeting, and invited a motion to approve them.

Motion: By Judge Whitener to approve the minutes of the September, 2018 meeting.

Second: By Judge Pennell

Action: Approved unanimously

3. Re-Orientation of Oversight Committee on the Alliance for Equal Justice

Mr. Wonhoff invited Mr. Bamberger to introduce the guest presenters. Mr. Bamberger reminded members that, given the significant turnover on the Oversight Committee over the past two years, committee leaders felt it important to offer a series of presentations from representatives of key Alliance for Equal Justice related organizations and institutions. He noted that the Oversight Committee had heard a presentation from the Legal Foundation of Washington and the

Northwest Justice Project at the September meeting, and that presentations during this meeting would focus on the Pro Bono Council and the Access to Justice Board.

Mr. Bamberger then introduced Ms. Brown, Manager of the Access to Justice Board's Pro Bono Council and Ms. Anderson, Director of the Skagit County Volunteer Lawyers Program. Ms. Anderson provided members with a general orientation of the role that volunteer legal aid (pro bono) programs play in the Alliance for Equal Justice and the relationship of these programs to the staffed legal aid programs, including the Northwest Justice Project and NJP's CLEAR call center. Ms. Brown then discussed the relatively recent establishment of the Pro Bono Council and described the primary purposes of and roles that the Council plays at the statewide level as well as areas of the Council's current priority focus. She invited questions from Oversight Committee members.

Mr. Wonhoff asked about pro bono participation trends. Ms. Brown suggested that pro bono involvement has been relatively static over time, but that significant turnover in the past few years has affected recruitment and engagement efforts. Ms. Anderson noted that in Skagit County the bar is aging and that there are significant challenges in identifying and engaging younger attorneys. Recent investments in state funded pro bono enhancements made available with Civil Justice Reinvestment funds have allowed for more targeted engagement, such as in Skagit County's new Housing Justice Project. Mr. Heatherly (by phone) noted that there are plenty of attorneys willing to help, but their expertise does not always match up with the presenting client needs. He noted that in the areas of family law and bankruptcy demand for services far outstrips the availability of volunteer attorneys with sufficient expertise. Mr. Kröon noted that there may be ways to better engage in-house corporate attorneys for limited and targeted services outside of the family law area. He noted that the benefit of the Pro Bono Council is that it offers a forum for networking and development of new initiatives.

Ms. Stallings-Ali-Ilima asked about pro bono in the rural areas of the state that are not served by a local pro bono program. Mr. Bamberger and Ms. Davis described the history of efforts to expand and sustain pro bono services and the need for a minimum number of attorneys available to sustain pro bono involvement, including long distance pro bono service efforts. Ms. Brown also noted that a number of the programs have begun to expand beyond their primary geographic areas of service. Examples included Island County (served out of Whatcom), Mason County (served out of Thurston), and Okanogan County (served out of Wenatchee). Mr. Bamberger noted that newly funded Civil Justice Reinvestment Plan attorneys are disproportionately allocated to rural areas because of the lack of local pro bono capacity and other resources. Ms. Augustine noted that the judges in Kittitas County are interested in setting up a pro bono project, because there are attorneys in the community interested in serving.

Mr. Grammount asked about pro bono success rates in small programs relative to success rates for programs in larger areas. Ms. Brown noted that the issue is now success is defined. If success is an attorney taking a case from start to finish, it is rare in all programs. But most programs are successful in getting clients to the clinics that they run. Ms. Anderson described how her program handles specific types of cases. For housing cases, most clients get either advice or limited representation. For family law, it is more difficult given the sheer number of clients. She also described how her program, which is located in a community action program, is able to secure referrals from program people working with programs like energy, food, and housing.

Ms. Brown walked members through the balance of her presentation on the Pro Bono Council, including the Council's 2018 priorities and accomplishments.

Mr. Bamberger then invited Mr. Mungia, Ms. Singleton and Judge Corbit to provide an overview of the Access to Justice Board, its primary roles and functions, and to provide a detailed overview of the 2018-2020 State Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State. Mr. Mungia walked members through a PowerPoint presentation that provided a brief history of the ATJ Board, starting with the Supreme Court's initial order establishing the Board in 1994 and continuing to the present. Mr. Mungia reviewed the history of the ATJ Board's efforts to establish unifying core values and purposes – currently set forth in the ATJ Board's Hallmarks and the succession of state plans starting with the first plan published in 1995. Mr. Mungia then provided an overview of the most recently adopted State Plan – highlighting the process by which it was developed, the goals it set forth, and the process by which the ATJ Board is supporting implementation of the plan.

Mr. Bamberger noted that the State Plan guides the expectations that OCLA imposes on NJP as well as the programs that are funded through the OCLA-approved NJP-Legal Foundation of Washington subcontract.

4. Recognition of Former Oversight Committee Members

Mr. Wonhoff noted that we had not had a time to thank the three longstanding members of the Oversight Committee whose terms had ended on June 30th. He thanked Senator Pedersen and Judge Spearman for taking the time to join the meeting and noted that former member and Chair Jennifer Greenlee was unable to attend because she was at the Leadership Academy's final retreat. Judge Tripp noted that while each of the former members' terms have ended and they are not going to be attending our meetings, we will continue to look to them for guidance, assistance, and support for OCLA and the state-funded civil legal aid system.

Mr. Bamberger presented Sen. Pedersen and Judge Spearman each with a plaque recognizing and thanking them for their service. He noted that Sen. Pedersen is now the longest serving member, having served 11 years on the committee, five of which he served while in the House of Representatives and the remaining six as the Senate Democratic Caucus representative. Both Sen. Pedersen and Judge Spearman shared a few thoughts about their experience on the Oversight Committee and encouraged the current members to build on the progress made in recent years so that the next civil legal needs study would demonstrate real progress toward the goals we all have been working to achieve.

Judge Spearman and Sen. Pedersen each shared a few thoughts about their service on the Oversight Committee.

5. Discussion of Priorities for the Legislative Session

Mr. Bamberger noted that the November election would result in significant changes in the composition of the Legislature. He reminded members of the strong bipartisan support for OCLA's bill and budget requests in recent years, and invited the participating legislative

members to share their thoughts about how we can maintain bipartisan momentum and support for the budget ask this year.

Sen. Pedersen shared a few observations about the budget challenges and obligations that will drive higher outlays and create competition for new resources. He noted that the four year outlook is still challenging in light of current and projected investment responsibilities.

Committee members shared their thoughts about the potential impact of changes in the composition of the Legislature and their relation to OCLA's ability to secure funding to take necessary steps forward in implementing the Civil Justice Reinvestment Plan.

Mr. Bamberger reviewed the specific decision packages that had been submitted. All will be included in the Governor's budget. In addition, he learned from OFM that the Governor's budget will include \$100,000 per year for a statewide kinship care legal aid support project. The goal is to provide training, support, and technical assistance for volunteer and low-bono attorneys. This was an idea floated in the House supplemental budget proposal earlier this year and arose from conversations that OCLA had been having with the broader kinship care support community.

Mr. Bamberger advised that he had been meeting with legislative members from both sides of the aisle to preview the OCLA budget requests for civil legal aid and that the reception had been positive. He also advised that he was working directly with the Members of Color Caucuses in both the House and the Senate to inform them about the OCLA's investment in race equity work including JustLead's development of the organizational Toolkit and to secure their support for the budget package.

6. Standing Race Equity and Justice Discussion: Race Equity Toolkit Exercise

Mr. Bamberger reminded members that the Oversight Committee had agreed to have a standing agenda item focused on issues of race equity and its relationship to the work of the committee and that of the civil legal aid system. He advised that Ms. Augustine, Judge Whitener, and Mr. Wonhoff had worked together to design and facilitate an exercise for today's meeting. He reminded members that e-mails had been sent out previously asking members to be prepared to participate in a discussion framed by the Race Equity Toolkit that the committee members were introduced to in the September meeting. He invited Ms. Augustine to lead the conversation.

Ms. Augustine led the exercise focused on Race Equity Exercise Tool A (page 56 of the Toolkit). She then provided members with a road map about how they suggest the Committee moves through the exercises in the REJI Toolkit, beginning with the worksheet on Exercise Tool A. She asked that members work through the entire Tool A on pages 56-58 prior to the next meeting and send the completed worksheets back to her at least a week in advance of that meeting so that she, Mr. Wonhoff, and Judge Whitener can frame the exercise for the next meeting.

7. Equal Justice Coalition Update: Introduction of Will Livesly-O'Neill; preview of EJC efforts in the legislative session

Mr. Bamberger then invited Ms. Davis to introduce Mr. Livesly-O'Neill, the new Communications and Advocacy Director at the Legal Foundation. Ms. Davis introduced Mr.

Livesly-O'Neill and provided a general overview of the role that the Equal Justice Coalition plays in supporting efforts to secure and maintain public funding for civil legal aid at the local (King County), state, and federal levels. Mr. Livesly-O'Neill introduced himself and shared some of his professional history. He expressed his excitement about joining the Alliance and working to expand the resources available for civil legal aid services. He provided a general overview of the role that the EJC will be playing in supporting the budget request submitted by the Office of Civil Legal Aid. He reported that he and Ms. Davis had an initial intensive briefing with Mr. Bamberger earlier in the week and that, with the legislative session starting next month, he is on a steep learning curve. He invited questions from the Oversight Committee members.

8. New Business

Members discussed whether to hold the June meeting in Spokane in conjunction with the ATJ Conference. It was agreed that Mr. Bamberger would poll members electronically to assess their preferences and availability.

Judge Whitener shared that she now co-chairs the M&J Commission with Justice Yu, which will meet in Spokane.

Adjourned. 12:38