



Washington State Office of Civil Legal Aid

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To: ATJ Board Delivery Systems Committee
Equal Justice Coalition

From: Jim Bamberger

Re: OCLA Plan to Deploy FY 2019-2021 Civil Justice Reinvestment Attorneys
Request for Comments

Date: June 26, 2019

As previously reported, as part of its continuing investment in the Civil Justice Reinvestment Plan, the Legislature funded an additional 20 general legal aid attorneys to be added in two increments of 10 effective January 1, 2020 and January 1, 2021 respectively. The purpose of this memo is to outline OCLA's preliminary CJRP Attorney Deployment Plan and solicit comments in response to the same. OCLA will discuss the plan with the Delivery Systems Committee at its July or August 2019 meetings and will accept written comments through and including **July 19, 2019**.

OCLA is governed by state statutory provisions that are designed to ensure geographic proportionality of access to all persons eligible for state-funded civil legal aid services throughout the state. [RCW 2.53.030\(4\)](#). The areas of authorized civil legal aid services for which state appropriated funding may be used is outlined in [RCW 2.53.030\(3\)](#).

In order to track existing and potential expanded geographic client service capacity to provide state-funded legal aid services, OCLA employs two principal tools: (a) Geographic Proportionality Reports of NJP client services by hours allocated per region (CLEAR and NJP as a whole); and a [Client Service – Client Demographic Matrix](#) (Matrix) that monitors permanent general legal aid staffing and client service capacity and compares it with poverty and other demographic information for each of the 18 legal aid client service regions in Washington State.

The Matrix tracks the following FTE or Effective FTE deployment in each region:

- Regional CLEAR staffing (derived by allocating the proportionate percentage of CLEAR advocate staffing using the relative number of hours of CLEAR legal assistance by region)
- Regional NJP client service staffing (permanent “hard-funded” not one-time or “soft-funded” positions)
- NJP VOCA positions
- Regional pro bono in-house staff attorney case handlers
- Regional pro bono VOCA-funded case handlers
- Regional pro bono effective FTE’s (determined by number of 2017 volunteer hours divided by 2000)
- Client service staffing at 3 specialty providers that serve the general low-income population (Benefits Law Center, Solid Ground, Unemployment Law Project)¹
- VOCA-funded staffing at other providers engaged in state-eligible work (SVLS)

In addition, OCLA notes the existence of, but does not quantify or incorporate direct and effective FTE capacity made available through large firm pro bono programs, law school clinical programs, non-state funded legal aid providers (e.g., Center for Justice in Spokane, Tenant Law Center, Open Door Legal Services).

The Matrix then considers the total FTE and effective FTE capacity relative to each region’s proportionate share of minimum client service staffing capacity using the Civil Justice Reinvestment Plan standard of 1 FTE attorney to every 5,000 eligible people living at or below 125% of the federal poverty level. This provides percentages of where each region is relative to their proportionate share of minimum access staffing and a basis to compare the shortfall (if any) each region is to that benchmark relative to other regions.

The updated Matrix linked to this e-mail includes the most recent Census (American Community Survey) poverty data, 2017 pro bono volunteer hours data, and the impact of recent FTE reductions to the VOCA-funded crime victims legal aid program. It then compares the shortfall and provisionally allocates new CJRP client service positions accordingly.

¹ Because the CJRP is focused on addressing gaps in general legal aid client service capacity, the Matrix does not track client service staffing of entities that limit services to members of distinct demographic cohorts such as Legal Counsel for Youth and Children (LCYC), TeamChild and NWIRP.

Employing these tools and considering other issues such as geographic isolation, LEP resident presence, and transportation challenges², OCLA proposes to allocate the new CJRP positions as follows:

Location	Number of FTE's Added	Sequence (Jan. 2020 or Jan. 2021)
Region 1 – Tri-Counties (Colville)	1	2020
Region 2 – Spokane	1	2020
Region 3 – Whitman, Asotin, Garfield (Location TBD)	2	2021
Region 7 – Grant, Adams (Location TBD)	2	2020
Region 8 – Benton, Franklin	1	2021
Region 9 – Yakima, Kittitas	2	2020 (1) and 2021 (1)
Region 10 – Clark, Skamania	1	2021
Region 11 – Whatcom, Skagit, et al. (Location TBD)	1	2021
Region 12 – Snohomish	2	2020 (1) and 2021 (1)
Region 14 – Pierce	3	2020 (2) and 2021 (1)
Region 15 – Thurston, Mason, Lewis	1	2020
Region 16 – Cowlitz, Wahkiakum	1	2020
Region 17 – Kitsap	1	2021
Region 18 – Grays Harbor, Pacific	1	2021

In doing so, we will establish permanent state-funded general civil legal aid presence in two regions where none exists: (a) the Columbia Basin (Grant-Adams Counties), and (b) the Palouse Region (Whitman, Asotin, Garfield, and Columbia Counties). We will bring the percentage shortfall in all regions near to or above 70% of minimum access client service staffing (including field based FTE's, the effective contribution of pro bono attorneys, and the percentage allocation of CLEAR FTE's).

All CJRP attorneys will be assigned to NJP offices, including the new permanent offices in Grant and Whitman Counties.

OCLA welcomes comments on the approach outlined above. To be most relevant, we ask that comments reference and explain how they further OCLA's statutory responsibilities, the goals of the [Civil Justice Reinvestment Plan](#), and the Access to Justice Board's [2018-2020 State Plan for the Delivery of Civil Legal Aid](#).

² We also consider current and anticipation expansion of local resources, especially in King County as a result of the Veterans, Seniors, and Human Services Levy.