

COMMENTS RECEIVED IN
RESPONSE TO

JUNE 26, 2019 MEMO REGARDING

CIVIL JUSTICE REINVESTMENT
STAFF EXPANSION

July 19, 2019

James A. Bamberger, Director
Washington State Office of Civil Legal Aid
PO Box 41183
Olympia, WA 98504

Re: Comments to OCLA's Plan to Deploy FY 2019-2021 Civil Justice Reinvestment Attorneys

Dear Mr. Bamberger:

We are collectively writing in response to your request for written comments to *OCLA's Plan to Deploy FY 2019 -2021 Civil Justice Reinvestment Attorneys* memo dated June 26, 2019. Please note that we do not object to OCLA's proposed plan to deploy all 2019-20 attorneys to Northwest Justice Project in the regions identified. Rather, we are writing with concerns about the apparent change in the methodology used by OCLA in its Client Service—Client Demographic Matrix (Matrix). The change in methodology appears to result in the exclusion of state eligible legal services for children, youth and young adults provided by specialized legal aid programs that are currently underwritten in part by OCLA funds. Because the Matrix is being used by OCLA to guide investment of state appropriated dollars into the civil legal aid system, we are concerned about the potential impact of such a decision without more thorough vetting and agreement by the access to justice community and impacted stakeholders.

This change in methodology departs from the original assumptions underlying the [2016 Civil Justice Reinvestment Plan \(CJRP\)](#) and the basis for defining the minimum access goals across the state. CJRP included *"four specialized providers of civil legal aid services that provide services to specific hard to serve client populations or for matters which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery."* CJRP, p. 2. The CJRP's goal of achieving minimum access emphasizes that *"the core of the civil legal aid system is and will always be the professional staffed legal aid programs"* and identifies Northwest Justice Project and *"the four state-funded specialized civil legal aid providers that serve specific client populations and carry substantive expertise in specific areas of law."* CJRP, p.6.

The change in methodology departs from the way OCLA developed its supplemental budget for 2018-19, which included any FTE attorney that is funded in whole or part with state funds. The matrix used to develop the 2018-19 supplemental budget included all *"FTE positions in the specialty providers who are engaged in state eligible work and are funded in part with the state dollars that come through the Legal Foundation of Washington."* ([OCLA memo](#) dated January 5, 2018, p. 3). [OCLA's posted FAQs](#) reiterates that the matrix *"maps those components of the statewide civil legal aid system that it [OCLA] underwrites."* In contrast, OCLA's 2019 plan identifies a change in the reasons for inclusion or exclusion, stating that *"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."* (OCLA memo dated June 26, 2019, footnote 1).

Conclusion and recommendation: As reflected in OCLA's June 26, 2019 memo, the change to the 2019 Matrix is a significant departure from the methodology used in defining minimum access goals in the CJRP and the development of OCLA's prior year budget proposals. The reasons provided appear to be centered on population specific criteria rather than the core concepts used in the CJRP, which mapped

FTEs doing state eligible work that is underwritten in whole or part by OCLA funds. We are writing to raise these concerns and request that OCLA revert to the original methodology and include all state funded positions underwritten by OCLA until the access to justice community and impacted stakeholders can more fully discuss and agree upon a new methodology.

Thank you for the opportunity to provide comments to OCLA's June 26, 2019 memo.

Benefits Law Center

Alex Doolittle, Executive Director

Benton Franklin Legal Aid

Barb Otte, Executive Director

**Blue Mountain Action Council (BMAC)
Volunteer Lawyer Program**

Veaney Martinez, Program Manager

Columbia Legal Services

Merf Ehman, Executive Director

Dolly Hunt, Board Chair

Matthew Moersfelder, Board member

Clark County Volunteer Lawyers Program

Elizabeth Fitzgearld, Executive Director

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Alice Millward, Board Co-President

Summer O'Neill, Board Co-President

Lori Bashor-Sarancik, Executive Director

Eastside Legal Assistance Project

Gerald Kröon, Executive Director

Esperanza Borboa, Program Director

King County Bar Association

Anne Daly, Associate Executive Director

LAW Advocates

Michael Heatherly, Executive Director

Legal Counsel for Youth and Children

Erin Lovell, Executive Director

Northwest Immigrant Rights Project

Jorge L. Barón, Executive Director

Northwest Justice Project

Cesar Torres, Executive Director

Tacoma Pro Bono Community Lawyers

Laurie Davenport, Program Director

TeamChild

Anne Lee, Executive Director

Rosa Peralta, Board Vice Chair

Maria Kolby Wolfe, Board Treasurer

Hon. Michael Schwab, (ret.)

Snohomish County Legal Services

Chris Graves, Executive Director

Solid Ground

Gordon McHenry, President & CEO

Sara Robbins, Program Manager,

Benefits Legal Assistance

**Spokane County Volunteer Lawyers
Program**

Kristina Ralls, Director of Legal Programs

Unemployment Law Project

John Tirpak, Executive Director

Input from Pro Bono Council - Message (HTML)

File Message Tell me what you want to do...

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NWIRP To Manager Done Create New

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Fri 7/19/2019 4:09 PM

 Catherine Brown <CatherineB@kcba.org>
Input from Pro Bono Council

To: Bamberger, James (OCLA)

Cc: Eloise Barshes (edvas@nwi.net); Elizabeth Fitzgerald (elizabethf@ccvlp.org)

You replied to this message on 7/20/2019 1:53 PM.

Dear Jim:

The Pro Bono Council appreciates your invitation for feedback about OCLA's decisions to place Northwest Justice Project attorneys in many counties around the State. We are particularly encouraged by the presence of these attorneys in rural areas like Whitman and Grant counties, to provide free legal services in central and southeast Washington. The lack of on-the-ground legal assistance creates an acute gap in service and a critical disconnect with client communities in parts of the State that are too often overlooked and therefore critically underserved. We as the volunteer lawyer program community look forward to supporting efforts to recruit, hire, and train these and all the new Civil Justice Reinvestment attorney positions around the State, and we look forward to new collaborative relationships with these individuals.

We also appreciate the invitation from the Access to Justice Board Delivery System Committee to update and expand the client services matrix. We see the value in this tool and several VLP staff have already expressed interest in working with our Alliance colleagues to build on current information in the matrix to accurately reflect all the civil legal aid that is happening around the State.

Please be in touch with Pro Bono Council Co-chairs Eloise Barshes (edvas@nwi.net) and Elizabeth Fitzgearld (elizabethf@ccvlp.org), or Pro Bono Council Manager, Catherine Brown (catherineb@kcba.org), with any additional questions or information.

Catherine Brown
Pro Bono Council Manager
(206) 267-7026
[Pro Bono Document Hub](#)

July 19, 2019

James A. Bamberger, Director
Washington State Office of Civil Legal Aid
PO Box 41183
Olympia, WA 98504

Dear Jim,

I am writing on behalf of JustLead Washington as a Delivery Service Committee (DSCo) member to express our support of the comments and request made by our legal service provider colleagues on DSCo. Our understanding is that the most recent 'deployment memo' suggests that changes have been made to which services and providers are examined through the Client Service – Client Demographic Matrix, and that, given the potential impact this may ultimately have on funding, program and other stakeholders would like to engage in a broader conversation and process before such changes are memorialized.

Given JustLead's role in supporting leadership capacity across our collective network of equity & justice minded partners, we encourage this broader discussion and process to ensure that we are aligned toward a strategic and far-reaching goal of engaging and supporting client communities across the state, including (especially) those communities who are most harmed by poverty, racism, and other forms of structural oppression. We know that OCLA shares the desire to engage in meaningful dialogue about the Matrix and big-picture capacity and funding support, and we look forward to further conversation with you, our partners, and other funders about these critical topics.

If you have any questions, please do not hesitate to contact me.

Warmly,



Jennifer Werdell
Executive Director
JustLead Washington
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