



Washington State Office of Civil Legal Aid

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COVID-19 EMERGENCY CIVIL LEGAL AID SERVICES INTERIM REPORT SEPTEMBER 2020

The COVID-19 pandemic and resulting economic calamity have caused disproportionate harm to low-income people in Washington State, with special hardships experienced by low-wage workers (“essential” and displaced workers) and communities of color. The Governor issued (and extended) a range of emergency Proclamations intended to mitigate or forestall the worst of the hardships, including, among others:

1. Waiving the one-week waiting period and work search requirements for unemployment insurance benefits;
2. Establishing and extending a statewide moratorium on evictions – which now runs through October 15, 2020;
3. Preventing debt collection actions, including garnishments of bank accounts to collect judgments for consumer debt;
4. Dispensing with personal service requirements for domestic violence protection orders; and
5. Regarding health and safety conditions for workers engaged in food production and agricultural industries.¹

Anticipating the spectrum of crises that low-income people in Washington State would experience as a result of the pandemic and resulting economic dislocation, the Office of Civil Legal Aid (OCLA) developed a strategic initiative to identify and secure funding to help address the first waves of civil legal problems they would experience. In addition, OCLA monitored existing and potential sources of state and federal disaster response funding, including resources made available through federal stimulus legislation.

On April 9, 2020, OCLA filed its initial request with the Office of Financial Management (OFM) for emergency civil legal aid funding to set up programs to assist unemployment insurance claimants and individuals facing eviction or foreclosure due to the COVID-19 emergency. This request was supplemented and expanded on April 24, 2020 to include requests for emergency

¹ The Governor’s Proclamations and extensions are found at <https://www.governor.wa.gov/sites/default/files/proclamations/20-49.4%20-%20COVID-19%20Garnishment%20Ext%20%28tmp%29.pdf>

funding to help low-income people throughout the state facing the following COVID-19 related civil legal problems:

1. Employment (including health and safety conditions of employment for workers during the emergency), unemployment, and reemployment needs;
2. Shelter preservation including, but not limited to eviction defense, foreclosure avoidance, access to local and state rent assistance, and other homelessness prevention related legal problems;
3. Family safety and security including but not limited to civil protection of victims of domestic violence and sexual assault who are much more vulnerable as a result of the family and economic stresses associated with the emergency and mandatory social distancing Stay Home Stay Healthy orders; and
4. Economic security for families and individuals who have lost employment and must replace income by looking to federal and state income and food assistance.

On April 30, 2020, OFM allocated \$3 million of legislatively appropriated Disaster Response Account (DRA) funding for civil legal assistance for individuals in need of legal assistance with respect to their unemployment insurance claims and to prevent the threat of eviction.

On May 3, 2020, OCLA supplemented its request to seek an additional \$3.17 million in federal Coronavirus Relief Fund (CRF) funding to address the full spectrum of needs outlined in the April 24th memo.² After consultation with legislative budget leaders, OFM allocated \$2.3 million of CRF funding and granted authority to use both state and federal funding for the comprehensive emergency civil legal aid program outlined in OCLA's April 24th request. This program will run from the dates of authorization through June 30, 2021.

OUTLINE OF OCLA'S EMERGENCY COVID-19 CIVIL LEGAL AID PROGRAM

In just a few short weeks, OCLA obligated the bulk of the DRA/CRF funding allocated for emergency COVID-19 legal assistance. Below you will find a brief outline of the focus, scope, strategic approach and partners that will provide emergency civil legal assistance to individuals facing COVID-19 civil legal problems in each of the authorized areas of service.

1. Unemployment Insurance and Employment

Emergency COVID-19 Unemployment Claimant Representation Program (UI Claimant Representation Program). The program consists of two primary components: (a) a statewide contract representation program with more than sixty (60) private attorneys who have agreed to take no less than 20 referrals at below-market rates³ to represent claimants in unemployment hearings before the Office of Administrative Hearings; and (b) a contract with the statewide Unemployment Law Project (ULP) pursuant to which it will (i) develop and deliver training to the private attorneys who have signed up for the UI Claimant Representation Program, (ii)

² This request was later downsized to \$2.3 million.

³ Contract attorneys will provide services at the rate of \$100/hr.

review, prioritize, and refer cases to UI Claimant Representation Program Attorneys, (iii) provide expanded representation to unemployment insurance claimants across the state, and (iv) expand community based training resources focused on claimants who experience significant barriers to effective presentation of their claims, develop self-navigation tools for unemployment insurance claimants, and otherwise provide statewide support to legal aid program staff and private (compensated and pro bono) attorneys representing unemployment insurance claimants. OCLA sponsored and delivered mandatory substantive law and skills training for its private attorney contractors.

The UI Claimant Representation Program became operational on June 15, 2020.

DRA/CRF Investment: \$1.2 million

Emergency COVID-19 Employment/Economic Security Legal Aid Program. Workers in agriculture, fruit and meat packing, orchards, fisheries, and dairies were immediately labeled as essential. COVID-19 has been spreading significantly in these workplaces, in part due to unclear standards or inconsistent compliance with health and safety standards. In addition, many low-wage workers, including farmworkers in rural communities and Native Americans in rural and urban areas, have not received accessible information about the different pandemic-related paid leave programs and expanded unemployment benefits.

OCLA established and funded an emergency legal aid program designed to assist individuals with employment related civil legal problems arising from or related to the COVID-19 emergency. Special emphasis will be focused on essential workers and displaced workers who experience the gravest problems and face the most significant barriers to accessing civil legal assistance. These include, but are not limited to, (a) workers in rural areas of Washington State, (b) agricultural industry and food production/service workers, and (c) immigrant workers.

OCLA has contracted with the statewide Northwest Justice Project (NJP) and the non-profit Fair Work Center (FWC) to provide targeted legal assistance to individuals with COVID-19 related employment problems that give rise to needs for civil legal assistance, and for expanded statewide information, self-help materials and media, and other resources designed to help those most in need and least able to access information and related services, including immigrants, people who are limited English proficient, Native Americans and others.

DRA/CRF Investment: \$1 million

2. Tenant Information, Assistance, and Eviction Defense

Throughout Washington State, tenants are falling increasingly behind in arrears and face an increasing prospect of eviction once federal and state eviction moratoria are lifted. At the same time, and despite the existence of these moratoria, many tenants continue to be threatened with eviction; especially those who are perceived to be most vulnerable and subject to exploitation – immigrants, refugees, LEP individuals, households of color.

Emergency Support for and Expansion of Housing Justice Projects. In recent years, local volunteer programs have developed and operated “Housing Justice Project” (HJP’s) to provide courthouse-based legal assistance to tenants facing eviction. Even before the pandemic, these HJP’s (which have historically been understaffed) were not able to meet the demand for assistance. In anticipation of a wave of new need,⁴ OCLA directed DRA/CRF funding to upgrade and expand eviction defense services of 10 local HJP’s:

- Law Advocates of Whatcom County
- Snohomish County Legal Services
- Tacomaprobono
- Thurston County Volunteer Legal Services
- Kitsap Legal Services
- Clark County Volunteer Lawyer Program
- Yakima County Volunteer Attorney Services
- Benton-Franklin Legal Aid
- Chelan-Douglas Volunteer Attorney Services
- Spokane County Bar Association Volunteer Lawyers Program

These programs will provide individualized legal information, advice, limited assistance, and direct legal representation of tenants who because of the COVID-19 crisis, have fallen behind in rent and will face eviction once moratoria are lifted.

DRA/CRF Investment: \$1.36 million

NJP Direct and Contract Attorney Representation. To complement the HJP efforts and ensure equity of access to legal assistance in the mostly rural areas of the state where HJP services are unavailable, OCLA contracted with NJP to provide legal information, advice, limited assistance, and direct legal representation to COVID-19 affected tenants. NJP will deliver these services through a mix of in-house and subcontracted below-market rate services with qualified attorneys.

DRA/CRF Investment: \$275,000

3. Individual and Family Safety

The Pandemic has caused great harm to individuals and families where violence and abuse are prevalent. It is now well documented that the economic, social, psychological stresses associated with the economic crisis and mandatory social distancing rules (including stay-at-home directives) has resulted in both an increase in domestic violence and sexual assault, but the gravity of offenses being perpetrated. To address this component of the crisis, OCLA invested in several programs that, together, will substantially increase the availability and responsiveness of OCLA’s existing Crime Victims Legal Assistance program funded through the federal Victims of Crime Act. As with other components of the emergency COVID-19 response, services are

⁴ According to the Census Bureau, more than 265,000 households in WA are at risk of eviction when the moratoria are lifted.

designed to ensure outreach to and meaningful access for victims who have the greatest level of risk and the most barriers to overcome in accessing services. Components of the Individual and Family Safety effort include:

Expansion of Targeted Services to Victims of Sexual Assault: OCLA supplemented its Victims of Crime Act (VOCA) contract with the Sexual Violence Law program at Legal Voice to expand services to victims who experience sexual assault during the pandemic or because of COVID-19 related complications and court restrictions.

DRA/CRF Investment: \$150,000

Services to Urban Native American Victims: Native Americans experience the greatest level of domestic violence, sexual violence, and related crimes than any other demographic cohort. OCLA contracted with NJP to provide expanded and targeted services to Native American victims in King and Spokane Counties.

DRA/CRF Investment: \$250,000

Expanded Access to Statewide Crime Victims Legal Aid Referral Line (CLEAR NA/CV). To expand capacity to accept victim referrals from community based advocates, NJP will add an additional COVID-19 staff attorney to the statewide referral line.

DRA/CRF Investment: \$150,000

Expanded Services to DV/SA Victims Affected by COVID-19. OCLA contracted with four volunteer attorney programs to expand their capacity to provide trauma-informed civil legal assistance to domestic violence and sexual assault victims. These include:

- Tacomaprobono (Pierce County)
- Eastside Legal Assistance Program (East King County)
- Thurston County Volunteer Legal Services (Thurston, Mason, Pacific, Lewis Counties)
- Snohomish County Legal Services (Snohomish County)

DRA/CRF Investment: \$205,000

Expanded Victims Services to Communities of Color and Immigrants. OCLA provided additional funding to enable NJP to expand its VOCA-funded capacity to provide civil legal assistance to victims of sexual assault, domestic violence, human trafficking, and other crimes, with special emphasis on victims who are members of communities of color or are immigrants.

DRA/CRF Investment: \$300,000

Expansion of Self-Help and Media Resources for Victims. NJP will expand and accelerate the development of a range of self-help and media resources including:

- Accelerate completion of and translate into Spanish the Domestic Violence Protection Order module of the state-funded automated document assembly project.
- Develop and translate into Spanish a new Sexual Assault Protection Order module.
- Develop and translate additional on-line media productions and information relating to COVID-19 problems, support providers, and self-help resources; and expand education and outreach services to members of targeted communities who are less likely to seek out legal help.

DRA/CRF Investment: \$50,000

Training, Technical Support, and Resource to Ensure Equity of Access for LGBTQ+ Victims.

Funding was provided to QLaw Foundation, a non-profit organization dedicated to ensuring equity and fair treatment for individuals who identify as LGBTQ+, to develop training materials and provide technical support and assistance for legal aid and pro bono attorneys so they can provide culturally competent assistance to LGBTQ+ people who experience disproportionately higher rates of victimization than the general population.

DRA/CRF Investment: \$50,000

4. Trusted and Safe Legal Information and Referral for Immigrants

In the current environment, immigrants (whether in the US legally) are fearful of accessing services from organizations that require disclosure of legal status as a condition of service. Applicable federal rules require staff working on NJP's statewide CLEAR hotline to inquire into the caller's immigration status. This effectively operates to dissuade many immigrants with critical COVID-19 legal problems from accessing necessary civil legal aid services. OCLA is working with the Washington Immigration Solidarity Network (WAISN) to expand the capacity of its [statewide hotline](#) to provide informed information and referral for immigrants presenting COVID-19 legal problems. Contract negotiations are continuing, with the goal of standing up this additional I&R capacity by mid-August 2020.

DRA/CRF Investment: \$80,000

5. OCLA Administration, Support, and Reserves

OCLA engaged a retired legal aid attorney on a 1/3 FTE basis to administer the UI Claimant Representation Program. OCLA has contracted with Language Line to provide interpreter services for attorneys and program staff without access to the same. OCLA has maintained a small reserve of unallocated funding pending review of COVID-19 related civil legal needs and additional related services between now and June 30, 2021.

DRA/CRF Investment: \$150,000