



Washington State Office of Civil Legal Aid

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NOTICE OF FUNDS AVAILABILITY *STATE v. BLAKE* CIVIL IMPACT PROJECTS

On February 25, 2021, the Washington Supreme Court issued the opinion in *State v. Blake* (*Blake*) declaring that drug possession laws that impose a strict liability standard without an intent requirement are unconstitutional and void. The impact of the *Blake* decision is far reaching and profound, effectively voiding all drug possession convictions under current and prior state laws.

In response to the *Blake* decision and recognizing impact on formerly convicted individuals and the need to replace drug possession statutes that suffer the same fate as the statute at issue in *Blake*, the Washington State Legislature enacted a number of measures to address the retroactive implications including, but not limited to, (a) claims for relief from convictions that are now void, (b) recovery of legal financial obligations (LFO's), (c) recovery of wrongfully collected LFO's, (d) vacation of sentences, and (e) where appropriate, resentencing of offenders who have been convicted of multiple criminal offenses.

The FY 2021 operating budget enacted by the Legislature and signed into law provides substantial funding to the courts, counties, and a number of other entities to help address the impacts of the decision on those who have been previously convicted under unconstitutional laws. Among the actions taken was the appropriation of \$600,000 for each fiscal year (FY 2022 and 2023) to the Office of Civil Legal Aid (OCLA) "to provide online automated plain language forms, outreach, education, technical assistance, and some legal assistance to help resolve civil matters surrounding legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the decision in *State v. Blake*."

By this Notice of Funds Availability, OCLA seeks proposals from qualified non-profit law firms to establish and operate two regional *State v. Blake* Civil Impact Projects. OCLA will provide up to \$250,000 per year in funding for two regional projects -- one on the east side of the Cascades and one on the west side of the Cascades.

I. Project Requirements

Qualifying regional *Blake* Civil Impact Projects must, among other things:

- Develop and serve as a regional resource for information and support for individuals with civil issues directly arising from the *Blake* decision.
- Coordinate with the other regional *Blake* Civil Impact Project to develop and disseminate consistent statewide content providing individuals affected by the *Blake* decision with information about their rights to vacation of convictions, elimination of LFO obligations, and recovery of LFO payments made.
- Provide support, information, and technical assistance to civil legal aid, pro bono, and other community-based non-profit or other organizations working with individuals affected by the *Blake* decision; with priority emphasis on working with and supporting “by and for” organizations that support individuals who have reentered civil society after prior incarceration.
- Coordinate and support Northwest Justice Project’s Washington Law Help team develop the statewide self-help automated document assembly system that will generate motions and related pleadings for relief from LFO orders, recovery of LFO payments, and vacation of criminal convictions.
- Within the scope of limited resources available, receive and respond to requests for legal information and assistance, identify appropriate referral resources, and establish referral protocols for individuals with *Blake* related civil legal problems or claims.

II. Minimum Organizational Criteria

Minimum organizational criteria for any entity proposing a Statewide Reentry Legal Aid Project include:

- Must be a non-profit law firm with attorneys licensed to practice in the state of Washington.
- Must establish an Advisory Board, the majority of whom are persons affected by the *Blake* decision.
- Must be eligible to contract with the State of Washington.
- Must not have been debarred from contracting with the federal government in the past five years.

III. Components of Response to Notice of Funding Availability

Applications submitted in response to this Notice of Funding Availability shall be organized as follows:

1. Introduction and Statement of Organizational Purpose.
2. List of members of the organization's Board of Directors.
3. List of the organization's staff leadership and staff members who will be involved in the project.
4. List of *Blake*-affected individuals engaged in the project either as staff or in an advisory capacity.
5. Project narrative, including how the project will address each of the components outlined in Section I of this Notice, and strategies for consistent engagement of formerly incarcerated persons in program design.

IV. Deadline for Submission of Proposals and Project Start Date

To be considered, proposals must be submitted on or before June 20, 2021. The approved project will commence July 1, 2020 or as shortly thereafter as contracts are executed.

Proposals shall be submitted electronically to:

Office of Civil Legal Aid ocla@ocla.wa.gov

Questions related to this Notice of Funds Availability (NOFA) may be sent to ocla@ocla.wa.gov.

OCLA reserves the prerogative to withdraw or revise this NOFA or decline to issue an award and reissue a new NOFA if it, in its exclusive judgment, determines that insufficiently responsive applications were submitted.