



## Washington State Office of Civil Legal Aid

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James A. Bamberger, Director  
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To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director Office of Civil Legal Aid

Re: September 2021 OCLA Director's Report

Date: September 22, 2021

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Please accept this memo as the quarterly report on activities of the Office of Civil Legal Aid for the period between June and September 2021. This has been an extraordinarily busy time as we have been called to act quickly on many fronts to address new high profile tasks assigned to us by the 2021 Legislature. Below I will update you on these and introduce you a new team member on the Oversight Committee and new team members on the OCLA staff.

### 1. Welcome Alejandro (Ale') Sanchez to the Civil Legal Aid Oversight Committee

Over the past six years, Tip Wonhoff served actively and effectively as the Governor's appointee to the Oversight Committee (OC), including two years as the OC's Chair. His term second term ended on June 30<sup>th</sup> and he was not eligible for reappointment. On September 16<sup>th</sup>, we received a letter appointing Alejandro (Ale') Sanchez to replace him as the Governor's appointee. Alejandro's brief bio reads as follows:

**Bio:** Alejandro Sanchez works in the office of Governor Jay Inslee, where he helps develop policies that support our state's immigrant population. During the COVID-19 pandemic, he has also been involved with aiding in the implementation of the Governor's COVID-19 orders. Previously, Alejandro served as an administrative law judge with the Washington State Board of Tax Appeals, presiding over disputes between taxpayers and the various revenue departments throughout the state. He has also worked as an attorney in private practice and spent much of his time performing pro bono work for low-income taxpayers. Alejandro has a B.A. from the University of Michigan, a J.D. from Michigan State University, and an LL.M. from the University of Washington.

We are excited to have someone of Ale's breadth of experience and passion join the Oversight Committee. Should you be interested in reaching out to welcome him personally, his e-mail is [Alejandro.sanchez@gov.wa.gov](mailto:Alejandro.sanchez@gov.wa.gov).

## **2. OCLA Staff Additions**

Since the last meeting, OCLA hired two new staff members:

In June we hired Bailey Zydek as a half-time program counsel with the Children's Representation Program (CRP). Bailey has been a child representation attorney extraordinaire since the advent of the CRP program and has also spent years representing children upon appointment by local courts outside of the CRP program. Bailey's the best of the best of our child representation attorneys. We were sorry to lose her as a contract attorney but are thrilled she agreed to join us. Bailey works closely with CRP Program Manager Jill Malat. Bailey will help ensure the highest level of representation for children in dependency cases and help us prepare to implement HB 1219, the bill that established a right to counsel for children and youth 8 and above. The CRP right to counsel program commences in three counties on July 1, 2022 and must be fully implemented statewide over six years. Bailey principally works remotely from her home office in Sumner, WA.

After an extensive national search, we hired Philippe Knab to be OCLA's Eviction Defense Program Manager. He will coordinate and oversee substantially all OCLA activities in supporting and overseeing state-funded eviction defense work across the state. Philippe's primary initial focus will be to assume responsibility to implement and oversee the nation's first appointed counsel program (otherwise known as right to counsel or RTC) that was enacted by the Legislature in sections 8 and 9 or 2ESSB 5160 (now codified in RCW 59.18.640 and RCW 2.52.050). Philippe most recently served as the Managing Attorney for Northwest Justice Project's Vancouver regional office. Before that he was an eviction defense attorney with The Legal Aid Society and the Bronx Defenders in New York City and then the Supervising Attorney for the Law Enforcement Bureau of the New York City Commission on Human Rights. Philippe works from an office in Vancouver, WA.

Both Bailey and Philippe hit the ground running, bringing new and valuable energy, experience, and competencies to the OCLA team. We are thrilled to have them.

## **3. Implementation of Tenant Right to Counsel (RTC) Program**

We have spent the bulk of our energy implementing 2ESSB 5160 and the tenant RTC program. The legislation requires courts to appoint attorneys for indigent tenants in all residential and mobile home unlawful detainer (eviction) cases. The Legislature assigned administration of the program to OCLA, and appropriated \$10,772,000 to stand up the program in FY 2022. They directed OCLA to submit an implementation plan within 90 days following the Governor's signature (by July 22<sup>nd</sup>) and fully implement the RTC program within 12 months.

OCLA convened a multidisciplinary group of experts to help guide and advise us during the implementation plan development process. So instrumental were they in the design of the program, that we recognized them at the beginning of the [Right to Counsel Implementation Plan](#) (Implementation Plan) – which we submitted to the Legislature on July 15, 2021. The

Implementation Plan sets out the roadmap for our work over the coming months and years. It is only 21 pages. I strongly encourage you take the time to review it.

Recognizing that implementation of RTC will involve many moving parts and coordination among many interests, we need to keep important stakeholders informed of our progress. Beginning in May, we issued a series of five implementation status reports (available on request) to three primary institutional stakeholders – superior court judges, court administrators, and court clerks. In addition, because RTC is just one component of the Legislature’s comprehensive response to the eviction crisis, we are working closely with:

- Governor Inslee’s policy team and General Counsel
- The Office of the Attorney General (which at our request issued three very helpful opinion letters in response to questions relating to language in 2ESSB 5160)
- The Department of Commerce (which administers the federal and state rent assistance programs)
- Key legislators from both sides of the aisle
- The Superior Court Judges Association and its Unlawful Detainer Work Group
- The Washington State Association of County Clerks
- The Association of Washington Superior Court Administrators
- Resolution Washington (the umbrella organization for the Dispute Resolution Centers implementing the Eviction Resolution Pilot Program established in sec. 7 of 2ESSB 5160)
- The Washington Multi-Family Housing Association (an industry group representing landlords)
- The Washington Low Income Housing Alliance and the Tenants Union of Washington (tenants rights and advocacy organization)
- Legal aid programs across the state

We describe our work as “building the plane while flying it,” learning as we go, making changes on the fly, receiving critical advice and suggestions from the broad spectrum of interests outlined above, and keeping most interested stakeholders reasonably satisfied with our progress. There have been many challenges, some disagreements, and collaborative solutions. The general spirit of engagement remains positive.

On October 1, 2021 – barely five months after the bill was signed into law (and seven months before the legislative deadline) – OCLA will issue the first Certificates of RTC Readiness, following which courts in the recipient counties will be required to appoint attorneys to represent indigent tenants in unlawful detainer cases.

Collectively, the Northwest Justice Project and 11 Housing Justice Projects across the state, have already hired and trained nearly 60 full time dedicated RTC attorneys and contracted with private attorneys in some of the more rural parts of the state. Collectively, these attorneys will represent tenants in every one of the state’s 37 superior court judicial districts.

OCLA's RTC certification depends on three conditions being met (a) reaching full authorized RTC capacity in the judicial district, (b) training all RTC attorneys and contractors who will be deployed to represent tenants in the judicial district, and (c) adoption of a protocol between the OCLA-contracted RTC providers and the superior court or issuance by the superior court of an order outlining the process by which tenants will be screened for indigency and (for those meeting the statutory definition) counsel appointed.

Behind the scenes technical work is going on as well. OCLA engaged an independent contractor (JustTech) to work with NJP, the other RTC contracted programs, and us to ensure consistent and comprehensive data collection and reporting. We have a master contract for interpreter services (telephonic and video) with Cyrcom/Voiance to ensure access for tenants with limited English proficiency. We contracted with a research team from the UW's Evans School of Public Policy and Governance to undertake a longitudinal assessment of the impact and effectiveness of the RTC program. And we are in the process of developing a position description for a language/disability access coordinator.

Philippe and I will provide an in-person (albeit virtual) report on the RTC program at the Oversight Committee's December meeting.

#### **4. Other Eviction Risk Reduction Efforts**

In addition to the RTC program, the Legislature established and funded a two-year Eviction Resolution Pilot Program (ERPP). Modeled after the Eviction Resolution Pilot Program designed by OCLA and the Superior Court Judges Association's (SCJA) Unlawful Detainer Work Group, the new ERPP is a statewide effort designed to (a) resolve non-payment of rent cases before they show up in court, (b) divert these same cases away from the court system, and (c) facilitate access for both landlords and tenants to federal and state rental assistance payments. OCLA is actively involved in the implementation, operation, and support of the ERPP effort. ERPP's are now operational in 35 of 37 counties.

Central to the success of the ERPP model is prompt access to federal and state rent assistance. We are working closely with the Department of Commerce and the Governor's office to reduce barriers and bottlenecks that have plagued these programs from the start and limited access to critically needed rent assistance for both landlords and tenants. We continue to be actively consulted as the state comes close to the end of the Governor's "Bridge Proclamation" which was initially designed to protect residential stability while the three components of the rental housing stability system enacted by the Legislature (RTC, ERPP, and rent assistance) were put into place and become operational. We also continue to work closely with the SCJA's effort to ensure effective implementation of the ERPP at the local level. To this end, meetings are held weekly with judicial officers administering these programs from across the state.

## **5. Stakeholder Process for Determining the Focus of FY 2022-23 COVID Legal Aid Funding**

At our request, the Legislature appropriated \$6M for FY 2022 and \$5M for FY 2023 to continue and target legal aid services to individuals and communities most affected by the pandemic. Our initial efforts in FY 2021 were funded with emergency allocations of state and federal funding. We focused our investment in four primary areas:

- Income security (principally unemployment insurance claimant representation)
- Shelter defense (principally landlord/tenant and eviction related work)
- Individual and family safety
- Employment (including working conditions, health and safety, wage theft, etc.)

Decisions about where and at what level to fund these activities were made internally in the middle of the initial crisis. Now with services in place, we can undertake a more deliberative effort to define the substance and focus of the sustained COVID legal aid investment.

To this end, we hosted two virtual meetings (listening sessions) at which more than 40 interested parties participated. Deftly facilitated by Oversight Committee Chair Sarah Augustine and attended by several Oversight Committee members (including new members Rep. Abbarno and Rep. Thai), we asked people to share with us what they thought were the most important COVID related legal problems that will continue through the FY 2022-23 biennium, what groups will experience the greatest needs, and what providers are best equipped to respond to these needs. We reached out to and are actively engaged with interested BIPOC-led organizations and leaders in this process.

We are now processing the information we received. We will also be hosting a supplemental conversation in response to a request received from representatives of community based BIPOC organizations. This is scheduled for Friday, September 24<sup>th</sup>.

While relatively little of the FY 2022 appropriation (about \$1.5M) remains uncommitted, we are looking to make at least 18-month commitments several new areas and strategies as the legal problems driven by the pandemic continue to change over time. Sometime in October, we will issue Notices of Funding Availability and amounts for the remainder of FY 2022 and carrying through to the end of FY 2023. These will outline the focus, essential requirements, and considerations that will guide our review and evaluation. Decisions will be issued before Thanksgiving, with contracts executed for services to begin January 1, 2022. A memo outlining OCLA's engagement with stakeholders and current COVID related legal aid commitments is attached.

Hearty thanks to both Sarah Augustine and Chalia Stallings-Ala'ilima for offering their guidance and taking an active role in leading this effort. Their involvement has been essential to ensuring the appearance of inclusion to and integrity of this process.

## **6. Internal Agency Race Equity Efforts**

Both OCLA and the Oversight Committee were early subscribers to the Race Equity and Justice Initiative’s Acknowledgments and Commitments.<sup>1</sup> These require us to take affirmative steps to ensure that we walk our talk on inclusion and equity across the full spectrum of agency activities – from internal agency culture through and including the substance and focus of our contracting efforts.

After an extensive search and consultation with many involved in the race equity and justice movement, we engaged Rooted Strategies to lead us on our journey toward institutionalizing anti-racist culture and practices within the agency and to undertake the substance of our work in a manner consistent with our REJI commitments, the guidance of the Washington Supreme Court’s June 4, 2020 Open Letter, and the Oversight Committee’s statement. The scope of this initial engagement and our entry level work – which we consider to be only the first phase of a continuing process – is attached.

Complementing this effort, OCLA renewed its contract with JustLead Washington to continue to develop and provide a range of REJI focused resources, materials, toolkits, training, and support for state-funded legal aid providers (boards and staff) and to continue the annual equity and justice Leadership Academy that has now trained more than 200 fellows employing a unique equity-based leadership curriculum.

## **7. Children’s Representation Program (CRP)**

In addition to establishing a new right to counsel program for children in the child welfare system, the Legislature in HB 1219 requested the Supreme Court Commission on Children in Foster Care to convene a workgroup to review and “update, where appropriate, the standards of practice, caseload limits, and training guidelines,” and to review and submit recommendations relating to the appropriate approach to representation of children under the age of 8. Sam Martin, a foster care alumnus and a principal lobbyist for HB 1219, agreed to co-chair the work group with CRP Program Manager Jill Malat. The inclusive, multi-disciplinary group of experts recruited to serve on the workgroup held its first meeting in August of this year. The updated standards are to be developed by March 2022.

## **8. General Legal Aid Program**

As we do every two years, OCLA executed a master contract with the Northwest Justice Project for the provision of civil legal aid services across the state. Consistent with past practice, NJP will (with OCLA approval) subcontract a portion of funds to the Legal Foundation of Washington (LFW) for the support of state eligible legal aid services provided by the 16 volunteer attorney programs and certain legal aid providers that deliver unique services to

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<sup>1</sup> In addition, following the Supreme Court’s issuance of its [Open Letter](#), the Oversight Committee originated and unanimously adopted a [Statement on Racism, White Supremacy, and Justice](#), in which you stated “Racism and white supremacy must be eradicated from our society and institutions, including our justice system; and we are wholly committed to this challenging undertaking as part of our responsibility to oversee the use of public civil legal aid resources for all within our state.”

specialized populations. During FY 2022-23, about \$43M will be spent on general or “basic” civil legal aid services.

## 9. Civil Legal Aid Victims of Crime Program

Federal Victims of Crime Act (VOCA) grants are the primary federal source of funding for thousands of victim service providers around the country, including programs serving victims of domestic violence, sexual assault, child abuse, trafficking, and drunk driving. VOCA grants also fund victim compensation, including paying medical bills, covering lost wages, and paying for funeral costs. These critical grants are not taxpayer funded, they are paid out of the Crime Victims Fund (CVF), which is funded, in turn, through federal criminal monetary penalties. Over the past several years, deposits into the CVF have dropped, leading to corresponding cuts in grants to victim service providers.

Facing substantial cuts due to this decline, VOCA funded programs, including OCLA, requested that the Legislature appropriate “bridge” funding to protect existing levels of services through FY 2022 and to allow Congress time to address systemic issues that led to the precipitous decline in the CVF. This effort was successful, as the Legislature appropriated \$15M in state funding to mitigate the consequences of the decline in federal VOCA funding. This allowed us to protect existing levels of funding for the Civil Legal Aid to Crime Victims Program in FY 2022.

On July 22, 2021, following bipartisan legislative action, President Biden signed the “VOCA Fix to Sustain the Crime Victims Fund Act of 2021”. The legislation is designed to revitalize the diminishing Crime Victims Fund (CVF). Unfortunately, while the legislation will not prevent further cuts to federal victim services grants in FY 2023, law makers and grant recipients are hopeful that the fix will eventually increase deposits into the CVF. In the meantime, OCLA and VOCA funded partners in the domestic violence, sexual assault, and general crime victims support community are working to mitigate continued short-term harm in anticipation of restored consistent federal crime victims support.

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**Conclusion:** These are extraordinary times. OCLA continues to be viewed as an agile and responsive agency that can and will deliver the goods across the spectrum of areas in which we are engaged. I’m proud of the can-do attitude of the team, and proud of the results we are delivering.

Thanks as always for your continued guidance and support.

# **ATTACHMENTS**





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James A. Bamberger, Director  
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To: COVID-19 Legal Aid Funding Stakeholders

From: Jim Bamberger, Director Office of Civil Legal Aid

Re: COVID-19 Funding Priorities

Date: September 1, 2021

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This memo is intended to:

- Provide a contextual understanding of current and continuing COVID-19 funding commitments for the balance of FY 2022 and through FY 2023
- Synthesize the feedback we received during and following the July 20<sup>th</sup> listening session and submission of written comments
- Outline OCLA's initial thinking about areas of COVID-19 related needs that are either not being addressed or are being substantially under-resourced
- Describe the next steps in OCLA's COVID-19 legal assistance planning, allocation, and contracting processes
- Frame expectations for the second meeting scheduled for September 14, 2021 (from 9:00 to 11:00 a.m.) and beyond

### 1. Current and Prospective COVID-19 Funding

During 2020 OCLA sought and received about \$5.5M in emergency funding to address urgent needs related to or driven by the COVID-19 emergency. The focus of COVID-funded legal aid activities is outlined in our [September 2020 Interim Report](#) and our [January 2021 Report to the Legislature](#). Primary service areas included:

- Access to unemployment insurance benefits
- Protection of housing and shelter for people affected by eviction/foreclosure
- Increased threats, such as domestic violence, to individual and family safety
- Protecting employment and other means of maintaining economic security
- Protecting the rights of essential low-wage workers

Recognizing that the immediate and longer-term consequences to low-income people – particularly those disproportionately affected by the pandemic – would continue well into the FY 2022-23 biennium and beyond, OCLA sought funding from the Legislature to continue these

efforts. During our consultations with the EJC and other stakeholders prior to submitting our budget request and in our presentations to legislative budget writers, we acknowledged the need to monitor and adjust our investment strategy consistent with the successive waves of civil legal problems that we were learning were flowing and would continue to flow from the pandemic. The Legislature responded favorably by appropriating \$11M “to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.” Sec. 117(5), ch. 334, laws of 2021.

The FY 2022-23 appropriation of COVID-19 legal aid funding breaks down as follows:

- FY 2022 (the current fiscal year): \$6M, of which \$568,000 must be used to continue and expand civil legal representation of tenants in eviction cases; and \$5,440,000 for general COVID-19 related civil legal aid.
- FY 2023: \$5M for general COVID-19 related legal aid
- FY 2024: \$3M for continuing COVID-19 related legal aid
- FY 2025: \$3M for continuing COVID-19 related legal aid

To ensure continuity of current services pending an extensive consultation process with legal aid and other stakeholders, OCLA continued/adjusted certain COVID contracts through calendar year end 2021. Other contracts were continued/adjusted through the end of the fiscal year, recognizing that these services would continue to be needed and termination of the same would be unduly disruptive at a time of high (and now) increasing demand. Current COVID-19 legal aid commitments are outlined below:

- \$1.5M through 6/30/22 to continue emergency help for people adversely affected by the multiple systemic failures of the Employment Security Department’s handling of regular and pandemic unemployment insurance claims, including a tsunami of problems involving unnecessary and illegal overpayment recovery claims (\$1M to Unemployment Law Project; up to \$500,000 for private attorney contractors)
- \$1M through 6/30/22 for NJP to continue to provide a range of COVID-19 related services to individuals most at risk and least able to access services (predominately in rural areas and through expanded CLEAR\*CV and CLEAR\*NA services); focus on family safety, economic security (income and employment), housing stability. This is a reduction of \$862,000 from the FY 2021 level of COVID-19 emergency funding.
- \$75,000 to continue COVID-19 services to sexual assault victims through Legal Voice/Sexual Violence Law for the period ending 12/31/21.
- \$100,000 to continue and expand information and referral of COVID-19 affected immigrants (regardless of legal status) through the WAISN hotline through 6/30/22.
- \$36,250 to QLaw Foundation to provide support, training, and expanded outreach to COVID-19 affected LGBTQ+ individuals and families through 12/31/21.

- \$225,000 for the Fair Work Center’s efforts to support the COVID-19 related needs of low wage workers and immigrant workers in South King County and the Yakima Valley through 12/31/21.
- \$986,000 for non-right to counsel (RTC) related eviction services (as outlined during the July 20<sup>th</sup> meeting) to complement the state’s \$11M investment in RTC services through 12/31/21.
- \$122,500 for small DV assistance grants to four volunteer attorney programs through 12/31/21.

Observations regarding the potential for continuation of funding commitments terminating 1/23/21 through the end of FY 22 (June 30, 2022) are outlined below:

- While somewhat successful, the small program-specific commitments to address increased DV needs may not be the best means of addressing the increased need for legal help by DV victims statewide due to the pandemic. These commitments are geographically specific to the counties involved and have been marked by low client service numbers and staff/contractor turnover. One program has determined to wind operations down. At this point, we are inclined to allow these contracts to expire on 12/31/21 and repurpose the funds for other high priority COVID-19 needs.
- We consider the community educational and individual representation services provided by Fair Work Center to disproportionately BIPOC, LEP, and other essential workers to continue to be high priority work – especially as we move through Wave 5 of the pandemic in our state. We anticipate the need to continue funding of this work at least through June 30, 2022.
- The commitment of funding for sexual assault legal assistance through Legal Voice Sexual Violence Law generates significant return in terms of client safety and protection of privacy. While the fiscal commitment is small, we are currently planning to sustain it through 6/30/2022.
- We expect to allocate no more than \$432,000 of the FY 2022 COVID-19 appropriation to continue general non-RTC eviction defense work through the end of FY 22. This commitment will be matched by a portion of a separate appropriation of COVID/CRF funding that the Legislature made in the emergency supplemental and then the final operating budget – resulting in an overall reduction of \$122,000 for this work and an increase of \$430,000 in funding available for other COVID-19 related needs through the second half of FY 2022.
- As was shared during the July 20, 2021 listening session, LGBTQ+ individuals (both youth and adult, and especially BIPOC LGBTQ+ individuals) have disproportionately experienced a broad range of civil legal problems due to the pandemic. Our commitment of funding to QLaw Foundation is designed to provide legal information/assistance, education, training, and support for other legal aid programs to effectively identify and serve LGBTQ+ individuals and families. Consistent with our equity commitments, we intend to continue this investment through FY 22.

Assuming both the funding commitments and anticipated extensions outlined above, we will have committed \$4,688,500, leaving **\$1,311,500** in unobligated funding for new COVID-19 commitments for FY 2022.

## **2. Our Review of Comments Received and Information Shared During the July 20<sup>th</sup> Listening Session and in Comments Submitted Afterward.**

The recording of the July 20, 2021 listening session is [here](#). Written comments were received from the following individuals and organizations (and are available on request):

- Tacomaprobono Community Lawyers (Carly Roberts)
- Northwest Health Law Advocates (Janet Varon)
- Spokane YWCA (Jeanette Hauck)
- Disability Rights Washington (Andrea Kadlec)
- Legal Foundation of Washington (Caitlin Davis, Emily Van Yuga, Will Livesley-O'Neill)
- TeamChild (Sara Zier)
- Mary Griffin (private attorney—special education)
- Northwest Justice Project (César Torres)

### **a. What We Heard During the Listening Session**

There were several consistent and repeated themes:

- There is a huge need for eviction defense services for those who have not yet had an unlawful detainer action filed against them and are therefore not eligible yet for appointment of an attorney under the state's right to counsel (RTC) law.
- There is a need for more investment in legal aid services to victims of domestic violence, especially given the increase in numbers of DV incidents and lethality of the same during the pandemic.
- Unemployment insurance claimant defense needs continue unabated as tens of thousands of cases have yet to be heard by the Office of Administrative Hearings and many more (including unprecedented numbers of overpayments) are coming into the pipeline.
- LGBTQ+ and BIPOC individuals who identify as LGBTQ+ or otherwise identify as gender non-conforming experience a range of civil legal problems directly and indirectly related to the pandemic. Many do not trust traditional legal aid programs and many legal aid programs have not learned how to provide culturally competent services.
- Children and youth with disabilities have been profoundly affected by the pandemic. Most notably are the 153,000 children and youth eligible for Sec. 504 or IDEA special educational services. The pandemic year caused great harm to this cohort and the legal aid community has not developed or invested in an appropriate response, leaving these children and youth falling further and further behind. Despite \$1.8B investment into OSPI, school districts are failing to live up to legal requirements. There are significant equity issues as school districts across the state fail or refuse to provide information in the language spoken by parents as opposed to children.

- Youth, especially those either currently or at risk of homelessness, have a wide range of legal problems that span the gamut from the need for CHINS relief, to homeless and housing advocacy, to educational assistance, to mental and behavioral health and other health related needs. Youth are highly at risk of spiraling down into juvenile and criminal justice involvement. The pandemic heightened the risk factors for this cohort.
- More funding is needed for legal assistance to individuals eligible for Social Security and SSI assistance.

In addition, we heard multiple refrains from members of the volunteer attorney program community (both program representatives and the Pro Bono Council) that the VLPs are best positioned to address the COVID-19 related needs of low-income people in their communities.

We also heard suggestions that OCLA should invest in non-legal capacity to serve COVID-19 affected people including social workers and case managers; that we should embed legal aid capacity in non-legal programs serving as front-line providers of human and social services; that we should otherwise embrace other innovative or non-traditional approaches to legal aid delivery; that institutional relevancy requires substantial commitments to education and outreach – using trusted partners – to communities of individuals least likely to self-identify the legal nature of their problems and turn to a civil legal aid provider.<sup>1</sup>

Additionally, we had a significant conversation about “who is not in the room”. There were no representatives from tribal communities or urban Native American communities. Other than the Director of NWRIP (which limits its services to immigration related issues), there were no voices from the immigrant community. And we had no participation from representatives of BIPOC led community advocacy organizations. The lack of more diverse voices is likely because we sent notices out through traditional channels. But it does leave the conversation to the usual suspects.<sup>2</sup>

#### **b. Additional Areas of Focus (Written Comments)**

There are several obvious or continuing substantive areas/problems that were not discussed in depth during the listening session, some of which were explored in the written comments we received. These include:

- Health and mental/behavioral health care
- Income security/Access to Pandemic Relief (esp. for immigrants ineligible for unemployment and pandemic unemployment assistance or federal stimulus funds)

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<sup>1</sup> While we recognize the need to consider these and other ideas relating to the best way to provide civil legal aid services consistent with the Alliance’s commitment to holistic service and equity, the suggestions here are not uniquely relevant to COVID-19 legal problems/needs; they are universal challenges facing the legal aid system that should be the subject of deeper and more intensive consideration.

<sup>2</sup> Following the meeting, OCLA reached out to several organizations and leaders, including many suggested in written comments we received. We are hoping representatives of these communities will join us at the September 14<sup>th</sup> meeting.

- Debt collection/consumer protection (Census Pulse survey data documents that low-income people and low-wage workers who got through the pandemic by addressing current expenses for food, rent/mortgage/utilities payments, health care/insurance, etc. using credit cards, borrowing money from friends and families, payday loans, and just not paying bills that came due. Massive debt has accrued and collection actions have already begun.)
- Health and safety needs of low-wage workers

### 3. Fiscal Context

The two areas of highest expressed need – DV and eviction defense services – are also the two areas that have the greatest cumulative resource commitment (through dedicated and general civil legal aid funding). In assessing whether, where, and for what services to invest unobligated COVID funding, we must consider the range of resources otherwise available to serve affected people in these areas.

In the eviction defense arena, the Legislature provided \$11M per year for the right to counsel (RTC) program. In addition, OCLA committed \$1.36M in COVID funding for the period June 1, 2020 through June 30, 2020. We have committed another \$986,000 of state COVID appropriations for the Housing Justice Projects to provide non-RTC legal assistance for the six-month period through December 31<sup>st</sup> and will soon commit an additional \$1.18M in CRF funding appropriated by the Legislature for eviction related services through June 30, 2022. While we recognize the need for additional services in this area, we also must consider our investments within the context of the overall resource mix of resources available to each compelling area of need. Using such an analysis and in light of significant un- and under-funded areas, further allocation of COVID funding to this work is not supportable.

In the area of domestic violence, the state Department of Commerce’s Office of Crime Victims Advocacy provides between \$30 and \$40M in funding annually (depending on funding availability) to address a spectrum of needs faced by victims of domestic violence including legal aid, legal advocacy (non-attorney), shelter/housing, counseling/case management, and other services. OCLA provides more than \$4M in Victims of Crime Act (VOCA) funding each year for civil legal assistance to DV and sexual assault (SA) victims. In addition, nearly all legal aid providers – including NJP and all pro bono programs – dedicate substantial portions of their basic funding to address the civil legal needs of DV and SA victims. OCLA has also established a statewide automated forms program ([WAFormsOnline](#) -- in both English and Spanish) for victims to complete both DVPO Petitions/Order as well as related family law/parenting petitions/orders. Finally, OCLA committed about \$910,000 of the \$5.3M in emergency COVID-19 funding to DV related services for the period June 2000 through June 30, 2021. We have continued some of these smaller contracts (totaling about \$102,500) through December 31<sup>st</sup>. As noted earlier, while we are helping some people with the COVID emergency funds, we are not seeing significant return on our investment of the admittedly small amounts committed to four of the volunteer attorney programs (both quantitatively and qualitatively). Given all the other resources going into DV related civil legal aid, we are not planning to continue this approach into 2022.

#### **4. Preliminary Thoughts About New/Expanded COVID Investments**

First, there is only \$1.31M in unobligated funding for the balance of FY 22. The scope of our investments in FY 23 is wide open, as no commitments have been made. Our objective is to identify a range of COVID-related legal problems that are and are likely to continue to be widely experienced by low-income residents – with special focus and emphasis on those experienced by members of communities disproportionately affected by the pandemic. For purposes of continuing the discussion on September 14<sup>th</sup>, we outline these below:

- Health care
- Special education/working to promote equity of access to public educational services for students with disabilities
- Consumer protection/debt collection
- Worker health and safety
- At-risk youth
- Economic security

In addition, we propose continuing and expanding education, outreach, information, and referral for those most adversely affected by the pandemic and least able to access culturally relevant/competent services, including members of communities of color, LEP, immigrant, LGBTQ+, and urban and reservation-based Native communities.

#### **5. September 14<sup>th</sup> and Next Steps**

Given the timelines involved, we want to make maximum use of the time we have on September 14<sup>th</sup>. We are currently planning to use that time to:

- Provide opportunity for those who/that have not shared their thoughts (either during the July 20<sup>th</sup> listening session or in writing) to do so
- Provide time to discuss the information outlined in this memo and the feedback received on the proposed priority areas for new/expanded COVID investment
- Outline the next steps that OCLA will undertake to invite, evaluate, and assess proposals for COVID related services in these areas

Following the meeting and further informed by the additional information we receive from those who have not yet shared their wisdom, we will finalize the areas for increased/expanded COVID focus. Our objective is to identify projects that will endure through the end of FY 2023.

We intend to issue notices of funding availability (NOFAs) for legal aid services in each of these areas. These NOFAs will encourage collaborative, inter-organizational efforts and outline the criteria/requirements for each. We hope to issue these by October 1<sup>st</sup> with a return date of November 1<sup>st</sup>. Given the limited amount of funds available, we cannot commit to funding activities in each of these areas this fiscal year. We intend to make and announce decisions and negotiate contracts between November and December; with start dates for new projects effective on or shortly after January 1, 2022.

During the first half of CY 2022 we will also reconsider our current commitments and seek input/guidance on changes that might be made because of changing circumstances on the ground. We will again solicit input into our decision-making process before we make FY 2023 commitments.



## **PSC 22\_\_ Attachment 1 -- STATEMENT OF WORK**

Scope of Services (“**Services**”). Embarking on Phase I including: discovery efforts, a racial equity and justice initiative launch retreat, and leadership coaching.

This initial scope of work and associated fees reflect conversations between the OCLA and Rooted Strategies as of the date of this Statement of Work. Rooted Strategies aims to be flexible and adapt to Client’s changing needs. All agreed changes to this SOW shall be memorialized in an amendment to this SOW or a new SOW signed by both Parties.

Before putting pen to paper on an internal REJI strategy, we recommend following the approach outlined below. Depending on needed areas of additional expertise, Rooted Strategies will help identify and partner with consultants with whom we have trusted working relationships. It is the intent of the parties that such consultants will bring diverse racial identity, lived experience, and unique professional experience and competence to the overall effort.

### **A. Staff and Key Oversight Committee Member Interviews**

Pulling from the REJI organizational assessment tool, Rooted Strategies will conduct 1:1 interviews with each OCLA team member and designated Oversight Committee members. These confidential conversations will cover insights on organizational commitment, organizational culture, readiness for hiring and adding capacity, accountability to external partners, internal decision-making, contracting systems and strategies, and program delivery. Given the small team, we will strip any identifying information from insights to ensure confidentiality.

### **B. Race Equity Justice Initiative Launch Retreat**

Rooted Strategies will gather staff and other key stakeholders in a 1.5-day in-person retreat to explore how racial justice transformation occurs in individuals, institutions, and social systems, generally, and how transformational change happens within the OCLA context, specifically. The retreat will seek to build shared language and understanding as to what racism is and how racial justice transformational change happens. The retreat will also explore forms of resistance to and trailblazing toward racial justice. Together Rooted Strategies and the OCLA team will make the case around the strategic imperative for integrating racial justice into OCLA’s core programming and internal functions. Lastly, the effort will introduce a racial justice lens as a concrete way to begin to integrate equity into the approach to program work, contracting, grantmaking, and OCLA organizational culture.

### **C. Early Insights and Team Conversations**

After the interviews and retreat, Rooted Strategies will generate early insights in the form of a summary slide deck to bring to the OCLA team in a joint "sense-making" conversation to co-identify barriers in agency policies, procedures, and culture that

compromise its ability to bring a race equity lens into its strategic priorities. This effort will also assess where there is curiosity and a desire to learn more. Further inquiry could include interviews with individual stakeholders and contracting agencies, a grantmaking policy and processes equity audit, or landscape analysis of equity approaches to data gathering and evaluation.

#### **D. Director of Operations Recruitment**

Throughout this discovery process, Rooted Strategies will work with the team to build clarity on current team roles and responsibilities to help identify gaps and areas that can be delegated to create the scope for the new Director of Operations and other critical internal agency positions. The intentional process will be documented and help inform future hiring and recruitment efforts with an equity lens.

#### **E. Inclusion Coaching**

Rooted Strategies will also provide 1:1 coaching for the Director (and potentially others) to go deep within themselves, identify desired leadership goals with inclusion in mind, and take courageous actions to make the organizations more equitable. Coaching supports personal and professional growth and development based on individual-initiated change in pursuit of actionable outcomes linked to success. As coaches, we act as an accountability partner. This coaching investment will also help ready the team for personnel expansion and longer-term leadership succession.

#### **Deliverables**

- 1:1 interviews with staff and Oversight Committee members
- Well facilitated launch retreat
- High-level insights to inform critical opportunity gaps and facilitated session with OCLA's team
- Bi-weekly sync and thought partnership planning meetings
- Identified deeper insights strategy and consultant needs
- Director of Operations job description and recruitment process

PHASE I. PROJECT TIMELINE																	
Activity	Who	Sept.			Oct.				Nov.					Dec.			
		13	20	27	4	11	18	25	1	8	15	23	29	6	13	20	27
<b>Phase I. Discovery, Launch Retreat &amp; Coaching</b>																	
Bi-monthly REJI planning and sync meetings	REJI Team	X		X		X		X		X		X		X		X	
1:1 Leadership Coaching (bank of 10 hours - TBD timing and who)	Jess																
1:1 interviews of all staff & select Oversight Comm. members (8)																	
- Finalize interview list & questions	REJI Team			X													
- Conduct interviews	Jess				X	X											
- Insights deck	Jess							X									
In-person two half-day launch retreat																	
- Finalize retreat dates and co-facilitator	Jess			X													

- Assign pre-reads	Jess					X										
- Finalize agenda	REJI Team							X								
- Host retreat									X							
Director of Operations job description and recruitment process including HR audit																
- HR audit	Jess						X	X								
- Job description and hiring process finalized	REJI Team									X						
- Job posted	Jim											X				
Final insights + recommendations																
- Post interviews, retreat and HR audit insight and recommendations presentation	Jess											X				
- Agreed next steps	REJI Team													X		

1. Start Date. The Services will commence on September 7, 2021.

2. Fees. The total budget for the Services described in this Statement of Work is \$20,450. Each deliverable listed in this SOW includes a budgeted number of hours required to complete. If the number of hours actually or projected required for a deliverable will exceed the budgeted hours by more than 10%, Rooted Strategies will inform the OCLA Director as soon as practicable and it shall be up to the Direct to determine whether to (1) limit the work required for other deliverables to compensate for the extra hours, or (2) pay Rooted Strategies for any extra time spent at a rate of \$175-\$250 per hour depending on the services and the individual providing the same.