

**CIVIL LEGAL AID
OVERSIGHT COMMITTEE**

**MEETING OF
JUNE 30, 2023**

MATERIALS

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
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MEETING MATERIALS

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TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE

June 30, 2023

10:30 a.m. – 1:00 p.m.

Via [Zoom Link](#)

AGENDA

1. Introductions of Members and Guests (10:30 – 10:45) (Chair Augustine)
2. Occupied Land Acknowledgment and Recognition of Responsibility (10:45 – 10:50) (Judge Pennell)
3. Thank you, Sarah Augustine and Justice Whitener (10:50 – 11:00) (Jim Bamberger/OC Members)
4. Approval of October 28, 2022 Meeting Minutes (11:00 – 11:15)
5. OCLA Staff Introductions/Reintroductions (11:15 – 11:35) (Jim Bamberger and OCLA Staff)
6. Review of FY 23 Legislative Session (11:35 – 11:45) (Jim Bamberger and Legislative Members)
7. Update on OCLA Program Initiatives (11:45 – 12:20) (Members and guests should free to eat lunch during the presentation)
 - a. Community Reinvestment Plan (Philippe Knab, RaShelle Davis)
 - b. Domestic Violence and Crime Victims Programs (Annalise Martucci)
 - c. Eviction Defense Programs (Philippe Knab, Ali Kingston)
 - d. Children's Representation Programs (Bailey Zydek and CRP Team)
8. Update on OCLA Staff Race Equity and Justice Related Efforts (12:15 – 12:30) (RaShelle Davis, OCLA Staff)
9. Update on Director Search Process (12:30 – 12:40) (Chalia Stallings-Ala'llima, Alé Sanchez)
10. New Business (12:40)
11. Adjourn

TAB 2

**CIVIL LEGAL AID OVERSIGHT
COMMITTEE MEETING OF
OCTOBER 28, 2022
DRAFT MINUTES**

Pursuant to notice duly provided in advance the final 2022 quarterly meeting of the Civil Legal Aid Oversight Committee was held virtually through [Zoom.us](https://zoom.us) on Friday, October 28, 2022.

Members Participating: Vice-Chair Chalia Stallings-Ala'ilima, Senator June Robinson, Alejandro (Ale') Sanchez, Rep. Peter Abbarno, Justice G. Helen Whitener, Judge Rebecca Pennell, Ted Grammount (acting client member), Rep. My-Linh Thai

Members Not Participating: Senator Ann Rivers, Chair Sarah Augustine, Judge Faye Chess

OCLA Staff: Jim Bamberger (OCLA Director); Renee Villa (OCLA Support Team); Gabriel Robinson (OCLA Support Team); Philippe Knab (OCLA Eviction Defense Program Manager); Erin Ryan (OCLA Eviction Defense Program), Bailey Zydek (OCLA Children's Representation Manager), Katherine Kameron (OCLA Children's Representation Program); Katie Maucione (OCLA Children's Representation Program), Annalise Martucci (OCLA's DV/VOCA Program Manager)

Other Participants: César Torres (Northwest Justice Project), Abigail Daquiz (Northwest Justice Project), Kara Masters (Equal Justice Coalition), Larry Jefferson (Office of Public Defense Director), Sophia Byrd McSherry (Office of Public Defense Deputy Director), Erin Shea McCann (Legal Counsel for Youth and Children), Kara Masters (Equal Justice Coalition), Arielle Handforth (Legal Foundation of Washington/Equal Justice Coalition), Vanna Sing, (ATJ Board Liaison), Michael Terasaki (Pro Bono Council), Kari Petrasek (WSBA Governor's Liaison and CRP attorney in Snohomish County), Alex Deas (Equal Justice Coalition), Marcos Martinez (TeamChild)

Vice-Chair Chalia Stallings-Ala'ilima advised that Chair Sarah Augustine had late changing travel plans that made it impossible for her to attend the meeting. Sarah asked that Chalia chair the meeting. She called the meeting to order at 10:03 a.m.

1. Welcome and Introductions

Vice-Chair Stallings-Ala'ilima invited members and guests to introduce themselves.

2. Occupied Land Acknowledgment and Recognition of Responsibility

Sarah Augustine provided a land acknowledgment that focused on her current work with the national Dismantling the Doctrine of Discovery Coalition and reminded members that such acknowledgements not only remind us of what has been and what is now, but also to reaffirm and direct our energies to the common effort of restorative justice for the harms caused by centuries of genocidal actions across the Americas and here in Washington State. She asked that members review Jim Bamberger's remarks relating to OCLA's efforts to expand civil justice for

Indigenous people and communities in Indian County that are chronicled in the minutes of the September meeting.

3. Minutes of September 28, 2022, Meeting

Vice-Chair Stallings-Ala'Ilima invited a motion to approve the minutes of the September 28, 2022, meeting which are found under Tab 2 of the meeting materials.

Motion: By Judge Rebecca Pennell

Second: By Rep. Thai

Action: Approved

4. OCLA Staff Introductions

Jim reminded members that OCLA's responsibilities had greatly expanded in recent years with the addition of two statewide civil public defense programs and the addition and expansion of other civil legal aid programs. He explained that this coupled with the loss of OCLA's two most senior staff members – Jill Malat and Dana Boales – has resulted in the creation of an almost completely new team. Jim referenced the written introductions in his Director's report and then invited each of the staff members to introduce and share a bit about themselves and what drew them to or keeps them committed to the agency's work.

5. OCLA Program Overviews/Updates

Children's Representation Program. Jim Bamberger reminded members that in 2021 the Legislature established two new programs mandating court-appointed counsel for individuals in unlawful detainer cases (SB 5160) and dependency and termination cases (HB 1219). OCLA was directed to establish and administer these programs. He further explained that, unlike traditional legal aid services which are at some level discretionary and require extensive prioritization of cases that can be accepted for service, these two programs are mandatory and operate more in the nature of public defense programs than traditional civil legal aid programs. Under each, OCLA has a duty to establish, recruit and engage contractors, and ensure sufficient capacity to meet the demand of court appointments.

He reintroduced Bailey Zydek, who succeeded Jill Malat as Manager of OCLA's Children's Representation Program in February, and her team members—Program Counsel Katherine Kameron and Katie Maucione -- to provide an overview of the appointed counsel program for children and youth established in HB 1219 and now codified at RCW 13.34.212(3) and RCW 2.53.050. HB 1219 passed in response to a legislative study that OCLA undertook in partnership with University of Washington and the Center for Court Research. The finding of the [Dependent Child Legal Representation study](#) was that standards-based representation of children beginning at the time of the initial filing of a dependency petition significantly affects the outcome of the case in terms of time from filing to permanency and also in terms of child

welfare outcome indicators. As a result, the legislature created the 1219 program.

Bailey and her team explained the program's requirements, timeline for full implementation, and work undertaken to bring the first three counties (Grant, Lewis, and Cowlitz) online on time in July as well as the current efforts to bring the next five counties (Yakima, Walla Walla, Benton, Franklin, and Kittitas) online by January 1, 2023. The program is expected to be in every county in Washington by 2027.

She and the team also described the changes required by the updated Children's Representation Practice, Caseload (limited to 45 cases at a time), and mandatory Training Standards unanimously adopted by the Supreme Court's Commission on Children in Foster Care in September. Attorneys are required to certify that they've read the Training Standards and engage in eight hours of child welfare training and at least one hour of anti-racist training per year.

Jim thanked Bailey and the team. He noted that this is predominately a virtual team, with Bailey working predominately from Sumner, Katherine from University Place, and Katie from north Spokane. OCLA also retains space in Tacoma for the Pierce County members of the CRP team.

Eviction Defense Program. Jim reintroduced the eviction defense team of Philippe Knab and Erin Ryan, a partially virtual team that works from home and out of office space in Vancouver. They manage the Eviction Defense Appointed Counsel Program established with Bill 5160 and Pre-Right to Counsel Program for legal assistance to tenants who are threatened with eviction but against whom cases have not yet been commenced. Philippe and Erin provided an overview of the appointed counsel program for indigent tenants in unlawful detainer cases. They explained that the right to court appointment attaches only when an unlawful detainer case has actually been commenced, and that tenants with eviction related issues that arise outside of a court case do not have a right to appointed counsel. They outlined the core components of the appointed counsel program. They introduced members to the program's extensive data collection and reporting system that allows regular tracking of a range of geographic, demographic, time, and outcome related indicators. They also provided a brief overview on the limited eviction defense program for tenants threatened with eviction but not yet defendants in an unlawful detainer proceeding. To date, the appointed counsel program has been able to provide an attorney for over 4,500.

All of the information can be found on the [eviction defense](#) website.

6. Preparing for Transition

Jim Bamberger reminded members that Ted Grammount's term technically ended on June 30th. However as the Supreme Court has not yet appointed his replacement, Ted continues to serve as the client-eligible member of the Oversight Committee.

Vice-Chair Stallings-Ala'Ilima reported that she met on Wednesday with Sarah Augustine, Alé Sanchez, and Jim Bamberger to preview upcoming changes in leadership at both the Oversight Committee and OCLA levels. She noted that Sarah's second and final term ends on June 30, 2023. She also noted that Jim Bamberger has expressed his intent to retire in the not-too-distant future. The Oversight Committee and Access to Justice Board have already begun discussing what the process will be for defining the job, recruiting for it, and developing recommendations to the Supreme Court.

In the context of Oversight Committee leadership change, she reported that Sarah had asked whether she would be able to follow as the next Chair of the Committee and that she had replied that she was enthusiastic about the opportunity. She reported that she had suggested that she be joined on the leadership team by Alé Sanchez who would succeed to her current position as Vice-Chair/Chair-Elect subject, of course, to agreement by the Oversight Committee's members. She explained that she did not want to foreclose leadership opportunities for other members and considers Alé's participation at this time provisional but necessary given the body of work facing the Oversight Committee over the course of the next two years. This includes:

- Coordination with the ATJ Board on the search for Sarah's successor as a community-based member of the Oversight Committee
- Coordination with the ATJ Board and the Supreme Court on the process for an upcoming search for someone to succeed Jim Bamberger as Director
- Developing a revised mission statement that reflects OCLA's substantially expanded scope of responsibilities and programs and that incorporates essential commitments to equity consistent with Oversight Committee's prior approval of the Race Equity and Justice Initiative's Acknowledgments and Commitments and the Supreme Court's June 4, 2020, Open Letter to the Judiciary and the Legal Community.
- Assisting where and how appropriate OCLA's budget related efforts in the coming session
- Undertaking a review of current Oversight Committee policies and resolutions, and assessing for continued relevancy and gaps

Vice-Chair Stallings-Ala'Ilima reported that in light of the scope of tasks a number of which require early and continued focus, she, Sarah, Alé, and Jim agreed it was imperative to hit the ground running well before the end of Sarah's term. They suggested that Jim Bamberger send out a call for nominations for the Vice-Chair/Chair-Elect position and that a special meeting be held before the end of the year to elect the new leadership team.

Members discussed and agreed to this suggestion. Jim Bamberger will send out a call for nominations next week.

7. OCLA Request to Rescind Oversight Committee Policy Relating to the OCLA Director's Travel

Vice-Chair Stallings-Ala'Ilima asked Jim to address his request that the Oversight Committee rescind Oversight Committee Policy 2012-01 relating to annual reporting of the OCLA Director's travel activities and prior consultation with the Chair and Vice-Chair prior to undertaking out-of-state travel.

Jim Bamberger referred Committee members to the discussion in his quarterly report at page 33 of the materials where he explained that the policy was adopted in 2011 at a time when the Director was the sole employee of the agency and there were no internal safeguards on the prerogative of the Director to travel during the performance of official duties. He noted that OCLA now has 12 employees, and a new Director of Operations should be hired shortly. He said there are plenty of internal checks and balances – including OCLA's Whistleblower Policy -- to ensure that the Director's travel is appropriately responsive to agency needs. He requested that the Oversight Committee rescind the policy.

Vice-Chair Stallings-Ala'Ilima invited a motion.

Motion: By Judge Rebecca Pennell

Second: By [garbled audio on the video recording made it difficult to determine who seconded the motion; but it was seconded]

Action: Unanimously approved

8. New Business

Vice-Chair Stallings-Ala'Ilima asked members if they had additional matters that they would like to address. She then invited guests to share questions or comments.

Justice Whitener asked about the dire shortage of attorneys in Yakima and asked if anyone knows what is happening as far as recruiting attorneys throughout the state to help with civil legal aid. Judge Pennell invited César Torres to address the question. César indicated there have been right-to-counsel vacancies in their tri-cities office, as well as Spokane, Wenatchee, and Yakima for approximately six months even though they have been trying to fill them. He said that this is a really profound problem where there are no obvious short-term solutions.

Because of this problem, César explained that a number of people have been brainstorming ideas for removing barriers for entry into the legal profession especially for people in central Washington from traditionally underrepresented populations who have an interest in becoming attorneys and would want to practice in their home communities. They also discussed the possibility of working with the three law schools and Heritage University in Toppenish to develop a pathway to establishing a fourth law school in central Washington. He reported that these conversations led to a very successful onsite pipeline pilot program at Heritage University

that was attended by about 30 Native American/Latina/ Latino law school aspirants. He advised that the participants are now pivoting to obtaining funding over the next year so the pilot program can continue. He offered to share the curriculum with interested people.

Justice Whitener suggested connecting with the Washington State Bar Association to offer CLE credits to get attorneys interested in the short interim. She also suggested the possibility of working with the law schools to do a short-term clinic or create a part of their clinic program for class credit and get those students interested in public law early.

Judge Pennell indicated that another idea is to have a team of local attorneys and service providers perform outreach in other parts of the state to talk about coming to central Washington and to talk about the benefits of being an attorney in central Washington.

Kari Petrasek shared that WSBA has a Small Town and Rural Practice (STAR) committee to address the issue of the lack of attorneys in rural areas. She explained that the long-range goal of the STAR committee is to provide some funding to encourage law students to have their summer internships at law firms in eastern Washington.

Jim Bamberger shared that OCLA was exploring the development of two two pipeline projects, one focused on recruiting and training new housing justice attorneys (Seattle University School of Law) and the other focused on recruiting and training new attorneys to focus on children and youth justice (Gonzaga School of Law).

There being no further business, the meeting was adjourned at 12:13 p.m.

TAB 3

CIVIL LEGAL AID OVERSIGHT COMMITTEE

MISSION STATEMENT

To ensure that all people in Washington share in the fundamental right to civil justice, the Civil Legal Aid Oversight Committee, consistent with its statutory authority, shall oversee and support the Office of Civil Legal Aid and shall periodically make recommendations to the Supreme Court, the Access to Justice Board and the Legislature as to the most efficient and effective use of state-appropriated civil legal aid funds on behalf of low-income people.

TAB 4

CIVIL LEGAL AID OVERSIGHT COMMITTEE ROSTER (June 2023)

Position 1 (BJA 1):

Name: Hon. Rebecca Pennell
Address: Court of Appeals, Div. 3
500 N Cedar St
Spokane, WA 99201-1905
Phone: 509-456-3920
E-mail: j_r.pennell@courts.wa.gov
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2024; not eligible for reappointment

Position 2 (BJA 2):

Name: Hon. Faye Chess
Address: Seattle Municipal Court
600 5th Ave.
Seattle, WA 98104
Phone: 206-684-5600
E-mail: faye.chess@seattle.gov
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2025; not eligible for reappointment

Position 3 (Supreme Court 1):

Name: Hon. G. Helen Whitener
Address: Washington State Supreme Court
Temple of Justice
415 12th Ave SW
Olympia, WA 98501-2314
Phone: 360-357-2025
E-mail: helen.whitener@courts.wa.gov
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2023; not eligible for reappointment

Position 4 (Supreme Court 2):

Name: Sarah Augustine, Chair
Address: 132 North 1st Ave.
Yakima, WA 98902
Phone: 509-453-8949
E-mail: director@drcyakima.org
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2023; not eligible for reappointment

Position 5 (Supreme Court 3 – Client Eligible):

Name: Andre Henderson
Address: 4798 Bay vista Blvd.
Bremerton, WA 98310
Phone: 360-550-2435
E-mail: hendersonandre360@gmail.com
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2025; eligible for reappointment

Position 6 (Senate Republican Caucus):

Name: Senator Drew MacEwen
Address: 115 Legislative Modular Building
PO Box 40435
Olympia, WA 98504
Phone: (360) 786-7668
E-mail: Drew.MacEwen@leg.wa.gov
Appointing Entity: Senate Republican Caucus
Term Expires: June 30, 2026; eligible for reappointment

Position 7 (Senate Democratic Caucus):

Name: Senator June Robinson
Address: 236 John Cherberg Building
PO Box 40433
Olympia, WA 98504-0443
Phone: 360-786-7674
E-mail: june.robinson@leg.wa.gov
Appointing Entity: Senate Democratic Caucus
Term Expires: June 30, 2024; eligible for reappointment

Position 8 (House Republican Caucus):

Name: Representative Peter Abbarno
Address: 411 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 360-786-7896
E-mail: Peter.abbarno@leg.wa.gov
Appointing Entity: House Republican Caucus
Term Expires: June 30, 2025; eligible for reappointment

Position 9 (House Democratic Caucus):

Name: Representative My-Linh Thai
Address: 424 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 206-333-4107
E-mail: My-linh.thai@leg.wa.gov
Appointing Entity: House Democratic Caucus
Term Expires: June 30, 2025; eligible for reappointment

Position 10 (Office of the Governor):

Name: Alejandro (Ale') Sanchez
Address: WA St. Department of Licensing
1125 Washington Street SE - HLB, FL 4 - MS: 48002
Olympia, WA 98501
Phone: (360)634-5252
E-mail: alejandro.sanchez@gov.wa.gov
Appointing Entity: Office of the Governor
Term Expires: June 30, 2024; eligible for reappointment

Position 11 (Washington State Bar Association):

Name: Chalia Stallings-Ala'ilima
Address: Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
Phone: 206-326-5480
E-mail: chalia.stallingsalailima@atg.wa.gov
Appointing Entity: Washington State Bar Association
Term Expires: June 30, 2024; not eligible for reappointment

TAB 5

CIVIL LEGAL AID OVERSIGHT COMMITTEE OPERATING RULES AND PROCEDURES

(Revised 4-23-07)

I. Name

The name of this body shall be the Civil Legal Aid Oversight Committee (hereafter Oversight Committee)

II. Membership

The membership of the Committee is established by RCW 2.53.010 and includes:

- (a) Three persons appointed by the supreme court from a list of nominees submitted by the access to justice board, one of whom at the time of appointment is income eligible to receive state-funded civil legal aid;
- (b) Two persons appointed by the board for judicial administration;
- (c) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;
- (d) One person appointed by the Washington state bar association; and
- (e) One person appointed by the governor.

III. Terms of Membership

Pursuant to RCW 2.53.010, the terms of membership of the Oversight Committee shall be staggered so that, after the first three years of the committee's existence, the terms of one-third of the members expire each year. To this end, a term of membership shall be allocated to each position as follows:

A. Judicial Branch

BJA 1	Initial term -- 1 year, expiring June 30, 2006 Eligible for two full additional terms (through June 30, 2012)
BJA 2	Initial term -- 2 years, expiring June 30, 2007 Eligible for one full additional term (through June 30, 2010)
Supreme Court 1 (attorney)	Initial term -- 3 years, expiring June 30, 2008 Eligible for one full additional term (through June 30, 2011)

Supreme Court 2 (attorney) Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

Supreme Court 3 (client eligible) Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

B. Legislative Branch

Senate Republican Caucus Initial term -- 3 years, expiring June 30, 2008
Eligible for one full additional term (through June 30, 2011)

Senate Democratic Caucus Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

House Republican Caucus Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

House Democratic Caucus Initial term -- 3 years, expiring June 30, 2008
Eligible for one full additional term (through June 30, 2011)

C. Other

WSBA Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

Office of the Governor Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

IV. Officers

There shall be a Chair and a Vice-Chair/Chair-Elect. The Chair and Vice-Chair/Chair-Elect shall be selected by the full membership of the oversight committee.

A. Term

The term of the Chair and Vice-Chair/Chair-Elect shall run commensurate with the state fiscal calendar, commencing on July 1st of the odd numbered year and ending on June 30th of the succeeding odd numbered year. The Chair and Vice-Chair/Chair-Elect shall not be eligible to serve more than one biennial term, *provided that*, the initial Chair and Vice-Chair/Chair Elect may serve up to one additional biennial term.

B. Authority/Responsibility of Officers

1. Chair

The Chair shall preside over all meetings of the Civil Legal Aid Oversight Committee. The Chair shall also serve as the spokesperson for the Oversight Committee, execute official documents (including, but not limited to, statutorily required reports) and represent the Oversight Committee on matters relevant to the Oversight Committee's work as circumstances require. The Chair shall be the primary point of contact for the Director of the Office of Civil Legal Aid. The Chair shall serve as the chair of the Executive Committee.

2. Vice-Chair/Chair-Elect

In the event of the Chair's absence or unavailability, the Vice-Chair/Chair-Elect shall perform all functions of the chair on an as-needed basis. The Vice-Chair/Chair-Elect shall serve as a member of the Executive Committee.

V. Committees

There shall be an Executive Committee. The Executive Committee shall consist of three members, the Chair, the Vice-Chair/Chair-Elect and one of the Oversight Committee's legislative members.

A. Appointment of Legislative Member; Succession

The legislative member of the Executive Committee shall be selected by the four legislative members of the Oversight Committee. The first legislative member shall serve from the date of the first meeting through June 30, 2007. In the event that a legislative member is no longer eligible to serve on the Civil Legal Aid Oversight Committee by reason that he or she no longer serves as an elected state senator or representative, such legislator shall submit his or her resignation to the Chair of the

Oversight Committee and the legislative caucus that appointed him or her to the Oversight Committee. Upon appointment of a successor by the appropriate legislative caucus, the legislative members shall meet and select a member to serve on the Executive Committee.

B. Responsibilities

The Executive Committee shall develop procedures and criteria to review the performance of the Director of the Office of Civil Legal Aid and perform such other responsibilities as the Oversight Committee deems appropriate.

The Oversight Committee may establish such other committees as it determines appropriate to perform its statutory functions.

VI. Staffing

The Oversight Committee, the Executive Committee and any other committees established by the Oversight Committee shall be staffed by the Director of the Office of Civil Legal Aid.

VII. Regular and Special Meetings, Notice, Committee Member Attendance

The Oversight Committee shall meet not less than quarterly at dates and times determined in advance by the Committee. Notice of regular meetings of the Oversight Committee shall be provided to the Supreme Court, the Access to Justice Board, the Chairs of the judiciary committees of the Washington State Legislature, the Office of the Governor and the Washington State Bar Association, and shall also be published in the State Register in manner that substantially conforms to the requirements of RCW 42.30.075.

A special meeting may be called at any time by the Chair or by a majority of the members of the Oversight Committee by delivering personally or by mail written notice to each member of the Oversight Committee. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. Notice of a special meeting may be supplemented by an electronic notice transmitted via e-mail to all members of the Oversight Committee. Such notice shall not be deemed a substitute for the personal notice or mailed notice otherwise required by this section. The call and notice shall specify the time and place of the special meeting and the business to be transacted. The Oversight Committee shall limit its business in any special meeting to those matters included in the call and notice.

Regular meetings of the Oversight Committee shall be open and public and all persons shall be permitted to attend any meeting of the Oversight Committee. The Oversight Committee may adjourn to executive session for the following purposes:

- A. To receive and evaluate complaints or charges brought against the Director of the Office of Civil Legal Aid. However, upon the request of the Director of the Office of

- Civil Legal Aid, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
- B. To review the performance of the Director of the Office of Civil Legal Aid; or
 - C. To review the status of investigations carried out by the Director of the Office of Civil Legal Aid which involve matters protected by the attorney-client privilege and where public disclosure could substantially prejudice the interests of client(s) being represented by a legal aid provider that receives funding from the Office of Civil Legal Aid; and
 - D. To discuss with legal counsel representing the Oversight Committee or the Office of Civil Legal Aid matters relating to litigation or potential litigation to which the Oversight Committee or the Office of Civil Legal Aid or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the Oversight Committee or the Office of Civil Legal Aid.

All members are expected to attend regular meetings of the Civil Legal Aid Oversight Committee unless they have good cause not to attend and have been excused from attendance by the Chair. In the event that a member misses two consecutive meetings without sufficient cause, the Chair shall discuss the member's lack of attendance directly with the member. If the Chair determines that the member is not likely to meaningfully and regularly participate in the work of the Oversight Committee, the Chair may notify the appointing entity of the member's lack of attendance and request the appointment of a replacement member.

VIII. Quorum

The presence of six (6) voting members of the Oversight Committee shall constitute a quorum for the purpose of enabling the Oversight Committee to take official action. Upon establishment of a quorum, the Oversight Committee shall have full power to conduct the scheduled business of the meeting even if a member whose presence was necessary to establish the quorum in the first instance subsequently becomes unavailable.

IX. Voting

Each member of the Oversight Committee shall have one vote. All decisions of the Oversight Committee shall be made by majority vote of those present and voting. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

X. Amendment or Repeal

Amendments and/or repeal of any or all of these Operating Rules and Procedures shall be made by majority vote at a regular or special meeting of the Oversight Committee. The notice of the meeting shall include a statement of proposed action to amend or repeal these Operating Rules and Procedures and shall include an interlineated version of the full text of any section subject to proposed amendment or repeal.

TAB 6

CIVIL LEGAL AID OVERSIGHT COMMITTEE POLICIES AND RESOLUTIONS 6-2023				
Number	Date	Subject Matter	Status	Further Action Required
2008-01	18-Jan-08	Regarding Recommendations Relating to the Provision of State Funded Civil Legal Aid	approved	
2008-02	21-Feb-08	Acceptance of Tull Report and Related Recommendations	approved	
2009-01	27-Mar-09	Endorsing Temporary Surcharge on Attorney License Fees	approved	
2009-02	11-Dec-09	Endorsing ATJ Board Performance Standards	approved	
2009-03	11-Dec-09	Endorsing JusticeNet	approved	
2010-01	10-May-10	Endorsing Judicial Branch Whistleblower Policy	approved	
2010-02	3-Dec-10	Relating to Oversight Committee Meeting Expenditures	approved	
2010-03	3-Dec-10	Resolution Urging Adequate Funding of the Judicial Branch	approved	
2010-04	10-Dec-10	Regarding the Importance of the Office of Civil Legal Aid and Funding for Essential Civil Legal Aid Services in Washington State	approved	
2011-01	7-Sep-11	Regarding Funding for the Federal Legal Services Corporation	approved	
2011-02	7-Oct-11	Affirming the Authority of the Director of the Office of Civil Legal Aid to Engage in Travel Necessary or Appropriate to the Discharge of the Director's Official Responsibilities	approved; removed 10-28-23	Annual Report to the Oversight Committee detailing destination, costs, and purpose of each trip taken in the prior fiscal year the total cost of which exceeded \$100 and which was incurred at agency expense.
2015-01	12-Jun-15	Regarding Funding for the Federal Legal Services Corporation	approved	
2016-01	25-Mar-16	Resolution Re: OCLA Director's Travel -- Revising Resolution 2011-02	approved	Increased threshold for reporting from \$100 per travel event to \$500 per travel event
2016-02	30-Sep-16	Endorsing the Civil Justice Reinvestment Plan and Recommending Legislative Funding of the Same	approved	Encourages Legislature to establish tax or surcharge to generate dedicated funding for civil legal aid
2016-03	28-Dec-16	Endorsing the Civil Justice Reinvestment Plan and Recommending Legislative Funding of the Same -- Revised	approved	Encourages Legislature to fund the Civil Justice Reinvestment Plan, recommends state general fund, proposes alternative of tax or surcharge if general funds not available.
2017-01	5-Apr-17	Opposing Elimination of federal Legal Services Corporation and asking Congress to maintain funding	approved	Requests state congressional delegation to oppose administration's proposal to eliminate LSC effective FFY 2018
Policy Directions and Statements				
	8-Jun-12	Policy Regarding OCLA Involvement in Promoting or Opposing Bills Before the Washington State Legislature	approved	Notice to OC before taking positions on policy bills not directly affecting OCLA or judicial branch budgets or statutes
	18-Apr-13	Endorsing Policy on Use of State Owned Mobile Telecommunications Devices	endorsed via e-mail	
	15-Dec-17	Embracing the Race Equity and Justice Initiative Acknowledgments and Commitments and directing that race equity discussions be a standing agenda item in future meetings	approved by motion in open meeting	Requires a standard agenda item for discussion and/or training
	29-Dec-20	Policy on Extraordinary Executive Action	approved March 25, 2021	

TAB 7



Washington State Office of Civil Legal Aid

Olympia, WA 98504
PO Box 41183
360-485-1530
360-280-1477 (mobile)

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director

Re: Director's Report: December – June 2023

Date: June 30, 2023

Welcome Summer!

It has been an incredibly long seven months since our last meeting. There have been significant changes in OCLA staffing, Oversight Committee composition, legislative directives, and the future of leadership of the agency. This report will provide the Director's perspective on recent changes and challenges.

1. Oversight Committee Transitions

At our meeting on June 30th, we say a hearty thank you and au revior to longtime Oversight Committee member and current Chair Sarah Augustine. Sarah joined the committee six years ago with relatively little active connection with the civil legal aid community. At the time she joined us she was the Executive Director of the Yakima County Dispute Resolution Center. But she was, is, and continues to be so much more. During her time on the committee and most recently in leadership, Sarah has been a passionate champion of our mission, our commitment to racial justice, and our commitment to including authentic voices from communities the civil legal aid system is charged to serve and support. In recent years I've come to know Sarah as a champion of Indigenous people's rights and a lead international proponent for dismantling the doctrine of discovery and its more than 500-hundred-year legacy. She is a leader of the [Dismantling the Doctrine of Discovery Coalition](#). If you have not had a chance to read Sarah's book [The Land is Not Empty](#), I strongly recommend it.

We also say thank you and goodbye to Justice G. Helen Whitener. Justice Whitener joined the committee while serving as an elected judge with the Pierce County Superior Court. Following her appointment and later election to the Supreme Court, she continued her service on the committee with the full-throttled support of her peers on the Court. Justice Whitener is one of my personal sheroes. She covers so much ground with her lived experience, her grace, her passion, her intersectionalities and, of course, her high caliber legal mind and jurisprudence. I

am grateful that Justice Whitener and I crossed paths, and I thank her for her guidance, wisdom, and support for OCLA's pivot to a more intentional equity-oriented approach to implementation of our increasingly expansive legislative charges.

Both Sarah and Justice Whitener were appointed by the Supreme Court on recommendation of the Access to Justice Board (ATJ Board). The ATJ Board is actively recruiting to identify individuals to recommend to the Court to replace them.

We also finally say goodbye to Sen. Ann Rivers. Long a quiet (and when necessary loud) voice of support for civil legal aid in the Senate Republican Caucus, Senator Rivers served for a number of years beyond her original six-year term limit. Senator Rivers was always there when the specter of partisan divide over funding for civil legal aid arose; and she worked hard over many years to ensure that her caucus understood the importance of civil legal aid to their constituents and to the vitality of our state's commitment to justice for all. Thank you, Sen. Rivers.

Sen. Rivers is now succeeded by Sen. Drew MacEwen (R-35). Sen. MacEwen is a well-respected member of the Senate, who has since joining the Legislature focused on legislation that produces effective outcomes for the people of the 35th LD and the people of the state of Washington. While in the House, then-Rep. MacEwen penned a [strong Op-Ed](#) outlining the importance of civil legal aid. Welcome Sen. MacEwen and thank you for your service.

Finally, last year we said goodbye to longtime client eligible member Ted Grommount. Today we welcome Andre Henderson, an ATJ Board-recommended Supreme Court appointee to the Oversight Committee. Andre is an income eligible member who will offer a powerful voice for the BIPOC community's interests on the committee. I will let Andre speak to his interest in serving and passions for equity and justice when we meet on the 30th.

2. Staff Composition Changes

There have been so many changes in OCLA staffing it is hard to know where to start. In the hope of providing some context, it may be important to remember that prior to the pandemic OCLA had four staff members (Jill Malat, Dana Boales, Hope Hough, and me). Today, as a result of our establishment of emergency COVID-impact programs, the nation's first and still only civil public defense program for tenants in eviction cases, the establishment of a greatly expanded right to appointed counsel for children and youth in dependency and termination cases, and the funding of a Blake Civil Consequences program, a pre-appointed counsel tenant defense program, a Reentry Legal Aid Program, a Domestic Violence Legal Aid program, and other legislatively created programs, OCLA staffing stands at 12. It will soon expand to 17. Because we are committed to hiring the best people wherever they may be, we are literally everywhere across Washington.

Current OCLA staff (with start date and work location in parentheses) include:

RaShelle Davis, Director of Operations (12/1/22) (Tacoma)
Bailey Zydek, Children's Representation Program Manager (7/1/21)(Tacoma)
Katherine Kameron, CRP Program Counsel (6/15/22)(Tacoma)
Katie Maucione, CRP Program Counsel (7/11/22)(Spokane)
Jeffrey Adams CRP Training Coordinator (1/3/23)(Spokane)
Philippe Knab, Eviction Defense/Restorative Justice Programs Manager
(8/30/21)(Vancouver)
Alicia (Ali) Kingston, Eviction Defense/Restorative Justice Program Counsel
(4/3/23)(Spokane)
Annalise Martucci, Crime Victims/Domestic Violence Program Manager (10/16/22)
(Mt. Vernon)
Hope Hough, Administrative/Contract Support Assistant (3/1/2017)(Olympia)
Gabriel Robinson, Administrative/Contract Support Assistant (12/15/21)(Olympia)
Renee Villa, Administrative/Contract Support Assistant (10/16/22)(Olympia)
Jim Bamberger, OCLA Director (7/1/2005)(Olympia)

We are currently advertising for four additional positions:

1. [Manager of Data Strategies and Analytics](#)
2. [CRP Program Counsel](#)
3. [Community Reinvestment Program Administrator](#)
4. [Administrative and Contract Support Assistant \(2 positions\)](#)

With the exception of Hope Hough and me, the team is quite new. The next longest serving member (Bailey Zydek) started with us in July 2021. As new as the team may be, to a one they are cemented by deep personal and collective commitments to the mission, culture, values, programmatic performance objectives, and accountability to the trust assigned the agency by the Legislature and, through the Legislature, the people of the state of Washington. In short, they rock!

3. Director Notice of Intent to Move On/Director Search Process

On December 16, 2022 I advised the Chief Justice of my intent to leave this position sometime early in 2024. As I explained in my memo to the Chief (Attachment 1),

From day one, OCLA committed to be a different sort of governmental agency – one serving a unique trust on behalf of people and communities most harmed by systems of injustice, people and communities disproportionately denied access to critical legal information and assistance and, most importantly, people and communities systemically denied effective legal voice in our civil law and justice systems.

OCLA has been grounded in these core values from the start. We have adapted swiftly to target efforts that address disparate treatment and differential administration of justice for people and communities in poverty, especially BIPOC, LGBTQIA2S, immigrants, and others outside of what [Professor John A. Powell](#) calls “the circle of human concern.” We do so as a respected partner in the judicial branch family of agencies and entities. And, while OCLA was established at a time of significant political differences of opinion regarding the value of state-funded civil legal aid, the Legislature – on a consistent bipartisan basis – regularly asks OCLA to play an expanded role in furthering the cause of equity and civil justice.

I concluded by saying that, after 17 years and exponential growth in recent years, the time had come to pass the trust responsibility assigned to new leadership.

Under RCW 2.53.020, the Director is appointed by the Supreme Court from three names forwarded by the Court's Access to Justice (ATJ) Board. In January, Chief Justice González asked ATJ Board Chair Terry Price to convene a committee to undertake a search and present recommendations to the Court by November 17, 2023. As constituted, the search committee includes:

- 3 members of the ATJ Board (voting)
- 3 members of the Civil Legal Aid Oversight Committee (voting)
- 2 members from the ATJ Board's Community Advisory Panel (voting)
- 4 members from civil legal aid programs (voting)
- 1 member to represent OCLA staff (non-voting)
- The OCLA Director (non-voting)

Oversight Committee membership on the search committee has changed a bit. Current members include incoming Chair Chalia Stallings-Ala'ilima, Vice-Chair Elect Alé Sanchez, and Judge Pennell.

The search committee is in the process of reviewing submissions in response to an RFP for an executive search consultant. Selection of the search firm should occur by July 1, 2023 following which OCLA and the selected firm will negotiate the terms of the contracted engagement. It is anticipated that the initial discovery and position description drafting phases of the process will commence shortly thereafter.

The transition in agency leadership coupled the relative newness of staff and the scope of current and expanding programmatic assignments necessarily creates a collective sense of uncertainty and anxiety for the OCLA team. To their credit, their heads are down, they are highly focused on the ever-increasing responsibilities, and they are working hard with one another to build a mission- and values-driven culture that will carry forward into the future. As I shared with Chief Justice González,

I am excited about the team we've built. The team is unified in its commitment to continuing OCLA's work in furtherance of our common equity and justice goals in concert with the Court, our judicial branch partners, the ATJ Board, the broader Alliance for equal justice, and the communities in need of meaningful and restorative civil justice. Much work lies ahead. I am confident that this team will be up to the challenge and continue with the same sense of urgency, entrepreneurialism, and purpose that has marked the past 17 years.

4. FY 2023-25 Biennial Legislative Session

The recently completed 2023 biennial session was my last as Director of the Office of Civil Legal Aid. As I look back, I am reminded that when OCLA was established there was little if any consensus around the need for or value of civil legal aid. Reflecting this was both the scope of responsibilities and budget level for the agency. At the time of its establishment, OCLA was a single purpose agency – to fund a basic civil legal aid program through contracts with a statewide qualified legal aid program. The FY 2005-06 biennial budget was \$13.4 million, of which \$5.7 million was state general fund dollars. The FY 2024-25 biennial state budget is \$119 million, all but \$3.4 million of which comes from state general operating revenues. In addition, OCLA will administer \$9.6 million in crime victim legal aid funding (now funded with state general revenues) and \$8 million in community reinvestment funding through interagency agreements with the Department of Commerce. Total funding administered by OCLA in FY 24-25 will be more than \$136 million.

As outlined in my April 22, 2023 memo (Attachment 2), the FY 24-25 budget ensures our ability to continue all programs effectively during the coming biennium. This includes our ability to manage and operate our two programs for court-appointed attorneys (children/youth in dependency and tenants in unlawful detainer cases). It also provided for a much-needed vendor rate adjustment for our basic civil legal aid programs including programs that receive funding through an OCLA-approved subcontract from the Northwest Justice Project. It also made permanent a one-time investment in legal assistance for tenants threatened with eviction (but against whom court proceedings have not yet been started). The Legislature's investments will ensure continuity of effective program administration through and beyond the leadership transition.

5. Community Reinvestment Plan Development and Implementation

In the 2022 Legislative session [legislation](#) was introduced to establish a permanent Community Reinvestment Program. The purpose of the program was to target a portion of cannabis tax revenues for investment in a range of restorative economic, social, and legal justice strategies focused on communities most harmed by the war on drugs. While the bill did not pass, the supplemental budget allocated \$200 million for planning and investment in community reinvestment initiatives. Like the bill that did not pass, the appropriation established four core areas of investment focus:

- Economic development including efforts to address health disparities and promote asset building
- Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions
- Community-based violence intervention and prevention services
- Reentry services to facilitate successful transitions for persons formerly incarcerated in adult correctional or juvenile residential facilities.

The Legislature dedicated \$1 million for a one-year (FY 23) inclusive, consumer driven planning process. Responsibility for administering the Community Reinvestment Fund (CRF) and managing the planning effort was assigned to the Department of Commerce. Dedicated to ensuring consumer informed/driven processes and investment priorities, Commerce engaged the [Harriet Tubman Foundation for Safe Passage in Tacoma](#) to lead the planning effort. True to legislative intent the process has been amazingly informed and guided by members of communities that have been most harmed by the war on drugs and in need of restorative social, economic, and legal justice services. More on the Community Reinvestment planning effort is found on the Commerce [website](#).

Early on, OCLA was asked to share its thoughts about areas of potential investment and support for the initial two-year community reinvestment investments. We focused on civil legal assistance relating to post-conviction relief and reducing barriers to successful reentry. Those involved in the planning effort view OCLA as a trusted partner committed to community informed- and guided initiatives and accountability to the target communities.

The final Community Reinvestment Plan calls for an investment of \$8 million during the two-year implementation effort. This includes \$2 million to develop and automated criminal record expungement program and \$6 million for a range of expanded reentry legal aid pilot initiatives. This effort will be administered by the newly renamed Eviction Defense/Restorative Justice team which will soon include a new Community Reinvestment Program Administrator to help current team members Philippe Knab and Ali Kingston. Anticipating early execution of an interagency agreement with the Department of Commerce, a Notice of Funding Availability (NOFA) for the reentry related restorative justice legal services has been posted on our website.

6. OCLA Race Equity and Justice Planning and Implementation Update

OCLA adopted the Race Equity and Justice Initiative (REJI) Acknowledgments and Commitments shortly after their publication in 2017. The Oversight Committee adopted them shortly thereafter.

The events of 2020 and the Washington Supreme Court's issuance of its Open Letter on June 4, 2020 rekindled the urgency of moving forward with intentionality to incorporate equity-informed, anti-racist practices and policies here at OCLA. To that end, we engaged Rooted Strategies to lead an 18 month process of discovery and recommitment. These efforts have been reported in earlier Director reports and during Oversight Committee meetings. Over the past 12

months, we have refocused these efforts with the intent of developing a [Cover Letter to the Community](#) and [REJI Statement of Purpose and Values](#) and an implementation plan. RaShelle Davis has coordinated these efforts and much progress has been made to document the intentional efforts and practices that we will employ as well as the need for what I call “on the fly” implementation. All OCLA staff are involved in these efforts, the substance of which will be discussed in the presentation RaShelle will lead during the June 30th Oversight Committee meeting.

7. Program Updates

OCLA continues to implement a range of new and newly expanded programs. Highlighted below are three of these: (a) the Children’s Representation Program expansion, (b), the Crime Victims and Domestic Violence programs, and (c) the Eviction Civil Public Defense program.

a. Children’s Representation Program Expansion (HB 1219; RCW 13.34.212(3))

The CRP team continues to work to meet statutory deadlines for implementation of the recently expanded statewide right to appointed counsel for children and youth in dependency cases. The 2021 legislation (codified at RCW 13.34.212(3)) directs OCLA’s Children’s Representation Program to implement its directive that children and youth 8 and above receive appointed counsel in all dependency cases, and that all children involved in termination of parental rights cases receive appointed counsel regardless of age. To date, the CRP has successfully implemented this directive in 8 counties: Grant, Lewis, Cowlitz, Yakima, Benton, Franklin, Kittitas, and Walla Walla. The program is currently busy recruiting attorneys to provide representation in the next cohort of counties: Thurston, Mason, Grays Harbor, Pacific, Klickitat, Skamania, and Adams. These next seven counties will “go live” January 1, 2024. Implementation will continue to be phased-in on a county-by-county basis pursuant to the phase-in schedule under RCW 13.34.212(3)(c) until statewide implementation is achieved by January 1, 2027. The current balance of the implementation schedule is posted on OCLA’s [website](#).

Jeffrey Adams, most recently in private practice in Spokane, is the most recent addition to the CRP team as the Statewide Training Coordinator. As noted above, the team also includes Bailey Zydek (Program Manager), Katherine Kameron (Program Counsel), and Katie Maucione (Program Counsel (whom we are happy to welcome back from parent leave)). To meet the challenges of the expanding program, the team is currently advertising for an additional Program Counsel.

A robust CRP training effort is essential to building a statewide community of attorneys dedicated to equity-based, trauma-informed, standards-based representation of foster children and youth. A multi-disciplinary Training Advisory Committee (TAC) has been established to guide the effort. The TAC membership includes judicial officers, practicing attorneys, and youth with lived experience in the child welfare system. Jeffrey and the CRP team recently collaborated with the Office of Public Defense and Children’s Home Society to host a 2 day in-person training conference concerning child welfare. Consistent with [standards](#) recently adopted

by the Supreme Court's Commission on Children in Foster Care (9/22) Jeffrey and his CRP teammates are focused on building out an on-demand virtual training academy completion of which will be required for all new CRP contractors.

b. Tenant Civil Public Defense

In 2021, the Legislature established a first-in-the-nation (and still only) right to court-appointed attorneys for low-income tenants in eviction (unlawful detainer or UD) proceedings. Administration was assigned to OCLA. The program became fully operational statewide in January 2022. Over the succeeding 18 months the effectiveness and success of this intervention has been undeniable and remarkable. In the program's first full year of operation (2022), OCLA-funded attorneys represented over 6500 low-income tenants. Working with a contracted data consultant we created and update quarterly a data dashboard. Data is current through the end of QTR 1 2023. The data confirms that in cases where an outcome is known, over 50% of tenants appointed counsel stay in the home that was subject to the eviction proceeding. You can see the most current data (through 3/131/23) on our [data dashboard](#).

The OCLA eviction defense team (Philippe Knab and Ali Kingston) regularly monitor demand and capacity to serve tenants in all 37 judicial districts. This data has informed the need to make changes in capacity and client service providers in Clark, Thurston, Pierce, King, Snohomish, and Spokane Counties. The fruits of this effort are evident: several appellate decisions have now enshrined the tenants' right to counsel.

The 2021 Legislature not only established the tenant public defense program (hosted at OCLA), but also made significant changes in underlying law, expanding tenant rights to continuity of housing absent good cause to evict them. These laws are being interpreted differently by judicial officers across the state which has led to appeals, several of which have recently been decided in favor of the rights of tenant defendants. OCLA funded appellate cases are being handled principally by the Northwest Justice Project and the King County Housing Justice Project.

The right to effective assistance of court appointed counsel has dramatically changed the court and attorney practice in unlawful detainer cases. Zealous attorney representation for all low-income tenants in these cases, once an aspiration, has become institutionalized as part of the UD process. This has significantly enhanced due process for tenants facing eviction and provided greater balance in the power relationships between landlords and tenants. The changes have been widely acknowledged and, remarkably, lauded by judges and landlord attorneys alike - a testament to the effectiveness of the right to counsel program.

c. Crime Victims/Domestic Violence Programs

Annalise Martucci manages our Crime Victims Legal Aid and Legal Aid to Domestic Violence programs. The first has been in our portfolio since 2016 and has been funded through an interagency agreement with the Department of Commerce, Office of Crime Victims Advocacy. The second was established and funded in the 2022 supplemental budget and has now been carried forward on a permanent basis.

Consistent with a Crime Victims Legal Aid State Plan adopted in 2016, OCLA contracts with five legal aid providers for crime victim services -- Northwest Justice Project (NJP), Northwest Immigrant Rights Project (NWIRP), Sexual Violence Law Center (SVLC), TacomaProbono, and the King County Bar Association. This past year, the Office of Crime Victims Advocacy projected a 34% reduction in crime victim funding due to a substantial reduction in funding available from the federal Crime Victim Fund. OCLA coordinated with coalitions of domestic violence (DV), sexual assault, and child advocacy service providers to establish meaningful and continuing levels of state appropriations for crime victim services. The final budget allocated funds to address the shortfall for both FY 24 and 25. While a long term and sustainable fix for crime victim funding was not reached, the appropriation will allow OCLA to maintain current levels of crime victim funding in FY 2024.

Following a competitive process in 2022, OCLA selected seven programs with which to enter into three-year contracts for the new program dedicated to serving DV survivors. These include NWIRP, TacomaProbono, and SVLC. Two other programs receiving general DV funding are the Spokane YWCA and Thurston County Volunteer Lawyer Services (TCVLS).

In response to a separate NOFA focused on services to DV survivors on-near rural Indian reservations, the review team selected two tribally hosted or governed programs -- Lummi Victims of Crime Program, and WomenSpirit Coalition. Recognizing the broad spectrum of legal needs DV survivors as a result of their victimization (as well-documented in the [2015 Civil Legal Needs Study](#) and the recent report from the [Gender and Justice Commission](#)), OCLA funded DV programs provide representation and advice in a broad range of substantive legal issues from family law, protective orders, immigration, privacy, housing, consumer, and others.

OCLA-funded DV programs are approaching the close of the first of three years of funding commitments (total of \$2M/year). While many of these programs used the funding to build capacity in existing services for survivors of domestic violence, others are developing or expanding programs into geographic areas particularly in need of civil legal aid, including rural Eastern Washington, Olympic Peninsula, and south Puget Sound (Lewis, Mason, Grays Harbor counties). A focus of this funding was also to build relationships and accountability with community partners and impacted individuals, and many contractors are finding that regular community advisory groups are allowing them to receive meaningful feedback, guidance, and direction in their programs.

8. What's Next for OCLA

Over the past 18 years, OCLA established itself as a trusted and accountable administrator of legislatively appropriated civil legal aid funding. The agency is well respected by legislative members and leaders across partisan and philosophical divides and by members of the expanding Members of Color Caucuses. I remain confident that OCLA's equity and justice portfolio and corresponding range of assignments will continue to expand as policy makers and budget writers continue to embrace the importance of civil legal aid for low-income BIPOC, LEP,

LGBTQIA2S⁺, and other communities that experience disproportionate harms and obstacles to securing necessary civil legal help.

The most recent [Civil Legal Needs Study](#) was undertaken in 2014 and published in 2015. In the time since, the world has dramatically changed – think no further that the impact and continuing consequences of the COVID-19 pandemic, which profoundly and disproportionately affect low-income, BIPOC and other communities. It will soon be necessary to undertake new efforts to update our understanding of the scope, substance, and magnitude of the civil legal problems experienced by low-income people and communities. Consistent with its statutory charge to “periodically assess the most prevalent civil legal problems experienced by low-income people in Washington state and the capacity of the state-funded legal aid system to meet the legal needs arising from such problems” (RCW 2.53.020(3)(c)), OCLA must assume a leading role in design and implementation of these efforts. The agency must do so consistent with its REJI Statement of Purpose and Values and corresponding commitments.

Unlike both the 2003 and 2015 general statewide studies, the next effort may require a targeted series of efforts focused on the needs of members of distinct communities – directly guided by members of these targeted communities. A limited but important example is the recently completed survey of civil legal needs of undocumented immigrant residents of the Yakima Valley (Attachment 3) conducted by a work group established by the Access to Justice Board's Delivery Systems Committee.

Objective evidence published in the [2003 Civil Legal Needs Study](#) demonstrated that access to civil justice was then wanting for low-income people in every corner of the state. The results of this study served as the impetus to establish OCLA in 2005 and to expand investment in the civil legal aid program in the years since. While much progress has been made, we know all too well that justice remains wanting for far too many. It will be important not only that OCLA stay true to the course, but have the courage and agility to look ahead and pivot when and as necessary to live up its commitment to “underwrite justice and ensure accountability” – to our legislative mandates, to the taxpayers and, most importantly, to those who daily experience urgent and compelling needs for civil legal help.

Finally, the current and future teams at OCLA must continue to work with our partners in the judicial branch – especially the Supreme Court and our colleagues at the Office of Public Defense (OPD) – and the broader civil legal aid and indigent defense communities to continue and expand efforts to de-silo the treatment of individuals and communities who/that continue to be harmed by our civil, criminal, juvenile, and child welfare law and justice systems. My colleague and source of continuing inspiration, OPD Director Larry Jefferson, captures the urgency for this effort by speaking of the need to build a justice system grounded in and unified by a common commitment to “one person, one team, one dream.” He is right. The journey must continue in this direction.

ATTACHMENT 1



Washington State Office of Civil Legal Aid

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James A. Bamberger, Director

To: Chief Justice Steven González

CC: Justices of the Washington State Supreme Court
Civil Legal Aid Oversight Committee
Access to Justice Board
OCLA Staff

From: Jim Bamberger

Re: OCLA Director Succession

Date: 12-16-22

Background:

In May 2005 I received a call from then-Chief Justice Gerry Alexander asking that I accept an appointment by the Court to establish and direct a new judicial branch agency dedicated to the provision of civil legal aid services to low-income people in Washington state. The new agency – the Office of Civil Legal Aid or OCLA – was created by the Legislature during the 2005 legislative session on [recommendation](#) of the Supreme Court Task Force on Civil Equal Justice. [Ch. 105, Laws of Washington 2005](#).

For its first nine years, OCLA operated as a single-purpose agency focused on funding and overseeing the delivery of general civil legal aid services in accordance with the mandate and restrictions set forth in OCLA's governing statute, RCW 2.53.030. The same legislation establishing OCLA also – again on recommendation of the Supreme Court's Task Force – created a bipartisan Civil Legal Aid Oversight Committee to ensure consistent and meaningful bipartisan oversight of the activities of the new agency.

For its first nine years OCLA had a single employee – the Director. In succeeding years, the Legislature determined that OCLA should play a significantly broader role in ensuring equity and civil justice for low-income people in our state. Today, in addition to underwriting the basic statewide legal aid delivery system, OCLA has been assigned responsibility to develop, implement, and oversee programs to support civil legal assistance to:

- (a) victims of crime;
- (b) children and youth who remain dependent six months following termination of their parents' legal rights (so-called "legally free" children);
- (c) low-income individuals threatened with home foreclosure;
- (d) individuals reentering civil society from incarceration;
- (e) survivors of domestic violence;
- (f) kinship caregivers;
- (g) individuals and communities adversely affected by the COVID-19 pandemic;
- (h) individuals eligible for civil relief as a result of the *State v. Blake* decision;
- (i) court-appointed counsel for indigent tenants against whom unlawful detainer proceedings have commenced; and
- (j) court-appointed counsel for children and youth ages eight and above in dependency cases and all children and youth in parental rights termination cases.

OCLA's staff has expanded from a single person in 2013 to its current level of thirteen. The overall budget has grown from \$11M per biennium in FY 05-07 to an expected \$128M in FY 24-25.

From day one, OCLA committed to be a different sort of governmental agency – one serving a unique trust on behalf of people and communities most harmed by systems of injustice, people and communities disproportionately denied access to critical legal information and assistance and, most importantly, people and communities systemically denied effective legal voice in our civil law and justice systems.

OCLA has been grounded in these core values from the start. We have adapted swiftly to target efforts that address disparate treatment and differential administration of justice for people and communities in poverty, especially BIPOC, LGBTQIA2S, immigrants, and others outside of what [Professor John A. Powell](#) calls "the circle of human concern." We do so as a respected partner in the judicial branch family of agencies and entities. And, while OCLA was established at a time of significant political differences of opinion regarding the value of state-funded civil legal aid, the Legislature – on a consistent bipartisan basis – regularly asks OCLA to play an expanded role in furthering the cause of equity and civil justice.

A New Chapter:

Over 17 years have passed since I accepted Chief Justice Alexander's call. It is now time for new leaders to carry OCLA's mission forward. Thus, I write to advise that I intend to leave this position in early 2024. I do so now because I want to provide sufficient time for a thoughtful, inclusive, and equity-informed process to recruit and onboard the next Director.

Under RCW 2.53.020, the Supreme Court appoints the OCLA Director from a list of three names forwarded by the Access to Justice Board. To ensure that the ATJ Board is effectively informed of the breadth and complexity of the agency's current and future focus, I believe it best that the ATJ Board, the Civil Legal Aid Oversight Committee, and members of OCLA's leadership team and staff work together to develop a process to:

- (a) write a position description for the Director;
- (b) identify an executive search consultant (who, on the basis of recent experience, I recommend be actively involved in the development of the position description); and
- (c) screen, interview, and determine the names to be forwarded to the Court for its consideration.

To this end, I request that you (on behalf of the Court) forward a letter to the Chairs of the ATJ Board, the Oversight Committee, and me asking that we jointly undertake this work in a manner that generates a consensus recommendation from the ATJ Board.

Looking to the Future:

In recent years, the Washington State Supreme Court has taken a leading role in dismantling structural and racialized systems of legal oppression. The Court through its jurisprudence, administrative and rulemaking authority, the work of its Commissions, and through its unified [public example](#) is helping lead our state's commitment to racial and restorative justice.

Chief, it was my great privilege to establish this agency, and it continues to be my privilege to lead it. I am excited about the team we've built. The team is unified in its commitment to continuing OCLA's work in furtherance of our common equity and justice goals in concert with the Court, our judicial branch partners, the ATJ Board, the broader Alliance for equal justice, and the communities in need of meaningful and restorative civil justice. Much work lies ahead. I am confident that this team will be up to the challenge and continue with the same sense of urgency, entrepreneurialism, and purpose that has marked the past 17 years.

ATTACHMENT 2



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James A. Bamberger, Director

To: Access to Justice Community/EJC
Civil Legal Aid Oversight Committee
OCLA Staff

From: Jim Bamberger

Re: Conference Budget Report

Date: April 22, 2023

House and Senate budget conferees released and recommended passage of the FY 24-25 operating budget proposal. You can find links to the budget bill and supporting documents at <https://fiscal.wa.gov/statebudgets/2023proposals/so2325bien>.

As it relates to OCLA's budget requests, the final conference budget bill provides:

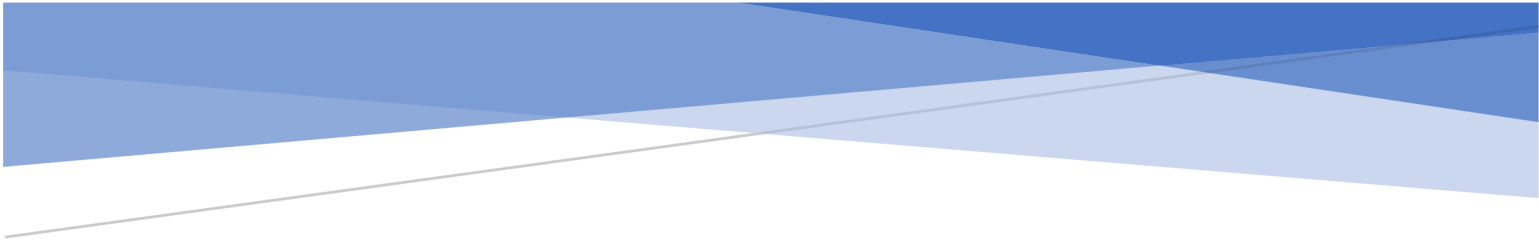
1. \$4.401M for the basic civil legal aid vendor rate adjustment. This fully funds the requested amount to address NJP's increasing costs and those of the volunteer and specialty programs that receive state funding through the subcontract between NJP and the Legal Foundation of Washington.
2. \$15.425M in FY 24 and \$16.030M in FY 2025 for the appointed counsel for indigent tenants program. The Senate receded to the House number at our request. The amount will allow us to fully operate the program consistent with anticipated levels of demand.
3. \$2.441M for stepped vendor rate increases for private attorney and law firm contractors in the Children's Representation Program (CRP); and \$2.717 for continued implementation of the HB 1219 appointed counsel for children in dependency and termination cases. Total funding for this program is \$3.917M in FY 24 and 7.711M in FY 25. This should cover anticipated levels of expenditures for the next implementation phases and provide a meaningful step towards appropriate compensation levels for CRP contractors.
4. \$2.408M in FY 24 and \$2.579 in FY 25 for continuation of the pre-filing tenant legal assistance program. This tracks OCLA's request.
5. \$2.387M for continued funding for *State v. Blake* civil consequences (FY 24 only).

Outside of the OCLA budget, the conference report addresses a catastrophic projected shortfall in funding for a range of crime victim services due to continued reductions in federal funding. If unaddressed, OCLA's Crime Victims Legal Aid Program would have experienced a 34% or \$1.6M reduction in FY 24. In response to broad-based efforts by the crime victims services community (shout out to the EJC for its assistance), the bill provides \$20.656M per fiscal year "for grants to crime victims service providers to ensure continuity of services impacted by reductions in federal victims of crime act funding and to help address increased demand for services attributable to the COVID-19 pandemic. The department must distribute the funding in a manner that is consistent with the office of crime victims advocacy's state plan." This should significantly mitigate the prospect of deep cuts in OCLA's Crime Victims Civil Legal Aid Program in the upcoming biennium. Unfortunately, this is not continuing funding. There is more work ahead.

The budget bill itself continues funding for several existing programs including the dedicated program for survivors of domestic violence, the Reentry Legal Aid Program, and the Kinship Caregiver Hotline (which complements the ongoing work of the OCLA-funded Kinship Caregiver Legal Aid Coordinator at KCBA).

On behalf of those who will benefit from the services that we underwrite, including but not limited to members of communities most harmed by racial and other systemic injustices and disproportionately denied access to effective civil legal recourse, we extend our thanks (and encourage all to follow suit) to legislative leadership, budget writers, policy leads, and rank and file members on both sides of the aisle for their trust, confidence, and support. We are looking forward to final passage and the Governor's signature.

ATTACHMENT 3



UNDOCUMENTED COMMUNITY NEEDS ASSESSMENT FOR THE YAKIMA VALLEY

A report for the Access to Justice Board,
Washington State Bar Association

February 20, 2023

by
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Context of Project

This report is delivered in response to a Request for Proposals in June 2022 by the WSBA Access to Justice Board's Delivery System Committee to undertake a needs assessment of the undocumented community in Yakima Valley, Washington.

The scope of work was to use quantitative and qualitative data to complete each of these study aims:

Study Aim 1: Gather historic, demographic, and economic information about the Yakima Valley for the last 5 years.

Study Aim 2: Determine what legal services exist that do not require legal status throughout the Yakima Valley.

Study Aim 3: Determine what legal and structural inequalities exist throughout the Yakima Valley for undocumented immigrants.

Study Aim 4: Identify which delivery models might best address the barriers that are experienced by undocumented immigrants.

Study Aim 5: Identify some short-term and long-term solutions based upon the information collected, including funding to support them.

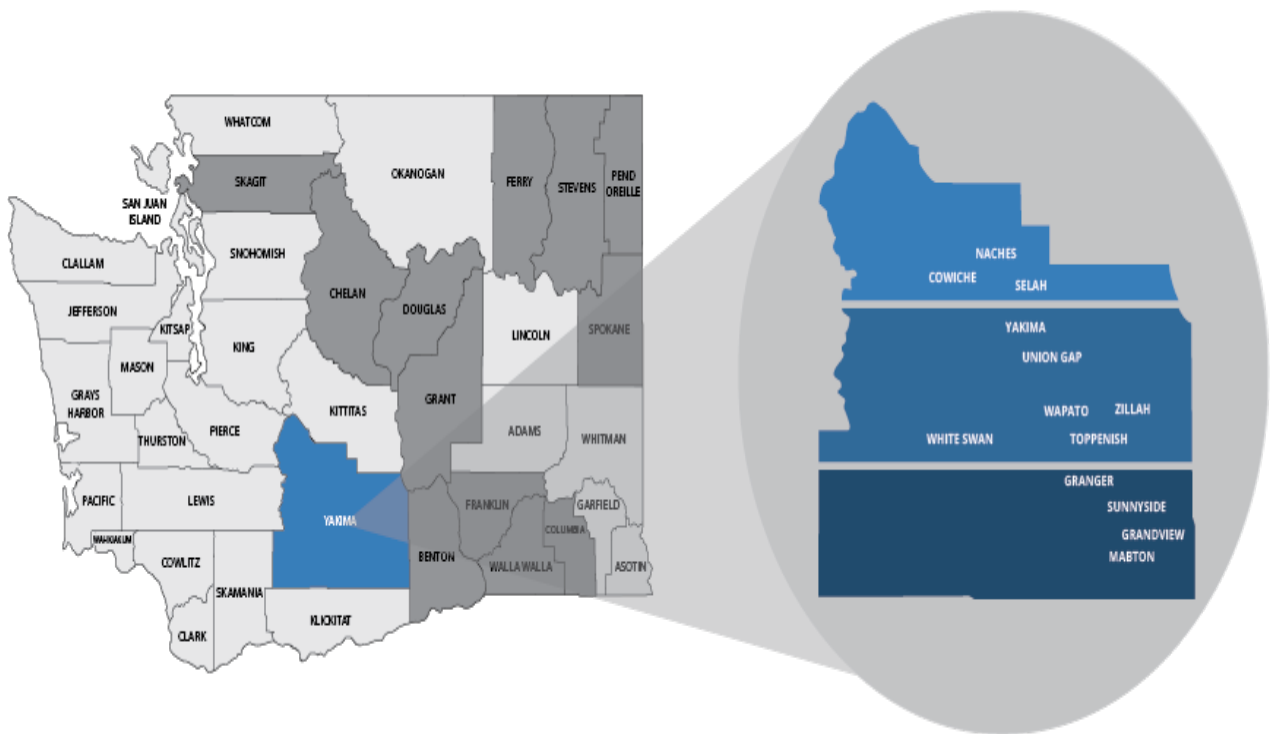
This report is the result of research conducted from July 2022 to January 2023, and contains our findings for each of these study aims.

Study Aim 1

Yakima Valley Historic, Demographic and Economic Information

The Region

Yakima Valley comprises both metropolitan and rural areas and is largely encompassed by Yakima County, the second largest county in Washington state, by area.¹ Named after the Yakama Nation, Yakima County is located in south-central Washington and includes the cities and towns of Grandview, Granger, Selah, Sunnyside, Toppenish, Union Gap, Wapato, Yakima, and Zillah.² There are several parts that make up Yakima County: the city of Yakima, Upper Yakima valley, Middle Yakima valley, Lower Yakima valley, the area belonging to the Yakama Nation (39%), and other entities that own another portion of the County: the U.S. Forest Service (18.3%) and the Yakima Training Center (the U.S. military’s main training site in the Pacific Northwest) (6%). See Map below.



Map of Yakima County Divided Into Upper, Middle and Lower Yakima Valley. (Source: Yakima Valley Trends: <http://yakimavalleytrends.org/>)

¹ Yakima County is its own Core-Based Statistical Area and Metropolitan Statistical Area, and Census data is organized and available both by County and by these statistical areas, which are one and the same. Source: U.S. Department of Commerce, Economics and Statistical Administration, US Census Bureau (2012). Available at: https://www2.census.gov/geo/maps/econ/ec2012/cbsa/EC2012_310M200US49420M.pdf

² Don Meseck. Yakima County Profile, Employment Security Department. Available at: <https://esd.wa.gov/labormarketinfo/county-profiles/yakima> (2022)

Yakima County's development was shaped largely by the Northern Pacific Railroad and the Yakima River. Most of the county's population is concentrated along this river, largely because irrigation was critical to the success of the communities and the farmers who settled in this area and commercial fruit production took off.³ The County is home to over 100 food processing and packaging companies including Smucker's, Tree Top, Fruit Smart, Seneca and Del Monte.⁴ Yakima's wine and beer industries are major parts of the agricultural industry, as are forestry and livestock, dairies and storage/shipping of tree fruits.⁵

General Population Characteristics

In 2020 across the United States, Latinx people accounted for 18.7% of the total U.S. population, growing to 62.1 million.⁶ However, on March 10, 2022, the U.S. Census announced that two analyses of its data revealed that the Latino population was undercounted by nearly 5%.⁷

Washington state's Latinx population has more than quadrupled since 1980, climbing from 2.9% to 13.4% presently.⁸ By comparison, Yakima County is the state's largest majority Latinx County (50.6% Latinx) as of 2020.⁹ In addition, 18.4% of Yakima County's population is foreign born, whereas in Washington state, 14.5% are foreign born.¹⁰ And of the foreign born in Yakima, 31.8% are naturalized U.S. citizens and 68.2% are not U.S. citizens.¹¹

Undocumented Population in WA state and Yakima County

Undocumented people without access to work permits like Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS) are often unable to get access to living-wage jobs because of their lack of a work permit and minimal access to meaningful public education. Undocumented people are actively exploited by employers (experiencing wage theft, violence, and retaliation) and risk their lives as essential workers during the COVID-19 pandemic to support the local and state economy. Undocumented individuals are kitchen workers in our local restaurants, caretakers of elders and children in our various communities,

³ Don Meseck. Yakima County Profile, Employment Security Department. Available at: <https://esd.wa.gov/labormarketinfo/county-profiles/yakima> (2022)

⁴ Yakima Valley Trends, Welcome to the Yakima Valley. Available at: <http://yakimavalleytrends.org/ourHome.cfm>

⁵ Don Meseck. Yakima County Profile, Employment Security Department. Available at: <https://esd.wa.gov/labormarketinfo/county-profiles/yakima> (2022)

⁶ Nicholas Jones et al., *2020 Census Illuminates Racial and Ethnic Composition of the Country*, U.S. CENSUS BUREAU (August 12, 2021): <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>

⁷ *Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census*, U.S. CENSUS BUREAU (Mar. 10, 2022), <https://www.census.gov/newsroom/press-releases/2022/2020-census-estimates-of-undercount-and-overcount.html>

⁸ Washington Office of Financial Management Population Estimates (2021). <https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/population-changes/population-hispaniclatino-origin>

⁹ P2: Hispanic or Latino, and No Hispanic or Latino by Race. 2020 Census. United States Census Bureau. Retrieved July 9, 2022; using this data source, Yakima County's population is 256,728 and 130,049 identified as Latinx. These percentages are also found in US Census population estimates as of July 1, 2021.

¹⁰ 2020 American Community Survey 5-year estimates

¹¹ 2020 American Community Survey 5-Year estimates - Data Profiles

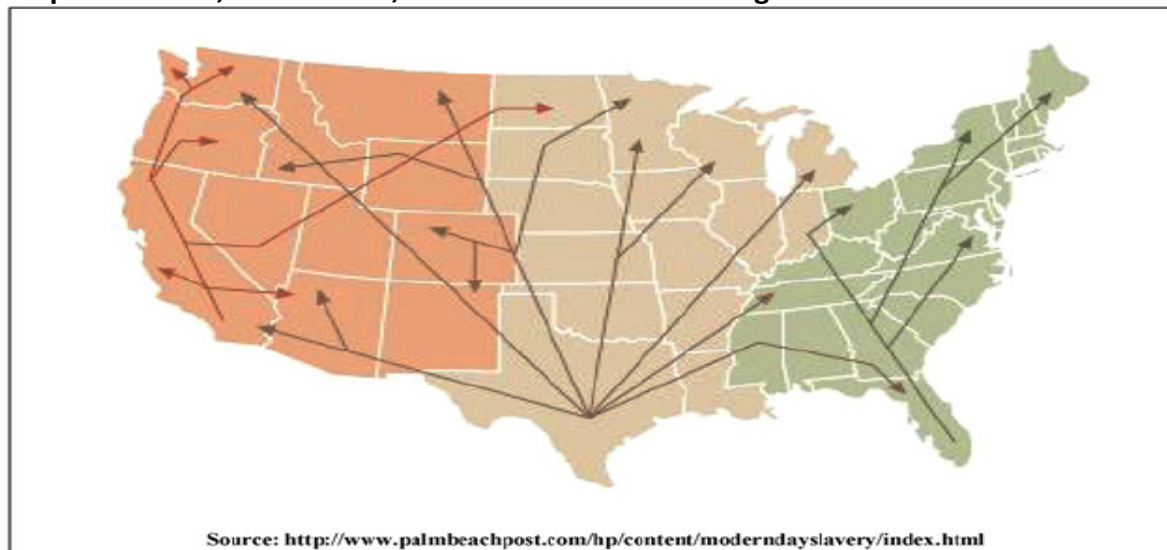
farmworkers who plant, maintain, and harvest our food, office cleaners and workers who maintain our hospitals and public spaces.¹²

It is estimated that between 240,000-246,000 undocumented immigrants live in Washington state.¹³

Further, the Migration Policy Institute estimates that Washington state's undocumented population is largely from Mexico and Central America (65%), and 2% from South America, is about 45% female, and has varying years of U.S. residence (23% less than 5 years, 16% 5-9 years, 20% 10-14 years, 21% 15-19 years, and 20% living 20 years or more). The Undocumented immigrant population is poor (46% are below the 200% Federal Poverty Level) and 46% are uninsured. They also estimate that 64% of undocumented individuals speak Spanish at home.¹⁴

The Yakima Valley has long appealed to migrant workers, documented and undocumented.¹⁵ Most migrant workers come from Mexico and form a critical backbone of Yakima's agricultural economy as part of the Western Migrant Stream that attracts migrant labor to the many fields and warehouses offering temporary, seasonal work throughout California, Oregon, and Washington.¹⁶ See Map below.

Map of western, midwestern, and eastern streams of migrant labor movement.



¹² Washington Dream Coalition, Community Provides: Undocumented Communities in Washington State During the COVID-19 Pandemic. Available at: https://assets.website-files.com/61959efc2f5d2186f9a2f09e/61a717bc848a3c6c7820423e_CommunityProvides.pdf

¹³ This is based on two different Census models on estimating undocumented populations by state, as discussed in a Census Bureau memo and the Migration Policy Institute estimates. U.S. Census Bureau memo is available at: <https://www2.census.gov/about/policies/foia/records/2020-census-and-acs/20200327-memo-on-undocumented.pdf> and the Migration Policy Institute, Profile of the Unauthorized Population: Washington (2019) report is available here: <https://www.migrationpolicy.org/data/undocumented-immigrant-population/state/WA>

¹⁴ Migration Policy Institute, Profile of the Unauthorized Population: Washington (2019). Report available here: <https://www.migrationpolicy.org/data/undocumented-immigrant-population/state/WA>

¹⁵ James N. Gregory, *Toward a History of Farm Workers in Washington State*. Seattle Civil Rights & Labor History Project. University of Washington. Available at: https://depts.washington.edu/civilr/farmwk_ch1.htm; Nella Letizia, *Couple's Ancestry Search Leads to Nash Photos of Yakima Valley Farm Workers*, Washington State University News/Events (2020). Available at: <https://libraries.wsu.edu/blog/2020/09/15/couples-ancestry-search-leads-to-nash-photos-of-yakima-valley-farm-workers/>

¹⁶ Jamie E. Bloss, Catherine E. LePrevost, Abdul G. Zahra, Gina C. Firnhaber, Leslie E. Cofie, Ramon Zepeda, and Joseph G.L. Lee. Advancing the Health of Migrant and Seasonal Farmworkers in the United States: Identifying Gaps in the Existing Literature, 2021. *Health Promotion Practice* 23(3), 432-444 (2022)

It is estimated that anywhere between 15,000-25,000 (with strong evidence for 24,000) undocumented/unauthorized individuals live in Yakima County.¹⁷ Interesting to note is that while numbers of undocumented immigrants decreased across the U.S. from 2007-2016 (1.5 million fewer), Yakima County maintained its same rank, 70, out of 182 metro areas with high % undocumented immigrants.¹⁸ Another distinguishing characteristic of Yakima County's undocumented population as compared to other metro area's undocumented populations, is the large percentage of undocumented immigrants as a % of total foreign-born (43%). Finally, Yakima has a high % of undocumented immigrants as a % of the total population (8.5%) – only 2 metropolitan statistical areas in Texas, 2 in California and 1 in Georgia exceeded it.¹⁹

Specific Population Characteristics: Language, Age, Education, Employment, Income

Family Profile: Many consider undocumented individuals to be recent arrivals. However, in Yakima County that does not fit the profile. More than 75% have lived in the U.S. for more than 10 years, with many residing in the U.S. for over 20 years.²⁰ Half of the undocumented individuals in Yakima County are estimated to reside with at least one U.S.-citizen child under 18,²¹ suggesting the importance of legal assistance for immigration issues faced by Yakima's mixed-status households.

Language Profile: In Yakima County, Census data on languages spoken at home indicates that 59% speak English only, 39.5% speak Spanish, and 1.7% speak other languages.²² Among undocumented individuals in Yakima, English proficiency is more tenuous: 67% do not speak English well/at all, and 97% speak Spanish at home.²³

Age Profile: Yakima Valley has a relatively young population compared to the state. About 29.5 % of the County's residents are under 18 years old, compared to 21.8% statewide. However, among undocumented individuals in Yakima, 91% are over 16 years old, with most of them (73%) between 25-54 years.²⁴ Also, there are fewer older people in Yakima County as a

¹⁷ Profile of the Unauthorized Population: Yakima County, WA estimates 24,000 undocumented individuals based upon 5-year American Community Survey estimates and weighted population estimates provided by Pennsylvania State University's Jennifer Van Hook (2019). Available here: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077>; Another 2019 report, *Estimates of U.S. unauthorized immigrant population, by metro area, 2016 and 2007* by Pew Research Center estimates 20,000 (+/- 5000) unauthorized immigrants in Yakima, WA MSA. Available at: <https://www.pewresearch.org/hispanic/interactives/unauthorized-immigrants-by-metro-area-table/>

¹⁸ *Estimates of U.S. unauthorized immigrant population, by metro area, 2016 and 2007* by Pew Research Center (2019). Available at: <https://www.pewresearch.org/hispanic/interactives/unauthorized-immigrants-by-metro-area-table/>

¹⁹ *Estimates of U.S. unauthorized immigrant population, by metro area, 2016 and 2007* by Pew Research Center (2019). Available at: <https://www.pewresearch.org/hispanic/interactives/unauthorized-immigrants-by-metro-area-table/>

²⁰ Migration Policy Institute, Profile of the Unauthorized Population: Yakima County, WA (2019). Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077>

²¹ Migration Policy Institute, Profile of the Unauthorized Population: Yakima County, WA (2019). Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077>

²² 2020 ACS 5-Year Estimates

²³ Migration Policy Institute, Profile of the Unauthorized Population: Yakima County, WA (2019). Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077>

²⁴ Migration Policy Institute, Profile of the Unauthorized Population: Yakima County, WA (2019). Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077>

percentage of the total population, as compared to Washington state (14% vs. 16%), and the same holds true for undocumented individuals.²⁵

Educational Profile: Educational attainment in Yakima Valley falls behind that of Washington state. Only 74.3% of the Yakima County’s population 25 years and older were high school graduates or higher. This is lower than the Washington state average of 91.7% and the U.S. national average of 88.5%.²⁶ Overall educational attainment for undocumented individuals 25 and older in Yakima County is much lower; only 19% are estimated to have a high school diploma or equivalent.²⁷

Employment Profile: The Yakima Valley has a mixed economy that boasts a strong agricultural base of employment for the area’s population, documented and undocumented. Compared to other sectors in the County, agriculture has the largest share of jobs provided (*see Table 1*). Among those undocumented individuals who participate in the labor force, agriculture is a top employer (54%) for undocumented individuals in Yakima.²⁸ In their report about COVID relief funds for undocumented individuals in Washington state, the Washington Dream Coalition reports that 75% of their Yakima applicants held agricultural jobs, vastly different from the King County applicants who mostly held restaurant/food industry employment.²⁹

Two other local industries come in second and third in terms of employment overall, health services and local government. Specifically, on an average annual basis in 2020, agricultural employers provided 30,767 jobs, or 27.8% of total covered employment countywide. Health services provided 16,543 jobs, or 14.9%; and local government averaged 13,079 jobs, or 11.8% of total employment. Together, these three sectors accounted for over half (54.5%) of total employment in Yakima County in 2020. Moreover, agriculture added the most jobs over the last 10 years (29% more) with much of the hiring occurring in marijuana production and among farm labor contractors related to the H-2A program.³⁰

²⁵ Migration Policy Institute, Profile of the Unauthorized Population: Yakima County, WA (2019). Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077> ; Migration Policy Institute, Profile of the Unauthorized Population: Washington (2019). Report available here: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/WA>

²⁶ 2020 American Community Survey; U.S Census Bureau Quickfacts.

²⁷ Migration Policy Institute, Profile of the Unauthorized Population: Yakima County, WA (2019). Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077>

²⁸ Migration Policy Institute, Profile of the Unauthorized Population: Yakima County, WA (2019). Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/53077>

²⁹ Washington Dream Coalition, *Community Provides: Undocumented Communities in Washington State During the COVID-19 Pandemic*. Available at: https://assets.website-files.com/61959efc2f5d2186f9a2f09e/61a717bc848a3c6c7820423e_CommunityProvides.pdf

³⁰ Don Meseck, Yakima County Profile. WA Employment Security Department (2022). Available at: <https://esd.wa.gov/labormarketinfo/county-profiles/yakima>

Table 1. Key employment sectors by number of jobs and share of employment in Yakima, WA

Sector	Number of jobs	Share of employment
1. Agriculture, forestry and fishing	30,767	27.8%
2. Health services	16,543	14.9%
3. Local government	13,079	11.8%
4. Retail trade	10,623	9.6%
5. Manufacturing	8,010	7.2%
All other industries	31,778	28.7%
Total covered payrolls	110,800	100%

Source: Don Meseck, Yakima County Profile. WA Employment Security Department (2022). Available at: <https://esd.wa.gov/labormarketinfo/county-profiles/yakima>

Yakima is on the 2021 list of distressed areas, with a 3-year average unemployment rate of 7.8%.³¹ The latest unemployment figures from 2020 indicate a high unemployment rate in Yakima (9.7%) as compared to Washington state (8.4%) and the nation as a whole (8.1%).³²

Income & Poverty Profile: The median household (HH) income in Yakima County (\$56,233) is 28.5% lower than the median HH income in Washington state (\$78,687), and is 39.6% lower in Middle Yakima Valley (\$47,499) and 42% lower in Lower Yakima Valley (\$45,623).³³ Poverty, as defined by Census Bureau,³⁴ in Yakima County is 16.5% of the population versus a 10.2% poverty rate throughout Washington state.³⁵ However, poverty rates dip depending on where one lives in Yakima: poverty increases to 22.4% in Middle Yakima Valley and 19.5% in Lower Yakima Valley. Throughout Yakima, poverty is particularly concentrated in those under 18 years: 26.1% in the County overall, 37.5% in Middle Yakima Valley, and 28% in Lower Yakima Valley. The poverty rate for adults 18-64 years is 14.8% and for those 65 or older, it is at 9.4%.³⁶ The share of K-12 students enrolled in Free/Reduced Lunch Programs in Yakima County is much higher (84.5%) than in Washington state overall (45.8%) and has been increasing consistently since 2000. The Lower Yakima Valley shows nearly 94.4% of K-12 students enrolled in Free/Reduced lunch programs.³⁷

Homelessness Profile: In the 2021 point in time count, 663 individuals were identified as experiencing homelessness in Yakima County. While this was not an increase in the previous year’s count, there was a shift in where people experiencing homelessness were sleeping – more than 1 in 3 (39%) were unsheltered- sleeping outdoors or in an encampment or in a vehicle. This represents an increase of 81 individuals compared to 2020.³⁸

³¹ This is compiled by averaging the employment and unemployment numbers for the 3 prior years. Source: WA State Employment Security Department, Distressed Areas List. (2022). Prepared in cooperation with the Bureau of Labor Statistics:

<https://esd.wa.gov/labormarketinfo/distressed-areas>

³² Yakima Valley Trends: <http://yakimavalleytrends.org/>

³³ 2020 American Community Survey 5-year Estimates; Yakima Valley Trends: <http://yakimavalleytrends.org/>

³⁴ Poverty threshold as used by the U.S. Census Bureau for 2020 is available here: <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>

³⁵ 2020 American Community Survey 5-year Estimates

³⁶ 2020 American Community Survey 5-year Estimates; Yakima Valley Trends: <http://yakimavalleytrends.org/>

³⁷ Yakima Valley Trends: <http://yakimavalleytrends.org/>

³⁸ Yakima County Annual Point in Time Community Report 2021. Yakima County Department of Human Services/Homeless Network of Yakima County. Available at: <https://www.yakimacounty.us/DocumentCenter/View/29749/Yakima-County-2021-PIT-Final?bidId=>

Chronic homelessness is defined as frequent or extended bouts of homelessness experienced by people with a disability. Struggles with mental health or addiction issues make them unable to stay in housing without intense treatment or other supports. While the rate of chronic homelessness nationwide increased by 15%, Yakima County saw its chronic homeless population double (from 47 to 97 people). The numbers reflected the community’s housing shortage and were driven by increased numbers of people living outside.³⁹ In 2019, Yakima County had a 1.2% rental vacancy rate (and a known shortage of farmworker housing), much lower than Seattle’s 4.4% rental vacancy rate at the time. Less housing construction due to the 2008 housing crisis combined with a growing population and a small tax base for road and infrastructure development, meant demand for housing outpaced supply and people were left without adequate housing. This likely contributes to point in time and chronic homelessness among the most vulnerable in Yakima Valley, undocumented communities.⁴⁰

Attorney Ratio in Yakima Valley vs. Washington State

The Yakima Valley faces lower than the Washington state average ratio of lawyers to population (*see Table 2*). In Yakima County, there are 390 active attorneys, comprising 1.5 lawyers per 1000 persons – or 1 lawyer for every 667 people. In comparison, Washington state’s ratio is 1 lawyer for every 294 people.⁴¹

Table 2: Population, Attorney Population and Ratios, 2022

(Sources: 2020 Census; WA State Bar Association)

	2020 Population	Number of attorneys (active)	Ratio of Attorneys to Population
Yakima County	256,728	390	1:667
Washington state	7,705,281	26,319	1:294

The low ratio of attorneys in the Yakima Valley may be attributed to Latinx underrepresentation in the legal profession. The American Bar Association reports that only 5.8% of all attorneys in the U.S. are Latinx, and this contrasts with the U.S. population is 18.7% Latinx. Further, Latinx attorneys in WA comprise only 2.6% of attorneys in the WA State Bar Association.⁴²

³⁹ Yakima County Annual Point in Time Community Report 2021. Yakima County Department of Human Services/Homeless Network of Yakima County. Available at: <https://www.yakimacounty.us/DocumentCenter/View/29749/Yakima-County-2021-PIT-Final?bidId=>; Sydney Brownstone. Washington state’s rise in homelessness outpaced the nation’s, according to report. Seattle Times. (2021). Available at: <https://www.seattletimes.com/seattle-news/homeless/washington-states-rise-in-homelessness-outpaced-the-nations-according-to-report/>

⁴⁰ Meghan Henry, Tanya de Sousa, Caroline Roddey, Swati Gayen, and Thomas Joe Bednar. 2020 Annual Homeless Assessment Report to Congress. U.S. Department of Housing and Urban Development (2021). Available at: <https://www.huduser.gov/portal/sites/default/files/pdf/2020-AHAR-Part-1.pdf>

⁴¹ Calculated using active attorneys currently registered with the Washington State Bar Association Legal Directory, available at <https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536> together with 2020 Census data for Washington and Yakima County. These figures were compared to those in the 2020 report by Americanbar.org: ABA Profile of the Legal Profession 2020. American Bar Association. Available at: <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf> However, their numbers were inflated throughout, as they included inactive and deceased attorneys, and figures are at least 2 years old.

⁴² David Morales, Yakima-Based Attorney. Personal Communication (7/29/22); AM. BAR ASS’N, ABA NATIONAL LAWYER POPULATION SURVEY, 10-YEAR TREND IN LAWYER POPULATION BY STATE (2022), https://www.americanbar.org/content/dam/aba/administrative/market_research/2022-national-lawyer-population-survey.pdf

Study Aim 2

Legal Service Providers Serving Undocumented Communities in the Yakima Valley

Summary

In July-December 2022, we conducted interviews (see **Appendix A** for interview guide) with 14 legal service providers that serve undocumented communities in the Yakima Valley. The interviews were held largely by phone (8) and over Zoom (5) and lasted from 30 minutes to 90 minutes. Questions reviewed the types of services being provided, language access strategies, time availability, transportation and other barriers, culturally competent practices, how trust is created and maintained, and needs/gaps and solutions.

Overall Findings

There were similar findings across legal service providers, especially about availability and resources and language access for undocumented communities in Yakima Valley. Despite having regular office hours, most organizations have flexible hours and meet the needs of the undocumented communities they are serving. Transportation barriers are seldom an issue because organizations adapt to telephonic meetings, visit clients in their homes or neutral places, and some offer bus passes and taxi vouchers to clients for court appearances. Most also hire bilingual staff and focus on employing individuals who represent the community they serve. Other strategies these organizations use to serve clients in a culturally competent manner include active community outreach, flexibility, and adaptability, being available for in-person contact, understanding and integrating Latinx culture, celebrating Latinx cultural traditions, offering services in a holistic manner, and recognizing and attempting to mitigate the many systemic barriers that Yakima Valley's undocumented communities face.

A complete summary table of findings from the interviews is available in **Appendix B**.

Study Aim #3

Legal and Structural Inequalities in Yakima Valley

Methods

Phone interviews were conducted with community members who identified as Undocumented individuals to understand legal and structural barriers experienced by community members (see **Appendices C and D** for instruments used). A total of 37 individuals were interviewed, interviews averaged 30 minutes in length and participants were mailed a \$25 gift card as compensation for their time. To make participation in an interview as accessible as possible, interviews were scheduled according to participants' availability, typically during evening and weekend hours. To protect participant identity and confidentiality, interviews were not recorded, instead detailed notes were transcribed throughout the duration of the phone call. Detailed notes were then reviewed to identify and analyze key themes emerging from these discussions.

Participant Demographics

All participants were Spanish speaking community members, and all identified Spanish as the primary language spoken in the home. All but one participant completed the interview in Spanish. All participants identified as Hispanic or Latino and the majority identified as agricultural workers. Most participants reported low levels of education ranging from 3 - 8 years of primary education and the majority reported an average annual income of \$20 - \$50,000. Participants reported living in areas throughout Yakima Valley, and the most reported place of residence was Yakima, followed by Sunnyside, then Wapato. Additional demographic data is included in **Appendix E**.

Key Themes

The most common theme emerging from interviews was an overall lack of knowledge and information relating to legal resources in the area and how to obtain aid. While there are several organizations providing legal aid in the Yakima Valley, when asked where they would turn to first if they experienced any legal need, most participants stated they weren't sure where to turn to or where they could obtain aid. Often participants stated they would inquire with their social networks first to identify community organizations to seek help from or they would seek help from organizations they already know and trust. Several participants named La Casa Hogar, Nuestra Casa, and Radio KDNA as community organizations they trust. All participants were provided contact information for Yakima County Volunteer Attorney Services, Northwest Justice Project, Northwest Immigrant Rights Project, and Fair Work Center.

“I’m sure there are organizations out there that can help me, but I don’t know where to find them or how to ask for help.”

“I would ask organizations I am already familiar with first because they know us and know more about resources that can help us, even if I don’t personally know of an organization that I can turn to for something legal, I know I can ask the organizations I trust first.”

In addition to experiencing an overall lack of knowledge and information relating to legal resources, participants stated that trust was a key factor in ensuring that their legal needs are met and that services are accessible. Participants expressed a fear and concern over sharing their personal information over the phone without knowing and having an established relationship with the person or entity they’re seeking help from.

“I need to know who to trust, I’m scared to give out my personal information. Trust is very important, and they need to gain the trust of Latinos.”

To understand the extent of legal needs the community is experiencing, a legal needs checklist was also included in the interview questionnaire. Participants identified their legal needs during the phone interviews, the most stated needs were for assistance with immigration (54%), employment (29.7%), debt (27%) and personal injury (24.3%). Those participants experiencing debt noted having unpaid medical bills and utility bills. When asked if they had ever sought help to address debt, participants expressed stigma and shame related to seeking civil legal aid for debt or assistance with state benefits. While the specific cause of stigma and shame was not explored further during interviews, participants often stated they would rather ask family and friends to borrow money instead of seeking aid.

“I have many unpaid light bills, but I am ashamed to ask for help, I don’t think it’s worth the trouble to go and seek help with the debt.”

Recommendation

Based on key findings from interviews with Undocumented community members, we recommend that organizations should continue to conduct legal clinics to increase community awareness of legal providers and resources available for them to seek help from. In doing so, this can also help foster trust between community members and service providers which was something that several individuals indicated was needed to meet the needs of the community.

In addition to identifying key themes throughout interviews, several barriers to access were also identified and are listed below.

Barriers to Access

Communication & Language Barriers

The most commonly stated barrier to accessing legal aid by individuals was communication and language barriers. Participants who shared previous experiences with seeking legal services stated that the language barriers made it difficult to communicate with their lawyer and in

some instances, participants never had any direct contact with their provider, instead any communication was done via legal assistants who spoke Spanish or with use of interpreters.

“Obtaining help even with the use of an interpreter is not the same, I want to be able to talk directly to the lawyer, we need more lawyers that can speak Spanish.”

While the use of interpreters can increase access to legal services, it is evident that the community needs more Spanish speaking providers. Several community members made similar comments about their experiences and expressed the need to speak directly to their service providers.

Availability of Resources

Participants also stated that availability of resources made it difficult to seek help, calling out specifically operating hours of legal providers and how services were only available during regular working hours which often put them in situations of deciding to risk getting fired and losing income or to maintain their source of income but forgo seeking legal help. In addition, some participants stated they had difficulty reaching organizations by phone, recalling they would call several times, leave voicemails, and receive no callback, or they would be told to call a different number and felt it was too difficult to reach anyone that could help. During these instances individuals stated they resorted to seeking help outside of their immediate area, 2 individuals specifically stated they secured aid from the Tri-Cities area and from an out of state organization in Oregon.

“I don’t think services are currently accessible, I called and got no answer, I went twice in person and was given a different number to call but again never received an answer or call back. I went back in person again and was given more numbers to call and was told to keep trying until I got a hold of someone. I was never able to reach anyone and finally found help from an organization outside of the area.”

Several participants expressed similar commentary stating it would help to have providers offer evening service hours to meet their needs even if it was just 1-2 days a week. Participants indicated this would allow them to seek help and not miss work hours. Additionally, the difficulty some individuals have had with reaching organizations by phone can serve as an opportunity to evaluate telephonic access to increase efficiency and access for the community.

Cost of Services

Many participants mentioned cost was a barrier in seeking help, noting that the fees they were asked to pay were too expensive and unattainable. Participants also stated that fees were usually due upfront, and it was difficult to secure large sums of money with their low income. One participant shared a positive experience with her current lawyer and stated he was flexible with receiving monthly payments which was the only way she could afford any services.

“They ask for too much money, they’re asking me for \$10,000 to \$15,000 to help me with my case, I don’t have that kind of money, I work in the fields, that’s too much.”

To address cost as a barrier it would be beneficial to consider flexibility with payments or sliding scale fees based on an individual's income. Because many individuals were also unaware of the legal resources in the community it would be beneficial to increase awareness of legal aid organizations to ensure individuals understand where they can seek help from and whether they can seek low or no cost aid.

Study Aim 4

Delivery Models that Best Address Barriers Experienced by Undocumented Immigrants in Yakima Valley

We conducted online and phone interviews with 14 **Community Stakeholders** (individuals who have jobs as managers or directors in the private or public sectors), an online Zoom discussion with 3 additional stakeholders, and interviewed 37 **Community Members** (people with lived experiences of being undocumented) about their perspectives including delivery models for legal assistance and support. Although we didn't follow a live community-centered design process detailed by <https://www.creativereactionlab.com/our-approach> and <https://theprospertyagenda.org/design/our-design-process/>, we heard from multiple sectors of the affected community and complemented this with a review of literature and programs. Data was gathered from July - December 2022.

Our literature review, interviews and discussions with community stakeholders revealed several delivery model recommendations. These are divided into two main categories: A) Improving the existing system to reach undocumented communities; and B) Addressing huge gaps in Yakima Valley through new initiatives.

A. Improving the existing legal system to reach undocumented communities

Promoting Basic Legal Aid Information, Outreach & Resources

A discussion with key community stakeholders and community member interviews yielded the vital importance of general education about legal issues. Much can be learned and accomplished without an attorney, and people's needs can be met by being more aware of their rights and responsibilities. There are movements and networks that believe in redistributing power back to communities, who after all, know their needs best. This promotes a fair and just judicial system that gives people an opportunity to help themselves and access the rights they are entitled to under US law.

Legal Aid Information via Workshops & Radio

Many legal aid programs provide educational workshops and radio shows about legal issues. It is a best practice (and most cost-effective) in rural legal aid to attend a meeting already set up for another purpose (meeting of Head Start parents), telling them in advance that information will be provided about a range of problems that may affect them and their children, and having people who can interview them in depth during the meeting time.⁴³ Several Washington-based legal aid organizations share information in Spanish via radio shows hosted by Radio KDNA in the Yakima Valley whose reach specifically targets Hispanic/Latino, farmworker and other

⁴³ A Report on Rural Issues and Delivery and the LSC-Sponsored Symposium. 2003. Nebraska City, NE (Oct 31-Nov 2): <https://www.lsc.gov/i-am-grantee/model-practices-innovations/provide-legal-services/diverse-populations>

disadvantaged communities. During the shows, guest attorneys take questions from callers about various legal topics.

Legal Clinics in the Yakima Valley community

At their core, legal clinics are dedicated to educating and empowering the community and reduce the cultural and linguistic barriers faced by members of the undocumented community in their efforts to participate in and access the legal protections of the American justice system. Clinics are currently held in the Yakima Valley monthly and provide pro bono legal consultation sessions with volunteer attorneys, interpreters and legal workshops particularly chosen for this community. As an example of this type of work, the Fair Work Center partners with Volunteer Attorney Services and Washington Immigrant Solidarity Network on these legal clinics. They cover the gamut of legal issues, not solely employment or immigration law, they use non-lawyers for outreach, advocacy, and education, and have better outcomes. This model reduces the need for lawyers, especially around employment law ([Community Stakeholder Interviewee](#)).

At these clinics, 30-minute consultations are provided free of charge. People are asked to call to schedule an appointment, but walk-ins are welcome. Interpreters are provided free of charge but staff and lawyers at these clinics commonly speak Spanish. People are encouraged to bring all the paperwork that relates to their case or legal question, including all contracts, letters, court papers etc. The legal clinics are often co-located with other community services, in partnership with community-based organizations, and in locations often frequented by undocumented communities.

According to best practice for legal clinics, reaching underserved populations is best practiced by offering legal education and clinics at locations they typically access the most (churches, community centers, etc.), and hosting outreach events, posting on social media and providing information online through a website.⁴⁴

In rural Georgia, two lawyers with laptops set up Mobile Law Units where they provide legal information and help to the elderly, residents with limited English proficiency and low-income groups.⁴⁵ Staff help clients find legal information and documents on Georgia legal aid's statewide website. If the client requires extended services, staff conduct intake on site and refer the individual to an attorney at the nearest legal aid office.

Benefits of this legal clinic model are that they are open later in the day (during evenings) and on weekends for greater community accessibility, especially for agricultural workers and others who have little flexibility in their work schedules. They offer materials in English and Spanish, and there is a higher need in lower Yakima Valley than in Yakima city.

⁴⁴ Legal Services Corporation: America's Partner for Equal Justice. Model Practices & Innovations. <https://www.lsc.gov/i-am-grantee/model-practices-innovations/provide-legal-services>

⁴⁵ Legal Services Corporation: America's Partner for Equal Justice. Model Practices & Innovations. <https://www.lsc.gov/i-am-grantee/model-practices-innovations/provide-legal-services>

The challenges with recruiting pro-bono lawyers for these events is that most of them don't speak Spanish (less than 5/64 volunteer attorneys spoke Spanish in 2021, and out of 214 cases so far in 2022, 24% clients spoke Spanish and 24% are non-citizens and likely undocumented). (Community Stakeholder Interviewee)

The Latino State Bar Association of WA has co-sponsored legal clinics throughout the state for years. Currently the Latino Bar Association is in partnership with Fair Work Center to recruit Latino attorney members for future clinics, emphasizing immigration law since that is the most requested service.

Legal Navigators/Promotores

Community navigators/promotores educate members of the public about their rights and their eligibility for assistance when needed, and navigators dispel and counteract misinformation. They have been used for many years in the public health field, where their value is recognized by the American Public Health Association and the U.S. Centers for Disease Control. In the Latinx community, the use of *promotores de salud* is well known. In the legal arena, community navigators/promotores are individuals trained in basic aspects of law and policy that serve to link people to important resources, make appointments on their behalf, answer basic questions, and note more complex questions for a legal professional, and can help someone gather materials and documents in preparation for an appointment. For example, navigators can be trained to help people navigate systems common in family law and may help to facilitate adult guardian matters. They are especially helpful for undocumented people and those who are non-native English speakers. They are often located within non-legal community organizations but work in partnership with legal organizations. However, there are some legal organizations hiring navigators/promotores as part of their staff mix to conduct community outreach, scheduling and other administrative tasks.

One person noted that paying them a living wage is important, as navigators have expertise in community outreach and have in-depth knowledge of the community - these are not typically entry-level positions. Another added that undocumented individuals will be even less familiar with the legal process, so they will need additional guidance. One comment was that these non-lawyers may have unfamiliarity and lack of information about the whole range of situations that involve legal processes and so should be supervised by attorneys to make sure they are not missing key pieces of information in their work with community members/clients.

New Technologies

There are new technologies surfacing that help immigrants with legal services using digital tools. There are recent reviews of online legal information and assistance tools and portals in helping people find valuable assistance which can help if they do not have access to a lawyer.⁴⁶ One such example is Citizenshipworks, which has an online naturalization platform available in Spanish that screens for eligibility, has a person complete all naturalization paperwork, and

⁴⁶ See resources here: <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2019/01/interactive-online-portals-offer-targeted-legal-resources-on-demand> ; and https://www.americanbarfoundation.org/uploads/cms/documents/report_us_digital_legal_tech_for_nonlawyers.pdf

connect to virtual or in-person legal assistance. See <https://www.citizenshipworks.org/es>. See a list of additional digital projects at: <https://www.justicialab.org/#technology>.

Self-Represented Litigation Network (SRLN)

People need to understand the proceedings in which they are participating so that every person can get some form of effective assistance with their civil legal needs. SRLN (<https://www.srln.org>) is a movement to orient all aspects of the legal system so that self-represented litigants experience it as a consumer-oriented environment founded on principles of equal protection and due process. It is estimated that about 75% of cases handled in courts (divorce, custody, housing, consumer) have at least one self-represented litigant. The SRLN serves as a communications resource hub containing manuals, toolkits, events, working groups, scholarly research and thought leadership. It is a helpful resource for paralegals or legal navigators to support undocumented clients that wish to represent themselves by sharing key resources on the website. However, the website is inaccessible to non-English speakers, and all publications are only in English. There is a section of publications that highlight programs and states that have redoubled their efforts to make the courts more linguistically accessible and that work specifically on these issues.

Washington Law Help

Washington Law Help (<https://www.washingtonlawhelp.org>) is an online website maintained by Northwest Justice Project that is a guide to free civil legal services for low-income and senior populations. Legal materials and tools are available, and the site also provides information on free legal aid programs. The site is available in Spanish, however, many of the forms are not yet in Spanish. General legal information can reach undocumented communities if a trusted messenger who knows the context and background on a legal problem someone is having, and can send that person a link to that section of the website. The information may help someone narrow the types of questions they can ask an attorney. The average person doesn't know this resource exists, nor was it mentioned by our community interviewees.

Charitable Legal Organizations in Yakima Valley

Here in Washington, there are several legal organizations that provide needed legal services to the undocumented community in Yakima Valley. They accommodate immense amounts of legal work on a day-to-day basis, and the COVID-19 pandemic has led them to provide more services virtually. These developments have the potential to expand undocumented communities' access to services, while reducing their time away from other significant commitments, such as work and school. A **Community Stakeholder** we spoke to about virtual services added that Zoom added increased access to lawyers, however due to local rules, it is difficult to give advice on navigating a court system a lawyer is not familiar with. Many of these legal organizations also provide reliable information and services such as educational workshops and Know Your Rights presentations. However, legal organizations that receive federal funding cannot serve undocumented individuals and multiple Community Stakeholders highlighted the ramifications of these limitations for those communities most in need.

Although the impact of legal representation specifically on immigration communities has received little scholarly attention, it is the major way that applications are completed and analysis by national groups finds this representation is both urgent and necessary.⁴⁷

A national study about Immigrant legal service providers found that over 1.5 million low-income immigrants did not live within 12 miles of an office and urged the addition of these service providers to underserved locations and the rearranging of existing offices to optimize access to no and low-cost legal services.⁴⁸ This and other studies acknowledge the vital role of already overtaxed charitable immigrant legal programs and other organizations in application assistance, public education, and as trusted sources of services and information in undocumented communities.

- **Columbia Legal Services (CLS)** advances social, economic, and racial equity for people living in poverty in Washington State. CLS has a community /movement lawyering focus. CLS focuses on class action litigation, using cutting edge legal theories, engages in policy advocacy, and supports communities in building their own power. CLS has a special responsibility to serve people whose access to free legal services is restricted, due to institutionalized or immigration status. CLS does not do individual representation. CLS has flexibility in meeting community needs and staff/attorneys regularly attend evening meetings. They recruit and hire bilingual staff from the community they serve and invite impacted communities to serve on their board and hiring processes. CLS prioritizes limited resources by targeting work that is systemic in nature.
- **Latino Bar Association of Washington (LBAW)** co-sponsors legal clinics in areas of Washington including Yakima Valley where legal resources are not as accessible. At these, volunteer attorneys provide free, 30-minutes legal consultations on various legal issues including worker's rights/wage claims, family law, immigration, criminal law, and property/landlord-tenant law. Most of the members who volunteer at their clinics speak Spanish. LBAW finds the most requested legal questions are about immigration.
- **Legal Counsel for Youth and Children (LCYC)** protects the interests and safety of youth in Washington by providing direct legal representation to youth and young adults in the areas of child welfare, juvenile court, immigrant youth and families and youth homelessness. LCYC empowers youth by helping them understand and assess legal issues, opportunities, and consequences before moving forward. They respond to youth in need wherever they are and use a comprehensive method to help youth navigate multiple systems to receive assistance, particularly LGBTQ+ and BIPOC youth.

⁴⁷ American Immigration Council. 2016. "Immigrants' Access to Legal Representation is Unequal and the Consequences are Serious." Available here: <https://immigrationimpact.com/2016/09/28/immigrants-access-legal-representation-unequal-consequences-serious/>; American Immigration Council. 2011. "Another Study Highlights Need for Legal Representation in Immigration Court." Available here: <https://immigrationimpact.com/2011/05/12/another-study-highlights-need-for-legal-representation-in-immigration-court/>; American Immigration Council. 2022. "What Does Legal Representation Look Like in Immigration Courts Across the Country?" Available here: <https://immigrationimpact.com/2022/08/23/legal-representation-immigration-courts-across-country/>; New York Immigration Coalition. 2020. No Safe Harbor: The Landscape of Immigration Legal Services in New York." Available here: https://www.nycic.org/wp-content/uploads/2020/02/NoSafeHarbor_Final2020.pdf

⁴⁸ Yasenov, Vasil, David Hausmana, Michael Hotarda, Duncan Lawrence, Alexandra Siegela, Jessica S. Wolff, David D. Laitina, and Jens Hainmueller. 2020. "Identifying Opportunities to Improve the Network of Immigration Legal Services Providers." Working Paper No. 20-07. Immigration Policy Lab. Stanford University. <https://immigrationlab.org/working-paper-series/identifying-opportunities-to-improve-the-network-of-immigration-legal-services-providers>

- **Northwest Immigrant Rights Project (NWIRP)** promotes justice by defending and advancing the rights of immigrants through direct legal services and representation, systemic advocacy, and community education. They have a flexible model to meet clients after hours and by phone or in-person. NWIRP conducts Spanish language radio outreach, and they prioritize recruiting staff who look like their clients and speak their language but they noted the challenge to recruit bilingual attorneys. They educate clients using materials with pictures and brief narratives. Legal services are at capacity, and they have a long waiting list. Clients generally must be income-eligible (200% poverty).
- **Northwest Justice Project (NJP)** provides free legal assistance to address fundamental human needs such as housing, family safety, income security, health care, education and more. Potential clients must call CLEAR for intake and undocumented individuals only qualify for representation as victims of crime and housing for mixed status households. NJP has bilingual staff in their Yakima office and language interpretation is available via language line. They also translate key legal documents for their clients. They value the focus on in-person contact for connection and trust-building. Legal services are often at capacity and service gaps are worse in Yakima compared to other regions of the state.
- **Q Law Foundation of Washington** promotes the dignity and respect of LGBTQ2S+ Washingtonians within the legal system through advocacy, education, and legal assistance. They offer a wide range of services to LGBTQ2S+ communities in Washington, including direct legal services, trainings, consulting, advocacy, litigation support, amicus work, and impact litigation. They provide free phone consultations (available in Spanish) twice monthly with a volunteer attorney through their LGBTQ+ Legal Clinic, and full representation for legal parentage orders.
- **Yakima County Volunteer Attorney Services** provides referrals to volunteer attorneys for qualified indigent clients in designated civil cases. They are also licensed to provide clients with pro-bono attorneys. VAS hires bilingual coordinators, uses a language interpretation telephonic service, has mandatory cultural competency training for their staff, and works with volunteer lawyers to be responsive to people without access to reliable phones and internet. They co-partner on evening legal clinics held in Yakima and provide materials in Spanish.

Community-Based Organizations Offering Legal Services

- **Aspen Victim Advocacy Services (AVAS)** offers services for individuals who are survivors of violent crimes. They offer advocacy and support to individuals navigating legal, medical, and criminal justice systems. AVAS assists in preparing for court and actively monitors the case to inform the victim. Advocates are largely bilingual and are first generation immigrants that understand their client's cultures. AVAS notes a key concern is labor and sex trafficking that victimizes undocumented communities.
- **Entre Hermanos (EH)** promotes the well-being of the Latino, Gay, Lesbian, Bisexual, Transgender and Questioning community in a culturally appropriate environment through direct representation specifically in immigration cases (detention support). They offer free telephonic consultations for individuals throughout Washington. Their

staff is fluent in Spanish (with access to interpreters for Indigenous languages) and they have a Spanish language radio program. They use apps to send texts with close-ended questions to complete declarations and are considering using WhatsApp to reach clients.

- **Fair Work Center (FWC)** is a Seattle-based organization that opened a Yakima office January 2022 in partnership with local organizations that meet multiple community needs. They are committed to serving undocumented workers and believe in building worker power through worker education, organizing, policy advocacy and legal services. They offer direct representation on labor and employment issues and have 1 attorney located in Yakima. FWC brings together groups of workers for cases that involve multiple claimants (ex/retaliation cases). They co-host legal clinics in partnership with Volunteer Attorney Services and WAISN during community outreach events at their community center (closed for new intakes, reopening in Spring 2023). Legal staffing in Yakima is a challenge. They are looking into hiring paralegal assistance from the community to help with intake and sending a Seattle lawyer to Yakima on a monthly basis.
- **Lighthouse** exists to advocate for, educate and support those affected by domestic violence and sexual assault. They also have a 24-hour crisis line and provide crisis intervention. Lighthouse has bilingual staff and advocates who have lived and worked in the community for a long time.
- **Team Child (TC)** upholds the rights of youth at risk of or currently involved in the juvenile justice system and helps them secure education, health care, housing, and other support they need. They conduct direct civil legal representation and litigation for youth 12-24 in addition to policy advocacy, education, and resource provision. Housing instability and other emergent issues need to be met as legal issues are addressed. TC has longtime, bilingual staff in their Yakima office to meet the needs of undocumented youth and are not restricted by federal funding to serve moderately low-income youth and families. TC maintains close community partnerships and centers its values of listening with humility and openness to build trust and rapport with youth. They aspire to recruit bilingual attorneys in Yakima.
- **Washington Immigrant Solidarity Network (WAISN)** has as its mission to empower immigrant and refugee communities, mobilize statewide resistance to anti-immigrant/refugee activities, and galvanize communities to bring collective action across the state. WAISN is led by queer, trans, and undocumented people and they hire people who have the lived experience of those they serve. They operate a hotline 7 days/week that offers resources and referrals to civil legal aid, and staff is trained to gather documents and apply for programs for clients. WAISN also does policy advocacy and has videos/materials on related topics on their social media platforms. They partner with other organizations to host in-person legal clinics. They require fluency in Spanish for staff and hold their meetings in Spanish (with English translation).
- **Yakima Dept of Assigned Counsel** provides constitutionally guaranteed legal defense services for indigent persons charged with crimes or threatened with the loss of personal liberty in the District and Superior Courts of Yakima County. They offer public defense representation for those charged with felonies, misdemeanors, and sex offenses. They use interpreters and contract with court-certified interpreters for

documents that need to be translated. They prioritize immigration-safe results for their Spanish-speaking clients despite a conservative Court system that disincentivizes this. They have difficulty recruiting bilingual public defenders to Yakima.

- **YWCA (Yakima)** provides legal advocacy, education, case management and resource/service navigation for victims of domestic violence. They are staffed 24 hours/day and legal advocates are available during the days. They prioritize hiring bilingual advocates, they host Spanavision PSAs about DV on all TV stations in Washington. Part of their mission is to eliminate racism, so they have embedded a culture that actively accommodates cultural and linguistic needs and offer regular Diversity, Equity and Inclusion training for their staff.

Telephone Triage System for Legal Screening

It is a known best practice and regarded as most efficient if organizations use an online or telephone triage system to direct persons who are not eligible for services to another service provider early in the process.⁴⁹ Clear priorities and case acceptance guidelines are essential to a well-functioning and accessible system. Effective use of technology is essential for an efficient intake system. For example, online intake can offer opportunities for low-income people to seek or apply for help outside of office hours and during holidays and save them valuable time in finding out whether they even qualify for free legal aid.

Studies have identified legal screening of the undocumented as a crucial step in implementing special legal status programs.⁵⁰ They found that between 14-25% of the undocumented are potentially eligible for permanent residence. One study that screened over 4000 undocumented immigrants in 12 states was able to identify more than 2 dozen people that were likely to be able to prove they are US citizens.⁵¹ Another study based on a survey of 67 immigrant-serving organizations found a statistically significant relationship between the capacity of these organizations (defined by # paid staff) and the efficacy of their legal screening (measured by the number of screened immigrants found eligible for DACA and some other immigration benefit or relief).⁵² In another study by Immigrants Rising, 3000 online legal intakes for undocumented immigrants (through the Immigrant Legal Intake Service) over 10 years yielded findings regarding barriers to immigration relief and opportunities for DACA, family sponsorship, U visas, and additional forms of relief.⁵³ These underline the importance of

⁴⁹ Legal Services Corporation: America's Partner for Equal Justice. Model Practices & Innovations. <https://www.lsc.gov/i-am-grantee/model-practices-innovations/provide-legal-services>

⁵⁰ Atkinson, Jeanne M., and Tom K. Wong. 2018. "The Case for a National Legalization Program Without Legislation or Executive Action: Results from Screening for Immigration Legal Options." *Journal on Migration and Human Security* 6(2):161–6.

<https://journals.sagepub.com/doi/10.1177/2331502418771915>; Kerwin, Donald, Roberto Suro, Tess Thorman, and Daniela Alulema. 2017. *The DACA Era and the Continuous Legalization Work of the US Immigrant Serving Community*. New York: Center for Migration Studies of New York. <https://cmsny.org/wp-content/uploads/2017/02/CMS-Legalization-Report-FINAL.pdf>; Wong, Tom K., Donald Kerwin, Jeanne M. Atkinson, and Mary Meg McCarthy. 2014. "Paths to Lawful Immigration Status: Results and Implications from the PERSON Survey." *Journal on Migration and Human Security* 2(4):287–304. <https://journals.sagepub.com/doi/10.1177/233150241400200402>.

⁵¹ Atkinson, Jeanne M., and Tom K. Wong. 2018. "The Case for a National Legalization Program Without Legislation or Executive Action: Results from Screening for Immigration Legal Options." *Journal on Migration and Human Security* 6(2):161–6. <https://journals.sagepub.com/doi/10.1177/2331502418771915>

⁵² Wong, Tom K., Donald Kerwin, Jeanne M. Atkinson, and Mary Meg McCarthy. 2014. "Paths to Lawful Immigration Status: Results and Implications from the PERSON Survey." *Journal on Migration and Human Security* 2(4):287–304. <https://journals.sagepub.com/doi/10.1177/233150241400200402>.

⁵³ See report: https://immigrantsrising.org/wp-content/uploads/Immigrants-Rising_How-Can-I-Get-My-Papers.pdf

supporting legal screenings (and integrating holistic services - such as mental health services) in communities like Yakima Valley with large % undocumented populations.

Northwest Justice Project hosts the CLEAR (Coordinated Legal Education, Advice and Referral) Hotline, a toll-free legal hotline and intake system for people with low incomes that many legal services organizations we spoke with use to screen for eligibility. However, several **Community Stakeholders** we spoke with mentioned the lack of access that undocumented communities have with CLEAR telephonic intake system. This is due to limited hours (M-F 9:10am-12:15pm) for client calls from Washington areas outside King County. Also, this phone number fields calls from across Washington state, and there is no way to leave a message so callers must call repeatedly until the line is available. Interviews with **Community Members** revealed that undocumented individuals and their families distrust most general phone lines unless they can speak to a trusted person in particular.

In 2020 to address pandemic-related hardships in many immigrant & undocumented communities, the Washington Immigrant Solidarity Network added a community resource and referral function to their existing deportation defense hotline. The original line was well-known among undocumented community members to report Immigration & Customs Enforcement activities in neighborhoods so that people could be warned. This line is staffed 7 days/week with operators who are bilingual in Spanish and English and receives funding to promote civil legal aid clinics and refer people directly to civil legal aid organizations they qualify for. The hotline is well established and continues to expand its services into application assistance and other areas identified by the needs of directly impacted immigrant community members. Referrals are being tracked for details (numbers offered) to better understand follow-up needed.

Accredited Representational Status for Immigration Cases

The federal recognition and accreditation process began in 1958 and had a goal to increase the availability of competent immigration legal representation for low-income and indigent persons.⁵⁴ Like attorneys, fully accredited representatives can represent immigrants in removal proceedings during this time of significant stress on the immigration court system.⁵⁵ Given they also handle a combination of USCIS petitions, applications and requests for immigration benefits, their numbers are modest in comparison to the immense backlog of pending court cases estimated at over 2 million as of December 2022.⁵⁶ A **Community Stakeholder** noted that it is important that non-profit organizations provide good support for people in this role because of the potential to cause harm due to inadequate support.

There are only 3 organizations, including La Casa Hogar, that have accredited representatives in the Yakima Valley (11 total). **La Casa Hogar** - offers representation for citizenship-related cases

⁵⁴ EOIR (Executive Office for Immigration Review of the US Department of Justice). 2021. Recognition and Accreditation (R & P) Program. Falls Church, VA: EOIR. <https://www.justice.gov/eoir/recognition-and-accreditation-program>.

⁵⁵ LaSusa, Mike. 2022. "Nonlawyers Fill Void at Overwhelmed Immigration Courts." Law360. March 11. <https://www.law360.com/articles/1469550/nonlawyersfill-void-at-overwhelmed-immigration-courts>.

⁵⁶ TRAC (Transactional Records Access Clearinghouse). 2022. "Immigration Court Backlog Tool." https://trac.syr.edu/phptools/immigration/court_backlog/.

from intake to swearing in. Their entire team is bilingual and 60% were former clients of the organization so they have valuable experience navigating the same systems as the clients.

Legal Organizations Utilizing Paralegals

General consensus is that given the legal system and restrictions around who can practice law and provide representation, most people need representation but not everyone has access. In those cases, paralegals can either provide services as an extension of attorneys or offer limited services independent of attorneys.⁵⁷ Paralegals use different titles because there is no specific license, certification, or registry of paralegals in Washington.⁵⁸ An attorney who has paralegals can expand their reach by having paralegals training under the supervision of the attorney – they are getting a lot more traction currently. For instance, Colectiva Legal del Pueblo is a non-hierarchical collective organization in Washington founded in 2012 for and by undocumented immigrants working to build community leadership and power for migrant justice through legal advocacy and education. Colectiva Legal works with several paralegals that carry out legal duties under attorney supervision on cases for naturalization, U-visas, Asylum, family petitions and representing clients in detained and non-detained removal proceedings.⁵⁹ Northwest Immigration Rights Project also employs legal advocates who regularly work under attorney supervision to provide similar services.

In Washington state, there is a program for Limited License Legal Technicians.⁶⁰ While it doesn't cover all legal areas, this may be a more affordable option for people that need family law assistance or help navigating the system.

Increasing Cultural, Language and Social Supports for Undocumented Communities

Legal services providers need to be aware of the immense need among undocumented immigrants for mental health services, as they can support those dealing with trauma, loss, persecution, abuse who may be fleeing their home countries, separated from their support systems, and adapting to new lives.⁶¹ Legal services providers are also encouraged to share information about ESL and citizenship classes, which help to reduce language barriers and create more opportunities for education, employment, and community participation.

*“VAS [Volunteer Attorney Services] needs support staff, not lawyers. We need a social worker since lawyers are not trained to do it all.”
(Community Stakeholder Interviewee)*

Best practice in serving diverse populations, including undocumented communities, is to be known to and have the trust of the community in its service area by engaging with all segments of the community; to offer legal services in a culturally competent manner; to learn about cultural competency; to understand your own culture and explore other cultures (language,

⁵⁷ State of Washington Classified Job Specification, Paralegal 1. Available at the WA Office of Financial Management: <https://ofm.wa.gov/state-human-resources/compensation-job-classes/ClassifiedJobListing/Specifications/112>

⁵⁸ Washington State Paralegal Association. Requirements to become a Paralegal in Washington State. Available at: <https://wsponline.org/The-Profession>

⁵⁹ For more information about Colectiva Legal del Pueblo, see: <https://colectivalegal.org>

⁶⁰ See: <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians>

⁶¹ Ornelas, I.J., Yamanis, T.J., and R.A. Ruiz. 2020. The Health of Undocumented Latinx Immigrants: What We Know and Future Directions. *Annu Rev Public Health*. April 2; 41: 289-308.

food, music, dress, holidays, customs, etc.); and to be open and respectful to new and different cultures than your own.

“There’s a way that farmworkers speak about what they do that others wouldn’t understand. Immigration experiences are not understood by others walking off the street. Cultural competence is to be able to fully understand the client, provide them assistance within that context. You have to have a lot of experience in a particular community - experience to understand what they are trying to tell you. It can be months before you might get to understand.” (Community Stakeholder Interviewee)

Attorneys should at minimum offer interpretation and translation services and many legal aid organizations have access to phone interpreter services from Voiance, a statewide interpreting company, as funded by the Legal Foundation of Washington. This helps ensure information regarding their rights and responsibilities is understood accurately and prevents miscommunication and misunderstanding that could be costly, time-consuming, and/or detrimental to their case. Additional Washington state resources include Northwest Translators and Interpreters Society (<https://www.notisnet.org/>) - of which there are 11 that live in Yakima and speak Spanish; and Washington Court Certified Interpreters and Translators (https://www.courts.wa.gov/programs_orgs/pos_interpret/) - of which there are only 7 in Yakima.

Legal aid organizations may wish to use a language access checklist developed by Community Legal Services of Philadelphia to reflect on their own policies, practices and staff training that are up to date and reflective of language accessible legal aid practice.⁶² There are several videos on the Language Access and Limited English Proficient Advocacy YouTube channel posted by Northwest Justice Project that serve as a resource for advocates working with interpreters and LEP clients.⁶³

Court administrative orders should produce plain language and accessible forms and several Community Stakeholders noted the immense need for the court system to be more accessible to non-English speakers. SRLN notes, “Self-help and access to justice staff must prioritize providing clear and accessible guidance to the public, updating relevant court websites, existing form packages, and self-help materials. All materials should be easy to find through courts’ homepages in addition to any active social media accounts.”⁶⁴ In California, the Court’s self-help page features an easy to access, plain language overview of court administrative orders in English, Spanish, Chinese, Korean and Vietnamese, especially helpful during the pandemic.⁶⁵ The American Bar Association’s report, *Standards for Language Access in Courts* is a tool to

⁶² Legal Services Corporation, Language Access & Cultural Sensitivity. <https://www.lsc.gov/i-am-grantee/model-practices-innovations/language-access-cultural-sensitivity>

⁶³ See YouTube channel: <https://youtube.com/playlist?list=PLEDBA3D39A7D52DBD>

⁶⁴ See website here: <https://www.srln.org/node/1436>

⁶⁵ See CA court website, at <https://www.courts.ca.gov/selfhelp-languages.htm>

assist courts, court administrators, policymakers and others in creating systems for language access services that make the system of justice more fair and accessible to all in our country.⁶⁶

Law Apprentices from the Immigrant Community

WSBA Law Clerk Program⁶⁷ is an alternative to law school in WA State for those with a bachelor's degree. It's a minimum 4-year program designed to provide educational and practical experience through a combination of work and study with an experienced lawyer or judge. Completion of the program qualifies a person to take the Washington State lawyer bar examination. It is open to immigrants and DACA recipients. The program as currently set up allows practitioners to train/mentor one student at a time and has other limitations (example: a subject can only be taught to one student at a time).

Transactional Records Access Clearinghouse (TRAC) Tool

TRAC's purpose is to provide comprehensive information about staffing, spending and enforcement activities of the federal government. TRAC-Immigration reports on how our nation's immigration laws are enforced in administrative and criminal courts by several agencies. This tool shows the representation status for people in various regions who have cases before the immigration courts. It currently shows that only 45% of people in Yakima County (4th highest number of immigration cases in Washington) have representation in their cases.⁶⁸ Though this is not the lowest for the state, it is concerning that less than ½ with pending immigration cases have no attorneys assisting them.

B. Addressing huge gaps in Yakima Valley through new initiatives

This section explores the question: What would have to change here in Washington for undocumented communities in Yakima Valley to get the legal support they need?

Yakima Valley is a Lawyer-Desert Which Attracts Unscrupulous Notarios

The Legal Services Corporation positions rural Americans as a specifically vulnerable population. Studies demonstrate that shortages of lawyers in many regions create challenges for rural residents seeking legal support, and they call these legal deserts.⁶⁹ Distances between residents' homes can make it difficult to offer services and accessible locations, not to mention transportation challenges in rural parts of the Yakima Valley.

Immigration law is one of the most complicated areas in the legal field and is a central need for most undocumented immigrants. Thousands of Washington consumers require immigration-related legal services each year, but unfortunately many individuals, due to a shortage of funds

⁶⁶ See report here:

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/lis_sclaid_standards_for_language_access_proposal_authcheckdam.pdf

⁶⁷ For more information about WSBA Law Clerk Program (Rule 6), see:

<https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/law-clerk>

⁶⁸ See TRAC dataset, Individuals in Immigration Court by Their Address (through Dec 2022):

<https://trac.syr.edu/phptools/immigration/addressrep/>

⁶⁹ Lisa R. Pruitt, et al. Legal Deserts: A Multi-State Perspective on Rural Access to Justice, 13 HARV. L & POL'Y REV. 15, 131 (2018); Larry R. Spain, The Opportunities and Challenges of Providing Equal Access to Justice in Rural Communities, 28 WM. MITCHELL L. REV. 367, 367 (2001);

and unable to afford a lawyer, rely on referrals from family and friends and are unknowingly defrauded by people claiming to be experts. The consequences can be devastating for those seeking the opportunity to live and work in the United States. In Washington and around the country, people advertising immigration services use the title *notario público* on business cards and in their business dealings to deceive consumers into thinking that they have special legal training in immigration affairs.⁷⁰ However, a *notario público* is not a lawyer and is not authorized under state or federal law to provide legal assistance in an immigration case. In several Latin American countries, the term *notario público* refers to an individual who is an attorney and has received extensive legal training over the course of several years. In the United States, a “notary public” is an individual who has the authority to administer an oath or affirmation or witness the signing of papers. The title is relatively simple to obtain. Many people use this linguistic confusion to deceive Spanish-speaking communities into thinking that they are experts in immigration law.

Promoting the Study of Law in the Yakima Valley

Legal education plays a key role in access to justice for undocumented communities. Recruitment and retention programs for students from under-represented communities of color is important because studies show that these students are more likely to provide services within communities of color with access to justice concerns.⁷¹ Some scholars argue that access to rural justice requires accessible legal education in rural areas and they recommend that institutions of legal education be responsive to emerging rural needs.⁷² The Yakima Valley encompasses rural areas and has a majority Latinx population, both indicators of barriers in access to justice.⁷³

Law school clinics provide free legal assistance to tens of thousands of clients, most of whom would otherwise not have access to the justice system.⁷⁴ Law school clinic students alone provide tens of millions of dollars in pro bono legal services each year.⁷⁵ If located in Yakima Valley, a law school would create enormous opportunities for undocumented communities living there. Establishing a law school in the Yakima Valley - and specifically at Heritage University (HU), located in Toppenish on the Yakama Nation (one of two universities in the nation to be designated as both a Hispanic Serving Institution (HSI) and a Native American Serving Non-Tribal Institution (NASNTI)), was identified by legal aid leaders as an important goal to remove barriers to the legal profession to a marginalized community and student body to increase legally appropriate resources. In mid-2021 the three law school deans in WA were engaged and expressed support for the concept and began initial steps in collaboration with HU and legal aid leadership to undertake what would be a complex, multi-year process.

⁷⁰ Check out this resource, Stop Notario Fraud: <https://stopnotariofraud.org/>

⁷¹ See Rachelle Veikune, Access to Legal Education for Minorities Increases Access to Justice for Underserved Populations, 85 J. KAN. B. ASS'N 14, 14 (2016).

⁷² Lisa R. Pruitt & Bradley E. Showman, Law Stretched Thin: Access to Justice in Rural America, 59 S.D. L. REV. 466, 467–68 (2014)

⁷³ Rebecca L. Sandefur, Accessing Justice in Contemporary USA: Findings from the Community Needs and Services Study 8-9 (2014) (explaining that Blacks and Hispanics were more likely to report civil justice issues); Lisa R. Pruitt & Bradley E. Showman, Law Stretched Thin: Access to Justice in Rural America, 59 S.D. L. REV. 466, 467–68 (2014)

⁷⁴ Peter A. Joy, Government Interference with Law School Clinics and Access to Justice: When is There a Legal Remedy?, 61 CASE W. RES. L. REV. 1087 (2011); Stephen Wizner & Jane Aiken, Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice, 73 FORDHAM L. REV. 997 (2004).

⁷⁵ Robert Kuehn, The Economic Value of Law Clinic Legal Assistance. 2022. Best Practices for Legal Education. <https://bestpracticeslegaled.com/category/best-practices-and-clinics/>

Little progress has been made on the law school project, first - due to the group shifting its focus to take advantage of a Law School Admission Council funding opportunity to establish an on-site law school pipeline program directed to increasing Latinx and Native student communities in partnership with HSI and NASNTI institutions. The Law Schools-Heritage U. Collaborative secured the funding and recently concluded a highly successful inaugural pipeline program that registered more than 50% more students than originally planned - reflecting tremendous appetite for programs that support this student community's interest in pursuing legal careers. The pipeline funding is being renewed in 2023, with the expectation the program becomes self-sufficient in 2024 and beyond. Secondly, one of the law schools has floated the possibility of opening a remote campus at Heritage University, which will be the focus of discussions both at the law school internally, and among the Collaborative starting in early 2023.

A similar rural area, the Rio Grande Valley, once located a law school there and the Mexican American students who attended were all first-generation college students, were from low socioeconomic backgrounds and grew up as migrant farmworkers. They attended evening classes and worked full-time jobs during the day and in the short time it was open, 41 graduates passed the Texas State Bar.⁷⁶

There is much interest in supporting undocumented students to go to law school to meet the growing legal needs within the undocumented community. A resource guide has been developed to help undocumented students prepare for this decision.⁷⁷ In a UC Irvine Law Review article about training undocumented lawyers, Stephen Lee proposes that public universities must ensure that educational opportunities remain open to undocumented students and that partnership with surrounding communities is essential, among other recommendations.⁷⁸

Offering Financial Incentives for Lawyers to Practice in Rural Communities

Based upon a report on law school debt, the average law student graduates with over \$100,000 in law school debt.⁷⁹ There are several negative consequences that burden high-need communities including undocumented communities. Among the report's findings are that small law firms have trouble hiring and retaining competent attorneys, few lawyers can work in public interest positions offering lower salaries, new attorneys have too much debt to provide affordable legal services to poor and middle-class families and individuals, they are less likely to engage in pro bono work and take positions in rural areas, and diversity of the law profession decreases.

⁷⁶ Luz E. Herrera, Amber Baylor, Nandita Chaudhuri and Felipe Hinojosa. Evaluating Legal Needs, 36 Notre Dame J.L. Ethics & Pub. Pol'y 175 (2022).

⁷⁷ See resource guide here: https://immigrantsrising.org/wp-content/uploads/Immigrants-Rising_Law-School-Resource-Guide-for-Undocumented-Students.pdf

⁷⁸ Stephen Lee, *Training Undocumented Lawyers*, 10 U.C. Irvine L. Rev. 453 (2020). Available at: <https://scholarship.law.uci.edu/ucilr/vol10/iss0/8>

⁷⁹ Illinois State Bar Association, Final Report, Findings and Recommendations on the Impact of Law School Debt on the Delivery of Legal Services. (2013)

The recently (October 2022) amended Higher Education Act of 1965 to continue to offer loan repayment for civil legal assistance attorneys that are employed for at least 3 years.⁸⁰ Attorneys who work for a non-profit 501(c)(3) organization, the government, or a few other qualified employers may be eligible for forgiveness of their federal direct loans after making 120 payments and meeting other qualifications. This option can make the financial situation of a public interest attorney much more manageable.

In a 2019 article titled Rural Practice as Public Interest Work, Haksgaard argues that rural lawyers provide critical services to rural communities and frequently engage in mixed practice and therefore may not qualify for loan forgiveness programs because they are not full-time public interest or government lawyers.⁸¹ Immigrant communities are often caught in the middle of the rural lawyer shortage, unable to afford staying in the cities where legal aid is concentrated.⁸² Haksgaard recommends that we should borrow from popular program models to recruit medical professionals to rural areas⁸³ by encouraging federal, state, and tribal governments to establish and fund a Rural Lawyering Debt Assistance program and/or a Rural Lawyering Tuition Replacement program.⁸⁴

In one state program, the Unified Judicial System worked with the State Bar of South Dakota and the legislature in that state to create the Rural Attorney Recruitment Program, to address the real and projected shortages of lawyers practicing in small communities and rural areas of the state. The program provides attorneys an incentive payment in return for 5 continuous years of practice in an eligible rural county.⁸⁵

Need for New Legislation: WA State Loan Repayment Assistance

In Washington, SB6744 introduced in the 2004 session would have created a loan repayment endowment program for attorneys who provide legal services in public interest areas of the law.

Other feedback/recommendations from interviews with undocumented individuals.

Community Members we interviewed did not know how to access legal services. Outreach and engagement about legal services, clinics, online intake/screening platforms can be shared with undocumented individuals and families through radio spots, social media, sharing flyers in broad community outreach.

One **Community Member** indicated that the community needs a center dedicated to the legal needs of undocumented community that would help to build trust with legal providers. This would address their fear of sharing personal information over the phone/Zoom.

⁸⁰ See Section 428L: <https://www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf>

⁸¹ Hannah Haksgaard, Rural Practice as Public Interest Work, 71 Me. L. Rev. 209 (2019). Available at: <https://digitalcommons.maine.gov/mlr/vol71/iss2/3>

⁸² Chad Davis & ST. LOUIS PUB. RADIO, *Immigrants, Migrants Caught in the Middle of Rural Lawyer Shortage*, HARVEST PUB. MEDIA (Sept. 24, 2018), <http://www.harvestpublicmedia.org/post/immigrants-migrants-caught-middle-rural-lawyer-shortage> [<https://perma.cc/N6PU-7LAY>]; David Wagner, KPCC, *California Housing Costs Push Migrants Away from Areas Providing the Most Help*, CALMATTERS (Dec. 19, 2018), <https://calmatters.org/articles/california-housing-costs-push-migrants-from-help/> [<https://perma.cc/YCD8-P7AX>]

⁸³ See for instance, <https://nhsc.hrsa.gov/loan-repayment/nhsc-rural-community-loan-repayment-program>

⁸⁴ For more information about how these programs might work, see:

<https://abaforlawstudents.com/wp-content/uploads/2020/07/lrd-2008-03-rural-loan-forgiveness.pdf>

⁸⁵ For more information, visit: <https://uj.s.sd.gov/uploads/RuralAttorneyRecruitmentProgram.pdf>

Study Aim 5

Short-term and Long-Term Solutions & Funding Opportunities

After conducting a literature review, interviews and discussions with community stakeholders and community members, the following short- and long-term solutions are proposed to address the legal needs of the Undocumented community in the Yakima Valley.

Short-Term Solutions

1) (Legal Service Providers/Networks)

Legal Promotores Training Development

To address the shortage of Spanish speaking service providers in the Yakima Valley, efforts should be made to develop a Legal Promotores Training and promotores workforce development. Incorporating Legal Promotores into the community could help increase the public's understanding of their rights and could help provide assistance in navigating the legal system. Initial efforts to create a Legal Promotores Training could be started by the Access to Justice Board of the WSBA by creating a training development committee that includes community stakeholders and can work towards identifying a core curriculum of training topics and activities that a Legal Promotor should be competent in, in order to effectively serve the community. This should be done with the inclusion of Paralegals that serve the community in the Yakima Valley as they likely have extensive familiarity with understanding what services the community needs and requests help with the most. Information from a report done by the Justice Lab at Georgetown Law Center on Nonlawyer Navigators in State Courts could also be helpful in developing a curriculum and standard practices for Legal Promotores.⁸⁶ In order to make the training as low-cost and efficient as possible it could be done via recorded webinar or online training module similar to what the WA State Department of Health has created as part of their Community Health Worker Training.⁸⁷ Creating a Legal Promotor training and workforce development could be especially helpful for undocumented people and those who are non-native English speakers. They could work with and provide support within non-legal community organizations but work in partnership with legal organizations. They could also be integrated into legal organizations as part of their staff mix to conduct community outreach, scheduling and other administrative tasks.

2) (Legal Service Providers/Networks)

Increased understanding of immigrant population in the Yakima Valley

Ensuring that legal service providers have the most up to date understanding of the population they serve can help support the development of funding requests that are successful and support the needs of the community. To obtain information about the undocumented

⁸⁶ See report, "Nonlawyer Navigators in State Courts: An Emerging Consensus
A survey of the national landscape of nonlawyer navigator programs in state courts assisting self-represented litigants"
<https://legalaidresearchnlada.files.wordpress.com/2020/01/justice-lab-navigator-report-6.11.19.pdf>

⁸⁷ WA State Community Health Worker Training <https://doh.wa.gov/public-health-healthcare-providers/public-health-system-resources-and-services/local-health-resources-and-tools/community-health-worker-training-program>

immigrant population in Yakima Valley to assess local capacity and develop timely funding requests, there is a Center for Migration Studies program that offers customized data to immigrant-serving public agencies and community-based organizations. See the form here: <https://cmsny.org/research-and-policy/data/>

3) (WA State Legislature)

Funding allocation by the state for legal services for immigrants

Dedicating general funding from the state to support the following across the spectrum of legal services for immigrants, ranging from community navigators and outreach workers, through accredited representatives to attorneys:

- Online legal intake screening - conducted during mobile clinics and legal clinics that do outreach to undocumented populations.
- CLEAR line legal screening - expanded hours (open in afternoons and evening hours) for legal screenings so that underserved communities in the Yakima Valley can better access assistance for various legal needs.
- Legal Clinics - fund monthly legal clinics that are conducted in partnership with Yakima Valley community organizations and consider providing holistic social and mental health services and referrals.
- Training and capacity building - investment should be directed to training and capacity building needs for 1) Community navigators and outreach workers who need constant training and updating on the state of public policy, and 2) Attorneys need funding at a wage that is competitive with the private sector and organizations that provide professional development need support.
- Increasing accredited representatives - recognized charitable immigration agencies should expand their numbers of accredited representatives and invest in training to allow partially accredited representatives to become fully accredited.⁸⁸
- Funding trauma-related therapeutic services - these services need to be made available to legal providers. More than many other areas of law, legal providers serving undocumented immigrant communities experience secondary trauma from their work with clients who have been in desperate situations. A **Community Stakeholder** noted, “this work feels heavy, so I tell my staff to get up and go, turn the work off, and that they can’t help anyone if they are burned out. We need to invest in self-care. We decided as a team to add monthly outings to our policy handbook.”

Long-Term Solutions

(Legal Service Providers)

1. Evaluation Efforts - Legal Aid Clinics & Telephonic Intake Lines

To successfully address the legal needs of the community, an in-depth evaluation of these existing efforts should be conducted. A robust evaluation of existing Legal Aid Clinics and Telephonic Intake Lines can help gather data needed to determine if these are meeting the

⁸⁸See report, “Assessing Capacity to Provide Legal Services to Undocumented Immigrants in Illinois.” by Rob Paral & Associates/The Resurrection Project: <https://resurrectionproject.org/wp-content/uploads/2022/08/Assessing-Capacity-to-Provide-Legal-Services-to-Undocumented-Immigrants-in-Illinois.pdf>

needs of the community or if improvements should be made. Data should be gathered to understand the impact that both have on the community. A mixed methods evaluation could be conducted in collaboration with key stakeholders to gather both quantitative and qualitative data. Conducting an evaluation can also help provide data that supports long-term funding to continue providing these resources. For example, the Washington Immigrant Solidarity Network is currently conducting efforts to track impacts of legal advice that is given via their hotline.

(Federal)

2. Improving Accredited Representative process

Fully accredited representatives can represent immigrants in removal proceedings during this time of significant stress on the immigration court system.⁸⁹ Given they also handle a combination of USCIS petitions, applications and requests for immigration benefits, their numbers are modest in comparison to the immense backlog of pending court cases estimated at 2 million at the end of December 2022.⁹⁰ Due to extraordinarily high legal immigration needs, Congress and DOJ/EOIR should commit to reducing the time it takes to adjudicate recognition and accreditation applications for regional representatives. Congress should appropriate sufficient monies to DOJ/EOIR for this purpose. There are currently only 3 organizations in Yakima Valley that hire accredited representatives in the Yakima Valley (11 total representatives), so increasing the number of accredited representatives could help provide more support for the community.

(State)

3. Expanding Access to the WSBA Law Clerk Program

This program has the potential to be restructured to allow more under-represented individuals in rural communities such as Yakima County access to the program, but as of right now it is not set up in a way that can be maximized by legal services organizations that serve immigrants. To maximize the use of the program, an exception for legal services organizations that would allow them to develop joint training and serve more than one individual at a time would increase the capacity of this program and help build a pipeline. Also, providing financial support to legal organizations that wish to pursue this path would increase its uptake and ultimately benefit undocumented communities.

(State)

4. Supporting a Law School for the Yakima Valley

Legal education can play a crucial role in access to justice for undocumented communities. Law school clinics provide free legal assistance to tens of thousands of clients, most of whom would

⁸⁹ LaSusa, Mike. 2022. "Nonlawyers Fill Void at Overwhelmed Immigration Courts." Law360. March 11. <https://www.law360.com/articles/1469550/nonlawyersfill-void-at-overwhelmed-immigration-courts>.

⁹⁰ TRAC (Transactional Records Access Clearinghouse). 2022. "Immigration Court Backlog Tool." https://trac.syr.edu/phptools/immigration/court_backlog/.

otherwise not have access to the justice system.⁹¹ Law school clinic students alone provide tens of millions of dollars in pro bono legal services each year.⁹² If located in Yakima Valley, a law school would increase access to legal services for undocumented communities living there.

Establishing a law school in the Yakima Valley was identified by legal aid leaders as an important goal to remove barriers to the legal profession to a marginalized community and student body to increase legally appropriate resources. Opening a law school at Heritage University in the Yakima Valley would address the need to train local lawyers who will be more likely to serve in their community of heritage and will address the undocumented community's immediate needs for attorney services through legal clinics hosted by the school. During community interviews several individuals identified trust as a crucial component to addressing their legal needs, in addition to stressing the importance of having Spanish speaking legal providers. A law school could help meet the needs of the community by fostering trust as a recognized entity in the Yakima Valley and would likely increase the number of Spanish speaking providers who learn and serve within their own community.

Funding Opportunities

(Yakima County & WA State)

Jurisdictions around the country should support their immigrant residents by allocating public funding for legal services.⁹³ In 2016, states and cities across the country developed their own initiatives both in preparation for additional enforcement and in defiance of the incoming Trump administration. There are various programs highlighted in which local jurisdictions secured matching funding from private donors to support representation for immigrants in detention and removal proceedings.⁹⁴

Investment should be directed to multiple service models including:

- Community-based legal services that are situated close to or within immigrant residential areas. These service providers offer highly accessible and culturally appropriate services.
- Centralized, regional services with specialists who can serve complex cases.

Dependence on annual appropriations from local, state, and federal government have left legal services programs uncertain and subject to budget cuts, changing politics, and needing to lobby to maintain funding levels considering pandemic-related budget shortfalls.⁹⁵

⁹¹ Peter A. Joy, Government Interference with Law School Clinics and Access to Justice: When is There a Legal Remedy?, 61 CASE W. RES. L. REV. 1087 (2011); Stephen Wizner & Jane Aiken, Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice, 73 FORDHAM L. REV. 997 (2004).

⁹² Robert Kuehn, The Economic Value of Law Clinic Legal Assistance. 2022. Best Practices for Legal Education. <https://bestpracticeslegaled.com/category/best-practices-and-clinics/>

⁹³ See article: <https://immigrationforum.org/article/public-funding-for-immigration-legal-services/>

⁹⁴ See Vera Institute of Justice's Advancing Universal Representation Initiative here: <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative>

⁹⁵ Fleskes, Austin. 2020. "Shortfall in City Legal Aid Fund Could Lead to More Denver Immigrants Facing Deportation with No Lawyer." *Colorado Politics*. Available at: https://www.coloradopolitics.com/denver/report-shortfall-in-city-legal-aid-fund-could-lead-to-more-denver-immigrants-facing-deportation/article_eb16be9c-e332-11ea-a0dd-cbde03901aa8.html; Grench, Eileen. 2020. "State Stiffs Immigration Lawyer Fund Cuomo Once Lauded as 'Beacon of Hope.'" *The City*. New York City. Available at: <https://www.thecity.nyc/2020/8/3/21353609/state-stiffs-immigration-lawyer-fund-cuomo-once-lauded>

However, as a rural county, Yakima is less affluent and more conservative than many other Washington jurisdictions. These political realities mean that there is a smaller likelihood of investment in legal services at the County level. Therefore, **state policymakers and stakeholders should consider robust and sustainable funding vehicles for legal assistance programs**, such as multi-year grants or grants calculated based on the number of clients served in a specified period.⁹⁶

Moreover, **Washington State should eliminate the restriction in state funding that prohibits funding for immigration work** under RCW 2.53.030(2). This would make it possible for legal services providers to serve more legally underserved people living in Yakima County with multiple legal needs including immigration.

(Federal)

There are many in the undocumented community who prioritize legal services and/or intervention for those at imminent risk of deportation facing permanent separation from their families and their communities and sometimes life-threatening risks in their countries of origin.⁹⁷ These emergent and timely cases deserve our attention and highlight the need to address our national immigration law policies of exclusion and international policies and politics that impact migration's root causes and push factors.

Universal representation is rooted in the principle that every person deserves due process of law, regardless of immigration status. There is not yet a constitutionally recognized right to appointed counsel for people facing deportation. Whether they are lawful permanent residents, unaccompanied children, asylum seekers, or victims of gender violence, they are almost guaranteed to lose their cases and face exile from the United States without legal representation.⁹⁸ There are 2 levels of Universal Representation in which to focus resources: 1) To provide representation to those eligible to stay in the U.S. This would ensure that those eligible for relief have the best opportunity to apply for and secure that relief and it injects fairness into the system by giving immigrants the opportunity to access the rights they are entitled to under US law; and 2) To provide universal representation regardless of whether the person is eligible to stay in the U.S. In the final analysis, legal service providers that directly serve undocumented populations need to decide which level they will prioritize directing their services given local circumstances and politics and national policy discussions.

⁹⁶ See article: https://immigrationforum.org/article/public-funding-for-immigration-legal-services/#_ftnref23

⁹⁷ National Immigration Law Center/Vera Institute of Justice/The Center for Popular Democracy. Advancing Universal Representation: A Toolkit for Advocates, Organizers, Legal Service Providers, and Policymakers: <https://www.vera.org/advancing-universal-representation-toolkit>

⁹⁸ See Universal Representation: Filling the Due Process Gap for People in Immigration Court, available here: <https://localprogress.org/wp-content/uploads/2019/01/Universal-Representation.pdf>

Appendix A

Survey of Legal Services Available in Yakima Valley

Methods:

Snowball method starting with Yakima Volunteer Attorney Services, and with assistance from members of the WSBA Access to Justice Committee.

A. Questions for Key Informants

- 1) What is your name and organization?
- 2) What legal services organization do you think is accessible to people regardless of their legal status throughout the Yakima Valley?
 - a. Organization Name:
 - b. Contact Person:
 - c. Contact Phone number:
- 3) Do you think members of the undocumented community here in Yakima Valley trust this organization? Why/Why not?

B. Questions for Legal Service Providers

Introduction:

Hello, I'm _____ and I'm a consultant for the Access to Justice Committee, which is part of the WA State Board Association. We are examining legal services and needs in the Yakima Valley, specifically for Undocumented populations. It was recommended that we speak with you because of the work you are doing. I'd like to talk with you for 20-30 minutes about the legal services your organization provides to individuals in the Yakima Valley. [Do you have a few minutes available in the next couple of weeks for a phone call?]

- 1) What is your name and role/position/title?
- 2) How long have you worked in this organization?
- 3) How many years have you worked in the Yakima Valley as a whole?
- 4) Please tell me about the services you offer for people regardless of legal status. Do the services include direct representation? Brief advice? Or resources? Or other?
- 5) For each service, can you tell me if any type of interpretation is provided? What type?
- 6) Are these services available when clients are available?

- a. Why or why not?
- 7) Are there any limitations to people utilizing these services? Are these services limited and if so how?
- 8) Is transportation a barrier to people accessing these services?
- a. If the clients cannot physically get to the services, are there alternative options (i.e., virtual, phone, etc.)?
- 9) How do you define cultural competency in terms of legal services for undocumented populations?
- 10) Are your legal services provided in a culturally competent manner?
- a. Please tell me how/why you think these services are culturally competent.
 - b. Is there something your organization has tried or could do to increase the cultural competency of these services?
- 11) Do you think your organization is trusted by the undocumented community to provide legal services? Yes / Somewhat / No
- a. Please explain more why or why not.
 - b. Is there something your organization has tried or could do to gain the trust of the undocumented community?
- 12) Do you have any recommendations for other people/organizations, services that we should contact to find out about legal services accessible to people regardless of their legal status in the Yakima Valley?
- a. Organization Name:
 - b. Contact Person:
 - c. Contact Phone number:
- 13) We recognize that often researchers come into a community that they are not from to collect information and you never hear back from them. On the contrary, we would like to report back to you. Is there something that you would like to see or do in terms of our research that would be helpful to you or this community?

Appendix B

Legal Services Providers (14) Serving Undocumented Communities in Yakima Valley

Organization Name	Mission	Legal Services/ Supports	Availability & Resources	Language Access	Cultural Comp. Strategies	Limitation in Serving Undoc	Notes
Aspen Victim Advocacy Services	A safe space for individuals who are survivors of violent crimes such as sexual assault to come and receive services. Also, here to serve those who have been harmed as a result of crimes.	Advocacy/ Support: through the legal, medical, and criminal justice systems. Assistance in preparing for court. Active monitoring of case to inform victim. Information. Referrals.	Hotline. Flexible hours (evenings/ weekends) to meet client needs. Assistance (financial, therapy, housing).	Staff (advocates) are largely bilingual (Eng./Span). Interpreters available through Comprehensive Health Care or telephonic language line.	Providing services in client's primary language. Advocates are first generation immigrants that understand client cultures. Celebrate and incorporate cultural traditions (Día de los Muertos). Participate in trainings. Close partnerships with trusted organizations.	None.	Labor/sex trafficking is key concern victimizing undocumented community.
Columbia Legal Services	Provides civil (not criminal) legal services to people who are low-income or have special legal needs throughout WA State. Examples include domestic violence, family law, housing, welfare, Medicaid, and social security.	Representation for Impact Litigation: for issues affecting a larger group. Policy Advocacy & Reform.	Flexible hours to meet community needs. Regularly attend evening meetings. Does not charge eligible clients for services.	Priority to hire bilingual staff, attorneys. Have budget for interpreter services.	Recruits staff from the community they serve. Invite impacted community to be on hiring committee. Takes direction from clients. Practices values of respect and dignity. Recognizes systemic barriers of undocu community. Partners with undocu-serving orgs.	Does not represent individuals. Responsiveness may take more time due to process.	N/A

Entre Hermanos	To promote the health and well-being of the Latino Gay, Lesbian, Bisexual, Transgender, and questioning community in a culturally appropriate environment through disease prevention, education, support services, legal representation and advocacy, and community building.	Direct representation: immigration cases. Detention support. Information. Free immigration telephonic consultations for individuals throughout WA.	Respond to FB messages to increase access. While most consults are between 10-6pm, they flex hours as necessary to accommodate clients. Accompaniment services and bus tickets to facilitate transportation.	Radio program in Spanish. Staff fluent in Spanish. Access to interpreters for Indigenous languages like Purepecha. Provide interpretation for other languages.	Cultural humility practices/trainings that increase awareness of own/other's cultures. Hire community members as staff. Schedule workdays based on agricultural seasons for farmworker clients. Frequent phone check-ins. Using apps to send texts with close-ended questions to complete declarations. Considering smartphone with WhatsApp to reach clients. Make greetings obvious (flags on t-shirts) to reach LGBTQ+ detained clients.	Immigration application fees are a barrier. Communication methods change i.e. people's phones are frequently disconnected.	Informing people about sanctuary cities/ areas can ease fear. Lingering uncertainty is merited due to changing political climate.
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Fair Work Center	To build power through education, organizing, and enforcement. Works to raise and uphold standards in the workplace. Fights for economic and racial justice in our communities.	Direct representation. Legal clinic. Grant from OVA to provide more legal services to undocu people. Community outreach events, attach lawyers from VAS and our org to give brief consultation and follow-up, cross-referring from VAS (family law + getting last paycheck). Organizing workers. Also engaging federal & state enforcement agencies in our work.	Been in Yakima for 9 months. Ramp up in Jan 2022, got office there, part of a center and share space with WAISN, One America, and WSLC.	Law in YV is white & male enclave with little secondary language. A struggle to provide. Prioritizes an attorney that speaks Spanish fluently. On the organizing side, has native Span speaker that understands issues and barriers and meets workers where they are.	Young enough, space for us to expand to try new things. Models - trying to hire paralegal assistants from the community (intake). Organizing model is working, well attended, a lot of people coming. Recruiting lawyers to be in person. Challenge is legal staffing in Yakima, current lawyer is on fellowship.	Various funding sources, but no restrictions on serving undocumented communities.	WA has a law to allow people to form a union. Would love to see WA have Farm labor relations board like CA that supports farm labor activities. Requires legislative undertaking. LNI should prioritize people in ag. communities- would be positive for YV undocumented people.
La Casa Hogar	Connects and educates Latina families, to transform lives and our Yakima Valley.	Representation for citizenship-related cases from intake to swearing in. Referrals. Education- civic engagement. Policy Advocacy. DOJ-accredited to offer basic immigration legal services.	Trained receptionist to provide direct contact with community and appropriate referrals. Flexible times for programs based on client's work schedules and ag seasons. Holistic: classes, services, and education.	Entire team is bilingual Eng./Spanish to respond to language needs for most of their clients.	Hiring bilingual community members. 60% of staff were clients of the organization, so have valuable experience navigating the same systems as clients. Work with people where they are, according to their needs. Trauma-informed programs that consider community experiences with oppressive systems. Practice self-awareness and empathy.	None.	Need equity in state funding; more assistance for rural orgs to access funding and broaden criteria for success.

Latino Bar Association of WA	With the mission of providing access to justice, LBAW co-sponsors legal clinics in areas where legal resources are not as accessible, at which volunteer attorneys provide free, limited legal advice on various legal issues	Legal Advice through 30 min. consults on personal injury, medical negligence, worker's rights/wage claims, family law, immigration, criminal law, and property/ landlord-tenant law.	Legal clinics offered in partnership with trusted community organizations at their locations during evenings/ weekends. Virtual clinics (telephonic) also offered.	Most volunteer lawyers at clinics speak Spanish. Collaborating orgs offer additional interpretation.	Cultural understand between Latinx lawyers and clients helps to connect. Ability to fully understand the client and know about their lived experiences as undocumented, farmworkers, etc. Need to have a lot of experience in the community to understand what the client is trying to tell you.	Most requested is immigration but there are few volunteer immigration lawyers. Clinics depend on all volunteer staff.	N/A
The Lighthouse	Exists to advocate for, educate, and support those affected by domestic violence and sexual assault.	Advocacy/Support accompaniment. 24-hour crisis line. Crisis intervention. Referrals. Support groups, outreach, and training.	Staff flexible and have bilingual volunteers after hours to respond to crisis line. Transportation provided.	Bilingual staff/ advocates work with clients. Court-certified interpreter assigned when clients appear in court. Bilingual materials.	40+ years in Yakima Valley. Several bilingual advocates have lived and worked in community for a long time. Welcoming demeanor, identifying holidays, and integrating cultural pieces, sharing food, and ongoing training helps. Listening before assuming, remaining open. Partner with community orgs.	Fears that undocumented people have are barriers to their ability to seek assistance they are eligible for.	More funding for mental health. Need bilingual court staff, signage, and forms-instructions.
Northwest Immigrant Rights Project	Promotes justice by defending and advancing the rights of immigrants through direct legal services, systemic advocacy, and community education.	Direct legal representation for people living in south-central WA: immigration, crime victims. Referrals. Education.	Staff meet clients by phone and in-person when necessary. Flexibility to meet clients after hours. Spanish language radio outreach.	Bilingual attorneys. Language interpretation provided (Voiance).	Finding staff who look like clients, meet them face-to-face and speak their language is a priority. Educate clients using materials with pictures, brief narratives. Flexibility, adaptability in working with this population.	At capacity. Wait list is long. Clients must be income eligible: 125% of poverty	Challenge to find bilingual attorneys.

Northwest Justice Project	Provides free legal assistance to address fundamental human needs such as housing, family safety, income security, health care, education, and more. Their work challenges structural and racial inequities to promote the long-term well-being of low-income individuals, families, and communities across WA.	Representation in civil legal problems facing low-income people due to lack of income. Referrals to partner agencies. Resource Information: WALawHelp. Education: materials, presentations.	M-F 9-4 office hours, but flexible hours depending upon client needs.	Bilingual staff in Yakima office and language interpretation available via telephone language line. Translate key legal documents for clients.	For Latino community, in-person contact is valuable for connection and trust-building. Using social media for outreach and connection, do presentations and meeting people in person is important.	Clients must call CLEAR (only during certain times) for intake. Undocumented only qualify for representation as victims of crime & housing for mixed status households.	Legal services are at capacity. Service gaps are worse in Yakima as compared to other regions.
TeamChild	Upholds the rights of youth involved, or at risk of being involved, in the juvenile justice system to help them secure the education, healthcare, housing and other supports they need to achieve positive outcomes in their lives.	Direct civil legal representation and litigation for youth and young adults 12-24. Education: presentations. Policy advocacy with youth. Resources: able to provide phones, bus passes, Ubers, gas.	Accessible to meet clients after hours and neutral location if office hours are a barrier. Not restricted by federal funding that would limit serving moderately low-income youth, families.	Longtime, bilingual (Spanish) staff. Use language line. Obtain court-certified interpreter for material translations and in-person representation.	With youth, must be willing to listen with humility and openness. Centering cultural values to build trust and rapport. Showing appreciation. Maintain close community partnerships. Youth need flexibility.	Aspiration to recruit bilingual attorneys willing to work in Yakima Valley. Unstable WIFI in lower valley.	Housing stability and other emergent/ immediate issues need to be met while legal issues are being addressed.

Washington Immigrant Solidarity Network (WAISN)	WAISN's mission is to empower immigrant and refugee communities, establish statewide mobilization and resistance to anti-immigrant and anti-refugee activities, and galvanize communities to begin collective action across the state.	Hotline 7 days/week. Resources. Referrals to agencies including direct referral system to civil legal aid. Policy Advocacy. Education: FB videos and materials on various topics.	There is always someone on hotline to respond to reported raids, etc. Respond to FB messages. Able to gather and upload documents for relief funding applications. New Yakima office is way to increase trust. Partnering on 10-12 in-person legal clinics.	Language justice is core value. Required fluency in Spanish. All meetings in Spanish with English translation. Telephonic language line for other languages.	Organization is led by queer, trans, undocumented people. Hire people that have the lived experience of those they serve. Work with 25 undocumented serving partners statewide. Following leadership of impacted community members. FB Live videos where community members alongside trusted experts deliver messages. Social media graphics that get to the point are better for this community. Inclusivity beyond Latinx populations.	Capacity issue with calling people back who leave messages on hotline.	Access to low & pro bono legal services, especially for immigration issues, is a huge gap in Yakima.
Yakima Dept of Assigned Counsel	Provides constitutionally guaranteed legal defense services for indigent persons charged with crimes or brought into proceedings threatening the loss of personal liberty in the District and Superior Courts of Yakima County.	Public defense representation delivery system in Yakima County for all those presumed indigent. Includes felonies, misdemeanors, sex offenses (DV).	M-F 8:30-4, but trial lawyers work all hours required by the case.	Use interpreters in office, contract court-certified interpreters for documents.	We know that finding an immigration-safe result is what clients want, so we prioritize this in our work. Not practiced in the court system and prosecuting authority, and largely disincentivized due to time and legal culture. Follow facts, law, and evidence to address the high need. Yakima County very conservative & don't prioritize or care about this.	Very few bilingual public defenders willing to relocate to Yakima.	Holistic representation (social workers, investigators, support) needed to meet WSBA standards of indigent defense.

Yakima Volunteer Attorney Services	To provide referrals to volunteer attorneys for qualified indigent clients in designated civil cases. We are recognized as a non-profit company and licensed to provide clients with pro-bono attorneys.	Representation, litigation: criminal, civil, employment, family law. Depends on recruitment of volunteers. Education: YouTube Channel	M-F 9-4, but volunteer lawyers try to be responsive to people without phones, internet. Zoom court. Bus passes for court access. Legal clinics in evenings, materials in Spanish.	Hired bilingual coordinators. Use telephonic language line. Certified interpreter to translate court documents. Paid advertising in Spanish.	Understanding culture that people are coming from. Accommodate time, language barriers for undocumented clients when they often hear "no". Staff need breaks to take care of themselves in doing this work to avoid burnout. Staff aware of systemic barriers clients face. Mandatory CC training for staff.	Services depend on volunteer base of lawyers. Clients must call CLEAR for eligibility and intake.	Need bilingual staff, forms, and signs in courthouse.
YMCA (Yakima)	On a mission to eliminate racism, empower women, stand up for social justice, help families, and strengthen our community.	Legal advocacy, case management and resource/service navigation for victims of DV. Education.	Staffed and people can call 24 hours/day, though legal advocate is during day. Flexibility with services. Outreach in community sites to connect and build trust.	Prioritize hiring bilingual advocates and staff. Materials translated. Arrange court-certified interpreters. Spanavision PSAs on all TV stations about DV	Embedded within mission is to eliminate racism, so culture is to have education and understanding of different communities and actively accommodate language, food, medication, and other cultural needs. Resources/info to not be biased and judgmental. Trainings and DEI institutes for staff.	Some think we don't serve undocumented people, so we aim to inform partners. Fear of reaching out esp. DV	N/A

Appendix C

Demographic Survey of Undocumented Community Members

1. Which area of the Yakima Valley do you live in?
 - a. Yakima
 - b. Wapato
 - c. Toppenish
 - d. Zillah
 - e. Granger
 - f. Sunnyside
 - g. Other

2. To which gender identity do you identify yourself?
 - a. Male
 - b. Female
 - c. Transgender Male
 - d. Transgender Female
 - e. Gender Variant/Nonconforming
 - f. Other
 - g. Prefer not to answer

3. Which racial/ethnic groups do you identify with?
 - Afro - Caribbean
 - Afro - Latino/a/x
 - American Indian, Alaska Native or First Nations
 - Asian
 - Asian - East Asian
 - Asian - South Asian
 - Asian - Southeast Asian
 - Black or African American
 - Hispanic or Latino/a/x
 - Indigenous to Mexico, Central America, or South America
 - Middle Eastern, Southwest Asian, or North African
 - Native Hawaiian or Other Pacific Islander
 - Slavic / Eastern European
 - White
 - More than one race or ethnicity / multiracial
 - Another race, ethnicity, or origin
 - Prefer not to answer
 - Unknown

4. In which of the following age ranges do you belong?
 - a. Under 18 years of age
 - b. 18-34 years

- c. 35 to 44 years
 - d. 45 to 54 years
 - e. 55-64 years
 - f. 65 or more years
5. What is the highest level of education you have completed?
- a. 0-3 years primary education
 - b. 3-5 years primary education
 - c. 5-8 years primary education
 - d. 8-12 years, no high school diploma or GED
 - e. High school diploma or completed GED
 - f. Other _____
6. What is the primary language you speak at home?
- a. Spanish
 - b. English
 - c. Spanish and English
 - d. Indigenous Language (ex. Triqui, Mixteco)
 - e. Other (please specify) _____
7. What is your household size?

**a household can be defined as all people who occupy a single housing unit regardless of their relationship to one another.*

8. What is your annual income?
- a. Less than \$20,000
 - b. \$20,000 - \$50,000
 - c. More than \$50,000
 - d. I don't know / Not Sure
9. What are the sources of your income?
- a. Employment
 - i. Type of Employment
 - 1. Agriculture
 - 2. Retail
 - 3. Hospitality
 - 4. Landscaping
 - 5. Construction
 - 6. Caretaker
 - 7. Other
 - b. Other:

10. Does anyone else in your household have an income? a. Yes; b. No

Appendix D

Undocumented Community Member Legal Needs Interview Guide

1. Have you previously experienced a need for legal services?
 - a. What type of legal services did you need?
 - b. What organization did you seek services from?
 - i. Are there any organizations that you have heard you cannot seek legal services from?
 - c. Can you describe your experience?
 - d. Did you feel like these services were accessible to you?
 - e. Did you experience any barriers?
 - i. Has your legal status ever been a barrier in you personally seeking out legal services?
 - ii. Have you ever been told that your legal status could be a barrier in seeking out legal services?
 - iii. Have you ever experienced a need for legal services but did not seek help due to fear because of your legal status?

if no previous experience or need, ask questions 1.i, and e.i.ii.iii, then proceed to question 2

2. There might be other situations where you could potentially need legal services and might not have been aware of it, I will read through a couple of scenarios, and you can tell me whether these might apply to you:
 - **Benefits** - For example needing help attaining benefits from the state or experiencing changes in benefits and you're not sure why there was a change.
 - **Contracts/Insurance** - For example being in an accident but not having insurance.
 - **Crimes/Fines** - For example having unpaid court fines or tickets, a suspended license or experiencing difficulty obtaining housing or employment due to a criminal record.
 - **Debt** - For example owing taxes that you are not able to pay back, having unpaid medical bills or utility bills.
 - **Discrimination / Civil Rights** - For example being treated differently or unfairly based on how you look or how you personally identify.
 - **Domestic Violence** - For example experiencing physical harm, bodily injury, assault, or inflicting the fear of physical harm, bodily injury, or assault, between members of the same household or family.
 - **Education/School** - For example experiencing a need for additional support for your child to be successful in school or being a victim of hate or discrimination at school.
 - **Employment** - For example being harassed or discriminated against while at work or being fired unfairly.

- **Family** - For example if you are going through a divorce or separation, or having issues with child support or spousal support.
- **Housing** - For example experiencing or being at risk of homelessness, renting an unsafe home, or experiencing harassment/retaliation from your landlord.
- **Immigration** - For example understanding your rights during ICE raids, receiving a removal or deportation order, or having a visa request denied.
- **Personal Injury** - For example experiencing an injury at your workplace or in a car accident.
- **Safety Planning** - For example needing help planning for your children or family if you are detained or deported.
- **Wills/ Estates** - For example needing help with will planning for your children or property.
- **Other** - Is there any other situation you can think of that you have experienced or are currently experiencing where having legal assistance would help?

3. If you were to experience a legal need, where would you turn to first?
 - a. Can you describe why?

4. In your opinion, what types of legal services do you think are most needed for the undocumented community in the Yakima Valley?
 - a. Are these services accessible?
 - b. Are there any services that are not accessible?
 - c. How could the legal needs of the community be better met?
 - d. What do you think is needed to improve access to legal services?

5. What do you think are the biggest barriers experienced by the undocumented community in accessing legal services?

Appendix E

Undocumented Community Member Demographic Data

37 individuals participated in phone interviews; the following provides a breakdown of participant demographics.

Race & Ethnicity

All 37 participants identified as Hispanic or Latino.

Gender

20 participants identified as Female and 17 identified as Male.

Annual Income

Annual Income	Frequency	Percentage
Less than \$20,000	7	18.9%
\$20,000 - \$50,000	30	81.1%
More than \$50,000	-	-

Primary Language

All 37 participants identified Spanish as their primary language.

Education

<u>Education</u>	<u>Frequency</u>	<u>Percentage</u>
0-3 years primary education	1	2.7%
3-5 years primary education	14	37.8%
5-8 years primary education	17	45.9%
8-12 years, no high school diploma or GED	2	5.4%
High school diploma or completed GED	3	8.2%

Workforce Sector

<u>Workforce Sector</u>	<u>Frequency</u>	<u>Percentage</u>
Agriculture	33	89.2%
Retail	-	-
Hospitality	-	-
Landscaping	-	-
Construction	2	5.4%
Caretaker	1	2.7%
Other	1	2.7%

Place of Residence

<u>Place of Residence</u>	<u>Frequency</u>	<u>Percentage</u>
Yakima	18	48.6%
Wapato	5	13.5%
Toppenish	3	8.2%
Zillah	-	-
Granger	2	5.4%
Sunnyside	7	18.9%
Other	2	5.4%

*** Other: 2 participants identified Grandview as their place of residence ***

Legal Services Needed

The following is a breakdown of legal services identified by participants during phone interviews, participants were asked to identify all services that applied to them.

Type of Service	Frequency	Percentage
Benefits	2	5.4%
Contracts/Insurance	1	2.7%
Crimes/Fines	3	8.2%
Debt	10	27%
Discrimination / Civil Rights	-	-
Domestic Violence	-	-
Education/School	3	8.2%
Employment	11	29.7%
Family	-	-
Housing	-	-
Immigration	20	54%
Personal Injury	9	24.3%
Safety Planning	2	5.4%
Wills/ Estates	-	-

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