

MINUTES

Access to Justice Board
June 4, 2010
10:00 a.m. – noon
Coast Wenatchee Convention Center
Grand Apple South

Present

ATJ Board Members: Chair Judge Steve González, Kirsten Barron, Ishbel Dickens, Patricia Lantz, Elizabeth Schoedel, Aiko Schaefer, Greg Dallaire, Judge Elizabeth Fry, Wayne Blair

ATJ Board Committee Chairs and Members: Caitlin Davis Carlson, Threesa Milligan, Alex Doolittle, Aline Carton, Jorge Barón, César Torres, Ada Shen-Jaffe

Guests: Seattle University School of Law Dean Mark Niles (beginning July 1, 2010), Spokane County Bar Association Director Penny Youde, Legal Foundation of Washington Board of Trustee Member Pamela De Rusha, Bill Dodge

Staff: Joan Fairbanks, Allison Durazzi, Sharlene Steele, Lynn Greiner

Approval of April 2, 2010 ATJ Board meeting minutes: The minutes were approved as drafted.

Approval of April 30, 2010 ATJ Board retreat minutes: The minutes were approved as drafted.

Appointment of New Executive Committee member: The ATJ Board appointed Ishbel Dickens to the Executive Committee.

ATJ Board assignments to community legal events: As a regular agenda item, ATJ Board members reviewed a list of upcoming legal community events and volunteered to attend them as appropriate. ATJ Board members will notify Joan Fairbanks of events as they learn about them. A complete list of events is hosted on the Alliance website (<http://www.allianceforequaljustice.org>).

Discussion of proposed amendments to GR 34: Chair Judge Steve González reviewed the scope of the rule, which provides a uniform process for waiving filing fees. GR 34. An initial draft met with strong opposition from county clerks and the Superior Court Judges Association (SCJA). With the assistance of Judge Mary Yu, King County Superior Court Clerk Bar Miner and Jim Bamberger, the proposed rule was revised, redrafted and resubmitted. The SCJA approved the changes, but the county clerks continued to oppose the proposed rule. The rule was scheduled for comment, but the decision on the rule has been delayed. The county clerks argue that the rule is beyond the scope of judicial branch authority. Additional language has been proposed by Jim Bamberger to clarify which fees and costs may be waived. Don Horowitz has also proposed changes, which have been accepted by the Supreme Court. By consensus, the ATJ Board agreed to support the amendments proposed by Jim and Don, and will send a letter to the Supreme Court Rules Committee. The ATJ Board will encourage members of the Alliance to send letters in support of the amendments. Deadline for comments is June 21, 2010.

Nomination of Civil Legal Aid Oversight Committee Member: By statute, three members of the Civil Legal Aid Oversight Committee are appointed by the Supreme Court from a list of nominees submitted by the ATJ Board. Judge Elizabeth Fry, Chair of the ATJ Board's Nominating and Leadership Development Committee, reported on the process her committee used to recruit applicants for the position that is being vacated by Civil Legal Aid Oversight Committee member Carolyn Estrada. The Committee is recommending that the ATJ Board nominate Jesse Magana from Vancouver, Washington. Greg moved that we recommend him. The ATJ Board approved the nomination and will send a letter to the Supreme Court.

Approval of ATJ Board meeting schedule: The ATJ Board reviewed the proposed meeting schedule and had the following suggestions, which will be considered by the Executive Committee after reviewing the ATJ Board budget implications: (1) consider a two-day retreat in Omak; (2) consider moving the meeting date to the week-end of August 2 to coincide with the Omak Stampede; (3) consider combining a business meeting with the retreat.

ATJ Board Leadership Development Initiative: Judge Elizabeth Fry provided a brief history of this project, which was initiated in 2006 by her committee at the request of the ATJ Board. In August 2008 the ATJ Board called for support of this initiative to be included with the statewide support center as proposed by the State Plan Implementation Update Report. Throughout 2008 the Committee developed a request for quotations (RFQ) for a leadership development initiative. In November 2009, the ATJ Board approved distribution of the RFQ. The RFQ was circulated nationally to over 100 organizations and consultants with experience in leadership development and/or civil legal aid. The Committee received five expressions of interest, followed by three submitted quotations from MGS Consulting, Inc; the Center for Legal Aid Education; and a consortium of entities including the three Washington state law schools, Management Information Exchange and Equal Justice Works. After careful review, the Committee reached unanimous agreement that the proposal offered by the Center for Legal Aid Education is highly responsive to the criteria outlined in the RFQ. The cost of project is \$216,000 -- \$80,000 per year for each of 3 years. The committee recommends that the ATJ Board request the financial support of the Office of Civil Legal Aid and the Legal Foundation of Washington.

There was a wide-ranging discussion about the proposal; the ATJ Board reconvened in the afternoon to continue the discussion. Representatives from the Legal Foundation of Washington are concerned about the timing of the leadership development proposal, given the unprecedented decline in revenue and the increase in client need. Representatives from OCLA were not present. A Northwest Justice Project representative expressed concern at the ATJ Board Nominating and Leadership Development Committee's recommendation that OCLA funds be used, given the clear priority expressed by Alliance stakeholders on May 19, and further anticipated reduction in the state support for civil legal aid. In response to concerns that this was not offered as a priority at the May 19 OCLA budget meeting, Judge González clarified that there is a distinction between the state funding priorities and the ATJ Board's priorities. Nominating and Leadership Development Committee member Ada Shen Jaffe provided context for the need for leadership development, which is to develop a framework to identify leaders in the movement; indoctrinate them so they can take up the mantle when the current leaders are gone. This is not about positional authority, but about building leadership capacity in the community.

The ATJ Board took the following position: The Board recognizes the importance of leadership development and will continue to support the project. It is unwilling to commit funds that go to civil legal aid services, and will work to identify other sources of funding. Aiko Schaefer and Ishbel Dickens will join the Nominating and Legal Aid Committee to develop strategies for moving forward. The Legal

Foundation of Washington will share ideas about funding sources. The ATJ Board will defer this discussion until June 18.

Discussion of proposed ATJ Board priorities and FY 2010 Supreme Court funding priorities: The ATJ Board agreed on priorities 1 – 4: (1) strengthening the pro bono function of the civil legal aid delivery system; (2) addressing issues facing pro se individuals in the justice system; (3) securing ample funding for civil legal aid and the courts; (4) using and integrating technology in the work of the ATJ Board and its committees consistent with the ATJ Technology Principles. It will defer discussion of priority #5 until June 18: promoting leadership development and training for the Alliance consistent with the State Plan and current efforts of the ATJ Board’s Nominating and Leadership Development Committee. The ATJ Board also will discuss what has been accomplished during the past year with regard to the current priorities. The ATJ Board requested a breakdown of staff time spent on the current priorities.

Review of ATJ Conference Schedule: Joan Fairbanks provided the overview.

Respectfully submitted,

Joan E. Fairbanks
Staff Director, Access to Justice Board

Future Meetings:

June 18, 2010 (8:30 – 10:30) – limited to the discussion of the 2010-11 ATJ Board priorities
July 30, 2010