



DRAFT

MINUTES

Access to Justice Board
September 10, 2010
9:30 a.m. – 1:00 p.m.
Washington State Bar Association

Present: **ATJ Board Members** Chair Judge Steve González; Kirsten Barron, Wayne Blair, Greg Dallaire, Judge Elizabeth Fry, Pat Lantz; **ATJ Board Committee Chairs and Members** Lynn Greiner, Brian Rowe, Jim Bamberger, Caitlin Davis Carlson, John Midgley, Ada Shen-Jaffe, César Torres, Nell McNamara; **Liaisons** Joanna Plichta Boisen (WSBA Pro Bono and Legal Aid Committee), Kevin Stock (Washington State Association of County Clerks **Guests** Peg Henkel Chance (Law Advocates), Steve Larsen (WSBA Deputy Director of External Relations), Joanne Whitehead; **Staff** Joan Fairbanks, Allison Durazzi, Brian Ledbetter, Sharlene Steele

Approval of June 4 and July 30, 2010 ATJ Board Meeting Minutes: The minutes were approved as drafted.

ATJ Board Chair's Report:

1. September 13 ATJ Board/OCLA/EJC/WSBA meeting: Judge González will facilitate the pre-legislative session meeting between representatives from the Office of Civil Legal Aid, the Civil Legal Aid Oversight Committee, the Equal Justice Coalition and the Washington State Bar Association. The purpose of the meeting is to review roles and responsibilities with respect to state funding for civil legal aid, to resolve any misunderstandings, and to address expectations for the upcoming legislative session. Judge González invited interested ATJ Board members to attend.
2. Washington State Association of County Clerks: Judge González met with incoming WSACC President of WSACC Kevin Stock. They discussed Kevin's proposal to increase the filing fee for unlawful detainer actions. Once this proposal is formalized, Judge González will bring it to the ATJ Board for consideration. Kevin Stock is now liaison from the Washington State Association of County Clerks to the ATJ Board. He is looking forward to improved communication between the ATJ Board and the clerks. He and Pat Lantz praised Kevin's effective participation as member of the ATJ Board Pro Se Project.
3. GR 34: Judge González has encouraged key member of the Supreme Court to take action on GR 34 at its November *en banc*. Jim Bamberger added that in an effort to find common ground with the court clerks, the Pro Bono and Legal Aid Committee proposed revisions to GR 34. If approved by the WSBA Board of Governors at its September 23/24 meeting *and if* the clerks agree to submit the rule jointly with the WSBA, the revised version will be submitted to the Court. PBLAC recently sent a letter to the Washington State Association of County Clerks outlining details of this proposal. If the clerks are not in agreement, PBLAC has

recommended that the Court go forward with the current version. Additionally, PBLAC has affirmed its interest in working in good faith with the clerks and others to find ways to address the difficulties in effectively funding courthouse facilitator programs.

4. ATJ Board-approved recommendation to develop a policy on immigration enforcement in state courts: Judge González will make a presentation to the Board for Judicial Administration on September 17. The focus of the request will be support for training for judges on immigration enforcement in the courts. Judge González and Judge Yu have agreed to work with the Administrative Office of the Courts on the development of the training. Chief Justice Barbara Madsen is working with the Administrative Office of the Courts to secure a grant for the training. She also plans to convene stakeholders to develop a statewide policy, possibly modeled after the King County policy.

5. WSBA Annual Awards dinner (September 23): Long-time ATJ Board volunteer extraordinaire Don Horowitz will receive the WSBA Award of Merit. Joanne Moore, Director of the Office of Public Defense, will receive the Angelo Petrus Award for Lawyers in Public Service.

6. Annual ATJ Board Committee Chairs meeting (October 8): The draft agenda is included in the meeting materials. A focus of this meeting will be leadership succession on ATJ Board committees.

7. ATJ Board Executive Committee: The Executive Committee is working on the development a proposed policy for expanding participation in Executive Committee meetings. The meeting dates and agendas will be posted. The Executive Committee will present its proposal to the ATJ Board at its October 8 meeting.

8. ATJ Conference Planning Committee: The ATJ Board is seeking recommendations for a new ATJ Board Conference Planning Committee chair to succeed Colleen Kinerk. WSBA is in the process of hiring a new Events Coordinator (to replace outgoing Events Coordinator Emily Robinson) who will be responsible for staffing the Conference Planning Committee.

9. Pro Se Project: Lynn Greiner will not be renewing her contract with the ATJ Board to staff this initiative. The position has been posted. Interested parties or recommendations should be directed to Joan Fairbanks. ATJ Board members Pat Lantz and Kirsten Barron serve as co-chairs for the project.

10. Judicial Stabilization Trust Account: Judge González reported there will be a meeting in November with representatives from stakeholders including the ATJ Board, OCLA, BJA, the Washington Association of County Clerks and the Supreme Court to discuss the JSTA.

Discussion of the ATJ Board's Community Partnership Award: The ATJ Board Awards Committee is seeking guidance on defining the scope and criteria for this award. Awards Committee member Greg Dallaire distributed a memorandum outlining the concerns, which compelled the Committee to decline making a 2010 Community Partnership Award. Ada Shen-Jaffe noted that this award originally was established to reward and recognize entities and individuals outside the justice system to broaden our political base of support and to educate about civil equal justice. There was consensus that the strategy had been effective and that the

ATJ Board should consider turning its attention to client-based community partnerships. There also was consensus that the criteria should be flexible; that there is merit to both approaches; and that the call for nominations need to be broadened. There was a suggestion that there be two separate awards. The Awards Committee will consider these comments and provide the ATJ Board with a proposal at its October 8 meeting.

ATJ Board Assignments to Legal Community Events:

October 1 Northwest Immigrant Rights Project 26th Anniversary Celebration: Caitlin Davis Carlson, Jim Bamberger and Kirsten Barron

October 1 Middle Eastern Legal Association First Annual Banquet: Brian Ledbetter

November 10 Vietnamese American Bar Association of Washington annual banquet: Judge González

Allison Durazzi agreed to get more information about the October 29 Kitsap Legal Services 2nd Annual Volunteer Appreciation Breakfast and add it to the list.

Supreme Court Commissions, Boards & Task Forces Assessment Work Group: Work Group Member Ada Shen-Jaffe reported on the status of this initiative commissioned by Chief Justice Barbara Madsen to review the work of these Supreme Court entities to look at ways to minimize duplication of effort, unproductive competition and other dynamics. The ATJ Board Technology and Justice Without Barriers Committees are represented on the Work Group by Brian Rowe and David Lord. The workgroup met in April, May, June and July and has drafted a report to be considered at a meeting with the Supreme Court on September 10. If the recommendations in the report are adopted, the ATJ Board will most likely play a key role in implementation. It is unknown at this time whether the Court will publish the report for comments.

Advocacy Report: Page Henkel Chance is the coordinator of a LAW Advocates program in Bellingham that provides services to homeless people in Whatcom County. Her presentation focused on the significant unmet for services for the homeless and on the systems she has developed to provide those services. In particular, she is working to develop a system for homeless people to obtain photo identification.

ATJ Board Leadership Development Initiative: ATJ Board Nominating and Leadership Development Committee Chair Judge Elizabeth Fry reported that the Initiative's Steering Committee met for the first time on August 26, 2010. The Steering Committee has schedule a full-day meeting on October 6 with vendor Ellen Hemley of the Center for Legal Aid Education (CLAE).

Equal Justice Coalition: EJC Director Nell McNamara reported that local funding in King County is at risk again this year. The EJC will endeavor to protect funding levels for local Alliance organizations by issuing action alerts to EJC members in King County. The Alliance organizations receiving funds from King County include: Eastside Legal Assistance Program (\$60,000), Solid Ground Family Assistance Program (\$25,000), Northwest Immigrant Rights Project (\$10,000), TeamChild (\$200,000), and Unemployment Law Project (\$20,000). Nell said that EJC is lobbying to have these items included in the King County Executive's

budget. Alternate budgets are being prepared in anticipation of the proposed sales tax increase. A final budget is anticipated on November 22.

Nell reported that the Northwest Justice Project may receive an increase in Legal Services Corporation funding. Both the House and the Senate have proposals for lifting certain restrictions on organizations that receive federal funding. Seattle attorney Harry Korrell of Davis Wright Tremaine has been nominated to the LSC Board. The EJC will coordinate a comprehensive orientation after his formal appointment.

Nell indicated that the EJC will focus its efforts on protecting as much current funding as is possible given the state's revenue projects. She asked ATJ Board members and others to verify they are signed up to receive EJC Action Alerts and that their contact information is current. www.ejc.org

Washington State Bar Association: ATJ Board Liaison Greg Dallaire reported that the WSBA President's Award will be given to Mark Hutchison and Dave Andrews for their work in establishing the Endowment for Equal Justice some twenty years ago.

Board for Judicial Administration: ATJ Board Liaison Wayne Blair reported there are ongoing discussions between BJA and WSBA about proposed WSBA bylaws, specifically the new judicial membership class. He noted that as of September 1, there are new rules regarding indigent defense and the process for becoming a qualified public defender. Although the rule is effective, the criteria have not been established, and will be on the November BJA meeting agenda. Also on the November agenda is a discussion of the Judicial Stabilization Trust Account.

Office of Civil Legal Aid: Director Jim Bamberger noted that the coming election season could result in a different legislature for the coming year, which may impact civil legal aid funding. He reported that the Governor is expected to issue an executive order on Monday, September 13 imposing supplemental, across-the-board cuts to the state budget. On this issue, Jim said that the Chief Justice wrote to the Governor, Senate Majority Leader Lisa Brown, and House Ways and Means Chair Kelli Linville, asserting that the judicial branch does not think the Governor has constitutional authority to cut the judicial branch budget. There is an October 14 hearing. Jim said the OCLA's position is that the agency received funding cuts in addition to the cuts it submitted to voluntarily last year, that it cannot sustain any additional reductions.

Jim reported that the Supreme Court has established a process for review and comment on all judicial branch agency budgets. OCLA, Office of Public Defense (OPD) and Commission for Judicial Conduct (CJC) participate in that process. The Supreme Court comments on, and makes recommendations to, these budgets.

Legal Foundation of Washington: Executive Director Caitlin Davis Carlson reported that IOLTA revenue is low, interest rates are low and that the Fed indicates no increases any time soon. She said LFW received 26 grant requests for a total of \$7.7 million in the 2011 Grant Application process; last year's grant requests totaled \$7.4 million. Caitlin also indicated that LAW Fund is doing well, and is excited to kick off the joint law firm campaign with King County Bar Association in the coming weeks. Caitlin reported that LFW continues conversations with NJP and OCLA about the level of funding available to LFW grantees who take on state funded-eligible cases .

Washington Association of County Clerks: President Kevin Stock made a brief presentation about Pierce County's case management system. The ATJ Board suggested he contact Technology Committee chair Mike Katell to discuss that Committee's work related to case management, JISC, and fees for access to court records.

Thank you, Brian Ledbetter: On behalf of the ATJ Board, Greg Dallaire acknowledged UW Law School student Brian Ledbetter's excellent work during his summer internship at the WSBA. Brian supported the work of the ATJ Board Technology Committee and worked closely with Greg Dallaire on research for the ATJ Board's Living History Project.

Future Meetings:

October 8, 2010

November 12, 2010

December 17, 2010