



Minutes

Access to Justice Board
September 16, 2011
Washington State Bar Association

Present:

ATJ Board Members: Chair Hon. Steve González, Kirsten Barron, Breean Beggs (by phone), Wayne Blair, Ishbel Dickens, Elizabeth Fry, Nick Gellert.

ATJ Board Staff: Allison Durazzi, Joan Fairbanks.

ATJ Board Committee Chairs and Members: Jim Bamberger, Jorge Barón, Caitlin Davis Carlson, Karen Falkingham, Bette Fleishman, Eric Gonzalez Alfaro, Dan Gottlieb, Mike Katell, John Midgley, Debi Perluss, Brian Rowe, Ada Shen-Jaffe, and César Torres.

Guests: Steve Larsen (WSBA Deputy Director), Joshua Hansen-King (WSBA / ATJ Technology Committee summer legal intern), Lillian Hewko (Northwest Women's Law Center), Andy Prazuch (King County Bar Association).

Welcome and Thank you

Judge González welcomed everyone to the meeting, LFW Director Caitlin Davis Carlson introduced the new Equal Justice Coalition Director Eric Gonzalez Alfaro.

Judge González presented an award to Mike Katell for his two years of service as ATJ Board Technology Committee Chair. Under his leadership, the Committee participated in several significant initiatives, such as JusticeNet and collaboration with the WSBA Court Rules Committee on proposed rules for electronically stored information.

Judge González thanked Joshua Hansen-King for his summer internship with the Technology Committee. Josh is a second-year student at the University of Washington School of Law. He focused his time researching federal and state laws and policies relevant to Washington State's Access to Justice Technology Principles .

ATJ Board Chair's Report

Judge González reported on the ATJ Board's July 14, 2011 meeting with the Supreme Court, where they shared information from the ATJ Board's June 3, 2011 community listening session in Kennewick. The Court has asked the ATJ Board to continue sharing feedback from these sessions.

There was discussion about the ATJ Board's pending request to the Supreme Court for a voting member on the Judicial Information Systems Committee (JISC). The Court asked the ATJ Board to discuss the

possibility of sharing WSBA's JISC seat. Pending the result of those discussions, the ATJ Board's non-voting liaison position will be filled by Joan Kleinberg, Northwest Justice Project.

To date, the Supreme Court has committed \$16,000 this fiscal year for the ATJ Board. The ATJ Board is using these funds to renew its contract with Pro Se Project Manager Charley Dyer. At the Chief Justice's request, the ATJ Board has provided her with a prioritized list of proposed activities and associated costs in the event additional Supreme Court or AOC funding becomes available.

In May 2011 the ATJ Board provided recommendations to the Court in response to the Chief Justice's request for feedback on the reports produced by then Assessment of the Court's Boards, Commissions and Task Forces. There has been no formal response to the ATJ Board's suggestions.

The Task Force on Race and the Criminal Justice System is scheduled to present a conference at Gonzaga University School of Law on September 23-24, 2011. The event was organized by Task Force member GU Professor Jason Gillmer. Judge González and Betty Fry are scheduled to present. ATJ Board member Breean Beggs and WSBA Justice Programs Coordinator Allison Durazzi will attend. The Task Force is scheduled to present findings on Race and the Juvenile Justice System to the Supreme Court on the afternoon of March 28, 2011, at the University of Washington School of Law. That presentation is being coordinated by UW Law School Dean Kellye Testy. Allison will share written materials from the Spokane conference with ATJ Board members.

Judge González reminded Board members and ATJ Board committee chairs about the upcoming Annual ATJ Chairs meeting on October 7. The meeting will be a training on poverty at the Board will meet in the afternoon.

Advocacy Report: Bette Fleishman, Disability Rights Washington

Bette Fleishman was the Seattle University School of Law Leadership for Justice 2010 Fellow at Disability Rights Washington. She discussed her findings and recommendations on the impact of conditions in jails and prisons on people with mental disabilities. A copy of her report will be distributed to the Board members when it is completed.

Bette's initial focus was on recommendations from the legislative task force report "Concerning Persons with Developmental Disabilities and Traumatic Brain Injury in Correctional Facilities and Jails." Her approach changed after she contacted most of the jails and prisons in Washington state and learned that a vast majority were not aware of the report or its recommendations. The significance of her project is that people with traumatic brain injuries or mental or development disabilities cannot function well in jail/prison systems. They have difficulty following the rules, and receive disciplinary infractions for self-harm.

Congress mandated the Center for Disease Control (CDC) make it a priority to address Traumatic Brain Injury for incarcerated individuals. She learned that many of the jails and prisons did not screen for Traumatic Brain Injury due to lack of a validated screening tool. Bette was able to identify a screening and share it with the jails and prisons.

Her recommendations include:

- Establishing protocols for ensuring that medications are given only to those incarcerated persons with diagnosed mental
- Establishing phone and e-mail contacts for family members of incarcerated persons with mental illnesses for sharing vital medical information

- Continuing the receipt of public benefits after arrest to mitigate the cost of getting the benefits reinstated
- Promoting the independent oversight of jails and prisons

Approval of Minutes

The July 29, 2011 meeting minutes were approved.

Legal Community Events

ATJ Board members reviewed upcoming legal community events and coordinated attendance.

Delivery System Committee Work Plan

ATJ Board Delivery System Committee Co-Chairs Dan Gottlieb and Nick Gellert reviewed the proposed Delivery System Committee Work Plan. The recommendations are grouped into three broad categories: (1) Coordination, Collaboration and Planning (2) Access and (3) Technical Assistance and Training. On behalf of the Committee, they asked for ATJ Board approval to proceed with developing an implementation plan. The ATJ Board approved the Work Plan as drafted with a number of suggestions for focus and implementation.

Legal Aid Funding Update

Legal Foundation of Washington Executive Director Caitlin Davis Carlson and Equal Justice Coalition (EJC) Director Eric Gonzalez Alfaro reported that King County budget hearings will take place on three evenings in October: 10/13, 10/19 and 10/25, all at 6:30 pm. They will be looking for volunteers to testify on behalf of the EJC.

Washington State Senator Patty Murray is Co-Chair of the Federal Debt Ceiling Super-committee, which will be reviewing Legal Services Corporation (LSC) funding. The ATJ Board and WSBA have submitted a joint letter to Sen. Murray asking her to support funding LSC at the levels proposed by President Obama.

Jim Bamberger reported that there is speculation the Washington State legislature will see an urban/rural divide this year in which counties with greater resources will resist underwriting services in counties with lesser resources.

Caitlin Davis Carlson reported that the Federal Reserve Bank recently announced there will be no change to interest rates in the next two years. Although IOLTA funding will continue to drop, there is now certainty that interest rates will not decrease during this time. LFW grants have decreased by 65% since the mid-2000s, and she anticipates reducing 2012 grants by another 30%. The boards of both the Legal Foundation of Washington and LAW Fund will discuss the implications of the funding crisis on September 22 at 2 pm. Kirsten Barron, Judge González and ATJ Board Manager Joan Fairbanks will attend.

Status Report on the Proposed Leadership Academy

ATJ Board Nominating and Leadership Development Committee Co-Chairs Elizabeth Fry and Breean Beggs reported that the Committee currently is exploring funding for the project from the three law schools, tribes and the Open Society Institute. There was a wide-ranging discussion about the relevance and timeliness of this initiative given the current funding crisis. Individual ATJ Board members will each contact at least two Alliance member programs to solicit feedback on the need for, and relevance of, the proposed Leadership Academy. At its December 2 meeting the ATJ Board will again evaluate progress on

the initiative; facilitate a broader discussion; and decide whether to delay implementation for a future time or permit the initiative to move forward. In the interim, the Committee will continue its work.

ATJ Board response to Family Law Civil Rules proposed by the WSBA Local Rules Task Force

The ATJ Board's Justice Without Barriers Committee, at the request of the WSBA Local Rules Task Force, submitted comments on the Task Force's proposed family law civil rules. Kirsten Barron directed the Board members to the comments in the meeting materials.

Civil Legal Needs Work Group

Wayne Blair provided the background for the creation of the Work Group, which he chairs. The Task Force has formed four subcommittees assigned to explore ways to expand assistance and representation for those facing financial and other barriers to the justice system. The Work Group will make an interim report to the Supreme Court and the Board of Governors in December 2011.

Columbia Legal Services (CLS)

Executive Director John Midgley reported that the CLS Board of Directors has been engaged in strategic planning, including looking at CLS's role in the Alliance for Equal Justice. The Board has reaffirmed that its primary role is doing legal work that other organizations cannot perform, especially systemic work and impact litigation. CLS plans to change from a regional structure to one that is organized by practice groups or projects. The CLS priorities, which are consistent with the Hallmarks and State Plan, are:

- work and families, including undocumented people
- basic human needs
- children and youth
- institutions

John announced that he will step down as executive director to focus more on advocacy support. CLS Deputy Director Aurora Martin will become interim executive director on October 1, 2011.

Lillian Hewko, Legal Voice Equal Justice Works fellow

Lillian Hewko is a recent graduate of the University of Washington School of Law where she was a Gates Scholar. She is now an Equal Justice Works Fellow at Legal Voice, where she is focused on keeping Washington families together through working on issues faced by incarcerated mothers. This includes getting more legal information to women in prison so that they know their rights about termination of parental rights, and may eventually include assistance in these proceedings. She asked Board members for their thoughts and recommendations.