



AGENDA

Access to Justice Board

May 3, 2013

Washington State Bar Association

Present: **ATJ Board members** Chair Kirsten Barron, Hon. Lisa Atkinson, Breean Beggs (by phone), Hon. Anita Crawford-Willis (by phone), Ishbel Dickens, Nick Gellert, Lynn Greiner, Geoff Revelle, Aiko Schaefer; **ATJ Board committee chairs and members** Jim Bamberger, Caitlin Davis Carlson, Eric González-Alfaro, Michael Pellicciotti, César Torres; **Liaisons** Hon. Johanna Bender (District and Municipal Court Judges Association), Dan Ford (WSBA Board of Governors), Dirk Marler (Administrative Office of the Courts), Will Ross (WSBA Pro Bono and Legal Aid Committee); **Guests** Andrea Axel, Paul Bastine, Steve Crossland, Paula Littlewood, Naria Santa Lucia; **ATJ Board Staff** Allison Durazzi, Charles Dyer (contractor for the Pro Se Project), Burton Eggertsen (ATJ Board Fellow), and Joan Fairbanks.

Approval of March 1, 2013 ATJ Board Meeting Minutes: The minutes were approved as submitted.

ATJ Board Chair's Report: Kirsten Barron, Geoff Revelle and Joan Fairbanks met with the newest Washington Supreme Court Justice Cheryl Gordon McCloud to provide her with an orientation on the work of the Access to Justice Board and the Alliance for Equal Justice. Kirsten attended the Northwest Immigrant Rights Project anniversary gala on April 26, which she reported to be inspiring. The ATJ Board sent a letter to Washington State Senator Mike Padden, chair of the Senate Law and Justice Committee, supporting passage of HB 1542, concerning the provision of and reimbursement for certain court interpreter services. The bill died in committee. Kirsten, NJP Attorney Laurie Garber, and Judge Laura Gene Middaugh made a presentation to the Superior Court Judges Association at its spring conference in Suncadia Resort about the plain language forms. The forms are being well received. The ATJ Board submitted comments on the proposed Family Law Civil Rules. Kirsten asked for the Board to ratify this action, which it did unanimously.

WSBA Board of Governors Update: Geoff Revelle reported that WSBA is undertaking a review of the WSBA Mandatory Continuing Legal Education requirement. At its April meeting the BOG approved a charter establishing a task force. The ATJ Board discussed the issues faced by many in the Alliance regarding MCLE regulations, and proposed the ATJ Board seek meaningful participation in this review process. Dan Ford reported that the BOG approved the nomination of Dr. Marion Smith, Jr. to the ATJ Board and the reappointment of Ishbel Dickens. Dan provided a status report of the WSBA Moderate Means Program, which serves those between 200-400% of the poverty level in partnership with the state's three law schools. The program has more than tripled referrals to private attorneys in the last two years. Currently there are 469 lawyers and 800 clients have been referred for assistance. The focus areas are family, consumer and housing. WSBA has a Governance Task Force which is look at the scope of duties of governors; how they are selected; and diversity.

Status Report on the Implementation of the Limited License Legal Technician (LLLT) Rule: WSBA Executive Director Paula Littlewood and LLLT Board Chair Steve Crossland provided an overview of the implementation of the Limited License Legal Technician (LLLT) Rule. They shared some of the rule's history. The rule was created by the Supreme Court-created Practice of Law Board, established to

investigate unauthorized practice of law complaints, issue advisory opinions, and recommend to the Supreme Court ways nonlawyers can improve access to law-related services. After publication of the Civil Legal Needs Study, the Practice of Law Board worked with the Washington Supreme Court in developing a rule to allow nonlawyers the ability to increase access for low- and moderate-income people in the areas of law with greatest needs (housing, family and consumer law). Between 2004–2006, the proposed “Legal Technician Rule” was vetted with the legal community. The proposed rule was opposed by the WSBA Board of Governors. The Practice of Law Board continued its work, and reported to the Supreme Court about the proposed rule 2008. In 2009, the Court published the rule for comment. In February 2012, amendments to the proposed rule provided for administration of the program, and the rule was passed in June 2012 as the Limited License Legal Technician Rule (LLLT).

The LLLT Board was established to oversee the implementation and administration of the rule. Its first order of business was to establish the practice areas and education requirements for LLLTs. They identified family law as the first area of practice for which LLLTs may become certified. Concurrently, several committees of the LLLT Board are working on distinct portions of implementation, including: scope of practice, admissions and licensing, examination, professional conduct and discipline, and education and outreach. The LLLT Board hopes to complete the first licensing process by June or July 2014. After that, the Board plans to move into implementation for other practice areas.

Nomination for reappointment of Civil Legal Aid Oversight committee member Jesse Magaña for a second term: The nomination was approved.

Approval of request to Extend Charles Dyer Contract through June 30, 2013: The request was approved.

Legal Community Events:

Naria Santa Lucia will attend the Snohomish County Bar Dinner on May 4.

Geoff Revelle will attend the May 16 event for the Eastside Legal Assistance Program.

Lisa Atkinson will attend the May 23 annual dinner of the Northwest Indian Bar Association.

Thank you, Aiko: The ATJ Board recognized Aiko Schaefer for her significant contributions to the work of the ATJ Board. Her term ends on May 17, 2013.

Funding updates: LAW Fund Director Naria Santa Lucia reported that the Campaign for Equal Justice has raised approximately \$245,000 this year to date, which is lower than the approximately \$330,000 raised at this time a year ago. The WSBA license fee check-off for LAW Fund was down by 23% from the previous year. The Endowment for Equal Justice is doing well and has to date this year raised \$340,000. “Give Big” is scheduled for May 15. She encouraged everyone to make a contribution to the Campaign for Equal Justice, which will be matched that day by the Seattle Foundation.

Office of Civil Legal Aid Director Jim Bamberger reported that the first session of the state legislature has ended and that a special session is being called. OCLA continues to work to restore more than \$3 million in civil legal aid funding that had been cut by the state Senate.

Continuation of the Discussion on Information Gathering, Research, Assessment and Evaluation: At its March 1, 2013 meeting, the ATJ Board convened an introductory conversation about how the Alliance assesses and measures client needs, strategies employed, services delivered and impacts achieved. There was a discussion about a number of research projects and studies currently underway and

contemplated. Using the Hallmarks, State Plan, Program Performance Standards and other tools as guidance, the Board agreed to a follow-up conversation focus on: (1) How do we identify and prioritize what to research? (2) What are we assessing and why? (3) What opportunities are there to coordinate and take advantage of potential synergies? (4) Who or how should these efforts be coordinated?

The Board agreed on the following next steps:

- The ATJ Board will do an evaluation of its work using a community-based self-assessment approach.
- Ishbel Dickens will invite the members of the Leadership Academy to continue work on reviewing and amending the Hallmarks, as needed, and to bring those recommendations to the ATJ Board.
- A small working group will look at data points for tracking and reporting data to measure the impact of Alliance services on clients. LSC is beginning to look at this process and several other states are having these conversations.
- There is a need to revise the State Plan, which the Delivery System Committee will consider. The Civil Legal Needs Study is due for completion at the end of 2014.

ATJ Board Proposal to Review and Update the ATJ Board's 2004 Resource Development Plan: The ATJ Board is proposing to review this plan to determine how it is working in the present environment. It is more than ten years old and this community has undergone a number of significant changes. There are questions about how and whether the ATJ Board's funding needs are consistent with the Plan, and there are ongoing discussions about the role of the Delivery System and the ATJ Board in making determinations about how new monies coming into the state can be spent to support the delivery system.

ATJ Board Committee Updates: ATJ Board committee liaisons gave brief summaries. Full descriptions of this work of these committees are included in the annual Committee reports distributed with the Board's meeting materials.