

Washington State Access to Justice Board
OPERATIONAL RULES

From the Order Reauthorizing the Access to Justice Board, November 2, 2000:

“The Access to Justice Board is... administered by the Washington State Bar Association, and is charged with responsibility to assure high quality access for low and moderate income residents and others in Washington State who suffer disparate access barriers to the civil justice system.”

Effective 3/9/06; amended 4/14/06. These rules supersede any previous policies covered herein.

- I. Access to Justice Board (the “Board”).
 - A. Composition.*
 - 1. The Board shall consist of nine members, at least one and no more than two of whom shall be non-attorneys.
 - 2. The membership shall reflect ethnic, gender, geographic and other diversity.
 - 3. Recommendations for nominees to the Board shall be solicited from the Board for Judicial Administration, the Board of Governors (the “BOG”) of Washington State Bar Association (the “WSBA”), the Legal Foundation of Washington, statewide staffed legal services programs, and volunteer legal services programs.
 - B. Qualifications.*
 - 1. Board members shall have a demonstrated commitment to, and familiarity with, access to justice issues.
 - 2. The Nominating and Leadership Development Committee may identify other desirable qualifications, which may change from year to year depending on the needs of the Board.
 - 3. Board members who are attorneys must be in good standing with their licensing authority(ies).
 - C. Term.*
 - 1. Board member appointments are for a three-year term, which is extendable, by one year, in the case of the Chair.
 - 2. Board members are eligible for reappointment to the Board for one additional term.
 - D. Board member duties.

Each Board member shall use best efforts to:

 - 1. Attend each Board meeting;
 - 2. Prepare for participation in Board meetings by reading the meeting materials sent before the meetings;
 - 3. Follow up on tasks assigned at Board meetings;

* These matters are addressed, in part, by the current Supreme Court Order Reauthorizing the Access to Justice Board.

4. Attend the annual retreat and participate in developing the Board's annual work plan;
5. Attend the annual Access to Justice Conference;
6. Represent the Board at the request of the Chair; and
7. Advance the work of the Board in at least one of the following ways:
 - a. By serving as a committee chair,
 - b. By serving as a liaison to a Board committee,¹
 - c. By serving as a liaison to an outside organization, or
 - d. By serving as a committee member.

II. Board Meetings.

A. Form of Board Meetings.

1. Regular meetings shall be scheduled in advance.
2. Special meetings shall be called by the Executive Committee upon notice by mail, e-mail or phone
3. Meetings are generally open to the public, but the Board reserves the right to meet in executive session.

B. Frequency.

Board meetings shall be scheduled as often as necessary to conduct the Board's business, but no less frequently than once a quarter.

C. Attendance.

Board members may attend meetings in person or by conference call or other similar means (e.g. video link, etc.). In-person attendance is preferred.

D. Quorum.

1. A majority of the Board members shall constitute a quorum for any meeting.
2. Once established during a meeting, a quorum shall be deemed to continue for the remainder of the meeting.

E. Manner of Action.

1. The Board may act upon motion or resolution adopted at a meeting.
2. A motion or resolution shall be adopted if approved by a majority of those Board members in attendance at the time the vote takes place.
3. There shall be no voting by proxy, mail or e-mail.

III. Board Officers.

A. Chair.*

1. Qualifications.

The Nominating and Leadership Development Committee shall identify desirable qualifications, which may change from year to year depending on the needs of the Board.

2. Selection.

¹ "Committee Liaisons" are expected to communicate the Board's expectations of the Committee and its Chair; advise and advocate for the Committee; communicate questions and concerns between the Committee and the Board; and, monitor the Committee's work.

Normally, the Chair-Elect shall succeed to the position of Chair at the end of the term of the predecessor. If there is a vacancy in the position of Chair during a two-year term for any reason, the Chair-Elect shall succeed to the position of Chair to serve out the term of the predecessor.

3. Term.*
 - a. The Chair shall serve a two-year term.
 - b. Although eligible for reappointment as Chair, each Chair should serve only one full term, but may serve a longer period if serving out the term of a predecessor who left office early.
4. Duties.

The Chair shall:

 - a. Serve as spokesperson for the Board,
 - b. Lead Board and Executive Committee meetings, and
 - c. Work to ensure that the Board's initiatives are moving forward.

B. Chair-Elect.

1. Qualifications.
 - a. Each nominee for Chair-Elect must have served at least two years on the Board.
 - b. Nominating and Leadership Development Committee shall identify desirable qualifications, which may change from year to year depending on the needs of the Board.
2. Selection.
 - a. Candidates for Chair-Elect shall be nominated by the Nominating and Leadership Development Committee.
 - b. Normally, the Chair-Elect shall be elected by the Board at its meeting immediately preceding the May meeting in the year of the election.
 - c. If there is a vacancy in the position of Chair-Elect for any reason, a new Chair-Elect shall be nominated by the Nominating and Leadership Development Committee and elected by the Board as soon as possible to serve out the remaining term of the predecessor.
3. Term.

The Chair-Elect shall serve a two-year term, but may serve a longer period if serving out the term of a predecessor who left office early.
4. Duties.

The Chair-Elect shall:

 - a. Succeed to the position of Chair upon the end of the predecessor Chair's term or a vacancy in that position,
 - b. Support the Chair,

- c. Serve as Chair when the Chair is unable to fulfill his/her obligations, including leading Board and Executive Committee meetings, if necessary,
- d. Serve on the Executive Committee, and
- e. Serve as liaison to WSBA for budget and finance matters.

IV. Executive Committee.

A. Membership.

The Executive Committee shall consist of the Chair, the Chair-Elect and two additional Board members selected annually by the Board at its meeting immediately preceding the May meeting in the year of selection. The lead staff person assigned to the Board, serving *ex officio*, shall also participate in Executive Committee meetings, but shall have no vote.

B. Executive Committee Meetings.

1. Form of Executive Committee Meetings.

- a. Regular meetings shall be scheduled in advance and held approximately 10 days prior to each Board meeting.
- b. Special meetings shall be called by the Chair with notice to other Executive Committee members.
- c. Meetings are open to all Board members.

2. Attendance.

Executive Committee members may attend meetings in person or by conference call or other similar means (e.g. video link, etc.).

3. Quorum.

At least two of the four Board members must be in attendance during the entire meeting to constitute a quorum for that meeting.

4. Manner of Action.

- a. No action may be taken by the Executive Committee except at a meeting with a quorum in attendance.
- b. The Executive Committee may act upon motion or resolution adopted at a meeting.
- c. A motion or resolution shall be adopted if approved by a majority of the quorum in attendance at the time the vote takes place.
- d. There shall be no voting by proxy, mail or e-mail.

C. Executive Committee Duties.

The Executive Committee shall:

- 1. Set agendas for Board meetings,
- 2. Act on behalf of the Board on routine business and urgent matters, or otherwise as delegated by the Board, and
- 3. Call special Board meetings.

V. Nominating and Leadership Development Committee.

A. Membership.

The Nominating and Leadership Development Committee shall be appointed by the Board. It will include at least one current Executive Committee member. Other members shall be drawn from the justice community as a whole with a special effort to insure geographic diversity.

Representatives should be invited from the ATJ Impediments Committee, the Leadership Group, the WSBA's many diversity initiatives, the law schools, and the minority bar associations.

B. Nominating and Leadership Development Committee Duties.

The Nominating and Leadership Development Committee shall:

1. Recruit potential new Board members.
2. Evaluate and recommend potential new Board members to the Board annually or as needed.
3. Make nominations for Chair-Elect (and, if necessary, Chair) once every two years (or as needed).
4. Identify new leaders for the Alliance for Equal Justice (the "Alliance"), including potential new Board committee chairs.
5. Develop new leaders for the Alliance by overseeing the Board's orientation program, its leadership training program, and its IDM training program.

VI. Other Committees.

A. Standing committees.

The Board shall establish and maintain standing committees to address core priorities established by the Board. The Board will, on an annual basis, review the work of each standing committee to determine whether it continues to address a core priority of the Board. The Board may dissolve a standing committee if it determines the priority has been addressed. The Board also may revise the mission of a standing committee to address changing priorities, and may establish new standing committees as necessary and appropriate. As of March 2006, the Board's standing committees are:

1. Communications Committee.
The Communications Committee identifies and articulates common messages for those within the delivery system and to create systems for improved communication.
2. Conference Planning Committee.
The Conference Planning Committee plans, organizes and coordinates the annual Access to Justice Conferences, including soliciting and tracking annual conference recommendations.
3. Council on Public Legal Education ("CPLÉ").
The CPLÉ promotes public understanding of the law and civic rights and responsibilities by conducting, coordinating, encouraging and publicizing public legal education efforts in Washington State.
4. Judicial Education Committee.²
The Judicial Education Committee coordinates and supports judicial education efforts around the state.
5. Equal Justice Coalition ("EJC").

² Our recommendations include changing the Education Committee's name to Judicial Education Committee to better reflect its mission.

The EJC, a broad-based, non-partisan coalition, works to increase awareness and support for civil legal aid programs in Washington State by educating the general public and elected officials about civil equal justice and the important role it plays in our lives and communities. The EJC advocates for sufficient and continued funding and resources for both legal aid and volunteer lawyer programs to enforce important individual rights and ensure justice in the lives of low-income people in our state.

6. Family Law Committee.

The Family Law Committee recommends and oversees improvements to the availability and delivery of family law legal services, assistance and information to low and moderate income people, with a focus on *pro se* litigants.

7. Greater Access and Assistance Project (“GAAP”).

The GAAP, a joint committee with the Young Lawyers Division of the WSBA, develops panels of attorneys who accept reduced fee cases for moderate income people in Washington State.

8. Impediments Committee.

The Impediments Committee seeks to remove impediments to the justice system, including physical and language barriers, ineffectual and unworkable rules and procedures, disparate treatment and other obstacles that may serve as barriers to equal justice.

9. Leadership Group.

The Leadership Group works to develop and support strong leadership for the Alliance for Equal Justice (the “Alliance”).

10. State Plan Review Committee.

The State Plan Review Committee develops and oversees the process for the review and revision of the Board’s Plan for the Delivery of Civil Legal Services to Low Income People in Washington State.

11. Statewide Website Advisory Group (“SWAG”).

The SWAG explores collaborative efforts among website managers whose organizations provide substantial Access to Justice Internet content and services for all people in Washington.

12. Technology Committee.

The Technology Committee promotes efficient interagency technology needs-assessment, planning, collaboration and evaluation.

B. Special Initiatives.

The Board may establish committees with limited life spans to address specific initiatives. The Board will appoint the chairs, provide the specific charges to the committees, and may establish time frames and reporting requirements for completing the work. In all other respects, these special initiatives committees, their chairs and committee members are subject to

the same requirements as standing committees. As of March 2006, committees pursuing special initiatives of the Board are:

1. Task Force on Board Development and Planning.
The Task Force on Board Development and Planning is coordinating the Board's long range strategic planning process and the development of these operational rules.
2. Technology Principles Implementation Strategies Committee.
The Technology Principles Implementation Strategies Committee is developing an implementation plan for the Access to Justice Technology Principles.
3. Victims of Crime Act ("VOCA") Funding Workgroup.
The VOCA Funding Workgroup is developing short- and long-term plans for the provision of legal aid services to victims of domestic violence, as a result of the recent loss of resources for civil legal aid services for domestic violence victims.

C. Committee chairs.

1. Qualifications.
The qualifications of committee chairs will be determined by the Board with due regard for the unique needs of each committee. Committee chairs may, but need not, be members of the Board.
2. Selection and removal.
 - a. Standing committees are encouraged to recommend chairs and plan for leadership succession, but the designation of standing committee chairs will be approved by the Board. In the absence of a standing committee recommendation, the Board will appoint a committee chair.
 - b. The Board shall appoint the chair of each special initiative.
 - c. Committee chairs may be removed by the Board.
3. Term.
Committee chairs shall serve a one-year term, which shall be renewable.
4. Duties.
Each committee chair shall use best efforts to:
 - a. Provide an orientation to new committee members about the work of the committee;
 - b. Serve as spokesperson for the committee and its initiatives;
 - c. Set the agenda for each committee meeting;
 - d. Schedule, convene and lead committee meetings, which may be attended in person or by conference call;
 - e. Designate a recorder of decisions and action items for each meeting, and insure that such record is distributed to the committee members by e-mail list serve;
 - f. Recruit and select new committee members as needed, with the input from current committee members and, if appropriate, from the Board;
 - g. Include staff in logistic and strategic committee issues;

- h. Direct the development and oversight of committee goals, work plans, deadlines and committee member assignments;
 - i. Follow up with committee members between meetings to ensure initiatives are moving forward; and
 - j. Prepare the committee's annual report to the Board.
- D. Committee Members.
 - 1. Qualifications.

Recognizing the uniqueness of each committee, member qualifications shall be established by the committee's chair from time to time, with consideration given to the following:

 - a. Committee membership should reflect ethnic, gender, geographic and other diversity to the greatest extent possible.
 - b. Committee members who are attorneys must be in good standing with their licensing authority(ies).
 - c. Committees should seek to include, as appropriate, laypersons from within the justice system, laypersons from outside the justice system and persons who have not previously been involved with the Board or the Alliance.
 - 2. Selection and removal.
 - a. Committee members shall be recruited and selected by the committee chair, with input from other committee members and, if appropriate, from the Board.
 - b. Committee members may be removed by the committee chair.
 - 3. Term.

Committee member appointments are for a one-year term, which shall be renewable.
 - 4. Duties.

The chair will develop, direct and oversee the duties of individual committee members.
- E. Committee Operating Procedures.

The Board recognizes the unique needs of each committee and to the extent possible encourages committee structure and operations that enable the committee to effectively address its mission. The Board has determined that the following operating procedures are minimally necessary:

 - a. No committee or its members may enter into contracts or negotiations that bind the Board or the WSBA.
 - b. No committee may take a formal public position on an issue or represent the Board without the approval of the Board.
 - c. Committee meetings shall be scheduled as often as necessary to conduct the work of the committee, but no less frequently than once a year.

- d. Each committee shall prepare and submit a brief written report to the Board by December 31 of each year describing the committee's activities during the previous calendar year and its plans for the subsequent calendar year. These reports will be incorporated into the Board's annual report to the BOG and the Supreme Court.

VII. Other matters.

A. Staff.

1. WSBA staff shall provide professional support for the work of the Board and its committees. Specific staff assignments shall be determined on the basis of staff expertise and the needs of the Board/committee.
2. WSBA staff shall also provide the following administrative support to the Board and its committees:
 - a. Committee roster maintenance,
 - b. Committee e-mail list serve creation and maintenance,
 - c. Logistical arrangements (meeting space at WSBA, conference call numbers, beverage service, meeting notices) for committee meetings, and
 - d. Duplication of meeting materials.

B. Amendments.

The Board may amend these operational rules from time to time with the affirmative vote of a majority of the entire Board.

C. Other Administrative Procedures.

1. The Board shall maintain records as scheduled in the WSBA retention policy.
2. The Board shall record and maintain minutes of its meetings.
3. The Board shall prepare and deliver an annual report to the BOG and the Supreme Court.*

D. Contracts.

1. The Board shall not enter into contract negotiations nor may it sign contracts.
2. The Board shall retain copies of all contracts entered into on its behalf by the WSBA.

E. Web Site.

The Board shall maintain a web page on the WSBA web site, which may include the following:

1. Board meeting minutes for the previous twelve months.
2. Annual Board reports to the BOG and the Supreme Court.
3. Key Board documents, including its authorizing order from the Supreme Court.
4. A schedule of its regular meetings, which will also be posted on the WSBA legal community calendar located on the WSBA web site.

F. Policies.

The Board may adopt policies from time to time. The Board's current policies appear as an appendix to these operational rules.

ACCESS TO JUSTICE BOARD INTERNAL OPERATIONAL RULES
ADOPTED PURSUANT TO THE ATJ BOARD SUPREME COURT ORDER

Use of ATJ Board letterhead (2-27-95): There are no restrictions on the use of ATJ Board letterhead. ATJ Board members may use ATJ Board letterhead for any purpose provided the ATJ Board has taken a position on the issue. An exception is private fundraising because judges are prohibited from soliciting money.

Keller rebate policy (3-20-95): Expenses associated with lobbying efforts by the ATJ Board in support of continued funding for legal aid programs — which includes letterhead — do not fall within the WSBA’s *Keller* rebate policy.

Amicus Curiae (5-15-98): In the interest of having judges continue to participate on the ATJ Board and its committees, the ATJ Board will not file *amicus curiae* briefs, but will refer access to justice-related issues to the Board of Governors Amicus Committee and other entities as appropriate.

ATJ Board Executive Committee and Chair-Elect (6-26-98): The ATJ Board appointed an Executive Committee composed of the chair, the chair-elect, one additional ATJ Board member and the lead staff person. The Committee will meet prior to each ATJ Board meeting and on an as-needed basis. The Committee also will plan the annual ATJ Board retreat and will be in charge of making recommendations about ATJ Board nominations for awards.¹

ATJ Board endorsements of candidates for elected office (4-9-04; amended 6-9-06): (1) The ATJ Board shall not endorse candidates for elected office. (2) ATJ Board members may endorse candidates for elected office provided they do not identify themselves as Access to Justice Board members. (3) The ATJ Board chair and Chair-Elect shall not endorse candidates for elected office, even in their personal capacities.

ATJ Board – CPLE Memorandum of Understanding (6-11-04): The ATJ Board and CPLE entered into a Memorandum of Understanding which spells out the relationship between the two entities.

ATJ Board consideration of proposed legislation (4-1-05): ATJ Board approval is required before an ATJ Board committee takes a position on proposed legislation. The Board will approve the concept of the proposed legislation after initial review by the Executive Committee and approval by the full Board. If time is of the essence the approval can be obtained through e-mail. The Board will develop criteria for considering whether it will support proposed legislation. The committee bringing the proposed legislation to the ATJ Board is responsible for follow-through after approval by the Board. The ATJ Board will review existing policies on addressing legislative issues (WSBA Real Property, Probate and Trust Section; WSBA Legislative Committee).²

ATJ Board Nominating Committee (9-23-05): The ATJ Board established a nominating committee to nominate a chair and chair-elect.³

¹ Superseded by Operational Rules, Section IV. “Executive Committee.”

² Superseded by Operational Rules, Section VI. E. “Committee Operating Procedures” item b.

³ Superseded in parts by Operational Rules, Section V. “Nominating Committee.”

Access to Justice Board Guidelines for Decision-Making (5-17-02)⁴:

Rationale:

1. To protect the Board
2. Efficiency/good use of resources
3. Consistency
4. Force action
5. Informing tool

1. Relevant Considerations:

Can We? [The following give the bases for action]

Order (Supreme Court, authorizing the ALJ Board)

Principles

Goals

Should We?

Pending litigation

Commercial endorsements

Too political

Can't respond timely

Ethical issues

Inadequate information

Others could do it better

Low priority/resources [considerations]

Relationship considerations [potential conflicts, etc.]

Time factors

2. Decision Making:

Delegate:

To Whom

How

When

Weighing – Decision itself:

Primary information

Pro-Cons/Decisions

Identify stakeholders

Review prior positions

Consistency [Consistency is the hobgoblin of mediocre minds – or something close]

Awareness of relationships

Consequences – apparent – unintended

Priority (Against) –Resources

Decision

Voting requirements

Decision with Direction

To whom

By whom

How

[Decision: Should be considerations, not protocols. Merely guidelines.]

⁴ These guidelines address both policy and process. They are superseded in parts by the Operational Rules and by the ATJ Board Long Range Strategic Plan.