



Minutes
Access to Justice Board
October 8, 2010
Washington State Bar Association

Present: ATJ Board Members Chair Hon. Steve González, Kirsten Barron, Wayne Blair, Greg Dallaire, Ishbel Dickens, Elizabeth Fry, Aiko Schaefer, Elizabeth Schoedel.; **ATJ Board Committee Chairs and Members** Lynn Greiner, Don Horowitz, Mike Katell, Nell McNamara, Ada Shen-Jaffe, Jim Bamberger, Caitlin Davis Carlson, Deborah Perluss, John Midgley; **Guests** Monica King (SU School of Law), Brian Backus (Administrative Office of the Courts), Steve Larsen (WSBA), Aline Carton (WSBA); **Staff** Allison Durazzi, Joan Fairbanks.

Approval of September 10, 2010 meeting minutes: The minutes were approved as drafted.

ATJ Board Assignments to Legal Community Events: There were no changes to the current assignments, and no new events added.

ATJ Board Chair's Report: Judge Steve González gave an overview of the ATJ Board's annual meeting with its committee chairs, held prior to the ATJ Board meeting. This year, discussion focused on collaboration between and among committees, as well as a facilitated conversation about leadership development and succession planning on ATJ Board committees.

1. Thank you, Aline Carton: ATJ Board members took time to recognize Aline Carton, outgoing Manager of the WSBA Home Foreclosure Legal Aid Project. She has taken a job working with Michele Storms as Assistant Director of the Gates Public Service Law Program at the UW Law School. Aline has served as a member of the ATJ Board's Delivery System Committee. Her position at WSBA is being converted to a Public Service Manager position, as posted on the WSBA website. He asked Alliance members and supporters to forward the opportunity to potential candidates.

2. ATJ Board facilitated pre-legislative meetings: Judge González reported that in his role as ATJ Board Chair, he facilitated several meetings with representatives from OCLA, EJC and WSBA during the past month. On September 13, this group of stakeholders met to discuss roles and responsibilities with regard to state funding for civil legal aid, to resolve any misunderstandings and to address expectations for the upcoming legislative session. The meeting resulted in a list of guidelines for decision-making. On September 21 and 23, the group met by conference call to address issues relating to Chief Justice's response to the Governor's Executive Order for 6.3% funding reductions. The Chief Justice has directed judicial branch agencies to define and quantify constitutionally-mandated functions.

2. WSBA Legislative Committee Meeting: The ATJ Board has recently received notice for this meeting, and will be sending a member to participate. The meeting is Friday, November 5 at the Seattle Airport Marriott.

3. Policy for Expanded Participation in Executive Committee Meetings: In response to discussions at the ATJ Board's July 30, 2010 meeting, Chair Judge Steve González asked ATJ Board staff to develop a proposed policy for expanding participation in ATJ Board Executive Committee meetings to ensure transparency of the ATJ Board and its work. The Executive Committee has approved a policy, effective immediately, which can be found in the meeting materials.

4. Immigration Recommendations: Judge González made a presentation to the BJA on the need to educate judges about these issues. The Gender and Justice Commission has money for training at judicial conferences. Chief Justice Madsen is interested in convening a statewide discussion among the judicial and executive branches and ICE.

5. Monthly updates to Chief Justice Madsen: The Chief Justice has requested monthly in-person or telephone monthly updates from the ATJ Board on its initiatives. Judge González will contact her to discuss how best to coordinate and facilitate these updates.

Allocation of ATJ Board Supreme Court Funds for FY 2011: In July, the ATJ Board told the Supreme Court how it proposed to spend the \$50,000 allocated by the Supreme Court for FY 2011. At that time, the ATJ Board confirmed allocation of \$25,000 to continue the development of the ATJ Board/Administrative Office of the Courts/Office of Administrative Hearings Pro Se Project; and, \$5,000 toward the cost of the design of a leadership development initiative. The ATJ Board indicated it would make decisions about the remaining \$20,000 upon further development of its annual priorities, which it anticipated would be in October 2010.

Nominating and Leadership Development Committee Chair Elizabeth Fry spoke to the progress of the leadership development initiative, and that work on a program design is slated to be completed in December 2010. Betty anticipates a recommendation from the Committee to continue with additional phases of the proposal. Pro Se Project Manager Lynn Greiner spoke to the work of the Pro Se Project, which is focusing on development of plain-language forms. Lynn said that additional funds would provide for conversion of more forms, and could help in soliciting additional funds. Technology Committee Chair Mike Katell said that the ATJ Board's Living History Project could benefit from \$5,000 to develop its website. Jim Bamberger noted the 6.3% reduction in state funds and suggested this reduction may apply to the ATJ Board.

After discussion, the ATJ Board decided that the remaining funds would support the Pro Se Project and the Leadership Development Initiative, with specific allocations to be determined through the rest of this fiscal year. Further, the ATJ Board agreed to voluntarily assume the 6.3% cut currently imposed on state agencies. Applying a 6.3% reduction to the annual \$50,000 allocation, the ATJ Board will realize a \$3,150 cut. Judge González will send a letter notifying the Supreme Court of these actions.

ATJ Board Awards Committee Recommendations: Kirsten Barron presented the subcommittee's recommendations, which include creating a new award to specifically recognize a community-based organization. The ATJ Board adopted the recommendations, but with additional proposed revisions to define low-income and to create consistency with language in the ATJ Board Order defining its mission.

Update from the ATJ Board Technology Committee: Judge González, Don Horowitz and Mike Katell thanked former Technology Committee Chair Brian Backus for his work on major Technology Committee initiatives, including the Access to Justice Technology Principles and *JusticeNet*.

Mike reported on the new BTOP (Broadband Technology Opportunities Program) grant, which funds initiatives to expand broadband in Washington State. *JusticeNet* is a component of the grant. There will be a significant benefit for the legal community in the enhancement of services to pro se litigants through computing centers throughout the state. EdLab and Communities Connect are the grantees. EdLab will subcontract with partner organizations to complete the work. Mike suggested appropriate roles for the ATJ Board to play in implementation of the grant: (1) helping to spread the word about the community computing centers; (2) helping to secure pro bono attorneys to

staff the computing centers; (3) assisting in identifying revenue streams to help keep the services going after the grant funds are expended; and (4) helping to determine how best to use videoconferencing. A video of the press conference announcing this award is archived online at: http://www.ntia.doc.gov/press/2010/pressconf_09162010.html. ATJ Board members may also contact Joan Fairbanks to arrange viewing the DVD of this announcement. Don Horowitz reported that he and Jim Bamberger will be meeting with the US Department of Justice's Access to Justice office to discuss *JusticeNet*.

Mike reported that Chief Justice Barbara Madsen suggested at a recent meeting that JISC membership should include the ATJ Board. The ATJ Board will write a letter making a formal request for membership.

Mike reported that the Technology Committee is working with the ATJ Board's Justice Without Barriers Committee on the issue of electronic access to court records, i.e., which courts offer electronic access; what fee structures are in place; and what options are available to low-income litigants and/or the organizations that serve them. Mike will report back to the ATJ Board with findings and recommendations.

Equal Justice Coalition: Director Nell McNamara reported the EJC is currently working to advocate for the King County Alliance providers at risk of losing King County funds. EJC action alerts can be accessed online at www.ejc.org.

Pro Se Project: Pro Se Project Manager Lynn Greiner reported that the next step is for the Project's Workgroup to begin converting family law forms into plain language forms. The Project will be working with the Court's Pattern Forms Committee and the WSBA Family Law Executive Committee.

Leadership Development Initiative: Nominating and Leadership Development Committee Chair Elizabeth Fry reported that the Initiative's Steering Committee had its second meeting on October 6, which was a day-long session with Ellen Hemley, Director of the Center for Legal Aid Education (CLAE), and the vendor for the initiative. The meeting showcased the leadership competencies embraced by the program. Participants shared input on goals and evaluation criteria, and established a subcommittee to refine their work. Both the subcommittee and the Steering Committee will continue to meet as needed in order to complete the design by the end of 2010. Judge González added that he attended the meeting, and was pleased with the quality of the information and how it was presented, and he looks forward to the final report; he noted his awareness of the concern about obtaining non-competing funding after the design phase.

Right to Counsel Pilot Project Proposal: Deborah Perluss reported that the workgroup recently met with Washington Appleseed to discuss that organization's interest in supporting the development of a right to counsel pilot project. Deborah also highlighted other developments related to this issue, including a VAWA (Violence Against Women's Act) award to the Northwest Justice Project and the Northwest Immigrant Rights Project; and *In Re Dependency of E.H.* (September 21, 2010), a case involving counsel for juveniles in dependency hearings. Deborah also indicated that the Justice Without Barriers Committee has been working with the Administrative Office of the Courts on technical changes to GR 33 to address concerns raised by many superior court judges about the rule's implications for guarantee of counsel.

Washington State Bar Association: ATJ Board Liaison Greg Dallaire reported on items of interest from the September WSBA Board of Governors' (BOG) meeting:

- WSBA's Pro Bono and Legal Aid Committee asked the BOG to support a compromise on proposed GR 34 negotiated with the Washington Association of County Clerks. This request was approved by BOG.
- The BOG has requested proposals from staff for a 10% cut to the WSBA operating budget.
- Washington State Bar Foundation President Ron Ward announced that he plans to present a request for a dues-check off to support the Foundation. A first read will be on the October BOG agenda.

Board for Judicial Administration: ATJ Liaison Wayne Blair reported from the last BJA meeting:

- The BJA has begun the process of scheduling annual meetings with legislators.
- The BJA is considering water courts for water rights adjudication.
- The BJA had had concerns about proposed changes to the WSBA Bylaws, but the two organizations have since met and resolved these concerns.
- A proposed court rule regarding public disclosure would apply to the Supreme Court boards.

Office of Civil Legal Aid: Director Jim Bamberger reported that OCLA is engaged in three budget processes simultaneously:

1. Determining the impact of the Governor's across-the-board cuts: The Governor and the Chief Justice are not in agreement that this order applies to the Judicial Branch. Chief Justice Madsen's approach is to ask all Judicial Branch agencies to determine the cost of their constitutionally-mandated functions, and to then take a 6.3% cut on the non-mandated functions.
2. Preparing for the legislature's 2011 supplemental budget: The Legislature will review the Governor's reductions, and then make its own decisions. There is not certainly when the Legislature will act.
3. Preparing the FY 2011-2013 Biennial budget: OCLA is submitting a maintenance-only budget, i.e., to maintain existing levels of service at the level *before* the 6.3% reduction. NJP is working internally to reduce costs in anticipation of possible reductions.

Legal Foundation of Washington: Executive Director Caitlin Davis Carlson reported that the Legal Foundation of Washington staff has completed several site visits. The 25th Annual Goldmark Award will be presented to the King County Bar Association at the annual Goldmark Awards Luncheon on Friday, February 25, 2011. Looking to the 2011 funding cycle, LFW will raise the maximum client income-eligibility from 125% to 200% of the Federal Poverty Guidelines. Grant requests totaled \$7.6 million, just \$.2 million more than the awards made last year. LFW grantees are already operating with 18% reductions in funds from last year. Given the current economy and forecasts, LFW will likely make six-month grant commitments.

LAW Fund: LFW Executive Director Caitlin Davis Carlson reported for LAW Fund Director Karen Falkingham that the annual Campaign for Equal Justice is doing well. Year-to-date giving is up 44%. ATJ Board participation is at 89%. LAW Fund and the Endowment for Equal Justice are considering merging as a way to save costs in operating two separate 501(c)3 organizations. LAW Fund and the King County Bar Foundation will embark on a major gifts campaign for individuals. Dick Manning is stepping down as President at the end of the year; Vice-President John Moffat will take his place. Deborah Perluss took the opportunity to thank Karen Falkingham for her assistance in assembling a meeting with medical foundations to help with NJP's medical-legal partnerships.