



Minutes
Access to Justice Board
February 24, 2012
Washington State Bar Association

Present: **ATJ Board members:** Chair Kirsten Barron; Breean Beggs, Wayne Blair, Ishbel Dickens, Elizabeth Fry, Nick Gellert, and Pat Lantz; **ATJ Board Committee members:** Catherine Brown, Eric González-Alfaro, Lynn Greiner, Brian Rowe and Michele Storms; **Liaisons:** Paul Bastine, Greg Dallaire, and Dan Ford; **Guests:** Loren Etengoff, Michael Geoghan, Lori Isley, and Hon. T. W. “Chip” Small; **ATJ Board staff:** Allison Durazzi, Joan Fairbanks, Charles Dyer (contractor for the Pro Se Project) and Andrew Lee (NY University Law School Fellow).

Approval of January 13, 2012 ATJ Board Meeting Minutes

The minutes were approved.

Proposed ATJ Board Leadership Initiative

Nominating and Leadership Development Committee Co-Chair Betty Fry reported on the ATJ Board’s recent work to personally contact Alliance organizations about the proposed leadership development initiative. ATJ Board members spoke to leaders at Alliance organizations and “qualified legal services providers”. The general feedback was positive. Chief among the concerns was the challenge of fitting in time to participate. By and large, ATJ Board members heard that smaller programs want this kind of training and support, and that it would help them be more effective in their work.

Committee Co-Chair Breean Beggs added that leadership development was assigned to the ATJ Board in the *Plan for Delivery of Legal Services to Low-Income People in Washington State (2006)*— and affirmed in the *2008 State Plan Implementation Update Report* — under Section VI Statewide Support, which charges the ATJ Board with the task of addressing the need for ongoing individual, organizational and statewide leadership development and capacity-building. He added that the Committee recommends sending a written request to the Washington State Bar Foundation, which is amendable to a request to assist with fundraising for the project.

Nick and ATJ Board member Pat Lantz noted that the process of reaching out to Alliance partners was informative, and they encouraged the ATJ Board to seek more opportunities for direct dialogue with Alliance programs. Board members discussed the possibility of scaling back the program if there are not enough participants to fill all the seats.

ATJ Board members noted that several of the organizations contacted were unclear about their roles within the Alliance, and concluded that we need more clarity on the definition of, and process to become, an “Alliance member organization.”

Breean and Betty moved, and Ishbel seconded the motion, that the ATJ Board strongly affirm its commitment to the Leadership Academy and endorse the Committee's efforts this far; and that the ATJ Board confirm this commitment in writing in a request to the Washington State Bar Foundation for assistance in making non-competing funding requests and providing fiscal agent services for grants and donations for the Academy.

The motion passed unanimously.

Thank you, Loren Etengoff and Michele Storms!

Kirsten thanked Loren Etengoff for his "sterling" service as the BOG's liaison to the ATJ Board for three years. Loren went above and beyond in his role by participating in most of the ATJ Board meetings and in the annual ATJ Board nomination process.

Kirsten thanked Michele Storms for her service as chair of the ATJ Board's Communications Committee, a position she held since the inception of the Committee until recently. Under Michele's leadership, the Committee ushered in Alliance-wide communications strategies, including the branding of the Alliance for Equal Justice itself! Kirsten presented each volunteer with a small award as a token of the ATJ Board's appreciation.

Proposed Family Law Civil Rules

ATJ Board liaison to the Board of Governors Greg Dallaire provided background information on the ATJ Board's role in the Proposed Family Law Civil Rules, which were discussed at the January WSBA Board of Governors (BOG) meeting. The proposed rules were submitted by the WSBA Local Rules Task Force, whose goal is uniformity and consistency in court rules throughout the state. The Task Force had asked for and received comment from the ATJ Board's Justice Without Barriers Committee in July 2011. The proposed rules do not reflect suggestions from the Justice Without Barriers Committee, and there was no indication these suggestions were considered. Greg expressed concerns regarding Section 12 of the proposed rules which provides for "place holders" for local jurisdictions to develop their own rules. When Greg raised this issue at the BOG Meeting, the Task Force chair recommended that the ATJ Board send comments directly to the Supreme Court, rather than engage in additional committee work that would delay sending the rule.

The ATJ Board agreed on the following next steps:

1. Kirsten will work with Josefina Ramirez and Lisa Hayden to update the comments developed by the Justice Without Barriers Committee, including comments regarding Rule 12. They will consider developing a brief power point or executive summary, to include the relationship between the proposed Family Law Court Rules and the Plain Language Forms initiative.
2. Kirsten will attend the April BOG meeting to inform the BOG that the ATJ Board remains concerned about some of the language in the rules proposed by the WSBA Local Rules Task Force and will be submitting its comments directly to the Supreme Court. She will also be making a report to the BOG on the status of the Pro Se Project.

3. This will be a topic of discussion for the ATJ Board's annual meeting with the Supreme Court.

ATJ Board Chair's Report

Kirsten reported that she will be finalizing and distributing the ATJ Board's Resolution opposing the WSBA License Fee Referendum before the vote opens on March 7.

The WSBA Board of Governors voted on the ATJ Board's recommendations for nominees at its January 26 meeting. The BOG's nominations differed slightly from what the ATJ Board recommended: the BOG substituted Andrew Sachs for Geoffrey Revelle. After speaking with individual BOG members, she submitted a request to the Supreme Court to increase the number of ATJ Board members to 10, and appoint Geoffrey Revelle to fill the new seat. The Court is scheduled to address this at its March *en banc*. Kirsten will follow up with individual BOG members to suggest that the ATJ Board is very interested in knowing in advance of any concerns that may impact decisions taken by the BOG in the future. Dan Ford affirmed that the BOG members would welcome the discussion and information about the nominating process.

Ishbel Dickens attended the WSBA Member Town Hall on the Practice of Law Board's proposed Limited License Practitioner Rule, held on February 23, 2012. She provided a copy of her testimony in the ATJ Board Meeting's late materials. She reported that about two-thirds of the comments in the Town Hall were from members opposed to the rule. Her observation was that many attorneys view the Limited License Practitioner Rule as competition for clients, while social service or legal aid based members view it as a much-needed, additional resource. She also noted that several of the comments spoke to not using WSBA license fees to cover the administrative costs of the program, should it pass, and that this would influence their vote on the upcoming license fee referendum. Former Washington Supreme Court Justice Faith Ireland was in attendance at the Town Hall, and asked Ishbel to make it know that she supports the ATJ Board's position in support of the rule. The rule is before the Supreme Court, and it will rule on it in the next few months. WSBA is forwarding all comments received at the Town Hall to the Supreme Court.

Legal Community Events

ATJ Board members will attend the following upcoming events, in addition to those already noted in the memo:

March 29, 2012: Legal Voice Annual Spring Celebration "Cocktails for a Cause," Kirsten Barron, Allison Durazzi.

March 22, 2012: 7:30 am – King County Bar Foundation Breakfast with Champions, NPS's Mara Liasson, keynote, Westin Seattle. www.kcbf.org Wayne Blair, Greg Dallaire.

Nick Gellert will not be able to attend the SU Law PILA Auction due to a scheduling conflict.

June 7, 2012: NW Indian Bar Association annual auction, Seattle University. A save the date notice will be sent out soon.

ATJ Board Support for Comment 4 of RPC 4.4

Dan Ford reviewed the work of the WSBA Immigration Advisory Work Group. The workgroup was created to address the ethical dilemma of a lawyer using the immigration status of a party or witness as an intimidation tool in civil proceedings. The proposed comment was adopted by the WSBA Board of Governors, and Governor Dan Ford suggested it would be appropriate for the ATJ Board to support it. He added that the workgroup would like to provide education to attorneys to help avoid this issue occurring.

The ATJ Board voted to support the Supreme Court adoption of the proposed comment to the rule.

Invitation to Co-Sponsor Report on the Role of Law Libraries

Pat Lantz reported that the Chicago Bar Foundation invited the ATJ Board to co-sponsor a national report on the role of law libraries. The report is being written by Richard Zorza, a national expert on self-represented litigants. The Chicago Bar Foundation asks for co-sponsors in name only with no financial commitment. Pat and others in attendance discussed the vital service law libraries provide to people who face legal issues without lawyers.

Charles Dyer said he was a reviewer of the report that Richard Zorza is submitting to the Chicago Bar Foundation. He found the report to be thorough, and recommended the ATJ Board support it.

The ATJ Board voted to support the preparation of the report about the role of law libraries, and give the Executive Committee authority to co-sponsor the report after reviewing it.

Immigrant Justice Project

Columbia Legal Services attorneys Lori Isley and Michael Geoghan shared information about the new Immigrant Justice Project at Columbia Legal Services. Columbia Legal Services recently restructured, and the organization is now aligned by project groups instead of by geography. These areas are: Basic Human Needs, Children and Youth, Institutions, and Working Families. Lori said the Immigrant Justice Project falls under the Working Families Project, which she defined as “the job you have, the job you want, and the community you live in.” This would include wages, dangers at the workplace, barriers to getting a job, and the work environment. Columbia Legal Services identified the need for a rule to protect undocumented people in our state so that they can assert their rights in the workplace.

Because of federal budget restrictions, undocumented people are ineligible for CLEAR and Northwest Justice Project services. Ninety per cent of these referrals are placed with volunteer attorneys. Lori said the Immigrant Justice Project is examining ways Columbia Legal Services can support that work and serve more clients. She gave examples, such as King County Bar Association’s Housing Justice Project, the Laurel Rubin Rural Externship Advocacy Project (REAP), and fellowship projects.

Michael said that Columbia Legal Services is also considering a mentoring-style partnership, in which volunteer attorneys are paired with experienced CLS attorneys who will train them so that they (new attorneys) could feel comfortable accepting pro bono case referrals in a different practice area. Some of

the work in this area includes wage claims and consumer protection; some of the fee-generating claims could be used to support the ongoing work of this project.

Michael said they will be conducting a needs assessment in the next 3-6 months, and then will later put out proposals for how to fill the gaps.

The discussion included questions about the needs assessment process, and suggestions about coordinating with similar efforts currently underway.

Liaison Update

Civil Legal Aid Oversight Committee member Paul Bastine referenced the recent Town Hall Forum on the proposed Limited Legal Practitioner Rule and the current ATJ Board plain language forms project as examples of the overlap of family law issues. He suggested strengthening the relationship between the ATJ Board and the Family Law Section Executive Committee.

He reported that the proposed state budget from House Democrats was released this week, and it included a 5% cut for the Office of Civil Legal Aid.

He also report that, following discussion at the October meeting between the Civil Legal Aid Oversight Committee and the ATJ Board, a small workgroup has been meeting to develop succession planning for the OCLA Director position. Participants include ATJ Board members Breean Beggs and Betty Fry, ATJ Manager Joan Fairbanks, Oversight Committee member Hon. Lesley Allan, and OCLA Director Jim Bamberger.