

**MINUTES**  
**Access to Justice Board**  
**March 1, 2013**  
**Washington State Bar Association**  
**9:00 a.m. – 12:30 p.m.**

Present

**ATJ Board members** Chair Kirsten Barron, Breean Beggs (by phone), Hon. Anita Crawford-Willis, Nick Gellert, Lynn Greiner, Geoff Revelle; **ATJ Board committee chairs and members** Jim Bamberger, Eric González-Alfaro, John Midgley, Brian Rowe, Janet Skreen, Amy Spencer, César Torres; **Liaisons** Hon. Johanna Bender (District and Municipal Court Judges Association), Will Ross (WSBA Pro Bono and Legal Aid Committee), Cheryl Strobert (Washington State Human Rights Commission), Dan Ford (WSBA Board of Governors); **Guests:** Mojdeh Hamidi (WSBA Diversity Program Intern), Joan Kleinberg (Northwest Justice Project), Karen Pillar (TeamChild); **ATJ Board Staff** Allison Durazzi, Charles Dyer (contractor for the Pro Se Project), Burton Eggertsen (ATJ Board Fellow), and Joan Fairbanks.

Approval of January 25, 2012 ATJ Board Meeting Minutes

The Minutes were approved as drafted.

ATJ Board Chair's Report

The ATJ Board's Executive Committee has requested that the ATJ Board approve contracting with Pro Se Project Manager Charles Dyer for an additional two months (March and April 2013). Funds are from the Supreme Court. The ATJ Board approved the request.

The ATJ Board submitted a letter in support of the Washington State Supreme Court's grant proposal to create a "Working Interdisciplinary Network of Guardianship Stakeholders" (WINGS).

ATJ Board Vacancy

ATJ Board Nominating Committee Co-Chair Breean Beggs outlined the Committee's recruitment process for the current vacancy for a non-attorney. After discussion the Access to Justice Board voted unanimously to recommend Marion Smith, Jr., Ed. D., for appointment. This recommendation will be forwarded to the WSBA Board of Governors for nomination for appointment by the Supreme Court.

Pro Se Project

Lynn Greiner and Janet Skreen reported on the status of the translation, testing and promotion of the mandatory family law forms into plain language. Many of the forms have been completed, but currently only the parenting plan and the child support order are posted to the Court's website for comment. The Project currently is proofing a large batch of the forms in preparation for posting. Kirsten Barron and Charley Dyer will administer the testing of the child support order in Whatcom County. On March 5, Josefina Ramirez will make a presentation to 32 courthouse facilitators in Skagit County. Kirsten Barron, Laurie Garber and Judge Laura Gene Middaugh will co-present at the spring Superior Court Judges Association Conference in April. Laurie Garber will participate on a panel at the WSBA Family Law Section Mid-Year meeting in June.

Leadership Academy

Breean Beggs reported that the first retreat took place at Seattle University School of Law January 17–19. The sessions went well, and feedback from the participants has been positive. The cohort is now undertaking coursework through the online learning component.

There are two items that need attention: (1) external communications about the Academy; and (2) funding for participants who cannot pay their own travel and lodging expenses. The Academy's Advisory Committee is working with the Shriver Center, Seattle University School of Law and WSBA staff to coordinate messages. With respect to funding, the ATJ Board suggested asking for volunteers to house out-of-town participants, and to seek short-term funding (\$3-4,000) that does not compete with support for direct services. Breean also reported that the ATJ Board has a responsibility to identify \$50,000 for year two of the Academy. The Office of Civil Legal Aid will be unable to contribute toward a second year. The ATJ Board discussed whether, and to what extent, it can do fundraising for this and other initiatives. The ATJ Board will make fundraising a topic at its annual retreat.

#### Funding Report:

LAW Fund Communications and Donor Relations Manager Amy Spencer presented the LAW Fund report on behalf of LAW Fund Director Naria Santa Lucia. The Campaign for Equal Justice raised \$1.4 million in 2012, which is a new record. The ATJ Board had 100% participation for the fourth year in a row. More than \$55,000 was generated through contributions during the Goldmark Awards Luncheon. The Endowment for Equal Justice has a solid plan to have \$10 million in three years, and at that point plans to begin disbursing funds. LAW Fund is working on some new collaborations in King and Pierce Counties and also is looking for a new development coordinator.

Equal Justice Coalition Director Eric Gonzalez-Alfaro reported that the EJC has been working with the King County Alliance for Human Services to find a dedicated funding source for human services programs, including civil legal aid. HB 1919 and SB 1778 would give King County the authority to increase sales and use tax by up to 3%. The bill has passed out of the House Finance Committee. Eric announced the participants in this year's trip to DC to visit with Washington State's Congressional delegation. They include Justice Wiggins (invited), WSBA President Michele Radosevich, Nancy Isserlis, new EJC Chair Mike Pellicciotti and Eric Gonzalez-Alfaro.

Northwest Justice Project Executive Director César Torres reported that sequestration, should it occur, will mean a 5.1% (approximately \$300,000) reduction in Legal Services Corporation funding to NJP. NJP can absorb that cut unless Congress imposes additional cuts at the end of March when the continuing resolution expires.

Office of Civil Legal Aid Director Jim Bamberger reported that OCLA had requested an additional \$2.8 million for FY 13-15 for the purpose of buying back a portion of the staff reductions experienced due to LSC budget cuts and to help fund key statewide support projects; and also has requested an additional \$900,000 for the increasing costs of operating expenses. The OCLA budget was passed fully intact in the Governor's budget. Jim recently submitted a downwardly revised budget reducing by the request by 5.1%. This revised budget reduces restoring 12 to six attorneys that have been lost through previous cuts and focusing on locations where are one-attorney offices or gross disproportionality in services. Jim reported a difficult session ahead. He has met with 50-60 members individually. The revenue forecast comes out on March 20.

#### Information Gathering, Research, Assessment and Evaluation – An Introductory Conversation About How the Alliance Maintains Awareness of Client Needs, Strategies Employed, Services Delivered and Impacts Achieved

Jim Bamberger provided a brief introduction to this discussion. There currently are a number of initiatives underway that involve key priority initiatives of the Alliance. The questions for this community include: (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?

There currently are several projects in the planning or implementation phase: (1) The Civil Legal Needs Update Committee will begin its work in May, with a completion date anticipated at the end of 2014. (2) The Supreme Court is coordinating a study funded by the Federal Children's Administration in Washington to assess the value, effectiveness and impact of child welfare cases. (3) The Northwest Justice Project is conceiving and initiating a self-assessment of client services made available through CLEAR. (4) The ATJ Board's Pro Se Project is seeking funding to study the effectiveness of plain language forms. (5) OCLA and LFW are discussing an assessment of pro bono services in Washington State based on the Performance Standards. (6) The Legal Services Corporation is moving forward with an initiative on outcomes indicators and there may be federal requirements for NJP regarding what data to track. Jim suggested there may be some value at looking at systems and practices to ensure that all major Alliance-oriented initiatives are grounded in core values and are coordinating and prioritizing these efforts. There may be an opportunity and value to having a conversation.

Northwest Justice Project Outcomes Project: Joan Kleinberg introduced the ATJ Board to this new initiative to study outcomes for clients served by NJP. NJP gets its information in a variety of ways, including identifying patterns and new problems in the 20,000 calls per year for legal aid; through engaging in regular priority setting processes with a strong community engagement; and through the work of a number of subject matter task forces that focus on particular issues. Through these processes NJP has identified barriers to employment as a strategic area of advocacy focus and two key areas where NJP determined it could make an impact: drivers licensing and issues relating to abuse and neglect. The question NJP is now trying to answer is how to measure the impact of the outcome of the services on the clients – rather than limiting the inquiry to the number of cases and types of services provided by NJP. NJP is moving in that direction in a number of ways. It has convened an outcomes workgroup within NJP. Last summer the workgroup conducted an unscientific outcomes study in five counties with court records online to determine whether pro se litigants were successful in getting before a decider of fact who could issue an order. This information can help answer the question about what is effective assistance for pro se litigants. NJP has engaged the services of a professional researcher who is designing the study questions that will in turn help define good outcome measurements, e.g., what happens to the client after the case is close (increase in income? able to stay in the apartment?) The workgroup is learning how to use internal and external data published by state and federal agencies to enhance performance and to reference what is going on externally; and is developing dashboards to provide live data to advocates and office managers.

The ATJ Board discussed how NJP's work can be relevant to the rest of the Alliance partners, including making it easier for the smaller programs to track this information. NJP will share what it is learning with the Alliance partners, and will seek the participation of some of the smaller pro bono programs as the design phase moves forward so there is a good sense of what might work throughout the state. The Legal Services Corporation is developing modules for outcomes in specific areas of law as models from which programs will choose.

The ATJ Board will continue this discussion at its next meeting using as guidance what has been developed to date in this state: Hallmarks, State Plan, and Program Performance Standards.

## Plain Language Court Forms, A Before and After Study

Pro Se Project Manager Charley Dyer asked the ATJ Board to approve a request to the National Science Foundation to fund a before and after study of the use and effectiveness of plain language forms. Timing is important because the forms will all convert to plain language in March 2014. Center Director Dr. McCurley has offered his assistance. This project is of interest to the national Self-Represented Litigation Network as it seeks National Science Foundation support to finance a website to connect academic researchers and those needed research completed. The ATJ Board authorized the Pro Se Project to develop a proposal for consideration by the ATJ Board to in turn go to the Washington Center for Court Research Advisory Board.

### Advocacy Report: Karen Pillar of TeamChild:

TeamChild Staff Attorney Karen Pillar provided information about TeamChild's recently released report on school discipline in Washington State. The study, *Reclaiming Students: the educational and economic costs of exclusionary discipline*, was done in partnership with Washington Appleseed.

TeamChild was established in 1995 to stop the revolving doors into juvenile court by addressing the underlying causes leading youth into contact with the court system. It has offices in King, Pierce, Snohomish, Spokane, and Yakima Counties. TeamChild serves approximately 1,000 low-income young people per year statewide, and school exclusion is an issue impacting the majority of its clients. TeamChild attorneys observed that disciplined youth face substantial barriers to returning to school.

There is no due process when being removed from school, especially when being removed for longer than 10 days. While a student is expelled or suspended, there is no school required to serve them. TeamChild wanted to learn the numbers a demographics of students being removed from school, and the status of the students while they were under expulsion. TeamChild gathered information through public information requests to each school in Washington State.

TeamChild made five key findings:

1. Exclusionary discipline negatively impacted academic success and a student's relationship with the educational system.
  - a. 6 days excluded from school is an indicator of drop-out.
  - b. Use of exclusion is not resulting in a safer schools or better graduation rates.
2. The vast majority of disciplined students did not receive educational services for the duration of their exclusion.
3. Exclusionary discipline disproportionately impacted students of color and youth living in poverty.
  - a. Students of color were 1.5 times more likely to experience exclusion than their white peers in reporting districts
4. Reliance on exclusionary discipline varied significantly from district to district, even among districts with similar demographic characteristics.
  - a. In one example, students with no history of discipline issues in two different schools were disciplined for having drugs at school. One student was expelled, and received (and completed) a deferred disposition through juvenile court. The other student did not face criminal charges and worked with his school's restorative justice committee. The first student not allowed back into school and dropped out after a year of unsuccessful appeals. The second student did not miss any school.
5. Discipline data yielded only a partial picture of the number of students impacted by exclusionary practices each year in Washington public schools.

Recommendations:

- Reduce the use of out of school exclusions.
- Require school districts to provide access to educational services during periods of exclusionary discipline.
- Ensure that no student is subject to indefinite exclusion.
- Adopt and follow recommendations of the Educational Opportunity Gap Oversight and Accountability Committee in order to support a reduction in the disproportionate impact of exclusionary discipline on students of color.
- Require school districts to retrieve excluded students and re-engage them in education.
- Update the statewide Comprehensive Education Data and Research System (CEDARS) so that school districts collect—and the state can review—data showing whether students subject to discipline receive educational services while out of school and whether they return to in-school education.

Transforming Washington’s current exclusionary discipline practices should be a collective effort. School districts need the support and collaboration of students, parents, the medical community (including pediatricians and mental health providers), juvenile justice professionals, the Department of Social and Health Services (DSHS), community agencies, advocates, and others to support and maximize the work school districts will need to do.

WSBA Board of Governors Update

WSBA Governor Dan Ford reported on two proposed rules of interest to the ATJ Board:

- (1) Comment to Rule 4.4 (prohibited the use of immigration status to gain an advantage): The ATJ Board has already submitted a comment supporting the rule. Dan encouraged others to comment by April 30, 2013.
- (2) Continuing Legal Education Credits for Pro Bono Work: The ATJ Board had supported the original proposal made by the WSBA Pro Bono and Legal Aid Committee to expand general CLE credits from 3 to 27 general credits for pro bono work. The Board of Governors initially voted in favor of the proposal but subsequently negotiated a compromise proposal with the Mandatory Continuing Legal Education Board, which had opposed PBLAC’s proposed. The compromise proposal is to provide 22 non-live credits, a result that essentially guts the intent of the rule. The compromise proposal has been submitted to the Court by the WSBA, but the Court Rules Committee hasn’t yet decided whether or when to publish the proposal for comment. The ATJ Board will discuss a draft letter to the Court at its next meeting. The ATJ Board will add this issue to its June 6, 2013 agenda for its annual meeting with the Supreme Court.