



## Minutes

Access to Justice Board  
September 20, 2013  
Washington State Bar Association

Present: **ATJ Board Members** Chair Kirsten Barron, Chair-Elect Ishbel Dickens, Breean Beggs, Hon. Anita Crawford-Willis, Lynn Greiner, Nick Gellert, Hon. Lisa Atkinson (by phone); **ATJ Board Committee Chairs and Members** Jim Bamberger, Andrea Axel, Threesa Milligan, Eric Gonzalez Alfaro, César Torres, Brian Rowe, Don Horowitz, Mike Pellicciotti, Aurora Martin (by phone), Alex Doolittle, Aline Carton, Caitlin Davis Carlson; **Liaisons** Hon. Lisa Sutton (Superior Court Judges Association), Cheryl Strobert (Seattle Human Rights Commission), Will Ross (WSBA Pro Bono and Legal Aid Committee), Joy Eckwood (by phone) (WSBA Diversity Programs); **Guests** WSBA President-Elect Anthony Gipe, LAW Fund Director Naria Santa Lucia; **Staff** Joan Fairbanks, Burton Eggertson, Kiley Thornton.

Approval of July 12, 2013 ATJ Board Meeting Minutes: The Minutes were approved as submitted.

### ATJ Board Chair's Report:

**ATJ Board Staffing and Budget:** The recent WSBA reconfiguration has reduced ATJ Board staff to one full time position (Joan Fairbanks); 20% of a coordinator position (Kiley Thornton); and other staffing as needed for specific initiatives. WSBA is providing \$10,000 for an evaluation of the ATJ Board and has invited the ATJ Board to make additional funding requests as needed. The Supreme Court gave \$50,000 to the ATJ Board for the implementation of its priorities.

**Implicit Bias:** Kirsten participated in a conference call meeting coordinated by WSBA Diversity Manager Joy Eckwood regarding a possible CLE on implicit bias. Kirsten, Joan and WSBA staff have been discussing the possibility of the ATJ Board, WSBA and others co-convening a session to inventory all the initiatives currently underway in the state justice system to reduce bias, with the goal of developing a statewide plan for moving forward.

**Access to Justice Technology Principles Report:** The Judicial Information Services Committee has requested that the Supreme Court Order creating the Technology Principles be amended to change the reporting period from annually to every two years. The ATJ Board approved this change and authorized Brian Rowe and the ATJ Board's Technology Committee to work with JISC to amend the Order.

**Goldmark Day Programming:** The Legal Foundation of Washington has rented rooms the morning and afternoon of the February 21, 2014 Goldmark Awards Luncheon for Alliance programming. Programming suggestions include: (1) a meeting of all the pro bono programs; (2) an opportunity to showcase and educate about the Leadership Academy; (3) a Supreme Court Roundtable; (4) opportunities to gather information for the ATJ Board's evaluation; (5) LAW Fund appeal. Ishbel Dickens, Threesa Milligan and Naria Santa Lucia will develop programming recommendations for further discussion at the October ATJ Board meeting.

Approval of proposed allocation of Supreme Court funds: The ATJ Board voted to allocate the \$50,000 from the Supreme Court for the 2014 expenses of the Leadership Academy. This is consistent with the State Plan and is necessary to fill a current \$75,000 gap in funding for 2014. The Washington State Bar Association has offered staff to assist in fundraising for 2015 and beyond.

Ratification of ATJ Board Priorities and Work Plan: These were approved.

Approval of recommendations for ATJ Board evaluation: These were approved.

Approval of recommendations for October 18 ATJ Board Committee Chairs meeting: These were approved.

Discussion and approval of 2014 ATJ Board meeting schedule: The schedule was approved, to include March 28, September 12, October 10 and November 14, 2014.

Public Trust and Confidence Committee appointment: Kirsten is completing her term. She is going to ask Dr. Marion Smith, Jr. whether he would consider serving in this capacity given the Committee's focus on public education.

Appointment of ATJ Board liaison for September 26-27, 2013 Board of Governors meeting: Don Horowitz and Joan Fairbanks will attend for relevant portions of the meeting.

Ratification of Pro Bono Council: Nick Gellert reported that he and Geoff Revelle met with the Legal Foundation of Washington Grants Committee to support the King County Bar Association's grants request to house and staff the Council. The proposal originated in, and was approved by, the ATJ Board's Delivery System Committee. If funding is approved, the Council will be a standing committee of the ATJ Board. The ATJ Board had previously approved the proposal creating the Council to enable the King County Bar Association to meet the grant submission deadline. The ATJ Board ratified the proposal.

Proposed ER 901: Don Horowitz provided background on the ATJ Board's involvement with this proposed rule which addresses the authenticating of electronic mail. The rule is now before the Board of Governors for approval on September 26, 2013. At the July Board of Governors meeting, the ATJ Board had requested that the rule be sent back for review by the WSBA Rules Committee, and that a technology expert be consulted. The rule was not sent back. Don has prepared some proposed amended language, which was distributed to the ATJ Board. There is no consensus on the language. If the Board of Governors approves the rule, the ATJ Board will comment directly to the Supreme Court.

#### Funding report

*Legal Foundation of Washington:* Executive Director Caitlin Davis Carlson reported on the recent settlement on the class action *Judd, et al. v. American Telephone & Telegraph Co., et al.* The case was brought on behalf of families of prisoners who were charged exorbitant rates for collect calls. The settlement was \$45 million for calls placed between 1997 and 2000; \$22 million could not be distributed to the class members because the phone numbers were no longer valid. Forty-nine organizations filed applications for the funds. The judge ruled that \$8.9 million be allocated to 19 non-law related social service and non-profit organizations; \$5.5 million was allocated to LFW and the Alliance for general civil legal aid funding; and \$6.5 million would be divided among law related organizations; and \$1 million would be allocated to the Endowment for Equal Justice. The judge deferred to LFW the task of allocating funding to the law related organizations working with class counsel. LFW's Grants Committee will go through its usual process this fall and will also be looking at

one-time strategic investments. It is likely LFW will distribute \$5.5 million, but grant amounts likely will not increase this year.

*LAW Fund:* Director Naria Santa reported that the Endowment for Equal Justice has nearly reached its original goal of \$10 million. Currently the Endowment is at \$8.4 million with Bill Gates, Sr. indicating he would like to make a significant contribution. The LFW will begin disbursing interest once the Endowment reaches \$10 million. LAW Fund has raised \$1.6 million to date this year and has ten phonathons scheduled across the state this fall. The King County Law Firm Campaign is now underway, having raised \$53,000 before it started. LAW Fund is partnering with the Tacoma-Pierce County Bar in launching its first private bar campaign. There is an event in Yakima on October 10 ("Beer and Justice for All"). Fourteen boards in the state have achieved 100% participation in the Campaign for Equal Justice.

*King County Funding:* Equal Justice Coalition (EJC) Director Eric Gonzalez Alfaro is beginning the process of scheduling meetings with King County Budget Committee members to advocate for the maintenance of current funding for Alliance members who receive County funding. There is a proposed \$200,000 reduction this year. The budget will be adopted in November.

*State Funding:* Office of Civil Legal Aid (OCLA) Director Jim Bamberger reported that the Northwest Justice Project's basic footprint is down 20% in many parts of the state and will be down 20 lawyers by the end of this calendar year. Jim commended NJP for continuing its funding partnership to provide funding for pro bono and specialty providers despite its own funding set-backs. OCLA is requesting \$290,000 in the supplemental legislative session to secure the basic infrastructure for a new telecommunications system.

*Federal Funding:* NJP Executive Director César Torres reported that NJP will get a slight increase due to a federal adjustment for Washington State's increased poverty population. That increase likely will be taken away because of the current sequestration.

Leadership Academy: Academy Cohort member Ishbel Dickens reported that the fourth and final retreat is scheduled for late October, which will focus on developing individual leadership plans. The Cohort is a very vibrant and active group and is discussing how to be mentors and adjunct faculty for the second Cohort, which begins in January 2014. One of the projects is to review and propose changes to the existing Hallmarks, the results of which will be presented to the ATJ Board for approval later in the year. Applications for Cohort 2 will be sent out on September 23.

Presentation of WSBA Diversity Plan: WSBA Diversity Manager Joy Eckwood joined the ATJ Board by phone to review the plan, which is WSBA's first diversity plan. Joy is responsible for the implementation of the external facing diversity work; WSBA is in the process of hiring someone to focus on the internal work (staff and volunteers). The goal of the plan is to build a culture of inclusion across the organization, especially by those who are traditionally underrepresented. The plan emanated from WSBA's 2012 Membership Study, which concluded there are significant barriers. Joy noted that the Plan can be effective only if WSBA members, staff and others get involved and support its implementation. WSBA runs the risk of becoming insulated so it needs to interface with external communities, including the ATJ Board and the Alliance.

ABA Best Practices Grant: Joan Fairbanks reported that the project is hosting a meeting on October 15 to discuss the newly drafted proposed best practices with key constituents including clerks, courthouse facilitators and the Administrative Office of the Courts. Following this meeting the draft best practices will be shared more broadly and then put before the ATJ Board for adoption. This is a one-year grant which ends on December 31, 2013.

CJC 2.2 and 2.6: ATJ Board Fellow Burton Eggertson provided a status report on this initiative, which is a request to the ATJ Board from the Supreme Court to proposed draft changes to these rules to clarify the authority of judges in cases involving pro se litigants. The ATJ Board has invited judicial associations and others to provide comments by September 30. Comments received to date include concerns about the application of these rules in criminal cases and whether and to what extent the Rules of Evidence can be “relaxed” to accommodate pro se litigants.

WSBA Governance Task Force: WSBA has asked the ATJ Board to respond on behalf of the Alliance to a series of questions posed by the Task Force relating to the current structure, composition and operation of the Board of Governors. WSBA President-Elect Anthony Gipe reported that he has participated in all Governance Task Force meetings over the last few months and reviewed for the ATJ Board some of the key issues that appear to be emerging. These include: (1) How would the BOG achieve a reduction in the number of BOG members and still achieve geographic and other diversity? (2) Should the BOG be elected or appointed and if appointed, who should be the appointing body? The ATJ Board had a wide-ranging discussion about these issues and will prepare a response for the Task Force.

Update on Civil Legal Needs Study: Jim Bamberger has published a notice for request for proposals for research partners for the study. Justice Wiggins serves as Chair of the Civil Legal Needs Update Committee and Justice González is the ATJ Board representative. The Committee will produce an interim report by December 2014 and a final report by December 2015.

Impact Measurement Workgroup: Andrea Axel Andrea reported that this nine-member workgroup is beginning to gather information. It’s goal statement is “improvement, communication and accountability.”

