



MINUTES

Access to Justice Board

November 15, 2013

10:00 a.m. – 3:00 p.m.

Washington State Bar Association

Present: **ATJ Board Members** Chair Kirsten Barron, Hon. Anita Crawford-Willis, Nick Gellert, Lynn Greiner, Geoff Revelle, Andy Sachs, Breean Beggs (by phone); **ATJ Board committee chairs and members** Caitlin Davis Carlson, Eric Gonzalez Alfaro, Naria Santa Lucia, Anne Lee; **ATJ Board liaisons** Cynthia Delostrinos (Minority and Justice Commission), Hon. Johanna Bender (District and Municipal Court Judges Association), Will Ross (Pro Bono and Legal Aid Committee), Dan Ford (WSBA Board of Governors); **Guests** Hon. Anne Ellington, George Yeannakis; **Staff** Joan Fairbanks, Burton Eggertson, Kiley Thornton.

Approval of October 18, 2013 ATJ Board Meeting Minutes: The minutes were approved as drafted.

Approval of Proposed Technical Amendments to GR 33: Hon. Anne Ellington, member of the ATJ Board's Justice Without Barriers Committee (formerly the ATJ Board Impediments committee) and one of the original drafters of GR33, made the request on behalf of the Committee. GR33, a rule approved by the ATJ Board in 2006 and subsequently adopted by the Supreme Court, sets forth procedures for handling requests for accommodation from persons with disabilities. Technical amendments to GR33 were proposed and adopted in 2011. In 2013 the Committee received an inquiry from the Civil Rights Division of the U.S. Department of Justice regarding concerns about the rule's compliance with the Americans with Disabilities Act (ADA). The Committee developed a draft changes which are technical (not substantive) in nature, and which address the concerns of the Department of Justice. The ATJ Board approved the technical amendments subject to review by the Committee for additional language as they deem necessary. The ATJ Board will ask the Court to adopt the proposed technical amendments.

Presentation on the work of the WSBA Council on Public Defense (CPD) – George Yeannakis is the ATJ Board-nominated Civil Legal Aid Representative to the CPD and was recently re-nominated by the ATJ Board for a second term. George currently is special counsel to TeamChild and has an extensive history as a legal aid advocate. He is one of the original members of the WSBA-created CPD, whose mission is to maintain and improve defense services around the state. Members include judges, prosecutors, defense attorney and advocacy groups. In Washington each county has its own public defender service, so there is no statewide mechanism for coordination and regulation. The CPD proposed minimum standards for indigent defense services and practice guidelines, which were adopted by the Supreme Court in 2010. The most controversial provision was the case load standards. CPD studies procedures to enhance services and has convened three criminal justice forums to discuss new areas for investigation. George has worked to bring the perspective to the CPD of the impact of unaddressed civil legal needs, and he actively participates in efforts outside the CPD that blend public defense and civil legal aid needs. The CPD will continue to focus on improving quality legal representation and continued adequate funding, and to expand the scope of representation so that attorneys can recognize and address other significant needs, including decriminalizing behaviors (e.g., driving while license suspended, decriminalizing schools behaviors) which are the result of unaddressed civil legal needs. George endeavors to bring this perspective to the CPD to help attorneys understand the impact of unaddressed civil legal needs on criminal behavior.

Funding report

Legal Foundation of Washington Executive Director Caitlin Davis Carlson provided the ATJ Board with a report on current categories of revenues. There has not been a change in revenues since her last report to the ATJ Board.

Equal Justice Coalition Director Eric Gonzalez Alfaro reported that the six Alliance programs funded by King County will have their funding maintained at current levels. ATJ Board member Geoff Revelle facilitated a meeting with Council Member Phillips, who authored an e-mail thanking all those who took action on behalf of maintaining current levels of funding for the providers.

LAW Fund Director Naria Santa Lucia reported that to date this year LAW Fund has raised \$3.6 million. The Endowment for Equal Justice is now \$9,856,250. LAW Fund will celebrate its 15th anniversary in June 2014. Currently 80% of the ATJ Board membership has donated to LAW fund this calendar year.

ATJ Board Chair's Report

Pro Bono and Legal Aid Committee: Geoff Revelle will be serving as the ATJ Board liaison.

ATJ Board evaluation process: Former ATJ Board member Millicent Newhouse has joined the evaluation steering committee, which also includes Kirsten Barron, Andy Sachs, Ishbel Dickens and Joan Fairbanks. There will be an online survey in January. Based on the results, decisions will be made regarding whom to interview. Consultant John Tull will come to Washington in March for the purpose of conducting focus groups. There will be a draft report in April and the final will be completed by the ATJ Board's 20th Anniversary celebration in May.

Staff transitions:

- ATJ Manager Joan Fairbanks has announced that she will be leaving her job effective September 1, 2014. The position will be open effective June 1, 2014 and WSBA will pay for a three-month overlap for Joan and her successor. The ATJ Board Executive Committee and two Alliance representatives will be developing a job description. It is anticipated the position will be advertised beginning in January 2014.
- Burton Eggertsen completes his NYU fellowship on December 31, 2013. This is Burton's last ATJ Board meeting.
- Kiley Thornton has accepted another job at WSBA. This is her last ATJ Board meeting.

WSBA Board of Governors Update: ATJ Board liaison Geoff Revelle reported that the BOG has approved \$15,000 to support the update of the Civil Legal Needs Study. Geoff is a member of the new MCLE Task Force and has attended its first meeting. Geoff will attend the next meeting of the WSBA Governance Task Force; the ATJ Board has submitted a letter in response to the Task Force's survey.

Approval of draft ATJ Board Comments on the Family Law Civil Rules: The ATJ Board had provided comments to the WSBA Local Rules Task Force, many of which were incorporated into a final version adopted by the BOG and submitted to the Court. On today's agenda was a draft letter from the ATJ Board to Justice Charles Johnson with additional comments to the proposed Family Law Civil Rules. The ATJ Board learned that the Court has considered the proposed Rules and declined to adopt them, so the letter will not be sent.

Approval of Proposed Amendments to CJC 2.2 and 2.6: Nick Gellert and Burton Eggertsen provided background on the development of these amendments, including the request by the Court that the ATJ Board solicit comments from key stakeholders. A working group including Nick, Greg Dallaire, Burton and Joan Fairbanks incorporated the comments received into the ATJ Board's draft for consideration by the ATJ Board. The ATJ Board discussed many of the comments and recommended some changes, which will be incorporated by the drafters into a final version to be submitted to the Court. The ATJ Board will inform the Board of Governors about its efforts at the next BOG meeting. Comments regarding judge's responsibility to identify and address bias were not included in the ATJ Board's draft. Given the complexity and significance of issues regarding bias, the ATJ Board will explore other avenues for incorporation on the Code of Judicial Conduct and/or alternatives to the CJC. These include addressing

the issue in a statewide gathering around bias in the justice system currently being proposed by the WSBA and ATJ Board; proposing a separate rule/modification of current rule in the CJC; proposing this as a joint project with the Supreme Court's Commission on Minority and Justice and Gender and Justice.

ATJ Board 20th Anniversary Celebration (May 15, 2014): Kirsten Barron, Hon. Anita Crawford-Willis and Lynn Greiner will work with staff to plan this event.

Leadership Academy: Breean Beggs reported that the Advisory Committee has just completed its recruitment process and invited 28 members and two "historians" (Joan Fairbanks and John Midgley) to participate in Cohort II. Two people are wait-listed and invitees have ten days to respond to the invitation.

Leadership Develop Committee: Breean reported that some of the work of the ATJ Board's Law School Relations Committee has been absorbed into the Nominating and Leadership Development Committee, and that the Committee has been renamed to the Leadership Development Committee to better reflect its mission.

Proposed Merger of the EJC and the Communications Committee: There is a proposal for the Communications Committee to become a workgroup of the Equal Justice Coalition. The EJC has approved the proposal; the Communications Committee will meet in late November to consider it.

2014 Goldmark Day Programming: Ishbel Dickens, Naria Santa Lucia, Dee Thierry and Joan Fairbanks have developed programming for February 21, 2014 which includes the following: (1) the pro bono programs will meet in the morning; (2) following the Goldmark Luncheon, the Supreme Court will convene a roundtable discussion; (3) following the Roundtable there will be a "Celebration of Leadership" to recognize the graduates of the Leadership Academy and for LAW Fund to make its presentation of the Rainier Cup.