



Minutes

Access to Justice Board
September 16, 2011
Washington State Bar Association

Present:

ATJ Board Members: Chair Hon. Steve González, Kirsten Barron, Breean Beggs (by phone), Wayne Blair, Ishbel Dickens, Elizabeth Fry, Nick Gellert.

ATJ Board Staff: Allison Durazzi, Joan Fairbanks.

ATJ Board Committee Chairs and Members: Jim Bamberger, Jorge Barón, Caitlin Davis Carlson, Karen Falkingham, Bette Fleishman, Eric Gonzalez Alfaro, Dan Gottlieb, Mike Katell, John Midgley, Debi Perluss, Brian Rowe, Ada Shen-Jaffe, and César Torres.

Guests: Steve Larsen (WSBA Deputy Director), Joshua Hansen-King (WSBA / ATJ Technology Committee summer legal intern), Lillian Hewko (Northwest Women's Law Center), Andy Prazuch (King County Bar Association).

Welcome and Thank you

Judge González welcomed everyone to the meeting, LFW Director Caitlin Davis Carlson introduced the new Equal Justice Coalition Director Eric Gonzalez Alfaro.

Judge González presented an award to Mike Katell for his two years of service as ATJ Board Technology Committee Chair. Under his leadership, the Committee participated in several significant initiatives, such as JusticeNet and collaboration with the WSBA Court Rules Committee on proposed rules for electronically stored information.

Judge González thanked Joshua Hansen-King for his summer internship with the Technology Committee. Josh is a second-year student at the University of Washington School of Law. He focused his time researching federal and state laws and policies relevant to Washington State's Access to Justice Technology Principles .

ATJ Board Chair's Report

Judge González reported on the ATJ Board's July 14, 2011 meeting with the Supreme Court, where they shared information from the ATJ Board's June 3, 2011 community listening session in Kennewick. The Court has asked the ATJ Board to continue sharing feedback from these sessions.

There was discussion about the ATJ Board's pending request to the Supreme Court for a voting member on the Judicial Information Systems Committee (JISC). The Court asked the ATJ Board to discuss the

possibility of sharing WSBA's JISC seat. Pending the result of those discussions, the ATJ Board's non-voting liaison position will be filled by Joan Kleinberg, Northwest Justice Project.

To date, the Supreme Court has committed \$16,000 this fiscal year for the ATJ Board. The ATJ Board is using these funds to renew its contract with Pro Se Project Manager Charley Dyer. At the Chief Justice's request, the ATJ Board has provided her with a prioritized list of proposed activities and associated costs in the event additional Supreme Court or AOC funding becomes available.

In May 2011 the ATJ Board provided recommendations to the Court in response to the Chief Justice's request for feedback on the reports produced by then Assessment of the Court's Boards, Commissions and Task Forces. There has been no formal response to the ATJ Board's suggestions.

The Task Force on Race and the Criminal Justice System is scheduled to present a conference at Gonzaga University School of Law on September 23-24, 2011. The event was organized by Task Force member GU Professor Jason Gillmer. Judge González and Betty Fry are scheduled to present. ATJ Board member Breean Beggs and WSBA Justice Programs Coordinator Allison Durazzi will attend. The Task Force is scheduled to present findings on Race and the Juvenile Justice System to the Supreme Court on the afternoon of March 28, 2011, at the University of Washington School of Law. That presentation is being coordinated by UW Law School Dean Kellye Testy. Allison will share written materials from the Spokane conference with ATJ Board members.

Judge González reminded Board members and ATJ Board committee chairs about the upcoming Annual ATJ Chairs meeting on October 7. The meeting will be a training on poverty at the Board will meet in the afternoon.

Advocacy Report: Bette Fleishman, Disability Rights Washington

Bette Fleishman was the Seattle University School of Law Leadership for Justice 2010 Fellow at Disability Rights Washington. She discussed her findings and recommendations on the impact of conditions in jails and prisons on people with mental disabilities. A copy of her report will be distributed to the Board members when it is completed.

Bette's initial focus was on recommendations from the legislative task force report "Concerning Persons with Developmental Disabilities and Traumatic Brain Injury in Correctional Facilities and Jails." Her approach changed after she contacted most of the jails and prisons in Washington state and learned that a vast majority were not aware of the report or its recommendations. The significance of her project is that people with traumatic brain injuries or mental or development disabilities cannot function well in jail/prison systems. They have difficulty following the rules, and receive disciplinary infractions for self-harm.

Congress mandated the Center for Disease Control (CDC) make it a priority to address Traumatic Brain Injury for incarcerated individuals. She learned that many of the jails and prisons did not screen for Traumatic Brain Injury due to lack of a validated screening tool. Bette was able to identify a screening and share it with the jails and prisons.

Her recommendations include:

- Establishing protocols for ensuring that medications are given only to those incarcerated persons with diagnosed mental
- Establishing phone and e-mail contacts for family members of incarcerated persons with mental illnesses for sharing vital medical information

- Continuing the receipt of public benefits after arrest to mitigate the cost of getting the benefits reinstated
- Promoting the independent oversight of jails and prisons

Approval of Minutes

The July 29, 2011 meeting minutes were approved.

Legal Community Events

ATJ Board members reviewed upcoming legal community events and coordinated attendance.

Delivery System Committee Work Plan

ATJ Board Delivery System Committee Co-Chairs Dan Gottlieb and Nick Gellert reviewed the proposed Delivery System Committee Work Plan. The recommendations are grouped into three broad categories: (1) Coordination, Collaboration and Planning (2) Access and (3) Technical Assistance and Training. On behalf of the Committee, they asked for ATJ Board approval to proceed with developing an implementation plan. The ATJ Board approved the Work Plan as drafted with a number of suggestions for focus and implementation.

Legal Aid Funding Update

Legal Foundation of Washington Executive Director Caitlin Davis Carlson and Equal Justice Coalition (EJC) Director Eric Gonzalez Alfaro reported that King County budget hearings will take place on three evenings in October: 10/13, 10/19 and 10/25, all at 6:30 pm. They will be looking for volunteers to testify on behalf of the EJC.

Washington State Senator Patty Murray is Co-Chair of the Federal Debt Ceiling Super-committee, which will be reviewing Legal Services Corporation (LSC) funding. The ATJ Board and WSBA have submitted a joint letter to Sen. Murray asking her to support funding LSC at the levels proposed by President Obama.

Jim Bamberger reported that there is speculation the Washington State legislature will see an urban/rural divide this year in which counties with greater resources will resist underwriting services in counties with lesser resources.

Caitlin Davis Carlson reported that the Federal Reserve Bank recently announced there will be no change to interest rates in the next two years. Although IOLTA funding will continue to drop, there is now certainty that interest rates will not decrease during this time. LFW grants have decreased by 65% since the mid-2000s, and she anticipates reducing 2012 grants by another 30%. The boards of both the Legal Foundation of Washington and LAW Fund will discuss the implications of the funding crisis on September 22 at 2 pm. Kirsten Barron, Judge González and ATJ Board Manager Joan Fairbanks will attend.

Status Report on the Proposed Leadership Academy

ATJ Board Nominating and Leadership Development Committee Co-Chairs Elizabeth Fry and Breean Beggs reported that the Committee currently is exploring funding for the project from the three law schools, tribes and the Open Society Institute. There was a wide-ranging discussion about the relevance and timeliness of this initiative given the current funding crisis. Individual ATJ Board members will each contact at least two Alliance member programs to solicit feedback on the need for, and relevance of, the proposed Leadership Academy. At its December 2 meeting the ATJ Board will again evaluate progress on

the initiative; facilitate a broader discussion; and decide whether to delay implementation for a future time or permit the initiative to move forward. In the interim, the Committee will continue its work.

ATJ Board response to Family Law Civil Rules proposed by the WSBA Local Rules Task Force

The ATJ Board's Justice Without Barriers Committee, at the request of the WSBA Local Rules Task Force, submitted comments on the Task Force's proposed family law civil rules. Kirsten Barron directed the Board members to the comments in the meeting materials.

Civil Legal Needs Work Group

Wayne Blair provided the background for the creation of the Work Group, which he chairs. The Task Force has formed four subcommittees assigned to explore ways to expand assistance and representation for those facing financial and other barriers to the justice system. The Work Group will make an interim report to the Supreme Court and the Board of Governors in December 2011.

Columbia Legal Services (CLS)

Executive Director John Midgley reported that the CLS Board of Directors has been engaged in strategic planning, including looking at CLS's role in the Alliance for Equal Justice. The Board has reaffirmed that its primary role is doing legal work that other organizations cannot perform, especially systemic work and impact litigation. CLS plans to change from a regional structure to one that is organized by practice groups or projects. The CLS priorities, which are consistent with the Hallmarks and State Plan, are:

- work and families, including undocumented people
- basic human needs
- children and youth
- institutions

John announced that he will step down as executive director to focus more on advocacy support. CLS Deputy Director Aurora Martin will become interim executive director on October 1, 2011.

Lillian Hewko, Legal Voice Equal Justice Works fellow

Lillian Hewko is a recent graduate of the University of Washington School of Law where she was a Gates Scholar. She is now an Equal Justice Works Fellow at Legal Voice, where she is focused on keeping Washington families together through working on issues faced by incarcerated mothers. This includes getting more legal information to women in prison so that they know their rights about termination of parental rights, and may eventually include assistance in these proceedings. She asked Board members for their thoughts and recommendations.

MINUTES
Access to Justice Board
October 7, 2011
Washington State Bar Association
1:30 – 3:30 p.m.

Present:

ATJ Board Members Chair Judge Steve González, Kirsten Barron, Ishbel Dickens, Wayne Blair, Nick Gellert, Elizabeth Fry Breean Beggs; **ATJ Board Committee Chairs and Members** Brian Rowe; **ATJ Board Staff** Joan Fairbanks, Allison Durazzi, Charles Dyer

ATJ Board Chair's Report:

Judge González noted that the ATJ Board and many of its committee chairs met in the morning for its annual meeting. The agenda was an interactive exercise and discussion about poverty. Following lunch, the ATJ Board and the Civil Legal Aid Oversight Committee held their first joint meeting. He reported on the successful Race and Criminal Justice Task Force conference in Spokane on September 23 and 24, 2011. Chief Justice Barbara Madsen gave a remarkable keynote speech acknowledging there is racism in our justice system. He reminded Board members that there are four ATJ Board vacancies and suggested they encourage qualified people to apply. ATJ Board member Ishbel Dickens is interested in becoming Chair-Elect effective May 2012 unless any other Board members would like to be considered. She will be officially elected at the December ATJ Board meeting.

Approval of September 16, 2011 ATJ Board Meeting Minutes:

The minutes were approved.

Request for additional Supreme Court funds for Plain Language Forms: Kirsten Barron reported that the Pro Se Project's two pending grant requests for the plain language forms project have been turned down. The initial 18 family law forms will be completed by December 2011, but then the money runs out. In response to an invitation in July by the Supreme Court to request more funds if needed, Kirsten will contact Justices Fairhurst and Madsen for an additional \$20,000. This should cover the cost of 30-40 additional forms.

Discussion of proposed Leadership Academy: The ATJ Board discussed the current issues regarding this initiative. The ATJ Board will convene a full discussion at its December 2, 2011 meeting and at that meeting will decide whether to (a) continue to develop the project, (b) postpone implementation of the project, or (c) discontinue the project. In the interim ATJ Board members will be contacting individual Alliance programs to ascertain their interest in, and understanding about, the proposed Leadership Academy. Currently there is a \$100,000 pledge for an individual donor that requires matching funds.

The ATJ Board's Nominating and Leadership Development Committee continues to identify and approach national resources and Washington State Tribes for matching funds. Wayne Blair will contact the Office of Civil Legal Aid to determine whether funds would be available to defray travel or other out-of-pocket expenses for participants in the Leadership Academy.

Respectfully submitted.

Joan E. Fairbanks
Access to Justice Manager

Upcoming meetings:

December 2, 2011
January 13, 2012
February 24, 2012
March 30, 2012



MINUTES

Access to Justice Board
December 2, 2011
Washington State Bar Association

Present: **ATJ Board Members** outgoing ATJ Board Chair Judge Steve González, incoming Chair Kirsten Barron, Nick Gellert, Elizabeth Fry, Ishbel Dickens, Wayne Blair; **ATJ Board Committee Members** Eric Gonzalez, Jim Bamberger, Aurora Martin, Caitlin Davis Carlson, Jorge Barón, Catherine Brown, Angie Maddox, Bette Fleishman; **ATJ Board Liaisons** Greg Dallaire, Dan Ford; **Guests** Deborah Perluss, Andy Sachs, Karen Falkingham, Mark Johnson; **Staff** Joan Fairbanks, Allison Durazzi, Charles Dyer

The meeting was chaired by Kirsten Barron.

ATJ Board Chair Succession: Chair Judge Steve González has been appointed to the state Supreme Court and has submitted his resignation from the ATJ Board effective December 2, 2011. He has requested that the Board seek an appointment to fill the remainder of his term, which ends in May 2012. ATJ Board Nominating and Leadership Development Committee Co-Chair Breean Beggs reported that there are 16 applicants for the four upcoming ATJ Board vacancies, and that his committee will recommend that one of the new members will also be appointed to fill the remainder of Judge González' term.

Approval of October 7, 2011 ATJ Board Meeting Minutes: The minutes were approved as drafted.

Election of ATJ Board Chair-Elect: Ishbel Dickens was elected by the Board.

Civil Legal Aid Funding Update:

IOLTA: Legal Foundation of Washington Director Caitlin Davis Carlson reported that the Legal Foundation of Washington Board of Trustees met on November 19 to make its grant awards. The two largest grantees, Columbia Legal Services and the Northwest Immigrant Rights Project each took a 25% funding cut. Most of the other LFW grantees took a 5% cut.

King County: Equal Justice Coalition Director Eric Gonzalez reported that funding was maintained in the King County budget for King County legal aid programs; and that funding was increased for Solid Ground.

Federal: Eric Gonzalez reported that the Legal Services Corporation provides 35% of NJP funding. Congress recently cut LSC funding by 15% which is \$1 million for NJP for 2012. The Equal Justice Coalition is in the process of organizing its annual trip to Washington, D.C. to meet with Washington State's Congressional delegation.

State: Eric Gonzalez reported that the statewide network is gearing up for the special legislative session. He encouraged everyone to respond to the December 1, 2011 Action Alert. Office of Civil Legal Aid Director Jim Bamberger added that cumulative cuts from the Legal Services Corporation for 2011 and 2012 are a \$2 million cut for the biennium. NJP has now lost 17.5 FTEs. The message to state legislators is that the state has to hold the line and not make further cuts.

The ATJ Board will send a letter to key legislators with this message. These include Sen. Nick Harper and Reps. Zack Hudgins and Jeannie Darneille. The ATJ Board will coordinate messages with the EJC and OCLA. Also to be considered is that the Governor's budget does not include funding for TeamChild and that key functions provided by the Northwest Immigrant Rights Project have been eliminated from the Governor's budget. NWIRP Director Jorge Barón noted that he is cutting six positions immediately and reducing client services.

Proposed ATJ Board letter to the Alliance Regarding Current and Anticipated Funding Reductions: ATJ Board Delivery System Committee (DSC) Co-Chair Nick Gellert reported that the DSC started collecting information from the state's 18 planning regions one year ago, which culminated in a work plan approved by the ATJ Board in September 2011. At its October meeting the DSC began to consider implementation of the work plan, with a focus on statewide priority setting for client service delivery. The goal was to gather information from regions in preparation for discussions in conjunction with the Goldmark Awards Luncheon in February and the ATJ Conference in June. Given the escalating funding crisis, the DSC has concluded that the process should be broadened and be led by the ATJ Board. The DSC is asking that the ATJ Board send a letter to the regional teams asking them to meet by January 20 to discuss options for client service delivery given the current and anticipated funding cuts. The letter will go out the second week of December to regional planning teams with copies to the board chairs of all Alliance programs and the Washington State Bar Association Board of Governors. The proposed final letter will be shared with Caitlin, Eric and Jim for their comments.

Status Report on the ATJ Board Leadership Institute: ATJ Board Nominating and Leadership Development Committee Co-Chairs Elizabeth Fry and Breean Beggs reported on this initiative. Currently ATJ Board members are conducting a survey of Alliance members to gauge their interest in the proposed Leadership Institute. Given the time it's taking to gather the information, ATJ Board action on the Leadership Institute will be delayed until the January ATJ Board meeting. ATJ Board members reported that the process of contacting Alliance members has been fruitful and there was discussion about whether to find additional opportunities for personal contact, including talking with non-director staff. The Committee also has identified 11 foundations it will solicit for funds to support the project. The Committee sent a letter to the deans of the three law schools soliciting their involvement. Dean Testy has responded positively. Dean Niles has offered to provide in-kind administrative support.

Appointment of 2012 ATJ Board Awards Committee: The Committee will include ATJ Board members Breean Beggs, Kirsten Barron and Elizabeth Fry. The Board will ask Pro Bono Coordinators Barb Otte and Susan Arney to participate.

Assignment of ATJ Board Members to Legal Community Events: Judge Gonzáles will attend the December 10 Art for Equal Justice in Tacoma and the January 17 Latina/o Bar Association Annual Awards Gala. The entire ATJ Board will attend the January 13 King County Bar Association Annual Rev. Dr. Martin Luther King, Jr. Luncheon. Judge González invited ATJ Board members to his Supreme Court swearing-in ceremony on January 9, 2012 at 9:30 a.m.

The ATJ Board discussed how best to track and publicize these events. The ATJ Board Communications Committee is having a retreat in January and will add discussion this to its agenda.

Civil Legal Needs Work Group: Civil Legal Needs Work Group Chair Wayne Blair described the work to date, which is documented in an interim six-month report. The formation of this group was triggered by a 2008 letter from the ATJ Board to the Supreme Court and the Board of Governors seeking a solution to the shortage of advocates for low and moderate income people. Wayne noted two recommendations of interest from the interim report: (1) The Work Group is recommending that WSBA contribute \$37,000 as a match for the \$75,000 needed by the ATJ Board's Pro Se Project to complete the translation of family law forms into plain language. There has been discussion by Paula, Steve Crossland and Nancy Isserlis to contribute the entire \$75,000. The Board of Governors will be asked to vote on this at its December 9 meeting. (2) The Work Group is recommending that the BOG reverse its position opposing the Legal Technician Rule. The ATJ Board is on record supporting the rule. The Supreme Court has indicated it is ready to move forward on the rule after a four year delay. The Civil Legal Needs Work Group is proposing changes to the rule to make it more generic in scope and to change its name to the Limited License Practitioner Rule. The new draft will be in front of the Supreme Court on January 5 and will be published for comment. Wayne is making a report to the Board of Governors on December 9.

Proposed Request for Funding for the ATJ Board's Pro Se Project: In the event the Board of Governors votes to limit its contribution to a \$35,000 match, Kirsten asked the ATJ Board to give its Executive Committee the authority to ask the Court for the \$35,000 balance of the funds needed to complete the family law forms. The Board agreed, concluding that it is important to have a conversation with the Supreme Court about its ongoing investment in the ATJ Board that is broader than the Pro Se Project. The ATJ Board has learned that the Supreme Court will continue to invest in the Minority and Justice and Gender and Justice Commissions with no radical changes to the Commissions' budgets, staffing or support.

Campaign for Equal Justice: LAW Fund Director Karen Falkingham and LAW Fund Board Member Mark Johnson presented the ATJ Board with a plaque in recognition of three consecutive years of 100% ATJ Board member participation in the Campaign for Equal Justice.

Thank You to Kathleen Manning, Outgoing Co-Chair, ATJ Board Law School Relations Committee: The ATJ Board presented Kathleen with a plaque in recognition of her service, noting that she was the first law student chair of an ATJ Board committee.

2012 Access to Justice/Bar Leaders Conference: Kirsten reported that she and Judge González met with Paula Littlewood and other WSBA staff members to discuss the ATJ Conference budget. The ATJ Conference Planning Committee Co-Chairs Judge Ann Schindler and Colleen Kinerk had expressed

concerns over the budgetary implications of the BOG's directive that the Conference be self-sustaining in two years. The Washington State Bar Foundation is now raising money for the Conference, which for years had been a responsibility of the Conference Planning Committee. WSBA is exploring a sliding scale registration fee and wants the Committee to continue to focus its efforts on relevant programming. Following that meeting, Kirsten met with the Co-Chairs.

Board of Governors Report: Dan Ford is the new BOG liaison to the ATJ Board. Greg Dallaire is the ATJ Board's liaison to the BOG. Dan reported that the BOG is considering an advisory opinion designed to alleviate the practice of unfairly using immigration status against a litigant or witness in a civil matter. The draft opinion has been under consideration by the WSBA Rules of Professional Conduct Committee for three years. He also is working on articles and CLEs that address this issue. Greg added that the Civil Legal Needs Work Group is recommending to the BOG that it support the ATJ Board's comments on CJC 2.2.

Thank You to Bette Fleishman: The ATJ Board thanked Bette Fleishman for her years of work in the ATJ community and bid her farewell as she moves to New Mexico.

Access to Electronically Stored Records: Mike Katell, representing the ATJ Board's Technology and Justice Without Barriers Committees, reported on the status of an effort to determine the level of access by the public to electronic court records in Washington Superior Courts. Mike provided the Board with a report and a county by county analysis. The report concludes that "significant barriers exist in accessing the existing systems due to the high cost of access and the lack of clear guidelines for discounts and/or waivers." Mike is recommending that additional analysis is needed prior to a discussion about solutions. Nick Gellert will speak with a colleague at Perkins Coie who may be interested in assisting with additional research and analysis. The ATJ Board thanked Mike for his excellent work.

WSBA Public Service Programs: WSBA Public Service Programs Manager Catherine Brown and WSBA Public Service Training Specialist Angie Maddox provided the ATJ Board with an update on the Moderate Means Program, Home Foreclosure Legal Aid Project and training opportunities. They distributed a new newsletter, the *WSBA Public Service Connection*.

Future Meetings:

January 13, 2012

February 24, 2012

March 30, 2012



MINUTES
Access to Justice Board
January 13, 2012
Washington State Bar Association

Present

ATJ Board members Chair Kirsten Barron, Breean Beggs, Wayne Blair, Ishbel Dickens, Elizabeth Fry, Nick Gellert, Pat Lantz, and Aiko Schaefer; **ATJ Board Committee Members** Andrea Axel, Jim Bamberger, Catherine Brown, Greg Dallaire, Caitlin Davis Carlson, Eric González-Alfaro, Don Horowitz, Steve Larsen, César Torres, and Ada Shen-Jaffe; **Liaisons** Dan Ford (Board of Governors); **Guests** Karen Falkingham, Debra Carnes, Nancy Isserlis, Colleen Kinerk, Paula Littlewood; **ATJ Board staff:** Allison Durazzi, Joan Fairbanks, Charles Dyer (contractor for the Pro Se Project) and Andrew Lee (NY University Law School Fellow).

Chair's Report:

Chair Kirsten Barron welcomed all to the meeting. She acknowledged the many people from the ATJ Board and the Alliance for Equal Justice who attended the January 9, 2012 ceremony swearing in Steve González as a Justice on the Washington Supreme Court. Kirsten noted that the discussion of the Leadership Academy is not on the January 13, 2012 ATJ Board meeting agenda because ATJ Board members are still gathering feedback from the Alliance about the project. It will be on the ATJ Board's February 24 meeting agenda. She thanked the ATJ Board members for the time they are devoting to this initiative. Kirsten also reported that the ATJ Board has received feedback from several regional teams in response to the December 12, 2011 letter. Feedback includes a request that the ATJ Board communicate much more directly what it needs from the regions. The ATJ Board will heed this suggestion as it moves forward to plan the community conversations beginning on February 24 after the Goldmark Awards Luncheon. She thanked Alliance members for their time responding to the ATJ Board's letter.

Approval of December 2, 2011 ATJ Board Meeting Minutes

The Minutes were approved.

Approval of October 7, 2011 Joint ATJ Board/Civil Legal Aid Oversight Committee Meeting Minutes

The Minutes were approved.

Approval of Recommendation for Nominations to the ATJ Board

ATJ Board Nominating Committee Co-Chair Elizabeth Fry outlined the Committee's recommendations on filling the current and upcoming vacancy(ies). The ATJ Board members approved unanimously the proposed recommendations:

- Lynn Greiner, to complete Steve González' vacated term, effective upon appointment
- Kirsten Barron, to be re-appointed to a second three-year term, effective May 18, 2011
- Hon. Lisa Atkinson, Hon. Anita Crawford-Willis, Lynn Greiner, and Geoff Revelle for terms effective May 18, 2012

The recommendations will be forwarded to the WSBA Board of Governors (BOG) for consideration at its January 26, 2012 meeting.

Nominating Committee Co-Chair Breean Beggs noted that questions continue to arise regarding whether legal services provider staff should serve on the ATJ Board. His Committee will draft a proposal to the ATJ Board about how to address this question.

Assignments to Legal Community Events

ATJ Board members will attend the following upcoming events:

- UW Law School Public Interest Auction (February 10): Ishbel Dickens
- Korean American Bar Association Annual Luncheon (February 23): Kirsten Barron (tentative)
- SU School of Law Public Interest Law Foundation Auction (February 25): Nick Gellert
- Gonzaga University School of Law Public Interest Law Program Gonzaga (March 2): Breean Beggs

Civil Legal Aid Funding Update:

Federal: Equal Justice Coalition (EJC) Director Eric González-Alfaro reported that the federal Legal Services Corporation funding was cut by 15 per cent. He is working on plans for the annual EJC trip to Washington DC, scheduled for April 17-19, 2012.

State: Eric reported that the EJC is asking Legal Foundation of Washington grantees to send letters to key legislators in support of continued funding for the Office of Civil Legal Aid (OCLA). OCLA Director Jim Bamberger reported that OCLA is asking the legislature to maintain current funding levels to ameliorate the loss of funds for 18 staff attorney positions in the Alliance over the last few years.

Legal Aid for Washington Fund (LAW Fund): Director Karen Falkingham reported the Campaign for Equal Justice has surpassed its private fundraising goal of \$2 million. This includes contributions of 29% of WSBA members and 43% of all judges. The ATJ Board has 100% participation for the fourth year. She noted the Washington State Bar Foundation will have a check-off on the annual WSBA license fee renewal form. There likely will be an impact the revenues collected for the Campaign.

Pro Se Project Update

Kirsten reported that the WSBA Board of Governors voted at its December meeting to give \$75,000 to the Pro Se Project to complete the translation of the mandatory family law forms into plain language. The Civil Legal Needs Work Group initially had recommended that the BOG offer a \$37,500 match for additional funds. That request was expanded to \$75,000 to ensure this work is completed by June 30, 2012 while the project has the funded services of the project manager, Contractor Charles Dyer. The ATJ Board expressed gratitude to the BOG and to the Pro Se Project for its excellent work. In particular, they acknowledged the efforts of WSBA Executive Director Paula Littlewood and BOG member Nancy Isserlis. ATJ Board liaison to the BOG Greg Dallaire suggested the ATJ Board address some of the questions raised during the BOG meeting about the project, and that the ATJ Board give an update on the project at the BOG's April meeting. Jim Bamberger suggested the Pro Se Project make a presentation to the Board for Judicial Administration. Pat Lantz reported that she and Janet Skreen co-chair the Pro Se Project's Rally Support Workgroup. This 14 member broad-based committee includes Doug Becker from the WSBA Family Law Executive Committee. The Supreme Court has written a strong letter of support for the Project. Justice Steve González' first act as a member of the Supreme Court was to vote *en banc* to sign the letter. Chief Justice Madsen will highlight the project in her annual State of the Judiciary speech.

The ATJ Board will send a letter to the Board of Governors thanking them for the contribution and requesting time of the April BOG agenda for an update.

Status of Responses to the ATJ Board's Letter to Regional Planning Teams

Nick Gellert reported that the upcoming ATJ Board Delivery System Committee meeting will be focused on planning for an Alliance-wide discussion following the annual Goldmark Awards Luncheon on February 24. The focus of the discussion will be on the issues identified in the Regional Planning Team responses to the ATJ Board's December 12, 2011. The meeting will be at the Sheraton from 1:30 – 4:30.

Access to Justice and Bar Leaders Conference update

The 2012 Conference theme is "Our New Economic Reality: The Legal Profession's Role." The Conference will be in Yakima on June 8-10, 2012.

Civil Legal Needs Workgroup Update

Civil Legal Needs Workgroup Chair Wayne Blair reported that the Supreme Court intends to move forward with a vote on the Legal Technician Rule. There is now a revised rule – called the Limited License Practitioner Rule -- before the Court at its request. It is unclear whether the Supreme Court will publish the revised rule for comment. The Board of Governors is on record as opposing the rule.

WSBA License Fee Referendum

Kirsten Barron welcomed WSBA Executive Director Paula Littlewood and WSBA BOG Treasurer Nancy Isserlis. Kirsten invited them to attend to provide information about an upcoming vote on a reference to roll back WSBA license fees. Following that presentation, Colleen Kinerk, Co-Chair of Attorneys United to Preserve the WSBA, described efforts underway to oppose the referendum. The ATJ Board voted to oppose the referendum and appointed its Executive Committee to draft a resolution in that regard.



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.



MINUTES
Access to Justice Board
March 30, 2012
9:30 – noon
Washington State Bar Association

Present: **ATJ Board members** Kirsten Barron (chair), Breean Beggs (by phone), Ishbel Dickens, Elizabeth Fry, Lynn Greiner, and Aiko Schaefer; **ATJ Board Committee members** Jorge Barón, Catherine Brown, Eric González-Alfaro, Don Horowitz, and César Torres, Deborah Perluss, Dan Gottlieb; **Liaisons** Greg Dallaire, Dirk Marler, and Dan Ford; **Guests:** Cheryl Strobert (Seattle Human Rights Commission), Katie Mosehauer (Washington Appleseed); **ATJ Board staff:** Allison Durazzi, Joan Fairbanks, Charles Dyer (contractor for the Pro Se Project) and Andrew Lee (NY University Law School Fellow).

ATJ Board Chair's report

Kirsten reported that the Supreme Court signed a revised ATJ Board Order that provides for a tenth Board member for an initial two-year term. The Court re-appointed Kirsten Barron and appointed five new members:

- Lynn Greiner, effective immediately, as she fills the seat vacated by Justice González last December;
- Hon. Lisa Atkinson, 3-year term, starting in May 2012
- Hon. Anita Crawford-Willis, 3-year term, starting in May 2012
- Geoff Revelle, 2-year term, starting in May 2012
- Andrew Sachs, 3-year term, starting in May.

Kirsten has called all the new members to welcome them. Joan and Allison will be coordinating orientations with them prior to the April 27, 2012 ATJ Board retreat.

Kirsten asked for input on the agenda for the annual meeting with the Supreme Court on April 26. She will propose discussion of the following:

- Funding for the ATJ Board
- Status of proposed rules, including the Limited License Practice Technician Rule (APR 28); the proposed Family Law Civil Rules; and proposed Comment 4 to RPC 4.4 (immigration).
- Updates on current ATJ Board key initiatives, including the Pro Se Project, Leadership Academy and the work of the Delivery Systems Committee.

ATJ Board members discussed the pros and cons of asking the Court to entertain a revision of the order to eliminate the ATJ Board nomination process by the Board of Governors and to substitute the ATJ Board as the nominating entity. Although efficiencies would be realized, some had concerns that this would compromise the ATJ Board's relationship with the BOG. Others observed there could be a continuing role for the BOG in the interview process, as is done currently. Kirsten asked Board members to think about this further.

Kirsten will provide the Board of Governors with an update on the Pro Se Project's Plain Language Forms work at its April 28 meeting. She will thank the BOG for its \$75,000 contribution to the project. She also will apprise the BOG that the ATJ Board will be providing comments directly to the Supreme Court on the proposed Family Law Civil Rules. The ATJ Board previously provided comments to the Family Law Civil Rules Subcommittee of the WSBA Local Rules Task Force, but these comments may not have been considered in the version that the BOG will approve and send to the Supreme Court.

Kirsten reminded everyone about the upcoming Office of Civil Legal Aid FY 2013-15 budget planning meeting on April 11 2012, from 9–11 am. Kirsten will facilitate the conversation.

Kirsten Barron reported that the March 28 presentation to the Supreme Court on Juvenile Justice and Racial Disproportionality was very well done. The presentation featured a panel of young people who had experienced the juvenile justice system, and whose experiences reinforced the data that was presented. The Task Force on Race and the Criminal Justice System will meet in April to make plans to move forward the recommendations.

Approval of February 24, 2012 ATJ Board Meeting Minutes

The minutes were approved as submitted.

ATJ Board Supreme Court Funding

Joan Fairbanks reported that the ATJ Board has \$5,000 from the Supreme Court and \$11,000 from AOC for the fiscal year beginning July 1, 2012. The ATJ Board will continue to receive \$5,000 annually (\$10,000) for the biennium from the Supreme Court beginning on July 1, 2013. Should the Board want additional funds, it has until the end of April to submit a request. The ATJ Board will be discussing this issue at its upcoming retreat.

Civil Legal Aid Funding Report

State: Equal Justice Coalition Director Eric González-Alfaro reported that the Washington State Legislature will soon complete the session. Indications are that there will not be any cuts to civil legal funding.

Federal: Northwest Justice Project Executive Director César Torres reported that funding for the Federal Legal Services Corporation may be cut by as much as 17%. This would be a \$1 million cut to the Northwest Justice Project. President Obama's budget seeks to restore LSC funding.

The Equal Justice Coalition is coordinating a trip to Washington, D.C. on April 16-17, 2012 to visit Washington's congressional delegation. Attending will be Seattle attorney and LSC Board member Harry Korel; EJC Chair Stan Bastian; NJP Executive Director César Torres; WSBA President Steve Crossland; Chief Justice Barbara Madsen; LFW Executive Director Caitlin Davis Carlson; and EJC Direct Eric González-Alfaro.

Proposed ATJ Board Co-Sponsorship of *The Twenty First Century Access to Justice Law Library: Vision, Deployment and Assessment* (A report prepared by Richard Zorza)

The ATJ Board members approved the request to co-sponsor this report. Joan will follow up with the Chicago Bar Foundation.

Charles Dyer reported that this report is thorough and comprehensive, and is meant to say “here are needs, and some things that can be done.”

Don Horowitz said many of the suggestions in the report are already in place at the King County Public Law Library. He recommends inviting King County Law Librarian Rita Dermody to present at a future ATJ Board meeting.

César Torres reported that the Northwest Justice Project now has a YouTube channel and is posting videos. NJP’s technology staff is beginning to develop trainings for public computing centers. These are additional resources that can be used by law libraries.

WSBA Pro Bono and Legal Aid Committee (PBLAC) proposal for expansion of MCLE Rule 103 (awarding MCLE credits for pro bono work)

Board of Governors member Dan Ford reported on this initiative, which is an effort to increase pro bono participation. Under the current rule attorneys can earn, annually, up to four hours of continuing legal education credit for pro bono work plus two hours of credit for training under the auspices of a Qualified Legal Services Provider. PBLAC would like to expand this rule to award up to 27 credits for pro bono representation and three hours for training over the course of three years. Some of these would be ethics credits. PBLAC will be making an initial presentation in May to the Mandatory Continuing Legal Education Board. The goal is to convince the MCLE Board that experiential learning is as valuable as classroom learning. The ATJ Board voted to support the proposal and will send a letter.

Legal Community Legal Events

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

May 4, 2012: Northwest Immigrant Rights Project Annual Gala, EMP Seattle. Lynn Greiner.

April 17, 2012: UW Law School’s Law Women’s Caucus Awards Ceremony, Ishbel Dickens.

April 18, 2012: SU Law School’s 5th Annual Celebration of Social Justice. Ishbel Dickens.

Betty Fry announced the Northwest Indian Bar Association’s annual auction takes place June 7 at Seattle University Law School.

Update on Civil Right to Counsel Movement

Deborah Perluss, Director of Advocacy/General Counsel, Northwest Justice Project and Katie Mosehauer, Washington Appleseed, presented information about the ongoing work in the movement to create a right to counsel in civil proceedings (aka “civil right to counsel” or “CRTC”).

Deborah Perluss outlined recent development in the civil right to counsel movement, including court decisions, resolutions, pilot projects, and other initiatives.

Deborah said that the courts have not been friendly toward the idea of civil right to counsel, citing some recent decisions that did not grant right to counsel in civil matters (*Turner v Rogers*, which allows a person to be held civil contempt for up to a year without counsel; *Bellevue School Dist. v. E.S.*, children

held in truancies contempt don't have a right to counsel). She noted one recent success in the decision asserting right to counsel for immigrant detainees with mental disabilities (*Franco v. Napolitano*).

Several state access to justice commissions and boards have passed resolutions supporting the American Bar Association Resolution urging jurisdictions to recognize and implement a civil right to counsel for low income persons in adversarial proceedings affecting basic human needs (these state commissions are: Arkansas, Hawaii, Maryland, Massachusetts, North Carolina, and Wisconsin). Additionally, several states have engaged studies, debates, reports, and other activities as they consider the issue.

Deborah described several pilot projects, noting that some are in the planning stages and a few are currently underway. She highlighted a completed project comparing two studies that took place in Boston, Massachusetts.

In Boston, two pilots took place in different housing court systems, one traditional and one specialized. Both were randomized studies, data driven and with statistically significant samples. All litigants were provided some level of limited assistance and treatment group was offered full representation while the control group was not. The conclusion of the study was that if extensive legal assistance and support for resolution short of judicial proceeding is available and people in system are knowledgeable of law, then less than full representation may be adequate. But in traditional setting, full representation changes the outcome. Both studies confirm that extensive assistance from lawyers is essential to helping tenants preserve their housing.

Deborah also discussed ongoing initiatives of the National Coalition for a Civil Right to Counsel. In Washington state, the movement includes monitoring pending cases that seek clarity of when counsel is to be provided in juvenile court proceedings or parents in proceedings incidental to dependency proceedings; for persons with disabilities in any proceedings; for administrative proceedings, and other particularly compelling proceedings. Washington state civil right to counsel advocates continue working with Washington Appleseed, and documenting examples of the harm done to unrepresented people in our courts, especially when one party is represented and the other is not.

Katie Mosehauer, Director of Washington Appleseed, discussed its work with the National Coalition for a Civil Right to Counsel to evaluate studies on pilot projects. Washington Appleseed is working to develop a how-to manual to assist jurisdictions in setting up effective pilot projects. Stakeholders in Pierce County have declined a National Coalition for a Civil Right to Counsel invitation to host a pilot site due to concerns it would create too much work for court commissioners.

The ATJ Board thanked them for continuing to work on this issue.

ATJ Board Updates:

ATJ /Bar Leaders Conference: Conference Manager Allison Durazzi reported that registration will open next week. The Conference theme is "Our New Economic Reality: The Legal Profession's Role," and takes place June 8-10, 2012 in Yakima WA. Several WSBA staff are facilitating the conference, so Alliance partners may be working with Pamela Wuest (scheduling meeting rooms and hotel) or Angie Maddox (workshop curriculum development). Alliance partners may also contact Allison for information or assistance. The Keynote address is being provided by Dean John Broderick, University of New Hampshire Law School. He is also participating in the Saturday plenary.

ATJ Board Delivery System Committee: Committee Co-Chair Dan Gottlieb reported that more than 90 Alliance members participated in the conversation after the Legal Foundation of Washington's Goldmark Award Luncheon in February. The Delivery System Committee formed three workgroups to develop recommendations to address issues raised during the discussion:

1. Rethinking pro bono from a client service perspective.
2. Communication/collaboration/consolidation across the Alliance from a client service/best practices perspective.
3. Building partnerships with other legal and non-legal entities in creative ways to address unmet client needs and to address systemic issues that move and/or keep people in poverty.

One of the goals is to recruit workgroup participants from outside the Delivery System Committee. He noted that each workgroup is free to define its own structure, but has been tasked with identifying one or two measurable goals that can be shared at the ATJ Conference in June during the Sunday morning plenary. The workgroup co-chairs are in communication with each other, and he encouraged anyone who wishes to be a part of a workgroup to contact him or Joan.

Pro Se Project: Project Co-Chair Lynn Greiner reported that the Project continues to move forward on its task of converting mandatory family law forms into plain language format. Northwest Justice Project staff attorney Lori Garber was granted time to work on the reviewing the forms during the next few months. Over 140 forms will be converted by the end of September 2012. Forms testing will be conducted in Whatcom County. University of Washington School of Law extern Ashley McDonald and ATJ Fellow Andrew Lee have been working on an article for the Seattle Journal for Social Justice.

Electronic Access Project: ATJ Board Fellow Andrew Lee reported that he is working to expand Mike Katell's preliminary report from last year about fees charged for electronic access to court records. There may be significant implications from the Supreme Court action on GR 34 review, and the Technology Committee is hopeful that the case will determine how GR 34 impacts fees for electronic records. While that is under review, Andrew is focusing on how counties have been in implementing these systems with respect to the ATJ Technology Principles, with an eye for best practices. Andrew's fellowship is extended till the end of the year.

Proposed CR 34 (electronic discovery): Don Horowitz reported that the WSBA Rules Committee and the ATJ Board Technology Committee will jointly ask the ATJ Board at its June 8, 2012 meeting to take a position on proposed CR 34 language about which the two entities cannot agree. If the ATJ Board agrees with the Technology Committee's version, the chair of the WSBA Rules Committee has agreed to ask his Committee to adopt the language. If the ATJ Board supports the Rules Committee version, the Technology Committee will acquiesce to its proposed language.

Liaison Updates

Civil Legal Needs Work Group member Greg Dallaire said that it is looking at the Code of Judicial Conduct, specifically a comment to Rule 2.2. He noted in some states this comment encourages judges to serve as more of a facilitator and less of a referee when litigants are self-represented.

The Office of Civil Legal Aid will be updating the *Washington State Civil Legal Needs Study*. The ATJ Board Executive Committee recommended some potential participants for OCLA's Scoping Group for the proposed update.

The NW Tribal Court Judges Association is reconvening after a long hiatus. Its mission is to provide training for tribal court judges and clerks.

The WSBA Moderate Means Program is having a press conference next Tuesday at 11:30 am at WSBA offices, as part of the effort to promote the program and encourage moderate means attorneys to sign on.

César Torres acknowledged ATJ Board member Betty Fry for her work in handling pro bono cases at the OMAK office of NJP.

Next Meeting

Friday, June 8, 2012 (In conjunction with the Annual Access to Justice/Bar Leaders Conference in Yakima)



MINUTES

Access to Justice Board
June 8, 2012
10 a.m. – noon
Yakima Convention Center

Present

ATJ Board members Chair Kirsten Barron, Chair-Elect Ishbel Dickens, Hon. Lisa Atkinson, Breean Beggs, Hon. Anita Crawford-Willis, Nick Gellert, Lynn Greiner, Geoff Revelle, Andy Sachs; **ATJ Board committee members** Ada Shen-Jaffe, Brian Rowe, Don Horowitz, Eric Gonzalez, Alex Doolittle; **Guests** New Hampshire School of Law Dean John Broderick, Gail Smith (Jones and Smith, Mt. Vernon), Ken Masters (Chair, WSBA Court Rules and Procedures Committee), Dave Hansen (Director, Sunrise Outreach Center, Yakima), Helen Reddout (President, Community Association for the Restoration of the Environment, Yakima), Sister Roberta Rorke (Professor, Heritage University and Board Member, Rod's House, Yakima), Helen Spencer (AmeriCorps Children's Vision Project, Yakima), Eva Valdivia (paralegal, Yakima); **Staff** ATJ Manager Joan Fairbanks

Proposed CR 34

The ATJ Board's Technology Committee and the WSBA Court Rules and Procedures Committee have been working together on proposed amendments to CR 34 (Electronically Stored Information). The two entities have reached agreement on all the proposed changes, with the exception of the addition of the words "format or format" to the phrase "form or forms." The two entities agreed to abide by the decision of the ATJ Board on this issue.

Technology Committee member Don Horowitz explained the perspective of his committee, which is that the addition of the term format does not detract from the rule and makes it easier to understand the rule. There also is concern that lawyers may not understand that the word "form" includes "format." He asked the ATJ Board to support the addition of this language.

Ken Masters clarified he was not attending in his official capacity as Chair of the WSBA Court Rules and Procedures Committee. He thanked Don Horowitz and Technology Committee Chair Brian Rowe for their assistance with improving the rule. He believes it is harmful to add "format." Federal courts have interpreted forms to include formats and there is no authority to the contrary. According to the rules of statutory structure, the term "form" is very broad. The goal of his Committee is to have as broad a rule as possible.

Members of the ATJ Board expressed general support for limiting the language to the terms “form or forms,” but agreed to defer to the judgment of the Executive Committee of the Pro Se Project. Those working on the Pro Se Project have developed language expertise from translating complex family forms into plain language. The ATJ Board will endorse the decision of the Project and will report its decision to Ken Masters.

Approval of March 30, 2012 ATJ Board meeting minutes

The Minutes were approved.

ATJ Board Chair’s Report

ATJ Board budget: Kirsten Barron reported there will be no staff cuts or meeting/travel cuts for FY 13 because WSBA found an additional \$900,000 to defray these expenses. There will need to be additional work during subsequent years to maintain the status quo.

Board for Judicial Administration Filing Fee Work Group: The ATJ Board has been asked to identify a representative to serve on this Work Group. Kirsten and Ishbel will determine who will attend.

GR 34 Work Group: Kirsten will participate. The first meeting is in June.

Leadership Academy: A Memorandum of Understanding between the ATJ Board and Seattle University School of Law is being drafted. The ATJ Board will review it this summer.

ATJ Board Law School Relations Committee and Hosting ATJ Board Meetings: At its retreat the ATJ Board discussed offers from SU School of Law to facilitate/host these functions, perhaps on a rotating basis with all three law schools. The ATJ Board did not make any final decisions pending the outcome of the WSBA budget discussions.

Access to Justice Conference: WSBA has eliminated funding for the conference. There has been a lot of discussion about proposed models for future conferences and how to maintain the key elements.

Request from Chief Justice Madsen re Judicial Branch Strategic Planning

Chief Justice Madsen is seeking stakeholder support for her Judicial Branch Strategic Planning initiative and has asked the ATJ Board to indicate its support for the initiative and to offer input to the planning process as it moves forward.

The ATJ Board will send a letter to Chief Justice Madsen indicating its support for the initiative. Before the ATJ Board can indicate it will actively participate in the process, it needs additional information about the time commitment and related expectations, and whether the ATJ Board is being asked to identify a representative. The letter also will include a number of suggestions, to include: (1) invest in professional facilitation and guidance; (2) consider the overlap between criminal and civil; (3) conduct the planning in the context of the entire justice system; (4) address the issue of bias in the justice system at all levels of the process.

A draft letter will be sent to the ATJ Board for additional suggestions prior to sending it to the Chief Justice.

Legal Community Events

Geoff Revelle and Hon. Anita Crawford-Willis will attend the June 19 King County Bar Association Annual Awards dinner.

Hon. Anita Crawford-Willis and Andy Sachs will attend the August 22-25 Hispanic National Bar Association Annual Convention.

Listening session:

The ATJ Board invited local community service providers to discuss current issues facing people with economic and other significant barriers in Yakima County. These included Dave Hansen, Director, Sunrise Outreach Center; Helen Reddout; President, Community Association for the Restoration of the Environment; Sister Roberta Rorke, Professor, Heritage University and Board Member, Rod's House;; Helen Spencer, AmeriCorps Children's Vision Project; and Eva Valdivia, paralegal. ATJ Board member Ishbel Dickens facilitated the discussion. Following is a summary of their remarks

Dave Hansen: Sunrise Outreach Center is a Christian-based community development organization. He showed a power point about poverty in Yakima County and what's being done to address it by a 40-agency network (Safe Yakima Valley) that meets monthly to work on homelessness and poverty issues. Yakima County has one of the highest poverty populations in the state, with 50% of single households with children living in poverty. Sixteen percent of the population has less than a 9th grade education; 29% do not graduate from high school; 17.7% of children under 18 have no health insurance; and the most recent homeless population count indicates that 297 of 996 people are age 17 or below. The Yakima County Courts have established a successful Gang Commission modeled on drug courts. This is a collaboration of police/sheriff, city/county government, education, business (profit/non-profit) and churches. Recognizing that poverty is the main contributor to gang activity, the goals are to coordinate gang prevention, intervention and suppression, reduce recidivism and develop a sustainable reentry strategy.

Helen Reddout: Through a power point presentation, she outlined the problems created by Concentrated Animal Feeding Operations (CAFOs) in the Yakima Valley. There are hundreds of these operations, each housing 1000 or more cows in confined areas living in their own waste. There are 18,000 dairy cows in the Yakima Valley. Each cow generates 20-30 pounds of manure daily which is dumped or sprayed onto the fields, turning them into toxic waste dumps. The surface water is being polluted; crops are being burned and destroyed; and people are becoming ill. The manure is seeping into the ground water, polluting the wells and surfacing around homes occupied by low income people, including farmworkers. Local agencies are politically handcuffed. The County health department won't investigate these complains because these are not zoned agricultural areas. The Department of Agriculture defends the interests of the dairies. The Department of Ecology is writing up CAFO permits. The Yakima

Valley is attracting these operations because of the high concentration of poverty and the inability of residents to organize and to influence decision-makers. There is no mandate to treat the manure. John Hopkins University conducted a study of air in the living rooms of people living near dairies. The air is polluted with antibodies and manure particles and there is a very high rate of asthmas and diarrhea. Her goal is to get public interest law firms involved in addressing the problem, and to get government agencies to focus on the factual realities of the CAFOs.

Sister Roberta Rorke: She works primarily with gang members through Rod's House. Former gang members JJ and Antonia co-presented with her about their experiences. The three of them provided an overview of the factors that contribute to gang membership, which include poverty; and parents who are absent or who abuse drugs or alcohol. Many kids who are arrested don't understand the justice system. Often they plead guilty and have a felony on their records for the rest of their lives. The police in Yakima are reputed to pay for sex and manufacture evidence and they threaten to use taser guns on the kids. As a result, kids have no respect for the police. Sister Rorke has seen good results with counseling and mentoring, which was confirmed by JJ and Antonia, who have benefited from counseling and are now in school and moving on with their lives. All three stressed the problem of racial and ethnic bias in our society, which promotes stereotyping of kids in poverty. There is a need for counseling and mentoring services for youth.

Helen Spencer: She described the AmeriCorps Children's Vision Project, which is beginning its third year this fall. Poor vision is related to lower test scores of children in poverty and children of color. In Yakima County alone, 54.6% of foster children they have screened had undetected vision problems despite Medicaid coverage and regular Well Child exams. These problems surfaced initially because some children were getting nauseous in 3D movies, a sign of binocular vision dysfunction. Yakima developmental optometrists are having a great deal of success in helping children with their binocular vision dysfunctions. There are now developmental optometrists in every part of our state (clinics in Lynnwood, Kirkland, Seattle, Federal Way, Olympia, Spokane, Yakima, Pasco) to help children and adults develop better vision skills. So long as the State of Washington does not test children for binocular vision problems, and convergence insufficiency in particular, parents and teachers will continue to be in the dark about their many children with learning problems related to poor vision, and will never learn about appropriate treatments, including vision therapy. Parents and teachers need information on how to help students develop better vision skills, yet none is provided. The goal of the AmeriCorps project is to gather and publicize this information.

Eva Valdivia is a paralegal in a Yakima immigration law firm. Without a background as a farmworker and community advocate, she reviewed what she sees as the most significant issues facing low income and marginalized populations in Yakima County. The gang issues are tied in part to the reduction of after school programs, 4H groups and organized sports. She noted a cultural divide in Yakima, which inhibits the involvement by many low income and racial minorities from participation, and said noted she had never experienced racism until she moved to Yakima from California. She has experienced discrimination in the workplace and in school. Since many residents speak only Spanish, language is a barrier. There is insufficient

affordable housing and lack of public transportation. There are significant immigrant issues and she spends some of her time working to promote immigration reform. Yakima is a socially and politically conservative county, making it difficult to achieve community-wide agreement in how to address many of these challenges. She observes that there is a lack of cultural competency by many professionals and even volunteers who otherwise are providing good services. And although there is a lot of collaboration by and among social and human services providers, the cultural barriers serve to maintain a two-class system in the County.

Joint Meeting With the Civil Legal Aid Oversight Committee to Take Action on Statement of OCLA Director Roles and Functions

The ATJ Board joined the meeting of the Oversight Committee at 2:00 p.m. Oversight Committee Chair Tom Brown introduced ATJ Board Chair Kirsten Barron who in turn introduced the members of the ATJ Board. It was declared that at this point the meeting was a joint meeting of the Civil Legal Aid Oversight Committee and the Access to Justice Board.

ATJ Board member Breann Beggs provided a report and recommendations from the joint Oversight Committee/ATJ Board work group that reviewed the roles and functions of the role of the OCLA Director. He offered that, upon adoption, the documents under consideration will provide solid guidance when the ATJ Board is next asked to make a recommendation to the Supreme Court to fill a vacancy in the position. He noted that the work group did not address the process that the ATJ Board would use should it be asked to do so, but focused solely on the roles and functions and the corresponding skills and competencies that would be used to guide any future ATJ Board effort.

Office of Civil Legal Aid Director Jim Bamberger offered that an important component of these documents is the degree to which they expressly address the relationship between the Office of Civil Legal Aid and the agency director, on the one hand, and the Access to Justice Board, on the other. He also observed that achieving agreement with respect to the roles and expectations of the agency and its director is essential given the parallel roles that the ATJ Board (recruitment and recommendation to the Supreme Court) and the Civil Legal Aid Oversight Committee (performance review) play *vis a vis* the OCLA director.

ATJ Board member Geoff Revelle moved to adopt the draft documents as presented by the joint work group. His motion was seconded by ATJ Board member Ishbel Dickens.

Oversight Committee member Judge Paul Bastine moved to adopt the draft documents as presented by the joint work group. His motion was seconded by Judge Ellen Kalama Clark.

Both bodies unanimously approved the motions. Kirsten Barron made comments about the imperative that we work to identify people who can be groomed and supported to be in a position to take leadership responsibilities at OCLA and other key Alliance positions.



Meeting Minutes
Access to Justice Board
July 20, 2012
2:00 – 3:00 p.m.
Washington State Bar Association

Present: **ATJ Board Members** Chair Kirsten Barron (by phone), Hon. Lisa Atkinson (by phone), Hon. Anita Crawford-Willis (by phone), Ishbel Dickens (by phone), Lynn Greiner (by phone), Nick Gellert, Geoff Revelle and Aiko Schaefer (by phone); **ATJ Committee chairs and members** Caitlin Davis Carlson, Elizabeth Fry (by phone), Eric Gonzalez-Alfaro, Don Horowitz, Kellee Spangenberg (by phone), and César Torres; **Guest** Naria Santa Lucia; **Staff** Allison Durazzi, Joan Fairbanks, Charley Dyer (by phone)

ATJ Board Chair's Report: Chair Kirsten Barron reported on her ongoing work with the WSBA and the WA Supreme Court Kirsten Barron concerning the ATJ Board's budget. The WSBA budget eliminates fiscal and staffing support of the ATJ Conference, and reduces some ATJ Board meeting expenses. No additional cuts are proposed for the current fiscal year, but the budget will not be approved until the September BOG meeting. The Supreme Court is considering the ATJ Board's request for \$200,000 for the 2013-1015 biennium for ATJ Board operational costs.

Approval of June 8, 2012 ATJ Board Meeting Minutes: The minutes were approved as drafted.

Approval of Draft Leadership Academy Memorandum of Understanding: ATJ Board Nominating and Leadership Development Committee Co-Chair Elizabeth (Betty) Fry provided an overview of the draft Leadership Academy Memorandum of Understanding between the Access to Justice Board, Office of Civil Legal Aid, Seattle University School of Law and the Washington State Bar Association. SU is contributing \$100,000; OCLA is contributing \$75,000 for 2012-2013. There is enough funding to train the first group of 25 experienced leaders, who will in turn become the mentors for the next group. There was some discussion about the structure of payments between Seattle University and Office of Civil Legal Aid, but Betty noted that would be addressed more thoroughly in the financial contracts between those two entities and the vendor. The effective date of the MOU was changed to say "upon execution," instead of a specific date. The ATJ Board suggested adding Kirsten as a signatory. The draft was approved with these changes and previously suggested edits. It remains a draft until SU has received faculty approval and can proceed with signing.

ATJ Board approval of CR 34: At the June meeting, the ATJ Board considered the work of its Technology Committee and the WSBA Rules Committee on proposed CR 34 Electronically Stored Information. The ATJ Board made a recommendation on specific language in the rule, but did not consider the rule itself. The ATJ Board is now asked to offer its support of the proposed rule. The ATJ Board so approved, and thanked the Technology Committee for its work on this.

The ATJ Board discussed the role of its committees in taking action on behalf of the ATJ Board. The Operational Rules provide guidance but there are situations, like CR 34, where these roles may need to be clarified. The ATJ Board will review its Operational Rules and consider appropriate changes.

Electronic Access to Court Records: ATJ Technology Committee member Don Horowitz reported that Washington state courts increasingly continue to implement fee-based electronic records systems. In some jurisdictions, this is the only way to access records. The Technology Committee is concerned that these systems are implemented in accordance with the Access to Justice Technology Principles.

The ATJ Board voted to direct the Technology Committee to engage with the Washington Association of County Clerks, among others, to try to reach agreement on how the movement to electronic records will be handled in a manner consistent with the ATJ Technology Principles and the public's right of access to court records.

Resolution Concerning Fredric C. Tausend: ATJ Board member Geoff Revelle presented the ATJ Board with a proposal to honor Frederic C. Tausend, a long-time supporter and advocate of access to justice in Washington's legal community. The ATJ Board unanimously approved the resolution.

Legal Community Events

- Kirsten Barron will attend a special event in conjunction with the Hispanic National Bar Association conference in Seattle in September.
- Geoff Revelle will attend the WSBA Annual Awards Dinner.

Schedule 2013 ATJ Board meetings

The ATJ Board approved the following meeting dates for 2013:

Friday, January 25, 2013

Friday, March 01, 2013

April TBD (Annual Meeting with Supreme Court)

Friday, June 7, 2013 (Annual ATJ Board Retreat)

Friday, July 19, 2013 (If needed)

Friday, September 20, 2013

Friday, October 18, 2013 (annual meeting with ATJ Committee chairs)

Friday, November 15, 2013

Liaison Reports

ATJ Board BOG Liaison Geoff Revelle former ATJ Board member Greg Dallaire has applied to serve on the Limited License Legal Technician Rule Board and recommends that the ATJ Board be involved in the process of supported his application.

Don Horowitz reported that the BOG appointed Joan Kleinberg as WSBA representative on the Judicial Information Systems Committee.

Don also reported he has been asked to serve on the Court Research Committee.

MCLE pro bono rule: The ATJ Board previously had submitted a letter of support for the WSBA Pro Bono and Legal Aid Committee's proposed changes to this rule. ATJ Board members will contact their BOG representatives to urge support for the amended rule.