

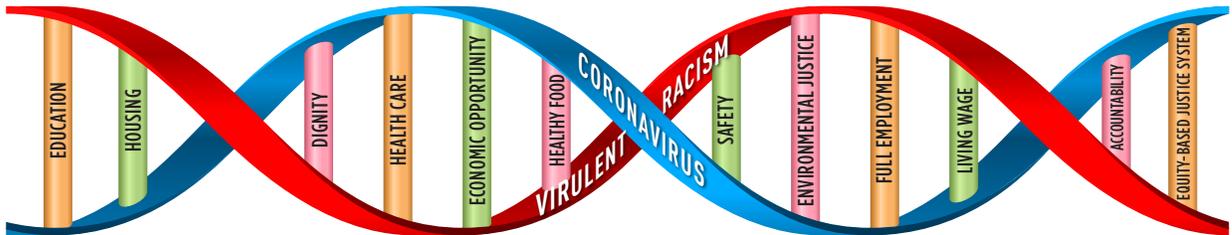
2020 ACCESS TO JUSTICE BOARD
ANNUAL REPORT



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THE TRIPLE PANDEMICS:

Coronavirus, Racism, and Intractable Poverty



The “Double Helix” strands of coronavirus and racism are inextricably linked together by “bands” of disparity that are emblematic of systemic intractable poverty.

Image by Ada Shen Jaffe, JustLead, Washington

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Letter from the Chair



**Sal Mungia, Chair
Access to Justice Board**

Dear Friends:

Last year I reported that the one directive in the State Plan that permeates all other goals “is the advancement of race equity.” We have seen how so very far we are from achieving the goal of race equity and how much harder we all must work.

In response to the avalanche of systemic racist events that have been occurring around the country, Alliance for Equal Justice (Alliance) members have increased their efforts to combat racism. I will call out just a few of those actions. The Legal Foundation of Washington began making race equity grants and is continuing that program. The Pro Bono Coordinators are maintaining a listing of volunteer opportunities to combat racism. The Endowment for Equal Justice is sponsoring a 6-part series on promoting race equity and combatting racism. All Alliance members are engaging in anti-racism work—all are increasing their efforts.

The ATJ Board, acknowledging that it “has not done enough in the battle against racism against Black communities and other communities of color” adopted a Call to Action. The Board will be convening Alliance members alongside racial justice movement leaders and representatives of communities who are most harmed by racism to create and adopt an Alliance-wide Action Plan for combatting racism.

The COVID-19 pandemic has cast a glaring light on the existing differences between those that have and those that have not. Housing, incarceration, employment—these are three areas where the chasm between haves and have-nots has increasingly widened because of the pandemic. Alliance members have demonstrated perseverance, resourcefulness, and commitment to provide hope to those whose lives have been upended because of the pandemic.

Even before Governor Inslee’s moratorium on evictions, legal aid providers throughout the state were urging the superior courts within their jurisdictions to impose a moratorium on evictions. The ACLU filed suit for the release of those detained at the Seattle-area ICE detention center. Columbia Legal Services brought an action for the early release of those incarcerated at Monroe. The Unemployment Law Project saw appeals for help rise by 150% in the first few days of the pandemic. The Office of Civil Legal Aid was instrumental in obtaining state funding to pay lawyers, at a greatly reduced rate, to represent people now finding themselves faced with the maze of unemployment issues. The Unemployment Law Project agreed to train the volunteer attorneys. So did the State Pro Bono Council. The WSBA Moderate Means Program recruited attorneys for this program and has made referrals for unemployment benefit cases. The Seattle Area Pro Bono Coordinators created a resource guide for restaurant and retail workers. Law students at UW began performing legal research projects for civil legal aid providers on pandemic related issues. Northwest Justice Project is informing the public about the resources being offered by civil legal aid providers through its newsletter “What’s New at Washington LawHelp.” All Alliance members are committing substantial resources to provide help.

2020 has been, and continues to be, a time of uncertainty, and a time of awakening. Members of the Alliance for Equal Justice have been, and I have no doubt, will continue to rise to every challenge that is presented in these turbulent times.

Salvador A. Mungia, Chair
Access to Justice Board

The ATJ Board's Commitment and Call to Action for Black Lives

ASMUCH OF THE NATION has galvanized around Black Lives Matter in response to the police murders of Breonna Taylor, Tony McDade, George Floyd, Ahmaud Arbery, and countless others, the Access to Justice (ATJ) Board joins the chorus of voices standing up for racial justice. In June 2020, the Board **released a statement** proclaiming how it will do better at walking its talk on being a leader in ending systemic racism in the civil justice system. The Board asserts in the statement that it “has not done enough in the battle against racism against Black communities and other communities of color.” The Board outlined a series of individual and collective action steps to resist racism against Black, Indigenous, and People of Color and dismantle white supremacy culture in the justice system. As a first step, in the coming months the Board will convene Alliance for Equal Justice members—alongside racial justice movement leaders and representatives of communities who are most harmed by racism within the civil justice system and intersecting legal systems—to create and adopt an Alliance-wide Action Plan for combatting racism. The Board hopes to serve as an example of designing a process that centers the voices of communities most impacted by racist policies and practices and as a catalyst for change by creating space for courageous conversations. There is a lot of work to do and the Board is wholeheartedly committed to staying engaged on race equity for the long haul through continual education and development of strategies to change policies and practices. As shared in the commitment and call to action, the ATJ Board has made, and will continue to make, race equity a central tenet for all the work that we do. ■



The ATJ Board Pivots to Respond to the Growing Pandemic

THE ACCESSIBILITY OF LEGAL ASSISTANCE during the current health and economic crisis is more important than ever. The Access to Justice (ATJ) Board, as the convening body for the Alliance for Equal Justice, recognizes how important it is to bring Alliance providers together to discuss how we have all had to adapt our practices to ensure the health and safety of the client populations we serve as well as that of the providers themselves.

The Board established a COVID-19 Response Work Group to work closely with Alliance providers and other task forces addressing COVID-19 issues to identify community needs and systemic issues and generate creative solutions to these problems. Providers have shared information about trends they are seeing among low-income and vulnerable communities. It is apparent that these issues are numerous and intertwined: housing stability, job loss and unemployment, access to healthcare and education, and increased domestic violence and sexual assault as a result of spending more time in the home. It is clear that the pandemic is impossible to separate from the racial reckoning the nation is facing regarding systemic racial inequality, illustrated by the disproportionate impact of COVID-19 on Black, Indigenous, and People of Color (BIPOC) communities.

To address pressing issues faced by our client communities, the Work Group is embarking on a number of priority projects:

- Accessible, plain-language information on court operations and procedures.** Navigating the court system was already a struggle for unrepresented litigants and has only become more complicated as courts struggle to adapt procedures under the Gov. Inslee's Stay Home, Stay Healthy Order and the phased Safe Start plan. In partnership with Northwest Justice Project, the Administrative Office of the Courts, Microsoft, and the state's law schools, the Board is engaging in a conversation about developing an accessible, web-based platform that will provide plain-language information about constantly changing court operations and procedures across the state.



- Local news media spotlights on Alliance organizations to reach people who are less connected to technology.**

The ATJ Board is collaborating with the Legal Foundation of Washington to reach out to local media stations to feature short segments and interviews highlighting the services provided by Alliance organizations serving specific geographic areas. The segments are intended to spread awareness about the legal issues the pandemic is exacerbating, to share basic information about what rights people have in relation to the pandemic, and to provide an avenue for those who are less connected to technology to learn more about how local legal aid organizations may be able to help them.

- COVID-19 Legal Health Check-Up.** Given the far-reaching impacts of COVID-19, the number of legal issues many face can be overwhelming. In order to help people identify legal needs and available resources, the Board is developing a COVID-19 Legal Health Check-Up List. The list is adapted, with permission, from an ongoing project of the Washington State Bar Association (WSBA) Practice of Law Board and contains questions focused on COVID-19-specific legal issues.

These projects are a starting point, as the Board realizes that the pandemic, and the systemic inequalities that Covid-19 is highlighting, are not going away in the near future. The Board and the COVID-19 Response Work Group are dedicated to receiving continuous feedback so the Board can do everything necessary to support providers and the community during this time. The COVID-19 pandemic has presented many challenges to the coordination and delivery of legal aid, but it has also highlighted the ability of Alliance members to come together to support each other and the communities we serve. ■

Activating the ATJ Board's Investments in Adaptive Leadership & Race Equity



THE ACCESS TO JUSTICE (ATJ) BOARD has invested in developing sustainable, statewide support infrastructure for the Alliance and its partners over the past 15 years. JustLead Washington, its Leadership Academy, and its coordination of the Race Equity & Justice Initiative (REJI) are key examples of a powerful network of nearly 200 equity and justice-focused advocates and organizations across Washington state trained in race-equity and adaptive leadership competencies. JustLead reaches hundreds of additional legal and community leaders each year through its training, consulting, facilitation, and coaching services.

The work of the ATJ Board and its stakeholders has been upended as the communities we serve have been hit hardest by the triple pandemics of COVID-19, virulent racism, and pre-existing poverty—all made worse by economic collapse. Racism has been laid bare as the undeniable cause of the devastating and disparate harm faced especially by Black communities but also by Indigenous, and other People of Color (BIPOC). These realities require equity and justice advocates to leverage privilege, professional expertise, access, and resources in support of and allyship with communities most harmed by centuries of racism embedded within the law and justice systems; these communities know best what must change and seek our partnership to help effectuate change.

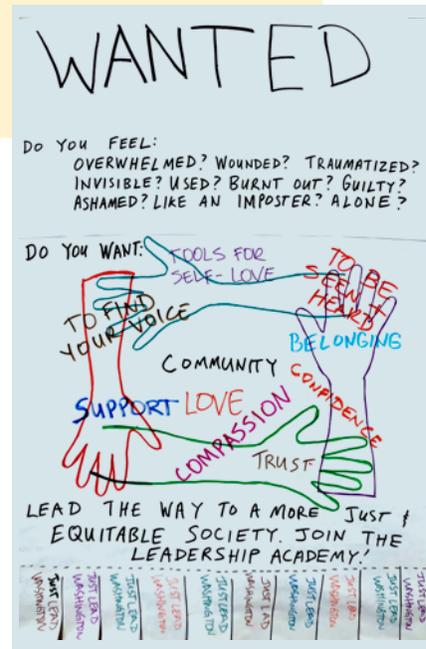
RIGHT: Goldmark Community Partnerships Panelists: Esperanza Borboa, Debbie Lacy, Christopher Lovings, Jodi Nishioka, Colleen Echohawk



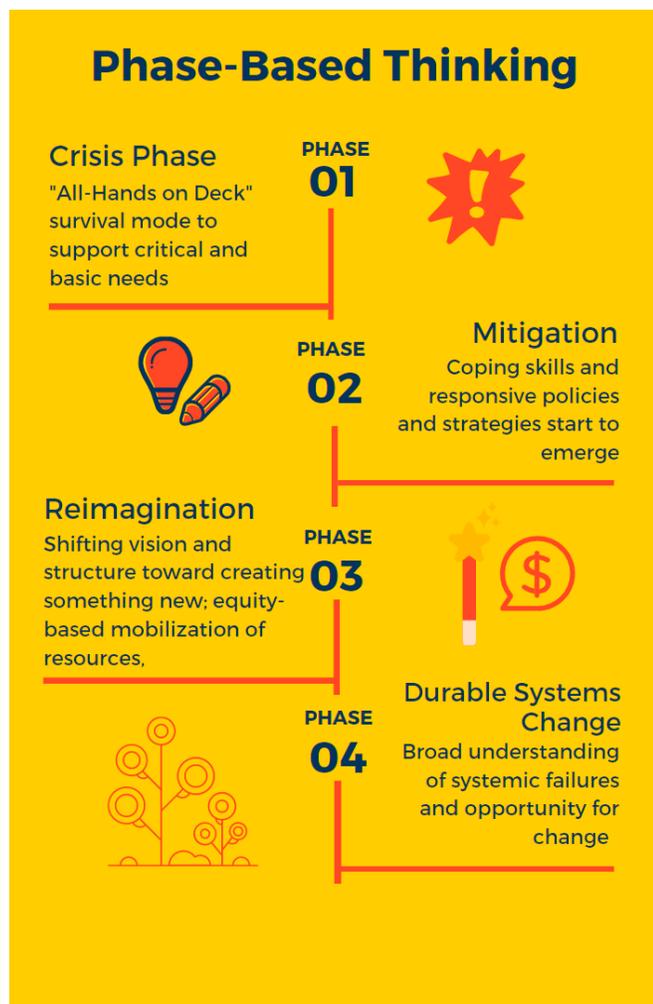
"I have done a number of cultural competency, race, and equity trainings over the years, but this was by far the best I have ever attended. I found the session inspiring and loved that it provided so many ways for individuals to begin doing the work. JustLead's presenters were outstanding."

2020 Training Participant

The leadership and equity-focused work envisioned by the ATJ Board's State Plan and supported by JustLead were already underway well before the pandemics hit, meaning that, as a community, we had already built an agile infrastructure to help shift resources, mindsets, and practices to be responsive and relevant to the crises. JustLead was able to pivot to virtual support and written resources this spring. A three-part **Adaptive Leadership series** highlighted strategies for caring for self, teams, and community during difficult times. This series, along with several **online articles**, which together reached over 2,000 advocates, also explored what strategic and phased response planning, centering of BIPOC leadership and perspectives, and resistance to white supremacist culture look like, in times of crisis.



The “wanted poster” is an art project created by a group of Fellows during one of this year’s Leadership Academy retreats.



Though virtual for the foreseeable future, JustLead continues to support individual Alliance and related organizations through racial justice trainings and caucuses for staff and volunteers; consulting on the organizational transformation necessary for equity, inclusion, and community accountability; and staff and leadership coaching to meet the convulsive challenges of today. FY2020 highlights include supporting a forum on community partnership and accountability after the Goldmark Luncheon in February and foundational race equity trainings for over 150 volunteer lawyers around the state.

JustLead also continues to coordinate learning and accountability spaces for the REJI, hosting bimonthly REJI Partner meetings and webinars. The ATJ Board continues to partner with JustLead to further its own internal transformational race equity work and to explore ways that the Board and its civil justice partners can collaborate and coordinate more fully with criminal justice, juvenile justice, child welfare system, and community stakeholders. ■

The Phase-Based Thinking infographic is from a JustLead post-COVID blog post. Find the blog at <https://justleadwa.org/learn/justlead-musings-blog/>

ATJ Technology Principles 2.0 Receive Washington Supreme Court Approval

THE **ATJ TECHNOLOGY** Principles 2.0 are here! The ATJ Technology Committee oversaw a two-year process to update the ATJ Technology Principles that included gathering critical buy-in on the Principles from key justice system partners. In June 2020, the Washington Supreme Court issued an order adopting the updated ATJ Technology Principles. The court's order is timely particularly given the increased need for technology during the COVID-19 pandemic. The Board is incredibly grateful to the long list of individuals who helped to shape the updated Principles and provided critical feedback throughout the drafting process.

The updated Principles reflect the importance of making sure technology is used in the highest and best way to promote a just society. The updated Principles focus on:

- **Plain language.** The ATJ Technology Rules have been written for the usability of a broad audience and to enable the public to hold their justice system accountable.
- **Responsiveness to a diverse range of communities.** The UW Tech Policy Lab's Diverse Voices partnered with the ATJ Technology Committee to apply their targeted method to include under-represented groups in tech policy document development. With Diverse Voices we were able to collect input on the ATJ Technology Rules from panels representing diverse communities and took care to apply the feedback thoroughly.
- **Reflecting today's changing technology.** New technology is being developed daily and we considered emerging technology, such as AI, and the ever-changing landscape. The ATJ Technology Rules are written to be applicable as the technology we use evolves over time.
- **Consistency with the State Plan.** The ATJ Technology Rules are complementary to the current State Plan, which highlights the need for technological innovation in the delivery of legal aid, while also being forward-looking as our goals evolve.

In the coming year the Technology Committee will be conducting stakeholder outreach through trainings and discussions as we share the updated ATJ Technology Principles. ■



The Equal Justice Coalition Leads During a Time of Change



STATE FUNDING:

WITH THE LEGISLATURE not in a budget session this year, the Equal Justice Coalition’s (EJC) state-level advocacy was more limited—until the outbreak of COVID-19. As the Office of Civil Legal Aid (OCLA) pursued emergency funding to buttress crucial front-line legal services, including to help people prepare for eviction and to appeal denials of unemployment insurance, EJC stakeholders amplified the essential role of civil legal aid in our state’s response to the pandemic. Retired Washington Supreme Court Chief Justice Mary Fairhurst and Seattle Mariners general counsel Fred Rivera wrote a powerful column in the *Seattle Times*, followed by former Washington State Attorney General Rob McKenna and Access to Justice (ATJ) Board Chair Salvador A. Mungia in the *Tacoma News Tribune*. Programs such as the pro bono Housing Justice



Project and the Unemployment Law Project earned media coverage of their front-line work, and stakeholders across the Alliance reached out to elected officials and members of the community about the civil justice issues resulting from COVID-19.

The messages worked: OCLA secured approval from Governor Inslee and bipartisan legislative leaders for \$3 million in state disaster response funds to boost legal services related to unemployment and eviction, and the state also directed \$2.3 million in federal CARES Act funds to reinforce legal aid connected to employment and family safety. While the Legislature will face a difficult budget environment in the coming session, the EJC is committed to protecting and expanding these critical investments.

FEDERAL FUNDING:

THE EJC TYPICALLY spearheads an annual trip to Washington, D.C., bringing civil legal aid leaders from our state to speak to the Washington congressional delegation about access to justice and expanding funding for the Legal Services Corporation (LSC). With the 2020 trip cancelled due to COVID-19, the EJC pivoted to virtual meetings between members of Congress, including Rep. Pramila Jayapal, Rep. Rick Larsen, and Rep. Adam Smith, and prominent legal advocates, including Washington Supreme Court Justice Steven C. González and Washington State Bar Association president Rajeev Majumdar. Washington’s Congressional members are strongly supportive of civil legal aid and helped champion the \$50 million in emergency funding for LSC included in the CARES Act, more than \$1 million of which went to Northwest Justice Project (NJP), Washington’s sole



recipient of federal legal services funds. EJC advocates asked members to approve LSC’s request for another \$50 million in the next stimulus package, to help meet the surge in legal needs due to the pandemic, as well as to build upon last year’s annual budget increase for the agency. As of July, the House Appropriations Committee was moving forward with a \$25 million increase, boosting the LSC allocation to \$465 million for the next year—an important step to increase NJP’s vital services for thousands more low-income families and individuals across Washington, but still far below the agency’s historic funding levels. With the current administration for the fourth consecutive year proposing the elimination of all LSC funding, and the overwhelming needs for civil legal assistance exacerbated by COVID-19, the bipartisan support of Washington’s senators and representatives is more important than ever. ■

The Pro Bono Council Responds to Changing Needs

THE MISSION OF the statewide Pro Bono Council is to further access to justice by supporting and advocating on behalf of the Volunteer Lawyer Programs (VLPs) in Washington state. In recent years, the Pro Bono Council bolstered its infrastructure capacity through expansion of the VLPs and through compensation equity and, starting at the beginning of 2020, these investments paid off as VLPs began stepping up to the task of providing civil legal assistance to the additional tens of thousands of Washingtonians affected by COVID-19. Thanks to the VLPs, Washington is equipped with an efficient, scalable legal aid framework.

Cities, counties, private donors, and the Washington Office of Civil Legal Aid identified VLPs as the obvious providers of legal aid for Washington's response to COVID-19. Through emergency funding and the commitment of hundreds of volunteer attorneys and Limited License Legal Technicians (LLLTs), the VLP response to COVID-19 includes increased landlord-tenant and eviction representation, extended capacity to advise on employment-related issues, and expanded support for survivors of domestic violence and sexual assault.

The Pro Bono Council brings the Volunteer Lawyer Programs together with a united voice and common practices. Together, we've coalesced into an active group of advocates, making each program better by sharing resources and collaborating. Each VLP leads their own community by partnering with lawyers and other service providers as we work toward providing help to underserved populations.

Lori Bashor-Sarancik,
Director of Cowlitz Wahkiakum Legal Aid



EVICTION DEFENSE

Working closely with Northwest Justice Project, VLPs have at least doubled or tripled their capacity to handle eviction cases through additional volunteer commitments, through trainings covering COVID-19-specific housing and eviction laws, through additional staff attorney hours, and sometimes through “low-bono” attorney referrals to the private bar.

EMPLOYMENT LAW ISSUES

In addition to a surge in typical employment issues like discrimination and reasonable accommodations, low-income clients are showing an increased legal need for “know your rights” and workplace safety assistance. The Pro Bono Council organized a training to improve volunteer attorneys' ability to advise on these issues, which was attended by over 100 volunteer attorneys, many of whom agreed to assist with VLP clients' cases.

DOMESTIC VIOLENCE

VLPs quickly scaled up capacity to assist survivors of domestic violence and sexual assault resulting from the COVID-19-related stay at home orders. While many VLPs already operate robust Victims of Crime Act (VOCA) programs and Domestic Violence Protection Order (DVPO) clinics, VLPs added an additional three staff positions and coordinated a new low-bono referral program to assist with hundreds of additional domestic violence and sexual assault cases as well as the often-related family law issues. ■



VLP leaders meet up to connect during the 2020 Goldmark Luncheon.

VLPS BY THE NUMBERS

Last year the Volunteer Lawyer Programs delivered:

35,000 hours of attorney service time to low-income clients

Brief services on

17,117 cases

Direct representation to

3,773 clients



ELAP Program Director Esperanza Borboa leads her team in a focus session.



Chelan Douglas County Volunteer Attorney Services Housing Justice Project and Outreach Coordinator Rosie Gudiño meeting folks in the community to share legal aid resources and learn more about the issues they are facing.

One of the silver linings in this COVID situation is the amount of relationship building that can be seen in the legal aid community and in working with community organizations. Being in a virtual environment has made coordinating and collaborating easier and made us more effective in meeting the needs of the communities that we serve.

Chris Lovings
Community Engagement Manager at ELAP

ATJ Board 2020 Year in Review

Join us in looking back at some of the highlights of the Board's projects and initiatives over this past year.

**20
NOVEMBER
2019**

The ATJ Board sends a letter to multiple civic leaders to express concerns that attorneys have been encountering in their representation of detained clients at the Northwest Detention Center in Tacoma. The Board urges leaders to review procedures and reduce the barriers to detainees accessing legal assistance.

**31
JANUARY
2020**

The ATJ Board submits a letter in support of the proposed amendments to Comment 4 of the Rules of Professional Conduct (RPC) 4.4. The proposed amendments make it clear that attorneys cannot use the immigration status of an individual to advance their case. The proposal is a step in improving trust of the justice system in our communities.

**3
FEBRUARY
2020**

In partnership with the Minority and Justice Commission and the Interpreter Commission, the ATJ Board submits a letter in support of the proposed new Washington General Rule (GR) 38, which protects all persons' access to courthouses in Washington.

18 FEBRUARY 2020

The ATJ Board submits a letter urging the Senate to pass SHB 2567 to help ensure that everyone has fair access to the courthouses. Without physical access to the courthouse it is difficult, if not impossible, to achieve justice.

13 MARCH 2020

After conducting a comprehensive stakeholder survey in January, the ATJ Board adopts new two-year priorities, found online at allianceforequaljustice.org/access-to-justice-board/who-we-are

24 MARCH 2020

The ATJ Board submits a letter in support of a proposed new Washington LFO remission rule, which would provide Washington courts and low-income communities with much needed guidance concerning obtaining relief from court-imposed legal financial obligations.

People

2019-2020 ATJ BOARD MEMBERS

Francis Adewale

Esperanza Borboa

Hon. Laura T. Bradley

Hon. Frederick P. Corbit

Hon. David S. Keenan

Lindy Laurence

Michelle Lucas

Salvador A. Mungia, Chair

Mirya Muñoz-Roach

Terry J. Price

STAFF

Diana Singleton
Equity and Justice Manager

Bonnie M. Sterken
Equity and Justice Specialist



Acknowledgements

The ATJ Board would not be able to accomplish its work without the dedication and support of its many committee volunteers. The Board is grateful to the support and guidance of its standing committees over the past year.

COMMITTEES AND CHAIRS

Delivery System Committee:

Salvador A. Mungia and Merf Ehman

Equal Justice Coalition:

Kirsten Barron

Pro Bono Council:

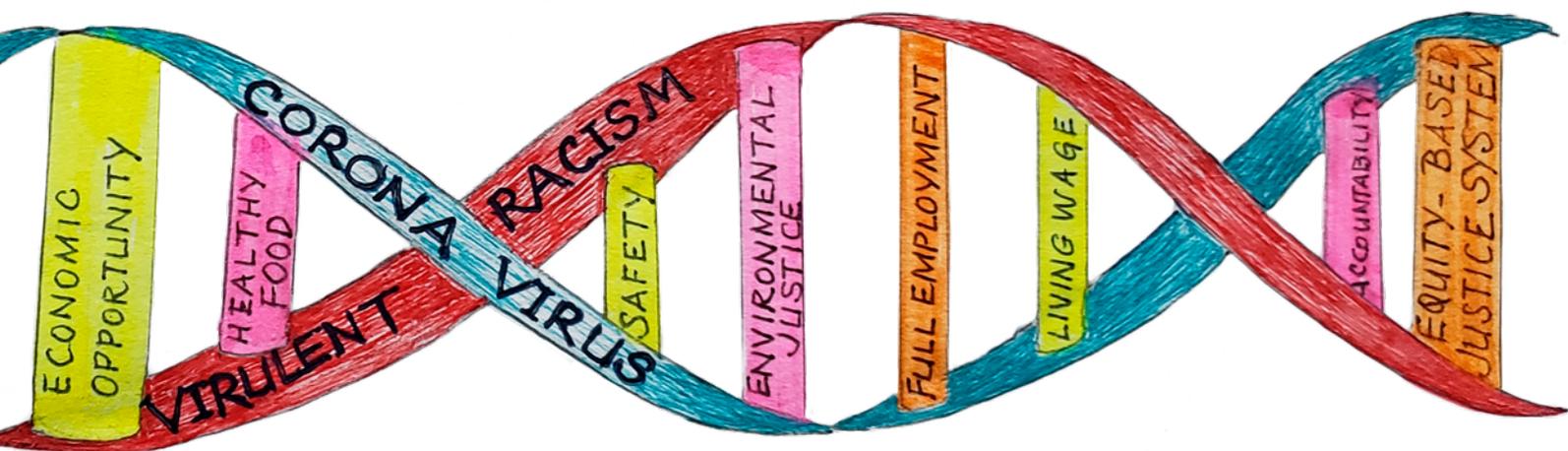
Eloise Barshes and Elizabeth Fitzgearld

Rules Committee:

Hon. Dave Keenan and Chris Durban

Technology Committee:

Hon. Laura Bradley and Jordan Couch



ACCESS TO JUSTICE BOARD

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539

Phone: 206-727-8205

<http://AllianceForEqualJustice.org>

Established by the Supreme Court of Washington

Administered by the Washington State Bar Association

