



Access to Justice Board Meeting Agenda

November 9, 2018 – 10:00 AM to 12:00 PM

Washington State Bar Association, 1325 4th Ave, #600, Seattle

1-866-577-9294; Access: 52140#

Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers.

4 min	Welcome and Introductions	Sal Mungia		
1 min	October Board Meeting Minutes	Sal Mungia	Action	<i>pp 3-5</i>
5 min	Chair's Report	Sal Mungia	Report	
5 min	Staff Report	Diana Singleton	Report	
	<ul style="list-style-type: none"> • State Plan Implementation Update • 2019 ATJ Conference Update 			
10 min	Northwest Immigrant Rights Project Update	Jorge Barón	Report	
5 min	Board of Judicial Administration's Public Trust and Confidence Committee ATJ Board Liaison	Sal Mungia	Action	<i>pp 6-10</i>
15 min	WA Appleseed Report	Angeline Thomas	Report	
15 min	WA A2J Worker Compensation	Patrick Palace	Report and Possible Action	<i>Materials Forethcoming</i>
5 min	Legal Foundation of WA Update	Caitlin Davis	Report	
15 min	Technology Committee Report	Judge Laura Bradley and Sart Rowe	Report and Discussion	
	<ul style="list-style-type: none"> • Tech Rules Comments 			

5 min	Rules Committee	Judge Dave Keenan	Action	<i>pp 11</i>
	<ul style="list-style-type: none"> • RALJ 9.3 			
5 min	Communications Committee Update	Lynn Greiner	Report	
	<ul style="list-style-type: none"> • <u>NW Lawyer – 50th Civil Legal Aid Anniversary</u> 			
10 min	Liaison Reports	All	Report	
10 min	Other Updates, Upcoming Events	All	Report	
	<ul style="list-style-type: none"> • For events, see the Alliance <u>calendar</u> 			

The next ATJ Board meeting is on December 14, 2018 from 10:00 to 12:00 at WSBA.



Access to Justice Board Meeting Minutes

October 12, 2018, 10:00am – 12:00pm

Washington State Bar Association, 1325 4th Ave, #600, Seattle, WA 98101

Call: 1-866-577-9294; Access: 52140#

Present: Sal Mungia (chair), Esperanza Borboa, Judge Laura Bradley, Francis Adewale, Sal Mungia, Hon. Fred Corbit, Hon. David Keenan, Lindy Laurence, Michelle Lucas, Terry Price and Mirya Muñoz-Roach

WSBA Staff: Diana Singleton, Bonnie Sterken

Guests: Alex Doolittle, Jerry Kroon, Sart Rowe, Catherine Brown, Cesar Torres, Andy Sachs, Anne Daly, Jorge Baron, Cindy Yeung, Jim Bamberger

Minutes: The September minutes were approved without edits.

Chairs Report: As the new Chair, Sal reported that he will be using Roberts Rules of Order as he facilitates Board meetings, with an emphasis on making sure minority voices have an opportunity to be heard and starting on time and ending on time. Sal also reported to two recent events that he participated in to promote access to justice. The first was an event at Hilltop Elementary where Sal was able to gather legal aid providers to share with the community about civil legal aid. The second was an all-day race and poverty program put on by Cowlitz Wahkiakum Legal Aid where Sal and other had an opportunity to speak about the issues. He also reported that he, Seth Fine, and Justice Gonzales recently presented about the adopted GR 37 combatting bias in jury selection at a Tacoma Pierce County Bar Association Convention at Semiahmoo.

Northwest Immigrant Rights Project: Jorge reported on recent develops regarding how the Administration is interpreting immigration status in light of individuals being labeled as a public charge. The Administration has been widening the definition to include anyone who could be primarily dependent on public assistance. They have already been operating under this new interpretation with people seeking green cards outside of the US since January. More recently the Administration posted new regulations on October 10 to change the interpretation of public charge for people seeking green cards here in the US. Broadening the interpretation of public charge creates a new test on multiple factors (age, health, education) and gives tremendous amount of discretion to immigration officers to make a determination whether someone is a public charge. There is a comment period running through December 10. Until then nothing has changed in terms of regulation but the new regulation would go into effect next year. NWIRP is anticipating litigation in response. Individuals are reacting by dropping public assistance and NWIRP is grappling with how to advise people to respond. Jorge directed everyone www.Protectingimmigrantfamilies.org as is a resource to get more information and submit comments to the Administration. Jorge addressed questions. He encouraged people to submit individual and organizational comments.

LFW Funding Protocols: Sal reported that the ATJ Board was asked to make a recommendation to the LFW Board on how to update their funding protocols. He summarized the process the Board went through to review and revise the protocols, including stakeholder input. Sal moved to approve the proposed recommendations that were included in the meeting materials. Fred seconded. The Board had a discussion. Sal summarized some of the feedback that's been collected. Alex shared that the "donate now" button is problematic from an operational standpoint. 8 in favor of the motion, Laura and Espy opposed, Francis abstained.

The motion passed 8 to 2. The Board will submit the recommended revision to the funding protocols to the LFW Board.

WSBA Restructuring: Sal gave a brief overview of WSBA's process to look at restructuring. The Board will likely add this to a future agenda to have a broader discussion about what's happening.

Staff Report: Diana reported that the Board was recently in Walla Walla to meet with local providers, including the NJP office, Blue Mountain Action Council, RADLab students, local immigration advocates, and other members of the bar. Diana also reported that the Statewide Advocates Training took place earlier in the week and the State Plan was a main focus. She also reported that ATJ Conference planning is underway and the conference will be on June 14-16, 2019. The Planning Committee is working on the theme and format, with a focus on engaging community partners. The call for proposals will go out in early November.

ATJ Board Updated Operational Rules: Sal reported that the ATJ Board has been working through a process to update their operational rules over the past year. Sal briefly summarized the changes. The updated rules were in the meeting materials.

Liaison Assignments: Sal reported that the updated liaison assignments were included in the meeting materials and were approved by the Executive Committee. Sal noted the importance of the liaison roles.

Public Trust and Confidence Committee: Sal reported that Catherine Brown has been serving as the ATJ Board's designee and is terming off this year. Catherine gave an overview of the committee. Sal put a call out for people interested in the position. The Board will vote at the November meeting to nominate someone.

ATJ Board Technology Principles Update: Sart provided an overview of the recent updates to the Principles since the July meeting to respond to concerns raised by AOC. A workgroup of the Technology Committee met with AOC members to discuss the concerns and made updates. Sart explained the edits that were accepted and the issues that need more discussion. The workgroup is asking the Board to address two points that were left unresolved, including:

- Whether to use "must" or "should" in two areas marked in the draft. There was strong disagreement between the committee and AOC.
- Whether to recommendation that these stay principles or put them forward as Court Rules. AOC would like them to remain principles.

The Technology Committee is recommending these as rules. Judge Bradley has drafted a GR 9 cover sheet, with a recommendation to include an open comment period for further stakeholder feedback. The Board had a discussion, including strong agreement that the updated draft is important and should be followed.

Laura moved that the ATJ Board submit the ATJ Principles as currently drafted (with “must”) and submit them to the Court with the GR 9 process to be established as rules, including an open comment period. Sal seconded. The Board had a discussion. 9 in favor of the motion.

The motioned past 9 to 0. The Board will submit the updated Principles as proposed Court Rules.

Funding Updates: César reported on the federal budget process. Funding is currently remaining flat, but there might be a reduction in WA due to the formula they use to determine the allocations (reflecting a shift in poverty numbers). César noted that there are others concerns regarding the budget due to the tax cuts. César also brought up the Public Service Loan Forgiveness Program noting that some people are losing their status to receive forgiveness, but there is hope the program will continue overall.

Jim reported that the memo in the materials outlines the budget proposal that is being forwarded to the Office of Financial Management. He noted that conversations are taking place to create a system for how to target new funds in partnership with the Pro Bono Council and in response to their compensation study.

Cesar and Jim addressed questions.

Equal Justice Coalition Report: Sal thanked Andy Sachs for his service on the ATJ Board and presented him with a Flame of Justice Award.

Andy reported on the EJC’s activities. They continue to recruit for the Legislative Relations Committee, and noted they have received a good mix of applications reflecting geographic diversity. Andy reported that LFW has hired a new advocacy directory. Will Livesley-O’Neill will start November 26.

New ATJ Board Members: Sal welcomed Esperanza Borboa and Terry Price to the Board.

WSBA BOG Update: Laura gave an update on the recent BOG meeting. The bylaw changes have been tabled as the Court looks at the restructuring of the WSBA. Ken Master gave a presentation on the ECCL and the BOG has decided to establish another committee to review the proposed rules.

Other Updates: Sal directed people to review the upcoming events. Terry added that the Asian Bar Association Gala is taking place on October 19 and the QLaw Foundation’s Falltacular is on October 26. Andy acknowledged SCLC for a great event this past week. Mirya thanked NJP and NWIRP for attending a volunteer event with St. Vincent De Pal to share about their work.

The meeting adjourned at 11:41 am

From: Bonnie Sterken

Sent: Thursday, October 25, 2018 3:16 PM

To: 'ATJ Community' <atj-community@list.wsba.org>

Subject: Opportunity to Serve on the BJA's Public Trust & Confidence Committee - Deadline Oct. 31

Good Afternoon Alliance,

The Access to Justice Board is collecting letters of interest from individuals who would like to serve on the [Board of Judicial Administration's Public Trust & Confidence Committee](#). The ATJ Board has an opportunity to nominate one individual for a two-year term starting in January to serve as a voting member of the Public Trust & Confidence Committee. The individual will be eligible to be reappointed for a second two-year term.

Mission, Vision and Goals of the Public Trust & Confidence Committee:

Mission: to assess the public's level of trust and confidence in the Washington judicial system and to develop strategies to increase that trust and confidence.

Vision: to achieve the highest possible level of trust and confidence in the Washington judicial system and to develop strategies to increase that trust and confidence.

Goals:

- (1) to catalog potential and current activities promoting public trust and confidence in the judicial system
- (2) to identify areas where public trust and confidence is lacking and to prioritize these needs for consideration by the committee
- (3) to develop and disseminate tools and resources to address those needs
- (4) to encourage and monitor use of tools and resources developed by the committee
- (5) to collaborate with other individuals and groups working to improve public trust and confidence.

Meeting Schedule:

The Public Trust and Confidence Committee meets every other month on a Friday morning. All meetings but one are by phone. There is one in-person meeting every year at the AOC building in Sea-Tac and the BJA reimburses travel expenses for that meeting.

To Apply:

If you are interested in this position, please send a brief letter of interest and resume to Bonnie Sterken at BonnieS@wsba.org by October 31, 2018.



Bonnie Middleton Sterken | Access to Justice Specialist
Washington State Bar Association | 206.727.8293 | bonnies@wsba.org

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org
Pronouns: She/Her

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact bonnies@wsba.org.

Letter of Interest

Jean Y. Kang

RE: Board of Judicial Administration's Public Trust & Confidence Committee

To the Access to Justice Board:

Please accept my letter of interest to serve on the Board of Judicial Administration's Public Trust & Confidence Committee. As a trial lawyer, a leader in the legal community, and an immigrant woman of color, I have seen firsthand both the promises and the perils of our justice system. I seek to bring this experience and unique perspective to this committee to help achieve its goals.

In addition to my work in the legal community and various bar associations, I currently serve on the advisory board for NW Asian Weekly, and is active with the Korean American Coalition of Washington to ensure that I am connected with the community at large. Further, my experience of serving as *pro tempore* judge for Edmonds Municipal Court provides another layer of perspective. As a *pro tempore* judge in a municipal court, I often converse with individuals representing themselves in court, and have the opportunity to directly learn about their stories and struggles.

As a past Fellow for the Washington Leadership Institute, I dedicated myself to the program to become the leader I need to be to make a change, not only within the legal community, but to the general public as an ambassador and voice of the legal profession. I continue to work toward that goal as the Governor-Elect for District 7 South on the WSBA Board of Governors.

I firmly believe in the mission, vision, and goals of the Public Trust & Confidence Committee, and that is why I am requesting to be nominated.

Thank you for your time and kind consideration. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Jean Kang". The signature is fluid and cursive, with the first name "Jean" and last name "Kang" clearly distinguishable.

Jean Y. Kang

JEAN Y. KANG

- WSBA Bar No. 42074
- Admitted to United States District Court of Western District and Eastern District of Washington
- WSBA Board of Governors: At-Large 2017-2018; District 7 South 2019-2021
- Washington Leadership Institute Fellow 2017; Washington Women Lawyers State Board-VP Professional Development; Latino/a Bar Association of WA-VP Communications
- Arbitrator for King County Bar Association; Fluent in Korean

EDUCATION

SEATTLE UNIVERSITY SCHOOL OF LAW

- Juris Doctor, May 2009

UNIVERSITY OF WASHINGTON

- Bachelor of Arts in Sociology, June 2003

EXPERIENCE

EDMONDS MUNICIPAL COURT

July 2018 - present

Pro Tempore Judge

- Handle infraction docket, arraignments, bail hearings, pretrial motions calendar, pleas and sentencing, and post-sentencing matters, including probation hearings.

PACIFIC ADR CONSULTING

April 2018 - present

Mediator/Arbitrator

- Serve as a “neutral” for mediation, arbitration, and neutral evaluations.
- Provide alternative dispute resolutions for various area of civil litigation, including business, construction, health care, real estate and land use, personal injury, and professional negligence.

SMITH FREED & EBERHARD, P.C.

February 2017 - present

Litigation Associate

- Handle all aspects of first party and third party insurance defense and personal injury claims, E&O claims, and contract disputes throughout various counties of Washington.
- Conduct depositions of plaintiffs, witnesses, experts, and medical professionals.
- Handle all pretrial events, including discovery, alternative dispute resolutions, and motions leading up to trial.
- Interview, advise, and prepare clients, witnesses, claim adjusters, and experts throughout the litigation process.

SEATTLE UNIVERSITY SCHOOL OF LAW

Adjunct Professor

January 2018 – May 2018

- “Introduction to Practice” for Spring 2018 Quarter.
- Instruct a class of second year law students on various litigation topics and introduction to mediation.
- Assist the students in preparing for mock mediation and guide the class as the mediator.

GEICO STAFF COUNSEL

April 2016 – February 2017

Trial Attorney

- Handled all aspects of first party and third party insurance defense and personal injury cases, including premises liability, throughout various counties of Washington.
- Conducted numerous depositions, mediations/arbitration, and jury trials.
- Argued various civil motions and negotiated settlements prior to trial.

COLE, WATHEN, LEID & HALL, P.C.

March 2015 – April 2016

Associate Attorney

- Handled all aspects of first party and third party insurance defense, insurance fraud, bad faith/CPA/IFCA claims, premises liability, and other cases throughout various counties of Washington.
- High profile cases:
 - *Ross v. GEICO (KCSC)- Lead Associate*
 - *Allstate, et al. v. Lighthouse, et al (West. USDC)- Lead Associate*
- Familiar with Oregon law due to drafting of various Oregon briefs and motions.
- Conducted discovery, argue motions, participated in arbitration/mediation, and handled all aspects of litigation in preparation for mediation/arbitration and jury trials.

JONGWON YI LAW OFFICES

Contract Associate Attorney

October 2014 – February 2015

- Assist with strategy and preparation of wrongful death and personal injury cases going to jury trial.
- Conduct discovery, engage in mediation/arbitration, and assist at jury trials.
- Argue motions and implement case strategy.

PEARSON LAW FIRM

Associate Attorney

October 2013-September 2014

- Handled all aspects of personal injury, medical malpractice, and various plaintiffs' claims throughout various counties of Washington.
- Interviewed, advised, and prepared clients, witnesses, experts, and healthcare treatment providers for depositions, motions, and trial.

ALLSTATE STAFF COUNSEL

Trial Attorney

October 2012-October 2013

- Handled all aspects of insurance defense and personal injury cases throughout various counties of Washington.
- Conducted numerous depositions, mediations/arbitration, and jury trials.
- Argued various civil motions and negotiate settlements prior to trial.

KING COUNTY PROSECUTING ATTORNEY'S OFFICE

Contract Deputy Prosecuting Attorney

April 2012-October 2012

- Provided coverage for Felony Trial Unit and Involuntary Treatment Unit.
- Covered felony arraignments, post-sentencing hearings, bond hearings, and Department of Corrections/probation hearings for the Felony Trial Unit.
- Conducted numerous bench trials on a daily basis for the Involuntary Treatment Unit.

SCHEER & ZEHNDER, LLP

Associate Attorney

August 2011-April 2012

- Collaborated with senior/junior partners on insurance defense, personal injury, and construction defect cases throughout various counties of Washington.
- Handled appeals of Federal District Court cases in the Court of Appeals for the Ninth Circuit.

COWLITZ COUNTY PROSECUTING ATTORNEY'S OFFICE

Deputy Prosecuting Attorney

December 2009-August 2011

- Handled all aspects of criminal misdemeanor and gross misdemeanor cases in District Court, appeals of District Court cases in Superior Court and the Washington State Court of Appeals.
- Conducted over 25 jury trials.
- Negotiated plea agreements and settled cases prior to trial.
- Interviewed and advised police officers, victims, and witnesses for testimony at trial and motion hearings.



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia
Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice
MEMBER

April 25, 2018

The Honorable Charles Johnson, Chair
Washington State Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to RALJ 9.3

Dear Justice Johnson,

The Access to Justice Board's Rules Committee has recommended to the ATJ Board that it support the proposed amendments to RALJ 9.3. The ATJ Board has accepted that recommendation. Accordingly, the ATJ Board is writing to the Court urging the Court to adopt the proposed amendments with these two comments.

First, the ATJ Board recommends that the Court make the proposed amendments applicable to civil actions and not limit the amendments to criminal cases. Imposing costs on non-prevailing parties, especially those parties that are often found in courts of limited jurisdiction, restricts access to the justice system. A party of limited means should not be discouraged from accessing the justice system because of the threat of costs being imposed if they do not prevail.

Second, the ATJ Board recommends that the proposal amendments be changed to have the superior court trial judge determine whether the non-prevailing party does not have the ability to pay. The ATJ Board notes that Magda Baker of the Washington Defender Association has also proposed that the superior court judge make that determination. The ATJ Board believes that process is prudent.

The ATJ Board hopes that this Court consider and adopt the proposed amendments and take into account the Board's comments.

Sincerely,

Geoffrey Revelle
Access to Justice Board Chair

Cc: Paula Littlewood, Executive Director, Washington State Bar Association