



Access to Justice Board Meeting Agenda
December 14, 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	November Board Meeting Minutes	Sal Mungia	Action	pp 3-5
5 min	Chair's Report	Sal Mungia	Report	
5 min	Staff Report	Diana Singleton	Report	
10 min	Northwest Immigrant Rights Project Update	Jorge Barón	Report	
30 min	Pattern Forms Committee Report	Jill Mullins	Report	
5 min	Equal Justice Coalition Report	Will Livesley-O'Neill	Report	
5 min	Technology Committee Report on Technology Principles Update	Judge Laura Bradley and Sart Rowe	Action	pp 6-7
45 min	WSBA Restructure Exploration	Paula Littlewood	Discussion	View WSBA Webpage
5 min	Liaison Updates	ATJ Board Members	Report	
5 min	NW Lawyer October Issue on Access to Justice	Lynn Greiner	Report	View Issue Online
1 min	Other Updates, Upcoming Events	All	Report	
	<ul style="list-style-type: none"> • Legal Foundation of WA's Goldmark Luncheon on 2/15 			

- Equal Justice Coalition's [Lobby Day](#) on 2/21
- Seattle University Public Interest Law Foundation's Auction on 3/9/19

The next ATJ Board meeting is on January 11, 2019 from 10:00 to 12:00 at WSBA.



Access to Justice Board Meeting Minutes

November 9, 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, Hon. Fred Corbit, Hon. David Keenan, Lindy Laurence, Michelle Lucas, and Terry Price

WSBA Staff: Diana Singleton, Bonnie Sterken, Paige Hardy

Guests: Paul Okner, Sart Rowe, Noah Samuels, Catherine Brown, Angeline Thomas, Cesar Torres, Gary Swearingen, Caitlin Davis, Jerry Kroon, Jorge Baron, Alex Doolittle.

Minutes: The October minutes were approved without edits.

Chair's Report: Sal reported that he attended the Tacoma Pierce County VLP fundraiser and it was a successful event. He has started meeting with the Tacoma Pierce County VLP staff and director on a quarterly basis to discuss shared priorities. Sal reported that the Lavender Rights Project Executive Director, Morgan Mentzer, has been added to the Delivery System Committee. Sal also shared that he followed up with the Blue Mountain Action Council after the Board's Walla Walla trip and sent thank you letters to recognize their volunteers.

Staff Report: Diana shared about the progress of the state plan implementation:

- SPARC is working on plans for a collaboratory on goal 2
- Intake workgroup has been meeting to evaluate the intake system
- In process of developing a tracking tool for organizations to share their progress
- SLAT happened a few weeks ago and created momentum for working more closely with client communities and community partners

Diana shared about the 2019 Access to Justice Conference:

- June 14-16, 2019 in Spokane
- The theme is "Amplifying the Power of Community"
- The call for proposals is coming out soon and the deadline will be early January

ATJ Rules Committee Report: Dave asked that the Board task the ATJ Rules Committee with proposing a change to RALJ 9.3. Earlier this year the Board submitted comments in support of a change to RALJ 9.3 regarding criminal matters. The ATJ Rules Committee would be tasked with proposing that the rule change apply to civil cases as well. Dave moved to task the ATJ Rules Committee with drafting the proposed rule change. Francis seconded, the Board had a discussion, and all approved.

Northwest Immigrant Rights Project Update: Jorge reported that the administration is attempting to adjust asylum laws by creating an emergency regulation that creates an exception for people who are subject to a Presidential Proclamation. The recent Presidential Proclamation states that people who enter the county at

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the southern border are not eligible for asylum for the next 90 days unless they enter the country at certain designated locations. This does not affect people already in the country. There are multiple questions whether this is legally reasonable, both on its merits and based on how the proclamation was made. NWIRP expects to see a legal challenge soon and is looking at its own response to challenge the proclamation. Jorge also reported that regulations are pending on the public charge issue. NWIRP is also looking regulations regarding how immigration enforcement handles fee waivers. Jorge addressed questions.

BJA Public Trust and Confidence Committee Nomination: Sal reported that the BJA's Public Trust and Confidence Committee has requested a nomination from the ATJ Board to fill a spot reserved for an access to justice representative. He reported that the Board received an application last week that was included in the materials and a second application this morning that was forwarded to the Board. The BJA has requested a nominee today. After a brief discussion, Fred moved to nominate Jean Kang, Dave seconded, and all approved with the exception of Esperanza Borboa who abstained. Jean Kang will be nominated to serve on the committee.

Legal Foundation of Washington Update: Caitlin reported that IOLTA revenue is increasing and a recent Court rule amendment to CR 23 has increased cy pre revenue. Caitlin shared that the Goldmark lunch is on February 15. Sal Mungia is the Goldmark award recipient along with the WA Leadership Institute, which is receiving the President's award.

Caitlin reported that LFW is thinking about the state plan and how grant decisions get made. LFW would like to use the post-Goldmark time for their board and staff to hear directly from the community about how best to use the state plan to guide decisions. LFW would like the ATJ Board to be their partners for this gathering.

Cesar added that they were able to host a successful legal aid fair and dinner on November 7, made possible with an LFW grant. The Navigating the River to Justice Civil and Legal Fair was a partnership between the Swinomish Tribe, Skagit VLP, LAW Advocates, NJP and other legal aid providers.

WA Appleseed Report: Angeline reported on the work of Washington Appleseed. She shared a video explaining the background of Appleseed and the local chapter, which was formed in 2005. Their work fits into four areas: think tank, convener, advocacy group, and community resource. She also shared about their structure (2 FTEs, 14 board members, most funding from corporate and individual donors). They are using the state plan and goals 1, 2 and 5 apply to their work. Angeline addressed questions.

WA A2J Worker Compensation: Patrick Palace reported that he is proposing an amendment to RCW 51.52.120 regarding attorney fees. A memo outlining his process and reasoning for proposing this amendment was distributed to the Board prior to the meeting. Patrick is presenting to the WSBA Legislative Committee next week and he is asking for endorsements to the proposal to share at that meeting. He would like to share what the ATJ Board thinks in addition to other select WSBA committees and sections. Today he is asking for the ATJ Board's endorsement to be used internally at WSBA and not yet as a public statement. In her role as an ATJ Board member (not in her role as a BIIA judge), Laura moved that the Board support the proposal to amend RCW 51.52.120 to insert phrase "and if the fee is a contingent fee, then it shall not be..." Francis seconded and the Board had a discussion. Alex suggested that Patrick bring this to the Delivery System Committee for additional review. All approved endorsing the amendment.

Technology Committee Report: Sart reported that earlier this week the UW Tech Policy Lab led a large stakeholder meeting where they reviewed the Diverse Voices process that was used to gather input on the updated ATJ Technology Principles. It was a positive event that contributed to sharing the Principles with other advocates and technologists both in Washington and nationally.

Sart then reported on what has happened since the Board approved submitting the updated Principles as Court Rules this past summer. Due to feedback that has surfaced through AOC and JISC, the Court has suggested that the Board conduct additional stakeholder outreach before moving forward on the rules proposal. The Court also advised that the rules proposal previously submitted was not formatted correctly and needs correcting. Sart added that the Court is expecting a response on how the Board plans to proceed by the February 22 JISC meeting. Sart asked the Board to pull the rules proposal for now and to consider three potential courses of action: 1) submit the updated Principles as Principles only and forego the rules proposal, 2) submit the updated Principles as Principles only and conduct additional stakeholder outreach with the intent of submitting an updated rules proposal at a later date, 3) submit nothing to the Court at this time and continue pursuing the rules proposal at a later date once more stakeholder feedback is gathered. Sart added that the updated Principles are being well received as Principles only and there is eagerness to develop practical best practices. The process for submitting them as a rule will take longer and face more opposition. After a discussion, Terry moved to stay the process for now and directed the Technology Committee to gather more input from stakeholders. Esperanza seconded and all approved this first step. The Board did not yet decide whether to submit the updates as Principles, Rules or another scenario.

NWLawyer Update: Sal pulled the Communications Committee Update from the agenda as we wait for the NWLawyer issue to drop

Liaison Reports: Sal asked for liaison updates from Board members.

Michelle presented on Practice of Law Board:

- Last month submitted amendment to GR 24 to protect people using online legal providers. Expect it to be open to public comment soon.

Sal reported on Gender and Justice Commission

- They have successfully placed a computer terminal at Mission Creek for women who need to work on civil matters.

The meeting adjourned at 11:43 am

To: ATJ Board

From: Laura Bradley, Co-Chair of the Technology Committee

Date: December 5, 2018

Re: Technology Principle Updates

Request: The Technology Principles Update and the Technology Committees request that the ATJ Board direct the Technology Principles Update Committee to:

- Request that the Supreme Court take no further action on our proposal to have the principles adopted as rules
- Direct us to continue vetting the updated principles with stakeholder groups, including those working inside the courts (judges, clerks, courthouse facilitators, etc.)
- Solicit feedback from interested parties through email and through a 1.5 hour webinar to be held on January 25, 2019.
- Edit the principles as the committee deems appropriate based on the feedback received so far
- Present a “second” draft which incorporates feedback received from January feedback sessions at the February ATJ meeting so that we can take the ATJ Board approved “second” version to the JISC committee in February for their feedback.
- Incorporate any feedback from JISC and if any changes are made, propose “third” version at the ATJ Board’s March meeting. Once the ATJ Board approves the “final” proposed updated principles, submit to the Supreme Court for adoption as principles.

Background

The principles as redrafted were developed through an extensive two-year process designed to allow input from all interested parties. In July, the ATJ Board approved the revisions and we forwarded the new version to the Supreme Court in August.

You may recall that AOC raised concerns shortly before our meeting with the Supreme Court in September that they had not been properly included in the process. We agreed to meet with them and discuss their concerns. We adopted some of their proposed changes but not all.

When we met with the justices in September, they asked us to clarify whether we were seeking that the updates be rules or principles. After that meeting, we submitted a formal rule proposal but received feedback from JISC and Justice Johnson (Chair of the Supreme Court Rules Committee) that the proposed rules were not properly formatted as rules. JISC also told us that we should get more feedback from other stakeholders, and asked us to come back to their February meeting to report on the feedback we

received. Justice Johnson contacted Diana and asked her whether the Board would like to proceed with having the Court reviewed the Updates as rules or principles.

At the ATJ Board's November meeting, Sart and I reported to the Board on the recent developments. The Board decided to temporarily hold off on the rule-making process and inform Justice Johnson of such. We now propose that we withdraw our request for proposed rules, gather input from stakeholders on the updated principles and then submit the updates as principles to the Court early next year.

We would like to take the steps outlined above and believe that if the principles are to become rules that effort needs to be taken up at a later date.

Thank you for considering our request.