



Access to Justice Board Meeting Agenda  
**February 23, 2018 – 10:30 AM to 11:30 PM (NOTE TIME CHANGE)**  
 Washington State Bar Association, 1325 4<sup>th</sup> Ave, 6<sup>th</sup> Floor, Seattle  
**Call: 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	<b>Welcome and Introductions</b>	Geoff Revelle		
1 min	<b>January Board Meeting Minutes</b>	Geoff Revelle	Action	pp 2-4
5 min	<b>ATJ Board Staff and Chair Report</b>	Geoff Revelle and Diana Singleton	Report	
5 min	<b>New Equal Justice Coalition Chair-Elect: Kirsten Barron</b>	Andy Sachs	Action	
10 min	<b>Northwest Immigrant Rights Project Update</b>	Jorge Barón	Report	
15 min	<b>NW Consumer Law Center Report</b>	Noah Samuels, Sam Leonard, and Brendan Donckers	Report	pp 5-13
10 min	<b>Office of Civil Legal Aid Update</b>	Jim Bamberger	Report	
5 min	<b>Other Updates, Upcoming Events</b>	All	Report	
	<ul style="list-style-type: none"> <li>• UW <a href="#">PILA</a> Auction – 2/16</li> <li>• GU <a href="#">PILP</a> Auction – 3/2</li> <li>• Snohomish County Legal Services' Back to <a href="#">Camp</a> – 3/3</li> <li>• SU <a href="#">PILF</a> Auction – 3/3</li> </ul>			



## **Access to Justice Board Meeting Minutes**

**January 12, 2018, 10:00am – 12:00pm**

Washington State Bar Association, 1325 4<sup>th</sup> Ave, Suite 600, Seattle

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

**Present:** Lindy Laurence, Francis Adewale, Sal Mungia, Hon. Fred Corbit, Lynn Greiner, Michelle Lucas, and Mirya Muñoz-Roach

**Absent:** Hon. Laura Bradley, Geoff Revelle, Hon. David Keenan, and Andy Sachs

**WSBA Staff:** Diana Singleton, Bonnie Sterken, Jennifer Small, Terra Nevitt

**Guests:** Noah Samuels, Catherine Brown, Merf Ehman, Jennifer Ortega, Jerry Kroon, Riddhi Mukhopadhyay, Caitlin Davis, Jay Doran, Andrea Axel, Anne Daly, Monte Jewell, Jim Bamberger, Cesar Torres, Eva Wescott, Jorge Baron

**Northwest Immigrant Rights Project:** Jorge reported on the current events surrounding immigration, including:

- Recent announcement to revoke the protected status for many Salvadorians. There are currently about 2,000 people in Washington State with the status protection who have been in the US a minimum of 17 years. They will lose their status in 2019. NWIRP is communicating that people still need to renew within the program (one more renewal chance soon), then explore other options to secure more permanent immigration status. This will create an increased demand for assistance. Some individuals will not have options to change status and will need to address that.
- Recent ruling in San Francisco challenging DACA decision, which requires homeland security to again accept applications from people who already had DACA. This doesn't completely restart the program because people who did not have DACA before cannot start a new process. We are waiting for the government to announce a process for how they will accept renewals, and NWIRP expects the administration to appeal the ruling. NWIRP's messaging is complicated because next steps are uncertain. They are advising people to wait until there is more clarity and a process. Congress is looking at a legislative fix.
- Series of enforcement actions seen in Bremerton and Kent.

Jorge addressed questions.

**Pro Bono Council:** Eva Wescott, the Pro Bono Council co-chair and NJP attorney, provided an update on current projects of the Pro Bono Council. They are developing a board training for volunteer lawyer programs, and will present the initial training to the Kitsap Legal Services. They have also added a Pro Bono

Council page to the Alliance website and will share announcements there. Catherine Brown also reported that they recently hired a compensation assessment consultant to review what the landscape is in terms of pay and benefits across all VLPs. Each VLP is also looking at the State Plan and have reported their implementation plans to the Legal Foundation of Washington.

**Delivery System Committee Report:** Catherine reported on the OCLA budget development process and State Plan implementation. She reported that OCLA is planning to use the time after the Goldmark to have a community conversation about how they develop their budget requests. Jim added that a survey has gone out soliciting input, and responses are due by February 1. Catherine asked the ATJ Board to co-sponsor the post Goldmark session. Lindy motioned, Mirya seconded, all approved co-sponsoring this event.

Catherine also reported on the State Plan implementation group. They are working their way through the responses from the Alliance organizations about how they plan to approach implementation. The workgroup is pulling out high level themes and trends to report out to the Alliance community. They will then plan a series of Alliance gatherings to continue discussing resources and support. Lynn added that the ATJ Board members are calling Alliance providers to help gather feedback.

**OCLA Update:** Jim reported that OCLA is receiving good feedback from legislative members regarding OCLA's budget request, which is primarily aimed at funding forms automation and 15 FTEs. On the VOCA side they learned that the contract extension for FY19 will result in a reduction of funding (around \$700-800K from current expenditure levels), and they are working with VOCA recipients to determine how to scale back. They still expect to receive about \$3 million. The OCLA policy bill that the ATJ Board has endorsed is still in process. Jim addressed questions.

**Sexual Violence Legal Services:** Riddhi presented the YWCA's Sexual Violence Legal Services program, which has been around 10 years. They provide holistic legal services to victims of sexual assault. They fit a particular niche that other legal services don't provide. Their service is holistic (take on issues that run parallel to the assault) and trauma informed, and they provide mobile advocacy (meet the clients where they are). They can do consultations in family law but don't provide representation. Monte shared examples of the cases they work on.

**Northwest Justice Project Update:** Cesar reported on the hiring for the civil justice reinvestment plan attorneys. They just finished getting their VOCA attorneys in place. NJP is growing capacity with the new staffing. Cesar highlighted a few projects they are working on, including advocating for a drivers relicensing project. Earlier this week the AG dropped the bill requesting a new relicensing process. Cesar also discussed the impact of the federal tax bill with entitlement programs. Lastly, NJP is working on strategic planning efforts to align with State Plan.

Lynn reminding people to submit blog posts to the Alliance website when they have bit wins to share.

**Legal Foundation of Washington:** Caitlin reported on the progress of the Campaign for Equal Justice (looking to hit \$1.5mil mark, which is up from 2016). She reminded everyone about the February 23 Goldmark Award Luncheon. The keynote will be Brad Smith, President and Chief Legal Officer of Microsoft.

NWIRP and the AG's Office will receive the Goldmark award. The LFW board recently approved about \$8mil of funding for this year. Andrea reported on the grant funding. The details were included in the materials. Andrea and Caitlin addressed questions.

**Practice of Law Board:** Michelle reported on the purpose of the Practice of Law Board legal check-up project. The draft check-up document was sent to a list of stakeholders for feedback. Diana noted that the Practice of Law Board is collecting feedback for a month. The ATJ Board agreed to add this to the next Delivery System Committee agenda to discuss how the Board should respond.

**December Minutes:** Minutes approved without edits

Meeting adjourned 11:33 am



## STRATEGIC PLAN for 2018-2019

Adopted January 17, 2018

### Mission

*The Northwest Consumer Law Center zealously advocates, litigates, and promotes access to justice for low and moderate income clients, and through its education programs, empowers consumers with the knowledge and resources to protect their rights.*

### Contents

Overview .....	2
Methodology .....	3
Strategic Goals for 2018-2019.....	5
Plan for Implementation.....	5
Accountability.....	8
The Future .....	8
Appendix A – SWOT Analysis.....	9

## Overview

The Northwest Consumer Law Center (NWCLC) originally was conceived by a group of Washington consumer attorneys to formalize and coordinate their *pro bono* work and that of their colleagues. These efforts led to NWCLC's official incorporation on May 19, 2011 as a 501(c)(3) not-for-profit.

In late 2012, NWCLC received a two-year, \$1.3 million grant from the Attorneys General National Mortgage Settlement (NMS), administered by the Legal Foundation of Washington (LFW), to provide foreclosure-related legal services. NWCLC was one of a number of organizations to benefit from this national settlement. NWCLC opened an office staffed by an executive director, four staff attorneys, two full-time support staff and a rotation of legal interns. During the two-year grant period, staff provided legal services to well over 2,000 low income Washington consumers. Services included filing bankruptcies to stop foreclosures; assisting with loan modifications; negotiating non-retention options and post-foreclosure solutions to minimize the impact of foreclosure; engaging in foreclosure-related litigation; and advising and educating clients about foreclosure.

In May 2015 the Washington State Attorney General's Office awarded NWCLC a \$1 million, three-to-five year grant from the Attorney General's settlement with Standard and Poor's Financial Services. These funds were to be used to assist victims of the financial and foreclosure crises. This grant, in combination with a \$150,000 grant awarded by LFW in late 2014, enabled NWCLC to continue operations, though with two full-time staff attorneys instead of four. NWCLC expanded its scope of work beyond foreclosure to address other pressing consumer issues, including automobile fraud, student loans and unlawful debt collection practices. Also during this period, the development director took on the role of directing education and outreach efforts. To date, NWCLC has served well over 1300 low income clients under these two grants.

Additional funding for NWCLC's work has come from legal fees paid by moderate-income clients, individual donor giving, small foundation grants, and a \$250,000 LFW grant for *pro bono* foreclosure prevention services for 2017 and 2018. However,

the bulk of NWCLC's operational support has come from the Standard and Poor's Financial Services grant. Anticipating the end of this grant, the NWCLC Board of Directors, on January 13, 2016, established a Strategic Planning Committee to review its mission and recommend a strategic direction for the future of the organization.

This document is the Strategic Plan that will guide this Board during the next two years, 2018-2019.

### **Methodology**

The Strategic Planning Committee (Committee) held its first meeting on February 16, 2016. Initial members included Board members Joan Fairbanks, Sart Rowe, Sheila O'Sullivan (at the time Executive Director), Melissa Huelsman, Bryan Adamson, Beth Terrell, and staff members Executive Director Noah Samuels (at the time Deputy Director), and Director of Development and Outreach Zoë Myers. Since its inception the Committee has benefited from the invaluable input from the staff attorneys, including now Legal Director Amanda Martin.

On September 25, 2016 the Committee planned and hosted a NWCLC Board retreat at Seattle University School of Law. The purpose of the retreat was to assess NWCLC's strengths and weakness, as well as its potential opportunities and threats. Most commonly called a SWOT analysis, the results of that analysis provided the “road map” for the Committee's focus. The conclusions of the SWOT Analysis are illustrated in Appendix A.

In preparation for the SWOT, and as part of its ongoing efforts, the Committee engaged in a comprehensive “environmental scan,” a method for systematically surveying and interpreting relevant data to identify external opportunities and threats. Committee members reviewed the 2015 Washington State Civil Legal Needs Study; researched not-for-profit and for-profit legal aid programs in Washington State and nationally to determine the nature of consumer-related legal services currently being provided; studied legal aid program models that appeared

to be successful at stabilizing and/or attracting funding support; reviewed case service statistics from legal aid providers to determine which, and to what extent, any are providing legal assistance within NWCLC's client priorities; and collected and analyzed demographics of low income and discrete consumer populations in Washington State. Staff joined the Access to Justice Board's State Planning Consensus Group to ensure NWCLC's coordination and collaboration with the Washington State Alliance for Equal Justice. Staff prepared a comprehensive Organizational Profile and set up a cloud-based online folder to provide access to key documents during the strategic planning process. Staff and board members attended several relevant conferences<sup>1</sup> and meetings with key leaders in the legal and funding communities in furtherance of developing the Plan.

In reviewing the SWOT, the Committee focused its strategic planning on the identified internal weaknesses of the organization:

Funding: NWCLC needs new sources of adequate funding to continue operations when its current funding from the Attorney General's office and LFW run out in December 2018. The Committee carefully evaluated all reasonable funding options and concluded that it must move to a self-sustaining model in order to continue to provide high quality legal services consistent with its mission.<sup>2</sup> This would be accomplished by marketing its services to moderate-income consumers under a fee-based model. Consistent with its mission to serve both low and moderate income consumers, it will seek funding from the Legal Foundation of Washington (LFW) for a separate grant to provide *pro bono* services to low income people.

Focus/mission: Given the current and uncertain future lack of resources, the SWOT affirmed that NWCLC must reevaluate its scope of services. After a careful review of the 2015 Washington State Civil Legal Needs Study; case statistics from civil legal aid providers in Washington State; and anecdotal information from consumer advocates regarding emerging consumer issues for which there are few, if any, legal resources available in Washington State, the Committee defined case priorities to

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<sup>1</sup>Access to Justice Conference, April 2017, Yakima, WA; Consortium for Incubators, Residencies, Apprenticeships, and Non-Profit Law Firms, March 2017, Fort Worth, TX; Better Access Through Unbundling, October 2017, Denver, CO.

<sup>2</sup>NWCLC will continue to do *pro bono* foreclosure work through 2018 in fulfillment of a grant from LFW.



address these gaps in services. These priorities include foreclosure, bankruptcy, student loans, debt defense, and automobile fraud.<sup>3</sup>

**Board engagement:** NWCLC's Board Development Committee is addressing this organizational weakness. The Committee has developed a matrix of Board competencies necessary to successfully transition NWCLC from a not-for-profit grant-funded legal aid program to a not-for-profit fee-for service model with a *pro bono* component. The Board Development Committee currently is recruiting new board members and reviewing its orientation and training criteria with the goal of active and strategic involvement by the Board of Directors.

### **Strategic Goals for 2018-2019**

- I. Establish a fully sustainable statewide not-for-profit fee-for-service legal services program focused on key unmet consumer legal needs of moderate income Washingtonians.
- II. Establish a grant-funded statewide *pro bono* component targeting key unmet consumer legal needs of low income Washingtonians, with a particular focus on vulnerable, underserved and marginalized communities and individuals.
- III. Develop technology innovations to optimize client access to services and information, and to enhance administrative efficiencies.

### **Plan for Implementation**

- I. **Establish a fully sustainable not-for-profit fee-for-service legal services program focused on key unmet consumer legal needs of moderate income Washingtonians.**

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<sup>3</sup>Consumer issues ranked second in the 2015 Washington State Civil Legal Needs Study at 37.6% of legal problems encountered by low income consumers. Of that, 55% were directly related to bankruptcy, and debt which could have or should have been relieved in a bankruptcy.

Consistent with its mission, the Plan contemplates maintaining its not-for-profit status to enable it to continue to serve vulnerable populations into the future. Between 2018 and 2020 NWCLC will transition to a fully sustainable program supported by sliding scale fees, flat fees, and fee-shifting<sup>4</sup>. Services will be provided to moderate income clients, those whose incomes fall between 200% and 500% of the Federal Poverty Level (FPL). The Strategic Plan forecasts a range of annual gross revenue sufficient to maintain NWCLC at its current level of operations.

The fee structure incorporates the following components:

- A. A sliding scale discounting hourly rates through a formula based on the client's income (as a percentage of the Federal Poverty Level) and the level of staff expertise (e.g., senior staff attorney, paralegal);
- B. A sliding scale that discounts the flat fee for a Chapter 7 Bankruptcy based on the client's income under NWCLC's "Affordable Bankruptcy for Consumers (ABC)" program;
- C. A menu of "unbundled legal services" offered at discreet flat fees based on the projected hours of work involved; and
- D. Taking on meritorious litigation cases under consumer protection laws with fee-shifting provisions.

Communications Strategy: The success of NWCLC's transition from a non-for-profit *pro bono* model to a not-for-profit fee based model is dependent on sufficient revenue for the organization to become self-sustaining. It is therefore essential to have a strategy for raising awareness among consumers about their legal rights, providing information about legal services offered by the NWCLC, and connecting NWCLC with clients who can benefit from these services. This entails the development of an effective communications plan.

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<sup>4</sup> A provision in certain laws that requires the loser in a legal matter to pay for the legal fees and costs of the prevailing party. This provision could allow NWCLC to fund its work in litigation without making the client pay.

Timeline: The fee-for-service law firm model is already being implemented as part of the phasing in of the Strategic Plan. By January 17, 2018, the NWCLC Board of Directors will appoint a Communications Committee to develop and implement a communications plan. Strategies will be in place and undergoing implementation by March 1, 2018.

**II. Establish a grant-funded statewide *pro bono* component targeting key unmet consumer legal needs of low income Washingtonians, with a particular focus on vulnerable, underserved and marginalized communities and individuals**

Consistent with its mission, the Plan proposes a grant-funded *pro bono* component serving the low income population in Washington State. NWCLC will seek an initial one-year demonstration grant from the LFW for a half-time coordinator to develop a sustainable *pro bono* component. The program will have a special focus on the vulnerable and underserved individuals in Washington State.

Timeline: The grant will be submitted in August 2018.

**III. Develop technology innovations to optimize client access to services and information, and to enhance administrative efficiencies**

Informed by research into best practices of relevant not-for-profit legal organizations in this state and throughout the country, the Plan provides for technology innovations for client access and information, and administrative efficiencies.

Timeline: By January 17, 2018 the NWCLC Board of Directors will appoint a Technology Committee to develop and implement a technology innovations plan. A proposed plan will be presented to the NWCLC Board by April 1, 2018.

### **Accountability**

The following measures will ensure the successful implementation of the 2018-2020 NWCLC Strategic Plan:

1. Strategic Goal I: The NWCLC Finance Committee will review the revenues on a monthly basis and make any adjustments to the Fee Structure and if necessary, expenses, to ensure solvency of the organization by the close of 2019.
2. Strategic Goals I, II, and III: Staff will develop a tracking mechanism to assist the Committees in their implementation of initiatives under these goals.
3. Strategic Goals I, II, and III: The NWCLC Strategic Planning Committee will continue to provide general oversight and monitoring of the Strategic Plan on a bimonthly basis or as needed.

### **The Future**

It is anticipated that by the end of 2019, NWCLC will have fully and successfully transitioned to a financially stable not-for-profit statewide law firm serving moderate and low income consumers.

In 2020, NWCLC will be ready to embark on a second stage of strategic growth and development, that of playing a central statewide role in addressing significant legal and policy issues impacting Washington State consumers.

This expansion stage is fully consistent with the mission of NWCLC, and will include consideration of the following initiatives:

Northwest Consumer Law Center  
Strategic Plan for 2018-2019

- Development of a legislative and policy agenda<sup>5</sup>
- An increase in capacity for impact litigation
- Expansion of the menu and frequency of CLE offerings to attorneys and public legal education offerings to consumers
- An NWCLC membership model
- Expansion and enhancement of NWCLC's online presence
- Expansion of volunteer opportunities within NWCLC
- Development of a speaker's bureau

### Appendix A – SWOT Analysis

← INTERNAL →	
STRENGTHS	WEAKNESSES
Dedicated staff Strong brand image/rep/ \$ Strong board =	Board engagement Funding Staffing Focus/mission
OPPORTUNITIES	THREATS
Good relationships > Scope of work ① Secure permanent funding from AG + others ② Look @ other service areas — flexibility ③ Be the “center” of all things consumer-law related * membership income ④ Legal needs study	Lack of understanding about the mission by outside community  Fraudsters/other bad actors marketing services  Seattle cost of living/doing biz
← EXTERNAL →	

<sup>5</sup> In compliance with all applicable IRS requirements and limitations.