

Washington State's Equity & Justice Community: Why State Planning?

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"Those who fail to plan, plan to fail." – Benjamin Franklin

ORIGINS-or the "WHY" of State Planning

In 1995, the first State Plan was born of dire necessity, when the existence of civil legal aid for our poorest and most marginalized communities was under continued and direct threat. Equity and justice community leaders banded together to create the first State Plan.

Under that plan, a coordinated, collaborative and fully integrated client service delivery system was built to ensure:

- A. Articulation of and alignment to a common equity and justice-based vision and values;
- B. That no one would be written off or written out of our justice system;
- C. A shared commitment to strategic resource development and allocation to protect and defend full-range client representational capacity; and
- D. The most effective and efficient strategic use of all resources, human and fiscal.

The State Plan has since been revised and updated in 1999 and 2006, and for the past 9 months, has been undergoing its latest revision (see Appendix for more detailed history

of State Planning). Since the first iteration, the State Plan has been the guiding “road map” for our state’s equity & justice community, keeping the Alliance cohesive and aligned in the face of pressures caused by overwhelming unmet client community needs and chronic underfunding. The discipline to keep together as an aligned community is maintained through the State Planning process, periodically renewed. This discipline has for decades been the envy of many other states throughout the nation.

PROCESS

For the past nine months, representatives from our state’s Access to Justice Board and equity & justice communityⁱ have been working hard to identify and articulate the current and emerging challenges facing our client populations—the poorest and most marginalized communities in our state—and thoughtfully weighing input from our Alliance for Equal Justice and community partners. This team has pored over, worked and reworked redline drafts of goals and strategies for a new State Plan for the Coordinated Delivery of Civil Legal Aid for Low Income People.

THE CURRENT CHALLENGE

The 2015 Civil Legal Needs Study tells us that the equity and justice needs of individuals and communities struggling with poverty and marginalization is greater than ever. Seven in ten low-income households face at least one significant legal problem each year and, on average, experience over nine legal problems. The vast majority of people in need of help will not get it. The study tells us:

- A. Most low-income Washingtonians do not understand that the challenges they face have legal remedies;
- B. The nature of legal problems that low-income people and their communities are struggling with is changing; many problems intersect and compound with one another, and one legal problem left unaddressed snowballs into multiple legal problems.
- C. ***Twenty years after adoption of Washington’s first state plan, we are far from achieving our collective vision of equitable justice for all. We are challenged to do better!***

Furthermore, the continuous, now seemingly chronic cascade of tragic events post-Katrina, post-Ferguson, Tamir Rice, Eric Garner and recent events on Oklahoma and Charleston, challenge all of us who work for equity and justice to do more to challenge structural racialization and other forms of structural bias and unfairness. Our complex system, akin to a symphony orchestra, gives each of us different, complementary roles to play so as to ensure that no one is allowed to be written off or out of the justice system, and that poor, marginalized communities are afforded full-range, multi-forum legal representation. While we have always faced resource challenges, the state planning process calls on us to be our best selves—to be strategic, intentional and vision & values-focused in how we work together to close the justice gap.

PREVIEW-a first glimpse at the draft revised State Plan:

Later this year, the ATJ Board will be circulating a draft State Plan. The plan identifies five areas of focus for the next three years. The Alliance and its organizations will work to ensure that:

Goal 1: Low-income communities and individuals are educated in meaningful and sustainable ways about their legal rights and responsibilities and where to seek legal assistance;

Goal 2: Geographic, demographic and other barriers and obstacles to justice for low-income members of underserved and underrepresented communities will be removed;

Goal 3: Client-centered approaches, direct and sustained community engagement and accountability mechanisms will be used to make sure the Alliance has the capacity to tackle the complexity and breadth of client community legal needs and the demographic, systems-based and other institutional barriers client communities face;

Goal 4: It has the capacity to represent client communities in systemic change-based representation, including:

- a. structural reforms that improve the well-being of communities and individuals;
- b. Identifying, dismantling and eliminating structurally racialized systems and practices that result in disparate treatment and disproportionate negative outcomes for low-income people and communities of color, as well as others

who are systemically disempowered and differentially treated on the basis of legal, social or economic status or demographic characteristics.

Goal 5: A race equity lens is applied, not only to client representation, but also to organizational practices, working toward a vision that race or color do not determine the availability and quality of services, benefits, and opportunity for communities and individuals.

CONCLUSION

We hope that once the new draft is finalized, each Alliance organization will review the state plan goals and suggested strategies for achieving them and commit to playing a role in the new State Plan's implementation. When you receive the draft plan, please take it to your staff and board for review. We invite and encourage your feedback so we can adopt a plan that will effectively guide the Alliance's collective effort to ensure equity and justice for all poor and marginalized communities and individuals. We need and appreciate your help.

Appendix: Expanded History and Context for State Planning

The Access to Justice Board facilitated the development of three prior state plans in 1995, 1999 and 2006. The first plan boldly restructured the way we deliver civil legal aid in the state and resulted in the creation of the Northwest Justice Project and Columbia Legal Services. The structure laid out in 1995 formed the framework for the system we have today; where legal aid is delivered through a network of statewide providers, volunteer lawyer programs, and organizations providing specialized services. While it is a complex system that can be difficult to navigate and understand, its complexity has ensured that no person is written off by or written out of our justice system.

The Federal Legal Services Corporation (LSC) is the single largest funder of civil legal aid in the country. LSC funds 134 civil legal organizations, including the Northwest Justice Project. The precursor to LSC, the Office of Economic Opportunity's Legal Services Program, began in 1965 as part of Lyndon B. Johnson's "war on poverty". In 1982 and again in 1996, LSC saw its funding slashed, as well as the introduction of significant scope restrictions on how the money could be used. Moreover, in 1996 these restrictions were extended to attach to any and all other funds an LSC-funded organization received. These

restrictions prevent LSC-funded organizations from most legislative advocacy, administrative rulemaking and class action representation, and from providing legal services to most undocumented people, people seeking immigration status and people confined to state institutions. These scope limitations compelled the Alliance to restructure so as to ensure that poor and marginalized client populations would not be written off or out of our justice system. "These LSC restrictions will limit the nature, substance and scope of client representation, as well as who can receive legal services, in ways that are fundamentally inconsistent with the values and core capacities identified in the Hallmarks." Remarkably, in that first state plan, the leaders of Evergreen Legal Services, Puget Sound Legal Assistance Foundation and Spokane Legal Services Center came together with the Access to Justice Board to recommend that their programs be shuttered to create two new entities and a new delivery system designed to protect full-range client representational capacity.

The revised State Plans that followed in 1999 and 2006 were somewhat less dramatic, but were effective in setting forth shared areas of focus for the Alliance. Twenty years after the adoption of the first State Plan, still feeling the effects of the great recession and on the heels of an updated Civil Legal Needs Study, the Access to Justice Board began a conversation about whether it was time for an updated state plan. Initial reactions from stakeholders were mixed; many were asking the question, "why?" Why take time away from the important work we're doing to engage in this major effort? A workgroup was formed in June 2015 to try to answer that question. Over the course of six meetings that group came to the conclusion that a revised and updated state plan was needed. A roadmap was created for the development of a new State Plan that would be meaningful and relevant to all partners in the Alliance and the communities we serve.

ⁱ Breean Beggs/Ishbel Dickens, **Access to Justice Board**; Barb Otte, **Benton Franklin Legal Aid Society**; Katharine Nyden, **Blue Mountain Action Council**; Rick Eichstaedt/Barry Pfundt, **Center for Justice**; Susan Arney, **Clark County Volunteer Lawyer Program**; Jerri Katzerman, **Columbia Legal Services**; Lori Bashor-Sarancik, **Cowlitz Wahkiakum Legal Aid**; Gerald Kroon/Esperanza Borboa, **Eastside Legal Assistance Program**; Gail Hammer/Barry Pfundt, **Gonzaga University Legal Assistance**; Threesa Milligan, **King County Bar Association Pro Bono Services**; Philip Wade/Debra Gallagher, **Kitsap Legal Services**; Michael Heatherly, **LAW Advocates**; Carolyn Hipps/Kirsti Pruett, **Lewis County Bar Legal Aid**; Noah Samuels, **Northwest Consumer Law Center**; Janet Varon, **Northwest Health Law Advocates**; Jorge Barón, **Northwest Immigrants Rights Project**; César Torres, **Northwest Justice Project**; Marc Lampson/ Rita R. Dermody **Legal Help Center at the Public Law Library of King County**; Alex Doolittle, **Seattle Community Law Center**; Eva Wescott, **Skagit Volunteer Lawyer Services**; Ben Haslam/Jim Pautler, **Snohomish County Legal Services**; Laurie Davenport/Sarah Eaquinto, **Tacoma Pierce County Bar Association**; Anne Lee, **TeamChild**; Emily Cordo, **YWCA Sexual Violence Legal Services**.