

**PLAN
FOR THE DELIVERY OF CIVIL LEGAL AID
TO LOW INCOME PEOPLE IN WASHINGTON
STATE
(REVISED 2006)**



**Adopted by the Access to Justice Board
May 8, 2006**



EXECUTIVE SUMMARY

Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (Revised 2006)

The Washington State Access to Justice Board adopted its revised State Plan on May 8, 2006. The revision was developed following the review of the findings in the Civil Legal Needs Study, conclusions from the Supreme Court's Task Force on Civil Equal Justice Funding and Quantitative Report; the 2000 Census; the Legal Services Corporation's 2003 evaluation of the ATJ Board's 1999 State Plan; recommendations from the Access to Justice Conferences; and interactive GIS (Geographic Information Systems) maps of significant demographic and resource data. Many members and supporters of the Alliance for Equal Justice participated in the state plan review process and contributed comments to the various drafts.

Goals of the revised State Plan:

- A. Establish minimum thresholds for client service delivery
- B. Substantially expand access to necessary legal aid services for all low income people
- C. Provide an ongoing infrastructure for effective support and accountability
- D. Provide a blueprint for future budget requests and resource allocation decision making

Areas of Planning Focus:

- A. Upgrading Rural Delivery. There is insufficient legal aid presence in rural parts of the state. The Plan does the following:
 - Creates 19 regional service areas of not less than 12,000 low income people each (see map on page 2)
 - Establishes a range of legal aid services that must be available to clients within each region
 - Requires that not less than 3.0 legal aid FTE (full time equivalent) attorneys serve each region, with at least 2.0 FTE's resident within the region
 - Directs regional providers to prioritize and coordinate their client service delivery efforts
- B. Strengthening Pro Bono. There are a number of small pro bono programs in areas of the state with insufficient numbers of private attorneys available to provide meaningful and reliable client services. The Plan does the following:
 - Structurally integrates the pro bono function into the regional delivery infrastructure where there is an insufficient number of private attorneys to reliably contribute 1 FTE (1500 hours per year) of legal aid services
 - Upgrades the statewide capacity to provide training, technical assistance and other support for pro bono providers
- C. Centralizing Client Intake and Access in King County. The Plan directs King County programs to develop a plan to centralize intake, access and referral services, much the same way as CLEAR has done for clients living in the other 38 counties.
- D. Expanding Client Access for all Low Income People. The Plan directs that new and innovative efforts be undertaken to address obstacles that limit access to CLEAR and the legal aid system due to cultural, linguistic, status-based, ability-related or other challenges.
- E. Strengthening Statewide Support Functions. The Plan identifies and assigns responsibility for the following key functions: State Planning and Implementation; Evaluation and Accountability; Advocacy Coordination, Resource Development; Professional Development and Training; Pro Bono Support; Technology; Building Support for Equal Justice

Implementation and Oversight:

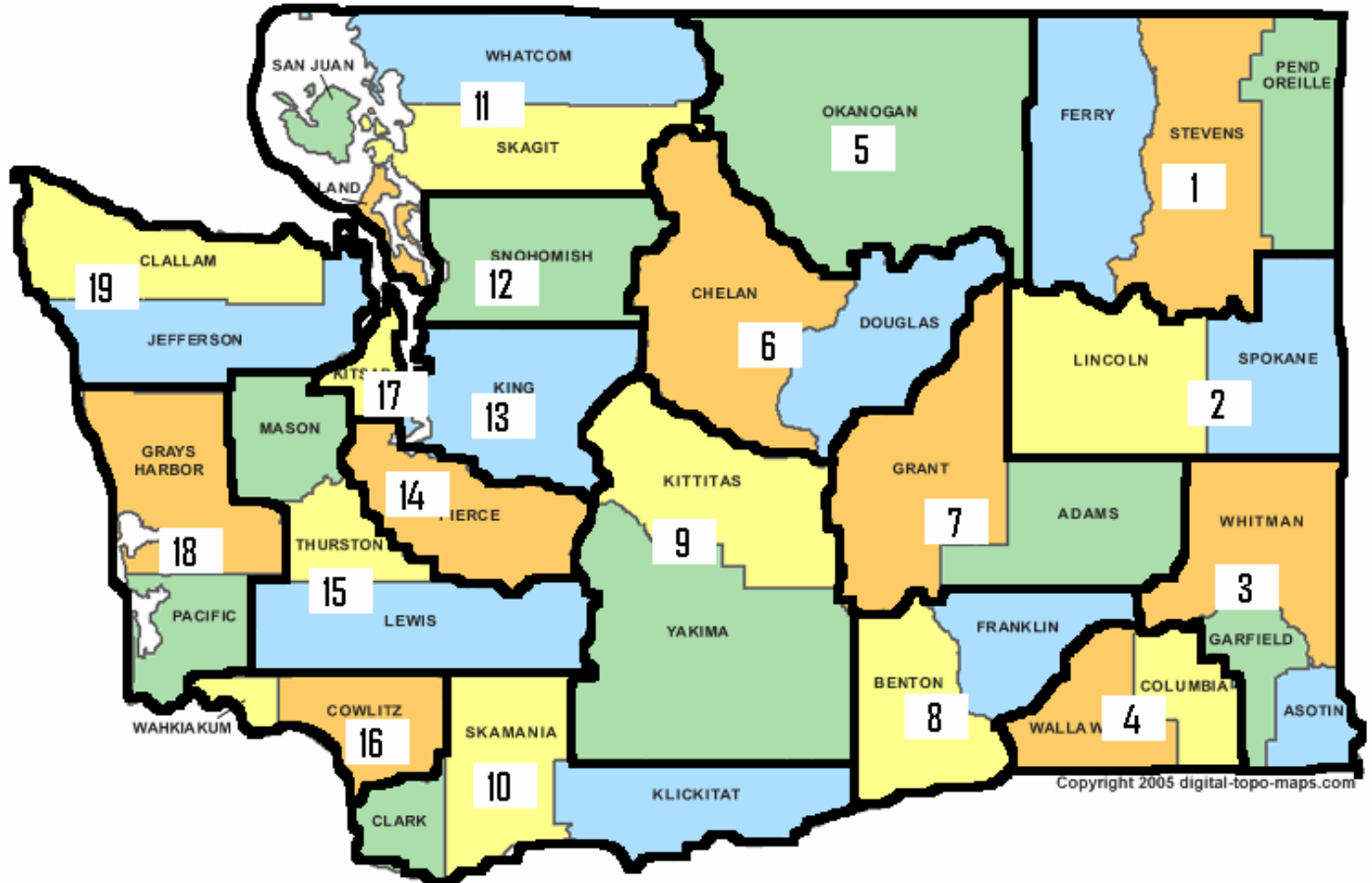
Immediately: ATJ Board will establish a State Plan Oversight Committee

December 31, 2006: King County proposal for centralized intake system; each region will complete an assessment of planning needs; entities responsible for statewide support will submit plans

June 30, 2007: Completion of 19 regional plans

June 30, 2010: Implementation of the State Plan

WASHINGTON STATE CIVIL LEGAL AID DELIVERY REGIONS



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PREFACE

i. Brief History of State Planning in Washington

This is the second revision to the Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (State Plan). The Access to Justice Board (ATJ Board) created the first State Plan in 1995, at the request of the federal Legal Services Corporation (LSC), to address Congressional limitations placed on legal aid services that could be provided with federal funds. That State Plan reconfigured the delivery system to ensure that no one would be written out of the justice system.

In 1999 the ATJ Board revised its State Plan, again at the request of the LSC. The 1999 revision set delivery goals and delineated responsibilities, including responsibilities for statewide support of the delivery system.¹

In 2003, this state served as an LSC pilot site for evaluating state plans and state justice communities. The ATJ Board incorporated feedback from that process into this State Plan revision.

ii. Overview of the Current State Plan Review Process²

The ATJ Board established the State Plan Review Committee (Committee) in 2003 to revise the 1999 State Plan. A six-person Steering Committee³ developed a workgroup structure, appointed co-chairs, and assisted the co-chairs in identifying workgroup members who reflect the programmatic and geographic diversity within the Washington State Alliance for Equal Justice (see Section I.C. for a description of the Alliance). A complete list of State Plan Review Committee members and participants is attached.⁴

A key goal for the Committee was to build a template for future state planning that would avoid “reinventing the wheel” with each subsequent plan update. The Committee determined that mapping technology software could serve current and future planning needs and also provide the technology for the collecting, tracking, evaluating and analyzing of data on client service delivery.

The Client Mapping Workgroup identified key demographic information about low income people in Washington State. The Resource Mapping Workgroup identified key legal resources for low income people, which includes members of the private bar. Utilizing geographic information software (GIS), the client and resource information was compiled into a database to be used on a map server and website.⁵ Technical mapping assistance was provided by CommEn Space, a not-for-profit mapping service, with funding support from the Supreme Court. The interactive maps are available for public viewing at: <http://mapserver.commenspace.org/wsba/atj-internal.php> (User: atj Password: justice).

The Structure Workgroup utilized the client and resource data, and other information, to make specific recommendations to address gaps in the delivery system. The Workgroup also considered feedback from a pro bono program focus group facilitated

¹ The 1995 and 1999 State Plans can be found at <http://www.wsba.org/atj/publications/default.htm#stateplanning>.

² Complete reports from the Client and Resource Mapping, Structure and State Support Workgroups can be found at <http://www.wsba.org/atj/committees/sprc.htm>.

³ Christine Crowell, Chair, Access to Justice Board; Tom Tremaine, Northwest Justice Project (Spokane); Laurie Davenport, Tacoma-Pierce County Volunteer Legal Services Program; Mary Welch, Northwest Justice Project (Bellingham); John Tirpak, Unemployment Law Project (Seattle); Joan Fairbanks, Access to Justice Board and Washington State Bar Association

⁴ Appendix D

⁵ See Appendix F for a list of demographic and resource categories mapped.

by Steve Scudder, Counsel to the American Bar Association Standing Committee on Pro Bono and Public Service.

The State Support Workgroup identified the resources and infrastructure necessary to effectively provide relevant civil legal aid services to low income and vulnerable people in Washington State.

The Steering Committee synthesized these reports and developed a proposed revised State Plan. The Committee sent the State Plan out for comment on February 10, 2006. The ATJ Leadership Group discussed the first draft for several hours on February 17, 2006. The Committee incorporated many of the comments from the Leadership Group and sent out a revised draft on April 7, 2006. The Committee considered numerous additional comments and provided a final proposed revised State Plan to the ATJ Board. The ATJ Board considered comments and adopted this revised State Plan on May 8, 2006 at its annual retreat.

iii. Areas of Current Planning Focus

After reviewing what was working well in delivering legal aid services, the Committee identified six key areas of client service delivery that required attention:

1. improving rural client service delivery;
2. strengthening pro bono service delivery;
3. centralized intake and client access in King County;
4. improving access to civil legal aid for all low income people; and
5. strengthening statewide support functions.

These planning areas were identified following review of the findings in the Civil Legal Needs Study;⁶ Conclusions from the Supreme Court's Task Force on Civil Equal Justice Funding and Quantitative Report;⁷ the 2000 Census; the Legal Services Corporation's 2003 evaluation of the 1999 State Plan;⁸ recommendations from the Access to Justice Conferences;⁹ Pro Bono Subcommittee Report;¹⁰ and interactive maps with the client and resource data.¹¹ The Committee also reviewed and considered structural changes which have occurred since the 1999 State Plan.¹²

6 <http://www.courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf>

7 http://www.courts.wa.gov/newsinfo/content/taskforce/task_force_report_final_draft.doc;

http://www.courts.wa.gov/newsinfo/content/taskforce/Final_Quantitative_WG_Report.doc

8 <http://www.wsba.org/atj/committees/sprc.htm>

9 <http://www.wsba.org/atj/committees/sprc.htm>

10 <http://www.wsba.org/atj/committees/sprc.htm>

11 <http://mapserver.commenspace.org/wsba/atj-internal.php> (User: atj Password: justice).

12 Appendix C

PLAN FOR THE DELIVERY OF CIVIL LEGAL AID TO LOW INCOME PEOPLE IN WASHINGTON STATE

I. INTRODUCTION

A. Mission and Purpose

Equal justice under law is a fundamental right. The civil legal aid delivery system exists to deliver on that principle. Continual statewide planning is necessary to ensure that the civil legal aid delivery system effectively responds to the civil legal needs of its clients. Shifts in demographics and location of low income people, their legal needs, and availability of funding and other resources, are important considerations in that planning process.

B. Values and Standards

The Hallmarks of an Effective Statewide Civil Legal Services System (Hallmarks)¹³ adopted in 1995 and revised in 2004, describe the mission, values, components and capacities upon which the current statewide civil legal aid delivery system is based:

1. *The system's effectiveness is dependent upon its commitment to assessing and responding to the most critical needs of clients as identified by low income clients and potential clients.*
2. *Those in poverty have an equal right to justice regardless of who they are, where they live, or the language they speak.*
3. *The justice system must be barrier free.*
4. *A legal services delivery system is effective only to the degree that positive results are achieved for clients, particularly in areas of high client need.*
5. *The right to justice must remain constant regardless of changing social, political, economic or other conditions in the country, state and communities where low income people live.*
6. *Resources must first be committed to those efforts and activities that are most likely to result in longest term benefits in areas of the most pressing client needs.*
7. *Individual and group advocacy are both effective and necessary tools for addressing the legal interests of low income residents throughout the state.*
8. *The most effective resolution of a "legal" problem may require the use of non-legal resources.*
9. *Low income people have a greater ability to control their own lives when they have accurate information and the skill, ability and opportunity to use that information to advocate on their own behalf.*
10. *Access to justice means access to and assistance in the places where decisions are made that affect people's lives including courts and legislative and administrative bodies.*
11. *Recruitment, coordination and thoughtful use of the components of a legal aid delivery system are essential to the system's success.*
12. *An outstanding delivery system consciously strives to avoid duplication of capacities and administration.*

¹³ Appendix A

13. *The system must embrace and reflect appropriate professional ethical and performance standards in every respect of its practice.*
14. *While taking into consideration the needs of the clients statewide, the system should identify and respond to unique issues and special needs of clients within individual regions, communities and Indian nations.*
15. *The system must be organized and operated to insure that accurate and complete information about what the system does and how it does is available to all.*

The Hallmarks and the Principles for State Planning¹⁴ have guided the Access to Justice Board's State Plan Review Committee (Committee) in its review and revision of the State Plan.

The State Plan demands accountability and embraces the highest professional standards, including the Access to Justice Board's Civil Equal Justice Performance Standards,¹⁵ Washington Rules of Professional Conduct,¹⁶ the American Bar Association's (ABA) Standards for Providers of Civil Legal Services to the Poor,¹⁷ and the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.¹⁸

C. Washington State Alliance for Equal Justice¹⁹

Civil legal aid in Washington State is delivered by the Alliance for Equal Justice (Alliance), a network of organizations providing civil legal aid for low-income and vulnerable people. The Alliance includes Members (organizations providing civil legal services to low-income clients) and Supporters (organizations providing funding, policy development and oversight). Included in the Alliance are:

1. Alliance Members: Organizations Providing Legal Aid

- a. **Statewide General Practice Legal Aid Program (Northwest Justice Project/CLEAR (NJP)):** NJP provides a broad range of regionally based civil legal services for low income people, and a statewide (except King County) toll free telephone intake, advice, brief legal services, and, referral for further representation, and written self-help materials.
- b. **Columbia Legal Services:** Columbia Legal Services (CLS) is a statewide legal aid program focusing its representation on clients and client communities who need recourse to the civil justice system but cannot be represented with funding provided to other legal aid providers. CLS's main purposes in the Alliance are to make sure that all forms of representation are available to clients, including class actions; that clients are able to meaningfully participate in proceedings affecting their legal rights in local, state and federal legislative and administrative regulatory bodies; and that no population or group of low income people is denied access to the civil justice system.

14 Appendix B

15 <http://www.wsba.org/atj/committees/sprc.htm>

16 http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=RPC

17 <http://www.abanet.org/legalservices/downloads/sclaid/civilstandards.pdf>

18 <http://www.abanet.org/legalservices/probono/standards.html>

19 See Appendix E for a more detailed description of respective roles of Alliance Members and Supporters.

- c. Specialty Legal Aid Providers (Northwest Immigrant Rights Project (NWIRP), TeamChild, Unemployment Law Project, Legal Action Center, Fremont Public Association, University Legal Assistance and Northwest Health Law Advocates): These programs employ staff attorneys to provide representation to low income clients in discrete legal specialties, including immigration, employment law, children's issues and domestic violence.
- d. Pro Bono (Volunteer Attorney) Programs (see Appendix E for listing): These programs recruit and support volunteer attorneys to provide a broad spectrum of services (direct representation, brief services, advice, pro se assistance and community education) in many areas of civil law. Pro bono programs are able to assist clients not eligible for LSC or state funded services.

2. Alliance Supporters

- a. Policy Development and Oversight Organizations: Washington State Supreme Court, Access to Justice (ATJ) Board and Washington State Bar Association (WSBA)
- b. Funding Organizations: federal Legal Services Corporation (LSC), State of Washington Office of Civil Legal Aid (OCLA) and Legal Foundation of Washington (LFW)

II. OVERVIEW OF THE CURRENT DELIVERY SYSTEM

Washington's civil legal aid delivery system is complex and includes numerous organizations and entities, each of which is governed by myriad rules and regulations and all of which work together to deliver high quality, efficient and effective legal aid services in response to the full spectrum of client needs. In order to achieve maximum efficiency, ensure the most strategic use of all resources, and to limit the potential for unnecessary duplication of functions in a limited resource environment, it is necessary that all components of the system operate in accordance with a common set of objectives and expectations. Recognizing the complexity of the system and the need for effective planning and oversight, the Supreme Court directed the Access to Justice Board to "establish, coordinate and oversee a statewide, integrated, non-duplicative, civil legal services delivery system that is responsive to the needs of poor, vulnerable and moderate means individuals."²⁰

Since 1995, the Access to Justice Board has overseen civil legal aid delivery planning. The objective of the Board's planning effort has been to ensure the most effective and efficient investment of scarce resources to the end that all low income people who experience civil legal needs have equitable access to the type and quality of legal aid services that they need. From the outset, the ATJ Board's State Plans have been grounded in a unifying set of core values and delivery expectations. These are embodied in the ATJ Board's Statement of Principles and Goals²¹ and the Hallmarks listed above.

The current statewide infrastructure reflects the gains made during the past planning processes and changes that have been made in response to circumstances that have arisen in between planning cycles. Gains that have been achieved over the past decade include, but are not limited to:

²⁰ Supreme Court Order Reauthorizing the Access to Justice Board (Nov. 2, 2000), <http://www.wsba.org/atj/board/2000order.htm>

²¹ <http://www.wsba.org/atj/board/statementprngoals.htm>

- initial establishment of the Northwest Justice Project and the evolution of NJP into a mature, robust general practice, statewide provider of civil legal aid services;
- development, expansion and continued improvement of the statewide CLEAR (Coordinated Legal Education, Advice and Referral) system as a principal gateway for clients throughout the state;
- unification in 1996 of the three then-existing legal aid programs into a single statewide staffed legal aid provider (Columbia Legal Services) that has developed and maintained statewide institutional capacity to provide a full range of client services to certain categories of low income people, on certain types of legal matters, in certain forums and using certain legal advocacy strategies that cannot be underwritten with state or federal funding;
- reallocation in 2004 of the roles, responsibilities and resources available to the staffed legal aid programs as dictated by the needs of clients and external circumstances;
- investment in dedicated staff to provide support and technical assistance to pro bono programs;
- adoption of statewide private resource development and communications plans that define and tie the network together into a unified Alliance for Equal Justice;
- establishment of a statewide Leadership Group as a permanent forum for addressing issues of common concern to the Alliance for Equal Justice;
- expansion of training opportunities to include and benefit the full array of civil legal aid providers who make up the Alliance; and
- establishment of the Equal Justice Coalition and the corresponding expansion of bipartisan support for federal and state appropriated legal aid funding.

Many of the changes implemented and gains achieved over the course of the past 11 years resulted in significant personal and organizational consequences. Many were laid off; programs were closed; new programs were created; individual and organizational responsibilities and accountability relationships were reassigned; new leaders were developed while a number of leaders moved on to other positions in the Alliance or left the Alliance altogether. Throughout this period, every effort and every initiative was driven by a single purpose: to ensure that the right types of civil legal aid services are available in the right locations for the clients who need them most.

Today Washington State's legal aid delivery system is strong and resilient. It provides high quality, reliable and responsive legal aid services to thousands of low income people each year. The core programs have achieved a level of stability and sustainability never before experienced. CLEAR has matured and continues achieve ever greater efficiency and responsiveness despite overwhelming client demand. The Hallmarks have been institutionalized not only throughout the Alliance, but throughout the greater justice system. The Constitutionality of the IOLTA mechanism was successfully defended, and the judicial branch has assumed responsibility for administering state civil legal aid funding through the new Office of Civil Legal Aid.

Funding for the Alliance has grown and diversified. Funding originates from a number of sources — the federal Legal Services Corporation, the state Office of Civil Legal Aid, the Legal Foundation of Washington (IOLTA, class action residuals), the Campaign for Equal Justice, local bar associations and foundations, and a host of smaller grants, contracts, and local contributions. Funding underwrites the capacity of Alliance members to achieve the objectives of the State Plan and address the needs chronicled in the Civil Legal Needs Study.

Over the course of the last decade, the Alliance has developed an effective system to invest the different types of funding available to the Alliance in service of the

objectives set forth in the Hallmarks. Two of the three principal sources (LSC and OCLA) carry significant limitations that directly affect the structure and the degree to which Alliance members can work together to meet the full spectrum of legal needs of clients. The rules governing these funds are established by Congress and the state Legislature respectively and include restrictions that prohibit their use for important client service activities contemplated in the State Plan. Consistent with the service delivery expectations set forth in the State Plan, funds not so limited are used to underwrite these important client service activities.

Despite the strengths of the existing system, there are weaknesses as well. This revision to the State Plan identifies and addresses some of these weaknesses and sets out a course that will help us build the infrastructure and systems necessary to address the critical civil legal needs of clients identified in the Civil Legal Needs Study, obtain the resources that the Supreme Court's Task Force on Civil Equal Justice Funding determined were necessary to address those needs, and deliver client services with the highest degree of effectiveness and accountability.

III. PLANNING OBJECTIVES

This revision to the State Plan is intended to:

- serve as a blueprint for and guide the acquisition and investment of scarce civil legal aid resources;
- ensure that appropriate civil legal aid services are equitably available to all who need them regardless of where they reside, barriers they may experience or the nature of their legal problem;
- establish minimum thresholds for client service delivery throughout the state;
- provide a framework for substantial expansion of access to necessary legal aid services for all low income people throughout the state;
- establish common service delivery and accountability goals, objectives and benchmarks; and
- ensure that there is necessary infrastructure to support the needs all programs involved in client service delivery at the local, regional and statewide levels.

IV. REVISIONS TO STATE PLAN

A. Overview

Based on a review of demographic and mapping data regarding client, community, private attorney, legal aid provider and other relevant service numbers, locations, relationships and activity, this State Plan establishes the blueprint for addressing gaps in the delivery system's current ability to achieve the Hallmarks. Specifically, the Plan focuses on:

- **Rural Client Service Delivery:** Delivery of legal aid services in many rural areas needs to be enhanced to provide equal access to rural residents. To accomplish this, Washington will be organized into 19 client service regions, based on a range of relevant social, demographic, economic, transportation and client service delivery considerations. No region will be established with less than 12,000 low income people, including persons not included in the census numbers (e.g., undocumented migrant and seasonal workers, residents of correctional and long term care institutions, and youth under 15 not living with a relative).
- **Local and Regional Planning:** With the assistance of ATJ Board staff, legal aid providers in each region will identify client legal needs, establish commonly agreed upon case service priorities and develop plans to maximize the efficient

and effective delivery of civil legal aid services consistent with the expectations outlined in the Hallmarks. In the near term, plans will focus on achieving equitable access to the full range of necessary legal aid services (outlined in the next section) for clients and client communities throughout their regions *within the mix of resources available to them*.

- **Achieving Minimum Presence:** A 3.0 FTE benchmark is established for achieving a minimum level of civil legal aid “presence” in any region. Though this minimum presence will not be achieved in some regions within the existing resource mix, it still must be seen as a minimum for adequate presence in the long run. At the 3.0 FTE benchmark, not more than 1 FTE advocate should provide intake, advice, referral and other brief or limited services through local and/or remote means, and at least 2 FTE advocates (however configured) should be present within the region *and* be able to provide full representation to clients on high priority cases. Regions will have substantial flexibility in mixing and matching client service delivery components to achieve this benchmark.
- **Moving Toward Geographic Equity:** As new resources become available they will be targeted to achieving the minimum level of client service presence in all regions consistent with the Hallmarks. Once minimum presence is achieved, additional resources will be invested to overcome regional client service inequities and proportionately expand legal aid presence in all areas of the state, consistent with relevant client demographic information, updated client service resource analyses and the findings of the Civil Legal Needs Study (as they may be updated over time).
- **Strengthening and Supporting Pro Bono:** The Alliance, funders and state support entities will work to strengthen and professionalize the pro bono component of the delivery system in those areas where significant and sustainable pro bono contributions are likely to be made. In areas where significant and sustainable pro bono contributions are not likely to be realized at or near levels equivalent to 1 attorney FTE, regions will be expected to develop alternative approaches to pro bono administration, recruitment and support. The Alliance will assist in designing and implementing the best configurations for delivery of pro bono services. Pro bono statewide support will be expanded to at least 1.0 FTE and made permanent.
- **Centralizing Client Intake and Referral in King County:** King County legal aid providers will study and propose by December 2006 a plan for implementing a centralized referral or intake system for low income residents of the only county without current access to such services.
- **Ensuring Equitable Access for All Clients and Client Communities:** Efforts will be undertaken to explore the value of developing effective intake and access systems for persons throughout the state who, because of their status, are ineligible for services from CLEAR. In addition, client access to all legal aid services will be strengthened by developing alternative access points and methods, by identifying and deliberately conducting outreach to isolated client groups, and by clarifying roles, relationships and expectations for all participants in the delivery system.

B. Necessary Types of Client Services

The following continuum of legal aid services are necessary to achieve the Hallmarks and should be available to clients in every client service region:

- outreach and community education activities which help clients identify and avoid legal problems and tell them how to access the civil legal aid delivery system;
- accessible and accurate legal information on common civil legal problems
- Appropriate systems for legal aid intake, advice, brief service, and referral for further representation that are accessible and responsive to the needs of all low income people;
- effective advice, brief service, assistance with document preparation and review, and other services for pro se litigants;
- emergency legal assistance relating to issues implicating survival and safety, including domestic violence, housing, food and medical care;
- extended representation on legal problems affecting basic client needs and which empowers low income people to improve their lives and communities;
- representation in all relevant legal forums, using all lawful advocacy tools; and
- continuous engagement with low income communities to identify and initiate effective responses to emerging legal problems.

V. SPECIFIC STRUCTURAL CHANGES DESIGNED TO ACHIEVE EQUITABLE ACCESS TO NECESSARY LEGAL AID SERVICES FOR LOW INCOME COMMUNITIES THROUGHOUT WASHINGTON STATE

The Hallmarks²² require equality of access to legal aid services and equality in the range of legal aid services available. The Civil Legal Needs Study documented that rural residents are less likely to know of the availability of civil legal aid services and are less able to access them. In many areas of rural Washington there is little civil legal infrastructure other than CLEAR and small local pro bono programs. Service delivery statistics show that (1) there are significant inequalities in the mix of legal aid services available to clients from one region of the state to another, (2) low income people in a number of areas of rural Washington are disproportionately underserved, and (3) that extended representation²³ is significantly less available to low income people living in many rural parts of the state.

There is an additional inequity that is less quantifiable, but which also has a negative impact on access to justice for many rural clients. This is the lack of sufficient legal aid presence in many counties. Experience demonstrates that consistent and reliable legal aid presence helps make the justice system more responsive and accountable to the legal concerns of low income people, and operates to deter those who might, in the absence of a civil legal aid presence, act with impunity on matters affecting low-income people and communities.

The structural recommendations in this section are designed to achieve equity of access to necessary civil legal aid services for low income people throughout the state, especially those living in rural parts of the state. They require planning in all regions (and especially in those new regions that do not currently have an attorney-staffed legal aid office), but they do not contemplate immediate, large scale movement of resources across the state. The ATJ Board recognizes that the benefits of an immediate large repositioning of client service capacities without more resources would be far outweighed by the disruption that such quick, large-scale change would cause in the short term.

In developing these recommendations, the ATJ Board has determined that the equivalent of 3.0 FTE attorneys is the minimum level of staffing needed to provide the

²² Relevant Hallmarks for recommendations on rural delivery include: #2, #10, #11, and #12.

²³ See Definitions, Appendix J.

full range of client services set forth in Section IV.B above and to provide meaningful legal aid presence in any region. The ATJ Board has also determined that it is appropriate to divide the state into service delivery regions that include a minimum number of low income people sufficient to justify investing in permanent civil legal aid presence while, at the same time, ensuring effective legal aid presence in rural and isolated communities in the state. After considering relevant demographic, geographic and client service delivery information, the ATJ Board has concluded that this minimum number of low income people (including non-Census based individuals) for any region is 12,000 low-income residents. Below this threshold and in light of present and reasonably foreseeable resources available to the Alliance, it is not cost-effective or realistic to establish a permanent and sustained civil legal aid presence.

The structural recommendations set forth in this section will guide Alliance members and supporters in (a) allocating and coordinating currently available civil legal aid funding and resources, (b) seeking, securing and investing new resources for civil legal aid delivery and (c) should adverse funding circumstances require, reducing civil legal aid presence throughout the state. In every context, the benchmark will be equitable access for all clients throughout the state to the full range of services set forth in the State Plan.

A. Improving Rural Client Service Delivery

1. The Problem

By any measure, Washington State's civil legal aid delivery system is incapable of meeting the legal needs of low income people with important civil legal problems. This is the teaching of the Civil Legal Needs Study, which determined that 87% all low income people in the state who have a civil legal problem are unable to secure legal help. This is the case regardless of whether the low income person resides in the state's most populous county (King County) or in the most rural and isolated counties. This is true regardless of the nature of the legal problem experienced or the forum within which it is most appropriately addressed. Recognizing the gap between civil legal needs and the system's capacity to address them, the Supreme Court's Task Force on Civil Equal Justice Funding determined that it would take more than \$28 million per year in new funding to close the capacity gap and make civil legal aid services meaningfully available to low income people in Washington State.²⁴

While civil legal aid services do not come close to meeting client needs in any part of the state, services are disproportionately unavailable to low income residents of rural Washington. For purposes of this discussion, the term "rural" means a county with a population density of less than 85 persons per square mile. Planning to overcome this disproportionality in client service capacity should be initiated now, recognizing that some necessary changes may not be fully designed or implemented without substantial new resources.

Five categories of providers are principally involved in the delivery of civil legal aid services to rural clients in Washington. These include:

- Northwest Justice Project-CLEAR
- Rural Pro Bono Programs
- Regional offices of the Northwest Justice Project (and Contract Attorney Program [CAP] relationships primarily in those communities not served by an NJP field office)

²⁴ Task Force on Civil Equal Justice Funding, Final Quantification Analysis (May 2004)
http://www.courts.wa.gov/newsinfo/content/taskforce/Final_Quantitative_WG_Report.doc

- Regional offices of Columbia Legal Services (CLS): CLS has five offices located throughout the state and provides full range, multi-forum systemic advocacy for clients who cannot be served by NJP and require services unavailable from resident pro bono programs.
- Other Specialized Providers: These include the Northwest Immigrants Rights Project which provides civil legal assistance to immigrants, refugees and immigration detainees; TeamChild, which provides civil legal assistance to youth involved in the juvenile justice system; and the Unemployment Law Project which provides civil legal assistance to individuals throughout the state who are denied unemployment compensation.

CLEAR is the single largest provider of civil legal aid to rural low income clients.²⁵ While clients can receive advice, some level of brief service and self-help assistance from CLEAR, many require extended levels of legal assistance, for which referral to a local or regional civil legal aid provider is required. The main entities to which CLEAR refers clients for legal assistance are local volunteer attorney programs and the regional offices of NJP. Also, in some regions where NJP does not currently have an office (e.g., southeast Washington, the Olympic Peninsula), NJP's CAP Program refers clients to private attorneys and compensates them at a reduced fee.

Low income people living in rural and isolated parts of the state experience significant barriers in accessing civil legal aid services. There are substantially fewer attorneys per poor person in rural Washington than in the more urban counties.²⁶ Rural counties are quite large and have limited or no public transportation systems. This results in greater isolation of low income people, and makes it much more difficult to achieve economies of scale in delivering civil legal aid to rural clients. Demographic and client service data shows that there are significant disproportionalities in available legal aid services in these areas, especially areas with significant numbers of people who were not counted in the Census. (See Chart 1 below.)^{27, 28}

²⁵ While courthouse facilitators provide services to large numbers of pro se litigants throughout rural Washington, they do not do so in the context of an attorney-client relationship. This Plan does not address the role of courthouse facilitators and does not apply to them.

²⁶ For example, there is one active attorney for every 15 eligible clients in King County; 1:45 in Spokane County; 1:55 in Pierce and Snohomish Counties. In contrast, there is 1:92 in Clallam County; 1:167 in Kittitas; 1:241 in Asotin County; and 1:273 in Stevens County.

²⁷ The numbers in the chart are derived from a master matrix showing the geographic allocation of the principal civil legal aid service delivery components in each of the 39 counties of the state. This allocation includes FTE equivalents of CLEAR, NJP field staff, NJP CAP attorneys, reported pro bono hours, weighted allocations of CLS capacity as well as an allocation of local and statewide specialty providers. The full chart from which these regional numbers are derived is available at: <http://www.wsba.org/atj/committees/sprc.htm>

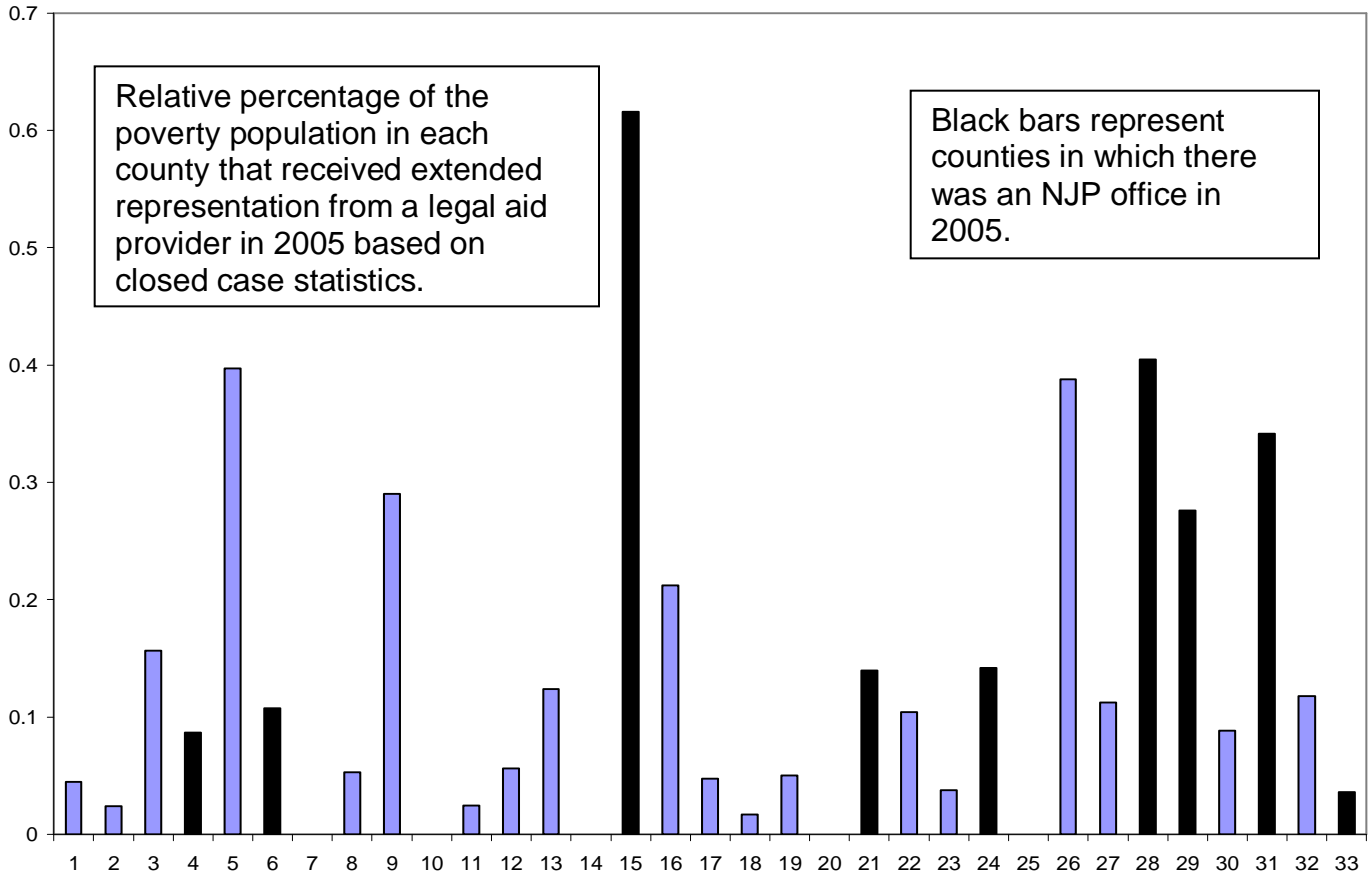
²⁸ These FTE numbers do not reflect staff attorneys employed by tribal governmental civil legal aid programs that provide legal assistance to residents of Indian reservations. The Colville Tribe has a reservation-based legal aid program that provides civil legal assistance to Native American residents of the Colville Indian Reservation which is located in Ferry and Okanogan Counties. The chart also does not attempt to geographically allocate FTE staff associated with the statewide Northwest Immigrants Rights Project.

Chart 1

	Total FTE	Percentage FTE	Poverty pop.	Percentage Poverty Pop.	Difference	Equitable FTE Allocation (Poverty Pop)	Difference in FTE's
Benton/Franklin/Walla Walla/Columbia	8.7	5.30%	78966.5	8.23%	-2.93%	13.5	-4.81
Clark/Skamania/Klickitat	6.3	3.81%	45364	4.73%	-0.92%	7.8	-1.51
Cowlitz/Wahkiakum	2.1	1.26%	17236	1.80%	-0.53%	2.9	-0.88
Spokane/Lincoln	16.1	9.82%	69533	7.25%	2.57%	11.9	4.22
Ferry/Stevens/ Pend Oreille	2.8	1.68%	13088	1.36%	0.32%	2.2	0.52
Asotin/Garfield/ Whitman	0.8	0.50%	15636.5	1.63%	-1.13%	2.7	-1.86
Whatcom/Skagit/Island/ San Juan	9.8	5.97%	59192	6.17%	-0.20%	10.1	-0.33
Snohomish	12.9	7.85%	55078.5	5.74%	2.11%	9.4	3.46
Grant/Adams	5.2	3.18%	46935.5	4.89%	-1.71%	8.0	-2.81
Okanogan	2.5	1.51%	18221	1.90%	-0.38%	3.1	-0.63
Chelan/Douglas	3.5	2.15%	37885.5	3.95%	-1.80%	6.5	-2.95
Thurston/Mason/ Lewis	5.7	3.50%	46163	4.81%	-1.31%	7.9	-2.16
Yakima/Kittitas	11.4	6.96%	112971.5	11.78%	-4.82%	19.3	-7.91
King	45.3	27.62%	187246.5	19.52%	8.10%	32.0	13.29
Pierce	21.5	13.10%	95296.5	9.93%	3.16%	16.3	5.19
Kitsap	5.3	3.22%	26389	2.75%	0.47%	4.5	0.77
Clallam/Jefferson	1.8	1.08%	14551	1.52%	-0.44%	2.5	-0.71
Grays Harbor/Pacific	2.4	1.49%	19458.5	2.03%	-0.54%	3.3	-0.89
	164.1	100.00%	959212.5	100.00%	0.00%	164.1	0.00

Closed case statistics also show disproportionalities in the availability of extended client representation for low income residents in many rural parts of the state. (See Chart No. 2 below.)²⁹

Chart 2



County Legend: **Bold = Rural County**

- | | | | |
|-----------------------------|-------------------------|---------------------------|------------------------|
| 1. Adams | 9. Ferry-Stevens | 17. Kittitas | 25. San Juan |
| 2. Asotin | 10. Garfield | 18. Klickitat | 26. Skagit |
| 3. Benton-Franklin | 11. Grant | 19. Lewis | 27. Skamania |
| 4. Chelan-Douglas | 12. Grays Harbor | 20. Lincoln | 28. Snohomish |
| 5. Clallam | 13. Island | 21. Mason-Thurston | 29. Spokane |
| 6. Clark | 14. Jefferson | 22. Okanogan | 30. Walla Walla |
| 7. Columbia | 15. King | 23. Pacific | 31. Whatcom |
| 8. Cowlitz-Wahkiakum | 16. Kitsap | 24. Pierce | 32. Whitman |
| | | | 33. Yakima |

Social, cultural and linguistic challenges³⁰ compound these geographic factors. While CLEAR has proven to be effective in delivering services to rural residents who can

29 This chart is derived from closed case statistics for NJP and the 24 pro bono programs and documents the relative percentage of clients receiving extended legal representation on a county-by-county basis. With some explainable anomalies (e.g., the Ferry-Stevens-Pend Oreille numbers are skewed by NJP's NAU cases; Skagit reflects services from an in-house specially funded attorney; and Clallam reflects cases handled by NJP's CAP program), it demonstrates that a greater percentage of urban clients obtain extended representation than clients in rural counties.

30 In parts of rural WA, the client population is disproportionately Latino and Spanish speaking. For rural reservation-based Native Americans, geographic isolation compounds existing social and cultural barriers limiting access to legal aid. Rural residents with mental, developmental or physical disabilities are often geographically isolated from other necessary support services. Both NJP and CLS have developed dedicated staff capacity to assist in meeting the justice needs of migrant and seasonal farmworkers. NJP has a Native American unit (Seattle and Spokane) addressing the needs of reservation based clients. NJP and CLS endeavor to employ Spanish speaking bilingual staff lawyers in field offices and CLEAR, and a CLEAR attorney is assigned to outreach on Indian reservations.

access and use a telephone system, it has not yet proven to be as effective in reaching clients and communities that experience such compounding factors, despite substantial efforts to do so.

It is the responsibility of the Alliance for Equal Justice to make deliberate changes to current rural delivery systems that are necessary to provide consistent and reliable legal aid services to clients living in these areas. These changes obviously cannot occur overnight, and benchmarks for minimum client service levels will not be achieved at the same time or in the same way in every region. Some changes can be achieved in the short term through effective and inclusive planning using a set of commonly understood objectives, while other changes will necessarily be dependent upon achieving substantial increases in resources.

2. Detailed Discussion of Specific Changes

A fundamental objective of this State Plan is to achieve a minimum level — or floor — of client service presence in all parts of the state. This minimum level of presence must incorporate the ability to deliver the basic range of client services outlined in Section IV.B above and serve as an effective community-based deterrent. Over the next three years, regional legal aid partners (with support from statewide entities) will develop plans to move toward a minimum level of client service capacity in each region.

a. Redrawing Regions

Effective legal aid presence can be achieved and client service delivery can be enhanced in underserved areas by focusing efforts on regions of reasonable size and that share common geographic, social, economic, demographic and other characteristics. Thirty-one of Washington's 39 counties can be considered to be predominately rural in character (using the fewer than 85 persons/sq. mile standard). Operational efficiency combined with current and prospective resource limitations dictate that this State Plan establish a level of potential client demand below which it does not make sense to invest in and maintain a physical legal aid presence. As noted above, the ATJ Board has established this level at 12,000 low income people.³¹

Using the "no fewer than 12,000 low income people" basis, the state's 39 counties will be organized into 19 client service delivery regions. Fourteen of these regions are predominately rural in character (even though some, like the regions that include Bellingham and Olympia, have big cities). Appendix H sets out these 19 regions.³²

Fulltime offices of staffed civil legal aid programs with a minimum level of 2 FTE attorneys are present in only 11 of these 19 proposed regions. Clients in the eight remaining regions are served locally through satellite offices (e.g., Omak) as well as a combination of visits from legal aid staff located in another region and services provided by CAP attorneys, local pro bono programs and other specialized providers. The delivery systems in the eight regions without adequate access to legal aid services need to be upgraded.

b. Basic Benchmarks for Achieving Minimum Presence:

Presence is central to the effectiveness of the civil legal aid system. Presence ensures client knowledge of and access to services, and serves as a deterrent to conduct that undermines or violates the rights of low income people and communities. There has not been meaningful legal aid presence in many parts of rural Washington since the very early 1980's. To address this problem, this State Plan directs that:

³¹ This includes low income people not included in the census, e.g. undocumented persons and residents of institutions.

³² Precise configuration of the regions may change over time based on experience and client need.

- The legal aid system achieve a minimum client service delivery presence of at least 3.0 FTE advocates in every region with at least 12,000 low income people (including people not eligible for state and federally funded legal aid services).³³ Of these, not more than 1 FTE advocate should be devoted to intake, advice, referral and other brief or limited services through local and/or remote means (including CLEAR), and at least 2 FTE advocates should be present within the region and be able to provide direct, extended representation to clients on high priority cases. The 3.0 FTE's should be configured to provide the full range of required client services set forth in Section IV.B. of this State Plan.³⁴
- An FTE advocate may be composed in whole or part by any of the following: staff legal aid and special project attorneys and paralegals, the FTE equivalent representation delivered by local pro bono programs (both through in-house legal staff and volunteer attorney hours),³⁵ FTE equivalent of hours of client representation through private attorney contracts, representation resulting from employment of local attorneys on a part time basis, the percentage of FTE services delivered by CLEAR to the region, and other comparable configurations that meet the principles set out in the Hallmarks and discussed in this State Plan.
- Legal aid can be "present within the region" through any or some combination of the following: full or part-time staff attorneys who maintain an office within the region; staff attorneys from outside the region who spend regular periods of time physically present at a specific location and providing services to clients within the region; pro bono programs that provide consistent and regular services to clients within the region (whether through in-house legal staff or volunteer attorney services); local private attorneys contracted to provide regular and ongoing legal aid services to clients in the region; or by other similar means.
- The Alliance should invest new resources in three stages: First, resources should be invested to achieve minimum legal aid presence in all regions. Next, resources should be invested to equalize access on a per capita poor person basis. This will require the investment of new resources to address areas that are disproportionately underserved (as reflected in Chart 1). Once geographic equity has been achieved, additional resources should be invested to upgrade the entire system so that clients in all areas of the state have relatively equal access to civil legal aid services.

Local planning is central to achieving effective and reliable legal aid delivery consistent with the requirements of the Hallmarks and this State Plan. How the delivery mix should be configured and how legal aid delivery should be coordinated in any region can only be determined through a deliberate planning and implementation process. The touchstone for regional partners will be to develop a system and corresponding set of organizational relationships that makes the full range of relevant client services available to address high priority client needs within the region.

Initial planning will be directed at achieving the most effective coordination of existing resources (local, regional, statewide) to address the needs of rural clients as

³³ An "FTE advocate" delivers 1500 hours of client representation per year.

³⁴ In some regions the mix of existing client service capacities (professional legal aid, CAP, pro bono, CLEAR, etc.) may result in a determination that more than 3.0 FTE's will be needed to achieve the full complement of required client service capacities. In these situations, the minimum level of FTE's will end up being more than the minimum 3.0 FTE floor.

³⁵ Including the % of advocates employed by pro bono programs who themselves represent clients.

determined by the Civil Legal Needs Study and periodic local and regional client priority assessments. The objective is to achieve the most effective use of existing client service delivery resources in relation to the highest priority needs of clients in the region. In regions at or above the minimum 3.0 FTE level, planners will need to ensure that the full range of delivery services is available to all clients on an equitable basis consistent with the Hallmarks and this State Plan. As new resources become available, planners will work to achieve the minimum level of 3.0 FTE's within the region (in those regions that are below this threshold), expand access for all clients to the full range of services and overcome inequities within and between regions.

In a number of regions, especially those where there is currently no staffed legal aid office and less than the 3.0 FTE benchmark for adequate legal aid presence, planners will be required to work with their counterparts in contiguous regions.³⁶ It is very likely that regional planning will result in changes in many parts of the rural delivery system.

The foundation of Washington's civil legal aid delivery system is a statewide general practice legal aid program – the Northwest Justice Project (NJP). NJP hosts the statewide intake/access system, maintains field offices that serve clients in all 39 counties of the state, serves as the fiscal agent for the administration of state-appropriated legal aid funding, and carries out an array of state support functions that benefit the Alliance. NJP is staffed with full time, professional legal aid attorneys and has sufficient infrastructure to provide consistent supervision, training, oversight, accountability and support to meet client service expectations consistent with applicable state and national standards and to perform the other functions assigned to it under this State Plan.

The primary role of pro bono programs is to recruit and support volunteer lawyers in representing eligible clients. Some pro bono program managers are attorneys in active practice and provide both direct client assistance and coordination of volunteer lawyer services; some pro bono programs have employed staff attorneys to provide services, usually under special grants for specific case types. These types of configurations may or may not be the most effective approaches for achieving presence and meeting the needs of clients in the area.

In determining under what circumstances staff attorney and pro bono coordination roles should be combined in an independent program, rather than becoming part of a larger organization, funders should consider:

1. whether the program brings to the table significant continuing resources that are otherwise unavailable to the Alliance;³⁷
2. whether the program is coordinating client services and case service priorities with NJP, CLS (where appropriate), and other regional partners in ways that are consistent with regional clients' needs;
3. the degree to which the program uses its in-house attorney services available to serve clients who are ineligible for services from NJP and CLEAR; and

³⁶ For example, planners in the region that includes Ferry, Stevens and Pend Oreille Counties will work closely with providers in the Spokane-Lincoln region to achieve the minimum client service capacities within the Tri-County region and to work toward equity of client service capacity between the regions.

³⁷ This could include the commitment of substantial continuing non-legal aid resources like Community Services Block Grants (CSBG), Community Development Block Grants (CDBG), local municipal, or other resources, the acquisition of which does not compete with or undermine efforts associated with the Campaign for Equal Justice or the Equal Justice Coalition.

4. whether maintaining an independent pro bono program is an efficient and effective means of achieving presence in the local community consistent with the goals and aspirations of this revised State Plan.

c. Achieving the Benchmarks

Achieving minimum presence in every region will not happen overnight, and it will, in some locations, be dependent upon the acquisition of substantial new resources. At the same time, planners and program managers should prepare for, identify and seize opportunities to move toward the objective of minimum presence. Among the potential approaches that might be explored as resources become available are:

- Placing full time staff attorneys in satellite offices located within the rural population centers. Depending upon the mix of clients in the region,³⁸ such offices could be hosted by NJP or other legal aid providers or community based agencies.
- Contracting with local private attorneys on a full or part time basis to serve as legal aid attorneys in specific localities. This is different from the current Contract Attorney Program, through which NJP contracts with individual attorneys on a case by case basis. This approach would purchase a percentage of a local attorney’s time, and would provide opportunity/expectation for the attorney to be effectively trained, supported and overseen by a regional legal aid field office.
- Co-locating staffed legal aid attorney(s) with a well-configured volunteer attorney program.
- Detailing legal aid attorneys for certain periods of time per week (e.g., three days per week) to conduct business and be continuously present in the regional center for that part of the week.
- Expanding services through the Contract Attorney Program where this approach appears effective.
- Investing in and employing new technologies (e.g., real-time videoconferencing, web casting, etc.) to connect legal aid attorneys with clients and courts in remote and isolated locations.
- Combining attorney services with an appropriate level of local non-attorney services to do outreach to hard-to-serve client communities, engage in legal education and provide pro se assistance to clients as appropriate.

Resources can become available in two principal ways: (1) new resources are secured from one of the principal funding sources (Office of Civil Legal Aid – OCLA, Legal Services Corporation – LSC, Legal Foundation of Washington – LFW) or (2) staff turnover within one region provides an opportunity to consider ways of investing the freed up resources in another region (or former sub-region)³⁹ that is below the minimum presence threshold.

On the basis of geographic, client service and client demographic analyses conducted by the State Plan Review Committee, the regions including the following counties

³⁸ Planners must ensure that some capacity is available to assist clients resident in the region who, because of their status, may not be eligible for services from the Northwest Justice Project.

³⁹ For example, the area that currently comprises the East region includes three discrete regions: Ferry-Stevens-Pend Oreille, Spokane-Lincoln, and Asotin-Whitman-Garfield. Among these, the Spokane-Lincoln Region is relatively over staffed vis a vis the Asotin-Whitman-Garfield region. Attrition in the Spokane regional office might be considered to provide a strategic opportunity to explore ways to upgrade client service delivery in the Asotin-Whitman-Garfield region.

should be targeted for movement toward the minimum necessary 3.0 FTE advocates over the next three years:

- Ferry, Stevens and Pend Oreille Counties
- Okanogan County
- Asotin, Whitman and Garfield Counties
- Cowlitz and Wahkiakum Counties
- Grays Harbor and Pacific Counties
- Clallam and Jefferson Counties

The regions including the following counties will require significant additional resources to achieve equity of service delivery capacity:⁴⁰

- Benton, Franklin and Walla Walla Counties
- Grant and Adams Counties
- Yakima and Kittitas Counties
- Chelan and Douglas Counties
- Thurston, Lewis and Mason Counties

3. Objectives Achieved: Achieving Meaningful Legal Aid Presence in Rural Washington

The approach outlined in this State Plan, when implemented through collaborative regional planning efforts, will move toward ensuring that: (a) the constructive and deterrent benefits of legal aid presence in local communities is achieved in all rural areas of the state; (b) there is an appropriate mix of civil legal aid resources available to clients in all relevant delivery areas; and (c) all legal aid programs are effectively integrated into a seamless system that is responsive to high priority client needs. This approach will also result in the placement of full-time professional, effectively trained and supervised legal aid attorneys throughout rural Washington. Finally, this approach should result in substantially equal opportunities for low income people to obtain civil legal aid all areas of the state.

B. Strengthening Pro Bono Service Delivery⁴¹

1. The Problem

A pro bono program is an organization or organizational component that has as its principal focus the recruitment, support, training and retention of volunteer attorneys in order to deliver a variety of free legal services to low income individuals. These services may include advice clinics, public information, brief services, unbundled legal assistance, and extended representation by the volunteers. The pro bono program staff may or may not deliver direct legal services to clients. The program may exist in any one of a variety of configurations including an independent nonprofit agency, a program co-located, associated with or operated by a local bar association or social service agency, or a program run by an attorney-staffed legal aid program.⁴²

Rule of Professional Conduct (RPC) 6.1 establishes the expectation that attorneys licensed to practice in Washington should render at least 30 hours of pro bono legal aid services each year. Even with this expectation and the establishment of programs throughout the state to recruit, support and refer cases to pro bono attorneys, the vast

⁴⁰ These are regions that, while above the 3.0 FTE level, fall substantially below their proportionate share of legal aid delivery capacity when considered on the basis of relative poverty population.

⁴¹ Relevant Hallmarks for strengthening pro bono service delivery include #2, #5, #11, #12 and #13.

⁴² Pro bono programs are sometimes called volunteer attorney programs or volunteer lawyer programs (or VLP's). We have simply picked one consistent term for all of these.

majority of attorneys in Washington do not provide pro bono services to low income people.

There are significant obstacles to effective involvement of pro bono attorneys in many areas. These include unequal geographic distribution of attorneys; lack of focused, practical, and satisfying volunteer opportunities for interested private attorneys; conflicts resulting from other professional duties (e.g., service as part time prosecutor or public defender contracts); and an unacceptably low level of understanding, acceptance and institutionalization of pro bono responsibilities in some parts of the organized bar. On average, about 75% of active attorneys are free of conflicts or other institutional limitations and can be said to be “available” to provide pro bono legal services.⁴³ Of these, pro bono participation rates consistently hover around 10%.⁴⁴

Even among those who are available and willing to provide pro bono assistance to low income people, most limit their services to legal assistance with a limited focus, and are unlikely to engage in extended representation of clients in contested judicial proceedings. Outside of the largest urban areas (and even within some of these), volunteer attorneys are not a consistent and reliable source of extended representation for clients with the most difficult and time-consuming civil legal problems in many areas of high client need (as determined by the Civil Legal Needs Study and periodic local priority setting processes).

Washington’s experience with pro bono participation rates and the scope of services that pro bono attorneys are willing and able to provide on a consistent basis mirrors national participation rates. This experience confirms that there is a threshold number of available attorneys needed before any local legal community can be expected to consistently and reliably contribute a level of pro bono services equal to one FTE legal aid attorney (1500 hours).⁴⁵ The ATJ Board has determined that this number is somewhere around 160 attorneys. Stated differently, it is unreasonable to expect that a legal community with substantially less than 160 available attorneys will be able to provide at or near 1500 hours of pro bono legal aid services per year.⁴⁶

a. Pro Bono Program Configurations

Pro bono programs in Washington exist in a wide variety of configurations. While all do the best they can with the funding and resources available to them, the consistency and effectiveness of their client services varies depending upon the size of the legal community, the number of attorneys available to participate in the pro bono program, the types of services that local attorneys are willing to provide on a volunteer basis and the continuity of and support for program staff.

There are currently 24 pro bono programs in Washington. In the largest cities⁴⁷ they are closely attached to staffed bar associations. In some rural counties they operate as stand-alone non-profits under the umbrella of local bar associations.⁴⁸ In several rural counties they are part of a community action or other social service agency.⁴⁹ Over half are independent, stand-alone nonprofit agencies, many with a small (less than 2.0 FTE) paid staff. Ten of these programs are the only legal aid provider with daily

⁴³ This number is much lower in small, predominately rural communities where the total number of “active” attorneys is very small.

⁴⁴ Measured in terms of those attorneys who reliably contribute 30 hours of pro bono services each year.

⁴⁵ The 1500 hours = 1FTE relationship was developed by the Supreme Court’s Task Force on Civil Equal Justice Funding. See Task Force on Civil Equal Justice, Quantification Analysis at http://www.courts.wa.gov/newsinfo/content/taskforce/Final_Quantitative_WG_Report.doc .

⁴⁶ This works about to about 9 hours per year per available attorney assuming a base of 160 available attorneys. If one-third of these available attorneys contributes 30 hours per year, the legal community will deliver about 1 FTE worth of legal aid services.

⁴⁷ Seattle, Spokane, Tacoma, Everett, and Vancouver

⁴⁸ E.g., Yakima, Chelan-Douglas, Whatcom

⁴⁹ Skagit, Okanogan, Grant, Whitman, Asotin/Garfield/Columbia, and Ferry/Stevens/Pend Oreille Counties

physical presence in the 15 counties they serve.⁵⁰ Pro bono recruitment and support in eight of these programs is performed by non-lawyers. At the time of this writing, three of these ten programs (Skagit, Clallam and Kittitas) had a licensed attorney staff coordinator who not only recruits and supports pro bono service delivery, but also provides discrete task or unbundled civil legal aid services to eligible clients.

The variety of configurations and the small size of many programs have made it especially difficult to establish and uphold performance expectations against consistent standards for client service delivery and pro bono program operations. Whereas staffed programs have moved effectively towards greater consolidation and coordination, the lack of coordinated infrastructure for pro bono programs has made communication and coordination much harder for them.

This State Plan supports the efforts of volunteer attorneys to provide free legal aid to low income people across the state and creates an expectation that each region will develop a plan to do this in the most effective way given the availability of local volunteer attorneys, the availability of other legal aid services and the demographics of the target client population. At the same time, this State Plan seeks to reduce the administrative burdens, inefficiencies, and redundancies of maintaining many small separate programs.

The ATJ Board believes that the administrative costs of maintaining separate and independent pro bono programs are too great unless there is an available volunteer base of sufficient size to provide at or near 1 FTE legal aid attorney's worth of service. Pro bono programs that are organizationally separate from other Alliance members and do not have a potential volunteer base that could reliably leverage this level of services are expected to work with their regional partners to evaluate other organizational configurations that will more effectively integrate administration of the pro bono function into the regional delivery system. Programs that fall into this category include: Asotin, Clallam, Cowlitz, Grant, Island, Kittitas, Lewis, Okanogan, Tri-County (Ferry, Stevens, Pend Oreille), Walla Walla, and Whitman.

Planners in these regions should determine how the pro bono function can be sustained and effectively integrated into client service delivery, consistent with realistic expectations regarding the amount and nature of pro bono contributions that can be achieved. The objective is to direct resources to stable and viable entities capable of reliably leveraging meaningful levels of pro bono services while ensuring that local attorneys in every county continue to have appropriate opportunities to provide pro bono legal aid services to clients in their communities.

Implementation of this part of the State Plan should result in a more effective use of limited resources and will better channel the energy and contributions of private volunteer attorneys into the delivery of legal services to clients most in need. A key measure of the success of this section of the State Plan will be an increase in the amount, diversity and consistency of pro bono services that are responsive to the highest priority needs of clients.

The ATJ Board emphasizes that the goal is to preserve and expand the delivery of legal services, including services provided by pro bono attorneys, throughout Washington. The continued support of the local bar, bench and community-based organizations is highly valued. Their energy, their efforts, and their financial support are essential components of the overall legal aid delivery system. Consequently, planning to achieve effective administrative structures for the integration and delivery of pro bono services in rural areas should take into consideration the important role that members of local

⁵⁰ Skagit, Lewis, Island, Kittitas, Asotin, Clallam, Cowlitz-Wahkiakum, Kitsap, Grant-Adams, Ferry-Stevens-Pend Oreille and Whitman.

bars play not only in meeting the direct needs of clients but in other areas, including efforts to expand public and private resources for civil legal aid.

b. Pro Bono Support:

Pro bono program staff coordinators are taxed with reporting to their local oversight boards and host programs (bar association, Community Action Program, etc.) as well as their principal funders, each of which may have different reporting standards and performance expectations. Coordinators must carry out all of the administrative functions necessary to keep even the smallest of the programs going. They often struggle to support the full range of their services (including advice clinics, pro se services, brief services, unbundled and extended representation), while also having to recruit, train, support, and recognize volunteer attorneys; provide public education and outreach; raise operating funds and handle administrative duties, including bookkeeping, human resources, reporting; and provide board support and development.

Although some statewide support has been provided to help with these tasks, there is not a consistent and reliable infrastructure (including a modern case management system). Pro bono programs suffer from inadequate technology support, low benefit and salary levels in relation to the demands of the work, and minimal or nonexistent budgets for training, technical assistance and support, travel, and development. These conditions, coupled with serious limitations on the likely level of potential volunteer attorney services that can be leveraged in some geographic areas, contribute to frustration, burnout and a very high level of pro bono staff turnover.⁵¹

This State Plan aims to strengthen and support the capacity of volunteer attorney programs to deliver reliable legal aid services that are responsive to high priority client needs. This will be accomplished by supporting the common needs of programs, the clients they serve and the pro bono attorneys they recruit to represent clients in the following ways:

- using economies of administrative scale and providing ongoing effective statewide support;
- defining and implementing professional standards of practice to improve client access and make sure program performance meets high standards;
- developing acceptable models and moving into new administrative configurations (where appropriate) that achieve viable levels of administrative capacity and are most appropriate to leveraging potential volunteer services that are responsive to client service needs;
- fostering the use of technology to increase client and volunteer attorney program access to relevant resources; and
- working to cement the provision of pro bono services as an enduring cultural value and practice within the organized bar.

To help achieve these objectives, the existing statewide Pro Bono Support Coordinator position should be upgraded from .5 FTE to 1 FTE and established as a permanent, full-time component of the statewide support system. The ATJ Board, Columbia Legal Services and the Legal Foundation of Washington should work with the Pro Bono Support Coordinating Board⁵² to determine how the position should be funded and where it should be located. This full-time equivalent position will be responsible for the following activities:

⁵¹ Ten Washington pro bono program administrators have left their jobs in the last twelve months.

⁵² The Pro Bono Support Coordinating Board is an informal group that includes representatives from the ATJ Board, LFW, CLS, NJP and the pro bono community and which provides guidance to and oversight of the work of the .5 FTE Pro Bono Support Coordinator.

- coordinate with the WSBA's Pro Bono and Legal Aid Committee's efforts to develop and implement creative strategies that remove barriers to pro bono involvement;
- coordinate local program staff, board, and volunteer training; consult with and provide technical assistance to pro bono programs; provide support for information technology, including case management system operations;
- in consultation with the State Plan Implementation Committee and Alliance members and funders, develop clear professional standards⁵³ and strategies for pro bono programs to meet these standards;
- identify and develop recommendations designed to eliminate the inequities and administrative limitations and redundancies that currently undermine pro bono program effectiveness;
- recommend specific organizational models designed to enhance pro bono program administrative capacity and achieve intended pro bono participation rates;
- ensure that pro bono programs remain aware of and develop strategies to serve clients who are ineligible for legal aid services from federal and state funded programs;
- identify, evaluate the effectiveness of, and implement innovative delivery methods and other creative solutions for overcoming geographic barriers to pro bono attorney involvement and providing pro bono attorneys in urban counties with opportunities to help to clients in rural counties; and
- work with the WSBA and local, specialty and minority bar associations to develop statewide pro bono panels and to promote a culture of volunteerism within the private bar.

2. Objectives Achieved: Strengthening Pro Bono Service Delivery

Through upgrading the Pro Bono Support Coordinator position, establishing and working with pro bono programs to follow consistent professional standards, helping to reorganize programs where appropriate, equalizing compensation and performance expectations, and providing sufficient resources for pro bono program operations, the Alliance will move toward more integrated, stable, robust and innovative pro bono attorney involvement in efforts to address the civil legal needs of low income people in all areas of the state.

C. Centralized Intake and Client Access in King County: The Problem⁵⁴

1. The Problem

Currently, if a low-income person in Washington needs legal assistance and can access services via a telephone, he or she can call the CLEAR hotline for an intake, advice, brief service, and/or a referral. This service is available to all low-income people except for residents in King County, where it is limited to people over age 60. Low income people in King County needing legal assistance, can either call a legal aid provider directly for an appointment with an attorney, briefly consult in person with a volunteer attorney at a legal clinic, or call one of the legal or non-legal hotlines for advice or information.

⁵³ These standards should be consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, the Hallmarks, expectations outlined in this State Plan and other relevant standards

⁵⁴ Relevant Hallmarks are #1, #2, #3, #14

King County has the largest number and diversity of legal aid providers in the state. To ensure efficient, non-duplicative service delivery, these providers regularly plan and coordinate their delivery efforts. For example, the King County Regional Planning Group and Northwest Justice Project (NJP) post a comprehensive legal resource directory for King County on the NJP website at

<http://www.washingtonlawhelp.org/WA/StateDirectory.cfm/County/%20/City/%20/defaultMode/%3D%201/Language/1/State/WA/TextOnly/N/ZipCode/%20/LoggedIn/0> .

This site is updated periodically to include changes to individual providers' priorities and intake procedures. However, the directory cannot be adjusted every time changes occur. As a result, low income people may end up calling a provider that no longer offers certain services listed in the directory or they may misdiagnose their legal problem and call the wrong provider. Further, this directory is only available via the Internet, so people without internet access cannot use the directory. Consequently, clients may call providers from an outdated list which they are given by the court or a government agency; they may never find an entry point into the legal aid system because they are overwhelmed by the number of places to call; or they may give up after being referred from place to place without any help.

Additionally, a number of King County-based programs, such as the King County Bar's volunteer legal clinics, while very useful, nevertheless require a person to physically meet with an attorney for brief service and legal advice. This means many people from rural King County must travel long distances. This imposes an unnecessary burden on clients who could benefit from access to a centralized telephone-based intake, advice and referral system.

The most glaring need is for a centralized intake system. Such a system would improve the effective use of technological resources and collaboration among the staffed legal aid programs, private attorneys, pro bono programs, specialized legal aid programs, private and non-profit law firms, justice system workers, social service providers, and client groups and individual clients. Significantly, such a centralized system would reduce client confusion and enhance the providers' ability to make timely, effective and efficient referrals. As the CLEAR experience has demonstrated in other parts of the state, centralized intake will provide low-income people in King County with access to a relatively uniform, highly accessible, user-friendly client intake and case evaluation and referral system capable of responding to their legal needs. Further, by implementing centralized intake, existing programs could spend more of their resources delivering legal services rather than helping people navigate the system.

2. Detailed Discussion of Specific Changes

A representative group of CLEAR staff and King County legal aid providers and resource/referral centers will develop specific recommendations for implementing a centralized intake system for low income people in King County. The recommendations should be presented within six months of adoption of the revised State Plan and include:

- an overview of the type and purpose of the centralized intake system;
- the range of services the system will offer (i.e., just screening, intake, and referral or more services such as advice or brief service);
- the type of staff required to answer the hotline (i.e., attorneys, paralegals, screeners or some combination);
- the role of pro bono attorneys in staffing and/or supporting the system;
- the types of legal problems for which help will be provided (i.e., Will services be limited to certain priority subject matter areas or, as in the case of CLEAR, will

clients receive advice, brief service and referral on the full range of legal problems that they may be experiencing?);

- how the system will overcome substantive or status-based limitations imposed by law or contract;
- a description of how the system will coordinate with existing programs and program components that provide client navigation and access in King County – including -- the legal resource directory from the NJP website, the legal clinics such as the King County Bar Association’s Neighborhood Legal Clinics and Seattle University’s Community Justice Centers, the legal hotlines offered by providers such as the Northwest Women’s Law Center and the Unemployment Law Project, and the non-legal hotlines such as the one offered by the Crisis Clinic;
- how the system will minimize the potential for duplication of services; and
- how the system will minimize some of the client access challenges observed with the CLEAR system, including obstacles experienced by low-income people who are unable to navigate the legal services delivery system via a telephone-based intake system because of where they live; their inability to speak and/or write English; culture; age; disability; the nature of their legal problem.

The report should set forth both (1) a timeline for implementation and (2) an estimate of the resources (financial, technological, staff, and volunteer) necessary to develop, implement and support the system. Provided resources become available, the Alliance and ATJ Board will then assist King County providers in implementing a system.

3. Objectives Achieved: Client-Friendly, Efficient Intake and Referral in King County

Through implementation of a centralized intake system in King County:

- Low income residents in King County will be able to more easily and effectively access legal aid for intake and appropriate referrals.
- An already high degree of cooperation and collaboration among all providers in King County will be enhanced.
- Existing agencies can apply more resources towards offering effective advice, brief service, document preparation/review and other services.

D. Improving Access to Civil Legal Aid for All Low Income People⁵⁵

Consistent with the Hallmarks, all low income people should have the ability to obtain information about their legal rights and responsibilities and a meaningful ability to access necessary legal aid services regardless of their legal status, their social, cultural, linguistic, physical, mental, developmental or sensory limitations, the nature of their legal problem or where they reside. Statewide systems such as CLEAR and www.washingtonlawhelp.org provide information and entry into the legal aid system for many low income people (with the exception of low income residents of King County). But many others cannot meaningfully access or obtain the full benefits of these systems. To be effective, intentional efforts must be undertaken to develop intake, access, education and outreach capacities that address the gaps in existing statewide intake and access systems and ensure that no group is systemically denied access to essential civil legal aid services.

1. The Problem

⁵⁵ Relevant Hallmarks for Improving Client Access are #2, #5, #9, #11 and #14.

Many persons with civil legal needs in Washington who are unable to afford legal help and who have ready access to a telephone can obtain specific free legal advice and brief legal services by a competent attorney or highly qualified paralegal through the centralized toll-free CLEAR system operated by the Northwest Justice Project. At the same time, CLEAR is unavailable to many low income persons with significant legal needs either because of their immigration status, the forum within which their matter needs to be addressed or the substance of their legal problem. Experience also demonstrates that CLEAR is not currently as effective as it might be in assisting many low income persons due to communication problems, mental or sensory limitations, educational or literacy level, the need for emergency help or the use of a cell phone. CLEAR staff capacity, hours of operation, and the vagaries of telephone technology (e.g. cell phone service access, wait times, etc.) also substantially limit the number of people who can be helped.

In addition to these basic access problems, the Civil Legal Needs Study documents that nearly half of all low income people who experience a civil legal problem do not realize that there are laws to protect them or that relief can be obtained from the justice system. As a consequence, many who require legal aid services and who might otherwise be able to access CLEAR, do not do so — and end up facing their problems without any legal help whatsoever.

The Civil Legal Needs Study also confirms that, while many low income people have access to the Internet and may be able to secure self-help assistance from www.washingtonlawhelp.org, the majority do not. Clients living in rural parts of the state have a disproportionate lack of access to Internet based resources.

Finally, many low income people find it necessary to assert or defend important rights and interests in contested court proceedings. Effective assistance of legal counsel is central to their ability to be fairly heard, but there is no system for appointing counsel for those who otherwise cannot secure necessary legal representation.

2. Detailed Discussion of Specific Structural Changes to Improve Client Access

- The Legal Foundation of Washington should work with Alliance members serving client populations that are ineligible for the full range of CLEAR services to develop, test and evaluate models of providing efficient intake, advice, brief service and referral to these client populations in ways that do not stigmatize or otherwise inadvertently cause clients not to seek legal help. The Alliance should consider wider implementation of models tested and found to be effective.
- A permanent task force of Alliance members should be established to develop and oversee implementation of a statewide outreach, education and access plan targeted to reach members of client communities who are unaware of or experience barriers to accessing legal aid services or self-help information, including clients and client communities who are not eligible for federal or state-funded legal aid services. The statewide plan should be integrated with and support regional outreach plans.
- All regional client service delivery plans should include outreach and community based legal education, information and access strategies for client communities who cannot adequately access CLEAR. Community based outreach and educational activities should be located in places where identified communities of persons who are unable to afford legal counsel gather, such as senior centers, Indian Reservations, community action programs, social service agencies, migrant health centers, churches, legal aid program offices, domestic

violence advocacy programs, court houses, schools, etc. Outreach and community based activities should be fully accessible to the target population, including members with disabilities or language access needs.

- The Northwest Justice Project should continue to evaluate strategies and, if necessary, structural changes to achieve more equitable utilization of CLEAR services by members of certain client groups who, due to cultural, technological, ability and other barriers, currently underutilize CLEAR services.
- CLEAR should enhance its capacity to provide immediate services to persons with emergent or particularly critical legal needs including but not limited to survivors of recent domestic violence, victims of trafficking, and persons facing imminent evictions.
- When other free legal resources are not available to represent a party in a judicial proceeding that significantly affects fundamental interests or basic human needs a system should be established and funded for the appointment of counsel to represent the indigent party. The Alliance should continue its efforts to establish the right to counsel in important civil cases for those who cannot afford lawyers.

3. Objectives Achieved: Improving Client Access

Greater access to justice will be achieved by ensuring a system for providing access to those who cannot be served by CLEAR; developing alternative access points and methods for eligible clients who experience barriers to accessing CLEAR and www.washingtonlawhelp.org; undertaking a systematic approach to client community education and outreach; and developing systems to ensure that legal representation in judicial proceedings is available for those who require it.

E. Other Structural Topics and Observations

The Committee identified several additional structural topics that were not as urgent or compelling and did not result in specific recommendations for change in the delivery structure, including the following:

- **Evaluate current approach taken to special population (e.g., Native American, institutionalized, farmworker) client service delivery:** The Committee discussed whether to continue the historical project-based approach to special population client service delivery or to recommend more substantial integration of such services into the work of local staffed offices. This topic should be discussed further by the broader advocacy community and addressed more fully by or before the next update to the State Plan.
- **Improve collaboration between law schools and other participants in the delivery of civil legal aid:** More substantial discussion occurred regarding the role of, and possible improved collaboration with, the state's three law schools, operated by the University of Washington, Gonzaga and Seattle Universities. Each law school has a clinical teaching program in which students provide limited legal services to low income clients, and many of these clinical programs are already operated in close collaboration with civil legal aid providers. However, because law school clinic-based services are provided in very limited numbers only during the period of academic instruction, such services should be seen as valuable enhancements to the core delivery structure but not be expected to represent significant numbers of clients. Other law school based programs assist or involve students in public interest law in a variety of ways, including linking students with volunteer opportunities in the

community and with legal aid providers. It does appear that there may be specific advocacy projects, such as the Civil Gideon project currently hosted by the Northwest Justice Project, which could effectively be hosted and led by law schools.

- **Improve collaboration with other entities providing related services to low income clients (e.g., courthouse facilitators, local human services agencies or non-legal advocacy groups):** This was not discussed beyond its initial identification, but is recommended as a topic for future consideration by the State Plan Oversight Committee. However, entities that serve clients in particular areas, such as courthouse facilitators, should be included in the regional planning efforts required by this State Plan.
- **Renew emphasis on client and community outreach and education on substantive legal issues:** This was not discussed beyond its initial identification, but is recommended as a topic for future consideration by the State Plan Oversight Committee.

VI. STRENGTHENING STATEWIDE SUPPORT FUNCTIONS

A. State Planning and Implementation

Description of Function: This is the process to ensure strategic use of resources to attain delivery of relevant and high quality civil legal aid to low income people and communities in Washington. This process is ongoing, collaborative and inclusive. It requires consistent monitoring to identify new or additional initiatives that require coordinated statewide planning focus.

Location and Responsibility: A Supreme Court Order directs that this function be carried out by the Access to Justice Board.

Plan for Implementation: The ATJ Board will establish a permanent State Plan Oversight Committee (SPOC) to oversee and provide technical support for implementation of the revised State Plan and to monitor changes in the civil equal justice system that may require new or additional planning focus. (See Section VIII., Implementation and Oversight, for a discussion of the implementation plan).

B. Evaluation and Accountability

Description of Function: The effectiveness of a civil legal aid delivery system is measured against objective standards and criteria that promote the mission and embody the values of the system. The system and its component programs and initiatives must be assessed for relevance and effectiveness in addressing client and client community needs, adherence to relevant national and statewide standards, and the legitimate expectations of planners and funders.

Location and Responsibility: The ATJ Board is responsible for overall delivery system accountability. This includes establishing and evaluating the performance and effectiveness of the civil legal aid delivery system against a relevant set of standards and criteria including, but not limited to, the expectations outlined in this revised State Plan. Each of the three principal funders of civil legal aid (the federal Legal Services Corporation, the Legal Foundation of Washington and the Office of Civil Legal Aid) is responsible for evaluating the performance of their respective grantees. Currently there is no system for the coordinated assessment of program performance in relation to the State Plan and these other standards.

Plan for Implementation: The ATJ Board will establish a standing committee on Performance Assessment and Accountability. This committee will (a) evaluate and

make recommendations for changes to the ATJ Board's Program Performance Accountability Standards, and (b) develop a protocol for coordinated peer assessment of Alliance member program performance against the expectations of the State Plan and relevant state and national standards.

C. Advocacy Coordination

Description of Function: This is the strategic application of scarce resources to address priority areas of client representation, limit unnecessary duplication of services and maximize effective means and strategies to address client needs. Advocacy coordination is carried out on a local, regional, statewide and national basis.

Location and Responsibility: Because of their size, level of staff expertise, location and substantive areas of client focus, Northwest Justice Project and Columbia Legal Services currently carry the primary advocacy coordination responsibilities within the state. NJP has three full time attorneys dedicated to statewide advocacy coordination and support. The NJP advocacy coordinators staff most of the statewide substantive advocacy task forces. Other programs and institutions (e.g., King County Bar Volunteer Lawyer Program, Northwest Immigrant Rights Project and other specialized providers), help provide advocacy coordination and support in areas of more limited substantive or regional focus.

Plan for Implementation: The Northwest Justice Project will take the lead in developing a standing Alliance-wide client advocacy coordinating group. The work group will include representatives from all segments of the Alliance and should, on an ongoing basis, work to identify the mechanisms and procedures needed to ensure major substantive issues and priority client needs will be addressed deliberately, consistently, efficiently and effectively. The advocacy coordinating group will:

- monitor and develop strategies to address new and emerging areas of client need;
- identify and develop strategies to address unique issues (access and substantive) experienced by discrete client communities;
- promote strategic deployment of resources (Alliance member program and private sector) to address client needs;
- CLS will take the lead on coordination of client representation activities that cannot be supported by some funding sources; and
- other legal aid providers will continue to be involved in coordination related to their work.⁵⁶ The Northwest Immigrant Rights Project will join NJP and CLS in coordinating and providing support for advocacy related to the needs of immigrants and refugees.

D. Resource Development

Description of Function: Building and maintaining a sufficient and stable base of public and private financial support for the Alliance.

Location and Responsibility: Most state and federal public resource development efforts are undertaken by the Equal Justice Coalition (EJC) in cooperation with and assistance of Alliance members and supporters. These include efforts to protect and expand federal funding from the Legal Services Corporation (LSC) and state funds for civil legal aid. Individual legal aid programs participate in educating state and federal legislators about the need for civil legal aid funding in ways that support the unified efforts of the EJC. Alliance members are expected to coordinate with the EJC on their

⁵⁶ These providers include but are not limited to local and statewide specialty providers and bar associations such as King County that provide significant direct client representation.

legislative and public education work regarding legal aid funding. There is a growing recognition of the benefits resulting from coordination of efforts to secure state and federal special purpose funding requests, such as the Violence Against Women Act (VAWA), Fair Housing, etc. City and county public resource development efforts are carried out by Alliance members and supporters with the assistance of the EJC where requested and when possible.

The ATJ Board undertook a collaborative and inclusive process to address duplicative fundraising practices which undermined the Alliance's ability to raise private funds. As a result of this process, the ATJ Board authorized creation of the Campaign for Equal Justice, a unified, statewide, annual private fundraising drive that is implemented by LAW (Legal Aid for Washington) Fund, under the direction of the Statewide Campaign for Equal Justice Committee. The Campaign operates in all 39 counties. Alliance members are responsible for cooperating with the Campaign, as provided in the Legal Foundation of Washington's grant agreements with individual programs.

The Endowment for Equal Justice is co-located with LAW Fund and is a sister organization. The purpose of the endowment is to create a permanent revenue stream to stabilize the funding base for Alliance members.

The Legal Foundation is the steward of the Campaign for Equal Justice receipts, interest on lawyer trust accounts (IOLTA), class action residual funds generated through CR 23(f) and other funds which are distributed consistent with the State Plan. The Campaign and the EJC are co-located at the Legal Foundation to maximize collaboration.

The Access to Justice Board affirmatively supports the notion that Alliance members must participate in and support the Campaign for Equal Justice and the Equal Justice Coalition as a condition of being a recipient of those resources.

Plan for Implementation

- The Equal Justice Coalition will continue to serve as the principal voice of the Alliance on matters relating to federal and state funding. Alliance members will participate in and support these efforts as requested. Support of, and coordination with, the EJC's efforts should continue to be an expressed Legal Foundation grant condition.
- Private resource development efforts by individual programs must be carried out in a manner that is both cooperative and consistent with the Campaign for Equal Justice. To ensure accountability, the Legal Foundation will continue to require such cooperation.
- The recent statewide resource development successes must be sustained and expanded into new areas such as foundations, corporate donors, major gifts and appropriate special purpose government grant opportunities.
- The Legal Foundation shall carry out its resource allocation functions consistent with the State Plan.

E. Professional Development and Training

Description of Function: Central to a strong civil legal aid delivery system are Alliance members and supporters capable of successfully addressing the full spectrum of needs of a diverse client community. Professional development and training are the means to achieving these competencies, which include:

1. substantive expertise;
2. advocacy skills;

3. capacity to be aware of and deliver services that are culturally and linguistically relevant to diverse client communities;
4. individual, organizational and statewide leadership development; and
5. capacity to train others

Location and responsibility: There is no single location or established statewide infrastructure to systematically identify training needs or develop an ongoing training program to meet the substantive, skills and competency training needs of Alliance member program staff and interested Alliance supporters (e.g., pro bono lawyers, Legal Foundation of Washington, ATJ Board, Office of Civil Legal Aid, LAW Fund). At the national level, organizations such as the National Legal Aid and Defender Association (NLADA), Management Information Exchange (MIE) and Legal Aid University (LAU) have developed training programs, curricula and delivery models that help address some of the Alliance's training needs. At the statewide level, there is a bi-annual statewide training session for all Alliance program members and the ATJ Board hosts an annual ATJ Conference which includes a range of sessions relating to substantive legal issues affecting low income clients, important advocacy skills, leadership development and, in recent years, training on inclusion, diversity and multi-cultural competence. The Northwest Justice Project, Columbia Legal Services and other Alliance member programs host an annual new advocate training and targeted skills trainings. Alliance member programs have collaborated on trainings with other entities that address the civil legal needs of low income people such as the Washington State Human Rights Commission. Pro bono programs regularly provide training seminars and training videotapes for volunteer attorneys. The ATJ Board has hosted leadership training for members of the statewide Leadership Group (which includes Alliance members and supporters).

Plan for Implementation

- NJP will be responsible for forming, in cooperation with other Alliance members, an inter-program training committee. The training committee will regularly evaluate substantive and advocacy skills training needs and adopt a statewide training plan.
- The ATJ Board will be responsible for coordinating ongoing individual, organizational and statewide leadership development.
- Alliance members and funders will dedicate sufficient resources to underwrite the statewide training plan developed by the statewide training committee.

F. Pro Bono Support

Pro bono support is an essential component of the statewide support system. See Section V.B. for a full discussion.

G. Technology

Description of Function: Technology is software, hardware, infrastructure and related support that enables Alliance members to transmit appropriate levels of information, facilitate communication and assure efficient internal operations to provide quality assistance to clients in a manner that provides a basis for accountability.

Location and Responsibility: Currently, the Northwest Justice Project houses and maintains CLEAR and the Washington Law Help and Advocate Resource Center websites. The ATJ Board is responsible for implementing the Technology Plan adopted in January 2005. Alliance supporters are working on securing funding for statewide case management system.

A major question for Alliance members is where other technology support should be sited, whether it should be funded on a statewide basis, and if yes, how it should be funded.

Plan for Implementation:

- The Northwest Justice Project, the Pro Bono Support Coordinator and the ATJ Board will coordinate the development of a universal legal services case management system, as mandated by the ATJ Technology Plan, which will be completed and implemented as soon as possible. OCLA and LFW will work with these and other Alliance Members to develop adequate funding for this effort.
- The ATJ Board will continue to implement the Technology Plan.
- All technology initiatives will be developed and implemented consistent with the Washington State Supreme Court’s Access to Justice Technology Principles.

H. Building Support for Equal Justice

Description of Function: A strategic, planned and sustained effort to build and maintain understanding and support for the work and vision of the Alliance between and among Alliance members, supporters and the public is critical. The primary components of such an effort are an external communications plan; a plan and strategy to build relationships necessary to carry out the external communications plan; the ability to internally communicate all of this to Alliance members and supporters in ways that promote consistency of communications and messages relating to the Alliance; and a system for providing ongoing support and assistance for Alliance member programs.

Location and Responsibility: LFW will coordinate this function. All Alliance members and many Alliance supporters carry out equal justice support efforts.

Plan for Implementation: The ATJ Communications Plan must be implemented. Professional assistance is needed to assist with statewide communications efforts. The Legal Foundation will continue to work closely with the Equal Justice Coalition, LAW Fund, the Washington State Bar Association and the ATJ Board to determine appropriate funding, hosting and management of the communications function. Public communications by all Alliance members and supporters should be consistent with the Communications Plan.

VII. IMPLEMENTATION AND OVERSIGHT

A. Overview

The Access to Justice Board bears primary responsibility for overseeing implementation of the changes to the civil legal aid delivery system as outlined in the State Plan. The Board shall dedicate staff and resources to provide support and assistance for implementation.

B. Plan for Implementation

1. Regional Planning

All Alliance members in a given region will be responsible for developing regional plans which address the benchmarks outlined in the State Plan for minimum client service delivery. Alliance members are expected to engage supporters and other justice system partners in the planning process. The ATJ Board will provide staff and tools to assist Alliance members with regional planning efforts.

2. State Plan Oversight Committee (SPOC)

The ATJ Board will establish a State Plan Oversight Committee (SPOC) to oversee and provide technical support for implementation of the revised State Plan and to monitor changes in the civil equal justice system that may require new or additional planning focus. SPOC will be a standing committee of the ATJ Board and will be comprised of representatives from Alliance members and supporters. The chair will be appointed by the ATJ Board.

This revised State Plan directs that planning and implementation begin on the regional level. The ATJ Board recognizes that the State Plan's structural recommendations are significant and will require a thoughtful approach that respects local and regional needs while also providing guidance, coordination and technical support at a statewide level. The State Plan does not suggest one single approach or a set of approaches that will be appropriate for all regions; nor does it propose a one-size-fits-all approach to the implementation of the structural recommendations, especially those pertaining to rural delivery and pro bono administration.

SPOC and available staff will provide technical support as requested by each region. This could include: convening or facilitating regional meetings of Alliance members and supporters; meeting with boards of directors and local bar associations; or providing specific technical assistance in the planning and configuration of services to implement the State Plan and any regional delivery plan.

SPOC will ensure that the state support functions identified in the revised State Plan are implemented. SPOC also will coordinate and oversee continuing state planning and implementation consistent with this State Plan, the Hallmarks, Principles of State Planning and other guidelines. It will address topics which this State Plan has not been able to address, such as evaluation of the current approach to special population client service delivery, collaboration between law schools and other providers, client and community outreach and education on substantive legal issues and improving collaboration with other entities providing related services to clients.

3. Timelines for Implementation of the Revised State Plan

Immediately: The ATJ Board will establish a State Plan Oversight Committee to facilitate regional planning and continue state planning in areas not addressed by this State Plan.

Six months (December 31, 2006):

1. King County providers shall develop a proposal for centralized intake.
2. Regional planners will complete their assessments of planning needs for each region.
3. Those responsible for statewide support functions will complete implementation plans.

One year (June 30, 2007): Each region will complete its regional plan.

Three years: The State Plan will be implemented.

4. Resources Needed for Implementation

The ATJ Board will provide full-time staffing for the implementation of the State Plan and continuing support to the SPOC. For at least the first year, the ATJ Board will seek funding support from the Supreme Court to engage contract staff for on-site facilitation and technical support for regional planning. The ATJ Board will also seek continuing support for GIS mapping support from CommenSpace so that regions will have access to expanded mapping tools for regional planning.

VIII. CONCLUSION

Following are lyrics from the Wizard of Lawz, the first skit to be produced for the annual Washington State Access to Justice Conferences (from "The Wizard of Oz"):

We're Off to See the Wizard

*We're off in search of justice
Justice for Washington state
We know that access isn't great
But hey, it's never too late*

*For justice to materialize
We're all gonna have to visualize
We'll have to use our courage, hearts and brains
We're just gonna have to cooperate*

*We're off to see the wizard
The wonderful wizard of lawz.*

This revised State Plan calls upon all Alliance members and supporters to join together in new and innovative ways to realize the vision that motivates us to do the work we do every day. This vision requires the courage, heart and brain of every one of us to realize equal justice for the low income people that so desperately need civil legal aid. We're off to see the wizard...and we will find justice for Washington state.

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- B. Principles for State Planning**
- C. Structural Changes since the 1999 State Plan**
- D. State Plan Review Committee Members and Contributors**
- E. Washington State Civil Legal Aid and Organizational Relationships**
- F. Lists of Demographic and Resource Categories that are Mapped**
- G. Potential Pro Bono Contributions by County**
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**PLAN FOR THE DELIVERY OF CIVIL LEGAL AID TO LOW INCOME PEOPLE IN
WASHINGTON STATE
(Revised 2006)**

Appendices

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Appendix A Hallmarks of an Effective Civil Legal Aid Delivery System



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THE ALLIANCE
for Equal Justice
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Hallmarks of an Effective Statewide Civil Legal Services System

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I. INTRODUCTION

The dictionary defines “justice” as fairness. The system for administration of our laws is called the justice system because the single most important principle upon which that system is premised is fairness. Our laws, however, are complicated. They are created by local, state, tribal and federal legislative and administrative bodies. They are interpreted and enforced by local, state, tribal and federal courts, administrative and other agencies. The volume and complexity of the laws and the procedures for their administration have made it increasingly difficult to effectively utilize the justice system without the help of a lawyer. That means for those who cannot afford a lawyer, access to the system does not necessarily mean access to justice.

Publicly funded legal services, or “legal aid,” evolved in an effort to insure that poverty was not an insurmountable barrier to justice. Financial and political support for this effort has been inconsistent over the years. In 1994-95 that support sharply declined threatening significant reductions and restrictions on the availability of legal services for the low income. This led to a comprehensive review of Washington’s statewide legal service delivery system and development of a plan to respond to this threat.

This review and planning process is an ongoing project. It has been facilitated and guided by the Access to Justice Board (ATJ Board), a coordinating and oversight body created by Order of the Supreme Court. The ATJ Board’s first significant project was the development in 1995 of its Plan for the Delivery of Civil Legal Services to Low Income Persons in Washington State (State Plan). The State Plan included 18 recommendations for reconfiguring and supporting Washington’s delivery system so as to preserve access for low-income clients to a full range of advocacy and services. In mid-1998, the ATJ Board, through its State Plan Evaluation Committee, began a process to determine how well the State Plan was working and to consider which aspects, if any, should be rethought. The Board presented its draft Revised State Plan and recommendations at the June 25-27, 1999 Access to Justice Conference in Wenatchee, and later adopted its final Revised Plan for Delivery of Civil Legal Services to Low Income People in Washington State (Revised State Plan) at its annual retreat on September 16, 1999.

In undertaking its planning responsibilities, the ATJ Board first sought to articulate a mission and vision of statewide equal justice. Based on this mission, it then attempted to identify those values that flow from the mission statement and which, in turn, lead to the identification of the components and capacities that seem necessary for the system to be effective.

The Hallmarks of an Effective Statewide Civil Legal Services Delivery System (Hallmarks), written in 1995, described the mission, values, components and capacities upon which the current statewide legal services delivery system is based. The Hallmarks have served the ATJ Network well and continue to guide state planning and ongoing delivery activities. However, many have commented over time that the hallmarks document is written in terms that are not clear to all. What follows is an effort to reduce the hallmarks to a more clear and concise statement of the ideals upon which the legal services delivery system is based and from which it continues to evolve. It is also an effort to generate statewide discussion about their continued relevance and assure that there is genuine consensus across the system and the state.

II. MISSION

Poverty should not be an impediment to Justice. The mission of the statewide legal services delivery system is to offer low income individuals and groups both direct representation and other legal assistance that enables them to:

- Protect and enforce their rights;
- Use the civil justice system to oppose laws, regulations, policies and practices that operate unfairly against them;
- Develop and implement laws, regulations, policies and practices that improve their quality of life; and
- Effectively advocate their legal rights and interests on their own behalf.

III. VALUES AND CAPACITIES

The following pages set out 15 values that are at the core of the Washington civil legal services system and to which the structure and operation of the system must remain loyal to assure equal justice for Washington's poor and highly vulnerable. Following each of these values is a list of components and capacities necessary to make sure the legal services delivery system can faithfully serve each of these values.

1. The system's effectiveness is dependent upon its commitment to assessing and responding to the most critical needs of clients as identified by low income clients and potential clients.
 - Regular assessment of client legal needs based on input from clients and potential clients, and those to whom clients go to talk about their needs.
 - A priority setting process in which client identified needs are given the greatest weight.
 - Legal resources are reconfigured and reallocated to address changed client priorities.
 - Training, coordination and support of legal advocates appropriate to existing and changing client needs.
2. Those in poverty have an equal right to justice regardless of who they are, where they live, or the language they speak.
 - Equitable distribution of resources around the state that assures all geographic regions have access to the most necessary services.
 - Language and cultural competency to provide meaningful access to all client groups.
3. The justice system must be barrier free.
 - A work plan that addresses inclusion, diversity and multicultural competency issues in the structure, leadership, relationship building and resource development of the legal services delivery system.
 - Sensitivity and competence to identify and remove barriers to the legal services delivery system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the services and benefits of the legal services delivery system.
 - Sensitivity and competence to help clients and client groups identify and address barriers in the justice system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the fair creation, implementation, administration or enforcement of our system of laws.
4. A legal services delivery system is effective only to the degree that positive results are achieved for clients, particularly in areas of high priority client need.
 - Reports of client outcomes include information solicited from clients.
 - Efforts are made to obtain longer term follow up information from clients after case closure.

- Report standards are keyed to client needs, adjusted to reflect changing client priorities, and are shared throughout the various parts of the system.
 - An assessment process that recognizes that positive results include each client's opportunity to have his or her claims considered fully and fairly as well as "wins" where clients obtain the relief they sought.
5. The right to justice must remain constant regardless of changing social, political, economic or other conditions in the country, state and communities where low income people live.

The system is vigilant for, and aware of, changes in the political and social environment and their impact on the lives and interests of individual and group clients.

- Client populations with distinct needs (e.g. migrant farm workers, institutionalized persons, Native Americans, senior citizens, refugees, etc.) are served irrespective of changes in political and social environments.
 - Regardless of political or social pressures, client advocacy is consistent with RPCs, statutes and court rules including the capacity to pursue all appropriate forms of relief in all appropriate forums.
 - Restricted and unrestricted funds are allocated with the goal of providing the full range of services to all groups and individuals
6. Resources must first be committed to those efforts and activities that are most likely to result in longest term benefits in areas of the most pressing client needs.
- System resources are deployed to address high priority areas of representation.
 - Regional planning and coordination that avoids duplication and maximizes efficient use of system resources.
 - Regional and statewide assessment of effectiveness of means and strategies used to address priority client needs.
7. Individual and group advocacy are both effective and necessary tools for addressing the legal interests of low income residents throughout the state.
- Legal resources set up to efficiently assist individual clients.
 - Legal resources unrestricted in their ability to represent client groups, particularly where the relief sought has broader and/or more long-term benefit.
 - Recognition of conflicts that may exist between the values and goals of individual clients and client groups with whom they are identified.
8. The most effective resolution of a "legal" problem may require the use of non-legal resources.
- Expertise in a full range of advocacy systems (courts, administrative hearings, alternative dispute resolution, etc.).
 - Cooperative relationships with other advocacy resources, particularly those with experience and expertise in dispute resolution in non-legal disciplines.
 - Support, assistance, coordination and training for community organizations involved in providing legal, educational, health or human services or groups that provide service or advocacy for low income people.
9. Low income people have a greater ability to control their own lives when they have accurate information and the skill, ability and opportunity to use that information to advocate on their own behalf.
- Programs and services that provide information, advice and skills training that help clients effectively advocate on their own behalf including self-help programs, community legal education, client and community outreach, hotlines, ADR programs, internet informational programs.
 - Court and community education that promotes the opportunities for self-advocacy.
 - Community based computer and internet access.
 - Community based clinics.

10. Access to justice means access to and assistance in the places where decisions are made that affect peoples lives including courts and legislative and administrative bodies.
 - Legal resources unrestricted in their ability to advocate on behalf of low income people before legislative and administrative bodies.
 - The expertise and relationships to make legislative and administrative advocacy effective.
 - Capacity and competency to address client needs in quasi and non-judicial settings.
11. Recruitment, coordination and thoughtful use of the components of a legal services delivery system are essential to the system's success.
 - Recognition by the various components of the legal services delivery system that to make the system truly "client-centered" individual and group clients must be seen as a critical component of the system to be utilized in the advocacy process and not merely the beneficiary of that process.
 - Maintenance of programs in as many varied configurations as are necessary to insure the low income population has a meaningful level of access to the broadest possible range of representation and other assistance.
 - Collaborative relationships among staffed legal services programs; private attorneys; volunteer attorney programs; specialized advocacy programs; private and non-profit law firms; justice system workers; other professional disciplines; social service providers; client groups and individual clients themselves.
 - Communication, cooperation and coordination among these various components.
 - Access and effective use of technological resources on a system-wide basis.
12. An outstanding delivery system consciously strives to avoid duplication of capacities and administration.
 - Relatively uniform, highly accessible, user-friendly client intake, case evaluation and referral systems.
 - Organizational relationships and structures that take advantage of economies of scale and actively promote the effective use of existing and emerging technologies.
 - The effective use of existing and emerging technologies that reduce costs and provide better services.
 - Regular evaluation of system programs to insure highest level of effectiveness and efficiency.
13. The system must embrace and reflect appropriate professional ethical and performance standards in every aspect of its practice.
 - Ethical rules.
 - Program policies.
 - Performance expectations in ABA Standards for Providers of Civil Legal Services to the Poor.
 - ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.
14. While taking into consideration the needs of the clients statewide, the system should identify and respond to unique issues and special needs of clients within individual regions, communities and Indian nations.
 - Regional planning and coordination.
 - Community outreach.
15. The system must be organized and operated to insure that accurate and complete information about what the system does and how its does it is available to all.
 - Comprehensive data collection across the system (consistent with client confidentiality requirements).
 - Compilation of data from all components (consistent with client confidentiality requirements).
 - Reporting of data in readable, user friendly form (consistent with client confidentiality requirements).

Appendix B Principles for State Planning

PRINCIPLES FOR STATE PLANNING
Access to Justice Board State Plan Review Committee
November 26, 2003

The basic structure of the Alliance for Equal Justice must insure a presence around the state that:

- Is responsive to the diverse needs of urban & rural client communities;
- Operates to deter those who might otherwise engage in unlawful or unfair conduct at the expense of low income and vulnerable people;
- Is sufficient to maintain the relationships that are necessary to keep and increase understanding and support for the ATJ network; and
- Supports both individual and group representation.

The basic structure of the Alliance for Equal Justice must insure that, notwithstanding funding or substantive restrictions, there remains:

- The capacity to perform the most critical work in the places where decisions are made that affect peoples lives including courts and legislative, executive and administrative bodies; and
- The resources that insure socially, economically and politically disfavored groups can effectively utilize the justice system to protect and defend their most critical rights and interests.

The basic structure of the Alliance for Equal Justice must provide the information, tools and training that give low income and vulnerable people the opportunity to control their own lives by advocating for themselves.

The basic structure of the ATJ network must insure that the component parts of the network:

- Are organized to insure a high degree of communication and cooperation;
- Are utilized in a thoughtful, principled manner to minimize duplication and maximize efficiency and effectiveness;
- Are mutually adaptable to shifting political and social and economic dynamics; and
- Are cognizant of changing client needs and demographics.

The basic structure of the Alliance for Equal Justice must be sustainable in a form and manner of functioning that is consistent with the principles described above and still retain the capacity to pursue the funding and other resources necessary to insure that all who seek justice have the opportunity to get it.

Appendix C Structural Changes since the 1999 State Plan

Structural Changes since 1999 State Plan

- Expanding role and function of NJP (NJP becomes qualified legal aid provider contracting for state funding. In doing so, NJP assumes many roles and functions previously performed by CLS, including: state fiscal contracting agent (flowing state \$\$ to pro bono and specialty providers); expanded responsibility for statewide advocacy and support; expanded responsibility for technical assistance and support to Alliance members; principal underwriter of substantive advocacy training; funder of innovative projects; heightened involvement with EJC on matters relating to state funding).
- Redefining role and function of CLS (CLS assumes a much smaller, more limited focus in its statewide legal aid provider role; principal responsibility is to ensure access to civil justice for clients and low income communities that will not be effectively served by governmentally funded providers and to preserve equitable access for low income people to the full range of legal advocacy capacities envisioned by the Hallmarks; CLS also fills in training and technical assistance gaps unique to its mission).
- Memorandum of agreement between LFW and LAW Fund and subsequent administrative merger, which effectively created the potential for unifying statewide private resource development efforts. Under the protocol established under the Memorandum, LAW Fund money is now distributed to all Alliance members, not just the statewide staffed programs.
- Adoption of the Resource Development Plan and establishment of a statewide Campaign for Equal Justice as the umbrella for statewide private resource development for Alliance member programs in Washington State.
- Adoption of the Communications Committee Plan and establishment of the Alliance for Equal Justice. Beginning the process of creating affirmative expectations of Alliance members and building a culture of accountability within the Alliance.
- Emergence of the Equal Justice Coalition as a strong, credible voice to coordinate legal aid funding efforts with broader judicial branch funding initiatives, and educate elected officials about and promote expanded state and federal funding for civil legal aid. Hosting of the first Open House Project to build greater awareness of the local work of state-funded civil legal aid providers.
- Publication of the Civil Legal Needs Study, Quantification Analysis and Final Report of the Task Force on Civil Equal Justice Funding and the subsequent Creation of the Office of Civil Legal Aid as an independent agency in the judicial branch and a the Civil Legal Aid Oversight Committee to ensure effective oversight of the OCLA, monitor developments and make recommendations relating to state-appropriated legal aid funding.
- Creation of the Advocate Resource Center to support the client legal work of Alliance members, including participating pro bono attorneys.

- Establishment of Washingtonlawhelp.org and expansion of relevant self-help content hosted on the site.
- Growth and maturity of CLEAR as a principal client gateway into the civil legal aid system; demonstration of CLEAR's ability to provide geographically proportional client services; identification of obstacles for certain client groups and populations.
- Efforts (hit and miss) to define expectations relating to and more deliberately engage in regional planning and client service delivery coordination.
- Adoption of the ATJ Technology Principles.
- Creation of INS facility in Tacoma and the necessary opening of NWIRP office to serve the needs of detainees.
- Establishment of pro bono programs in Cowlitz, Island and Asotin counties; substantial and successful reorganizations of pro bono programs in Thurston, Okanogan, Yakima and Chelan-Douglas counties (others?); elimination of pro bono program in Grays Harbor County; establishment of co-locations arrangements between staffed and pro bono legal aid providers in Spokane, Yakima, Wenatchee, Tacoma, Everett and Olympia (others???) to provide more effective integration of client service delivery; shifting of the staffed DV representation ("Project Safer") from LAW Advocates to the Bellingham NJP office.
- Establishment of the Pro Bono Support Coordinator position to help provide ATJ values-driven technical support and assistance for volunteer attorney programs throughout the state; establishment of the Pro Bono Support Coordinating Board to oversee the work of the Pro Bono Support Coordinator.
- State funding nearly doubled over the last six years (from \$8.8 million per biennium to current level of \$15.8 million). FY 2005 elimination of VOCA grants for five civil legal aid programs that had been funded since about 1996.
- Establishment of the Leadership Group and training on/adoption of an ATJ values-driven leadership model to help program leaders at all level understand and embrace heightened expectations for statewide leadership and involvement.
- Conclusion of federal litigation in IOLTA case.
- Developing the 2000 census data analysis effort and translating it into staffing and delivery expectations through the Matrix Project.

Appendix D Participants in the State Plan Review Process

State Plan Review Committee Members and Contributors

Steering Committee:

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Funders and Supporters:

Washington State Supreme Court (mapping technology)
Legal Foundation of Washington (pro bono focus group expenses)
Washington State Bar Association (in-kind staffing, meeting space and other support)
American Bar Association (pro bono focus group facilitator)

Those who Provided Comments on State Plan Drafts:

2-10-06 Draft:

Comments from 2-17-06 Leadership Group meeting (with responses provided by the State Plan Review Committee)
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Lori Isley (CLS – Yakima) (also 3-28)
Larry Weiser (Gonzaga School of Law)
Michelle Besso (NJP – Yakima)
Paul Bastine (Spokane VLP Board member)
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4-7-06 Draft:

King County Bar Association Community Legal Services Programs
LAW Advocates (Whatcom County)
Robbie Scott (Columbia Legal Services – Wenatchee)
Chelan Douglas County Volunteer Attorney Services
Northwest Justice Project
Blue Mountain Community Action Council (three letters)
King County Regional Planning Committee
Joan Kleinberg (NJP – CLEAR)
Judith Lurie (NJP – Wenatchee)
Vicky Minto (NJP – Omak)
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Those who Hosted Presentations by Members of the State Plan Review Committee:

Leadership Group meeting (Seattle)
Civil Legal Aid Oversight Committee
Skagit County Community Action Agency VLS Program
Whatcom County (LAW Advocates)
Yakima County Volunteer Attorney Services
South Central Washington Providers
King County Regional Planning Committee
Blue Mountain Action Council Volunteer Attorney Program
Spokane County Bar Association Volunteer Lawyer Program
North East Washington Legal Aid Advisory Board
Whitman County Legal Aid Advisory Board
Northwest Justice Project
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Appendix E Washington State Civil Legal Aid and Organizational Relationships

**WASHINGTON STATE CIVIL LEGAL AID
ORGANIZATIONAL RELATIONSHIPS**
(May 2006)

I. Policy Development and Oversight

Washington Supreme Court

- Established and appoints Access to Justice Board members.
- Established Supreme Court Task Force on Civil Equal Justice Funding which was responsible for the 2003 Washington State Civil Legal Needs Study.
- Promoted establishment of Office of Civil Legal Aid as an independent judicial branch agency and appoints members of the OCLA Oversight Committee.
- Invests \$100,000 per year to support the Access to Justice Board.

Access to Justice Board

- Principal planning and oversight body for Washington State's Alliance for Equal Justice.
- Established vision and core values that govern civil legal aid system design and service delivery (Hallmarks).
- Adopts and oversees implementation of State Plan for the Delivery of Civil Legal Aid Services (establishes expectations for coordinated, integrated statewide civil legal aid delivery planning and corresponding public and private resource development and investment).
- Principal committees include:
 - **State Plan Review Committee** – Reviews and revises State Plan
 - **Equal Justice Coalition** – Educates policy makers and the public and promotes expanded investment of public resources (state and federal) for civil legal aid
 - **Technology** – Coordinates statewide legal aid technology initiatives and infrastructure, including coordination with Administrative Office of the Courts (AOC), Washington State Bar Association (WSBA) and other justice system partners
 - **Communications** – Establishes consistent communications strategies for internal and external legal aid system activities
 - **Impediments** – Identifies and develops policy initiatives to address barriers that low income and disabled individuals experience in securing access to the civil justice system
 - **ATJ Technology Principles Implementation Strategies Committee** – Committee dedicated to establishing protocols for implementing ATJ Technology Principles adopted by Supreme Court in December 2004

Washington State Bar Association

- Hosts and administers the Access to Justice Board.
- Maintains Pro Bono and Legal Aid Committee (PBLAC) which develops policy initiatives designed to expand opportunities for attorneys to provide pro bono representation.

- Co-developer of initiatives designed to address matters relating to the administration of justice.

II. Funders/Investors

Federal Legal Services Corporation (LSC)

- Federally established non-profit corporation that receives and distributes congressional appropriations to support civil legal aid programs in all 50 states.
- Funding governed by numerous regulations which limit the use of federal funds and other funds received by the LSC recipient for representation of certain classes of low income clients, on specific types of legal problems, in legislative and certain administrative forums, and employing certain legal strategies otherwise available to attorneys.
- In Washington State, LSC funds are granted to the Northwest Justice Project (NJP), a statewide legal aid provider with main offices in Seattle and field Offices in 10 locations throughout the state.
- Annual funding: About \$5.6 million.

State of Washington, Office of Civil Legal Aid

- Independent judicial branch agency established by the Legislature in 2005 in response to recommendations from the Supreme Court’s Task Force on Civil Equal Justice Funding.
- Principal responsibilities Include: (1) administer and oversee the investment of state appropriated civil legal aid funding, (2) monitor the capacity of the civil legal aid system to address ongoing needs of low income residents, (3) through the Civil Legal Aid Oversight Committee make recommendations to the Supreme Court, Access to Justice Board and Legislature on matters relating to the provision of civil legal aid services, and (4) develop budget recommendations.
- State funding governed by provisions of RCW 2.53.030, which limits use to eleven (11) areas of legal problem, prohibits use for legislative or administrative representation and class actions, and prohibits use for representation of individuals not lawfully present in the United States.
- State funding contracted to a single “qualified legal aid program” – the Northwest Justice Project – which serves as fiscal and subcontracting agent for the statewide Alliance for Equal Justice. Through subcontracting, state appropriated funds are used to underwrite efforts of NJP, 24 county-based pro bono Programs and seven specialty legal aid providers that provide services authorized under RCW 2.53.030.
- Activities of Office of Civil Legal Aid overseen by bipartisan Civil Legal Aid Oversight Committee established by the 2005 Legislature.
- Annual funding from legislative appropriation: About \$8.3 million.

Legal Foundation of Washington (LFW)

- Established by Washington Supreme Court in 1984 to collect, administer and oversee use of interest on lawyers’ trust account (IOLTA) funds.

- Serves as administrative host to LAW Fund/Campaign for Equal Justice, and includes funding raised through the annual campaign in its annual grant making cycle.
- Conducts annual grant application process and executes grants with more than 30 organizations that make up the Alliance for Equal Justice. Consistent with ATJ Board Hallmarks and State Plan, strategically invests funding to ensure that all clients and client groups have equitable access and a meaningful opportunity to secure appropriate legal assistance on matters of legal significance to them. In this capacity, LFW Serves as principal funder of Columbia Legal Services (CLS) and Northwest Immigrant Rights Project (NWIRP).
- Host and principal underwriter of ATJ Board’s Equal Justice Coalition (EJC), which educates policy makers and the public on the value of civil legal aid services, defends the integrity of the system, and promotes expanded public funding for the Alliance.
- Annual funding (IOLTA/LAW Fund): About \$5.3 million

III. Providers – The Alliance for Equal Justice (Washington State’s Network of Organizations Providing Legal Aid to Those With Nowhere Else to Turn)

Statewide Staffed Legal Aid Program

- Northwest Justice Project is the state’s principal staffed civil legal aid program. NJP operates the statewide toll-free intake system (CLEAR), maintains a statewide self-help website (www.washingtonlawhelp.org), and ten (10) field offices located in Bellingham, Everett, Seattle, Tacoma, Olympia, Vancouver, Yakima, Wenatchee, Spokane and Walla Walla. NJP maintains satellite offices in Bremerton, Pasco and Omak and serves clients in other parts of the state through fee-for-service contracts with local private attorneys. NJP also serves as the fiscal contracting agent for state funds, which are used to help underwrite the activities of 24 pro bono and seven specialty legal services providers. Principal funding sources: LSC, OCLA.

Specialty Legal Aid Providers¹

- Northwest Immigrants Rights Project (NWIRP) addresses the civil legal needs of low income non-citizens on immigration-related matters. NWIRP maintains offices in Seattle and Granger. Principal funding sources: LFW, private funds, small grants.
- Columbia Legal Services (CLS) is a statewide legal aid program that provides a full range of services to highly vulnerable low-income clients and client groups who face unique barriers or are otherwise unable to secure the type or quality of legal assistance that they need to effectively assert, promote or defend important civil legal rights. CLS offers legal aid services to foster children, child care workers, handlers of dangerous pesticides, seniors and disabled, victims of deficient public defense systems, farmworkers harmed by abuses in H-2A guestworker program and many others in matters involving health, food stamps,

¹ Receiving funds from the Legal Foundation of Washington and/or the Office of Civil Legal Aid.

adequate fixed and mobile home housing, consumer abuses and domestic violence. CLS maintains five (5) offices in Seattle, Olympia, Wenatchee, Yakima and Kennewick. Principal funding sources: LFW, private funds, small grants.

- TeamChild is a program that provides representation to youth involved in the juvenile justice system on related civil matters. TeamChild has offices in Spokane, Tacoma, Yakima, Everett and Seattle. Principal funding sources: State appropriations, LFW, OCLA, small grants.
- Unemployment Law Project is a statewide organization that provides assistance and representation to low income people on matters relating to eligibility for unemployment compensation. ULP is located in Seattle. Principal funding sources: private grants, LFW, OCLA, client fees.
- Legal Action Center provides representation on housing and related matters to low income clients in King County. Principal funding sources: Diocese of Seattle, LFW, OCLA.
- Fremont Public Association (FPA) Family Assistance Program is located in Seattle and provides legal assistance to residents of King County on matters relating to eligibility for governmental assistance. Principal funding sources: FPA, LFW, OCLA.
- University Legal Assistance is the clinical law program at Gonzaga University. It provides family law, consumer, elder law and other services to low income clients in Spokane County. Principal funding sources: Gonzaga School of Law, LFW, OCLA.
- Northwest Health Law Advocates is a small statewide organization that provides legal representation on matters relating to the development and administration of state and private health care programs. Principal funding sources: private grants and contracts.

Volunteer Attorney (Pro Bono) Programs

- Twenty-four (24) county-based pro bono programs located throughout the state participate as members of the Alliance. These programs recruit private attorneys to participate in a wide range of civil legal aid services from brief service and advice clinics to extended representation on complex civil legal matters. Principal sources of funding: LFW, OCLA, local bar associations, community services programs, small grants, private donations. These programs include:
 - Asotin County Legal Services
 - Benton-Franklin Legal Aid Society
 - Blue Mountain Action Council Volunteer Attorney Program
 - Chelan-Douglas County Volunteer Attorney Services
 - Clallam County Pro Bono Lawyers
 - Clark County Volunteer Lawyers Program
 - Cowlitz-Wahkiakum County Bar Association Legal Aid Program
 - Eastside Legal Assistance Program
 - King County Bar Foundation Community Services
 - Kitsap Legal Services
 - Kittitas County Volunteer Legal Services
 - LAW Advocates

- Lewis County Bar Legal Aid
- North Columbia Community Action Council
- Northeast Washington Legal Aid Program
- Okanogan County Legal Services Program
- Skagit County Community Action Agency VLP
- Snohomish County Legal Services
- Spokane County Bar VLP
- Tacoma-Pierce County Volunteer Legal Services Program
- Thurston County Volunteer Legal Services Foundation
- Volunteer Lawyer Program of Island County
- Whitman County Legal Service Community Action Center
- Yakima County Volunteer Attorney Services

Appendix F Lists of Client and Resource Categories that are Mapped

Demographic and Resource Data that has been Mapped

Demographic Data:

1. Poverty population by # of poor people
2. Percentage of poverty population of overall population
3. Number of people by race
4. Percentage of poverty population by race
5. Number of people - Hispanic/Non-Hispanic
6. Percentage of poverty population – Hispanic/Non-Hispanic
7. Lack of phone service - #, and percentage of population
8. Number of families speaking a language other than English at home
9. Percentage of families speaking a language other than English at home
10. Percentage of poverty population speaking a language other than English at home
11. Percentage of poverty population and top five languages spoken at home
12. Percentage of poverty population that does not speak English well or at all
13. Number of farm workers
14. Number of people in institutions
15. Number of people 60 years of age and older
16. Percentage of population people 60 years of age and older
17. Percentage of people 60 years of age and older in poverty
18. Number of people 18 years of age or younger
19. Percentage of population 18 years of age or younger
20. Percentage of people 18 years of age or younger in poverty

Resource Data:

1. General Legal Aid Providers:
 - Northwest Justice Project
 - Columbia Legal Services
 - All Volunteer Lawyer Programs
2. Specialty Legal Aid Providers:
 - Northwest Women's Law Center
 - Northwest Health Law Advocates
 - Northwest Immigrant Rights Project
 - Unemployment Law Project
 - Fremont Public Association
 - Legal Action Center
 - Center for Justice
 - Military Legal Services
 - Team Child
3. University Law Clinics
 - Gonzaga
 - University of Washington
 - Seattle University School of Law
4. Courthouse Assistance:
 - County Clerks
 - Family Law Facilitators
 - Advocates for Victims of Domestic Violence
 - Guardianship/probate Facilitators
 - Law Libraries
5. Government Legal Services
 - Department of Child Support
 - Prosecutor's Family Support Units
 - Human Rights Agencies
 - Crime Victim Services
6. All Tribal Courts
7. Mediation Services

Appendix G Pro Bono Capacity by County

Potential Pro Bono Contribution: All Counties

County	Poverty Population	Licensed Attorneys	Atty:Poor Person	Expected PB Contribution @ 20% * 30 hrs./atty	Potential FTE Staff Atty	Reported Hours (based on 1st half 2005) (annualized)	Effective FTE Contribution (Annualized)
King	186,165	12,613	15	75,678	50.5	27,190	18.1
Snohomish	54,306	991	55	5,946	4.0	2,988	2.0
Pierce	94,035	1693	56	10,158	6.8	8,100	5.4
Clark	42,480	566	75	3,396	2.3	670	0.4
Spokane	67,302	1508	45	9,048	6.0	3,182	2.1
Thurston-Mason	31,534	1179	27	7,074	4.7	1,550	1.0
Kitsap	26,207	544	48	3,264	2.2	1,674	1.1
Benton, Franklin	33,506	300	112	1,800	1.2	914	0.6
Whatcom	28,896	384	75	2,304	1.5	1,800	1.2
Yakima	58,177	371	157	2,226	1.5	596	0.4
Skagit	15,586	196	80	1,176	0.8	1,052	0.7
Grant	17,893	100	179	600	0.4		0.0
Chelan, Douglas	18,033	197	92	1,182	0.8	620	0.4
Island	7,027	82	86	492	0.3	560	0.4
Cowlitz, Wahkiakum	16,990	122	139	732	0.5	150	0.1
Lewis	12,918	86	150	516	0.3	340	0.2
Stevens, Ferry, Pend Oreille	12,889	46	280	276	0.2	514	0.3
Clallam	10,446	113	92	678	0.5	1,320	0.9
Walla Walla	9,983	66	151	396	0.3	294	0.2
Kititas	7,515	45	167	270	0.2	1,060	0.7
Okanogan	10,626	60	177	360	0.2	260	0.2
Jefferson	3,975	54	74	324	0.2		0.0
San Juan	1,753	43	41	258	0.2		0.0
Grays Harbor	13,817	93	149	558	0.4		0.0
Asotin	4,102	17	241	102	0.1		0.0
Adams	4,367	11	397	66	0.0		0.0
Klickitat	4,230	24	176	144	0.1		0.0
Pacific	4,268	14	305	84	0.1		0.0
Whitman	10,678	71	150	426	0.3	104	0.1
Skamania	1,587	10	159	60	0.0		0.0
Lincoln	1,806	12	151	72	0.0		0.0
Garfield	459	4	115	24	0.0		0.0
Columbia	753	9	84	54	0.0		0.0
Total	814,309	21,624	4,297	129,744	86.5		

Appendix H Proposed Client Service Regions

Poverty Population Includes Alice Larson Estimated Uncounted									
Current Allocated Region FTE	Percentage of Region FTE	Region Poverty Population w Larson	Percentage of Region Poverty Population w Larson	Difference	Equitable FTE Allocation (125% Census Poverty Pop w/ Larson)				
8.7	28%	78,967	27%	1%	8.4				
5.2	17%	46,936	16%	1%	5.0				
2.5	8%	18,221	6%	2%	1.9				
3.5	11%	37,886	13%	-2%	4.0				
11.4	36%	112,972	38%	-2%	12.0				
31.3	100%	294,980	100%	0%	31.3				
16.1	82%	69,533	71%	11%	14.0				
2.8	14%	13,088	13%	1%	2.6				
0.8	4%	15,637	16%	-12%	3.1				
19.7	100%	98,258	100%	0%	19.7				
45.3	63%	187,247	61%	2%	43.7				
21.5	30%	95,297	31%	-1%	22.2				
5.3	7%	26,389	9%	-1%	6.2				
72.1	100%	308,932	100%	0%	72.1				
9.8	40%	59,192	46%	-6%	11.2				
12.9	53%	55,079	43%	10%	10.5				
1.8	7%	14,551	11%	-4%	2.8				
24.5	100%	128,822	100%	0%	24.5				
6.3	38%	45,364	35%	3%	5.8				
2.1	13%	17,236	13%	-1%	2.2				
5.7	35%	46,163	36%	-1%	5.9				
2.4	15%	19,459	15%	0%	2.5				
16.5	100%	128,222	100%	0%	16.5				
164.1		959,213			164.1				

Sum of Total FTE Current Regions	Regional Identifier (1-18)	Total
8.661886791	1	Benton/Franklin/Walla
5.216883445	9	Walla/Columbia
2.485817952	10	Grant/Adams
3.532585517	11	Okanogan
11.4132081	13	Chelan/Douglas
31.31038181		Yakima/Kittitas
16.11048756	4	Spokane/Lincoln
2.756295678	5	Ferry/Stevens/Pend Oreille
0.816960501	6	Asotin/Garfield/Whitman
19.72030538		
45.32320173	14	King
21.4936316	15	Pierce
5.284180876	16	Kitsap
72.10101421		
9.79692885	7	Whatcom/Skagit/Island/ San Juan
12.88385757	8	Snohomish
1.774628979	17	Clallam/Jefferson
24.4554154		
6.253765946	2	Clark/Skamania/Klickitat
2.071297672	3	Cowlitz/Pacific/Wahkiakum
5.741999547	12	Thurston/Mason/Lewis
2.437366654	18	Grays Harbor / Pacific
16.50442982		
164.0915466		

Appendix I Regional Planning: Process, Questions and Answers

Regional planning: Process, Questions and Answers

The Revised State Plan calls upon Alliance partners in each region to plan and coordinate resource allocation, case service priorities and client service delivery. This document provides answers to questions that have been presented to the State Plan Review Committee during the review and comment process.

Q. What are the geographic regions for which planning is required?

A. Planning should occur in all of the 18 regions identified in the revised State Plan. In some areas where there are currently few local resources, planning should be coordinated with providers serving clients in contiguous regions and who have delivery responsibilities in the smaller region.

Q. Who should be involved in regional planning?

A. Regional planning should be inclusive of all local providers and supporters. Participants will include representatives from:

- the NJP office currently responsible for the counties comprising the region
- CLEAR and NJP's Contract Attorney Program (where contract attorney services are anticipated to be part of the delivery mix)
- all pro bono programs in the region
- statewide programs with substantial service delivery responsibilities in the region (e.g., Columbia Legal Services, Northwest Immigrants Rights Project, Unemployment Law Project) as appropriate based on issues to be discussed, potential client groups in the region, etc.
- Alliance-funded legal aid providers present in the region (including specialty providers)
- Non-Alliance funded partners willing to participate
- Courthouse facilitators
- Local bench and bar leaders
- Other people who provide information or assistance to clients where appropriate. Staff from the statewide programs such as CLS, NWIRP, ULP or others should be present when, etc.

Q. What is the purpose of the regional planning exercise?

A. The purpose of regional planning is to develop a coordinated approach to client legal aid service delivery in areas of high priority client needs and to ensure that the full range of client services defined in the revised State Plan are equitably available to all clients in the region – including those ineligible for federal or state legal aid. The revised State Plan calls for planning both with the resources currently available and planning for an increase in resources.

Q. What is the end result of the regional planning exercise?

A. Each region is being asked to submit a plan that generally provides:

- An overview of client population demographics (who are the clients? Are there significant populations of clients who cannot be served with state or federal funds? Are there client communities that experience significant barriers to

accessing civil legal aid services and for whom special outreach and educational efforts need to be undertaken?)

- An assessment of the most important civil legal problems facing the clients (regional client service priorities statement)
- A report identifying recommended changes in organizational relationships (if any) and generally assigning responsibilities for serving high priority client needs among the various regional providers (including statewide providers serving clients within the region)

Q. How much time will this take away from client service delivery?

A. Because planning is essential to effective and responsive client service delivery, the time dedicated to this effort should be considered as part of a staff person's client service delivery activities. The initial regional planning effort is likely to require at least a couple of extended meetings of all regional providers. More time will likely need to be spent in regions with a large and diverse population base and a larger number of providers.

Q. We're not planners; we're legal aid providers. Is there help available?

A. Yes, the Access to Justice Board will make staff available to help with the initial round of regional planning. Planning support staff will be available to facilitate meetings, provide information about approaches being taken in other regions, identify "best practices," and help think through the range of potential pro bono and other delivery configurations that the revised Plan expects regional planners to consider.

Q. Why doesn't the ATJ Board just tell us what we should do?

A. The ATJ Board does not presume specific outcomes from regional planning. Within the general framework set forth in the revised Plan (including the required range of client services and the minimum client service and pro bono administrative capacity thresholds), the revised Plan leaves the specifics to the regional planners.

Q. What should the regional plan look like?

A. For consistency purposes, each plan should be written and address the following questions:

- What resources are currently available in the region to provide client services? (Include statewide resources actually available such as CLEAR, Contract Attorney Program, work CLS is doing in the region, representation provided by other statewide and local specialty providers, etc.). In addition to reviewing what programs are presently providing what types of service, it will be important to determine what programs are actually able to provide (as opposed to what types of cases planners might want them to do). This is particularly important in determining the most effective role for pro bono programs, as there may be high priority cases that pro bono attorneys will not take, no matter how much training and support is provided. It does not make sense to build a plan based on the assumption that a certain provider will take cases they will in fact not take.

- What are the most important client needs in the area based on current knowledge? This will involve reviewing the Civil Legal Needs Study, NJP's most recent client service priority statements for each region, updated Matrix information (to be provided by the ATJ Board), other relevant local and regional client service needs information.
- In addition to information that has already been compiled, what outreach or additional information gathering might be helpful in determining priority client needs? How might that information be obtained?
- Based on the information you have gathered, what are the regional client service priorities?
- Which program will work on which priorities? In what way? How will programs coordinate work? Who will be responsible for coordination?
- In deciding what programs will work on which priorities, it will likely be useful to start with providers that have a narrower scope and work to providers that have a broader scope. And, so the planners might ask:
 1. To what degree and in what areas is the pro bono program able to provide consistent and reliable levels of legal assistance. (Substance, type and intensity).
 2. If there is a specialty provider (e.g., TeamChild, local YWCA DV program), what is its role in relation to the priority needs. What will it do, for whom and how?
 3. What client needs must be addressed by a non-state/LSC funded entity. What entity will be engaged and at what level?
 4. What is the resulting role for the NJP office?
 5. Can the current resources be organized in a way to increase, or more efficiently provide, client services? (For example: Can NJP deploy its staff more frequently to the region? What can pro bono attorneys do; what won't they do? How can we maximize their involvement on high priority cases that they may be willing to take? What are the implications on the case acceptance and client service priorities for the staffed and specialty programs? Are there changes in organizational relationships that appear to be indicated by operation of the revised Plan? If so, what changes are recommended?)
- What outreach and community based legal education, information and access strategies need to be developed for identified client communities who cannot adequately access CLEAR. Who will assume responsibility for carrying out these activities and where and how will be the conducted. (Note: To ensure maximum relevancy, the revised State Plan suggests that community based outreach and educational activities be conducted in places where identified communities of persons who are unable to afford

legal counsel gather, such as senior centers, Indian Reservations, community action programs, social service agencies, migrant health centers, churches, legal aid program offices, domestic violence advocacy programs, court houses, schools, etc.) What efforts are required to ensure that outreach and community based activities are fully accessible to the target population, including members with disabilities or language access needs.

- Q. To what extent should the regional plan focus on client service delivery with an expanded resource base?
- A. The regional plan should include some preliminary thoughts and expectations for expanded client service delivery as additional resources are made available to the region. This is not intended as an abstract exercise, but a guide for future planning. Some relevant questions include:
- If additional resources are made available to the region, where should they be deployed? What services should they be designed to provide and what priorities should they address?
 - Are there specific pressing needs for which the region should seek special grants or resources now?
 - How and when will the plan be evaluated and, if necessary, modify the regional plan? Who will be responsible for evaluation?
- Q. What do we do with the regional plan? To whom should it be sent?
- A. The regional plan should serve as a continuous guide for client service delivery in the region. A copy of the regional plan should be sent to the ATJ Board's State Plan Oversight Committee.

Appendix J Definitions

DEFINITIONS

Access to Justice Board (ATJ)

Body established by the Washington Supreme Court as the central planning, coordination and oversight body for Washington State's integrated civil legal aid delivery system.

ATJ Conference

Access to Justice Conferences have been held annually since 1996. Conferences are attended by judges, court staff, legal aid providers, funders, boards and many other Alliance members and supporters concerned with equality of access to justice. Each annual conference features a skit, which sets the theme for the conference program. The report from each conference includes a set of recommendations (listed under "Related Publications" at right), which serve as benchmarks for measuring the progress of statewide initiatives from year to year.

ATJ Communications Plan

The plan outlines a strategy to create and disseminate a clear and consistent message about the vision and work of the Washington State Alliance for Equal Justice. The information in the communications plan helps Alliance members and supporters provide information about their work, develop positive relationships, enhance understanding in the community, encourage volunteerism and raise funds to support the delivery of civil legal aid in Washington.

ATJ Technology Plan

The plan is a technology roadmap for the Washington State Alliance for Equal Justice. The plan has three general focuses: how technology can enhance direct services to low and moderate income people; how technology can improve the efficiency and effectiveness of the work of legal services providers; and how we can ensure that the implementation of technology in justice systems creates opportunities not barriers for low and moderate income and vulnerable people.

ATJ Technology Principles

Access to justice is a fundamental right in Washington State, and the State Supreme Court has recognized and endeavored to protect that right in its establishment of the Access to Justice Board. Because technology can affect access to justice, the Access to Justice Technology Principles were adopted by the State Supreme Court to provide general statements of broad applicability and a foundation for resolving specific issues as they arise. In essence, the use of technologies in the Washington State justice system must advance and protect the fundamental right of equal access to justice. There is a particular need to avoid creating or increasing barriers to access and to reduce or remove existing barriers for those who are or may be excluded or underserved, including those not represented by counsel.

Campaign for Equal Justice

Also known as "C4EJ," it is a statewide private resource development campaign targeted principally at attorneys and law firms.

Capacity

The ability to meet the civil justice needs of low income individuals in any given client

service region. This capacity may be met by staffed program attorneys, volunteer attorneys or through CLEAR.

Civil Gideon

The concept is that there should be a right to counsel to civil cases. There is an ongoing effort in Washington and across the country to establish a legally enforceable right of indigent persons to competent attorney representation in non-criminal judicial proceedings.

Civil Legal Needs Study

A comprehensive study of unmet civil legal needs of poor and vulnerable people in Washington state, including the unmet needs of those who suffer from disparate access barriers. The completed study sets forth findings identifying the critical needs of low income people in the state of Washington, the nature of their legal problems and the barriers to access to justice.

CLEAR

Coordinated Legal Education Advice and Referral. CLEAR is Northwest Justice Project's toll-free telephone service for eligible low-income people to obtain free legal assistance with civil legal problems. Clients in need of interpreter services in order to access legal services through NJP are entitled to those services. CLEAR serves eligible clients in every county except King County.

CLEAR*Sr.

CLEAR*Sr is a toll-free legal hotline for seniors, and part of NJP's Coordinated Legal Education, Advice and Referral (CLEAR) system. CLEAR*Sr provides free legal services over the telephone to Washington seniors regardless of their income. CLEAR*Sr serves all counties in the state of Washington.

Client service region

Defined geographic service delivery regions created based on a range of relevant social, demographic, economic, transportation and client service delivery considerations.

Community Action Agency (or Community Action Program or Community Action Council)

A type of umbrella social service agency; several in Washington house pro bono programs.

Contract attorney programs

NJP pays individual attorneys to handle individual legal aid cases on a reduced fee basis in some regions.

Courthouse facilitators

Created by State Supreme Court rule 37 and authorized by statute RCW 26.12. 240, courthouse facilitators provide basic services to pro se litigants in family law cases.

Equal Justice Coalition

Equal Justice Coalition is a standing committee of the ATJ Board and serves as the principal voice of the ATJ Board and the Alliance on matters relating to state and federal funding. Administered by the Legal Foundation of Washington

Extended representation

Also known as “full” or “direct” representation, this representation envisions a relationship with a client including a retainer agreement and the completion of legal work for the client. *Contrast,*

Advice: providing legal information and legal judgment and weighing of options regarding the client’s situation.

Brief Service: completing limited tasks for the client such as providing brochures and self help materials, assisting with the drafting of a letter or pleading but making no further commitment to represent the client in the case.

Referral: giving the client information on where to obtain legal representation or giving the client’s information to an agency or attorney who will take the case.

FTE

Full time equivalency. An “FTE advocate” delivers 1500 hours of client representation per year. An “FTE advocate” may be composed in whole or part by any the following: staff program regional office and special project attorneys and paralegals, the FTE equivalent representation delivered by *pro bono* programs, representation through judicare contracts, representation resulting from employment of local attorneys on a part time basis or services delivered by CLEAR to the region.

GIS mapping

Geographic Information Software (GIS). This is a tool used by the ATJ Board to develop on-line interactive maps of Washington State utilizing key demographic and resource information about legal aid delivery. (See Appendix F).

Judicare

A contract based program providing paid attorneys to represent low income clients. In Washington this is done through the Contract Attorney Program

LAW Fund

Statewide private fundraising organization that administers the Campaign for Equal Justice.

Legal aid presence

Presence is central to the effectiveness of the civil legal aid system. Presence ensures client knowledge of and access to services, and serves as a deterrent to conduct that undermines or violates the rights of low income people and communities.

Legal Foundation of Washington

Charged with administering and overseeing use of Interest on Lawyer Trust Account (IOLTA) funds. Hosts and staffs the EJC and LAW Fund.

Legal Services Corporation

Congressionally established non-profit corporation that provides funding for civil legal aid in all 50 states. In Washington, LSC funds are granted to the Northwest Justice Project.

Office of Civil Legal Aid

Independent judicial branch agency that administers and oversees state appropriated legal aid funding.

Presence

See “legal aid presence”

Pro bono programs

Also known as Volunteer Attorney Services (VAS), Volunteer Attorney Legal Services (VALS) or Volunteer Lawyer Programs (VLP) these programs recruit and support volunteer attorneys to provide a broad spectrum of services (direct representation, brief services, advice, pro se assistance and community education) in all areas of civil law. Pro bono programs are able to assist clients not eligible for LSC or state funded services. Some pro bono programs have attorneys on staff, others do not.

Rural

Rural means counties with a population density of < 85/sq. mile. Even though this recommendation focuses on such rural areas, the discussion applies equally to urban and suburban areas. For example, King County could be organized into at least three discrete sub-areas within which all delivery capacities should be available: Greater Seattle, East and North County (area served by ELAP), and South County. Similarly, other counties not defined as “rural” (e.g., Kitsap) nevertheless lack many of the minimum necessary delivery capacities and therefore require a similar analysis and response.

Satellite office

A physical location within a client service region that is not a full time legal aid office but is an outpost where staff meet and serve clients on some regularized basis.

Specialty legal aid programs

Employ staff attorneys to provide representation to low-income clients in discreet legal specialties, including immigration, employment law, children’s issues and domestic violence.

Staffed legal aid program

Entities with attorneys on staff who provide a full range of client representation to low income eligible clients in several substantive areas of the law.

Supreme Court’s Task Force on Civil Equal Justice Funding

Established by order of the Supreme Court on November 1, 2001, the Task Force was given five charges: to Undertake a Comprehensive Study of the Civil Legal Needs of Low Income People; to develop an analysis of and rationale for long-term, sustained, and permanent state funding for essential legal services for poor and vulnerable people in Washington State; to establish an appropriate level of funding for state supported civil legal services needed to address identified unmet civil legal needs of poor and vulnerable people in Washington State; to identify and propose strategies to secure long-term, sustained, and permanent stable funding needed to meet this need; and to develop recommendations for the proper administration and oversight of publicly funded civil equal justice services in Washington State.

Washington State Alliance for Equal Justice (members and supporters)

The Alliance is a network of organizations providing legal aid to those with nowhere else to turn. The structure created by the Alliance helps members provide information about their work, develop positive relationships, enhance understanding in the community, and raise funds to support the delivery of civil legal aid in Washington.

Members of the Alliance are organizations whose predominant mission is to provide civil legal aid: legal information, advice and representation to low-income people.

Supporters include groups like Law Fund, law libraries, even private law firms who believe in what we do and actively contribute or support it in some way.

WSBA Pro Bono and Legal Aid Committee

Known as PBLAC, The *Pro Bono* and Legal Aid Committee deals with questions in the fields of *pro bono* and legal aid, with respect to: supporting activities that assist volunteer attorney legal services programs and organizations, and encouraging *pro bono* participation; addressing the administration of justice as it affects indigent persons throughout the state; and cooperating with other agencies, both public and private, interested in these objectives. The major focus of the *Pro Bono* and Legal Aid Committee has been the implementation of the Volunteer Attorney Legal Services (VALS) Action Plan.