

# WHAT'S IT ALL ABOUT?

**"The vibrancy of our Democracy depends upon our willingness to ensure that the fullest range of voices and interests is represented and heard. This is what the fight for equal justice is all about."**

Hon. Robert F. Utter, Retired Justice, Washington State Supreme Court

# ACCESS TO JUSTICE BOARD

- Created by the Supreme Court in 1994 and charged to: “[a]ssure high quality access for low and moderate income residents and others in Washington State who suffer disparate access barriers to the civil justice system.”
- Mission Statement: “Recognizing that access to the civil justice system is a fundamental right, the ATJ Board works to achieve equal access for those facing economic and other significant barriers.”
- Washington State’s Designated Planning Body for Civil Legal Aid Delivery

# ACCESS TO JUSTICE BOARD

## GUIDING PRINCIPLES

- Access to justice is a fundamental right in a just society.
- Access to justice requires an opportunity for meaningful participation and deliberation whenever legal needs, rights, and responsibilities are affected. Legal issues must be adequately understood, presented, and dealt with in a timely, fair, and impartial manner.
- Access to justice depends on the availability of affordable legal information and services, including assistance and representation when needed.
- Access to justice requires adequate funding, resources, and support.
- Equal justice under the law requires that access to justice be available to all people. All persons or groups shall be afforded equal access to justice regardless of the popularity of the cause involved, status, or other considerations or characteristics.

# ACCESS TO JUSTICE BOARD

## Vision and Values: Key Hallmarks of an Effective Civil Legal Aid System (1995; rev. 2004)

- Low income people should be able to access a full range of civil legal aid services and be represented in all appropriate legal forums.
- Legal aid services should be available to all who need them, regardless of social, legal or cultural status.
- Legal aid services should be equitably available regardless of where clients live. Urban and rural residents should have equitable access to necessary legal aid services.
- Legal aid service providers should be culturally and linguistically competent.
- Legal aid services should achieve positive outcomes for clients consistent with their rights under the law.

# **SUPREME COURT TASK FORCE ON CIVIL EQUAL JUSTICE FUNDING**

## ***Civil Legal Needs Study (9/03)***

### **Principal Findings**

- More than three-quarters of all low income households experience an important civil legal need each year
- Of these, nearly 90% do not get the legal help they need to solve their problems
- Women and children experience the highest rates of civil legal need
- Domestic violence victims have the highest per capita number of civil legal problems of any demographic group studied

# CIVIL LEGAL NEEDS STUDY (9/03)

## Additional Findings

The areas of greatest civil legal needs (in descending order) are:

- Housing
- Family safety and security
- Employment
- Consumer
- Public and municipal services
- Public benefits
- Health

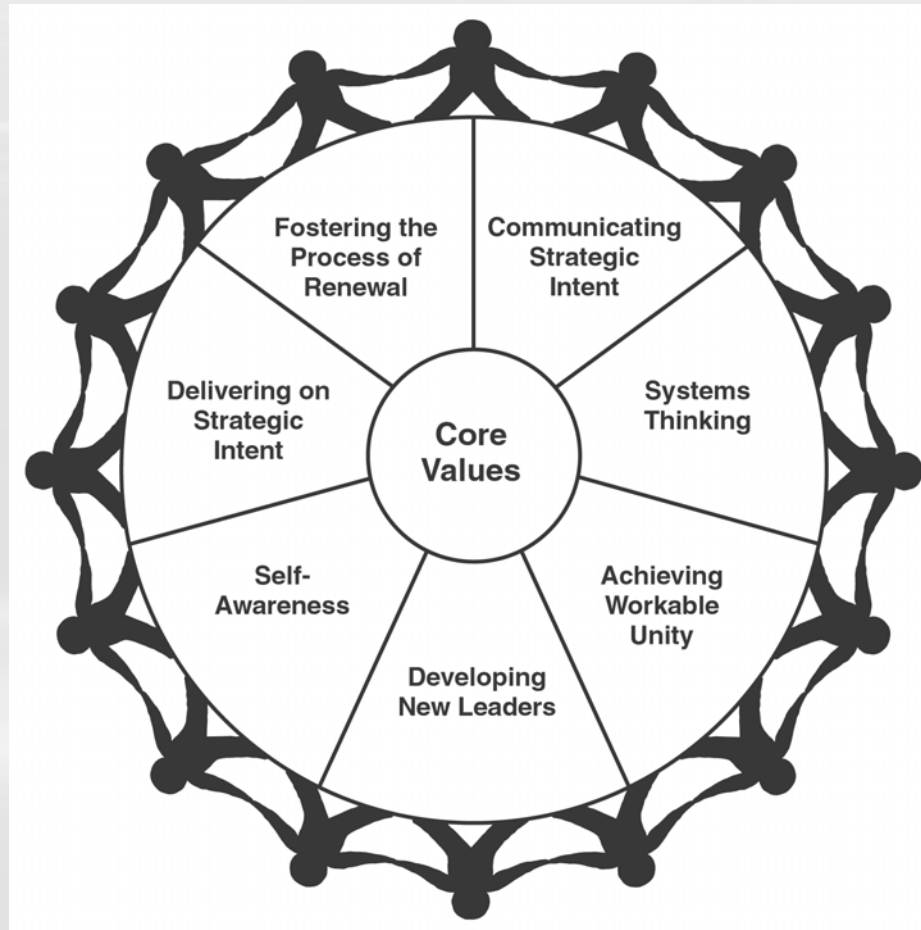
# **FROM LEGAL NEEDS TO DELIVERY PLANNING**

The Washington State Access  
to Justice Board's 2004-06  
State Plan Review

# WHY DO WE PLAN?

- To make sure that we make appropriate services available to all who need them regardless of where they reside, barriers they may experience or the nature of their legal problem
- To make sure that we invest scarce resources wisely and achieve the greatest efficiency and effectiveness in client service delivery
- To coordinate the activities of and hold all programs accountable to common goals and objectives
- To make sure that there is appropriate infrastructure to support the needs of those programs that are involved in client service delivery

# THE EQUAL JUSTICE PLANNING FRAMEWORK



From Ellen Hemley, Center for Legal Aid Education

# MAIN AREAS OF PLANNING FOCUS (2004-06)

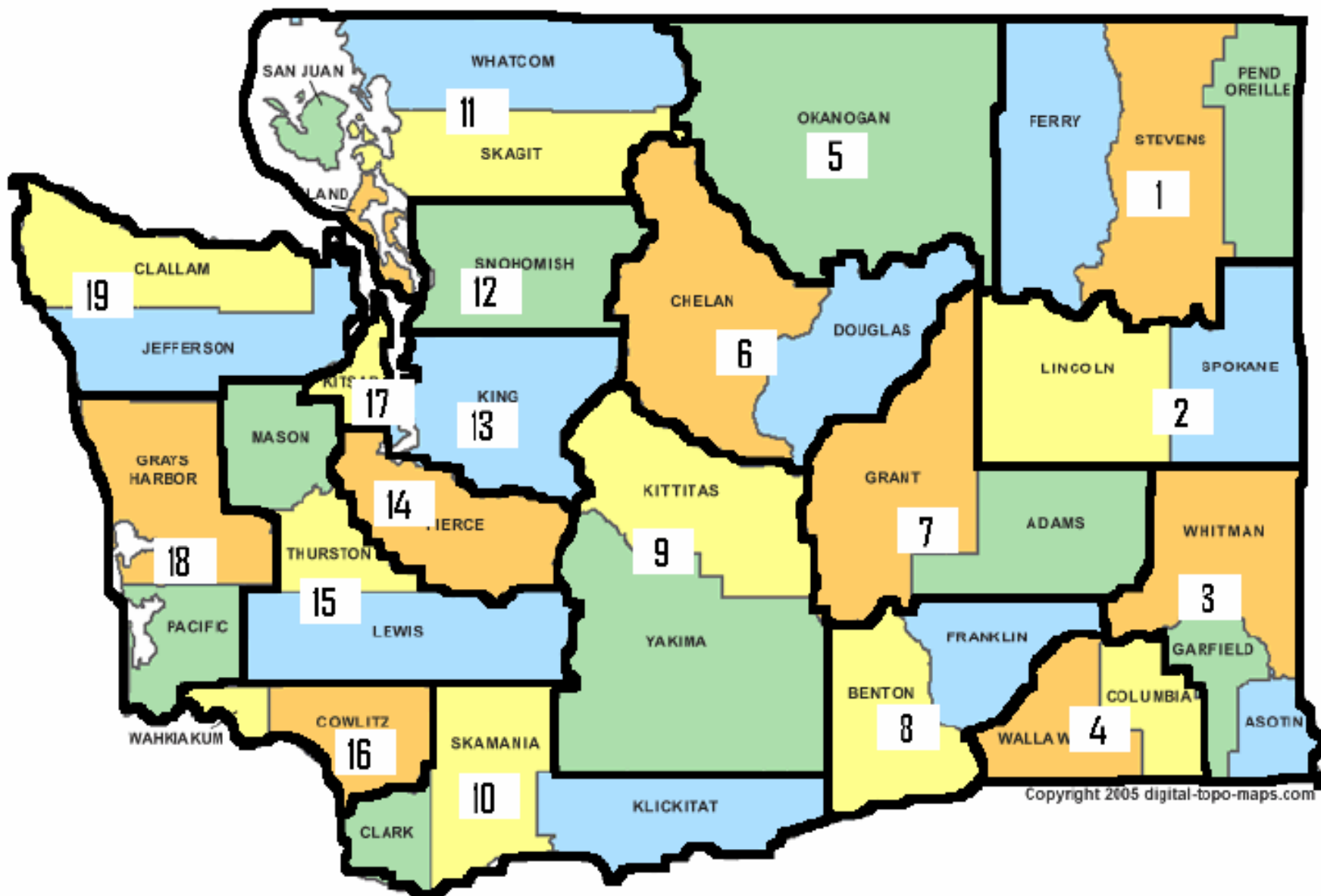
- RURAL DELIVERY
- STRENGTHENING PRO BONO (volunteer attorney involvement in legal aid delivery)
- CLIENT INTAKE/ACCESS IN KING COUNTY
- ACCESS FOR CLIENTS WITH BARRIERS
- STATEWIDE SUPPORT AND INFRASTRUCTURE

# RURAL DELIVERY

## Achieving Minimum Presence

- The Plan divides the state into 19 regional service areas of not less than 12,000 low income people
- The Plan establishes a range of legal aid services that must be available in each region
- The Plan requires that not less than 3.0 legal aid FTE's be located in each region so that the required range of legal aid services is available to clients in the region
- The Plan directs regional providers to prioritize and coordinate their efforts to achieve maximum efficiency in client service delivery

# WASHINGTON STATE CIVIL LEGAL AID DELIVERY REGIONS



# STRENGTHENING PRO BONO

- **The Goal:** Enhance the opportunity and support for volunteer attorneys to provide meaningful and reliable legal aid services in all parts of the state.
- **The Solution:**
  - Structurally integrate pro bono capacity into the regional delivery infrastructure in those areas where there is not a sufficient number of attorneys to reliably contribute 1 FTE (1500 hours/yr) of consistent and reliable legal aid services
  - Upgrade and professionalize pro bono through the establishment of consistent standards, performance assessment, enhanced compensation and expanded statewide support

# IMPROVING CLIENT ACCESS FOR ALL LOW INCOME PEOPLE

**The problem:** Many people with significant legal problems face social, cultural, linguistic, geographic, legal and other barriers that limit access to CLEAR and the legal aid system. Others require rapid response to emergent civil legal problems.

**The solution:** Develop systems for outreach, education and client access; establish dedicated capacity to provide immediate services to persons with emergent or particularly critical legal needs

# STRENGTHENING STATEWIDE SUPPORT FUNCTIONS

The Plan identifies and assigns responsibility for staffing of 8 core statewide support functions essential to its effective implementation:

- (a) State planning and implementation (including oversight)
- (b) Performance evaluation and accountability
- (c) Coordination of client advocacy
- (d) Resource development (public and private)
- (e) Professional development and training (including substantive law, professional skills, cultural competency, leadership development)
- (f) Pro bono support
- (g) Technology
- (h) Building and maintaining support for civil equal justice

# RESPONSIBILITY FOR IMPLEMENTATION OF THE STATE PLAN

- The Access to Justice Board is responsible for implementation of the State Plan. Day-to-day implementation activities are carried out by:
  - State Plan Oversight Committee
  - Civil Legal Aid System Investors
  - Statewide and Regional Alliance Members

# IMPLEMENTATION

- State Plan Oversight Committee
- Status: Permanent ATJ Board committee comprised of representatives from Alliance members and supporters. Chair appointed by the ATJ Board
- Roles:
  - Oversee and provide technical support for implementation of the revised State Plan
  - Monitor changes in the civil equal justice system that may require new or additional planning focus
  - Provide staff and technical support for regional planners

# IMPLEMENTATION

- State-Based Investors: Legal Foundation of Washington (LFW); Office of Civil Legal Aid (OCLA)
- Incorporate expectations of revised State Plan in decisions relating to:
  - Resource development and allocation
  - Support for regional planning and implementation
  - Support for statewide infrastructure
  - Accountability and oversight systems

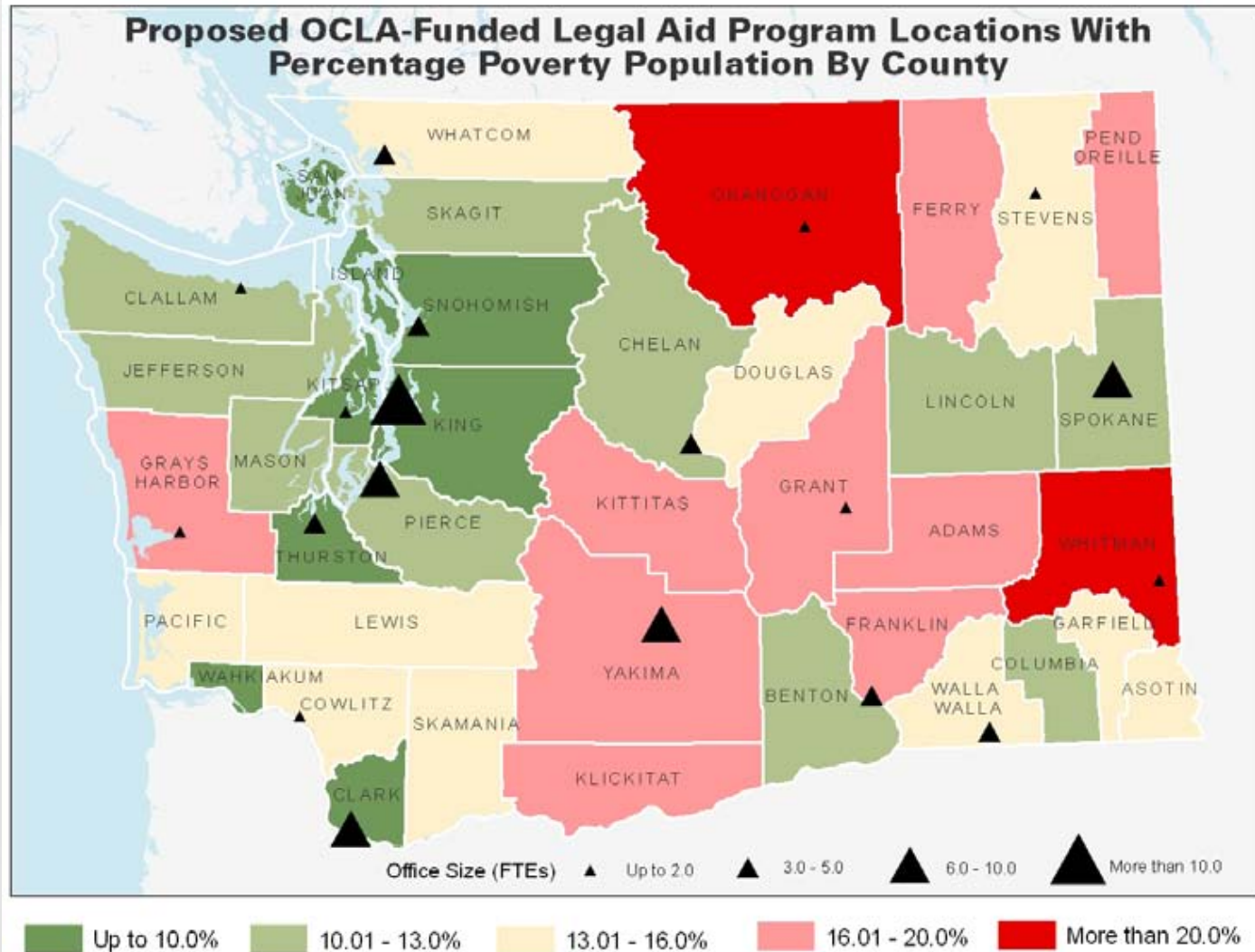
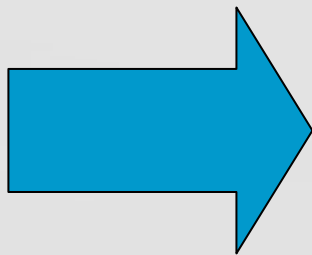
# TRANSLATING THE PLAN INTO A RESOURCE STRATEGY

- The Office of Civil Legal Aid used the State Plan as the basis for its FY 2007-09 budget request. As part of the Justice in Jeopardy Initiative, OCLA requested new funding to:
  - Establish minimum levels of presence in unserved and underserved rural areas
  - Fund a unified intake/access system in King County



# FY 2007-09 OBJECTIVE

## Establish Presence in Six Rural Areas



- Clallam/Jefferson
- Grays Harbor/Pacific
- Cowlitz/Wahkiakum
- Ferry/Stevens/Pend Oreille
- Whitman/Asotin/Garfield
- Grant/Adams

# ...AND THE LEGISLATURE RESPONDS

... As part of the FY 2007-09 Justice in Jeopardy effort, the Legislature provided:

**\$5.27 million in new funding appropriated to fund continued service in existing areas, achieve minimum rural presence and support the King County 211/CLEAR expansion.**

# ... AND THERE WILL BE JUSTICE FOR ALL

The right of access to the courts is fundamental to our system of justice. Indeed, it is the right “conservative of all other rights” ... Meaningful access requires representation. Where rights and responsibilities are adjudicated in the absence of representation, the results are often unjust. If representation is absent because of a litigant's poverty, then likely so is justice, and for the same reason.

Miranda v. Sims, 98 Wn. App. 898, 909 (2000) (Ellington, J. concurring).