TO THE WASHINGTON SUPREME COURT

AND THE WSBA BOARD OF GOVERNORS

APRIL 19, 2012
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I. ACCESS TO JUSTICE BOARD

A. Mission

Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers.

The Access to Justice (ATJ) Board continues to track and evaluate its progress under the directives of this Court’s 2012 Amended Order (page A-1). The ATJ Board continues to refine its mission through the mechanisms it has established to do so: Access to Justice Statement of Principles and Goals (page A-5); Hallmarks of an Effective Statewide Civil Legal Services System (page A-7); the 2006 Plan for the Delivery of Civil Legal Aid to Low-Income People in Washington State (State Plan); and the ATJ Board’s annual priorities.

Current ATJ Board annual priorities (June 2011– June 2012) include:

- Strengthening the pro bono function of the civil legal aid delivery system
- Implementing the Washington State Plan for Integrated Pro Se Assistance Services
- Securing ample funding for civil legal aid and the courts
- Promoting the implementation of JusticeNet
- Promoting leadership development and building organizational capacity
- Eliminating bias in the justice system, with an emphasis on racial and ethnic bias.

B. Members and Participants

Attached is a current roster of ATJ Board members (page A-9). At the request of the Washington State Bar Association Board of Governors (WSBA BOG), on March 26, 2012, the Supreme Court appointed new ATJ Board members Hon. Lisa L. Atkinson, Hon. Anita Crawford-Willis, and Andrew N. Sachs for three-year terms beginning May 18, 2012. They will fill positions vacated by M. Wayne Blair, Elizabeth Fry and Rep. Patricia Lantz (ret.). Mr. Blair and Ms. Fry have completed their second three-year terms. Rep. Lantz has completed her first three-year term and has not requested reappointment. The Supreme Court appointed Lynn Greiner for an initial three-year term beginning March 26, 2012 to complete the term of Justice Steven C. González, who resigned from the ATJ Board on December 2, 2011. The Supreme Court reappointed ATJ Board Chair Kirsten Barron for a second three-year term. At the request of the ATJ Board, the Supreme Court amended the Order to add a tenth member, and, on the recommendation of the ATJ Board, appointed Geoffrey C. Revelle for an initial two-year term. The ATJ Board elected Ishbel Dickens as Chair-Elect.

Attached is a current roster of ATJ Board Committee Chairs, ATJ Board and staff liaisons (page A-10). Approximately 200 volunteers currently serve on the ATJ Board’s eight standing committees. The ATJ Board has created a web page A-for each of its committees which include the names and affiliations of members.

Committee membership includes judges and court commissioners, administrative law judges, tribal court judges, private and government attorneys, law and public librarians, court clerks, courthouse facilitators, paralegals, members of the Alliance for Equal Justice (Alliance) (legal aid, pro bono program and specialty provider staff), law students and
faculty, mediators, educators, technology specialists, Legal Aid for Washington Fund (LAW Fund) and Legal Foundation of Washington (LFW) representatives, Office of Civil Legal Aid (OCLA), staff from the Administrative Office of the Courts (AOC) and the WSBA, representatives from the Washington State Office of Administrative Hearings (OAH), disability groups and human and social service providers.

The ATJ Board also enjoys the active participation of formal liaisons from key justice system partners, including the BOG, Administrative Office of the Courts (AOC), Seattle University School of Law’s Access to Justice Institute (ATJI), the WSBA Family Law Executive Committee, Superior Court Judges Association, District and Municipal Court Judges Association, the Seattle City Attorney’s Office, and Office of Administrative Hearings. A complete list of liaisons is attached (page A-11).

The ATJ Board is a supporter of the Washington State Alliance for Equal Justice www.allianceforequaljustice.org. A current list of Alliance members is attached (page A-13).

C. Meetings

The ATJ Board met eleven times since its April 19, 2011 annual report, including the April 28, 2011 and July 14, 2011 meetings with the Supreme Court. Attached are agendas from June 3, July 29, September 16, October 7, December 2, 2011, January 13, February 24, March 30 2012 meetings and the April 29 2011 ATJ Board retreat (page A-15).

In an ongoing effort to foster deeper engagement with distinct communities around the state and to enhance the ATJ Board’s understanding of the civil legal aid needs of low and moderate income communities, the June 3 Kennewick and July 29 Omak meetings included “listening sessions” – panels of local human and social services providers, legal aid providers who talked about the local legal and socioeconomic challenges. Summaries of these meetings are attached (page A-28).

On October 7, 2011 the ATJ Board hosted its fourth annual meeting of its committee chairs (page A-34).

D. Communications

This Report and ATJ Board meeting materials are posted on the ATJ Board’s website: http://www.wsba.org/atj.

To improve communication and facilitate the dissemination of information, the WSBA hosts e-mail lists for the ATJ Board, each of the ATJ Board’s committees and special projects, and the Washington State Alliance for Equal Justice Leadership Group. Staff maintains a web-based calendar of ATJ Board and ATJ Board committee meetings for use by volunteers.

The ATJ Board’s Communications Committee has developed an online Equal Justice Newsletter http://www.allianceforequaljustice.org/ that publicizes and promotes ATJ Board initiatives.

The WSBA is now providing videoconferencing for the ATJ Board and its committees.
The ATJ Board can be followed on Facebook.

E. **Staff**

The ATJ Board and its committees and initiatives are administered by the WSBA within its Department of Justice and Diversity Initiatives (JDI). (The Legal Foundation of Washington staffs and supports the Equal Justice Coalition and co-staffs the ATJ Board’s Communications Committee). Current ATJ Board staff include Joan Fairbanks, Access to Justice Manager and Allison Durazzi, Justice Programs Coordinator.

Staffing for the ATJ Board/AOC/Office of Administrative Hearings (OAH) Pro Se Project is provided by Consultant Charles Dyer with funds from the Supreme Court.

The ATJ Board continues to host law student interns, externs and volunteers. University of Washington School of Law student Jeff Wyatt interned during June and July doing research on copyright issues for the ATJ Board’s Pro Se Project. University of Washington School of Law student Joshua Hansen interned for the ATJ Board’s Technology Committee June-September researching federal and state laws and policies relevant to Washington State’s Access to Justice Technology Principles. Currently the ATJ Board is hosting University of Washington School of Law extern Ashley McDonald, who is working on issues relating to plain language forms. The ATJ Board also is hosting New York University School of Law graduate Andrew Lee during his 12-month fellowship. He is working with the ATJ Board’s Technology Committee and on the Pro Se Project.

F. **Administration**

The ATJ Board is administered by the WSBA under the auspices of a Memorandum of Understanding between the ATJ Board and the WSBA (page A-35). The ATJ Board Order provides that the Board “may adopt internal operational rules pertinent to [its] powers and duties.” The ATJ Board’s Operational Rules (page A-39), updated regularly, address the roles and duties of ATJ Board members, officers and committee chairs; committee structure and function; the role of staff; and other pertinent matters.

The ATJ Board has a four-member Executive Committee that develops the ATJ Board meeting agendas and performs other functions as provided in the Operational Rules.

G. **ATJ Board Role in Washington State**

Within Washington State, the ATJ Board is a mechanism for “expanding, coordinating, and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people,” as contemplated by the Order. The ATJ Board enjoys an active role in Washington State’s justice community. Examples of this involvement (since the April 2011 Report) include the following:

**WSBA License Fee Rollback Referendum:** The ATJ Board adopted a resolution in opposition to the Referendum and actively encouraged active attorney members and supporters of the Washington State Alliance for Equal Justice to vote no (page A-47).

**Funding for Civil Legal Aid and the Courts**
• The ATJ Board wrote letters to key legislators during the 2012 State Legislative session urging them to avoid further cuts to the Office of Civil Legal Aid’s 2012-2013 appropriation.

• ATJ Board member Nick Gellert provided testimony in support of continued funding for civil legal aid providers at the King County budget hearings in October 2011.

• The ATJ Board facilitated an April 11, 2012 Office of Civil Legal Aid (OCLA) Budget Development Stakeholder Meeting focused on priorities of requests for additional money for civil legal aid in the FY 2013-15 biennium. Stakeholders from around the state participated in person and via videoconference.

• LAW Fund Director Karen Falkingham and LAW Fund Board Member Mark Johnson presented the ATJ Board with a plaque at its December 2, 2012 meeting in recognition of three consecutive years of 100% ATJ Board member participation in the Campaign for Equal Justice.

Court Rules

• Family Law Civil Rules: Members of the ATJ Board’s Justice Without Barriers Committee developed comments on these proposed rules at the request of the WSBA Local Rules Task Force (page A-49).

• Limited License Practitioner Rule: ATJ Board member Ishbel Dickens provided testimony in support of the rule at a February 23, 2012 Town Hall meeting sponsored by the WSBA (page A-61).

• APR 11.2 and MCLE Regulation 103 (Credits for Pro Bono Work): The ATJ Board supported the WSBA Pro Bono and Legal Aid Committee’s proposal to increase the number of MCLE credits lawyers can earn for pro bono service and training (page A-63).

• Comment 4 to RPC 4.4: The ATJ Board supported the advisory opinion developed by the WSBA Immigration Advisory Group and adopted by the BOG designed to alleviate the practice of unfairly using immigration status against a litigant or witness in a civil matter (page A-65).

Civil Legal Aid Oversight Committee:

• The ATJ Board and the Civil Legal Aid Oversight Committee have agreed to meet on a regular basis to enhance communication and share information. There were joint meetings on April 27, 2011, June 3, 2011 at the ATJ/Bar Leaders Conference and on October 7, 2011.

• A subcommittee of members from both entities is developing a succession plan for the Director of the Office of Civil Legal Director.

Race and the Criminal Justice System: The ATJ Board co-sponsored a conference with the Task Force on Race and the Criminal Justice System on September 23-24, 2011 at Gonzaga University School of Law. ATJ Board Chair Hon. Steven C. González made
opening remarks and several ATJ Board members and ATJ Board committee members participated on panels. The Task Force made its second presentation to the Supreme Court on March 28, 2012 on Juvenile Justice and Racial Disproportionality.

**Seattle University School of Law Fellowships:** ATJ Board member Ishbel Dickens and ATJ Manager Joan Fairbanks participated on a panel to select the recipient of the 2012 Leadership for Justice Fellowship.

**Participation on Task Forces and Committees:** ATJ Board representatives currently serve on the following:
- Supreme Court’s Public Trust and Confidence Committee
- Task Force on Race and the Criminal Justice System
- Judicial Branch Strategic Planning Process Advisory Group
- BJA workgroup to review existing filing fee structure for civil cases (The ATJ Board has been invited to appoint a member. The workgroup’s charter is being developed).

**Recognition for Outstanding Contributions:** The ATJ Board continues to nominate, and support the nomination of individuals and organizations for awards and recognition.

- The ATJ Board presented its annual awards at the 2011 Access to Justice Conference:
  - Access to Justice Community Leadership Award: University of Washington Information School
  - Access to Justice Partnership Award: Clark County Organizations - Friends of the Carpenter; Open House Ministries; Salvation Army; Share, Inc. (joint award with 2011 Access to Justice Judicial Leadership Award)
  - Access to Justice Judicial Leadership Award: Judge Darvin J. Zimmerman, Clark County District Court (joint award with 2011 Access to Justice Partnership Award)
  - Access to Justice Leadership Award: Larry A. Tobiska
  - Access to Justice Advocacy Award: Robin Zukoski, Columbia Legal Services
  - ATJ Board/WSBA Norm Maleng Leadership Award: Colleen Kinerk

- The ATJ Board thanked outgoing ATJ Board Chair Hon. Steven C. González for his outstanding service on the ATJ Board with a reception on December 2, 2011 (page A-67).

- The ATJ Board thanked outgoing Committee chairs and liaisons for their years of service:
  - Mike Katell, Chair, ATJ Board Technology Committee
  - Michele Storms, Chair, ATJ Board Communications Committee
  - Kathleen Manning, Co-Chair, ATJ Board Law School Relations Committee
  - Loren Etengoff, Board of Governors liaison to the ATJ Board

- The ATJ Board has nominated its Justice Without Barriers Committee for the American Bar Association’s Paul G. Hearne Award for Disability Rights.

**Increased participation by ATJ Board Members in Legal Community Events:** In an effort to increase awareness about the ATJ Board and its mission, the ATJ Board has committed to an ATJ Board presence at key legal community events (page A-69).
Outreach to Non-Legal Communities: The ATJ Board continues to work to address its dual goals of fostering deeper engagement with distinct communities around the state to increase support for access to justice and to enhance the ATJ Board’s understanding of the civil legal aid needs of low and moderate income communities across the state. Current efforts are focused on greater involvement by local community leaders at the June 2012 Access to Justice and Bar Leaders Conference in Yakima.

Civil Legal Needs Work Group: The ATJ Board and staff participate in a WSBA-convened initiative chaired by ATJ Board Member Wayne Blair. The Work Group has been exploring solutions to the 2003 Washington State Civil Legal Needs Study finding that low and moderate income people face more than 85% of their legal problems without any assistance from an attorney. The Work Group was instrumental in the WSBA Board of Governor’s decision to allocate $75,000 to support the ATJ Board’s Pro Se Project.

Integration with the Judiciary: The ATJ Board works to enhance collaboration and communication with the judiciary in the following ways: (1) semi-annual meetings with the Supreme Court; (2) active recruitment of judges from all levels of state court, administrative, and tribal courts for participation on the ATJ Board and on ATJ Board committees; (3) establishment of formal liaisons to the ATJ Board from the Superior Court Judges Association, the District and Municipal Court Judges Association, and the Office of Administrative Hearings; (4) establishment of a formal liaison to the ATJ Board from the Administrative Office of the Courts; and (5) appointment of an ATJ Board liaison to the Board for Judicial Administration (BJA).

Integration with the Organized Bar: The ATJ Board works to enhance collaboration and communication with the Washington State Bar Association and local, specialty, and minority bar associations in the following ways: (1) annual ATJ Board presentations to the BOG; (2) participation in WSBA orientations for volunteers; (3) annual orientation of the WSBA president and new BOG members; (4) reciprocal liaisons with the BOG; and (5) regular ATJ Board participation at key legal community events.

H. National Participation

The ATJ Board continues to be active at the national level and regularly receives inquiries from other states regarding its initiatives.

ABA Language Access Standards: The ATJ Board endorsed the Standards, which have broad implications for Washington State.

Report on the Role of Law Libraries in Access to Justice: The ATJ Board was one of eight state boards and commissions invited to co-sponsor The Twenty First Century Access to Justice Law Library: Vision, Deployment and Assessment (written by Richard Zorza).

Annual Meeting of State ATJ Board Chairs and Commissions: Sponsored by the American Bar Association (ABA) and National Legal Aid and Defender Association (NLADA), the ATJ Board has participated in these meetings since their inception. Chair Hon. Steven C. González and Joan Fairbanks participated in the May 21, 2011 meeting in Las Vegas, Nevada (page A-71). The ATJ Board Chair and staff participate in regularly scheduled conference calls with state and national Access to Justice leaders on current issues relevant to the ATJ Board.
Road Map: The ATJ Board’s Open Society Institute-funded handbook, *Equal Justice…The Noblest Common Denominator: A Road Map for Building an Equal Justice Community*, published in 2001, has been widely distributed throughout the country. The handbook continues to be used by many states in a variety of ways to build and enhance their own state and local equal justice communities.

II. SUPREME COURT-FUNDED ATJ BOARD INITIATIVES

A. Status Report on FY 2011-2012 Funding

The Court budgeted $30,000 for the ATJ Board for FY 2011 and $5,000 for FY 2012. The Administrative Office of the Courts budgeted $16,000 for FY 2012.

At Chief Justice Madsen’s request, the ATJ Board provided the Court on August 11, 2011 with a prioritized list of proposed activities and associated costs for FY 2012 (page A-73).

B. Final Report on FY 2011 Initiative Initiatives

Pro Se Project ($25,000): On July 30, 2010 the ATJ Board adopted The Washington State Plan for Integrated Pro Se Assistance Services. The ATJ Board contracted with Consultant Charles Dyer to staff the initiative, and used the remainder of the funds for the translation of 18 family law forms into plain language format. This translation work was done by Transcend Translations, Inc, based in Davis, California, under contract with the WSBA (on behalf of the ATJ Board) and the AOC.

Leadership Development ($5,000): The 2006 State Plan charges the ATJ Board with the responsibility of coordinating ongoing individual, organizational, and statewide leadership development. After an extensive search, the ATJ Board selected a leadership development program created by the Boston-based Center for Legal Aid Education (CLAE). The goal of the leadership initiative is to cultivate, train and empower a rich and diverse community of leaders for Washington State’s Access to Justice Movement. Supreme Court funds were used to supplement funds from the Office of Civil Legal Aid to support the initial design phase of the project, which is now complete. The ATJ Board is looking for funds for the remaining four phases of the project, which includes the training of 50 new leaders. This is a 24-month program with a full curriculum, mentoring, web-based learning activities, leadership initiatives and quarterly retreats.

C. Status Report on Current FY 2012 Initiatives

Pro Se Project ($16,000): The Pro Se Project is tasked with implementing the *Washington State Plan for Integrated Pro Se Assistance Services* (State Pro Se Plan), adopted by the ATJ Board on July 30, 2010. Work is underway on step one of phase one of the State Pro Se Plan, which is to create plain language family law court forms as content for websites and for the Technology Based Family Law Self Help Center.

The Pro Se Project (a subcommittee of the ATJ Board Justice Without Barriers Committee) has established the following workgroups to handle various portions of the work of implementing the State Pro Se Plan. The Pro Se Project presently has about 60 active volunteers, representing some 20 different stakeholder entities and some 15 private individuals or law firms.
• **Forms Review Workgroup:** With FY 2011 Supreme Court funds, the Pro Se Project’s plain language translation consultant (Transcend Translations, Inc.) completed the creation of the template for the new plain language family law court forms and completed the initial 18 forms in the pilot project. The Forms Review Workgroup has been working on these forms, including refinements to the template and recently has several ready for testing. With funding and in-kind services, further described below, the WSBA and AOC signed a contract with Transcend to complete 125 additional family law forms. With 22 active volunteers, the Forms Review Workgroup is adding members and splitting into three sub-groups in order to handle the volume of work.

• **Timeline Workgroup:** This Workgroup created a timeline for phase one. The timeline has had to be adjusted, as the implementation of the document assembly portion of Phase 1 is indefinitely delayed, awaiting the work of the Judicial Information Systems Committee to establish a common CMS platform to which the document assembly programming could be tied. Also, there is no funding for the initial work or for the ongoing costs of upkeep.

• **Forms Testing Workgroup:** The initial test site is in Whatcom County. This Workgroup has nine active volunteers and is also recruiting volunteers at proposed local test sites.

• **Rally Support Workgroup:** The focus of this Workgroup is to organize presentations throughout the state. There were two formal presentations in March 2012 and currently eight are planned, including a workshop at the 2012 ATJ/WSBA Conference in Yakima. The Pro Se Project participated in the 2011 ATJ Conference in Kennewick as part of the plenary program and with a table in the resource room. In late 2011, volunteers presented draft plain language forms at several CLE events and at in-house training events for legal aid providers.

**Funding, In-Kind Services and Staffing:** The Project made unsuccessful applications for two grants. However, on December 9, 2012, the Project received a $75,000 grant from the Washington State Bar Association to complete the first step, the translation of the remaining family law court forms and their testing.

In January 2012, the Northwest Justice Project made an in-kind gift, devoting 80% of Staff Attorney Laurie Garber’s time to the Project for up to six months. Ms. Garber will do the initial translation of most of the remaining family law forms.

The services of the Pro Se Project Manager, Charles Dyer, are supported with funds from the Supreme Court and AOC.

The Pro Se Project’s Report to the Washington State Bar Association Board of Governors is attached (page A-75).

### III. ATJ BOARD STANDING COMMITTEES

The ATJ Board currently oversees the work of eight standing committees that are addressing the priorities established by the Supreme Court’s Order and the ATJ Board’s current priorities.
A. **Access to Justice Conference Planning Committee** — Colleen Kinerk and Hon. Ann Schindler, Co-Chairs

**Mission**: Plans, organizes and coordinates the annual Access to Justice Conferences.

Since 1996, these annual conferences, held in conjunction with the WSBA Bar Leaders Conference, have brought together members of this state’s justice community around key issues that impact access to the justice system for those facing economic and other significant barriers.

The 16th Annual Conference *(page A-105)* took place in Kennewick, Washington on June 3–5, 2011. The theme “Eliminating Bias in the Justice System: A Call to Action and Service” featured keynote speaker Prof. Luis Fraga, OneAmerica Board President. Workshops included:

- Achieving Education Equity in Washington: A Local Perspective (Pre-conference workshop)
- Bar Leadership in Public Service: Inspiration for Today’s Bar Leader
- Beyond Inclusion: Incorporating Bias Education in the Legal Education Curriculum
- Bias, Ethics, and Supervising Non-lawyer Volunteers: Navigating the Bermuda Triangle
- Creating Medical Legal Partnerships to Address Bias in the Justice System
- Immigration Status as a Barrier to Equal Justice
- More than Just Getting Through the Door: Accommodating Disability in the Justice System
- Retaining Diversity in the Justice System: Problems and Solutions
- Roundtable Discussion with Washington State Supreme Court and WSBA Board of Governors — “Racial Disparity in the Justice System: Where Do We Go Next?”
- Tech Tools for Justice: Reducing Bias by Increasing Inclusion with Technology
- Tracking an Elephant: How Unlawful Detainer Case Records May Undermine Fair Housing
- Understanding Bias & What You Can Do About It

The Conference featured two plenary sessions:

- “Eliminating Bias in the Justice System: A Call to Action and Service” focused on current justice system initiatives to identify and eliminate bias, reduce barriers, and build a culture of service. Panelists included: Threesa Milligan, King County Bar Association Pro Bono Projects; Maria Mindlin, Language Specialist and CEO, Transcend; Bruce D. Neas, Legislative Coordinator, Columbia Legal Services; and, Hon. Mary I. Yu, King County Superior Court. The session was facilitated by Hon. Steven C. González, ATJ Board Chair.
- “Frameworks & Tools for Combating Bias” focused on practical tools for people to understand and respond to bias. Speakers included Trish Millines-Dziklo, CEO/Founder, Technology Access Foundation; Salvador A. Mungia, WSBA Immediate Past-President; Dr. Leticia Nieto, St. Martin’s University; and, Sevilla Rhoads, M.A., J.D., Garvey Schubert Barer.
The Access to Justice Conference Planning Committee and the WSBA Bar Leaders Conference Planning Committee have merged into a single committee to achieve a long-standing goal of having a more unified conference. The Washington State Bar Association has moved fiscal responsibility and general oversight of the merged conference into its Education and Professional Development Department. WSBA is working with the ATJ Board to achieve a directive from the Board of Governors that the conference be self-supporting in 2013.

B. Communications Committee — Marc Lampson, Chair

Mission: To increase support for civil legal aid in Washington. The Committee facilitates internal communications within the Washington State Alliance for Equal Justice and external relations with the broader legal community and beyond. The goal is to build a common understanding about the lack of justice for low-income and vulnerable people and how the Alliance for Equal Justice works together to narrow the justice gap in our state.

Communications Plan: The Committee continues to work to implement its 2005 Communications Plan. The Committee held a retreat on January 23, 2012 to review its implementation to date and to revisit its mission. The Committee is broadening its scope to address the needs of the ATJ Board’s communication with the Alliance for Equal Justice. To help support this additional work, the Committee adopted a new co-staffing model between the ATJ Board and the Legal Foundation of Washington.

Equal Justice Newsletter: The Committee continues publication of the Equal Justice Newsletter. This newsletter facilitates both internal communications and positive external relations. Over 3,300 recipients of the Equal Justice Newsletter include the ATJ Board, EJC members, Campaign donors, and Alliance organization staff and volunteers, and members of the public. Features include regional spotlights, interviews with staff, volunteers, and supporters, client stories, “superstar” volunteer profiles, media coverage, and an online event calendar. Copies of the Equal Justice Newsletter are archived at http://www.allianceforequaljustice.org/index.php?p=Newsletter&s=239

WSBA Bar News: The Committee collaborated with the WSBA Pro Bono and Legal Aid Committee on a pro bono-themed issue of the WSBA Bar News, published in May 2011 (page A-111).

Outreach to New Alliance Members: The Committee has developed an online presence for welcoming and orientating new members of the Washington State Alliance for Equal Justice. www.allianceforequaljustice.org. The web page A-includes links to basic “need to know” materials on legal aid in Washington and an online slideshow presentation that can be downloaded, edited, and used to orient others.

Access to Justice Conference: For the fourth year, the Committee coordinated the annual Orientation Workshop for the annual Access to Justice and Bar Leaders Conference.

C. Delivery Systems Committee – Dan Gottlieb and Nick Gellert, Co-Chairs

Mission: The ATJ Board established the Delivery Systems Committee in 2010 to address the following:
• Serve as a clearinghouse and “think tank” to help monitor changes in client needs
• Establish and oversee working groups to address new and unfinished State Plan implementation
• Provide ongoing support and technical assistance for regional planning efforts
• Ensure that related legal assistance initiatives in the state are coordinated with the civil legal aid delivery system
• Monitor and assess the impact of national and state policy changes/initiatives on Washington’s civil legal aid delivery system

The Delivery System Committee (DSC) spent its first year (2010-11) developing a work plan for implementing its mission. To this end, the DSC engaged in a thorough review of the 2008 State Plan Implementation Update Report; information gleaned from a February 26, 2010 Alliance-wide priorities discussion; a 2011 Alliance-wide discussion on pro bono delivery; feedback from regional teams throughout the State; and other relevant information brought before the DSC. The DSC presented its proposed work plan to the ATJ Board, and the ATJ Board approved the work plan on September 11, 2011 (page A-151).

One of the priorities identified in the work plan was “a need for a more highly coordinated process between and among the programs, the regions and statewide to ensure that priority client needs are being identified and addressed.” The need for this Alliance-wide discussion has become increasingly important as the financial pressures on legal services has increased at the same time as more people have been forced into poverty. Consistent with this priority, in coordination with the DSC, the ATJ Board in a December 12, 2011 letter asked, as a first step to this Alliance-wide discussion, that each of the state’s regional planning teams to undertake a deep evaluation of how best to collaborate to deliver as much legal aid as possible in the areas where it will make the most difference to people’s lives, consistent with the ATJ Board’s Hallmarks of an Effective Civil Legal Aid Delivery System (Hallmarks) (page A-167).

One of the priorities was to engage the entire Alliance in a statewide discussion of priority setting, in furtherance of addressing “a need for a more highly coordinated process between and among the programs, the regions and statewide to ensure that priority client needs are being identified and addressed.” As this state began to experience a worsening of the financial picture for funding legal, the ATJ Board in a December 12, 2011 letter asked each of the state’s regional planning teams to undertake a deep evaluation of how best to collaborate to deliver as much legal aid as possible in the areas where it will make the most difference to people’s lives, consistent with the ATJ Board’s Hallmarks of an Effective Civil Legal Aid Delivery System (Hallmarks).

The ATJ Board, again in coordination with DSC, convened an Alliance-wide meeting in conjunction with the February 24, 2012 Goldmark Awards Luncheon to discuss the responses from the regions. Facilitated by University of Washington Law School Dean Kellye Testy, nearly 100 staff and board members of Alliance providers and other interested stakeholders participated in a discussion to address important service delivery issues in the face of a difficult economic reality. Based on that discussion, the DSC has identified three areas of focus and is working to develop concrete recommendations to be considered at a second Alliance-wide meeting to be held at the June ATJ/WSBA Conference:
• Rethinking pro bono from a client service perspective.
• Communication/collaboration/consolidation across the Alliance from a client service/best practices perspective.
• Building partnerships with other legal and non-legal entities in creative ways to address unmet client needs and to address systemic issues that move and/or keep people in poverty.

D. **Equal Justice Coalition (EJC)** – Stan Bastian, Chair

**Mission:** To ensure that people are treated equally and fairly before the law by educating policymakers and the public about the importance of civil legal aid in our communities and advocating for sufficient public funding for civil legal aid in Washington [www.ejc.org](http://www.ejc.org).

**Current Focus:** Protecting current public funding levels for legal aid in the midst of increased demand, a state budget deficit, the continuing national recession and cuts to civil legal aid.

**King County Funding:** The EJC spearheaded a successful coordinated effort to preserve FY 2011 funding levels for the Northwest Immigrants Rights Project ($10,000); Eastside Legal Assistance Program (ELAP) ($60,000); TeamChild ($199,000); and to reinstate funding to the Unemployment Law Project (ULP) ($20,000); and the Family Assistance Program at Solid Ground ($12,750). The result was a total appropriation increase of 12%, or $32,750, for FY 2012.

**State Funding:** State funding has been cut $1.4 million over the past two years. While cuts have been modest, they compound the problems generated by the federal funding cuts and the deep drop in Interest on Lawyer Trust Accounts (IOLTA) funding.

**Federal Funding:** The Legal Services Corporation’s (LSC) funding was reduced from $420 million for FY 2010, to $404 million for FY 2011, and to $348 million for FY 2012. This translates to a total loss of 17% in LSC funding to NJP, or $964,000.

The EJC is working with the National Legal Aid & Defender Association (NLADA) and the American Bar Association (ABA) in asking Congress to increase LSC funding to President Obama’s request of $402 million for LSC, an increase of 15%. The EJC is sending a group of influential leaders to Washington, D.C. in April to meet with Washington State’s Congressional delegation. The EJC delegation to Washington, D.C. in April 2011 included César Torres (NJP), Supreme Court Justice Debra Stephens, Art Wang (Legal Foundation of Washington Board), Steve Toole (Washington State Bar Association President), Reagan Dunn (King County Councilmember), Stan Bastian (EJC) and Nell McNamara (EJC Director).

**Education:** In coordination with the ATJ Board’s Communications Committee, the EJC organized the annual Conference Orientation at the 2011 ATJ/Bar Leaders Conference in Kennewick.

E. **Justice Without Barriers Committee** – Judge Gregory Sypolt and Josefina Ramirez, Co-Chairs

**Mission:** Ensure a fully inclusive justice system by identifying and removing impediments to accessing and using the justice system, including physical, language, and communication barriers, and other barriers resulting from ineffectual and unworkable rules, complex procedures, disparate treatment, and any other obstacles that may serve as impediments to achieving equal and meaningful access to justice. The Committee oversees the work of four subcommittees:
Pro Se Project: [See Section II.C of this Report]


The subcommittee continues to educate about GR 33 through participation in continuing legal education events. The subcommittee has been developing a legislative proposal for expanding surrogate decision-making to increase the number of family and friends who can provide informed consent to people without immediate family.

Administrative Justice: The subcommittee continues to work to review, develop and make recommendations for improvements in administrative procedures affecting low-income persons.

Electronic Access to Court Records: The subcommittee is examining the inconsistencies of electronic access to court records at county levels throughout the state, including fee structures and other barriers that confront low-income people and the organizations that serve them. The Committee shared its preliminary report and county by county analysis with the ATJ Board. The report concludes that “significant barriers exist in accessing the existing systems due to the high cost of access and the lack of clear guidelines for discounts and/or waivers” (page A-171). The Committee recommends that further research and analysis is necessary prior to making any recommendations for addressing the issues.

F. Law School Relations Committee – Ishbel Dickens and Holly Scott, Co-Chairs

Mission: The ATJ Law School Relations Committee fosters collaboration among Alliance members and law schools to ensure that every law student in the state has an understanding of the importance of public interest law, familiarity with the Alliance for Equal Justice community, an opportunity to work with Alliance members in some capacity as a student, an appreciation for the work that is being done on behalf of low-income clients, and a commitment to support the Alliance’s work in some capacity after law school.

The Committee coordinated the following initiatives during the past twelve months:

- **Mini-Conference**: This event was held on February 24, 2012, in conjunction with the Annual Goldmark Awards Luncheon. It was hosted by the law firm Foster Pepper PLLC on the topic “Creative Justice: Pursuing Your Passion for Public Service in this Economy.” Panelists included Breean Beggs, Partner, Paukert & Troppmann PLLC; Hank Balson, Attorney, Public Interest Law Group; Erin L. Lovell, Executive Director, Legal Counsel for Youth and Children; and Dean Spade, Assistant Professor, Seattle University School of Law and Founder, Sylvia Rivera Law Project. Two dozen attorneys from the Alliance for Equal Justice joined the students and panelists for a networking hour in the early evening.
• **Fellowships:** Recent fellowship recipients talked with law students about the process for identifying, developing, applying and conducting fellowship projects on July 21, 2011 at the annual Fellowship Panel. UW Law School. The Fellowships Subcommittee has drafted a white paper on the need, and suggestions, for increasing fellowships in the Alliance. The Subcommittee also compiled a directory of fellowship recipients in Washington who are willing to serve as a resource for fellowship applicants.

• **Summer law school interns:** The Committee organized and hosted the annual Alliance Summer Intern Orientation on Wednesday, June 22, 2011. Topics were centered on the theme “Working with Low-Income Clients and People with Disabilities.” Students from the WSBA Moderate Means Program were invited to participate. The event was co-located in Seattle and Spokane via videoconference. The Committee arranged for a series of informal, brown bag discussions for 2011 summer interns, located in both Seattle and Spokane. Videoconferencing options were offered as a way to include participation of interns from other locations.

• **ATJ Conference:** The Committee coordinated a workshop at the 2011 ATJ Conference - “Beyond Inclusion: Incorporating Bias Education in the Legal Education Curriculum.”

• **Citizenship Day:** The Committee partnered with OneAmerica by facilitating law student participation from each of Washington’s law schools in OneAmerica’s Citizenship Day, which offers free assistance with citizenship applications for lawful permanent residents. Approximately 24 students participated in the November 2011 event, serving people in 5 different locations across the state.

G. **Nominating and Leadership Development Committee** — Elizabeth Fry and Breean Beggs, Co-Chairs

**Mission:** This Committee is responsible for creating and implementing a statewide leadership development plan, consistent with the 2006 State Plan, and for identifying and recruiting individuals for leadership positions on the ATJ Board, the ATJ Board’s committees and other stakeholder organizations.

**Nominating:** The Committee facilitated the nomination process for four vacancies on the ATJ Board for terms starting mid-May 2012. [See Section I.B. of this Report] In light of the substantial process of picking nominees, the ATJ Board sought to add an additional Board member, which has been much-needed, and which position has been approved by the BOG and the Supreme Court.

The Committee, in conjunction with the Office of Civil Legal Aid, also nominated two persons to the OCLA Oversight Committee. The ATJ Executive Committee recommended those nominations and they were sent to the Supreme Court, which approved them.

**Leadership Development:** [See Section II.B. of this Report] The Committee has been seeking funds for the Leadership Academy. ATJ Board members contacted 27 member organizations of the Alliance for Equal Justice to determine their level of interest and possible participation in the Academy. Responses were overwhelmingly favorable.
H. **Technology Committee** — Brian Rowe, Chair

**Mission:** To increase and improve access to the justice system by promoting efficient inter-agency technology needs-assessment, planning, collaboration and evaluation.

**ATJ Tech Principles Website:** This is a resource bank for various implementation efforts as well as a resource for ATJ information and services generally. The Committee moved the ATJ Technology Principles Website ([www.atjweb.org](http://www.atjweb.org)) from the University of Washington servers to an independent hosting arrangement. Committee members continue to improve this website and increase both its public and and professional awareness and visibility.

**Assistive Technology Website:** The Committee is developing an assistive technology website to enhance, supplement and update the information provided at [www.courts.wa.gov/ada_assistive_technology](http://www.courts.wa.gov/ada_assistive_technology). The companion site will feature information for consumers who can access assistive technology while using the justice system outside the court system, as well as reviews of equipment. The Committee is working on partnering with Disability Rights Washington to accomplish this.

**JusticeNet:** This is a dedicated system to build broadband communications infrastructure and corresponding communications and information delivery capacity through the state, especially those areas that are underserved or underserved with broadband capacity. The Washington State Justice Net consortium represents a large group of partners working to ensure adequate broadband deployment for the justice system and delivery of essential online services for vulnerable populations. Implementation of JusticeNet through the Communities Connect and EdLab Group project continues. The public computing centers will be:

- Chelan County Court/Law Library
- Kalispel Tribal Court – will open in April 2012

In addition, the appropriate legal information, services and resources are available over the Internet and can be used in other partnering anchor institutions such as libraries, community centers, certain educational institutions, parks and such.

Northwest Justice Project (NJP) is working on creating more than 20 legal educational videos as part of the JusticeNet grant. NJP already has available eight videos in English and Spanish on a variety of topics including Washington’s foreclosure mediation process. NJP will be adding videos on landlord-tenant laws, collection defense, the fair hearing process, as well as collaborating with TeamChild and the Unemployment Law Project to produce videos for youth and those seeking unemployment benefits. The videos are and will be available to all over the Internet.

**Proposed Rules on Discovery of Electronically Stored Information:** The Committee is working with the WSBA Court Rules Committee on adopting statewide rules that will better serve the courts, lawyers and the public. The Committee has focused specifically on CR34 and CR26, given their anticipated impact on the poor and vulnerable and pro se litigants.

IV. CURRENT CIVIL EQUAL JUSTICE FUNDING

The information set forth below provides the current calendar year 2012 civil equal justice funding picture. Each funding source has its own particular set of restrictions and requirements which dictate how the money is used. The multiple small sources of public and private funds brought in by individual programs are not necessarily counted in the totals. Collectively, those sources are projected to total $5.5 million in 2012. A chart showing the sources and recipients of funds is attached (page A-173).

Legal Foundation of Washington (includes IOLTA; does not include LAW Fund/Campaign for Equal Justice): $2.2 million.

IOLTA: (Legal Foundation of Washington): $1.7 million (projected)

Federal (Legal Services Corporation): $5.6 million.

State (OCLA): $11 million

Private (LAW Fund/Campaign for Equal Justice): $1.15 million (projected) – (administered by Legal Foundation of Washington)

Final Recipients:

Northwest Justice Project (statewide delivery, CLEAR and website operation, support): $5.6 million (Legal Services Corporation); $11 million (OCLA; of which $1.9 million is subcontracted to support six specialized legal aid providers and local pro bono programs); $300,000 (Legal Foundation of Washington).

Columbia Legal Services, Northwest Immigrant Rights Project (serving special populations or providing representation that cannot be underwritten with state or federal funding): $3.33 million (Legal Foundation of Washington).

Local Pro Bono Programs (leverage local pro bono attorney involvement in legal aid delivery) $1.26 million (approximately eighty percent is funded with state appropriated dollars made available through a subcontract between NJP and the Legal Foundation).

Specialty Legal Services Providers (TeamChild, Seattle Community Law Center, Solid Ground, Unemployment Law Project) $658,000 (approximately 80% is funded with state appropriated dollars made available through a subcontract between NJP and the Legal Foundation).

V. NEXT STEPS

The theme of this year’s June 8-10 Access to Justice/WSBA Conference in Yakima is “Our New Economic Reality: The Legal Profession’s Role.” This new economic reality continues to produce sea changes in the practice of law and the capacity of our justice system to ensure justice of all in a time of crisis for so many. The Saturday Conference plenary will focus on significant demographic and other trends having a profound impact on the practice of law, the courts and our entire justice system, and ideas for turning crisis into opportunity. On Sunday morning the ATJ Board will facilitate a plenary discussion to apply some of these ideas to improvements in the civil legal aid delivery
system. These recommendations will provide an important roadmap for moving forward during the coming year.

Attached is a list of the ATJ Board’s significant accomplishments since 1995 (page A-173). The ATJ Board continues to be responsive to justice system needs and challenges and welcomes the opportunity to continue to serve in that capacity.
THE SUPREME COURT OF WASHINGTON

ORDER

NO. 25700-B - 524

WHEREAS, the Washington judicial system is founded upon the fundamental principle that the judicial system is accessible to all persons, which advancement is of fundamental interest to the members of the Washington State Bar Association.

WHEREAS, responding to the unmet legal needs of low and moderate income people in Washington State and others who suffer disparate access barriers, the increasing complexity of civil legal services delivery, the importance of civil equal justice to the proper functioning of our democracy, and the need for leadership and effective coordination of civil equal justice efforts in our state, the Supreme Court in May 1994 established an Access to Justice Board and directed that the Board operate for an initial two year period.

WHEREAS, the Access to Justice Board’s initial accomplishments in the face of tremendous difficulty demonstrated the practical value of coordinated and focused leadership under the auspices of the Supreme Court and led the Court to reauthorize the Access to Justice Board for an extended five-year period;

WHEREAS, the Access to Justice Board is a national model that has proven its value in expanding, coordinating and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people, has developed a track record of significant accomplishments that maximized effective use of limited resources to address the civil legal needs of an increasing poverty population, and has made great strides in enhancing access to the civil justice system in Washington State.

Now, therefore, it is hereby

ORDERED:

That the Access to Justice Board is hereby reauthorized and shall continue to be administered by the Washington State Bar Association, and is charged with responsibility to achieve equal access to the civil justice system for those facing economic and other significant barriers.
In the Matter of the Reauthorizing of the Access to Justice Board

The Access to Justice Board shall consist of ten members nominated by the Board of Governors of the Washington State Bar Association and appointed by the Supreme Court. Members are appointed based on experience in and commitment to access to justice issues. Therefore, the Board of Governors shall broadly solicit and make nominations to the Supreme Court based on experience in and commitment to access to justice issues, consistent with the needs of the Access to Justice Board, including, for example, people affiliated with the following constituencies:

Board for Judicial Administration
Washington State Bar Association Board of Governors
Statewide Staffed Legal Services Programs
Volunteer Legal Services Community
Other Members and Supporters of the Washington State Alliance for Equal Justice.

Of these, not less than one nor more than two members of the Board shall be a non-attorney.

The membership of the Board shall reflect ethnic, gender, geographic, and other diversity. Mid-term vacancies shall be filled in the same manner as original appointments, provided however, the solicitation for nominations may be abbreviated. The appointee for a mid-term vacancy shall fill the remainder of the vacated term and shall be eligible for reappointment up to two additional terms.

If Board membership is expanded beyond nine positions, new appointments shall be for an initial two-year term, with eligibility for reappointment for one additional three-year term.

The Board shall designate one member as the chairperson of the Board who shall serve a term of two years and who shall be eligible for reappointment for one additional two-year term. An individual may continue to serve as chairperson even notwithstanding the expiration of his or her term on the Board.

Appointments shall be for a three-year term. Board members shall be eligible for reappointment for one additional term.
The Access to Justice Board shall work 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;
- Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;
- Promote adequate levels of public, private and volunteer support for Washington State's civil equal justice network;
- Serve as an effective clearinghouse and mechanism for communication and information dissemination;
- Promote, develop and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;
- Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;
- Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;
- Promote widespread understanding of civil equal justice among the members of the public through public legal education;
- Promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionately access barriers; and
- Address existing and proposed laws, rules and regulations that may adversely affect meaningful access to the civil justice system.

The Access to Justice Board may adopt internal operational rules pertinent to these powers and duties.

The Access to Justice Board shall be funded and staffed by the Washington State Bar Association, which shall have authority to establish a budget and approve expenditures.

The Board shall file with the Supreme Court and the Board of Governors of the Washington State Bar Association an annual report outlining its work during the prior 12-month period.
In the Matter of the Reauthorizing of the Access to Justice Board

DATED at Olympia, Washington this 8th day of March, 2012.

[Signatures]

Madsen, C. J.

Johnson, J.

Chambers, J.

Dworin, J.

Farrar, J.

Canitez, J.
Justice involves the determination and realization of legal needs, rights and responsibilities and the fair resolution of disputes. Access to justice is based on the following principles and goals.

**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.

**Goals**

- Persons and institutions involved in the justice system must make access to justice an essential priority.
- Adequate and sustained public and private funding, resources, and support must be provided to assure access to justice for low- and moderate-income and other vulnerable persons.
- Adequate and sustained public and private funding, resources, and support must be provided to maintain a strong, independent judiciary, the individuals, institutions, and organizations that provide or assure access to justice.
- The delivery of justice must be prompt, understandable, and affordable without sacrificing quality.
- A coordinated and comprehensive statewide system for delivering legal services must be maintained.
- Available and emerging technology and other resources must fairly and efficiently maximize access to justice.
- Barriers to access to justice must be prevented, removed, or reduced.
- The justice system must be inclusive and have the values, skills, and resources necessary to meet the legal needs of a diverse and multicultural population. Access to justice shall not be limited or denied for any reason of condition or status, including race, ethnicity, nationality, religion, creed, age, gender, sexual orientation, physical or mental ability, education, language or communication skills, finances, cultural background, or social status.
- The justice system must collaborate with other persons, professions, and organizations to meet the legal and law-related needs of the public.
- Public legal education must be provided to create and sustain an informed and empowered public and to build broad support for access to justice.
Access to Justice Hallmarks

The Hallmarks of an Effective Statewide Civil Legal Services (Hallmarks) adopted by the Access to Justice Board in 1995 and revised in 2004, describe the mission, core values, components and capacities upon which the statewide civil legal aid delivery system must be based. Our services must be client-focused and expansive, contemplate lawyering in its broadest sense, and acknowledge that the interests of low income people can be served only if the delivery system is dedicated to providing full and complete access to the civil justice system in a way that empowers this segment of the population to define, promote and defend its legitimate interests.

The Hallmarks have guided the development and implementation of the 1995, 1999 and 2006 State Plans, and serve as benchmarks for decision-making by the Washington State Alliance for Equal Justice.

(The narrative version of the Hallmarks can be found at http://www.org/atj/documents/hallmarks2004web.doc)
2011–2012 Roster

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May 2011-May 2014 (1st term)

Ms. Lynn Greiner
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Email: lgreiner@seanet.com
Term ends May 2015 (appointed April 2012 to fill vacancy ending May 2012)

Rep. Patricia Taylor Lantz (ret.)
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Fax: (253) 265-3375
email: patlantz@harbornet.com
May 2009-May 2012 (1st term)

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email: aikoschaefer@gmail.com
April 2010-May 2013 (1st term)
ACCESS TO JUSTICE BOARD COMMITTEES

April 2012

Access to Justice Conference Planning Committee
Co-Chairs: Colleen Kinerk and Judge Ann Schindler
ATJ Board Liaison: Aiko Schaefer
Staff Liaison: Allison Durazzi

Communications Committee
Chair: Marc Lampson
ATJ Board Liaison: Aiko Schaefer
Staff Liaisons: Eric Gonzalez and Allison Durazzi

Delivery Systems Committee
Co-Chairs: Dan Gottlieb and Nick Gellert
ATJ Board Liaison: Nick Gellert
Staff Liaison: Joan Fairbanks

Equal Justice Coalition
Chair: Stan Bastian
ATJ Board Liaison: Wayne Blair
Staff Liaison: Eric Gonzalez

Executive Committee
Chair: Kirsten Barron
Members: Chair-Elect Ishbel Dickens, Nick Gellert, Breean Beggs
Staff Liaison: Joan Fairbanks

Justice Without Barriers
Co-Chairs: Judge Greg Sypolt and Josefina Ramirez
ATJ Board Liaisons: Kirsten Barron and Rep. Patricia Lantz
Staff Liaison: Joan Fairbanks

Law School Relations Committee
Co-Chairs: Ishbel Dickens and Holly Scott
ATJ Board Liaison: Ishbel Dickens
Staff Liaison: Allison Durazzi

Nominating and Leadership Development Committee
Co-Chairs: Elizabeth Fry and Breean Beggs
ATJ Board Liaisons: Elizabeth Fry and Breean Beggs
Staff Liaison: Allison Durazzi

Technology Committee
Chair: Brian Rowe
ATJ Board Liaison: Don Horowitz
Staff Liaison: Allison Durazzi
<table>
<thead>
<tr>
<th>Organization</th>
<th>Relationship (to/from ATJ Board)</th>
<th>Liaison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Office of the Courts (AOC)</td>
<td>→ to ATJ Board</td>
<td>Dirk Marler (Judicial Services Division)</td>
</tr>
<tr>
<td>ATJ Institute at Seattle University School of Law</td>
<td>→ to ATJ Board</td>
<td>Diana Singleton</td>
</tr>
<tr>
<td>Board for Judicial Administration</td>
<td>← from ATJ Board</td>
<td>Wayne Blair</td>
</tr>
</tbody>
</table>
| Civil Legal Aid Oversight Committee | ← from ATJ Board | Greg Dallaire  
|  | → to ATJ Board | Paul Bastine |
| District/Municipal Court Judges Association (DMCJA) | → to ATJ Board | Judge Veronica Alicea-Galvan |
| Gates Scholarship Program | → to ATJ Board | Michele Storms |
| Judicial Information Systems (JIS) | ← from ATJ Board | Joan Kleinberg |
| King County Bar Foundation | → to ATJ Board | Colleen Kinerk |
| Minority and Specialty Bar Associations | → to ATJ Board | vacant |
| Northwest Tribal Court Judges Association | → to ATJ Board | Elizabeth Fry |
| NW Indian Bar Association | → to ATJ Board | Elizabeth Fry |
| Office of Administrative Hearings | → to ATJ Board | Chief Judge Lorraine Lee |
| Public Trust and Confidence Committee | ← from ATJ Board | Kirsten Barron |
| Seattle City Attorney’s Office | → to ATJ Board | Darby DuComb |
| Superior Court Judges Association (SCJA) | → to ATJ Board | vacant |
| Task Force on Race and the Criminal Justice System | ← from ATJ Board | vacant |
| Washington State Association of County Clerks | → to ATJ Board | Kevin Stock |
| WSBA Board of Governors (BOG) | ← from ATJ Board | Greg Dallaire |
| WSBA Board of Governors (BOG) | → to ATJ Board | Dan Ford |
| WSBA Committee for Diversity | → to ATJ Board | Don Horowitz |
| WSBA Family Law Section Executive Committee (FLEC) | → to ATJ Board | Kathy McCann  
|  |  | Teresa Neudorfer |
| WSBA Pro Bono and Legal Aid Committee | → to ATJ Board | Joanna Otero  
|  |  | Esther Park |
Alliance Members

More than 30 legal aid providers are part of the Alliance: The following organizations are core Alliance providers—this is not an exhaustive list of Washington’s legal aid providers. The Alliance is a growing and changing network of organizations that welcomes new partners in the equal justice movement.

Statewide and Specialty Programs
Statewide and Specialty Programs provide civil legal aid services from staffed offices throughout the state, to specific low-income populations or for specific legal problems. These programs ensure services are not duplicated and that legal assistance is available to some of our state’s most marginalized populations.

Center for Justice is a private, donor-funded public interest law firm dedicated to providing the experience of justice to those of limited means in the greater Spokane area.

Columbia Legal Services is a statewide legal aid program that provides civil legal services in areas of critical legal need, often for groups or large numbers of clients.

Legal Action Center pursues its mission to reduce homelessness by preventing illegal or unnecessary evictions and/or housing subsidy terminations.

Northwest Immigrant Rights Project (NWIRP) provides comprehensive immigration legal services and community education to advance the human rights and well-being of low-income immigrants living in Washington.

Northwest Justice Project (NJP) is the largest civil legal aid provider in Washington. NJP operates the state’s intake and referral process—through CLEAR and 211 hotlines—and online self-help resource, Washington Law Help.

Northwest Health Law Advocates promotes increased access to health care and basic health care rights and protections for all individuals through legal and policy advocacy, education, and support to community organizations.

Open Door Legal Services – a ministry of Seattle’s Union Gospel Mission - provides free civil legal services to homeless and extremely low-income clients. Primary areas of practice include court fines, relicensing, warrants, child support, family law and assistance obtaining identification.

Seattle Community Law Center provides direct legal assistance to low-income and homeless individuals in the region related to their eligibility for Disability benefits.

Seattle University School of Law’s Ronald A. Peterson Law Clinic teaches students the fundamental skills and values of practicing attorneys by representing clients under faculty supervision.

Solid Ground is a community organization with over 30 programs working to eliminate poverty, prejudice, and neglect. The Family Assistance Program provides information and referral, advice, and direct legal representation to individuals who have had their state public assistance benefits reduced, terminated, or denied.

Excerpted from the Alliance for Equal Justice website: http://allianceforequaljustice.org/index.php?p=Alliance_Members&s=204
**TeamChild** provides free civil legal representation and community education to help youth involved in the juvenile justice system secure the education, health, housing and other supports they need to achieve positive outcomes in their lives.

**Unemployment Law Project** provides free legal assistance and information to people who have been denied unemployment benefits or whose right to those benefits is being challenged.

**University of Washington School of Law's Clinical Law Program** is central to the law school’s public service and access to justice efforts. A variety of clinics offer diverse practice opportunities to nearly 60% of each JD class.

**Volunteer Lawyer Programs**
Volunteer Lawyer Programs coordinate and leverage free legal aid provided by attorneys pro bono. Pro bono efforts are coordinated through bar associations, community action centers, law firms, governmental law offices, and corporate counsel offices throughout the state. Volunteer lawyers provide a continuum of services from brief advice in clinics to extended representation in court. In 2008 volunteer attorneys donated 80,000 hours of free legal assistance to families with nowhere else to turn.

**Asotin County Legal Services**
**Benton-Franklin Legal Aid Society**
**Blue Mountain Action Council Volunteer Attorney Program**
**Chelan-Douglas County Volunteer Attorney Services**
**Clallam-Jefferson County Pro Bono Lawyers**
**Clark County Volunteer Lawyers Program**
**Cowlitz-Wahkiakum Legal Aid**
**Eastside Legal Assistance Program**
**King County Bar Foundation Community Volunteer Legal Services**
**Kitsap Legal Services**
**Legal Assistance by Whatcom (LAW) Advocates**
**Lewis County Bar Legal Aid**
**Skagit County Community Action Agency Volunteer Legal Services Program**
**Snohomish County Legal Services**
**Spokane County Bar Association Volunteer Lawyer Program**
**Tacoma-Pierce County Bar Association Volunteer Legal Services**
**Thurston County Volunteer Legal Services**
**WAACO: Washington Attorneys Assisting Community Organizations**
**Whitman County Legal Services Community Action Center**
**Yakima County Volunteer Attorney Services**

Excerpted from the **Alliance for Equal Justice** website:
AGENDA
Access to Justice Board
June 3, 2011
10:00 a.m. - Noon
Three Rivers Convention Center – Kennewick
Meeting Room F

10 – 11:15 Welcome and introductions

Local Community Issues: Leaders and advocates from Benton and Franklin Counties will discuss current issues facing people with economic and other significant barriers:

Ana Guzman, Consejo Counseling and Referral Services
Judy Dirks, Co-Director, Safe Harbor Crisis Nursery
Erinn Gailey, Program Director, Domestic Violence Services of Benton and Franklin Counties
Aiko Schaefer - Facilitator

11:15 – noon * Approval of February 25 ATJ Board meeting minutes

Updates:

• ATJ Board 2011-12 Priorities – Judge Steve González
• ATJ Board response to Supreme Court Board, Commission, Task Forces Assessment – Judge Steve González
• ATJ Board endorsement of ABA Language Access Standards – Judge Steve González
• Task Force on Race and the Criminal Justice System – Judge Steve González
• ATJ Board web pages – Joan Fairbanks
• ATJ Board budget and anticipated budget needs – Kirsten Barron

Noon – 1:15 ATJ Board lunch with the Board of Governors – Great Hall D

1:30 – 1:45 ATJ Board annual report to the Board of Governors – Meeting Room C

* Action Needed
AGENDA
*REVISED*
Access to Justice Board
July 29, 2011
9:00 a.m. – 3:00 p.m.
Omak City Hall

9 a.m. – Noon
Welcome:
Omak Mayor Cindy Gagne
Prayer: Colville Tribal Member Doll Watt

Introductions

Local Issues: Community leaders and advocates will discuss current issues facing people with economic and other significant barriers. Facilitated by ATJ Board member Elizabeth Fry.

Confirmed speakers include (listed alphabetically by last name):

- Margo Amelong, support center Director
- Jack Burchard, Superior Court Judge
- Chris Culp, District Court Judge
- Lael Duncan, Director, Community Action Center
- Jamie Edmonds, Colville Tribal Legal Office, Senior Attorney
- Trudy Flamand, Chief Judge, Colville Tribal Court
- Charleen Grooms, Okanogan County Superior Court Clerk
- Vicky Minto, Northwest Justice Project -- Omak, Senior Attorney
- Charlotte Myxter, Community Action Center
- Hank Rawson, District Court Judge
- Carey Reyes, Tribal TANF Director
- Constanza Smith, East Elementary School
- Susan Speiker, Courthouse Facilitator
- Doll Watt, educator
- Ernie Williams, Colville Tribal Business Council member

Noon – 1:30
Lunch

1:30 – 3:00
*Approval of June 3, 2011 ATJ Board Meeting Minutes

*Civil Legal Aid Oversight Committee nominations – Elizabeth Fry, Chair, ATJ Board Nominating and Leadership Development Committee

*ATJ Board Supreme Court Funding – Judge Steve González

Status report on funding for the ATJ Board Leadership Development Project – Elizabeth Fry, Chair, ATJ Board Nominating and Leadership Development Committee

*Proposed focus for WSBA Access to Justice Guiding Principle – Kirsten Barron

Updates

* Action Needed

Future ATJ Board Meetings:
September 16, 2011
October 7, 2011
December 2, 2011
AGENDA
Access to Justice Board
September 16, 2011
9:30 a.m. – 3:00 p.m.
Washington State Bar Association

9:30 – 10:00  Welcome and Introductions

ATJ Board Chair’s Report – Judge Steve González

10:00 – 10:30  Advocacy Report: Bette Fleishman is completing her SU School of Law Fellowship at Disability Rights Washington. She will share her findings and recommendations from her study of the conditions in jails and prisons impacting people with mental disabilities.

10:30 – 11:00  *Approval of July 29, 2011 ATJ Board Meeting Minutes

*Assignment of ATJ Board Members to Legal Community Events – Judge Steve González

11:00 – noon  *Proposed Delivery System Committee Work Plan: discussion and approval – ATJ Board Delivery System Committee Co-Chairs Dan Gottlieb and Nick Gellert

Noon – 12:30  Lunch

12:30 – 3:00  Legal Aid Funding Update – LFW Executive Director Caitlin Davis Carlson and EJC Director Eric Gonzalez Alfaro

ATJ Board Updates:

Status Report on the Proposed Leadership Academy – ATJ Board Nominating and Leadership Development Committee Co-Chairs Elizabeth Fry and Breean Beggs

ATJ Board response to Family Law Civil Rules proposed by the WSBA Local Rules Task Force – Kirsten Barron

ATJ Board Liaison to the Judicial Information Systems Committee (JISC) – Judge Steve González

Liaison Updates:

Civil Legal Needs Work Group – Wayne Blair
Board for Judicial Administration – Wayne Blair
Washington State Bar Association – ATJ Board Liaison Greg Dallaire
Other?
* = Action Needed

Upcoming Meetings:
  October 7 (Annual Meeting of the ATJ Board and ATJ Board Committee Chairs)
  December 2
AGENDA
Access to Justice Board
October 7, 2011
1:30 p.m. – 3:00 p.m.
Washington State Bar Association

1:30 – 3:00 Welcome and Introductions

ATJ Board Chair’s Report – Judge Steve González

*Approval of September 16, 2011 Access to Justice Board Meeting Minutes
* Request for additional Supreme Court support for Plan Language Forms – Kirsten Barron

ATJ Board Updates
Liaison Updates

* = Action Needed

Upcoming Meetings:

December 2, 2011
January 13, 2012
February 24, 2012
March 30, 2012
AGENDA
Access to Justice Board
December 2, 2011
9:30 a.m. – 3:30 p.m.
Washington State Bar Association

9:30 – 10:45 Welcome and Introductions
    ATJ Board Chair’s Report
    *Approval of October 7, 2011 Access to Justice Board Meeting Minutes
    *Election of ATJ Board Chair-Elect

Civil Legal Aid Funding Update – EJC Director Eric Gonzalez, OCLA Director Jim Bamberger, LFW Director Caitlin Davis Carlson

*Proposed ATJ Board Letter to the Alliance Regarding Current and Anticipated Funding Reductions – Nick Gellert

10:45–11:45 Status Report on the ATJ Board Leadership Initiative – Elizabeth Fry and Breean Beggs
    Campaign for Equal Justice – LAW Fund Director Karen Falkingham

11:45 – noon Thank you to outgoing ATJ Board Communications Chair Michele Storms and outgoing ATJ Board Law School Relations Committee Co-Chair Kathleen Manning

Noon – 12:30 Lunch

12:30 – 1:30 Reception for Outgoing ATJ Board Chair and New State Supreme Court Justice Steve González

1:30 – 3:30 Access to Electronically Stored Records – Mike Katell, on behalf of the ATJ Board’s Technology and Justice Without Barriers Committees

*Appointment of 2012 ATJ Board Awards Committee – Kirsten Barron

*Assignment of ATJ Board Members to Community Legal Events – Kirsten Barron

Continued, next page
*Proposed Request for Funding for the Pro Se Project – Kirsten Barron

ATJ Board Updates
ATJ/Bar Leaders 2012 Conference

Liaison Updates
Civil Legal Needs Work Group – Wayne Blair
WSBA Public Service Programs – WSBA Public Service Programs Manager
Catherine Brown and WSBA Public Service Training Specialist Angie Maddox

* = Action Needed

Upcoming Meetings:

January 13, 2012
February 24, 2012
March 30, 2012
AGENDA
Access to Justice Board
January 13, 2012
9:30 a.m. – 11:45 a.m.
Washington State Bar Association

9:30 – 11:00  Welcome and Introductions

ATJ Board Chair’s Report: Kirsten Barron

*Approval of December 2, 2011 Access to Justice Board Meeting Minutes (p. 8-11)

*Approval of October 7, 2011 Joint ATJ Board/Civil Legal Aid Oversight Committee Meeting Minutes (p. 12-13)

*Approval of Recommendation for Nominations to the ATJ Board: Elizabeth Fry and Breean Beggs (p. 14-85)

*Assignments to Legal Community Events (p. 86-87)

Civil Legal Aid Funding Update – EJC Director Eric González Alfaro, OCLA Director Jim Bamberger, LFW Director Caitlin Davis Carlson

ATJ Board Updates:

    Pro Se Project: Kirsten Barron

    Status of Responses to the ATJ Board’s Letter to Regional Planning Teams: Nick Gellert

    ATJ Board Technology Committee: Don Horowitz

    ATJ/Bar Leaders Conference: Allison Durazzi

Liaison Updates:

    Civil Legal Needs Work Group: Wayne Blair

    WSBA Local Rules Task Force: Don Horowitz

    Board of Governors: Greg Dallaire

    Board for Judicial Administration: Wayne Blair
11:00 - 11:45  Discussion of WSBA Member Referendum: WSBA Executive Director Paula Littlewood

11:45  Adjourn to attend the King County Bar Association’s Annual Rev. Dr. Martin Luther King, Jr. Luncheon at the Sheraton Hotel

* = Action Needed

Upcoming Meetings:

   February 24, 2012

   March 30, 2012
AGENDA
Access to Justice Board
February 24, 2012
9:30 – 11:45 a.m.
Washington State Bar Association

9:30  Welcome and Introductions

*Approval of January 13, 2012 ATJ Board Meeting Minutes (p. 10-12)

*Proposed ATJ Board Leadership Initiative – ATJ Board Members Elizabeth Fry and Breean Beggs (p. 13-14)

*Proposed Family Law Civil Rules – Greg Dallaire, ATJ Board Liaison to the WSBA Board of Governors (p. 15-55)

ATJ Board Chair’s Report – ATJ Board Chair Kirsten Barron (p. 56-65)

*ATJ Board Support for Comment 4 of RPC 4.4 (action) – Dan Ford, Member of the WSBA Board of Governors (p. 66 – 78)

*Invitation to Co-Sponsor Report on the Role of Law Libraries – ATJ Board Member Patricia Lantz (p. 79)

*Legal Community Events – ATJ Board Chair Kirsten Barron (p. 80-81)

Undocumented Access Project: Columbia Legal Services Attorneys Lori Isley and Michael Geogehgan

Thank you Michele Storms and Loren Etengoff!

Liaison Updates (time permitting)

11:45  The ATJ Board meeting will conclude.
Board members will attend the Annual Goldmark Awards Luncheon at the Seattle Sheraton Hotel. Everyone is encouraged to attend an Alliance-wide meeting from 2-4 p.m. following the Luncheon, convened by the Access to Justice Board to address important service delivery issues.

* Action Needed
Future Meetings:
March 30, 2012
June 8, 2012 (In conjunction with the Annual Access to Justice/Bar Leaders Conference in Yakima)
AGENDA
Access to Justice Board
March 30, 2012
9:30 – 3:00 p.m.
Washington State Bar Association

9:30  Welcome and Introductions

ATJ Board Chair’s report – Kirsten Barron

*Approval of February 24, 2012 ATJ Board Meeting Minutes

*ATJ Board Supreme Court Funding – Kirsten Barron

Civil Legal Aid Funding Report:
   State – Office of Civil Legal Aid Director Jim Bamberger and Equal Justice Coalition
   Director Eric Gonzalez-Alfaro
   Federal – Northwest Justice Project Executive Director César Torres
   IOLTA – Legal Foundation of Washington Executive Director Caitlin Davis Carlson
   Campaign for Equal Justice – LAW Fund Director Karen Falkingham

*Proposed ATJ Board Co-Sponsorship of The Twenty First Century Access to Justice Law Library: Vision, Deployment and Assessment (A report prepared by Richard Zorza) – ATJ Board Member Patricia Lantz

*WSBA Pro Bono and Legal Aid Committee (PBLAC) proposal for expansion of MCLE Rule 103 (awarding MCLE credits for pro bono work) – Board of Governors Liaison Dan Ford

*Legal Community Legal Events – Kirsten Barron

Update on Civil Right to Counsel Movement – Deborah Perluss, Director of Advocacy/General Counsel, Northwest Justice Project

ATJ Board Updates
   ATJ/Bar Leader Conference – Conference Manager Allison Durazzi
   Delivery System Committee – Co-Chairs Nick Gellert and Dan Gottlieb
   Pro Se Project – Co-Chair Patricia Lantz and Project Manager Charley Dyer
   Electronic Access Project – ATJ Board Technology Fellow Andrew Lee
   Other?

Liaison Updates
Civil Legal Needs Work Group – ATJ Board Member Wayne Blair
Board of Governors – ATJ Board Liaison Greg Dallaire
Board for Judicial Administration – ATJ Board Member Wayne Blair
Other?

* Action Needed

Upcoming Meeting:
   June 8, 2012 (In conjunction with the Annual Access to Justice/Bar Leaders Conference in Yakima)
AGENDA
Access to Justice Board Retreat
April 29, 2011
Ishbel Dickens’ Home
9:00 a.m. – 5:00 p.m.

I. Supreme Court Assessment
II. ATJ Board Priorities for Fiscal Year 2011-12
III. Supreme Court Funds for Fiscal Year 2011-12
IV. Review of ATJ Board Committees

Materials:
• ATJ Board Report to the Supreme Court and BOG (NOTE: please bring your copy)
• Summary of Supreme Court Assessment Reports (by Chach Duarte-White)
• Supreme Court Assessment Reports (August 2010 Final Report and January 2011 Minority Report)
• Compilation of Alliance Responses to ATJ Board’s Proposed Position on the Assessment Reports (NOTE: The deadline for these responses is April 25, so you will receive these on April 26)
• Current ATJ Board Priorities
• History of Supreme Court Funds Expenditures by the ATJ Board
• Overview of ATJ Board Committees and Staff Recommendations
• ATJ Board Committee Member Rosters
• 2010 Revised ATJ Board Order
• ATJ Board Operational Rules
MEMORANDUM

TO: Members of the Supreme Court

FR: Washington State Access to Justice Board

RE: Report from ATJ Board Meeting with Community Leaders in Kennewick

DA: July 14, 2011

Today, our justice system faces unprecedented challenges as it strives to serve increasingly diverse populations who are bringing ever more complex problems to the justice system in the context of the worst economic climate in many decades. The Chief Justice’s call for an assessment of the current situation and recommendations for improvement offers the justice system an important and timely opportunity. It has taken leadership and courage for the Chief Justice to initiate this assessment, and it will take courage for the justice community to come together and make these recommendations real for the benefit of the members of the public it serves.

Final Report, Supreme Court Commissions, Boards & Task Forces Assessment Work Group (August 2010).

As stated in the ATJ Board’s May 5, 2011 memorandum to the Court, the ATJ Board agrees with the findings of both this Majority Report, as well as the additional findings of the Minority Report issued later in 2010. However, we would be remiss if we did not note that, while it is true that our justice system faces unprecedented challenges today, many of these challenges are not unique to today. While the challenges mount and biases continue to compound, far too many of these challenges have been left unsolved for far too long.

At the ATJ Board’s meeting in Kennewick on June 3, 2011, we were able to hear first hand from a number of individuals “in the trenches” in the Benton – Franklin County area who are dealing with many of these challenges and biases every day. We thought it worthwhile, as the Court summons its leadership and courage to address what steps to take in light of the findings and recommendations of the Majority and Minority Reports, for the ATJ Board to very briefly summarize what these members of our communities told us. This was just one short meeting with one group of individuals during which we listened to what they elected to discuss with us, but it made a profound impression on us. It reminded us that this effort is not theoretical; that there is immediate need for increased coordination between the various commissions and boards under the Court’s jurisdiction addressing access and justice issues because every day individuals of our state are denied access and justice.
Melinda García and Ana Guzman from Consejo Counseling and Referral Services

Consejo Counseling is a new agency which provides services to victims of domestic violence, primarily in the Pasco area. The program helps people through the entire process: filing protection orders; getting to the hospital; guiding them to counseling services; and accompanying them to court.

Language Barrier Issues

They raised that court staff are not always able or willing to address language barrier issues. They reported that there are no bilingual staff in the clerks’ office at the Benton County courthouse and no certified interpreters. They indicated that in dealing with people with language barriers, the clerks will suggest using a web site or hiring an attorney, but, as we know all too well, there are not enough attorneys available to handle domestic violence cases.

Fear of Immigration Enforcement

Immigration enforcement activities, or worries about them, also create barriers for access to the courts. In both Benton and Franklin Counties, the jails are adjacent or attached to the courthouses and share parking lots. ICE officials (U.S. Immigration and Custom Enforcement) regularly come from Yakima (where they have offices) to the jails to deal with individuals who have been arrested and placed on an immigration hold. They discussed how many clients in need of domestic violence protection are afraid of going to court because of the presence of ICE. Similarly, because of the risk that a perpetrator of domestic violence may assert to responding law enforcement that they actually were the victim, many victims are afraid to report such crimes out of fear that the police will arrest them and that such an arrest will result in a referral to ICE.

Erinn Gailey, Program Director of Domestic Violence Services of Benton / Franklin Counties

GR 34 Implementation Problematic

One issue Ms. Gailey raised, and about which we have heard other complaints from around the state, is difficulty with how GR 34 is being implemented or other issues around fee waiver requests. Apparently, both Benton and Franklin Counties require a personal appearance to make a fee waiver request, but only hears such requests in two 30-minute windows – one in the morning and one in the afternoon. The personal appearance is difficult enough for a person scraping by economically and without readily accessible transportation (especially from more rural parts of the county), but the 30-minute windows are often insufficient to hear all the petitions, thus meaning that someone could travel and miss work only to have to come back.

Along the same lines, Ms. Gailey discussed how even those capable of obtaining a filing fee waiver have not been successful in getting court facilitator fees waived. To compound this problem, she raised how language barriers can often result in the indigent person having to have multiple visits with the court facilitator, for which a fee is charged for each visit.

Lack of Judicial Understanding of the Need to Include Children in Protective Orders

Ms. Gailey raised concerns about the issuance of protective orders that do not include children or are for a short period of time. She indicated that the courts often push these issues over to the parenting plan process, but that in that process the courts often are or appear to be uninterested in the history of domestic violence.
Judy Dirks, Co-Director, Safe Harbor Crisis Nursery

Safe Harbor Crisis Nursery, which focuses on helping traumatized children and working with their families to stop generational issues negatively impacting children. The age range is 18 months to 13 or 14 years. In addition to being the co-director of Safe Harbor Crisis Nursery, Ms. Dirks works with Elija Family Homes, which provides housing for individuals who, despite now being clean, cannot get into public housing because of a history of substance abuse.

Inability for Minimum Wage Workers to Pay – Off Court Fines

One of the things that Ms. Dirks discussed was the downward spiral that court fines can create. She sees how clients in recovery often have such huge court fines, which are impossible to satisfy on the minimum wage jobs that they are able to obtain. If they miss a payment, they run risk of being jailed, thereby making it even more likely that they will be unable to find future work to earn money to pay off the fines.

Lack of DV Training for Guardians Ad Litem

Ms. Dirks raised concern about the guardian ad litem system, and she advocated that children should have legal representation. She raised questions about whether guardians ad litem are sensitive to the compounding issues that domestic violence victims face and how those issues may manifest themselves, and more generally whether they are taking the time or making the effort to develop a full understanding of the family situation. As courts rely more heavily on guardians ad litem for developing custody decisions or in crafting parenting plans, additional recruitment and training of individuals sensitive to these issues is critical. She also raised concerns about potential conflicts created by the guardians association with attorneys or in the manner of appointments.
MEMORANDUM

FR: Access to Justice Board

RE: ATJ Board’s Omak Listening Session (July 29, 2011)

As part of the ATJ Board’s goal to increase outreach and broaden external relations, the Board held its second “listening session” in Omak on July 29, 2011.1 Community leaders, members of the judiciary, and advocates made presentations about issues facing people with economic and other significant barriers in Okanogan County. This listening session was organized and facilitated by ATJ Board member and Colville Tribal member Elizabeth Fry.

Speakers and Presenters:

Cleansing of the Room: Larry Ground, Blackfeet Tribal Member, Browning, Montana
Welcoming Remarks: Omak Mayor Cindy Gagne
Prayer: Colville Tribal Member Doll Watt, Tribal Member, Educator and former Councilwoman

Vicky Minto, Sr. Attorney, Northwest Justice Project (Omak)
Parker Parsons, Attorney, Northwest Justice Project (Omak)
Jamie Edmonds, Sr. Attorney, Colville Tribal Legal Office
Christopher Culp, District Court Judge, Okanogan County
Henry Rawson, Municipal Court Judge, Okanogan County
Lael Duncan, Director, Okanogan County Community Action Council
Mary Minto, Executive Director, The Support Center
Constanza Smith, East Elementary School, Omak
Lynette Rose, Social Worker, Department of Social and Health Services (DSHS), Omak Office

Relevant Themes and Issues:

Demographics: Okanogan County is the poorest county in the state ($19,337 per capita as compared with $29,000 statewide) and the second largest county in the nation with one of the smallest populations. Eighteen percent of the population is below the poverty level. There are 7.8 persons per square mile. Many live in very remote and isolated parts of the county and there is no effective public transportation system.
**Tribal sovereignty issues and lack of counsel:**

Tribal sovereignty was identified as a significant and complex issue. Both tribal and state court judges spend time ensuring people are in the right court. The tribal court office functions much like a legal aid office, providing advice and unbundled services on just about any subject. The office serves as a court facilitator for tribal country actions. Some of the practical challenges include the interplay between services offered by each jurisdiction, e.g., the Social Security Administration won’t give credence to tribal mental health evaluations unless provided by PhDs. There are serious barriers to getting involuntary detention for Natives when needed (i.e. suicide) when in state court. “Simple” wills for Natives can only be drafted by attorneys familiar with the complexities of federal law.

There are only two tribal court attorneys. Of the few private attorneys in Omak, most lack tribal licenses. Although there is a tribal bar exam and 100 lawyers admitted to practice, most of them are in other parts of the state and few attorneys practice regularly in tribal court. There is a limited pool of private attorneys that are sensitive to, and understand, issues of tribal sovereignty. A significant problem is the assignment of conflict counsel in criminal cases, complicated that the fact that the tribe has a separate criminal code.

**Juvenile justice:** Fourteen percent of the youth population is Native and 38% of the detention population is native.

**Immigration:** Until recently the border patrol was in the courthouse during arraignments and taking people into custody. Although that practice has ceased, the border patrol continues to visit the jail and check the inmate list. There is a need for strong policy because these activities have chilled people’s willingness to access legal services and go to court because of fears they will be deported. There are reports that law enforcement is using border control agents to interpret, and people are afraid to call 911 even in emergencies. There are reports that ICE is coming into the schools.

**Drivers License Suspension:** Twenty-five percent of municipal court cases are license suspension cases. The DOL suspends licenses for failure to pay traffic infractions, and if stopped without a license people are facing a criminal charge. The Colville Tribe does not require insurance and half of the defendants have none. Many people live more than an hour’s drive from the court. For those with suspended licenses, they can’t get to court and in turn may be unable to work if they can’t drive.

**Housing:** Housing issues are multi-pronged. There are 500 on a waiting list for Section 8 housing. Many landlords don’t understand the landlord-tenant laws and regularly violate them. There is very little affordable rental housing and some of it is uninhabitable, including many mobile homes. There is a prevalence of housing that is uninhabitable. The County needs a fund for relocation assistance which would be recouped from the landlord. Funding for new housing is expensive, and the county has experienced a loss of funds (e.g., a reduction from 16 to 9 units in a new senior housing facility). Estimates are $30 million for 600 units.

**Homelessness and Hunger:** The lack of affordable housing has resulted in a high rate of homelessness. At the time of this listening session there were 60-70 unaccompanied youth living under a bridge and in picker cottages. Presenters identified a need for an emancipation process tied to services, e.g., housing and case management staff. It was estimated that 75% of homeless woman and children are homeless because of domestic violence. There is no physical emergency shelter in the winter. There has been a 30% increase at the food bank each year for the last three years. The County is able to glean 18,000 pounds from farmers and growers.
LEP: Although there is a large Hispanic population, there is only one court-certified Spanish interpreter in the County. Language Line services are used if there are no other interpreter services available, but only in the clerk’s office and with the courthouse facilitator. People bring friends to interpret in court.

Unemployment: There are between 7,500 and 10,000 filings per year. Persons receiving the maximum amount of unemployment benefits from the state are not eligible for assistance from TANF (Temporary Assistance for Needy Families). Barriers to employment include: no drivers license, lack of transportation, and inability to pass a criminal background check. The Colville Tribe requires applicants for tribal employment to pass a drug test. There are few highly paying job opportunities, e.g., Okanogan County has not fared well during cuts (i.e., community college campuses). A bright spot is a summer youth employment programs that pays the wages for 400 youth ages 14-21 through TANF.

Access to the Courts: Eighty five percent of litigants request fee waivers. The County collected filing fees last year for only 142 of the 400 cases. There is only one courthouse facilitator who has time to spend only 15 minutes with each person. Many people are uneducated and unable to fill out court forms. Dyslexia is common among Natives. Staff will type the forms into a computer and read them back. The court has only one process server and has to rely on volunteers. Those seeking temporary restraining orders can file only at limited times. There are a large number of criminal filings. The County has a small guardian ad litem fund, but has difficulty getting bilingual GALs. Common barriers to proceeding pro se include mental health and substance abuse. There is a need for alternative sentences because the jails are full.

Veterans: There is a large population of veterans, including Vietnam Vets with post traumatic stress syndrome.

Education: Families lack basic education about their legal rights and responsibilities. There are ongoing efforts to provide literacy education, including budgeting and workout plans for those trying to pay off debts. There is generational poverty, which was described as a "poverty of vision."

Child advocacy: Many kids are developmentally delayed or living at or below poverty level. Although there is mandatory reporting of child abuse, it's often difficult to prove. These risk factors may not manifest as safety concerns for the children. The County is dropping parenting classes.

Bias: There are many disparate ethnic populations including Natives, Jamaicans and Hispanics. There is need for cultural competency in the courts and bullying workshops for parents.

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1 The first session was held in Kennewick on June 3, 2011 in conjunction with the ATJ/Bar Leaders Conference.
Annual Committee Chairs Meeting  
Friday, October 7, 2011  
9:30 am – 12:45 pm  
Location: Washington State Bar Association  
1325 Fourth Ave Suite 600  
Seattle WA 98101

Agenda

1. Welcome and Introductions  
   a. Hon. Steve González, Access to Justice Board Chair  
   b. Steve Larsen, WSBA Deputy Director for External Relations

2. A month in the life of our clients  
   In this interactive session we will walk in the shoes of low-income people as they navigate a month’s worth of choices with limited resources.

3. Break (10 minutes)

4. Reflection (small groups)

5. Discussion of Key Learning

6. Lunch – informal working lunch on cross-committee projects  
   We will be joined at lunch by the Civil Legal Aid Oversight Committee. All are welcome to stay for the afternoon meetings: ATJ Board-Civil Legal Aid Oversight Committee joint meeting, followed by the ATJ Board meeting.
MEMORANDUM OF UNDERSTANDING

Relationships

The Washington State Access to Justice Board (the "ATJ Board"), an autonomous board that reports annually to the Washington State Supreme Court and the Washington State Bar Association ("WSBA") Board of Governors, was established in 1994 and reauthorized by an order of the Supreme Court, dated November 2, 2000 (the "Order"). The Order charges the ATJ Board with responsibility to assure high quality access for low and moderate income residents and others in Washington State who suffer disparate access barriers to the civil justice system. To that end, the Order provides that the ATJ Board shall work 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;

- Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;

- Promote adequate levels of public, private and volunteer support for Washington State's civil equal justice network;

- Serve as an effective clearinghouse and mechanism for communication and information dissemination;

- Promote, develop and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;

- Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;

- Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;

- Promote widespread understanding of civil equal justice among the members of the public through public legal education;

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• Promote the responsiveness of the civil justice system to the needs of those who suffer
disparate treatment or disproportionate access barriers; and

• Address existing and proposed laws, rules and regulations that may adversely affect
meaningful access to the civil justice system.

The Order provides that the ATJ Board shall be administered by the WSBA, and specifically states that
the ATJ Board shall be funded and staffed by the WSBA, which shall have authority to establish a
budget and approve expenditures. Pursuant to this Memorandum of Understanding, the ATJ Board
and the WSBA agree to the following understandings with respect to the relationships between the
parties under the Order:

**Budget Considerations**

The parties agree that the ATJ Board will participate in the development of that portion of the WSBA
annual budget that affects the operations of the ATJ Board. Such participation shall include:

(a) The ATJ Board’s submission to the WSBA Department of Finance and Administration
of a proposed budget in the same format used by the WSBA’s own programs, together with such back-
up information necessary to explain the proposed budget, or as requested in preliminary budget
development. The budget submission will identify specific objectives and describe how progress will
be evaluated; and

(b) The meaningful and timely opportunity for the ATJ Board to participate in WSBA’s
budget discussions and in making budget adjustments.

To the extent that the ATJ Board deems it necessary to request supplemental funding from the WSBA
within a budget cycle, the ATJ Board will follow the above steps; provided, that budget changes of less
than 10% in a line item do not require prior approval assuming that the overall budget remains
constant.

To the extent that the ATJ Board seeks funding from outside sources, it shall do so in collaboration
with the WSBA. WSBA shall be the contracting and grant agent for all outside funding received by
the WSBA or the Washington State Bar Foundation and earmarked for the ATJ Board. Either the
WSBA or the Washington State Bar Foundation, as appropriate, shall be responsible for reporting on
the use of such funds to the outside funding source. Management of the funds may be delegated to the
ATJ Board. Such funds shall only be used for the purpose(s) for which they were solicited, and subject
to any conditions imposed by the grantor or donor.

**Staffing Considerations**

The WSBA shall provide the ATJ Board with adequate staff to fulfill its mission. A manager-level
employee with knowledge of civil access to justice issues shall be dedicated to supporting and
coordinating the work of the ATJ Board with the understanding that this employee may be assigned to
perform other responsibilities as a WSBA staff member. The WSBA shall also provide the ATJ Board
with such other full or part-time staff as may be necessary to enable the ATJ Board to perform its
functions as set forth in the Order. Appropriate staffing levels shall be determined annually in the budget process. Staffing levels shall be monitored in good faith by both the WSBA and ATJ Board to assure that staff use complies with the parameters established in the budget. Any modifications to staffing allocations or duties shall only be made after mutual consultation between WSBA and the ATJ Board.

The ATJ Board understands that WSBA Personnel Guidelines shall apply in hiring, job classification, salary, and conditions of employment for all WSBA employees and that the WSBA Executive Director has sole authority to employ and compensate all WSBA employees. The WSBA Executive Director has sole authority to select or terminate any WSBA employee, although the ATJ Board shall have the opportunity to participate in the selection or termination of the ATJ manager. The formal job descriptions of staff assigned to work with the ATJ Board shall be available to the ATJ Board, and the ATJ Board shall have the opportunity to provide comments on those descriptions during the Annual Review process, or as necessitated by changes in functions, duties or personnel. The ATJ Board shall also have the opportunity to provide comments on the Annual Review of the ATJ manager and other WSBA staff supporting the ATJ Board.

Other Matters

The ATJ Board shall be accountable to the WSBA for proper fiscal management and for using WSBA resources to carry out the mission as specified in the Order.

In the event that an issue arises that is not addressed in the Order or this Memorandum of Understanding, the WSBA and ATJ Board will work collaboratively to resolve the issue.

Washington State Bar Association

S. Brooke Taylor
WSBA President

Date: 4-25-06

Washington State Access to Justice Board

By: Christine Crowell

Date: 5/8/06

M. Janice Michels
WSBA Executive Director

Date: 1-28-06

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Washington State Access to Justice Board
OPERATIONAL RULES

From the Order Reauthorizing the Access to Justice Board (Amended Order, March 8, 2012):

“...[t]he Access to Justice Board is hereby reauthorized and shall continue to be administered by the Washington State Bar Association, and is charged with responsibility to achieve equal access to the civil justice system for those facing economic and other significant barriers.”

Effective 3/9/06; amended 4/14/06, 9/18/09, 12/31/10 and 4/1/12. These rules supersede any previous policies covered herein.

I. Access to Justice Board (the “Board”)

A. Composition.*
   1. The Board shall consist of ten members, at least one and no more than two of whom shall be non-attorneys.
   2. The membership shall reflect ethnic, gender, geographic and other diversity.
   3. Recommendations for nominees to the Board shall be solicited broadly, based on experience in and commitment to access to justice issues, consistent with the needs of the Board, and including people affiliated with the Board for Judicial Administration, the Board of Governors (the "BOG") of Washington State Bar Association (the "WSBA"), Statewide Staffed Legal Services Programs, the Volunteer Legal Services Community, and Other Members and Supporters of the Washington State Alliance for Equal Justice.

B. Qualifications.*
   1. Board members shall have a demonstrated commitment to, and familiarity with, access to justice issues.
   2. The Nominating and Leadership Development Committee may identify other desirable qualifications, which may change from year to year depending on the needs of the Board.
   3. Board members who are attorneys must be in good standing with their licensing authority(ies).

C. Term.*
   1. Board member appointments are for a three-year term, which may be extendable, by one year, in the case of the Chair.
   2. Board members are eligible for reappointment to the Board for one additional term.
   3. Mid-term vacancies shall be filled in the same manner as original appointments, provided, however, the solicitation for nominations may be abbreviated.
   4. The appointee for a mid-term vacancy shall fill the remainder of the vacated term and shall be eligible for reappointment up to two additional terms.

* These matters are addressed, in part, by the current Supreme Court Order Reauthorizing the Access to Justice Board (Amended Order March 9, 2012).
5. If Board membership is expanded beyond nine positions, new appointments shall be for an initial two-year term, with eligibility for reappointment for one additional three-year term.

D. Board member duties.
Each Board member shall use best efforts to:
1. Attend each Board meeting;
2. Prepare for participation in Board meetings by reading the meeting materials sent before the meetings;
3. Follow up on tasks assigned at Board meetings;
4. Attend the annual retreat and participate in developing the Board’s annual work plan;
5. Attend the annual Access to Justice Conference;
6. Represent the Board at the request of the Chair; and
7. Advance the work of the Board in at least one of the following ways:
   a. By serving as a committee chair,
   b. By serving as a liaison to a Board committee,
   c. By serving as a liaison to an outside organization, or
   d. By serving as a committee member.

II. Board Meetings.

A. Form of Board Meetings.
1. Regular meetings shall be scheduled in advance.
2. Special meetings shall be called by the Executive Committee upon notice by mail, e-mail or phone.
3. Meetings are generally open to the public, but the Board reserves the right to meet in executive session.

B. Frequency.
Board meetings shall be scheduled as often as necessary to conduct the Board’s business, but not less frequently than once a quarter.

C. Attendance.
Board members may attend meetings in person or by conference call or other similar means (e.g. video link, etc.). In-person attendance is preferred.

D. Quorum.
1. A majority of the Board members shall constitute a quorum for any meeting.
2. Once established during a meeting, a quorum shall be deemed to continue for the remainder of the meeting.

E. Manner of Action.
1. The Board may act upon motion or resolution adopted at a meeting.
2. A motion or resolution shall be adopted if approved by a majority of those Board members in attendance at the time the vote takes place.
3. There shall be no voting by proxy, mail or e-mail.

III. Board Officers.

A. Chair.
1. Qualifications.

1 “Committee Liaisons” are expected to communicate the Board’s expectations of the Committee and its Chair; advise and advocate for the Committee; communicate questions and concerns between the Committee and the Board; and, monitor the Committee’s work.
The Nominating and Leadership Development Committee shall identify desirable qualifications, which may change from year to year depending on the needs of the Board.

2. Selection.
 Normally, the Chair-Elect shall succeed to the position of Chair at the end of the term of the predecessor. If there is a vacancy in the position of Chair during a two-year term for any reason, the Chair-Elect shall succeed to the position of Chair to serve out the term of the predecessor.

3. Term.
 a. The Chair shall serve a two-year term.
 b. Although eligible for reappointment as Chair, each Chair should serve only one full term, but may serve a longer period if serving out the term of a predecessor who left office early.

4. Duties.
 The Chair shall:
 a. Serve as spokesperson for the Board;
 b. Lead Board and Executive Committee meetings; and
 c. Work to ensure that the Board’s initiatives are moving forward.

B. Chair-Elect.
 1. Qualifications.
   a. Each nominee for Chair-Elect must have served at least two years on the Board.
   b. The Nominating and Leadership Development Committee shall identify desirable qualifications, which may change from year to year depending on the needs of the Board.

2. Selection.
   a. Candidates for Chair-Elect shall be nominated by the Nominating and Leadership Development Committee.
   b. Normally, the Chair-Elect shall be elected by the Board at its meeting immediately preceding the May meeting in the year of the election.
   c. If there is a vacancy in the position of Chair-Elect for any reason, a new Chair-Elect shall be nominated by the Nominating and Leadership Development Committee and elected by the Board as soon as possible to serve out the remaining term of the predecessor.

3. Term.
 The Chair-Elect shall serve a two-year term, but may serve a longer period if serving out the term of a predecessor who left office early.

4. Duties.
 The Chair-Elect shall:
 a. Succeed to the position of Chair upon the end of the predecessor Chair’s term or a vacancy in that position;
 b. Support the Chair;
 c. Serve as Chair when the Chair is unable to fulfill his/her obligations, including leading Board and Executive Committee meetings, if necessary
 d. Serve on the Executive Committee; and
 e. Serve as liaison to WSBA for budget and finance matters.

C. Executive Committee.
 1. Membership.
 The Executive Committee shall consist of the Chair, the Chair-Elect and two additional Board members selected annually by the Board. The lead staff person assigned to the Board, serving ex officio, shall also participate in Executive Committee meetings, but shall have no vote.
2. Executive Committee Meetings.
   a. Form of Executive Committee Meetings.
      i. Regular meetings shall be scheduled in advance and held
         approximately 10 days prior to each Board meeting.
      ii. Special meetings shall be called by the Chair with notice to other
          Executive Committee members.
      iii. Meetings are open to all Board members.
   b. Attendance.
      Executive Committee members may attend meetings in person or by
      conference call or other similar means (e.g. video link, etc.).
   c. Participation by Non-Board Members
      i. Executive Committee meeting dates and agenda (but not
         meeting materials) will be posted online, including deadlines for
         agenda items. Agendas will be subject to change.
      ii. Those who choose to submit agenda items may be invited to
          attend the Executive Committee meetings at which those items
          will be considered.
   d. Quorum.
      At least two of the four Board members must be in attendance during the
      entire meeting to constitute a quorum for that meeting.
   e. Manner of Action.
      i. No action may be taken by the Executive Committee except at a
         meeting with a quorum in attendance.
      ii. The Executive Committee may act upon motion or resolution
          adopted at a meeting.
      iii. A motion or resolution shall be adopted if approved by a majority
          of the quorum in attendance at the time the vote takes place.
      iv. There shall be no voting by proxy, mail or e-mail.

D. Executive Committee Duties.
The Executive Committee shall:
1. Set agendas for Board meetings;
2. Act on behalf of the Board on routine business and urgent matters, or otherwise
   as delegated by the Board; and
3. Call special Board meetings.

IV. Nominating and Leadership Development Committee.
A. Membership.
The Nominating and Leadership Development Committee shall be appointed by the
Board. It will include at least one ATJ Board member. Other members shall be drawn
from the justice community as a whole with a special effort to insure geographic diversity.
Representatives should be invited from the Board’s committees, the Leadership Group,
the WSBA’s many diversity initiatives, the law schools, and the minority bar associations.

B. Nominating and Leadership Development Committee Duties.
The Nominating and Leadership Development Committee shall:
1. Recruit potential new Board members;
2. Evaluate and recommend potential new Board members to the Board annually or
   as needed;
3. Make nominations for Chair-Elect (and, if necessary, Chair) once every two years
   (or as needed);
4. Identify new leaders for the Alliance for Equal Justice (the “Alliance”), including
   potential new Board committee chairs; and
5. Develop new leaders for the Alliance by overseeing the Board’s orientation
   program and its leadership training program.
V. Other Committees.

A. Standing committees.
   The Board shall establish and maintain standing committees to help the Board accomplish its mission and to clarify and address core priorities established by the Board. The Board will, on an annual basis, review the work of each standing committee to determine whether it continues to address a core priority of the Board. The Board may dissolve a standing committee if it determines the priority has been addressed. The Board also may revise the mission of a standing committee to address changing priorities, and may establish new standing committees as necessary and appropriate.

B. Special Initiatives.
   The Board may establish committees with limited life spans to address specific initiatives. The Board will appoint the chairs, provide the specific charges to the committees, and may establish time frames and reporting requirements for completing the work. In all other respects, these special initiatives committees, their chairs and committee members are subject to the same requirements as standing committees.

C. Committee chairs.
   1. Qualifications.
      The qualifications of committee chairs will be determined by the Board with due regard for the unique needs of each committee. Committee chairs may, but need not, be members of the Board.
   2. Selection and removal.
      a. Standing committees are encouraged to recommend chairs and plan for leadership succession, but the designation of standing committee chairs will be approved by the Board. In the absence of a standing committee recommendation, the Board will appoint a committee chair.
      b. The Board shall appoint the chair of each special initiative.
      c. Committee chairs may be removed by the Board.
   3. Term.
      a. Committee chairs shall serve a one-year term, which shall be renewable.
      b. The Board encourages committee chairs to identify and mentor potential chairs from their respective committees (for example, by appointing a co-chair or vice-chair).
      c. The Board will make resources available to assist committee chairs with leadership development and succession planning.
      d. Those committee chairs who wish to step down will collaborate with the Board to identify new committee chairs by the annual Board Committee Chairs meeting.
   4. Duties.
      Each committee chair shall use best efforts to:
      a. Provide an orientation to new committee members about the work of the committee;
      b. Serve as spokesperson for the committee and its initiatives;
      c. Set the agenda for each committee meeting;
      d. Schedule, convene and lead committee meetings, which may be attended in person or by conference call;
      e. Designate a recorder of decisions and action items for each meeting, and insure that such record is distributed to the committee members by e-mail list serve;
      f. Recruit and select new committee members as needed, with the input from current committee members and, if appropriate, from the Board;
      g. Include staff in logistic and strategic committee issues;
      h. Direct the development and oversight of committee goals, work plans, deadlines and committee member assignments;
i. Follow up with committee members between meetings to ensure initiatives are moving forward; and
j. Prepare the committee’s annual report to the Board.

C. Committee Members.
   1. Qualifications.
      Recognizing the uniqueness of each committee, member qualifications shall be established by the committee’s chair from time to time, with consideration given to the following:
      a. Committee membership should reflect ethnic, gender, geographic and other diversity to the greatest extent possible.
      b. Committee members who are attorneys must be in good standing with their licensing authority(ies).
      c. Committees should seek to include, as appropriate, laypersons from within the justice system, laypersons from outside the justice system and persons who have not previously been involved with the Board or the Alliance.
   2. Selection and removal.
      a. Committee members shall be recruited and selected by the committee chair, with input from other committee members and, if appropriate, from the Board.
      b. Committee members may be removed by the committee chair.
   3. Term.
      Committee member appointments are for a one-year term, which shall be renewable.
   4. Duties.
      The chair will develop, direct and oversee the duties of individual committee members.

D. Committee Operating Procedures.
   The Board recognizes the unique needs of each committee and to the extent possible encourages committee structure and operations that enable the committee to effectively address its mission. The Board has determined that the following operating procedures are minimally necessary:
   1. No committee or its members may enter into contracts or negotiations that bind the Board or the WSBA.
   2. No committee may take a formal public position on an issue or represent the Board without the approval of the Board.
   3. Committee meetings shall be scheduled as often as necessary to conduct the work of the committee, but not less frequently than once a year.
   4. Each committee shall prepare and submit a brief written report to the Board by March 30 of each year describing the committee’s activities during the previous 12 months and its plans for the subsequent calendar year. These reports will be incorporated into the Board’s annual report to the BOG and the Supreme Court.

VI. Other matters.
A. Staff.
   1. WSBA staff shall provide professional support for the work of the Board and its committees. Specific staff assignments shall be determined on the basis of staff expertise and the needs of the Board/committee.
   2. WSBA staff shall also provide the following administrative support to the Board and its committees:
      a. Committee roster maintenance;
      b. Committee e-mail list serve creation and maintenance;
c. Logistical arrangements (meeting space at WSBA, conference call numbers, beverage service, meeting notices) for committee meetings; and

d. Duplication of meeting materials.

B. Amendments.
The Board may amend these operational rules from time to time with the affirmative vote of a majority of the entire Board.

C. Other Administrative Procedures.
1. The Board shall maintain records as scheduled in the WSBA retention policy.
2. The Board shall record and maintain minutes of its meetings.
3. The Board shall prepare and deliver an annual report to the BOG and the Supreme Court.
4. The Board shall not enter into contract negotiations nor may it sign contracts.
5. The Board shall retain copies of all contracts entered into on its behalf by the WSBA.

D. Web Site.
The Board shall maintain a web page on the WSBA web site, which may include the following:
1. Board meeting minutes for the previous twelve months;
2. Annual Board reports to the BOG and the Supreme Court;
3. Key Board documents, including its authorizing order from the Supreme Court;
4. A schedule of its regular and Executive Committee meetings, which will also be posted on the WSBA legal community calendar located on the WSBA web site.

E. Policies.
The Board may adopt policies from time to time.
1. Use of ATJ Board letterhead (2-27-95): There are no restrictions on the use of ATJ Board letterhead. ATJ Board members may use ATJ Board letterhead for any purpose provided the ATJ Board has taken a position on the issue. An exception is private fundraising because judges are prohibited from soliciting money.
2. Keller rebate policy (3-20-95): Expenses associated with lobbying efforts by the ATJ Board in support of continued funding for legal aid programs — which includes letterhead — do not fall within the WSBA’s Keller rebate policy.
3. Amicus Curiae (5-15-98): In the interest of having judges continue to participate on the ATJ Board and its committees, the ATJ Board will not file amicus curiae briefs, but will refer access to justice-related issues to the Board of Governors Amicus Committee and other entities as appropriate.
4. ATJ Board endorsements of candidates for elected office (4-9-04; amended 6-9-06): (1) The ATJ Board shall not endorse candidates for elected office. (2) ATJ Board members may endorse candidates for elected office provided they do not identify themselves as Access to Justice Board members. (3) The ATJ Board chair and Chair-Elect shall not endorse candidates for elected office, even in their personal capacities.
5. ATJ Board – CPLE Memorandum of Understanding (6-11-04): The ATJ Board and CPLE entered into a Memorandum of Understanding which spells out the relationship between the two entities.
6. Guidelines Regarding Third-Party Requests for ATJ Board Support (6-1-07): The ATJ Board periodically receives requests from third parties to sponsor (or co-sponsor), support, or endorse events, initiatives, legislative or policy issues (including substantive and fiscal matters) and court rules. Guidelines and e-form can be found at http://www.wsba.org/atj/board/atjboardguidelinesforsupport.pdf.
ACCESS TO JUSTICE BOARD

Resolution of the Board in Support of
Voting “NO” on License Fee Rollback Referendum

WHEREAS, the Access to Justice Board (“ATJ Board”) is authorized and charged by the Washington State Supreme Court to advance access to justice in the State; and

WHEREAS, the ATJ community consists of moderate and low income/no income legal services organizations, volunteer legal programs and specialty legal providers; and

WHEREAS, individuals and families with lower incomes are facing even greater challenges in these economic times, not just in their ability to meet basic needs but by mounting barriers to accessing the justice system; and

WHEREAS, the Washington State Bar Association (“WSBA”) supports, sponsors and assists the work of the ATJ community, directly and through the professional development of lawyers; and

WHEREAS, a referendum petition has been submitted to the WSBA that seeks to rollback annual bar license fees from $450, the level at which they have remained stable for the last four years, to $325; and

WHEREAS, if the referendum passes, the WSBA budget will be reduced by $3.6 million dollars, which will result in the reduction or elimination of many important access to justice programs, new lawyer professional development programs, and vital legal services to the public and to lawyers; and

WHEREAS, such a reduction would severely impact access to justice for low and moderate income individuals and families; and

WHEREAS, the ATJ Board supports a “NO” vote on the referendum petition.

NOW, THEREFORE, BE IT RESOLVED that the ATJ Board as follows:

1. The ATJ Board urges WSBA members to support access to justice and the professional development of attorneys, by voting “NO” on the license fee rollback referendum petition.

ACCESS TO JUSTICE BOARD

By: /s/ Kirsten Barron, Chair

Attested to:

By: /s/ Ishbel Dickens, Chair Elect

Access to Justice Board, 1325 Fourth Avenue – Suite 600, Seattle, WA 98101-2538 • Phone: 206 727-8200, Fax: 206 727-8310
www.wsba.org/atj
Established by The Supreme Court of Washington • Administered by the Washington State Bar Association
April 11, 2012

Steve Crossland, President
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Proposed Family Law Civil Rules

Dear President Crossland:

The Access to Justice Board was very pleased to be invited by the Family Law Workgroup of the WSBA Local Rules Task Force to provide comments on its draft proposals for modification of the Family Law Civil Rules. It was an opportunity to provide an important perspective to a valued partner (WSBA) in our collective efforts to make the justice system more accessible to the public. The draft proposals also dovetailed nicely with the ATJ Board’s current work on translating family law court forms into plain language for which the WSBA recently provided significant funding.

The ATJ Board provided detailed comments to the Workgroup on the draft proposals in August 2011, which are attached. While we observed in our comments that the Workgroup had made considerable improvement to the current rules, we also expressed significant concerns about how the new version of the rules would impact low income people who face other barriers to the justice system and pro se litigants.

We greatly respect the lengthy and thoughtful process many people have engaged in to develop these proposals. We also understand that the Board of Governors is ready to vote on these draft rules, and under these circumstances do not want to stand in the way of moving these along. However, we continue to believe that these rules can be further modified to more effectively address the issues faced by low income people, those who face other barriers to the justice system and pro se litigants. In that spirit, and assuming the proposed rules in their current form are forwarded to the Supreme Court by the WSBA and the Court’s Rules Committee puts them out for comment, the ATJ Board will be submitting its comments directly to the Supreme Court for consideration.
WSBA President Crossland
April 11, 2012
p. 2

We would appreciate the opportunity to continue to work closely with the BOG and the Local Rules Task Force.

Sincerely,

Kirsten Barron, Chair
Access to Justice Board

Encl.

Cc: Members of the Board of Governors
    Lish Whitson and Justice Charles Johnson, Co-Chairs, WSBA Local Rules Task Force
    Dan Ford, WSBA Governor
    Greg Dallaire, ATJ Board Liaison to the BOG
    Paula Littlewood, WSBA Executive Director
    Access to Justice Board
From: Kirsten Barron [mailto:kbarron@barronsmithlaw.com]  
Sent: Wednesday, August 31, 2011 2:37 PM  
To: Kimberley.Prochnau@kingcounty.gov; TEitzen@spokanecounty.org  
Cc: Josefina Ramirez; Joan Fairbanks  
Subject: ATJ - Justice Without Barriers Committee Comments

Judge Prochnau and Judge Eitzen:

You have asked the ATJ Board to comment on the proposed Family Law Civil Rules. The ATJ Board delegated the task to the Justice Without Barriers Committee as it houses the Pro Se Project, where we believe these rules will have the most impact on our access to justice work. The comments are provided in the attached documents and include:

1. Introduction to Comments  
2. Substantive Comments  

We cannot underscore enough your efforts here and our appreciation for those efforts. Although minor in comparison, we have taken significant time ourselves, much of it from members reviewing from lovely vacation spots across Washington State, to provide you with some feedback that we strongly feel will improve access for pro se family law litigants.

Please let us know if we can be of further assistance.

Kirsten Barron  
Barron Smith Daugert PLLC  
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Bellingham, WA 98225  
tel (360) 733-0212  
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The Proposed Family Law Civil Rules
Comments from the Access to Justice Board

The Access to Justice Board was asked by Judges Prochnau and Eitzen to review and provide The Proposed Family Law Civil Rules. These proposed rules were drafted to address some of the problems of differences between the counties in local family law rules. The Access to Justice Board, through its Justice Without Barriers Committee, has reviewed these rules from the perspective of pro se litigants, who we know constitute the majority of litigants in the family law area.

As an initial matter, we applaud these efforts. We have worked on expanding services for pro se litigants in the family law area through our Pro Se Project. We are acutely aware of how difficult it is to craft solutions for pro se assistance with 39 different sets of local rules. While we recognize that there are still differences between the local courts, the Proposed Family Law Civil Rules create more consistency, which at the end of the day enables us to better assist these litigants. We understand this has been a Herculean effort of collaboration and persuasion. We support the adoption of these rules — it is a necessary start — and recommends the proposed rules be revised to provide better access to pro se litigants. The Access to Justice’s Board Justice Without Barriers Committee has provided the proposed revisions and more substantive comments, which are attached.

We have also attached, for your information, a survey conducted by the Justice Without Barriers Committee sub-committee on this issue.
Justice Without Barriers Sub-Committee Comments

Regarding the Proposed Family Law Civil Rules

August 24, 2011

To the Justice Without Barriers Committee and ATJ Board:

The ATJ Justice Without Barriers Committee was asked to comment on the Proposed Family Law Civil Rules that were presented to the Committee on July 26, 2011.

The Justice Without Barriers Committee formed a sub-committee to review the proposed rules from the perspective of pro se litigants who constitute the majority of litigants in the family law area. The sub-committee also looked at the potential effects of the rules on attorneys and other individuals who may advise and/or assist pro-se litigants in person by telephone or through self-help publications, videos or other statewide resources.

As part of the process of formulating a response to the proposed Family Law Civil Rules, the sub-committee has considered input gathered from several attorneys/advocates who provide free legal services to pro-se litigants. These attorneys included representatives from the Northwest Justice Project, Legal Voice, the Washington State Coalition Against Domestic Violence, the Union Gospel Mission, King County Bar Association, and the Elder Law Project at Gonzaga Law School. The opinions expressed by these various attorneys are not the official comments of any of the agencies listed above. However, the sub-committee considered their comments and suggestions in formulating its response.

As an initial matter, we applaud the efforts of the Local Rules Task Force. The Local Rules Task Force has worked very hard to develop proposals that will serve attorneys, the Courts, represented litigants and Pro-se litigants. This is a very difficult task, as the needs of these constituencies can be different and, at times, contradictory. We are extremely pleased that the Local Rules Task Force is pressing forward to impose a uniform numbering system for the local and statewide rules. This uniform numbering system, in itself, will be a tremendous step towards Access to Justice because it will help pro-se litigants, attorneys and judges who practice in multiple counties to locate the pertinent local rules more easily.

The Justice Without Barriers Committee was asked to specifically comment on the proposed format for the Family Law Civil Rules. The sub-committee has concluded that the effects of the current format of the proposed Family Law Civil Rules as a separate set of rules for family law cases, is unknown. For that reason the sub-committee feels that
the proposed format seems as likely as any other approach to succeed and has no objection to the format of the proposed rules.

However, the sub-committee has some concerns and suggestions regarding the content of the proposed Family Law Civil Rules as follows:

1. The proposed rules, as written, are not in plain language,

2. The rules, as written, allow counties to adopt or maintain differing rules in a number of areas, including page limits, motion timeframes, extrajudicial services, automatic exchange of information and automatic restraining orders. The differing rules regarding page limits and motion timeframes are particularly troublesome for pro-se litigants and those advising them.

3. The rules, as written do not contain any explicit direction to the local courts, telling them they simply can not adopt local rules that are not authorized by, or that differ from, the Proposed Family Law Civil Rules. Without strong and explicit direction or effective enforcement that limits the counties’ ability to adopt new Local Rules or adapt the Statewide Family Law Civil Rules, the proliferation of Local Rules is likely to continue, to the detriment of Access to Justice.

4. Some of the proposed Family Law Civil Rules, such as rules 6(d), 53.5, 87, and 88 do not inform a litigant of what the actual rule applicable to their case is. Instead these proposed rules serve the function of informing local courts of the parameters within which they may or must develop their local rules. It seems that incorporating these rules within the Family Law Civil Rules will be confusing to litigants and attorneys.

5. Finally, some proposed rules may have detrimental effects on Access to Justice and could be modified to promote better Access to Justice.

READABILITY/PLAIN LANGUAGE:

The Pro Se Project Committee has been hard at work developing Family Law Court Forms in plain English, and is very familiar with the issue of plain language with respect to how well the justice system serves pro se litigants. The rules as currently drafted are not in plain language, but maintain the legalese that has been the standard in our state.

Because of our familiarity with developing plain language documents, we recognize that to re-write the Proposed Family Law Civil Rules in plain language would be a very large task that would add considerable time and cost to the creation of the new rules. We believe, however, that this is the goal in the long run, and doing so will make these rules accessible to the vast majority of family law litigants – those who are pro se.
We would like to suggest three palliative measures that could be taken immediately:

1. A glossary added to the front of the rules to define in plain language the legal jargon terms found within the rules themselves. We suggest the glossary be quite extensive, built on the assumption that any word or words that have specific legal meaning, as opposed to common meaning, need to be defined.

2. When convenient, words should routinely be substituted by a common word equivalent that is better understood. For example, the word “must” is a good substitute for the word “shall” employed in a legal sense, since the common use of “shall” implies more leeway than the rules actually allow. (There are court cases that approve of this substitution.)

3. Footnotes should be added that note which mandatory family law forms would meet the requirement of the particular document noted in a civil rule. For example, when the word “order” appears, the forms that can be used for that type of order should be noted in the footnote.

**LACK OF UNIFORMITY**

The rules, as written, allow counties to adopt or maintain differing rules in a number of areas, most notably page limits and motion timeframes. Variation in these crucial local rules prevents uniformity of local rules and forces litigants and people advising or assisting them to look at the local rules as well as the statewide rules. The rules regarding page limits and motion timeframes are particularly troublesome for pro-se litigants because these rules generally must be applied at the beginning of a case, when time is often tight and the litigant has many tasks that s/he needs to complete to file or respond to a motion. In addition, legal aid and pro-bono attorneys from programs around the state generally attempt to convey a great deal of substantive legal information when they assist pro se litigants. Researching and explaining local rules to pro-se litigants consumes time that otherwise could be spent giving them advice about the merits of their case and the evidence and arguments they should make.

During the presentation on July 26, 2011 the Local Rules Task Force conveyed to the Justice Without Barrier’s Committee that the counties will not agree to adopt uniform local rules for motion timeframes. Therefore we suggest that the counties be provided with 2-3 choices, from which they may choose their motion timeframes. If the counties feel strongly that they must have differing page limits, we would similarly suggest that the counties be provided with 2-3 choices among which they select a local rule.
PROMULGATION AND PROLIFERATION OF LOCAL RULES

The proposed rules, as written do not contain any explicit direction to the local courts, telling them they simply can not adopt local rules that are not authorized by or that differ from the Proposed Family Law Civil Rules. GR 7, which requires the courts to obtain approval from the Supreme Court before promulgating non-emergency local rules has not effectively prevented the proliferation of local rules in the past. The sub-committee suggests that the proposed rules would be more helpful if they explicitly limit the local courts’ ability to do the following:

1. Develop new local rules,
2. Alter the language in the Family Law Civil Rules, and
3. Maintain existing rules that differ from or that are not contemplated by the Proposed Family Law Civil Rules.

Without explicit direction that limits the counties’ ability to adopt or adapt new or different Local Rules, and without an effective enforcement mechanism, the proliferation of Local Rules is likely to continue, to the detriment of Access to Justice.

PROPOSED RULES THAT GUIDE COURTS ABOUT CREATION OF LOCAL RULES AND PROPOSED RULES THAT DIRECT LITIGANTS HOW TO PROCEED ARE INTERMINGLED.

Some of the proposed Family Law Civil Rules, such as rules 6(d), 53.5, 87, and 88 do not inform a litigant of what the actual rule applicable to their case is. Instead these rules inform local courts of the parameters within which they may or must develop their local rules. It seems that including instruction to the local courts within the published Family Law Civil Rules will create confusion.

The sub-committee suggests that rules that instruct the courts about how to develop their local rules should be published or otherwise distributed to the local courts by a means other than inclusion in the Family Law Civil Rules. Perhaps these rules would be more appropriately placed in the General Rules.

CONTENT OF PROPOSED FAMILY LAW CIVIL RULES

The sub-committee has a number of comments and suggestions regarding certain proposed rules and their ability to promote ATJ.
1. **Proposed FLCR Rule 4 (a) (Summons):** The sub-committee suggests that this rule be amended to include language indicating that if the response is mailed, it must be mailed three days before the due date. The three day rule for mailing often confuses pro-se litigants and it would be helpful to include this reminder in the FLCRs.

2. **Proposed FLCR 6(d) (motions):** The proposed language that highlights the option to seek a motion to shorten time will be helpful for pro-se litigants as they often are unaware that time can be shortened. The sub-committee also suggests that this rule be amended to specifically include language indicating whether each time frame is counted in court days or calendar days. Although this information is available elsewhere in the Civil Rules, it is confusing to pro-ses and inclusion of this language would be helpful.

The sub-committee’s concerns about this proposed rule in terms of uniformity are discussed above. The sub-committee feels that the area of motion time frames is one of the areas where consistency between counties is most needed from an ATJ perspective.

3. **Proposed FLCR 7 (Pleadings):** This proposed rule is particularly helpful from an ATJ perspective because it gives the court discretion to hear oral argument over telephone. The provision stating that the expense of the call would be shared equally between the litigants could pose a problem for low income litigants who could not afford half of the cost. A rule that allocates the cost based on the financial situations of the parties would be better. The rule should also provide that in cases where neither party can afford the call, the court shall pay.

Finally, this proposed rule could go further and require the counties to publish their process for requesting a hearing by phone. The procedure to request a phone hearing should be structured so that a litigant would not have to appear in person to request a phone hearing.

4. **Proposed FLCR 7(f) Use of Pattern Forms:** This proposed rule is also very helpful from an ATJ perspective because the rule tells pro-se litigants where to obtain the mandatory forms they need and ensures that that a party’s failure to use the mandatory forms can not be a reason to dismiss a case, refuse a filing or strike a pleading. The sub-committee’s only concern about the proposed rule is that the rule says that the court may impose terms payable to the opposing party or payable to the court or both. The sub-committee feels that this aspect of the rule would inordinately affect low-income pro-se litigants. Pro-se litigants are significantly more likely to make inadvertent errors in terms of their pleadings.
than other litigants. Also, the risk of sanctions in family law litigation is intimidating to pro-se litigants.

5. **Proposed FLCR 10 (d) (Format Requirements):** This proposed rule is very beneficial from an ATJ perspective because it requires the courts to accept legible handwritten pleadings. Many pro-se and low-income litigants, and the people who write witness statements for them, do not have access to a computer or printer and this rule ensures equal access to these people. The rule also provides rules regarding the format of typed pleadings.

6. **Proposed FLCR 16 (automatic information exchange):** This proposed rule requires the parties to exchange certain information in a case. This rule could be beneficial to pro-se litigants who often have difficulty conducting formal discovery. The sub-committee suggests that the information should be exchanged earlier in the case, with the exchange date linked to the date the case and response are filed, rather than the date of the settlement conference or trial.

The sub-committee is concerned, however, that proposed FLCR 16 does not contain any provisions to allow DV survivors or others for whom disclosure of certain information would be dangerous or otherwise inappropriate to redact or omit such information. By contrast a litigant served with a formal discovery request would have the opportunity to seek a protective order before providing the requested information. If proposed FLCR 16 is amended to allow parties to redact certain information subject to later court ruling the sub-committee would support the rule. If that amendment is not adopted, the sub-committee would ask that FLCR 16 be deleted, allowing the ordinary discovery rules to govern the exchange of information.

Finally, the sub-committee suggests deletion of the phrase “legal records” from the mandatory information exchange. The term ”legal records” is vague and broad and would include records dating back to a person’s childhood, or regarding issues completely unrelated to the family law litigation. Some legal records are also privileged or otherwise protected.

7. **Proposed FLCRs 53.5 (ADR), 87 (Courthouse Facilitators) and Rule 88 (Extra Judicial Services):** Each of these proposed rules relates to extra-judicial services that many counties already require family law litigants to participate in.

Proposed FLCR 53.5, 87 and 88 all contain extremely helpful provisions that require the counties to waive the requirements for these extra-judicial services when “either of the parties is indigent or such referral would pose a significant financial hardship on either party” unless the county pays for the services. This
language is crucial from an ATJ perspective; the various fees and surcharges imposed by the counties have presented an increasingly severe and increasing barrier to Access to Justice for low-income people.

The sub-committee suggests broadening the language in rules 53.5, 87 and 88 to read:

In cases where either party demonstrates good cause such as significant financial hardship, significant geographic distance between the litigant's residence and the location where the services are offered, scheduling conflicts created by work or other ongoing obligations that make participation impractical or impossible, limited English proficiency where the services are not offered in the litigant's primary language, disability or other reasons constituting good cause, the court shall not require participation in such services. In the case of financial hardship, the court may require the services only if:

a. the court waives the fee or provides funding to pay for the service and

b. travel, missed work and other costs associated with the requirement do not present an undue burden on the litigant.

The sub-committee also asks that the language in proposed FLCR 87 (Courthouse Facilitator) be amended such that the rule states that in no case may proceedings be delayed, or entry of orders denied, because a party has not met with the family law facilitator before presenting the paperwork to the court. In many counties, the facilitators have only limited hours of availability and are booked out weeks in advance. Pro-se litigants should be given the same opportunity as represented litigants to promptly seek relief from the court.

Finally, the sub-committee feels that mandatory participation in extra-judicial services is often very burdensome to pro-se and low-income litigants and urges the Local Rules Task Force to limit the opportunity for the counties to impose additional extra-judicial requirements in the future.

To conclude, we thank the Local Rule Task Force for all their time and effort that has gone into the proposed Family Law Civil Rules. The current inconsistent Local Rules present a significant barrier to Access to Justice and the sub-committee supports any measure that will reduce the number of local rules, impose uniformity in their contents or prevent the counties from continuing to enact new local rules.
JWB Subcommittee

Josefina Ramirez, Lisa Hayden, Charles Dyer
MEMORANDUM

To: WSBA Board of Governors

From: Ishbel Dickens
       Access to Justice Board

Date: February 23, 2012

Re: Practice of Law Board’s Proposed New Admission to Practice Rule 28: Limited Practice Rule for Limited License Practitioners

Thank you for providing me with an opportunity to state the Access To Justice Board’s (ATJ) support for the proposed New Admission to Practice Rule 28 (“Rule”) – a limited practice rule for limited license practitioners.

The ATJ is already on record, see August 15, 2008 Memorandum from then-Chair Dan Gottlieb to Justice Charles Johnson, Chair of the Supreme Court’s Rules Committee and to Stan Bastian, former chair of the WSBA, supporting the concept of a rule that would “open up the availability of limited legal services” to those populations who cannot afford lawyers and who therefore have to represent themselves.

In that Memo, the ATJ clearly indicated that its support of the rule was made on the basis that such a rule would promote access to justice. Indeed, the ATJ’s mission recognizes that access to the civil justice system is a fundamental right and the ATJ Board works to achieve equal access for those facing economic and other significant barriers.

The ATJ Board takes its responsibilities very seriously and relies on input from members of the Alliance for Equal Justice, as well as legal needs’ studies, as it determines its priorities.

One such study, the Civil Legal Needs Study (2003) (“Study”), conducted by the Task Force on Civil Equal Justice, chaired by Justice Charles Johnson and Judge Mary Kay Becker, provides an unprecedented look at the civil legal needs of low income households in Washington. While the Study is now 10 years old there can be little doubt that the unmet legal needs of people living in poverty continue to grow. This 2003 Study determined that 87% of low income households in Washington experience at least one civil legal problem each year and most experience numerous problems. Low income households face 88% of their legal problems without the help of an attorney.

The proposed Rule would be an invaluable resource for people living in poverty.
Indeed, it is simply one more tool in the toolkit allowing all of us who care about access to the justice system to provide as many resources as possible so that every person in the state, who needs it, is provided with access to justice.

The proposed Rule will not detract from any other practice already in existence.
* Attorneys will continue to be hired to provide their professional services on a wide range of issues.
* There will be the same demand for pro bono legal assistance – indeed the number of attorneys providing pro bono assistance is stagnant and there is no reason to believe that pro bono services will increase any time soon.
* Existing programs serving the needs of low and moderate income households, whether provided through staffed legal services or through innovative programs, like the WSBA’s Moderate Means Program, will continue to do their best to serve the needs of the clients who walk through their doors, though decreased funding will probably result in more and more of these potential clients being guided towards self-help resources or simply turned away.
* The ATJ’s plain language forms will always be in demand as soon as they are available.
* Court facilitators play an important role helping self-represented litigants.

Add to all of these, the availability of limited license practitioners and we get closer to meeting our obligation, as lawyers, of providing justice.

It seems to me that lawyers who care about access to justice are constantly asking themselves what more we can do. Indeed, in the past year the WSBA established the Civil Legal Needs Work Group whose charter requires them to look at additional ways to address issues related to representation of low income clients, including but not limited to: “disseminating legal information, expanding the use of understandable legal forms, providing legal advice, conducting legal research, and/or undertaking representation of eligible clients currently not provided by” existing legal aid providers.

I think we all recognize that when people living in poverty are not provided the necessary tools to navigate the justice system then they are more likely to lose their jobs, end up becoming homeless, and/or face disruption within their families. Our current resources are stretched to the limits and are becoming overwhelmed as budget cuts impact legal aid providers’ ability to hire staff and provide much needed services.

Justice Ireland is here with me today in support of the proposed Rule. On behalf of the Access to Justice Board I ask the WSBA Board of Governors to reconsider its position regarding the proposed Rule and to join with the ATJ in supporting the proposed New Admission to Practice Rule 28.

I urge the Supreme Court to adopt Rule 28 as another important step towards the provision of access to justice for those most in need of such assistance.
April 9, 2012

Washington State Bar Association
MCLE Board
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

RE: Support for proposed revisions to APR 11.2 and Reg. 103 to increase CLE credits for pro bono service and training

Dear Board Members:

The Washington State Access to Justice Board voted at its March 30, 2012 meeting to endorse the provisions proposed by the Washington State Bar Association’s Pro Bono and Legal Aid Committee (PBLAC).

The ATJ Board was an early endorser of the original proposal put forward in 1998 by PBLAC to both the MCLE Board and the Board of Governors to award MCLE credits for pro bono work. That rule has been effective in providing an incentive for attorneys to handle pro bono cases for the public and provide training to attorneys. Given this success, coupled with the dramatic increased needs for pro bono services, expansion of the rule is timely and appropriate.

As a profession, we are responsible for ensuring that the fundamental right of access to the justice system is honored and protected. Accordingly, we have a responsibility to ensure that free or low cost legal assistance is available to those who, because of their poverty, cannot effectively seek redress of their grievances before courts or administrative bodies. The organized bar is charged with setting standards of professionalism and assisting its members in discharging their professional responsibilities. Currently only a fraction of WSBA members provide pro bono services to the public and training to lawyers. We believe the adoption of PBLAC’s proposal will provide a significant incentive for more lawyers to discharge their professional responsibility to serve the public.

The Access to Justice Board works to achieve equal access for those facing economic and other significant barriers to the justice system. Given that 87% of people with serious legal problems are unable to get a lawyer, PBLAC’s proposed revisions, if
adopted, could make a significant impact in our state and serve as a model for the country.

Thank you.

Sincerely,

Kirsten Barron, Chair
Access to Justice Board

Cc: Andrea Axel, Chair, PBLAC
    Dan Ford, WSBA Governor
    Kathy Todd, WSBA Regulatory Services Manager
    Catherine Brown, WSBA Public Service Program Manager
    ATJ Board
April 9, 2012

Justice Charles Johnson, Chair
Supreme Court Rules Committee
Temple of Justice
PO Box 40949
Olympia, WA 98504-0949


Dear Justice Johnson:

For many years the Access to Justice (ATJ) Board has been concerned about the ethical dilemma of a lawyer using the immigration status of a party or witness as an intimidation tool in civil proceedings. We are very pleased that the Washington State Bar Association Board of Governors has approved a draft comment to address this unethical practice, and write in strong support of the adoption of the comment by the Supreme Court as an amendment to the Rules of Professional Conduct.

The ATJ Board works to achieve equal access to the civil justice system for those facing economic and other significant barriers to the justice system, including immigrant status. As documented in the Supreme Court’s Civil Legal Needs Study and through “listening sessions” conducted by the ATJ Board throughout the state, many immigrants choose not to seek the redress of their grievances in our court system because of they fear they will not be treated fairly because of their status. The promise of equal justice under law is an empty one unless we hold ourselves accountable to clear and unambiguous standards of ethical conduct. We believe the draft comment will accomplish this.

Thank you.

Sincerely,

Kirsten Barron, Chair
Access to Justice Board

Cc: Steve Crossland, WSBA President
    Paula Littlewood, WSBA Executive Director
    Dan Ford, WSBA Governor
    Access to Justice Board
Thank you to Hon. Steve González
Access to Justice Board member (2005-2010)
& Chair (2010-2011)
Welcome
Kirsten Barron
Access to Justice Board Chair
“Cloudy Day” & “21”
Raúl Sánchez
Poet

Alliance Member Thank You
Jorge Barón
Northwest Immigrant Rights Project

Task Force on Race in the Criminal Justice System
Karen Murray
Associated Counsel for the Accused

Presentation of Flame of Justice
Kirsten Barron

Toast
Wayne Blair
Access to Justice Board

Open Podium
-all are invited to share remarks-
Access to Justice Board Legal Community Events Calendar

April 2011-April 2012

At its September 19, 2009 meeting, the ATJ Board adopted a recommendation from its July 17, 2009 retreat that the ATJ Board increases its visibility at legal community events through the state. At its January 15, 2010 meeting, the ATJ Board adopted a set of protocols for coordinating participation. These contemplate: (1) Individual ATJ Board members will attend local bar association events with an access to justice focus. (2) ATJ Board staff will prepare a list of legal community events for a four-month period, to be circulated at each ATJ Board meeting.

May 20, 2011: Statewide Diversity Conference - Washington Minority Bar Associations Collaboration Project ("WAMBAC") - Seattle

May 20, 2011: Loren Miller Annual Dinner, Grand Hyatt, Seattle, 5:30

September 22, 2011: WSBA Annual Awards Dinner

September 23-24, 2011: Conference on Race and Criminal Justice in the West (Gonzaga) (Judge González, Breean Beggs, Betty Fry, Allison Durazzi)

September 24, 2011: Legal Voice Auction, Renaissance Seattle Hotel

October 6, 2011: LAW Advocates – Kirsten Barron

October 14, 2011: ABA WYLD Conference in Seattle – ATJ Tech Committee presentation, Brian Rowe and Tech Committee members

October 14, 2011: Washington Women Lawyers Dinner

October 14, 2011: 15th Anniversary of Northwest Justice Project – Ishbel Dickens, Kirsten Barron

October 18, 2011: King County Bar Association/King County Bar Foundation Recognition Event – Steve González, Ada Shen-Jaffe

October 18, 2011: Washington Appleseed Annual Luncheon

October 20, 2011: Asian Bar Association of Washington – Steve González (receiving award)

October 20, 2011: NWIRP 27th Anniversary – Caitlin Davis Carlson

October 22, 2011: Women of Courage – Steve González

October 28, 2011, 5:30 – 11:30 pm: FLOW Third Annual Barrio Fiesta, Filipino Community Center, 5740 Martin Luther King Jr. Way, Seattle WA 98118

November 15, 2011: Vietnamese American Bar Association of Washington (VABAW) 7th Annual Banquet, The Triple Door, Seattle

December 10, 2011: Art for Equal Justice, Philip Hall @ UW Tacoma, 6–10 pm. www.tacomoprobono.org for tickets. (Justice Steve González)

January 13, 2012: King County Bar Association Annual Reverend Dr. Martin Luther King, Jr. Luncheon, Sheraton Seattle, 12:00 – 1:25 pm. ATJ Board

February 10, 2012: UW Law School Public Interest Law Association Auction, 5 pm, Seattle Center. (Ishbel Dickens)

February 17, 2012: Symposium on Racial Bias and the Criminal Justice System at Seattle University School of Law. (Andrew Lee)

February 23, 2012: 2 – 5 p.m. WSBA Member Town Hall – Practice of Law Board’s proposed Limited License Practitioner Rule, formerly called the Legal Technician Rule. http://www.wsba.org/Events-Calendar/2012/February/LLP-Town-Hall (Ishbel Dickens)


February 24, 2012: Legal Foundation of Washington Annual Goldmark Award Luncheon, 12 pm, Sheraton Seattle. www.legalfoundation.org (all ATJ Board and staff)

February 25, 2012: Seattle University School of Law Public Interest Law Foundation Auction, 7 pm, TBA. http://law.seattleu.edu/x10233.xml (Nick Gellert)

March 2, 2012: Gonzaga University School of Law Public Interest Law Program (GPILP) Auction. (Breean Beggs)


March 8-9, 2012: WSBA Board of Governors Meeting, Walla Walla. (Greg Dallaire)

March 22, 2012: 7:30 am – King County Bar Foundation Breakfast with Champions, NPS’s Mara Liasson keynote, Westin Seattle. www.kcbf.org

March 29, 2012: Legal Voice Annual Spring Celebration “Cocktails for a Cause,” Renaissance Seattle. (Kirsten Barron, Allison Durazzi)


April, 17, 2012: QLaw Annual Banquet, Olive 8, Seattle.


2011 National Meeting of State Access to Justice Chairs
Saturday, May 21, 2011
Las Vegas Hilton

AGENDA

8:00-8:30  Light Breakfast  Pavilion 9

8:30-11:00  Morning Plenary  Pavilion 9

Welcome and Introductions
Robert Stein, Chair, ABA Standing Committee on Legal Aid & Indigent Defendants

Opening Remarks
Hon. Michael Douglas, Chief Justice, Nevada Supreme Court

Access to Justice Strategies for a Time of Shrinking Resources (I)
Funding Trends: Challenges and Opportunities
Meredith McBurney, ABA Resource Center for Access to Justice Initiatives

Expanding the Access to Justice Community
James J. Sandman, President, Legal Services Corporation

Short break

Access to Justice Strategies for a Time of Shrinking Resources (II)
A Chief Judge’s Case for Civil Legal Aid Funding: the New York Experience
Hon. Jonathan Lippman, Chief Judge of the State of New York, in conversation with Helaine Barnett, Chair, Chief Judge’s Task Force to Expand Access to Civil Legal Services in New York

Courts for the 21st Century: New Challenges, New Partnerships
Hon. Laurie Zelon, California Court of Appeal
Chair, California Judicial Council Family Law Task Force

11:15-12:30  Peer State Breakout Groups  see list on COLOR paper
Facilitated discussion with your peers from similarly situated states

12:30-1:30  Lunch  Pavilion 10

1:30-2:45  Topical Breakout Groups  see list on COLOR paper
8 topics

2:55-3:30  Table Talk I  Pavilion 9
Short sessions for networking, questions, sharing ideas and challenges; 14 topics
see list on COLOR paper

3:30-3:45  Refreshments

3:45-4:20  Table Talk II
11 topics; see list on COLOR paper

4:20-4:45  Closing Plenary  Pavilion 9
Interactive session highlighting successful state Access to Justice initiatives
Robert LeClair, Executive Director, Hawaii Justice Foundation
August 11, 2011

Chief Justice Barbara A. Madsen  
Washington Supreme Court  
Temple of Justice  
PO Box 40929  
Olympia, WA 98504-0929

RE: ATJ Board Funds from the Supreme Court

Dear Chief Justice Madsen:

Thank you for your July 28, 2011 e-mail advising the ATJ Board that the Supreme Court and AOC will be providing funding for ATJ Board initiatives for Fiscal Year 2012. We know that you and others have worked hard to find funds and we are extremely grateful.

The ATJ Board considered your request for a “prioritized list of proposed activities and associated costs” at its July 29, 2011 meeting. The allocation of funds is consistent with our current priorities and provides a roadmap for continued implementation of these initiatives should funds in addition to those committed become available – either from the Court, AOC or other sources.

If the allocation is $16,000:

PRIORITY – ATJ Board/AOC/OAH Pro Se Project ($15,000)

As we have discussed, this important and valuable project cannot continue without staffing. Thus, a $15,000 allocation will provide contract staff support for one year ($1,250 per month). **This work cannot continue for FY 2012 without at least $15,000.** Staff functions that would be funded include:

- Assisting with the conversion of family law forms into a plain language format. Scheduling and facilitating Pro Se Project Meetings for more than 30 volunteers and including several working committees – to include developing agendas, taking and distributing minutes, and ensuring that tasks are accomplished in a timely manner.
- Developing and maintaining close working relationships between and among Pro Se Project partners (ATJ Board, Office of Administrative Hearings and Administrative Office of the Courts) and other participating stakeholders.
- Writing funding proposals.
- Conducting research on related issues.

PRIORITY – Race and the Criminal Justice System Task Force ($1,000)

The ATJ Board believes this is important work to continue – especially since participation from scholars, lawyers and judges has been completely voluntary. We believe that funds are needed for travel and related expenses for the work the Task Force. If the ATJ Board is allocated $16,000 for FY 2012, we will commit $1,000 for this purpose.
If the allocation is $40,000 – we will spend the additional $24,000 as follows:

PRIORITY – Leadership Development Initiative ($15,000)
The goal of the Leadership Development Initiative is to train and develop future leaders in the Access to Justice community. The ATJ Board has made the Leadership Academy a priority – we believe that this kind of training will make our Alliance community more effective and thus increase the level of service, particularly for low income, vulnerable people.

The Leadership Development Initiative has received a $100,000 commitment for the Leadership Academy from a donor provided we are able to acquire a $100,000 match for those monies. Therefore, if we have additional monies in excess of $15,000, we believe we can leverage a $15,000 allocation from the Supreme Court into $200,000. This $200,000 is a wise investment in the current and future members of our Alliance community. If the project is unsuccessful in raising enough revenue to provide the match, then the Leadership Academy will not move forward and the funds allocated to it will be allocated to the Pro Se Project to continue its plain forms and other work.

PRIORITY – Race and the Criminal Justice System Task Force ($4,000)
We would like to fully fund the travel expenses for those participating in this initiative and would allocate another $4,000 to this.

PRIORITY – ATJ Board/AOC/OAH Pro Se Project ($5,000)
We would allocate the last $5,000 to the Pro Se Project along with any money allocated to the Leadership Development Initiative if we are not able to use that money to leverage the match.

We will continue to use dozens of volunteers and in-kind support from the Washington State Bar Association to leverage these scarce resources to the greatest extent possible. Again, we are appreciative of this allocation of funding as it is yet another sign of your support in our work.

Please contact me if you have questions or concerns.

Thank you for your continued confidence in the work of the ATJ Board.

Sincerely,

Judge Steven C. González, Chair Access to Justice Board

cc: Jeff Hall, Washington State Court Administrator
Ramsey Radwan, AOC Management Services Director
Paula Littlewood, WSBA Executive Director
Washington State Access to Justice Board/Administrative Office of the Courts
Pro Se Project

Report to the Board of Governors of the Washington State Bar Association

April 10, 2012

On December 9, 2011, the Washington State Bar Association Board of Governors approved a grant of $75,000 to the Washington State Access to Justice Board for the express purpose of enabling the ATJ Board’s Pro Se Project to complete the translation of the family law court forms into Plain English. This memo is a report on our progress to date.

****

The Pro Se Project is tasked with implementing the Washington State Plan for Integrated Pro Se Assistance Services. We are currently in Step 1 of Phase 1 of the Plan, creating plain language family law court forms as content for websites and for the Technology Based Family Law Self Help Center.

In 2011, the Pro Se Project Subcommittee (a subcommittee of the ATJ Justice Without Barriers Committee) established several work groups to handle various portions of the work of implementing the State Pro Se Plan. The Pro Se Project’s plain language translation consultant (Transcend Translations, Inc.) completed the creation of the template for the new plain language family law court forms and completed the initial 18 forms in the pilot project. The Forms Review Work Group has been working on these forms, including refinements to the template and recently has several forms ready for testing.

The Pro Se Project Subcommittee includes a number of sub-committees in addition to the Forms Review Work Group. Most recently, the Forms Testing Work Group and the Rally Support Work Group are just starting to become fully active.

In January 2012, the Northwest Justice Project made an in-kind gift, devoting 80% of Vancouver NJP staff attorney Laurie Garber’s staff time to the Project for 3 months, renewable up to 6 months. With that, a contract was signed with Transcend to complete 125 forms for $68,500 by September 30, 2012.

Although the contract was not finally signed until March 29, 2012, Transcend had already started working on the forms. As of April 10, 2012, Transcend had completed 24 new forms.

Any remaining funds will be used to purchase additional time from Transcend, as needed, or to support forms testing and presentations to stakeholders for comment.
Ms. Garber is making the initial translation of many of the remaining family law forms. These are simple forms, and many are duplicative of other forms. Ms. Garber is also providing an initial, intensive review of the new forms, examining their compliance with statute, and noting possible conflicts with court rules and lawyer practice.

The Forms Review Work Group has split into 3 sub-groups, adding new members to each to handle the increased volume of work. Sub-groups will be handing the forms in relevant batches. Ms. Garber sits on all three sub-groups. The original work group (whose members have been parsed out to the sub-groups) will continue to meet monthly to coordinate overall matters and resolve large problems, e.g., glossary terms.

The Forms Testing Work Group is charged with testing the forms with end users, i.e., pro se litigants. This Work Group is currently going through pilot testing, using focus groups from Whatcom County’s LAW Advocates. After that phase, it will begin survey testing, using jury pools, as well as facilitated focus groups at various legal clinics. Forms testing will continue until sufficient numbers of forms are tested to have obtained most all the information that can be gathered, probably until December 2012. Test compilations are sent to the Forms Review Work Group.

The Rally Support Work Group is charged with the dual role of presenting the forms to stakeholders to gain their support for the work and to garner comment from stakeholders on the forms themselves. All written and recorded spoken (e.g. Q & A sessions) commentary will be sent to the Forms Review Work Group. So far, there have been 6 presentations, and there are presently 8 planned presentations, including a confirmed presentation of a 1.5 hour workshop at the ATJ Conference in Yakima, June 9, 2012.

The Pro Se Project has set up several Dropbox folders in order to share files between the various volunteers. The Forms Review Work Group presently has 28 active volunteers. The Rally Support Work Group has 10 active volunteers. The Forms Testing Work Group has 9 active volunteers, and is also recruiting volunteers at local test sites. In the last year, the Pro Se Project has had 54 volunteers, most of whom are still active, and several of whom are active in several roles. The Project is staffed by a part-time consultant, Charles Dyer, paid from funds provided by the Washington State Supreme Court and the AOC. The WSBA provides oversight through its staff person Joan Fairbanks and provides meeting rooms, conference call service, and some travel funds.

**Attachments:**

- Roster of Volunteers, 2011-2012
- Letter of support from the Supreme Court
- Appendix A: DR Forms for Plain Language Conversion
This following table lists the volunteers and support staff for the Pro Se Project during Fiscal Year July 1, 2011, to June 30, 2012, as of March 8, 2012. A few volunteers were not active for the whole year.

Key to committees and work groups:

- **PSP**=Pro Se Project Committee (a subcommittee of the Justice Without Barriers Committee)
- **PSPE**=Pro Se Project Executive Committee
- **FRWG**=Forms Review Work Group (E=Executive Committee; sg # = subgroup #)
- **FTWG**=Forms Testing Work Group
- **RSWG**=Rally Support Work Group
- **TWG**=Timeline Work Group

<table>
<thead>
<tr>
<th>Volunteers</th>
<th>Affiliation</th>
<th>City</th>
<th>Committees &amp; Work Groups</th>
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<tbody>
<tr>
<td>Kris Amblad</td>
<td>Northwest Justice Project</td>
<td>Seattle</td>
<td>FRWG sg 2</td>
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<tr>
<td>Kirsten Barron</td>
<td>Barron Smith Daugert PLLC</td>
<td>Bellingham</td>
<td>PSP, PSPE, FTWG, TWG</td>
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<td>Paul Bastine</td>
<td>Retired Judge</td>
<td>Spokane</td>
<td>PSP, RSWG, FRWG sg 3</td>
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<td>Douglas Becker</td>
<td>Wechsler, Becker LLP and WSBA Family Law Executive Committee</td>
<td>Seattle</td>
<td>FRWG E sg 1</td>
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<tr>
<td>Robert Blazak</td>
<td>Robert J. Blazak Law Office</td>
<td>Burien</td>
<td>FRWG</td>
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<tr>
<td>Josefina Cerrillo-Ramirez</td>
<td>Northwest Justice Project</td>
<td>Bellingham</td>
<td>PSP, FTWG, FRWG E sg 2</td>
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<tr>
<td>Tricia Croston</td>
<td>Facilitator, Kitsap County</td>
<td>Port Orchard</td>
<td>FRWG sg 2</td>
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<tr>
<td>Kristi Cruz</td>
<td>Seattle U. Law School</td>
<td>Seattle</td>
<td>PSP</td>
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<tr>
<td>Rita Dermody</td>
<td>King County Law Library</td>
<td>Seattle</td>
<td>PSP, TWG</td>
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<td>Ishbel Dickens</td>
<td>Columbia Legal Services</td>
<td>Seattle</td>
<td>PSP</td>
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<tr>
<td>Kim Eaton</td>
<td>Yakima County Clerk</td>
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<td>Susan Encherman</td>
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<td>Roben Esveld</td>
<td>Facilitator, Spokane County</td>
<td>Spokane</td>
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<td>LeeAnn Friedman</td>
<td>Northwest Justice Project</td>
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<tr>
<td>Laurie Garber</td>
<td>Northwest Justice Project</td>
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<td>Olympia</td>
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<td>M. Lynn Greiner</td>
<td>Attorney</td>
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The Supreme Court
State of Washington

January 5, 2012

Re: ATJ/AOC/WSBA Plain Forms Project

Dear Friends of Access to Justice:

The members of the Washington State Supreme Court encourage you to join an important collaborative project that will have a significant and positive impact on family law litigants. The Access to Justice Board, the Washington State Bar Association, and the Administrative Office of the Courts are working collaboratively to create “plain language” forms for family law cases.

Most individuals who come to family court are facing untold challenges and turmoil in their lives and the lives of their children. Many times the parties cannot resolve their disputes in a cooperative fashion and must rely on the courts to help them reach justice. Adding to these stresses, all family law parties—some with attorneys and most without—have a myriad of paperwork to read and understand. Currently, the family law forms in use in Washington are often difficult to comprehend and complete because of legalistic and sometimes archaic language.

Plain language and more accessible formats allow parties to understand our forms and the legal concepts they convey easily and completely. Less confusion, greater clarity, better understanding, and achievement of personal and legal goals are just some of the benefits plain language forms offer. The benefits of plain language forms extend to attorneys and the courts as well.

The forms will undergo vigorous field testing to ensure they meet all legal requirements under statute and court rule. Protocols are being developed to make sure that the forms are not available for use until all testing and revisions have been done and to make
## A. Forms for Use in All Family Law Cases

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### Court Files - Confidential Information forms

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## E. Modification of Parenting Plan Forms

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**F. Child Relocation Act Forms**

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H. Chapter 26.10 RCW

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## Appendix A

### I. Child Support Schedule/Worksheets

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### J. UCCJEA forms

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**K. UIFSA forms**

1. Forms in Group: 1

- K-1: WPFP DRPSCU 10.0100 - Request for Support Order Registration Under UIFSA (RQSREG) - 6/1/2006 - 243

**L. All Cases**

3. Forms in Group: 2

- L-1: WPFP All Cases 01.0100 - Declaration Re: Foreign Judgment (DCLRFJ) - 6/1/2006 - 191
- L-2: WPFP All Cases 01.0200 - Declaration Re: Service Members Civil Relief Act (AFSCR) - 7/1/2007 - 538 (duplicates military language in default forms)
- L-3: WPFP All Cases 01.0400 - Law Enforcement Information Sheet (LEIS) - 6/1/2010 - 447 (let's not mess with this one)

**Totals**

- 18 Converted
- 10 Approved
- 213 Tested
- 213 Total

- Word Count: 91,841 73,619 10,906 21,668 198,034
- # forms: 124 67 4 18 213
- average per form: 741 1,099 2,727 1,204 929.74

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Eliminating Bias in the Justice System: A Call to Action & Service

June 3–5, 2011 • Three Rivers Convention Center • Kennewick

Keynote Speaker: Dr. Luis Ricardo Fraga, OneAmerica Board President
Friday, June 3

**Preliminary Meetings**

11:30 a.m. - 7:00 p.m.  | Conference Registration  
9:30 a.m. - 5:00 p.m.  | WSBA Board of Governors  
10:00 a.m. - 12:00 p.m.  | Access to Justice Board  
10:00 a.m. - 2:00 p.m.  | Civil Legal Aid Oversight Committee  
10:00 a.m. - 5:00 p.m.  | Volunteer Attorney Programs  
10:00 a.m. - 5:00 p.m.  | WSBA Leadership Institute  
12:00 p.m. - 4:30 p.m.  | LAW Fund Board  
12:00 p.m. - 6:00 p.m.  | Northwest Justice Project Board  
1:00 p.m. - 5:30 p.m.  | WYLD Board of Trustees  
3:00 p.m. - 5:00 p.m.  | Pre-Conference Workshop (description follows)  

**Achieving Education Equity in Washington: A Local Perspective**

Education equity is an elusive promise for low income youth of color. Language barriers, cultural differences, and institutional and individual bias impact the ability to improve educational opportunities for children. Hear local leaders, advocates and youth speak about the successes and challenges in overcoming disparities in Benton and Franklin counties. Approved for 2 CLE general credits.

Scheduled Speakers:
- Sergio Castaneda-Munguia, Educational Advocate
- Ruben Peralta Landin, Pasco School District Board
- Lisa Linhart-Dow, Attorney, TeamChild
- Fé Lopez, President, Latina/o Bar Association of Washington
- Lonna Malone, Commissioner, Benton-Franklin County Juvenile Court
- Student (TBD)

6:00 p.m. - 8:00 p.m.  | Welcome Reception  
Join us for hors d’oeuvres, no-host bar, music and mingling!

Welcoming Remarks:
- Steven G. Toole, President, Washington State Bar Association
- Hon. Steven González, Chair, Access to Justice Board
- Leland B. Kerr, WSBA District 4 Governor
- Steve Young, Mayor of Kennewick

Saturday, June 4

7:00 a.m. - 4:00 p.m.  | Conference Registration  
7:00 a.m. - 8:30 a.m.  | Breakfast Buffet  
7:15 a.m. - 8:15 a.m.  | Orientation to Washington’s Annual Access to Justice/Bar Leader Conference and Alliance for Equal Justice  
First-time conference attendees should plan to attend this session, but all are welcome. Panelists introduce new attendees to the conference and offer an overview of the Alliance for Equal Justice, Washington’s network of legal aid providers and supporters. Feel welcome to bring your buffet breakfast with you!

Scheduled Speakers:
- Threesa Milligan, King County Bar Association Pro Bono Services
- Kellee Spangenberg, Spokane County Bar Association Volunteer Lawyers Program
- Amy Spencer, Campaign for Equal Justice
- C.J. Valdez, Bar Leaders Conference Committee Chair

8:00 p.m.  | Latina/o Bar Association of Washington Reception  
Tagaris Winery, Richland, WA
Space is limited. Please RSVP at the registration desk. Shuttle service to the winery will be provided from the Convention Center.
8:00 a.m. – 5:00 p.m.

**Justice Joint / Hospitality Room**
Meeting Rooms E & F
All are welcome! Enjoy Internet access, networking, and the outdoor Cyber Café of ering unlimited wireless access. Explore resources and interactive displays from statewide Alliance favorites; chat with friends or new acquaintances; check e-mail and enjoy a snack, an exceptional cup of coffee or even a spot of tea.

8:30 a.m. – 10:00 a.m.

**Roundtable Discussion with the Washington State Supreme Court and the WSBA Board of Governors — “Racial Disparity in the Justice System: Where Do We Go Next?”**
Meeting Room G
A recent forum held at the Supreme Court included: a highlight of research on racial bias in the criminal law system; a presentation of recommendations on how to rectify this disparity; and a preliminary discussion on possible action for our community to take in implementing these recommendations. During the roundtable discussion, the Court and the Board of Governors will engage the audience about how best to implement the proposed recommendations and how these ideas might translate to the civil justice system. Approved for 1.5 CLE ethics credits.

Scheduled Speakers:
- Paula C. Littlewood, WSBA Executive Director
- Chief Justice Barbara A. Madsen, Washington State Supreme Court
- Steven G. Toole, WSBA Board of Governors President
- Members of the Washington State Supreme Court and the WSBA Board of Governors

**Bias, Ethics, and Supervising Non-lawyer Volunteers: Navigating the Bermuda Triangle**
Meeting Room D
Supervising attorneys, former volunteers, and WSBA disciplinary counsel will discuss ethical and bias issues that can arise in working with lawyers, volunteers, and diverse client populations. Class, race, and gender bias cloud the communication with, and representation of, clients at the intake level, at the hearing level, and on appeal. Approved for 1.5 CLE ethics credits.

Scheduled Speakers:
- Kevin Bank, WSBA Senior Disciplinary Counsel
- Robyn Chihak, Unemployment Law Project
- Marc Lampson, Unemployment Law Project
- John Tirpak, Unemployment Law Project
- Rosemary Villarreal, Unemployment Law Project — Olympia

**More than Just Getting Through the Door: Accommodating Disability in the Justice System**
Meeting Room C
Discuss practical and ethical challenges of accommodation, including recent changes in GR 33; court administrator responses to accommodation requests; navigating the RPCs when serving as “counsel as an accommodation”; accommodations that work in fair hearings; and introducing Ensuring Equal Access for People with Disabilities: A Guide for Washington Administrative Proceedings. Approved for 1.5 CLE ethics credits.

Scheduled Speakers:
- Todd Carlisle, Northwest Justice Project
- David Carlson, Disability Rights Washington
- David Lord, Disability Rights Washington
- Robin Zukoski, Columbia Legal Services — Olympia

**Immigration Status as a Barrier to Equal Justice**
Meeting Rooms A & B
This workshop will explore the various ways in which immigration status and issues related to immigration status create barriers for individuals to access justice throughout our legal system. A range of issues involving the intersection of our justice system with questions of immigration status will be discussed. Approved for 1.5 general CLE credits.

Scheduled Speakers:
- Moderator: Jorge L. Barón, Executive Director, Northwest Immigrant Rights Project
- Lorena González, Attorney, Schroeter Goldmark & Bender
- Grace Huang, Public Policy Coordinator, Washington State Coalition Against Domestic Violence (WSCADV)
- Candelaria Murillo, Attorney, Columbia Legal Services — Kennewick

10:00 a.m. – 10:15 a.m.

**Break! — Meet your colleagues for coffee in the Justice Joint.**
Meeting Rooms E & F

Washington State Access to Justice Conference 3  WSBA Bar Leaders Conference

p. A-107
10:15 a.m. - 11:45 a.m.

**PLENARY: Eliminating Bias in the Justice System: A Call to Action and Service**

Great Hall B

Washington State has made strong, often ground-breaking, efforts to identify and eliminate bias in its justice system. This year’s plenary will focus on complementing and building on these innovations and, in particular, current initiatives to identify and eliminate bias in the justice system, reduce barriers, and build a culture of service. Approved for 1.5 CLE ethics credits.

Scheduled Speakers:
- **Moderator:** Hon. Steven González, Access to Justice Board Chair
- Diane M. Barron, Executive Director, Grant-Adams Volunteer Legal Services
- Catherine Brown, WSBA Public Service Program Manager
- Prof. Robert Chang, Director, Korematsu Center, Seattle University School of Law
- Threesa Milligan, King County Bar Association Pro Bono Projects
- Maria Mindlin, Language Specialist and CEO, Transcend
- Bruce D. Neas, Legislative Coordinator, Columbia Legal Services
- Hon. Mary I. Yu, King County Superior Court

12:00 noon - 1:15 p.m.

**Awards Lunch and Keynote Speaker Professor Luis Fraga**

Great Hall A & C

Dr. Fraga is the Associate Vice Provost for Faculty Advancement and the Director of the Diversity Research Institute at the University of Washington. His research interests are in racial and ethnic politics, urban politics, politics of immigration, educational politics, and voting rights. Among his forthcoming publications is a co-authored book, “Making It Home: Latino Lives in the United States.” Dr. Fraga is the board president of OneAmerica (formerly Hate Free Zone).

**Award Presentations**
- WSBA Pro Bono Award — Joanne M. Hepburn and Thomas E. Kelly, Jr, K & L Gates LLP
- ATJ Board/WSBA Norm Maleng Leadership Award — Colleen Kinerk, Cable Langenbach Kinerk Bauer LLP; ATJ Conference Committee Co-chair
- Access to Justice Advocacy Award — Robin Zukoski, Attorney, Columbia Legal Services
- Access to Justice Leadership Award — Larry A. Tobiska, Deputy Prosecuting Attorney, Chelan and Douglas Counties
- Access to Justice Community Leadership Award — University of Washington Information School

1:30 p.m. - 5:00 p.m.

**Columbia Legal Services Board Meeting**

Boardroom

1:30 p.m. - 3:00 p.m.

**Bar Leadership in Public Service: Inspiration for Today’s Bar Leader**

Meeting Room G

Get practical tips to maximize your effectiveness as a bar leader, while learning how to inspire and incorporate service into the fabric of your organization. Veteran and aspiring bar leaders can learn from each other in this interactive session. Learn about effective governance and engaging your organization's members. Look into the kaleidoscope of collaborative projects and opportunities statewide, and avoid reinventing the wheel. Hear how experienced leaders can remove obstacles to, and change perceptions about, public service and pro bono work. Bring questions, share ideas, and learn from the successes and challenges of other bar leaders. Approved for 1.5 CLE general credits.

Scheduled Speakers:
- Jaime M. Hawk, Past President, Washington Young Lawyers Division
- Nicole K. McGrath, Past President, Latina/o Bar Association of Washington
- Salvador A. Mungia, WSBA Immediate Past President
- Dainen N. Penta, President-elect, Washington Young Lawyers Division
- Kari Petrasek, President, Washington Young Lawyers Division
- Thomas Quinlan, Vice President, Tacoma Pierce County Bar Association
- Ana Selvidge, Pro Bono Services Volunteer Manager, King County Bar Association
Tracking an Elephant: How Unlawful Detainer Case Records May Undermine Fair Housing

Using court records, Washington landlords commonly turn down rental applicants who have been sued for unlawful detainer, often irrespective of case outcome. This workshop examines whether this practice disproportionately affects members of any protected classes, and at how this potential disparate impact raises concerns of bias in the system. Approved for 1.5 CLE general credits.

Scheduled Speakers:
• Eric Dunn, Attorney, Northwest Justice Project
• Merf Ehman, Managing Attorney, Columbia Legal Services

Equal Justice for Limited English Proficient (LEP) Individuals:
Overview of the Proposed American Bar Association National Standards for Language Access in Courts and Discussion of New Resources for Attorneys in Washington State

An essential component of a fair justice system is the provision of language access services for LEP individuals. This workshop includes: 1) an overview of the process of developing the ABA Standards; 2) a discussion of the components of an effective language access program; and 3) a discussion of resources. Approved for 1.5 CLE general credits.

Scheduled Speakers:
• Kristi Cruz, Attorney, Northwest Justice Project
• Gillian Dutton, Externship Director, Seattle University School of Law
• Alma Zuniga, Attorney, Northwest Justice Project

Beyond Inclusion: Incorporating Bias Education in the Legal Education Curriculum

Through a moderated panel discussion of representatives from the Washington law schools and the WSBA, and an interactive dialogue with participants, this workshop addresses the question of how law schools can meaningfully incorporate anti-bias and cross difference competency education in the law school curriculum and what strategies would be most effective in achieving the goal of culturally competent lawyers. Approved for 1.5 CLE general credits.

Scheduled Speakers:
• Prof. Robert Chang, Director, Korematsu Center, Seattle University School of Law
• Chach Duarte White, WSBA Diversity Program Manager
• Michelle González, Lecturer, University of Washington School of Law
• Gail Hammer, Assistant Professor, Gonzaga University School of Law
• Whitney Knox, Seattle University School of Law Student

3:00 p.m. – 3:30 p.m.

Break! — Meet your colleagues for refreshments in the Justice Joint.

Meeting Rooms E & F

3:30 p.m. – 5:00 p.m.

Understanding Bias & What You Can Do About It

Dr. Leticia Nieto will introduce powerful frameworks for analyzing and understanding the psychological dynamics that underlie bias, oppression and privilege, and the skills that can be developed to promote justice. Dr. Nieto will be available afterwards to sign her new book, Beyond Inclusion, Beyond Empowerment: A Developmental Strategy to Liberate Everyone. Approved for 1.5 CLE ethics credits.

Scheduled Speaker:
• Dr. Leticia Nieto, St. Martin’s University

Tech Tools for Justice: Reducing Bias by Increasing Inclusion with Technology

Technological innovations offer opportunities for reducing bias in the justice system by providing new tools to connect clients to practitioners, practitioners to each other, and everyone to information and resources. This workshop will focus on new and ongoing initiatives that expand the availability and efficacy of technologies that empower. Approved for 1.5 CLE ethics credits.

Scheduled Speakers:
• Sue Encherman, Director of Administration, Northwest Justice Project
• Hon. Don Horowitz (ret.), Chair, Access to Justice Technology Principals
• Mike Katell, IT Manager, Columbia Legal Services
• Trish Millines Dzikó, CEO/Founder, Technology Access Foundation
• Brian Rowe, Coordinator, National Technology Assistance Program
Retaining Diversity in the Justice System: Problems and Solutions

A diverse legal system is a necessary factor in achieving justice. This workshop presents examples of how diversity affects the outcome of civil and criminal proceedings, examines recent studies on diversity in the legal system, and explores best practices in achieving and maintaining a diverse bar. This is a unique opportunity to hear from a distinguished panel of presenters who are challenging the status quo, seeking greater knowledge, and implementing real solutions to increase the diversity in our justice system. Approved for 1.5 CLE general credits.

Scheduled Speakers:
- Armando X. Estrada, Ph.D., Assistant Professor of Industrial and Organizational Psychology, Washington State University - Vancouver
- Taki V. Flevaris, Advocacy Fellow, Korematsu Center for Law and Equality, Seattle University School of Law; Associate, K&L Gates, Seattle
- Patricia D. Lee, State Bar of California, Special Assistant for Diversity and Bar Relations
- Chief Justice Barbara A. Madsen, Washington State Supreme Court
- Shankar Narayan, Legislative Director, ACLU of Washington
- Justice Susan J. Owens, Washington State Supreme Court
- Nancy L. Talner, Attorney, ACLU of Washington

Creating Medical Legal Partnerships to Address Bias in the Justice System

To help keep children healthy and safe, pediatricians with low-income patients increasingly turn to lawyers who practice poverty law. The Seattle Medical Legal Partnership brings lawyers into the healthcare setting. Join us as we discuss the benefits and challenges of our partnership, along with examples from our local experience. Approved for 1.5 CLE general credits.

Scheduled Speaker:
- Scott Crain, Attorney, Northwest Justice Project

5:30 p.m. – 7:00 p.m.

Law School Student Reception — Limited to law students, program speakers, and invited guests.

8:00 p.m.

LAW Fund President’s Party — All are welcome!

Sunday, June 5

7:30 a.m. – 8:30 a.m.

Breakfast Buffet

Meeting Rooms E & F

8:30 a.m. – 11:30 a.m.

PLENARY: Frameworks and Tools for Combating Bias

This past year, an unrelenting cascade of racial spectacles related to our justice system has reminded us of just how pervasive and insidious structural racism and other forms of bias and oppression remain in our society. Our challenge is to seize the opportunities created by these events and to join together to ensure that our justice system is free of bias. Participants will go home from this conference equipped with powerful frameworks and tools for better understanding and tackling bias. Approved for 1.5 ethics credits.

Scheduled Speakers:
- Trish Millines Dziko, CEO/Founder, Technology Access Foundation
- Salvador A. Mungia, WSBA Immediate Past-President
- Dr. Leticia Nieto, St. Martin’s University
- Sevilla Rhoads, M.A., J.D., Garvey Schubert Barer
• SPECIAL ISSUE •

Pro Bono and You
Making a difference in your life
and the lives of others

Be a Guardian of Justice • On Ethical Obligations and Deepening Connections • Attorney and Client Perspectives on the Mutual Benefits of Pro Bono • Preventing Homelessness, One Tenant at a Time • Does It Take a Natural Disaster? • Map of Legal Services Providers Offering Volunteer Opportunities • The Top 5 Myths for Avoiding Pro Bono
The Washington State Bar Association's mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice.

Cover photo: ©iStockphoto.com/DanielLaflor
Does It Take a Natural Disaster?

It seems to me that earlier in my life it was relatively rare to wake up in the morning, open the newspaper, and see headlines of a natural disaster somewhere in the world killing and injuring thousands of people and displacing thousands upon thousands of families. However, in more recent years this unfortunately seems to be an all too familiar occurrence, and the death tolls from these disasters strike me as being significantly, if not exponentially, larger. Now it seems as though we aren’t even able to recover from one disaster before the next one hits.

The headlines from recent disasters are way too fresh in my mind — Hurricane Katrina; the tsunami in Thailand; the earthquakes in Haiti, Chile, and New Zealand; and now the earthquake and tsunami in Japan. Although the impact of these disasters is most devastating on the people living in the wake of the disasters, the ripples go far beyond. Not only are friends and families of people in the strike zone affected, but even strangers have their lives changed. We feel pain for the victims and their families. We follow news accounts religiously. We contribute to the efforts of organizations like the Red Cross, to help where money can help. If there is any silver lining in these disasters, it is that they tend to bring out the humanity in people. We particularly see this in professionals in the healthcare industry. Doctors and nurses shut down their practices, put their lives on hold, go to the disaster area, and provide support, frequently not only putting their finances at risk, but putting their lives in danger.

When I read about the people who do that, I feel envy. I wish I had the type of life and experience and the financial ability to be able to do that. I would love to be able give 100 percent like they do and to accomplish so much good. That is truly leaving a footprint in this world and making the world a better place. We can learn much from these good Samaritans who leave their families, their comfortable homes, and life as they know it to help strangers who are in such great need.

As lawyers, we are in a unique position of our own. We may or may not be able to help the victims of these catastrophic natural disasters, but even without such disasters, there is much we can do. The need for our expertise and our services is great. What we can provide may look completely different from what we see on the news and read about in newspapers. We may not pull people out of the rubble of demolished buildings or provide badly needed medical care to those who are just barely hanging on to their lives, but we do have the ability to pull people out of rubble and to help people who are just barely hanging on. I am talking about the rubble of lives thwarted by poverty and people who are facing financial ruin in our depressed economy. I am talking about our abilities and skills to help people maneuver through the morass of obstacles with which they are confronted in trying to navigate our complex legal system, just so they can enjoy the same rights and freedoms to which everyone in this country is entitled; to help them keep a roof over their heads and food on their tables; and to help them get out of unsafe relationships and to protect them against abuse and threats.

All of us are aware of the massive need for civil legal services. Many of us are already donating time and money, making a significant difference in the lives of others and helping our communities. Some may be tired of the seemingly constant requests to donate time or money to help the poor and those of moderate means. But this is a problem that isn’t going away. In response, one of the WSBA’s long-term strategic goals is to work to enhance the culture of service and build a greater sense of community among its members.
As lawyers, we are in a unique position of our own. We may or may not be able to help the victims of these catastrophic natural disasters, but even without such disasters, there is much we can do. The need for our expertise and our services is great. What we can provide may look completely different from what we see on the news and read about in newspapers.

A client wanted guidance on how he could vacate two old misdemeanors, which resulted from convictions from 1991 and 1993. Even though the misdemeanor convictions were over 18 years old, they were affecting his ability to get work in a nursing-related field.

The next client had obtained a small claims default judgment for $5,000 against a national business with a local branch and wanted to know how she could now collect her judgment.

My third client had paid a day laborer $1,100 to purchase stereo equipment and install it. Although he is in regular communication with the worker, it has now been several months, the job has not been done, and he does not have his stereo equipment. He wanted to know his options.

The final client of the night was a woman who had leased a car, was making payments, and then the transmission blew on the car. She had worked out an agreement with the company that held the lease — it would pay for the repairs and allow her to reimburse the company by tacking on three additional months of payments to the end of the lease to cover the repairs. The leasing company committed in writing to the repair shop that it would pay the repairs, and then it reneged. Instead of paying the repair bill, the company turned over the title to the car to the repair shop and never even told the woman leasing the car what it had done. The lessor then proceeded to sue her for the balance owing on the lease even though she no longer owned or had possession of the car. She needed guidance as to how to present her defense at the district court trial that was coming up in a few weeks. We concluded at 9:00 p.m.

None of these matters involved areas of law that were precisely within my field of expertise. However, I drew upon my litigation experience, understanding of how things work in court, and basic common sense to give my clients guidance and practical options. I was also greatly assisted by using the Washington Lawyer Practice Manuals that were available at the clinic and online legal research and forms that I could access with my laptop. At the end of the evening, I had four very grateful and appreciative clients and a deep sense of personal satisfaction.

This year I am dividing my time among WSBA activities and duties, my law practice, and my family. It is important to me to continue to volunteer at legal clinics approximately once per month. If I can do it, you can do it. If you want to represent someone pro bono on a legal case but don't have experience in that particular field, you can get assistance. The WSBA provides free or very low-cost training for many of the areas of law which typically come up in pro bono cases. Many county bars with legal clinics do the same. Not only do you get free training, but you get CLE credit. In some areas, mentoring is available. If you are interested, check with your local county bar, check with the WSBA, or contact me. One of us will help steer you in the right direction. You don't need to look at those who volunteer their time and energy in the aftermath of natural disasters and think how meaningful it would be for you if you could do that. Give up television for one night and serve those in need in your own community. There's no need to dust off your passport, and it doesn't take a natural disaster to make a difference.

WSBA President Steven G. Toole can be reached at steve-wsba@sgtoolelaw.com or 425-455-1570.
Actions May Speak Louder than Words

Over the years as a member of this profession, I have served on many committees whose goals were to better the image of lawyers in the eyes of the public. These efforts have ranged from focusing on the legal work lawyers do to the volunteer work they do in their communities. Some campaigns were conducted over the radio or on billboards, while others targeted local newspapers or bar journals to get the message out. At its core, ours is a profession of service and lawyers rise to that call every day in many ways. Yet, despite all these well-organized and well-intentioned efforts, it seems the profession has barely been able to move the ball forward on improving the public’s opinion of lawyers.

When WSBA launched the Home Foreclosure Legal Aid Project almost two years ago, I began to realize that maybe talking about all that we do as a profession was not the key, but rather showing what we can do with our unique skills may be the answer. When the Home Foreclosure Project first launched, WSBA received numerous press calls. What struck me about the calls, though, was that they began somewhat differently than most calls from the media. Several of the calls went something like this:

Reporter: Free legal help, really?
Response: Yes, free legal help, that’s right.
Reporter: That is so cool.

After this brief exchange, the reporters would then launch into the more formal interview mode customary with the press.

On reflection, I realized that, through the Home Foreclosure Project, we had turned the whole model on its head. That is, rather than lawyers being portrayed as money-grubbing opportunists, we were being seen as professionals dedicated to using our skills to help a society that was hurting. Truth, of course, is something we’ve known all along, but creating the opportunity for others to see these skills in action as opposed to us telling them about it may, in the end, be more effective.

Toward that end, WSBA has launched a recently adopted strategic goal (one of several) of “enhancing the culture of service within the WSBA membership” by creating a menu of opportunities for our members to give back to society. While hundreds and hundreds of our members already do so on a daily basis, our goal is to create additional opportunities for members to get involved with their communities in ways that work for them. In addition, WSBA is providing the tools members may need to get involved.

One size does not fit all for service, and we hope to expand the variety of opportunities available for members to give back to their communities in the coming years. But most importantly, those opportunities will come with support from WSBA.

For example, for those who seek to do pro bono service or perhaps take a case through our recently launched Moderate Means Program, free training and mentoring will be available. If reaching out to local schools is of interest, we are working to facilitate relationships with various schools to make it easier for lawyers to volunteer and we are making materials available easily on our website for use when a volunteer walks into a classroom.

As I mentioned, these opportunities are just a few of the efforts currently underway, and we seek your input on other ways you would like to get into your community shoulder-to-shoulder to show what lawyers do every day: serve people.

As lawyers, we hold a unique position in society. As the only peer-regulated profession in the United States, we enjoy a social contract with society: in exchange for the privilege of being self-regulated, we must honor the duties and obligations we have not only to our clients but to society as a whole.

At the core of those duties is service. So let’s stop talking and let’s start showing.

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org.
Washington lawyers and lawmakers have taken great care to create in our state one of the best legal aid safety nets in the country. It has taken courage and creativity from each branch of government. Despite our successes, we assist just one in five people facing an urgent legal problem. That means 80 percent of those in need attempt to represent themselves, default, or have valid legal claims that are never pursued. Legal aid can mean the difference between life and death, especially for families facing domestic violence, homelessness, or inadequate medical care.

A perfect storm has hit legal aid in our state. Struggling families are facing crises that they cannot survive alone. Requests for help in situations involving domestic violence have nearly tripled in the last two years, according to King County’s 2-1-1 Community Information Line. Veterans; seniors; and families facing foreclosure or eviction, loss of food stamps, or medical benefits are knocking on the doors of legal aid programs in record numbers. Some will find the offices vacant or understaffed. Unfortunately, as is the case across the country, resources that fund these programs are drying up. State and federal funding for civil legal aid is at more risk now than in recent memory. And the Interest on Lawyers’ Trust Accounts (IOLTA) program, which helps 25 legal aid organizations in Washington keep their doors open, has plummeted nearly 80 percent from roughly $9 million annually in 2008 to less
than $2 million in 2010. IOLTA-funded programs were operating on bare-bones budgets before the economic crisis hit, and while most have weathered funding cuts for the last three years, we all must be concerned about these critical services remaining available for struggling families in their time of need.

I have faith in Washington's legal community. We are guardians of the justice system and it shows in our charitable giving. In the past two years, our participation in the annual Campaign for Equal Justice — Washington's unified fundraising drive for legal aid — rose from 4 to 28 percent (that's lawyers and judges). This infusion of charitable support was in immediate response to a call for help from the legal aid community, which was reeling from the shock of IOLTA funding bottoming out almost overnight. What's more, we didn't just give once and walk away. In 2010, the Campaign had another record year for individual giving. And King County law firms gave an astounding $491,000 in their most generous year to date. Thanks to the legal community's generosity, legal aid programs are able to meet the urgent legal needs of thousands more people.

We are also generous with our time. Washington's legal community is involved in vibrant state, local, and specialty bar associations; we serve on countless boards and committees. Most importantly, we provide legal help pro bono. Washington lawyers donated at least 70,000 hours in 2010. But unfortunately, still only a fraction of attorneys volunteer. We are members of a noble profession. I hope the tremendous untapped resource of legal expertise that resides in the rest of the lawyers in the state who did no pro bono last year can be tapped to provide the help desperately needed by thousands of families across the state. Otherwise, those in need will continue to be turned away from overwhelmed legal aid programs with nothing more than a stack of paperwork to help them keep their children safe or avoid homelessness.

If you want to do one thing this year that will make a world of difference in the life of a fellow human being, take on a case pro bono. Pro bono service is crucial to eliminating the justice gap in our state. If you haven't already, sign up with your local volunteer lawyer program. These programs can provide you with the resources and assistance you will need to represent your client. You can help keep the promise of our democracy: liberty and justice for all. Be a part of what makes Washington great. You have never been needed more than today.

Be a part of what makes Washington great. You have never been needed more than today.

Judge Steven C. González is chair of the Washington State Supreme Court's Access to Justice Board. He is a King County Superior Court judge, and the recipient of the Hispanic National Bar Association's 2010 Latino Judge of the Year Award and the 2010 Outstanding Member Award from the Latina/o Bar Association of Washington.
Three lawyers and three clients give their perspectives on pro bono projects that have made a difference in their lives.

**HOME FORECLOSURE LEGAL AID PROJECT**

Pro bono attorney Rich Zahniser and client John Austin

**Attorney Rich Zahniser:**

How did you get involved in pro bono?

Over my professional career, I have spent very little of that time practicing law. However, I view having a law license to be a great resource. I had been watching this issue and kept bugging Steve Frederickson from the Northwest Justice Project (an associate from a former life), and he put me in touch with the director of the Home Foreclosure Legal Aid Project. My client, Mr. Austin, is a single father with a son who has autism. He purchased his home in 2000. He became unemployed and was facing foreclosure and a trustee’s sale. He was applying for a federal Making Home Affordable Modification, but without employment he would not qualify. We were able to find mistakes in the foreclosure process, and as a result convince the trustee to cancel the sale. This extra time allowed Mr. Austin to secure employment, and he is currently being considered for a modification. I was able to stop the foreclosure and get Mr. Austin a second opportunity by investing about eight hours of my time.

**Why are you passionate about this cause?**

The injustices associated with the home finance phenomena we have been seeing for the last couple of years are huge in scope.

— Rich Zahniser
behavior on the part of those institutions was prevalent. The collapse of the home mortgage industry and related financial institutions caused the U.S. economy to crumble and resulted in the largest recession in 70 years. The federal government later stepped in and financially supported those same corporations and financial institutions.

On the other side of the equation are families, often with children, or seniors, who are facing with losing their homes, sometimes homes they have owned for decades. The bread-winner or former bread-winner is faced with explaining to their children that they have to leave their home. Very often their financial difficulty is directly related to the economic downturn caused by the reckless behavior of financial institutions. It is that family being forced to leave their home under these circumstances that is my real motivator.

Client John Austin:

I have a son who has special needs; he has autism. I'm a single parent; my son's mother passed away when he was two. I have always been there, I've had him on my own, and he is 10 now. I have three college degrees; I'm a zoologist, and I've been premed. I love kids and I volunteered at my local elementary school, which led to the job I'm in now, a substitute para-educator. I work one-on-one with students; because of my son I can identify with special-needs kids.

What was your experience handling your case on your own?

I started about two years ago. Before I was even late with my payment, I contacted the mortgage company to let them know. I used to be a caregiver; my client had died and I knew my income was going to be decreased and I would be late or couldn't make the payments. I exhausted all of my resources, savings, maxed out my credit cards — trying to maintain hope. I did that alone until March 2010. At that point, I contacted NJP. I had no help from my mortgage company, other than them sending me the same documents over and over again. I thought, I can't do all of this by myself, and that's when I contacted Rich and gave him the info. It's been crazy. It's been going on for almost two years. I had been telling them all along, I don't want to stay in here for free, I just want a modification. I felt they were setting me up to expedite the foreclosure; they weren't doing anything to try to work with me.

How did you find your pro bono attorney?

I had used NJP services once before when I had a situation with child support. I remembered NJP and called, and found out about the Home Foreclosure Legal Aid Project and called directly. They matched me with Mr. Zahnis. When I contacted them, I had a foreclosure sale date within a week.

What did it mean to you to have an attorney working on your case?

Well, I wanted some legal representation or someone to be there for me to be able to recognize what I'm going through as a citizen of the state of Washington dealing with a mortgage company like this. I knew if I'm going through this, there are probably thousands of other Washington citizens going through this. I contacted Rich because I didn't know what else to do. The mortgage company kept changing the foreclosure sale date and giving me the runaround. Rich found some kind of an irregularity in the foreclosure procedure that backed them off of me. They had to start the procedure all over again.

My case hasn't been totally resolved yet, and we're still dealing with things, but we are hanging in there. The good thing is there is no sale date currently scheduled. I was getting ready to file bankruptcy. I didn't want to do that, but needed to stop the foreclosure.

I definitely got the help I needed. Just the comfort of knowing I have someone there. At this point it's going to be what it's going to be. I'm not going to go down without a fight, and it's good to know I'm not fighting on my own.

FIRST RESPONDERS WILL CLINIC

Pro bono attorney Sung Yang and client Officer Britt Sweeney

( Please note that Sung Yang was not the attorney who specifically worked with Officer Britt Sweeney. Each participated in a First Responders Will Clinic.)

Attorney Sung Yang:

What is your experience in the First Responders Will Clinic?

I am in the Global Commercial group of Starbucks Law & Corporate Affairs. I have been practicing for 10 years. I worked at Davis Wright Tremaine and Expeditors International of Washington before joining Starbucks. I started volunteering with this program in 2007. I have assisted a number of police officers by preparing basic estate-planning documents — Powers of Attorney, Last Will and Testaments, and Health Care Directives.

In some cases, the police officers had simple estate-planning needs and my role was limited to preparing documents on their behalf. In other cases, the engagement involved counseling, where I had an opportunity to help the clients analyze their priorities and assess whether...
there was a way to allow those priorities to be fulfilled if unforeseen circumstances should arise. A lot of the counseling entailed my facilitating a conversation, in some cases for the first time, between a husband and wife regarding each individual’s desires if one of them should die. It wasn’t legal advice per se. It was helping the two individuals talk about important issues, such as identifying a guardian for their kids if both of them should die.

**Why are you passionate about assisting the First Responders Will Clinic?**

For most transactional attorneys, I think it is fair to say that we are committed to providing pro bono legal work when there are opportunities to leverage our backgrounds to support an organization or mission that aligns with principles we support. The First Responders Will Clinic definitely fits that criterion for me. The added benefit, which always makes volunteering pleasant, is that the organizers of the Will Clinic do so much work up front and in the background to make it easy for the volunteers. I think my connection to the Will Clinic has lot to do with the program’s mission, memories of the clients I helped in the past, and my desire to support the efforts of the organizers of the Will Clinic.

**How many hours do you usually spend at the First Responders Clinic?**

The time commitment is relatively small. Each year, I attend a training session that lasts a couple of hours. As a member of the Starbucks Law & Corporate Affairs Pro Bono Committee, a number of us spent several hours planning and setting up to host the Will Clinic that takes place at the Starbucks Support Center. The event itself was a four-hour commitment.

**How did you get involved in pro bono?**

During my interviews with Davis Wright Tremaine, where I started my legal career, I met two lawyers who were strong proponents of performing pro bono work. It was clear that the firm was committed to pro bono legal services. As an associate at the firm, I took advantage of the firm’s pro bono policy and worked on a few transactional pro bono matters. It seemed like nearly every associate was working on at least one pro bono case or volunteering at a legal clinic. The exposure had a lasting impression.

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**Client Officer Britt Sweeney:**

I am a police officer working patrol for the Seattle Police Department. I have been a sworn officer for a year and a half. Early in my career, in October 2009, my partner was shot and killed on the job and I was injured. I saw how life can take such a turn. I looked at everything that I had, and even though I don’t have a whole lot, I thought about how things could have ended that night and how my loved ones would have to deal with not just the grief but deal with my property too, and I didn’t have a will. It was a reality check.

**How did you find out about the First Responders Will Clinic?**

After my partner was killed, I realized I needed to get my ducks in order. One day on Facebook, I asked for suggestions of attorneys to look into a will. I don’t make a lot of money and I don’t have a ton of assets, so I didn’t want to go overboard, but I needed to know this was going to be done and done right. I got a response back from an officer on the guild who told me about the First Responders Will Clinic. He gave me the website address and I looked at it. I emailed [clinic director] Jenni Volk, she
It was a great experience! They gave you the information ahead of time, so you did a bit of your homework, and then showed up. I went through that information, and had it ready to go. I showed up at my assigned time. It was so well organized. They had coffee and food, and people there to sign you up. It was done very quickly. I waited for them to do their review, handed it off, and got things signed. I left with documents in hand. I remember walking out and thinking that was amazing. I felt a huge relief. To me it was important that what was important to me was taken care of. I do feel good knowing that, should something happen to me, the people who love me won't have to take care of these things. I can go with that comfort, at least.

What did it mean to you to have an attorney working on your case?

First responders, on their daily jobs, are putting their lives on the line. There are few other occupations (such as the military) where you go to work each day and think, I might not come home. Here was something that encourages people to take responsibility, to make sure their loved ones are cared for. It is really made so simple. All you had to do was send an email and show up. It's a huge reward back to know others feel your efforts are worth it. Someone else cares that I put my life on the line each day, and they want to give something back. It doesn't take much. I do that for them, and they do this for me; but it is absolutely huge. I really couldn't thank my attorneys and Jenni Volk enough for putting in the time and effort.

ZRBG AND GHETTO REPARATIONS PROJECTS

(ZRBG stands for “Gesetz zur Zahlbarmachung von Renten aus Beschäftigungen in einem Ghetto,” a German pensions for work in ghettos program.)

Pro bono attorney Joanna Plichta Boisen and client Paul Grusz

Attorney Joanna Plichta Boisen:

How did you get involved in pro bono?

My firm, Foster Pepper PLLC, was one of the founding firms that started the ZRBG and Ghetto Reparations Projects in Seattle. We recognized that there was a constituency who was not receiving pro bono assistance: Holocaust survivors who worked in ghettos under Nazi occupation during World War II and were now entitled to reparations under two new German laws. We decided to launch two unique projects that would help those survivors access justice by applying for reparations funds or, in some cases, appealing denials.

Why are you passionate about this constituency/line of work?

It makes a big difference in my clients’ lives; all of them are elderly and most are low-income, so the reparations they receive make a significant difference. These survivors have already suffered so many injustices in the past: this is one way of giving back and making a positive difference in their future. Also, both sets of my grandparents were in slave labor camps (they were ethnic Poles) and since they were never compensated for their suffering, it makes me feel good that I can help those who have an opportunity to receive some sort of reparation.

How has your pro bono work benefited your practice?

With Paul’s case, the German government was wrongfully denying him reparations benefits to which he was entitled. I was
I have tried for many years to work with the German institutions and never got anywhere. Joanna knew who to call to keep the process moving forward, because she knows the process of German restitution very well and knows how to work with the German institutions.

— Paul Grusz

Client Paul Grusz:

What was your experience trying to handle your case on your own?

I have tried for many years to get restitution from Germany. Every time I was denied. Either I did not have the correct documentation or the complex rules were changed several times. Or [I was told] I simply did not qualify. I was sent form letters that stalled my application. They were confusing to understand. I was not able to contact a human being for a quick answer.

How did you find your pro bono attorney?

Joanna met my nephew, Leonard Feldman. Leonard is aware that I am a Holocaust survivor and thought I might benefit from Joanna’s help.

What did it mean to you to have an attorney working on your case?

It meant a great deal to me that Joanna was able to work with me. I have tried for many years to work with the German institutions and never got anywhere. Joanna knew who to call to keep the process moving forward, because she knows the process of German restitution very well and knows how to work with the German institutions. Joanna was aware of a program that would pay me a lump sum and a small pension. She got the correct forms filled out and sent them off. I did get the lump sum and pension. I am very grateful.

— Paul Grusz
Preventing Homelessness, One Tenant at a Time

by Maureen Roat

I tout HJP to other lawyers at my firm because it is difficult to imagine a better opportunity for newer civil litigators to develop client interviewing skills and get real-time, first-chair, on-your-feet courtroom experience.

— Andy Guy, volunteer

It is a rainy Thursday morning in Kent, and the Maleng Regional Justice Center is bustling with activity. An elderly gentleman with a disability sits in silence on a bench outside the ex parte courtroom, his wife by his side. They are confused by the chain of events that brought them here — they always paid their rent on time and have been good tenants. Yet, like so many other families, they now find themselves on the brink of homelessness.

Enter the King County Bar Association’s Housing Justice Project (HJP).

Each weekday at courthouses in counties across the state, volunteer attorneys from diverse practice areas and with varying degrees of legal experience come together with a singular mission: to prevent homelessness through eviction defense. These attorneys, supported by Housing Justice Project staff and dedicated volunteer legal assistants, offer free legal aid to low-income residents facing eviction. From general counseling, through negotiations with opposing counsel, to limited representation in show cause hearings, volunteers engage in a range of services on the client’s behalf.

The elderly couple makes their way down the hall to the modest KCBA Housing Justice Project office. A volunteer attorney and visiting law student tackle the case. After reviewing the paperwork, gathering the facts, and researching the law, it is apparent that the eviction notice is premised on a mis-
understanding. Adding to the tenants’ anxiety and shaken faith in the system, their previous attempt to explain the misunderstanding at a grievance hearing was unsuccessful. In their eyes, the hearing officer seemed to favor the public housing authority in upholding the decision to terminate the tenancy. The volunteer attorney challenges this determination in a ghost-written letter. With the tenants’ approval, the attorney faxes the letter to the housing authority.

The attorney-client encounter lasts no more than two hours, and the attorney completes her case notes and returns to her day job. Two days later, the housing authority reverses course and dismisses its termination decision and the elderly couple is able to stay in their home with restored peace of mind.

HJP-Kent Supervising Attorney Kerry Robinson describes the Housing Justice Project as the “no-briefcase volunteer experience,” where volunteers do not have to prepare for, or follow up after, their clinic work. Yet this is not to suggest that the volunteer attorney leaves empty-handed. To the contrary, attorneys leave HJP with an immediate realization of the value of their pro bono services. Stoel Rives’s pro bono coordinator and long-time volunteer, Andy Guy, elaborates, “I can’t overstate the personal and professional gratification I receive from knowing that I have helped someone avoid homelessness. I tout HJP to other lawyers at my firm because it is difficult to imagine a better opportunity for newer civil litigators to develop client interviewing skills and get real-time, first-chair, on-your-feet courtroom experience.”

With poverty statistics on the rise, it is not surprising that housing justice projects are seeing unprecedented demand for help in eviction proceedings. Indeed, the need for talented, motivated volunteers has never been greater. Kelly Delong, director of Chelan-Douglas Volunteer Attorney Services, which operates the program in Wenatchee, remarks, “Since we started this service in January 2009, we have seen a steady increase in the number of people seeking a volunteer’s help. The number of clients served by our housing justice project has doubled since the pilot year, many of whom were either disabled or families with young children. And, sad to say, the number of people sleeping in area homeless shelters has more than doubled since 2005.”

There are seven counties with active housing justice projects: Chelan, Clark, King, Pierce, Snohomish, Thurston, and Whatcom. To learn more about how to volunteer with a local housing justice project, contact the volunteer lawyer program in your area. Consult the map on pages 32–33 of this issue of Bar News to find information about the programs nearest you.

Maureen Roat is a staff attorney and case manager with the King County Bar Association’s Housing Justice Project. She can be reached at maureenr@kcba.org.

NOTE
What I’ve Learned: Tips and Advice for Working with Vulnerable Clients

by Merf Ehman

On my first day as a legal aid law clerk, I was handed a stack of intake sheets and told to interview all of the walk-in clients. I was confident that I could handle the straightforward task of filling out an intake sheet. My first client came in. The beginning questions went well — name, address, and date of birth. Then I asked her what brought her into our office. Several hours later, I determined that she wanted legal help because her landlord was stealing her furniture and replacing it with exact replicas.

Now, after having the privilege of working with thousands of low-income clients, I know that working with clients is both an art and skill that takes knowledge and practice. In my experience, there are three key areas to a successful attorney-client relationship: context, structure, and productively addressing behavioral issues.

Context
Our backgrounds, experiences, beliefs, and assumptions create a context in which we relate to clients. Understanding our assumptions and beliefs about poverty, inequality, and the role of the legal system in peoples’ lives can be helpful when working with low-income people.

Some questions to ask yourself: What do I think causes poverty? What do I think about welfare? What are my assumptions about the legal system? For example, do I think the system is fair? Do I have any fears...
about people who have mental health issues? What are my concerns about working with people who may have a different background than I do? Do I assume that my client has food, water, and adequate shelter?

One key for me is to keep an open mind about a client. This can be challenging. A client came into our office pushing a loaded shopping cart, wearing many layers of clothes, and who was generally unkempt. I assumed this person was homeless. This was incorrect. The client showed us eviction paperwork; I assumed he was there for help with that problem. This was also incorrect. The client stated he wanted legal help because many years ago, the state doubted his true identity and also stole his family's blueberry farm and would not give it back. I thought this was a delusion. I was incorrect. The government had taken the family's blueberry farm by eminent domain and paid them for it. The client's mother kept the money from the state in a bank account and when she died, it went to the state and remained in the abandoned property fund. The client had no identification, so the state would not release the funds to him and the deadline for him to claim the funds was approaching. Due to my assumptions, I almost missed an important legal issue.

Another factor involved in context is place. You may interact with your client in a variety of settings such as your office, a courtroom hallway, a hospital room, a coffee shop, the local community center, the public library, or on the phone. Each of these places can impact your ability to interact with the client. There may not be privacy or your client may be uncomfortable in the surroundings. Be aware of where you are and where your client is located. She may be calling from a bus, waiting room, or street corner. Keep in mind that your ability to obtain information from a client can vary depending on where the interaction takes place. Be flexible about where to meet with your client. Your client may be more relaxed at, and find it easier to get to, a local coffee shop than your office.

Structure
Create a roadmap for each client interaction. First, state the amount of time you have for the interaction. If a client wants to address issues that are outside the scope of the meeting, you can gently
remind the client of the amount of time left. The client can then choose to spend the time on the outside issue or go back to the pertinent issues. You can also let the client know up front how often and in what format you will contact the client.

Next, clarify your role and the client’s role. Clarify what you can do and what you cannot do for the client. Some clients have not worked with an attorney before, so explaining the attorney role is key. When I first started practicing, I represented a client in court. We won the case on a motion to dismiss, but the client was extremely upset. She explained to me that she did not understand that she would not be permitted to speak and tell her story at the hearing. She felt the court did not understand that she did nothing wrong and that she was a good person. I did not clearly explain my role to the client. Over the years, I realized that many clients assume they will be able to talk directly to the judge — just like on Judge Judy — and might not understand the attorney’s role. I learned to explain each step of the process and when and if the client would be expected to speak.

End your roadmap discussion by talking about expectations. Know ahead of time and be able to communicate to your client what you expect from the client. This could include informing you if the client’s address or phone number changes and specifying that the client should contact you if he receives certain paperwork. You should also address the best means to contact the client such as by mail, phone, email, or in-person meetings.

Ask the client about her expectations and discuss any that might be unrealistic and explain why that is the case. As with all clients, explain your expectation regarding what costs you expect the client to pay, statutory attorney fees you may receive, and any other routine matters. Sometimes it helps to read the retainer and other documents aloud.

Behavioral Issues
Once you start interacting regularly with your client, issues may arise. The most common concerns I have heard from pro bono attorneys are clients who might relay inaccurate information or clients who do not follow instructions. In my practice, I use a three-step process when these situations arise. First, I decide if it impinges on the client in-
terview or the attorney-client relationship. If it does not, then I do nothing at that point and continue the interaction. I make a point to talk about the problematic behavior to a colleague if needed. If I determine that the behavior does impact my ability to work with the client, then I describe the problem to the client. For example, I might say to a client who provided inaccurate information: “You told me that you always pay your rent on time, but your landlord gave me three notices that you were late with your rent. If a judge hears you say that you paid your rent on time and then the landlord shows him these notices, then the judge may think you are not telling the truth.” Then I evaluate the client’s response. In the above scenario, the client explained to me that she was charged a late fee only if she paid after the fiftieth of the month, but if she did not pay on the first of each month, then her landlord would give her a late payment notice. She assumed that she was late only if she paid after the fiftieth of the month. If the client’s response is not satisfactory, then try to engage in mutual problem-solving. Ask the client what suggestions he may have to resolve the issue. During this stage, focus on the needs of the case rather than on the client’s actions. For more help, Getting Past No by William Ury has great strategies for moving past an impasse.

In the last decade, I have had only one client relationship that I terminated due to a client’s behavioral issue. Almost all client interactions can be interesting and rewarding on many levels. A pro bono attorney can make a difference for a client and may learn a little something along the way.

Merf Ehman is the managing attorney at Columbia Legal Services in the Seattle office. She has been a legal aid lawyer since 1998.
On Ethical Obligations & Deepening Connections

Seattle University law student Adrienne Stuart talks with Legal Services Corporation Board Member Harry Korrell, of Davis Wright Tremaine.

"It isn’t hard for Harry Korrell to explain the importance of doing pro bono work. When I asked Mr. Korrell what he says to his colleagues to persuade them to take a case without financial remuneration, he dove right into his “pitch.” “It’s our ethical obligation as attorneys, and it deepens your connection to the courts and to the profession,” he says. Having done pro bono work consistently throughout his career, Mr. Korrell, a partner at Davis Wright Tremaine LLP, encourages associates to take cases outside their normal scope of practice, including pro bono work. “I cannot say exactly how or when, but I guarantee that you will learn something useful for your own area of practice, and you will become a better attorney for the experience,” he explains.

These would be hollow concepts if people who are poor did not have the same access to the court system as wealthy people and corporations. This goes to the legitimacy of our whole system of laws and government.

“
Since his appointment by President Obama to the Board of Directors of the federally funded Legal Services Corporation (LSC), Mr. Korrell is finding opportunities to educate elected officials and the public about the work of LSC grantees. He serves on the LSC Board’s Audit Committee and its Operations and Regulations Committee.

These roles are important to him because he is committed to strengthening LSC’s internal financial and management oversight. The Corporation received $420 million from Congress for fiscal year 2010, and dispersed 95 percent of that to 136 nonprofit legal aid programs across the country. “Sometimes the grantees feel the oversight by LSC is burdensome, but the alternative is worse,” he explains. “It only takes one black eye — one situation in which money is used improperly or not accounted for properly — to put funding for LSC at risk,” he says. “If we want Congress and the taxpayers to continue to provide this funding, we have to be serious about making sure the money is used well and as intended. If we don’t do that, we risk losing it.”

For 2011, the Congressional Budget Office projects that if current laws remain unchanged, the federal budget will show a deficit of close to $1.5 trillion, or 9.8 percent of the GDP. Harry Korrell has a leadership role in promoting access to justice for all as the continued bleak economic picture has led to dramatic increases in the need for legal services experienced by society’s poorest and most vulnerable populations. Regarding the fight over fiscal year 2011 budget cuts in Congress, he says, “I look at other areas of the budget that are receiving similar levels of funding, and I don’t see many which are more fundamental to our republic. We are a nation of laws; the preamble to the Constitution says that one of its purposes is ‘to establish Justice.’ These would be hollow concepts if people who are poor did not have the same access to the court system as wealthy people and corporations. This goes to the legitimacy of our whole system of laws and government.”

One of Mr. Korrell’s priorities for his time on the board is to increase the amount of pro bono work done by private attorneys, which can ease the burden on legal aid organizations. When pressed for details about what it would actually take to get more private attorneys to engage in pro bono work, he said that one of the biggest barriers is that many lawyers who could easily take on some pro bono work are afraid they don’t have the skills or experience those cases require. He concedes that many attorneys lack the expertise to take on the kind of cases for which there is the greatest need. Roughly a third of the cases handled by LSC-funded lawyers are domestic relations cases, such as divorces, custody disputes, anti-harassment orders, etc., and many firms do not have lawyers currently doing this kind of work. But his argument is simple: “Lawyers learn new areas of law all the time when they want to — that’s what we do for our paying clients on a regular basis.” And he points to the death-penalty projects and Guantanamo detainee cases being handled by large firms. “I’m fairly certain they did not have a death-penalty practice group or a detainee-law department before they took on those cases. I’m not saying firms should not do those kinds of cases; don’t get me wrong. But these engagements show that where there is a will, there is a way. What I am saying is that if you can learn the law and procedures necessary to help Guantanamo detainees or someone on death row, you can learn how to help an abused spouse get a protective order or help with
He understands that it can be a little unnerving to take on a case in a new area, but, he says, "There is training and support available, and I am certain that the result you obtain for the client will be better than if he or she had to try to navigate the system and handle the matter alone."

Harry Korrell embodies the perfect combination of passionate commitment to equal justice and a pragmatic approach to ensuring accountability to the taxpayers who fund LSC. It’s no wonder that he has a presidential appointment recognizing him as an effective advocate for legal services funding, pro bono work, and for equal justice as the cornerstone of our democracy.

Adrienne Stuart is 1L at Seattle University where she is the founder and president of the Social Justice Policy Advocates student organization. She has served people in marginalized communities all of her life. She was the Thurston County Volunteer Legal Services Volunteer of the Year in 2009, and she served as the Dispute Resolution Center of Thurston County’s Board president and certified mediator.
Ten years ago, formal pro bono programs were rare. Attorneys performed pro bono as opportunities arose, but there was no appointed person in a leadership role to manage, coordinate, and develop a pro bono program for the firm. Today, pro bono programs have become so institutionalized and the hiring of pro bono counsel has become so widespread that The American Lawyer magazine recently labeled the phenomenon “almost unremarkable.”

How did the development of organized pro bono programs headed by pro bono counsel unfold in such a short period of time to become an important staple for law firms? Many factors came into play, but the following two were most influential: first, a cultural shift spearheaded by desirable law-school talent and valuable young associates who migrated towards firms with established pro bono programs that promised alignment of skill-set development and personal interests. Second, more clients started stressing the importance of corporate social responsibility, giving more work to law firms and lawyers who were willing to give back to the community.

Given the economic and marketing benefits of instituting a formal pro bono program, it is no wonder that so many firms have some sort of a program in place.
regard pro bono work. The same study showed that junior associates who work on pro bono cases develop strong skill sets (such as litigation, negotiation, and case management) early on and advance more quickly in their careers.

For firms that do not have pro bono programs in place but are interested in learning how to establish one, I have outlined five primary steps, which can be modified to fit a firm's culture, size, and means. Armed with these five steps, your firm can create a pro bono program that will make a difference in your community and benefit your attorneys.

**STEP 1**
Establish a pro bono committee. The Pro Bono Committee is the program's governing body and has the ultimate decision-making authority on pro bono issues. The committee should include a chair who represents firm partnership's sentiments, both partner-level and associate-level attorneys, and at least one staff person to oversee administrative issues. If the firm has a pro bono counsel, coordinator, or manager, that person is also a member of the committee and relies on it to provide advice and feedback on the program's development and progress.

**STEP 2**
Create a pro bono policy. Creating a policy is important because it channels pro bono work towards those whom RPC 6.1, Washington's Pro Bono Publico rule, is designed to protect — people of indigent means. It also discourages lawyers from claiming charitable credit for work performed on behalf of friends, family, clients, or nonprofits that could afford to pay for legal services. The policy should include the following: 1) information about how much pro bono counts toward the billable hour requirement; 2) clarification on bonus determinations; 3) a definition of pro bono work (usually it will mirror RPC 6.1); and 4) a general overview of the pro bono program. The policy should be reviewed annually and updated as necessary throughout the year.

**STEP 3**
Hire pro bono counsel or appoint a pro bono coordinator. Pro bono counsel is an attorney responsible for overseeing the design, coordination, and evaluation of a firm's pro bono program. The economic benefits of hiring pro bono counsel include enhancing the firm's recruitment, retention, rankings, and reputation, while offering individual lawyers crucial training and career-development opportunities they need to advance in billable practice. Pro bono counsel's duties can include the following:

- Showcasing their firm's attorney involvement through public-relations work;
- Overseeing the allocation of resources and the development of firm projects;
- Assuring compliance with firm policies and acting as a gatekeeper, e.g., screening for conflicts of interest;
- Reviewing and approving intakes;
- Reviewing monthly pro bono time reports, budgets, hours, and attorney progress;
- Creating and monitoring budgets that track policy-driven goals;
- Communicating strategically with the Pro Bono Committee;
- Maintaining and cultivating relationships with legal service providers and soliciting opportunities from nonprofits; and
- Reporting on pro bono activities to outside groups.
For firms without the infrastructure or financial means to hire full-time pro bono counsel, appointing a pro bono coordinator who allocates a specific percentage of his time to pro bono work is an option. A pro bono coordinator’s role can include many of the roles listed above, but often focuses on the following:

- Gauging lawyer interests and recruiting lawyers for cases;
- Training new lawyers;
- Maintaining relationships with nonprofits;
- Monitoring and supervising cases’ progress, evaluating outcomes, and advocating for program priorities within the firm; and
- Identifying service opportunities and matching them with the appropriate attorney.

**STEP 4**

Became integrated in the pro bono community.

The most effective way of bringing in relevant and meritorious cases is to develop relationships with nonprofit organizations and bar associations. Nonprofit legal aid attorneys are on the ground level and have a deeper and more complex understanding of what the needs are in the community. Just like billable clients, these organizations are stakeholders in the success of a firm’s pro bono practice, and their satisfaction should be important.

**STEP 5**

Maintained an active internal and external program.

Internally, a firm’s pro bono program should always have new and interesting cases coming in that are germane to the firm’s practice areas, lawyer interests, and professional development of new associates. Externally, the firm should produce a pro bono annual report or brochure highlighting important and interesting matters, including significant victories. Although intended as a media piece, it also boosts morale, promotes more involvement in pro bono opportunities, and alerts clients and the community about the good work the firm is doing on a regular basis throughout the year.

There is no denying that, in the end, law firms are businesses and pro bono programs that include a pro bono counsel come at a cost. However, firms that already have either pro bono counsel or a pro bono coordinator will testify that the economic benefits are likewise undeniable. Pro bono work exceeds pragmatic and altruistic objectives. More firms than ever before are professionalizing their pro bono service by hiring dedicated personnel to coordinate and supervise their pro bono programs. Formalizing your pro bono practice will tremendously benefit not only your individual attorneys and law firm, but will have an incredible impact on the lives of historically underserved constituencies and deserving clients.

Joanna Plichta Boisen is pro bono counsel at Foster Pepper PLLC. Her practice is concentrated in litigation and dispute resolution with a focus on providing pro bono legal representation to persons of indigent means and 501(c)(3) nonprofit entities. She directs and manages Foster Pepper’s wide-ranging pro bono cases and projects, advises the firm on pro bono policy, serves as a liaison to local public-interest organizations, and authors the firm’s pro bono annual reports. She also oversees the allocation of pro bono resources and the development of firm pro bono projects and priorities.
Legal Services Providers Offering

Volunteer Lawyer Program of Island County: 360-675-4750; director@vlpic.org; www.vlpic.org

Clallam-Jefferson County Pro Bono Lawyers 360-417-0818; probonolawyers@gmail.com

Kitsap Legal Services 360-479-8125; alisha@kitsaplegalservices.org; www.kitsaplegalservices.org

Lawyers Helping Youth Access School Project 253-274-9929; vlsls@tacomapробono.org

Thurston County Volunteer Legal Services: 360-705-8194; tcvlis2@hotmail.com; www.lawhelp.org/program/2498

Pierce County Center for Dispute Resolution 253-572-3657; www.pccdr.org

Lewis County Bar Legal Aid 360-748-9884; lclegalaid_ljc@localaccess.com

Cowlitz-Wahkiakum Legal Aid 360-425-3430; cwls@live.com

Clark County Volunteer Lawyers Program 360-823-0423; susana@ccbavlp.com

Clallam-Jefferson County Pro Bono Lawyers 360-417-0818; probonolawyers@gmail.com

Jefferson County Volunteer Lawyer Services Program 360-417-0818; info@jeffco_LEGAL.org; www.jeffco_LEGAL.org

Skagit County Community Action Agency Volunteer Lawyer Services Program 360-416-7585; evaw@skagitcap.org; www.skagitcap.org

Snohomish County Legal Services 425-258-9283; info@snocolegal.org; www.snocolegal.org

Skagit County Community Action Agency Volunteer Lawyer Services Program 360-416-7585; evaw@skagitcap.org; www.skagitcap.org

Snohomish County Legal Services 425-258-9283; info@snocolegal.org; www.snocolegal.org

* see sidebar for additional King County programs

Tacoma Pierce County Bar Association VLSP 253-572-5134; vlsls@tacomapробono.org; www.tacomapробono.org

Law Advocates 360-671-6079; terra@lawadvocates.org; www.lawadvocates.org

LAW Advocates 360-671-6079; terra@lawadvocates.org; www.lawadvocates.org

Yakima County Volunteer Attorney Services 509-453-4400; cgarza@yakimavas.org

Chelan-Douglas Volunteer Attorney Services 509-663-2778; edvas@nwi.net

Legal Services Providers Offering  

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ORGANIZATIONS IN MULTIPLE LOCATIONS AROUND THE STATE

ABA/FEMA Disaster Legal Assistance-ABA Young Lawyers Division: 425-493-5000; kari@carsonlawgroup.com

ABA Military Pro Bono Project: 312-988-5783; www.militaryprobono.org

Columbia Legal Services: www.columbialegal.org

Legal Voice (women’s law): www.nwwlc.org

Northwest Immigrant Rights Project: www.nwirp.org

Northwest Justice Project: www.nwjustice.org

TeamChild: www.teamchild.org

Unemployment Law Project: www.unemploymentlawproject.org

Washington Attorneys Assisting Community Organizations: www.waaco.org

Washington State CASA: www.washingtonstatecasa.org

Washington Defender Association: www.defensenet.org

* KING COUNTY ORGANIZATIONS

Chaya: 206-568-7576; sarah@chayaseattle.org; www.chayaseattle.org

Eastside Legal Assistance Program: 425-747-7274; judith@elap.org; www.elap.org

Family Law CASA of King County: 206-748-9700; cddavis@familylawcasa.org; www.familylawcasa.org

King County Bar Association Pro Bono Services: 206-267-7100; tovolunteer@kcba.org; www.kcba.org/pbs/volunteers.aspx

King County Dependency CASA Program: 206-296-1120; janet.harris@kingcounty.gov

Legal Action Center: 206-324-6890

Open Door Legal Services: 206-682-4642; dmace@ugm.org

Seattle Community Law Center: 206-686-7252, ext. 104; alex@seattlecommlaw.org; www.seattlecommlaw.org

Seattle University School of Law Peterson Law Clinic: 206-398-4000; www.law.seattleu.edu/academics/law_clinic.xml

Solanus Casey Legal Services: 206-223-0907

Solid Ground: www.solidground.org

University of Washington School of Law Federal Tax Clinic: www.law.washington.edu/clinics/tax

Volunteer Advocates for Immigrant Justice: 206-359-6200; juliann@vaij.org
All three law schools in Washington state—Gonzaga University, Seattle University, and the University of Washington—offer numerous opportunities for law students to do public service. Each school has a strong clinical program and vibrant externship offerings, with a variety of opportunities for law students to engage with private lawyers to do pro bono work. We gathered a few of these lawyers and law students to talk about what they do and why.

Follow your passion. Don’t do pro bono just to pad your résumé. Do it because you’re doing something you love, and then you’ll do it well. — Breean Beggs

Passion for Pro Bono: A Conversation with Law Students and Lawyers

Participants:

Michele Storms, the discussion moderator, is the assistant dean for public service at University of Washington School of Law.

Breean Beggs is a civil trial lawyer at Paukert & Troppmann, PLLC, in Spokane. He previously served six years as the chief catalyst at the Center for Justice, a nonprofit public-interest law firm in Spokane. Breean is the co-founder of three public-interest law projects: Street Law, Whatcom Civil Rights Project, and Community Advocacy.

Brian Endter is a partner with Graham & Dunn, PC in Seattle. He is a business attorney and works extensively with rapidly growing, innovative companies.

Chris Longman graduated from Gonzaga University School of Law after completing Western Washington University’s Law and Diversity Program. While in law school, he worked for the City of Spokane, as well as for the Center for Justice.

Meghan Casey is a second-year law student at Seattle University, and is primarily interested in immigration law and interna-

Follow your passion. Don’t do pro bono just to pad your résumé. Do it because you’re doing something you love, and then you’ll do it well. — Breean Beggs
international human rights law. Last summer, she participated in Seattle University’s 2010 Social Justice Nicaragua Internship at the University of Central America in Managua.

Janet Gwilym is a second-year law student at the University of Washington. She serves as the co-case manager for the law school’s Immigrant Families Advocacy Project and is a member of the Dean’s Advisory Committee on Diversity.

Kaydee Snipes is a third-year law student at Gonzaga University. Currently, she is a volunteer intern for Unemployment Law Project, in Spokane.

**Moderator:** Chris, you’re a new lawyer; tell us your experience with pro bono as a law student and as an attorney.

**Chris Longman:** I graduated from Gonzaga and passed the summer bar. I was looking for something to do to fill that void between taking the bar exam and waiting for results. I worked with Breean Beggs on pro bono cases, and I worked with one of the legal aid organizations in town. My pro bono work put a human face on all of the time and energy put into the black-letter exercise of law school and the bar; it re-humanized the law for me.

**Moderator:** Let me turn to the current students. What has drawn you to volunteer as a student? What pro bono programs are you involved with?

**Janet Gwilym:** My main focus is the Immigrant Families Advocacy Project. We train students to do a U-Visa “crime victim” petition for immigrant survivors of domestic violence. We get our cases from the Northwest Immigrant Rights Project and recruit pro bono attorneys who work with students on the cases. Our attorneys are incredible and inspiring. A lot of them are very experienced immigration attorneys who are great at mentoring students.

**Meghan Casey:** I worked in nonprofits before law school where we had pro bono attorneys, and I’ve done volunteering in law school. It has been incredibly valuable to me to see the real impact that you have on clients. This has defined how I approach my law school experience: with a strong vision of service.
I've seen the huge need for pro bono work; it's almost an emergency room-style situation. It is a relief to help and to know that person's going to be in good hands.

Kaydee Snipes: During my time at Gonzaga University, I've worked with several nonprofit organizations. I plan to pursue public-interest law upon graduation. My passion is to understand and help people from other cultures, socioeconomic statuses, races, genders, and backgrounds outside of my own reality. I want to help those who face various life obstacles.

Moderator: Brian, how are you working with law students, and what motivates you to do pro bono and to work with law students?

Brian Endter: Through the University of Washington Entrepreneurial Law Clinic. We have teams including transactional lawyers, transactional tax, IP law students, and MBA students to provide services for small businesses or individual entrepreneurs. It's nice for me, because my practice is exclusively on the transactional side, as a corporate and securities lawyer. This project gives me the chance to work in an area of law I know well and to share that knowledge with law students. This clinic allows us to help serve the needs of some small businesses and entrepreneurs who wouldn't otherwise be able to get legal services.

Moderator: Breean, you've been a public-sector and a private-sector attorney. In both contexts you've worked with law students on pro bono cases. Why?

Breean Beggs: We lawyers have to re-connect with our passion. For me, part of that passion is helping other lawyers and law students find it. Pro bono speaks to that passion. I particularly like working with law students because they get to experience hands-on interaction with a client. This helps them to be great advocates down the road. By investing in these cases and the students, we are improving the world today and tomorrow, and I love that. In one case Chris and I handled, we helped a very poor, single dad have his day in court. He didn't win the case, but he was fully heard, and
every argument that could have been made was made. At the end, he knew he had gotten good representation. Actually, as a result of respectfully engaging with the court system, he was able to negotiate visitation with his daughter that he otherwise wouldn’t have gotten.

**Moderator:** Any final thoughts you would like to share with Bar News readers?

**Janet Gwilym:** I need to have something to keep me grounded as to why I am in law school. Working directly with clients and with practicing attorneys really helps.

**Meghan Casey:** It is really important to hold onto the passion.

**Kaydee Snipes:** Pro bono work has been one of my most positive law school experiences. Many of these clients would otherwise not receive legal help. The client’s appreciation is so monumental that sometimes I feel like I get more out of the representation than the client does. Wherever my legal career takes me, I will continue to provide pro bono or reduced-fee representation for clients who need it.

**Chris Longman:** Being there as an advocate for your client, even as unsuccessful as you can be sometimes, really is a measure of the worth of working in law.

**Brian Endter:** One of the biggest benefits I’ve seen for the law students I’ve worked with is that you get exposure to interacting with a client on both the positives and the negatives. You get that practical experience and you keep that connection with the real people you’re going to be helping out there.

**Breean Beggs:** There are many more volunteer opportunities for students than when I went to law school 20 years ago. My advice to law students is to do as much of it as you can. Same for new attorneys. I’ve been a hiring partner, and that’s what I look for, people who mix it up in the trenches. Follow your passion. Don’t do pro bono just to pad your résumé. Do it because you’re doing something you love, and then you’ll do it well.
The Top 5 Myths for Avoiding Pro Bono: Making the Case for Volunteering

by Michael F. Cressey, Alison Holcomb, and Randall Winn

„If there is a particular area in which you would like to volunteer but are concerned that your experience might be an issue, training is available from the Qualified Legal Services Providers, and that means free CLE credits as you learn. “

In 2009, as part of a Pro Bono Legal Aid Survey, lawyers throughout Washington were asked to identify and rank in order of significance the various reasons for limiting their participation in pro bono service. Since it was posted, more than 700 members of the bar have completed the survey, sharing with us their perceived barriers to volunteering. You will probably relate to the top five barriers noted by respondents. We hope the following information improves your comfort level with pro bono service and inspires you to commit to pro bono service this year.

1. I don’t have enough time. (88%)

This was the most common of the barriers described by attorneys in the survey. Far from being an excuse, time and financial constraints are real and legitimate barriers. The RPCs set an aspirational goal of 30 hours per year, which may seem like quite a commitment to some, but works out to be two and one-half hours each month.

The good news, however, is that your level of participation is determined by you. It can be as little as taking one phone call a month to answer questions or explain the process to someone with limited resources, or mentoring a younger attorney representing a moderate- means client. You can speak at a training CLE program for less-experienced lawyers in your field once a year for an hour. You can take on as little as one case a year. Every bit helps.

Any investment in improving access to justice should be viewed from a long-term perspective. If
there are periods in your career in which time and treasure limit your availability, just make a point to go back and revisit the issue when your availability changes.

2 I won't be covered by malpractice insurance. [50%]
No need to worry; virtually all of the county-based volunteer lawyer programs in Washington provide malpractice insurance to their volunteers, as do many of the other nonprofit organizations that coordinate volunteer lawyers. After deciding how you want to help, check the programs on the map provided in this issue and then confirm directly with the programs about what coverage they offer.

3 I will need an interpreter. [49%]
Chapter 2.42 RCW provides for appointment of interpreters in judicial proceedings for persons who are “unable to readily understand or communicate the spoken English language” due to hearing or speech impairments. Chapter 2.43 RCW provides for appointment of interpreters for persons unable to readily understand or communicate English due to a non-English-speaking background. Many courts have a centralized interpreter program that screens litigants for eligibility for appointed services, and some have form motions and orders for appointment of an interpreter by county expense available online. If your client needs an interpreter for a hearing, trial, or other court appearance, he should contact the clerk's office in the county where the case is pending for information about the local court's interpreter procedure.

But what if you need an interpreter to interview a potential client before any litigation has commenced? Many legal aid providers have resources to connect volunteer attorneys with interpreters at reduced or no cost. If you are volunteering with one of those organizations, ask if they can help you make interpretation arrangements. For example, the Seattle area office of the American Red Cross, with the help of organized Language Bank Partners and more than 300 volunteers, offers free language interpretation — 24 hours a day, 7 days a week, in 60 languages — to individuals and community-based organizations providing vital services and basic needs in our communities. These volunteers can fill the communication gap in the initial consultation stages. Visit www.seattleredcross.org for more information.

4 I don't have enough experience or training in those areas of the law. [58%]
The breadth of volunteer opportunities encompasses the legal spectrum. While the need is great in the more traditional civil areas such as family law, landlord-tenant, and immigration, volunteers are needed who have background or training in bankruptcy, debt collection, foreclosures, and domestic violence, as well as consumer rights, employment, and civil rights litigation. Nonprofit organizations also need volunteers to help with advocacy on issues directly impacting access to justice.

If there is a particular area in which you would like to volunteer but are concerned that your experience might be an issue, training is available from the Qualified Legal Services Providers, and that means free CLE credits as you learn. Look also for future free and low-cost CLEs offered by the WSBA, which will be available to attorneys who are participating in pro bono and public-service programs. WSBA will develop these online and in-person training opportunities to support its strategic goal to enhance the culture of service among members. Many legal aid programs...
also offer mentors to volunteer attorneys, who can answer questions as they arise.

I don’t know where to start. [30%]

First, think about what kind of cases you would like to handle, and where you can help out. Don’t feel constrained to work only in your home county; there’s nothing wrong with helping at a program in another area.

Next, consult the map on pages 32–33 of this issue of Bar News for a directory of programs accepting volunteers. You will be inspired by the breadth of volunteer opportunities across our great state! Find out more about each of these programs and the clients they serve by looking online or contacting them directly.

Once you’ve located organizations that meet your criteria, contact them for information. It may be that one organization will have a greater need, or simply click better with your schedule and interests. Just as when you are interviewing a new client, you’ll want to get comfortable with your mutual expectations; each organization may have its own training, procedures, and so forth. What all have in common is that they’re willing to work with you to make your pro bono experience efficient, rewarding to you, and helpful to your client.

The process of finding a program to work with can take less time than a single game of Solitaire or Angry Birds. Why not start now?

We should all endeavor to meet the aspirational goals set forth by the RPCs for pro bono participation to the fullest extent of our resources and ability. Bottom line: The need is great. The opportunities abound. Hands-on help, training, and support is generously provided. Your level of commitment is self-determined. The benefits are real and significant. Make a difference in your life and the lives of others.

What more need we say? Try it — you’ll like it! 🍊

Michael Cressey is an attorney in private practice with the firm of Workland & Witherspoon, PLLC in Spokane. He is licensed in Washington and California and practices employment law, professional liability defense, and civil litigation in both states. Alison Holcomb is drug policy director at the ACLU of Washington. Before joining the ACLU, she defended drug and civil asset forfeiture cases in state and federal courts throughout Washington. Randall Winn tinkers at the intersection of law and technology; follow him on Twitter at www.twitter.com/4freeCLE and on his blog at www.rewinn.blogspot.com.

NOTE 1. The Pro Bono Interests and Skills Survey is available for completion at the WSBA website by clicking on “Committees” and selecting “Pro Bono and Legal Aid Committee.” It is free, anonymous, and your participation makes a difference.

By the Numbers . . .

2010 Voluntary Reporting of Pro Bono Publico Service Hours per RPC 6.1

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<tr>
<th>Total hours reported</th>
<th>353,322</th>
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<tr>
<td>Total hours reported</td>
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<tr>
<td>Direct service hours (6.1(a))</td>
<td>207,163</td>
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<tr>
<td>Indirect service hours (6.1(b))</td>
<td>146,159</td>
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<table>
<thead>
<tr>
<th>Representation of WSBA members</th>
<th>Percent of all WSBA members</th>
<th>Percent of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>WSBA members reporting</td>
<td>5,518</td>
<td>17%</td>
</tr>
<tr>
<td>Members reporting 30+ hours</td>
<td>3,410</td>
<td>10%</td>
</tr>
<tr>
<td>• Members reporting 30–49 hours</td>
<td>951</td>
<td>3%</td>
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<tr>
<td>• Members reporting 50+ hours</td>
<td>2,459</td>
<td>7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Awards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Members eligible (reporting 50+ hours)</td>
<td>2,459</td>
</tr>
<tr>
<td>Anonymous</td>
<td>742</td>
</tr>
<tr>
<td>Awards to be presented</td>
<td>1,717</td>
</tr>
</tbody>
</table>
in these dismal economic times, a significant number of Washingtonians are unable to afford attorneys. Great efforts have been made by the access to justice community and the Washington State Bar Association public-service programs to supplement and provide resources needed by pro bono litigants. However, these efforts still fall short of the growing need for services; the need for volunteers is greater now than ever before. Case in point: a high percentage of litigants in family law and eviction cases are unrepresented.

Lawyers continue to donate their time providing pro bono and modest means legal services, an astounding effort. Nevertheless, this does not absolve the lawyer of her ethical duties to provide competent, confidential, and conflict-free representation to the client. Some examples are discussed below.

- RPC 1.2 reviews the scope of representation and allocation of authority between an attorney and client. In this rule, attorneys and clients may agree to limited services representation provided that the limitation based on the scope is reasonable under the particular circumstances. This does not exempt a lawyer to provide competent representation.

- Services provided by legal services organizations, courts, and various nonprofit organizations are understandably limited in scope. RPC 6.5 requires a "conflicts check" only if the lawyer knows if the representation presents a conflict. However, if representation will be on an ongoing basis, the Conflicts of Interest RPCs 1.7, 1.8, 1.9, and 1.10 are applicable.

- Fees and expenses paid in advance of performance of services must be in compliance with rule 1.15 A. All fees and expenses paid in advance of performance are advance fee deposits, and this agreement must be in writing.

- An availability retainer is a fee paid to a lawyer to be available during a specified period or on a specified matter — this also must be in writing. See RPC 1.5(f)(1).

- A flat fee is a fee charged for specific legal services which constitutes complete payment for those services and is paid in whole or in part in advance — it is the lawyer’s property upon receipt. Once again, the agreement must be in writing. See RPC 1.5(f)(2).

- When a person is receiving limited services representation, opposing counsel may normally treat that person as not represented by counsel, and duties are governed by RPC 4.3. However, if the written Notice of Appearance states that within a time period he is to communicate only with the limited-representation lawyer as to the subject matter within the limited scope of representation, this must be honored.

- CR 4.2 and CR 70.1 allow a lawyer to provide limited legal services in a civil proceeding in superior, district, or municipal court. However, the lawyer must obtain the consent of the client in advance, provide a written notice of limited appearance before or at the hearing, and must comply with the RPCs, including the duty to provide competent representation.

- CR 11 clarifies that the requirements and risks of CR 11 will generally be applied to lawyers providing drafting assistance for any pleadings, motions, or documents filed by an otherwise self-represented person. However, the attorney may rely on the otherwise self-represented person’s representation of the facts unless the attorney has reason to believe that the representations are false or materially insufficient, in which case the attorney shall make an independent reasonable inquiry into the facts.

For clarification of members’ individual questions regarding these and other ethics issues, contact the WSBA Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284. These issues are dealt with at more length in a free online training available to volunteers in the WSBA Moderate Means program. For more information, see www.wsba.org.

Jeanne Marie Clavere is a WSBA professional responsibility counsel and can be reached at jeannec@wsba.org.
Numerous major corporations in Washington care about pro bono and have corresponding corporate social responsibility charters; in fact, many of them are signatories to the Pro Bono Institute’s Corporate Pro Bono Challenge, including Starbucks, Microsoft, AT&T, Bank of America, and others (full list at www.cpbo.org/challenge).

More than 20,000 individuals and families received legal help from volunteer attorneys in 2010. The most common legal problems related to family law, housing issues, consumer and debt problems, and immigration assistance.

The area with the highest rate of attorney volunteer participation is Chelan and Douglas counties, where the local volunteer lawyer program reports that over 40 percent of the local bar volunteers with the program.

A recent Pro Bono Net national survey found that 75 percent of pro bono attorneys take volunteer cases because it is personally fulfilling.

Most pro bono programs offer malpractice insurance coverage, so attorneys who volunteer with those organizations are automatically covered. Check with the program directly to confirm.

Volunteer attorneys who meet the requirements can earn six hours of CLE credit each year for completing pro bono work through a qualified volunteer lawyer program. See Washington MCLE Regulation 103(f).

Now that the Washington State Supreme Court has adopted GR 34, volunteer attorneys representing low-income clients do not need to spend a morning at the courthouse to obtain a waiver of mandatory court fees and surcharges. Under the new rule, requests for waivers can be made by mail.
The only missing piece is you.

The WSBA Moderate Means Program.

So many of our state’s low- and moderate-income families are unable to obtain the legal help they need, simply because they cannot afford it. The need is great, especially in the areas of family, housing, and consumer law.

A survey conducted several years ago found that approximately 75 percent of Washingtonians of moderate means — those who are within 200–400 percent of the federal poverty level — experience at least one legal problem each year. Many go without legal help.

To help address this serious problem, the WSBA created the statewide Moderate Means Program, a reduced-fee lawyer-referral service designed to help bring greater access to justice for people of moderate means. The WSBA is partnering with Washington’s three law schools to implement this exciting program; law students will handle the client intake and referral to participating lawyers.

Why Should I Participate?

Help yourself while helping others!

- Provide public service and help close the access to justice gap.
- Obtain free referrals to help build your client base.
- Learn new skills and expand your practice areas through free or low-cost online trainings.
- Gain increased access to mentoring and peer support opportunities.

How Do I Sign Up?

In order to be eligible to participate, you must be an active member of the WSBA, and you must carry your own malpractice insurance. All lawyers applying to participate will be subject to a discipline screening. Lawyer registration is done online through mywsba.org, where you will complete a short registration form. Simply go to www.mywsba.org and click on the Moderate Means Program logo.

What’s Next?

Referrals will begin later this spring. When a service opportunity arises, you will be contacted by a student at one of the three Washington law schools.

For more information, please visit the Frequently Asked Questions page. You can also contact WSBA Public Service Manager Catherine Brown at 206-733-5905 or catherineb@wsba.org.

Enhancing Our Culture of Service

Public service is a hallmark of the legal profession. Through projects like the Moderate Means Program, the WSBA is enhancing our culture of service, providing ways for lawyers to give back to the communities of which they are such an integral part.

A partnership between the WSBA and Washington’s three law schools: Gonzaga University School of Law, Seattle University School of Law, and the University of Washington School of Law.
Civility in Our Conversations about Race and Culture

by Judge Mary I. Yu

Can we talk about race? Can we genuinely engage our friends, neighbors, and colleagues in a serious conversation about race and culture without inflicting pain or guilt upon one another? Can you recall the last conversation you may have had about the topic and how it ended?

Our temptation may be to politely decline or avoid at all costs any discussion on the state of race relations or the impact of multi-cultural growth in our community because of our fear of being misunderstood. We worry about not being heard or perhaps we dread discovering what someone’s “true” opinions might be about the topic. We wonder who we can trust with our stories or honest questions.

But as lawyers and leaders in our community, should we be afraid of the conversation just because it is difficult? The fact is, we are becoming a multi-cultural and multi-racial community. Recent events involving police use of force in minority communities have called into question the integrity of our criminal justice system. The need for the conversation could not be more timely or important. Dare we try?

Our temptation may be to politely decline or avoid at all costs any discussion on the state of race relations or the impact of multi-cultural growth in our community because of our fear of being misunderstood. We worry about not being heard or perhaps we dread discovering what someone’s “true” opinions might be about the topic. We wonder who we can trust with our stories or honest questions.

But as lawyers and leaders in our community, should we be afraid of the conversation just because it is difficult? The fact is, we are becoming a multi-cultural and multi-racial community. Recent events involving police use of force in minority communities have called into question the integrity of our criminal justice system. The need for the conversation could not be more timely or important. Dare we try?

The principles underlying the practice of civility can guide us into the conversation and dictate the rules of the discussion. As noted in Bar News articles by Paula Lustbader and Stella Rabaut, civility is more than politeness; “civility is courage with kindness.” The practice of civility permits us to listen with our hearts to the experiences of others; to comprehend the feeling of alienation and of being an outsider. Civility calls us to step outside of our own lived experience and to engage in a sincere exploration of another through the simple art of listening before speaking. Civility challenges us to reflect and ponder upon what we have heard before making a judgment. Civility calls us to a state of compassion and empathy.

An active and civil engagement about a difficult topic such as race would also permit us to reveal our own biases, share our unfamiliarity of traditions and practices, and expose our ignorance of certain facts without causing personal pain to another. And when we inadvertently cause pain to another, civility requires an apology and a request to rewind and start over. At the same time, the practice of civility also requires vulnerability; it means that some of us must take the risk of sharing the pain of being on the receiving end of bigotry, both real and perceived, with the hope that the listener might better understand its impact.

Finally, the practice of civility requires patience and restraint: patience in having to repeat what has been said by others so many times before and in having to share once again; and restraint from reacting at an emotional level to what we think we heard.

You might ask yourself, “Why bother? It sounds like a lot of work! So why even have the conversation?” We need to have the conversation because of our unique role and function in a democracy and the pressing need to restore faith in our system of justice. Despite the colossal progress we have made towards achieving equality for all across this nation, there still exists a massive racial chasm that gets exposed through high-profile cases in our criminal justice system, or even by remarks made by a Supreme Court Justice.

In their 2010 study Justice in America: The Separate Realities of Black and Whites,1 Mark Peffey and Jon Hurwitz offer a rigorous examination of how the different realities of African Americans and European Americans influence the respective perceptions of justice and the legal system. These scholars offer extraordinary insight into how the radically different experiences of African Americans and whites explain the polarized views of our legal system and whether they believe justice will be delivered fairly. The conclusions are troubling and offer a compelling reason to get engaged in a conversation about race. Frankly, in order to better understand the lived experiences of one another, we must wade into the muddy waters of having a candid conversation about the topic. We must “bother” with listening and learning about the many forms of racial injustice experienced by communities of color and find ways we can move forward together.

As lawyers, we are responsible for maintaining a system of justice that is not only fair in its application of the law, but that is also perceived as fair by the broader community. We stand in a unique position to explore and address the specific “systems” or institutional practices that directly impact how members of minority communities experience or perceive our courts and what we do, particularly in our criminal justice system. The discussion cannot and should not be delayed; the restoration of confidence in our system of justice needs to be the focus of conversation in our personal and professional lives. We can talk about race and we can do it with civility.

NOTE

I became a lawyer because I wanted to work towards evening the playing field for vulnerable and unpopular communities and put a measure of justice into the justice system.

The future of the practice of law is uncertain.

One of the greatest challenges in law today is the fact that so many people do not have lawyers in matters that are of enormous significance.

If I were not practicing law, I would be a stay-at-home dad.

If I could change one thing about the law, it would be to provide a right to appointed counsel for those who could not afford representation in most civil matters.

This is the best advice I have been given: As an advocate, you should strive to be where your passion intersects with the needs of the community.

I would share this with new lawyers: Don’t try to plan your career too much as opportunities emerge unexpectedly, but make sure that whatever you are doing, you are doing well.

Traits I admire in other attorneys: When they treat other people (especially clients and non-attorney staff) with respect.

I would give this advice to a first-year law student: Take advantage of opportunities to “practice” law while in law school before you actually have to practice law.

Someone whose opinion matters to me: My wife.

People living or from the past I would like to invite to a dinner party: Rev. Martin Luther King Jr.

I am most proud of this: Making a documentary of my grandfather and his amazing life story before his memories faded.

I am most happy when I’m with my family.

My favorite hobby/interest: Playing fútbol (aka soccer).

My favorite vacation place: Isla Mujeres, Mexico.

Best stress reliever: Playing fútbol.

A book I would recommend reading: One Hundred Years of Solitude by Gabriel García Márquez.

What keeps me awake at night: The fact that we have hundreds of people on NWIRP’s waitlist for services.

Technology is great when it brings us together, bad when it keeps us apart.

Currently playing on my iPod/CD player/record player: “Wide Awake in America” by U2.

If I could live anywhere, I would live in Barcelona, Spain.

I can’t live without (assuming we’re not talking about the really important things, like family) meat, especially red meat.

This is the hardest part of my job: The fact that there is always more to do.

This is the best part of my job: When a parent gets to stay together with his or her children because of what we do.

My name is Jorge Barón and I became the executive director of the Northwest Immigrant Rights Project (NWIRP) in April 2008, after serving as a staff attorney with the organization since 2006. I am originally from Bogotá, Colombia, and immigrated to the United States in 1986. I graduated from Duke University in 1995, and spent five years working in the film and television industry in Los Angeles, California, before pursuing a legal career. I received my law degree from Yale Law School in 2003. After graduation, I served as a law clerk for Judge Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit in Seattle. I then served as an Arthur Liman Public Interest Fellow at New Haven Legal Assistance Association in New Haven, Connecticut, before moving back to the Pacific Northwest and starting my position at NWIRP. In 2008, I was appointed by Governor Gregoire to serve on Washington’s New Americans Policy Council. I live in Seattle with my wife, Tyler, and our two children, Isabella and Joaquín. Call me at 206-957-8609 or email me at jorge@nwirp.org.
I tried that pro bono stuff for a while, but there was no money in it. That’s a joke I used to tell at lawyer parties because, you know, all we lawyers care about is money. Actually, I have done pro bono work throughout my career, although not as much as I should. For this themed issue of Bar News I wanted Bar Beat to address the pro bono subject, but it took me a while to think of something that hadn’t already been said. As often happens with me, my eventual inspiration came from music.

Track 9 of the Grammy-winning 2010 album *The Suburbs*, by Arcade Fire, is “Suburban War.” It’s luminous and I could listen to it all day. The lyrics help explain why I — and probably you — do pro bono work. The song, like the album as a whole, describes our struggle in a mobile and fragmented society to keep hold of the sense of home and community that enveloped us as children. It resonates with me, as I grew up in Seattle but have lived in Bellingham the past 20 years. Relocation is such a common scenario that I rarely meet people who live in the neighborhood where they grew up. As a result, we have trouble staying connected to the people from our young lives. As Arcade Fire puts it in “Suburban War”: “Now the cities we live in/Could be distant stars/And I search for you/In every passing car.” That’s how I feel driving through my old stomping grounds in Seattle. Although it’s only 100 miles from where I live now, it might as well be a different planet than the one where I grew up. I vaguely hope to stumble upon someone I know, but it never happens. In our disjointed, hypersonic world, we’re starved for connectedness, which explains why Facebook is valued at $50 billion. Even online camaraderie, a few words at a time, is better than nothing.

I remember my first pro bono assignment, although from a legal standpoint it was the least remarkable case I’ve ever had. I was a rookie associate and it was one of the first cases I handled by myself from beginning to end. My clients were a young couple with a toddler who were struggling to get along on the father’s minimum-income job. One evening someone stole their car, took it on a joy ride, and crashed it into a utility pole and guardrail. Shortly afterward, the couple received letters from the state Department of Transportation and the power company demanding several thousand dollars in damages and threatening legal action. I don’t recall whether my clients had insurance, but in any event they were terrified that they would be sued and their car impounded or their licenses suspended. Although they were in the United States legally, they were fairly recent immigrants and had limited English skills and no legal sophistication.

It took me little time to verify with the police that the car had been stolen and was being driven by the thief when it crashed. For some bureaucratic reason or another, the DOT and power company hadn’t been aware of that. I sent them the police reports and cited law establishing that under those circumstances the vehicle’s owner could not be held liable for the damages. They dropped their claims without argument.

I had my clients come in so I could give them the good news in person. They were waiting patiently, with their little daughter, when I walked into the conference room. When I explained they were off the hook you would have thought I had donated them a kidney. They were as grateful as any paying clients I’ve had, and far more grateful than most. Of course, they got a good deal. They got free legal help that relieved them of something they feared might cost them thousands of dollars or result in the loss of their car. But it was a good deal for me, too. It was one of my first legal victories, however modest, and one of the first times I was able to use my professional skills to help someone in my new community. At the same time, it gave me a chance to connect with people who, despite living in the same city, were (as the song says) from a “distant star” in terms of education and social status. I don’t mean that in a condescending way. To the contrary, in that conference room I was reminded that I, too, am from a working class family and wouldn’t have gotten anywhere in life without numerous people selflessly helping me along the way.

There’s another extraordinary thing about “Suburban War.” It manages to be a love song as well as social commentary. The next time you’re in need of a romantic line for your special someone, you could do worse than reciting the track’s opening stanza, which follows a breathtaking, jangly Byrds-esque guitar intro: “Let’s go for a drive/And see the town tonight/There’s nothing to do/But I don’t mind, when I’m with you.”

With thanks to Arcade Fire, I pass that along pro bono publico.
The Delivery System Committee (DSC) has spent its first year developing a work plan for enhancing the delivery of legal services throughout the state. The DSC engaged in a thorough and thoughtful review of the 2008 State Plan Implementation Update Report; information gleaned from a February 26, 2010 Alliance-wide priorities discussion; a 2011 Alliance-wide discussion on pro bono delivery; feedback from regional teams throughout the State; and other relevant information brought before the DSC.

As the initial step in its work plan, the DSC has identified the following three groups of priorities. Preliminary recommendations for their implementation are included in the attached Report.

The DSC has identified Coordination, Collaboration and Planning as an urgent need given the dramatic impact of the economic crisis on low income and marginalized populations in our State. This growing crisis calls on us to take a deeper look at what is happening to these populations and requires that we react much more nimbly than we have in the past.

The Access and Technical Assistance and Training priorities will be implemented concurrently depending on available staff, financial and other resources.

At its October 14, 2011 meeting, the DSC will discuss implementation strategies and timelines for its work plan. An initial goal is for the DSC and ATJ Board to host the Alliance-wide discussion about statewide priority-setting in conjunction with the ATJ Conference in Yakima on June 8-10, 2012.

**Coordination, Collaboration and Planning:**

1. Develop mechanisms for the Alliance to regularly gather and share information about, and assess the needs of, individuals, families and communities in Washington experiencing justice system access barriers

2. Continue to encourage regional planning, and work to improve mechanisms for cross-regional communications to facilitate sharing of service delivery information and best practices

3. Facilitate an Alliance-wide discussion about statewide priority-setting, including the identification of programs responsible for addressing the priorities

4. Evaluate the effectiveness of ongoing delivery efforts and new initiatives

**Access:**

1. Optimize and expand entry points to the civil legal aid delivery system and improve clarity of scope of services available from civil legal aid and pro bono providers in the Alliance

2. Pool resources for acquisition of interpreter services or develop a centralized system for accessing such services
3. Expand and enhance the development of culturally-competent delivery of legal services and improve access to those services

**Technical Assistance and Training:**

1. Implement training for all legal aid provider board members about the Program Performance Standards and related issues
2. Increase the availability of substantive training for volunteers to expand representation and improve pro bono service
3. Develop a statewide panel of mentors for pro bono attorneys
4. Expand the statewide pro bono coordinator position to support specialty providers and to enhance the nonprofit management training function
5. Expand statewide technology support for all legal aid providers, especially for those that lack in-house technology capacity

The DSC requests that the ATJ Board approve this initial work plan and provide any additional direction for moving forward.
**Background**

The Access to Justice Board established the Delivery System Committee in 2010 to address the following:

- Serve as a clearinghouse and “think tank” to help monitor trends and patterns in client needs
- Establish and oversee working groups to address new and unfinished State Plan implementation
- Provide ongoing support and technical assistance for regional planning efforts
- Ensure that related legal assistance initiatives in the State are coordinated with the civil legal aid delivery system
- Monitor and assess the impact of national and state policy changes/initiatives on Washington’s civil legal aid delivery system

Based on a review of the current State Plan and other relevant information, the DSC determined that it would be helpful to establish work groups to focus its efforts to more deeply on key areas of concern. The work groups and their respective missions were as follows:

- Coordination/Collaboration/Regional Planning: Evaluate how best to encourage and promote inter- and intra-regional planning efforts throughout the State.
- Training: Develop an inventory of training and a functional assessment of training capacities relevant to client needs.
- Access (including Education): Consider strategies (e.g., outreach, use of interpreters, approaches to special populations) to improve access to the delivery system for those unable to utilize CLEAR.
- Pro Bono: Assess and prioritize approaches to improving pro bono service delivery.
- State Support: Identify alternative statewide support functions that can be developed without significant additional resources.

In July 2010, the DSC contacted all the regional teams to request their feedback on this preliminary assessment. Their responses generally supported and helped to focus these priority areas.

Each work group reported back to the DSC with specific recommendations and work plans, which were then discussed at length at the DSC. As would be expected, the different work groups identified overlapping concerns and had complementary recommendations for addressing those issues.

The DSC has consolidated the work groups' various plans into three areas of focus. We note that these focus areas are consistent with the priorities identified by the ATJ Board, including strengthening the delivery of pro bono functions and eliminating bias in the justice system. The work plan also includes a preliminary set of recommendations for implementation, which should shape efforts going forward.
Statewide Support Center

The State Plan recommends the establishment of a Statewide Support Center to provide pro bono support, training and technology needs, and other key functions that the DSC has defined as priorities for its own work. The State Support workgroup considered this issue in depth. The DSC supports the workgroup’s conclusion that there is not a need, at this point in time, to create a separate stand-alone civil legal aid state support entity. The DSC believes that the current system – whereby state support functions are dispersed and carried out by a host of different organizations – is working and that, with additional fine-tuning and prioritizing, can be made more robust and effective in meeting critical support needs of Alliance members.

Please see Appendix A for a detailed analysis of the rationale for this recommendation.

Delivery System Committee Work Plan

Coordination, Collaboration and Planning

1. Develop mechanisms for the Alliance to regularly gather and share information about, and assess the needs of, individuals, families and communities in Washington experiencing justice system access barriers

Current Status:

The civil legal aid community in Washington does not have a uniform tool or mechanism in place to regularly assess and collect information about unmet and emerging legal needs of those who experience justice system access barriers in our state.

Individual programs do collect information about unmet legal needs to shape individual program priorities and resource allocation. For example, KCBA does regular outreach to providers to learn about legal needs, NJP has a funding requirement to establish program priorities based on community input, and the 2009 Performance Standards called on programs to be involved in ongoing interaction with low-income communities in order to be aware of the most compelling needs of those communities.

The 2003 Civil Legal Needs Study was the first Alliance-wide effort to collect information about the unmet legal needs of individuals, families and communities facing justice system access barriers. Another statewide legal needs study is being considered.

Although much of this is currently ongoing, the task is to determine how to coordinate the collection and analysis of this data as a preliminary step to an Alliance-wide priority-setting process (see #3).

Recommendations:

- Collect information about other models of real time needs assessments. Consider looking at other legal aid programs, public health models, and current efforts (like KCBA).
- Coordinate with efforts to develop the legal needs study
- Consider whether technology provides mechanisms or infrastructure to collect information
- Identify potential partners (community health clinics, public libraries, schools, churches and other faith-based organizations, criminal justice system) and opportunities (multidisciplinary conferences) to create dialogue around unmet legal needs of low income communities
• Work with current client groups and organizations that serve or are composed of people of low income to gather information about client needs.

• Integrate the work of the ATJ Board’s Outreach and External Relations Task Force, which currently is focused on ATJ Board community “listening” sessions throughout the State

2. Continue to encourage regional planning, and work to improve mechanisms for cross-regional communication to facilitate sharing of service delivery information and best practices

Current Status:

The DSC learned from the regional teams that most are actively coordinating, collaborating and planning with other Alliance providers in their respective regions, and that many regions have regular communication and even standing meetings with other legal, social and human services providers. The approaches are as varied as the regions. Regions 2, 6, 7 and 13 have regularly scheduled meetings. Region 14 reports that the establishment of its LawHelp Center has proven to be an effective regional coordination and collaboration model. Videoconferencing and listservs are used regularly for this purpose by Regions 6 and 13. Northwest Justice Project staff members serve on the boards of directors of the pro bono programs in several regions, which facilitates planning and communication. Region 15 reports that it is now considering meeting on a regular basis as a result of the inquiry from this Committee – for the purpose of focusing on how collaborative efforts can improve local service delivery. Region 18 did not participate in regional planning as the office had not yet opened. It reports collaboration as being “organic” and to date very successful. Region 13 made a suggestion for greater coordination of the development and distribution of self-help materials.

Recommendations:

• Continue to promote and encourage regional planning so that it can become an even more effective tool for ongoing regional and Alliance-wide priority setting

• Create mechanisms for improving cross-regional communication so that regions can benefit from learning about delivery and access innovations throughout the state, e.g., web-based communication

3. Facilitate an Alliance-wide discussion about statewide priority-setting, including the identification of programs responsible for addressing the priorities

Current Status:

Currently priority setting is done by individual programs, among regional partners, and through Alliance-wide advocacy coordination. The DSC identified a need for a more highly coordinated process between and among the programs, the regions and statewide to ensure that priority client needs are being identified and addressed. Significantly, it is important to determine which programs are best situated to address certain priorities, e.g., whether it makes sense for pro bono programs to do public benefits work. Currently no program or committee is assigned this responsibility.

Recommendations:

• To comply with funding requirements, NJP conducts internal priority-setting on an annual basis. To implement this priority, DSC recommends that NJP field offices work with regional partners to expand NJP’s internal priority setting to a regional exercise for Alliance members.
• The DSC recommends that it and ATJ Board sponsor an Alliance-wide discussion of statewide priority-setting at the June 8-10, 2012 ATJ Conference in Yakima.

4. Evaluate the effectiveness of ongoing delivery efforts and new initiatives

Current status:

There must be a continuing conversation about the work of the Alliance and how well it is meeting the needs of low income and marginalized people, families and communities. The Supreme Court has charged the ATJ Board with the responsibility for ensuring an effective civil legal aid delivery system. Without a central statewide support to coordinate, oversee and evaluate statewide support initiatives, this task falls to each of the entities hosting these functions, to these entities in partnership with the ATJ Board, or solely to the ATJ Board itself.

Recommendations:

• The DSC recommends evaluating ongoing efforts and new initiatives, including, but not limited to, advocacy coordination, pro bono support, effective use of technology, new access initiatives, training and leadership development, and coordinated delivery of assistance in specific areas of substantive law. The DSC discussed a number of ways to implement this recommendation, including gathering information from Legal Server for further evaluation.

• The DSC recommends that the ATJ Board convene a meeting of key stakeholders in 2012 to assess whether these collective efforts to provide statewide support functions are effectively meeting the needs of the community, prioritizing needs of vulnerable people and avoiding duplication of efforts in keeping with the Hallmarks.

Access

1. Optimize and expand entry points to the civil legal aid delivery system and improve clarity of scope of services available from civil legal aid and pro bono providers in the Alliance

Current Status:

Although CLEAR and 211 are the primary entry point for people seeking legal assistance from Alliance providers, there are client populations that need alternative entry points to access legal aid. In light of limited resources, providers are narrowing the scope and nature of their services. More than ever, we need to provide up-to-date and accurate information about the availability of legal assistance and how to access it to the public and within the Alliance.

Recommendations:

• Research existing websites (NJP, WSBA) and technology that could be easily updated with provider information so that client populations can identify services and providers directly.

• Coordinate with the ATJ Communications Committee on its efforts to encourage all the Alliance member websites to include a link to the NJP website.

• Create a web-based form that can generate an up to date listing of legal aid services.

• Investigate additional potential entry points for people who otherwise don’t have access, such as people who are disabled, undocumented, etc.

2. Pool resources for acquisition of interpreter services or develop a centralized system for accessing such services
Current Status:

Language differences are one of the most significant barriers faced by low-income people trying to access legal assistance and the justice system. Alliance member access to interpreters varies widely based on program size and resources.

Recommendations:

Since language is a threshold barrier to accessing legal assistance and the justice system, we recommend prioritizing Alliance member access to interpreter resources. The DSC recommends that the ATJ Board ask the LFW Board to allocate funds in 2012 for the bulk purchase of a telephonic interpretation service (Language Line-like service). LFW will explore additional state funding through the partnership between OCLA, NJP and LFW, so access to interpreters is not totally dependent on IOLTA or private charitable support. The DSC recommends that Alliance-wide access to telephonic interpretation is piloted during the 2012 calendar year. The DSC will assess this pilot project at year-end to determine to what extent it helped improve client services.

3. Expand and enhance the development of culturally-competent delivery of legal services and improve access to those services

Current Status:

The Alliance needs to continue to work towards a delivery system that is culturally and linguistically competent to work effectively with individuals and communities.

Recommendations:

• Work with bar leaders to include cultural competency training and awareness at ATJ Conferences
• Expand and enhance the development of training and other resources to improve cultural competency and diversity in the delivery system.
• Incorporate goals in this area in statewide support and leadership academy discussions

Technical Assistance and Training

1. Implement training for all legal aid provider board members about the Program Performance Standards and related issues

Current Status:

The Access to Justice Board has charged the Delivery System Committee with ensuring that legal aid providers receive the necessary support to implement the Access to Justice Board’s Performance Standards for Legal Aid in the State of Washington (November 13, 2009). The DSC is developing a “Tool Kit” with guidance and best practices to implement the Performance Standards. Performance Standard Six provides in part:

It is important that members of the governing body be individuals who are knowledgeable about legal aid and support the mission of the organization, including its role in the Alliance for Equal Justice. The governing body is key to the legal aid organization being responsive to the needs of the low-income communities served. It needs to be aware of the needs of the communities served and, therefore, should reflect the diversity of the communities served. . . Governing body members should receive training to assure that its members are fully informed regarding their responsibilities to the organization and as participants in the Alliance for Equal Justice. They should receive training regarding the diverse low-income communities served and the services provided to them by the organization. Governing body
members should be trained regarding the sources of funding received by the organization, and any restrictions that accompany the funding.

The DSC identified that Standards-based training for legal aid provider boards is necessary for Board members to recognize the importance of and encourage program participation in Alliance committees and initiatives. Pro bono program coordinators identified leadership as a key goal, and concluded that they can have a greater "voice" in the Alliance through participation in Alliance-wide activities and stakeholder meetings, and membership on ATJ Board committees.

Recommendations:

The DSC will develop and implement Standards-based training for all legal aid provider board members. The training will include a focus on the structure and function of the statewide Alliance and the expectation that program staff is encouraged to contribute their skills and experience as statewide leaders.

Once this training has been completed, the DSC will facilitate a discussion with the Alliance about statewide structuring of pro bono delivery.

2. Increase the availability of substantive training for volunteers to expand representation and improve pro bono service

Current status:

The DSC developed a list of training resources currently available for pro bono program coordinators and volunteers. The list (with a second page of notes) is attached. (Appendix B) Currently the only training available to many of the pro bono programs is the selection of DVDs distributed annually by the Washington State Bar Association. Some programs are taking advantage of streaming DVDs developed by KCBA, and KCBA has recently made its brown bag CLEs available statewide. Regional planning teams consistently identified substantive training for pro bono lawyers and community advocates as a priority.

Recommendations:

The DSC will advise on the development of a statewide training plan. While the DSC recognizes a critical need for an Alliance-wide training coordinator to support the implementation of this plan, it will look to WSBA’s new Public Service Training Specialist and other Alliance members and supporters for assistance.

3. Develop a statewide panel of mentors for pro bono attorneys

Current status:

Many pro bono programs report that attorneys are uncomfortable providing representation outside their practice areas, even with relevant substantive training. The DSC anticipates that a formal mentor program for pro bono attorneys will alleviate these concerns, but recognizes that such programs are staff-intensive to create and operate.

Recommendations:

The DSC recommends creating a statewide panel of mentors. The mentor panel members will be recruited and trained to provide structured oversight and guidance assistance for mentees. The DSC anticipates coordinating with Alliance members and supporters to identify and make available relevant resources and training for mentors.

4. Expand the statewide pro bono coordinator position to support specialty providers and to enhance the nonprofit management training function
Current status:

Currently, the Legal Foundation of Washington (LFW) funds a statewide pro bono support coordinator to provide 50 hours per month of advice, training and consultation for the 19 volunteer lawyer programs. (See discussion about Statewide Support, Appendix A)

Recommendations:

Based on consistent and repeated reports from pro bono programs that the statewide support coordinator is an invaluable resource, the DSC recommends expanding that position to enhance the nonprofit management training and to support specialty providers. The statewide support position should continue to be sensitized to the perspective of the smaller programs (both pro bono and staffed) who lack the infrastructure to participate regularly in statewide ATJ initiatives, but who offer valuable perspectives and may need extra support. The DSC recommends that expansion of this position should be a priority as resources become available.

5. Expand statewide technology support for all legal aid providers, especially for those that lack in-house technology capacity

Current status:
(See discussion about State Support, Appendix A)

Recommendations:

The DSC recommends expansion of statewide technology support. Ideally, the Alliance would have dedicated staff to provide technological assistance to legal aid providers who do not have in-house tech capacity. Alternatively, an existing IT support entity (such as NPower) could provide support on a contract basis. Either solution will require additional resources, which may be challenging in the short term but should be prioritized as funding is available. The DSC anticipates that tech support could be funded through the OCLA/NJP/LFW funding partnership similar to our recommendation relating to Alliance-wide access to telephonic interpretation service.
APPENDIX A

Statewide Support Functions

The State Support Work Group of the Delivery System Committee began with the report of the 2004-2005 Access to Justice Board’s ad hoc State Support Committee, established to inform the State Plan Committee as to the role of state support in the latest iteration of the State Plan. The ad hoc Committee developed a mission statement for state support and identified seven core functions. Specifically:

“The mission of state support is to provide Alliance members and supporters with the necessary resources and infrastructure to enable them to effectively provide relevant civil legal aid services to low-income people and communities in Washington State encountering economic and other significant barriers.”

Core Functions identified in 2004-2005:

State Planning
Advocacy Coordination
Resource Development
Training and Development
Technical Assistance
Technology
Community Relations

Adopting and building on the ad hoc Committee’s efforts, the State Support workgroup expanded the state support functions, and assessed Alliance performance with respect to each of these. The proposed revised core functions are as follows:

State Planning
Advocacy Coordination
Training and Development:
  o Substantive Poverty Law
  o Leadership Development
  o Nonprofit Management (board training & development, financial training)
Technical Assistance:
  o Pro Bono Support
  o Infrastructure Needs (Language Line, malpractice insurance, purchase of bulk audit/bookkeeping services, group medical/dental/retirement packages)
  o Internal Communications (within the Alliance)
Technology Support
  o General IT support
  o Case management system
  o Videoconferencing coordination
  o GIS mapping
Building Support for Civil Legal Aid (formerly Community Relations)
  o Resource Development
  o Coordination of federal, state and local lobbying efforts
Current Status

Currently, Alliance state support functions are not housed in a single place or handled by a single entity. Rather, these functions are dispersed so that they are handled by the persons or entity best situated to address them. It is helpful to summarize the current situation for each of the identified core functions:

State planning is done by the Access to Justice Board and its implementation is informed by the efforts of both the Delivery Systems Committee, and other ATJ Board committees focused on specific areas, as well as being informed by significant engagement with direct providers working together in the field.

Responsibilities for advocacy coordination used to lie chiefly with Columbia Legal Services and then the Northwest Justice Project. Thanks to efforts by regional planners, in recent years advocacy coordination has become more inclusive of other organizations, including specialty providers and volunteer lawyer programs in the guise of regularly scheduled Alliance Advocacy Coordinating Group meetings. Providers report that significant advocacy coordination happens around substantive legal issues, such as public benefits and family law. These developments have been well received, and have highlighted the important dynamic between Alliance-wide advocacy organization, and the proper allocation of functions among different programs as they have responded to challenges posed by the dramatic economic and state budgeting challenges of recent years. Similarly, provider programs are also undertaking their own assessment of advocacy challenges in their substantive areas and examining ways to optimize their services to client communities (e.g., coordination around GR 34 implementation).

Training and development has historically been covered by multiple Alliance members, with NJP and CLS taking a lead role in planning substantive law trainings. NJP has also provided important Alliance-wide technical training and support through its Wednesday Wisdom series (formerly Friday Fundamentals). Recently we have seen increased efforts to share and coordinate substantive and nonprofit management training expertise using technology as means to reach wider audiences. The King County Bar Association has offered access to free on-line CLEs for pro bono attorneys around the state; WSBA hired a Public Service Training Specialist to develop training about issues common among low and moderate income populations; and the statewide pro bono coordinator has been organizing nonprofit management webinar trainings for the 19 volunteer lawyer programs. In addition, the ATJ Board has endorsed the idea of establishing an Access to Justice Leadership Academy to make a sustained commitment to values-based equal justice leadership development. With these exciting training initiatives in the works, our subcommittee concludes that Alliance training is moving in a positive direction.

Technical assistance includes pro bono support, infrastructure needs, and internal communications. This is an area where there are many gaps and room for improvement. Currently, the Legal Foundation of Washington (LFW) funds a statewide pro bono support coordinator for 50 hours of support per month. This position provides advice, training and consultation for the 19 volunteer lawyer programs. This is one area of assistance that receives consistently positive feedback from pro bono programs because it provides critically needed support for organizational infrastructure, particularly the smaller programs. Feedback about this support function has been overwhelmingly positive.

LFW is also funding an umbrella malpractice insurance policy for the pro bono programs and their volunteers. However, there are several other examples of services we could purchase as a group that would save programs money, strengthen the Alliance infrastructure, and ultimately improve services to clients. These services could include Language Line (or some other telephonically-based translation and interpretation service), group medical insurance, a group Westlaw contract, and bulk financial services, such as a hiring a single auditor to review the finances of all Alliance members annually.

Another big gap, or area of unevenness, lies in the area of technology support. Several of the larger programs (Northwest Justice Project, Columbia Legal Services, King County Bar Association) have dedicated IT staff. IT staff from larger organizations are able to assist smaller programs with discrete issues, but cannot do so in a systematic
fashion. For most Alliance programs managing information and technology is a huge challenge. LFW has one .25 FTE staff position that provides support on Legal Server, the Alliance’s case management system. The Office of Civil Legal Aid (OCLA) hosts the Alliance’s GIS system. However, there is no dedicated support for the myriad other technological issues that Alliance members face, and no one to provide advice on technology planning.

The responsibility of building support for civil legal aid lies with all Alliance members, but the organizations charged with implementation are the Equal Justice Coalition (EJC) and LAW Fund, both housed with LFW. By working with legal aid providers and leaders in the legal community, the EJC and LAW Fund raise both public and private charitable support for civil legal aid. The EJC Director is also responsible for writing external communications and developing content for digital platforms. Currently we have 4 FTE staff at these two organizations.

Is Centralization the Way to Go?

The obvious question, therefore, is whether a new organization whose sole responsibility was providing state support should be created, or whether we should continue our current practice of dividing up various state support functions across several organizations. Some of the advantages of having a single statewide support center are alluring. From the perspective of Alliance members, it would be convenient to have a single, one-stop organization where any number of support needs could be met. It could also provide a voice for smaller programs that want to be more active in Alliance initiatives but lack the staffing infrastructure to participate on a regular basis.

However, there are some drawbacks to an independent statewide support center entity. Creating a new 501(c)3 tax exempt organization and its attendant responsibilities (legal and financial paperwork; creating a new board and hiring staff) requires a significant investment of time and resources. We also anticipate that it would be challenging to raise funds for an organization that does not provide direct services to clients, and that the statewide support center would be entirely dependent on LFW and OCLA. Further, experience demonstrates the value of strategically allocating state support functions across institutional players in a manner that builds on natural strengths, internal synergies and relationships to the entities and functions for which support is being provided.
APPENDIX B
(Chart Attached)

Note #1: The “Pro Bono Coord. Training” listed on the chart refers to trainings set up by Pam Feinstein, our Statewide Coordinator of Pro Bono Support. Over the past few years, she has organized trainings for VLP staff. These were mostly conference calls with materials sent out ahead of time. Most were approved for CLE credit. The trainings included:

- Residential Landlord-Tenant Act and Unlawful Detainer Act
- Family Law Basics: Dissolution and Child Support—GoToMeeting
- Dynamics of Domestic Violence—GoToMeeting
- Unauthorized Practice of Law (we did this twice—once was pretty recently and the other was at least a year ago)
- Enforcement of Judgments in WA & Related Collection Matters (basically consumer law stuff)
- Time Management—(this may have been a GoToMeeting)
- How to Maximize CLEAR
- Maintaining Morale in the Midst of Difficult Times—GoToMeeting
- Practical Skills for Working Effectively with Challenging Clients—video conference
- Fundraising/Grant writing tips (in person at Goldmark)
- Financial Tips for VLP’s

At the 2009 ATJ Conference for our Friday afternoon session, we had the following in-person trainings:
- Ethical Issues for Volunteer Attorney Programs
- Tips on Using Legal Server
- Social Networking

At the 2010 Conference, Friday Session we did a session on the ARC and a best practices session, along with the brainstorming conversation with the CLEAR folks

In addition, Pam attended the following national trainings (and told the programs about them) and then put my notes and the materials on the ARC:
- Rural Pro Bono: Challenges and Innovations—NAPBPro
- Using Social Media to Engage Supporters—LSNTAP
- Spotlight on Best Practices—Sampling of Model Programs Around the Country—NAPBPro
- Bankruptcy Assistance: Creative Strategies—NAPBPro

Plans are in the works for 3 more substantive law trainings: (immigration, bankruptcy and family law (everything else—3P custody, parentage, etc.).

Note #2: King County Bar Pro Bono Services

Following is a listing of trainings in 2010. In 2011, PBS expanded trainings to include monthly “Family Law Focus” 1-1/2 hour CLEs. The annual Housing Justice Project required training expanded to two full days. All “brown bag” or 1-1/2 hour CLEs are in person and streamed over the internet. We are currently seeing attendance numbers through streaming of up to 100 participants per session. All trainings of any length are recorded and posted on the web for viewing online. The HJP brown bag trainings are promoted to all HJP programs statewide. Others are promoted only to King County volunteers at this time.
Staff trainings include monthly mini trainings on a variety of legal issues, changes in the law, etc. We do an annual ethics training for all staff. Each staff member is offered a minimum of one month of on line training at [www.lynda.com](http://www.lynda.com) which gives them access to over 900 excellent trainings on a huge number of software programs. Those who need more may be approved for additional months.

**2010 CLE/Program Trainings**
Pro Bono Services provides training for all volunteers. While some of these trainings are accredited CLEs, others are trainings for in-office volunteers and administrative assistants to support the Pro Bono Services programs. A total of 34 volunteer trainings were offered by PBS during 2010 with a total attendance of approximately 1,041.

**PBS Department:**

May 20, 2010 - Yes You Can - a recruiting CLE that includes information on the legal areas that different pro bono programs prioritize. 50 attendees

August 30, 2010 - More Than Just a Legal Issue 48 attendees

**Community Services Group:**

**CLE:**
January 28, 2010 – NLC & VLS held a training titled Dealing with Debt: Legal Roads to Resolution to train and recruit for the Make Change! project and NLC general clinic volunteers. 81 attendees

**Trainings:**
July 27, 2010—NLC & VLS conducted a referral training for Bankruptcy Clinic Volunteers. This training was put together in effort to increase the number of referrals from NLC to VLS. Twenty-once volunteers attended this training via streaming.

**Neighborhood Legal Clinics:**

**Brown Bags:**
- April 23, 2010 – Guardianship brownbag, 43 attendees
- May 28, 2010 – Vacating Records brownbag, 44 attendees
- June 25, 2010 – Debt brownbag, 59 attendees
- July 30, 2010 – Child Support & Modifications Brown Bag, 59 attendees
- August 26, 2010 – Public Benefits, 48 attendees
- September 23, 2010 – Dissolution Brown Bag, 68 attendees
- October 28, 2010 – Overview of the Small Claims Process Brown Bag, 70 attendees

**CLE:**
October 4, 2010 - NLC New Volunteer Training

**Volunteer Trainings:**
January 20, 2010 - Davis Wright Tremaine Legal Services for the Homeless Training, 17 attendees

**Kinship Care Solutions:**

New volunteer attorney trainings “Representing Relative and Nonrelative Caregivers in Nonparental Custody Actions” which covered substantive and procedural law:

January 19 & 21, 2010 - 7 attendees  
June 24 & 28, 2010 – 9 attendees  
November 9 & 16 – 9 attendees

**Family Law Mentor Mentee Training Sessions:** Each mentee attends two trainings. The first is a three hour family law basics training. The second three hour training is a review of the case they will be doing, issue spotting, clearing up questions from the first session and meeting with the client for the first time.

January 26 & February 9 - 5 mentees attended  
March 9 and 15 - 5 mentees attended  
April 6 and 20 - 6 mentees attended  
May 11 and 18 - 5 mentees attended  
June 8 and 15 - 5 mentees attended  
July 13 and 20 - 6 mentees attended  
August 10 and 17 - 5 mentees attended  
September 14 and 28 - 5 mentees attended  
October 14 and 21 - 6 mentees attended

**Housing Justice Project:**

**CLE:**  
January 22, 2010 – Annual CLE training Advising and Representing Low Income Tenants Facing Eviction, 70 attendees

**Brown Bags:**

- January 2010 - Effective Communication Strategies for Volunteer Attorneys  
- March 12, 2010 - Handling Mobile Home Cases, 45 attendees  
- April 2010 - Show Cause Hearings – The Basics Presenting and Arguing Your Motion, 54 attendees  
- June 11, 2010 - New volunteer and prospective legal assistant volunteer training.  
  - The 3+ hour training including a step-by-step tutorial on clinic operations as well as training on the avoiding the unauthorized practice of law & other ethical considerations and how to work with clients. 40 attendees  
- July 9, 2010 – Analyzing, Negotiating and Arguing Habitability Claims in a Show Cause Hearing, 35 Attendees  
- September 10, 2010 – Effective Communication, Negotiations and Resolution Strategies, 20 Attendees
Trainings:
In April, HJP/Kent Supervising Attorney, put together and conducted an on-site training program for newer volunteer attorneys with Foster Pepper. As a result, an additional volunteer joined the Foster Pepper volunteer roster, and the firm renewed its commitment to making HJP an ongoing part of that firm's Litigation Department pro bono program.
December 12, 2011

Dear Regional Planning Teams:

RE: Legal Aid Funding Crisis and Response

Our Alliance for Equal Justice is facing very difficult challenges. We are writing to ask for your help with an important Access to Justice Board initiative to respond to these challenges, for which your participation is vital.

The ATJ Board is requesting that you convene one or more meetings of your regional planning team sometime before January 20, 2012, in order for you to provide feedback to the ATJ Board by that date. At these meetings, we are asking that you consider the following questions and report your responses back to us:

1. What comments or suggestions do you have on how to conduct an Alliance-wide conversation about the structure of the civil legal aid delivery system given the realities the Alliance and clients served through Alliance member programs currently face and will face over the next three to five years?

2. What specific issues should this process address?

3. We are guided by the Hallmarks3, but are there other factors or considerations that you think should also guide our discussion and decision making?

The balance of this letter provides the context for our request, before summarizing again what we are asking of you. While we know that you are already aware of some of this information, we believe it is important to make sure that every member of the Alliance is well informed. Given the importance of this information, we also are copying the presidents of the boards of all Alliance members and the members of the Washington State Bar Association to Board of Governors. We also encourage you to share this information with community partners with whom you closely work and believe would be helpful in your response.

1. Background

The ATJ Board is charged by the Supreme Court with establishing, coordinating and overseeing an integrated, statewide non-duplicative civil legal aid delivery system that is responsive to the legal needs of those who face financial and other significant

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3 Hallmarks of an Effective Statewide Civil Legal Aid Delivery System: geographic presence, intake, diagnosis and referral, full range of services, advocacy in the relevant forums, responsiveness to clients with access barriers, strategic use of funding, maximum and strategic use of pro bono attorneys, non-duplicative, coordinated, efficient and effective series, adequately supported. The Hallmarks can be found at: http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Access-to-Justice-Board/%media/files/Legal%20Community/Committees_Boards_Panels/ATJ%20Board/Hallmarks%20of%20an%20Effective%20Civil%20Legal%20Services%20System%20-%20Revised%202004.aspx
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barriers to the justice system. To guide this process, the ATJ Board and the Washington State Alliance for Equal Justice have adopted a set of core values – the Hallmarks – to ensure that all planning decisions and the structure and operation of the delivery system itself serve the interests of low income clients and client communities. The ATJ Board’s 2006 Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (State Plan) established 18 regions to guide the development and implementation of State Plan recommendations.

During 2007 and 2008, the ATJ Board worked with these 18 regions and other Alliance partners to develop the August 2008 State Plan Implementation Update Report. Unfortunately, by early 2009, it became clear that many of the recommendations set forth in the 2008 Report, including the establishment of a statewide support center, would have to be delayed by the emerging economic and fiscal realities (reductions in state funding and IOLTA revenue). It also was becoming increasingly apparent that the Alliance needed to focus much more attention on the emerging challenges facing clients, client communities and the delivery system as a result of the new fiscal realities. The ATJ Board recognized that “ongoing involvement of the ATJ Board and a broad spectrum of Alliance partners will be needed to ensure the effective response to ... new challenges, while preserving the gains made and working to complete the unfinished tasks identified in 2008.”

In response, the ATJ Board formed the Delivery System Committee (DSC), establishing as one goal of the DSC that it act “as a clearinghouse and ‘think tank’ to help monitor changes in client needs and promote best practices in the delivery of client services through the state.” Unfortunately, as we all know too well, the depth and gravity of the challenges facing clients as a result of the severe economic times, and related funding challenges facing the civil legal aid delivery system have worsened.

The Campaign for Equal Justice remains a bright light, and we continue to urge everyone to support the Campaign’s efforts. However, IOLTA revenues are not within our control and have remained at historic lows for past three years. That situation is not likely to improve soon, as the Federal Reserve has indicated that it has no intention of raising interest rates in the foreseeable future. Consequently, the Legal Foundation of Washington has been forced to make additional deep cuts to statewide and specialty programs in 2012. Similarly, Legal Services Corporation (LSC) funding has been under political pressure, experiencing cuts of 4% in 2011 and 14.8% in 2012, resulting in a total cut of more than $2 million in federal funding through the end of 2012. And state funding to the Office of Civil Legal Aid and more generally to the judicial branch, as well as other state funds that support legal aid, have taken deep cuts and face the threat of even deeper cuts. The Legislature has just re-convened in special session to address how to fill an additional $2 billion shortfall. It is likely that action taken over the next few months will result in deep cuts not just to the Northwest Justice Project, but to appropriations to specialty providers like TeamChild.

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We already have seen changes to the delivery systems as a result of these economic realities, and we can anticipate that additional similar difficult decisions will be necessary. Many vacancies at the staffed programs have gone unfilled, resulting in fewer services to clients. NJP alone has lost more than 17 FTE attorneys due to these cuts; the joint legal aid office in Moses Lake has been significantly scaled back as a result of Columbia Legal Services (CLS) and the Grant-Adams Volunteer Legal Services program suspending their operations (Northwest Immigrant Rights Project is continuing to provide services out of that office). And, in announcing a structural reorganization, at least partly motivated by significantly reduced funding, CLS indicated that it simply will not be able to represent as many individuals or small groups. As explained in its October 7, 2011 memo to the Alliance, this will require CLS to make “a more concerted effort to coordinate referral to partner programs.” With respect to day-to-day services to immigrant populations, for whom State and LSC funded legal aid is restricted, CLS is exploring “possible ways to leverage legal resources within the Alliance and how we can collaborate with other partners to effectively address the provision of critical civil legal services to low-income immigrants throughout the state.”

2. The Work of the Delivery Systems Committee; Our Request to You

Earlier this year, the DSC adopted a work plan that identified as one priority engaging the entire Alliance in a state-wide discussion of priority setting, in furtherance of addressing “a need for a more highly coordinated process between and among the programs, the regions and statewide to ensure that priority client needs are being identified and addressed.” As the DSC has considered this issue further, and as we continue to witness the consequences of deep cuts to our social safety net and the simultaneous worsening of the financial picture for funding legal aid, the ATJ Board and the DSC have determined that it also makes sense to consider whether our current delivery system – the quilt of state-wide providers, pro bono programs, and specialty providers as it now configured – is best suited to meeting the needs of clients in the present circumstances and into the future. In short, we believe that it is necessary that the entire Alliance undertake a deep evaluation of how we can best collaborate to deliver as much legal aid as possible in the areas where it will make the most difference to people’s lives, consistent with the Hallmarks. The ATJ Board will be working with the DSC over the next few months on this effort.

As we develop what this state-wide discussion and evaluation will look like, we do not have any pre-conceived notions of where it will take us. What we do envision is gathering additional feedback from various members of the Alliance during the next few months and then convening a structured discussion at the post-Goldmark Lunch gathering (February 24, 2012). From there, we envision moving forward with potential proposals that can be further considered during the spring and/or during the Sunday morning of the Access to Justice Conference (June 10, 2012).

As stated at the outset, we are asking that you meet soon and consider how we should respond to the funding situation facing the Alliance. We look forward to a report (it can be written or oral) that addresses the questions that we posed and also that tells us what your region and the Alliance more

3 The work plan is available at http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Access-to-Justice-Board/ATJ-Committees/ATJ-Delivery-System-Committee
generally is doing well and where we can improve. With respect to the latter, we also will be looking for “out of the box” ideas. To help guide your discussion, you might think about disaster or triage scenarios as well - such as how the Alliance would respond to the increased needs created by a natural disaster or how we would cope with even deeper cuts to our funding (if it helps your discussion, you might consider particular hypotheticals).

As we start this process, please do not hesitate to contact us with any questions, concerns or comments. If you believe it would be helpful, we certainly can arrange to have a member of the ATJ Board or the DSC attend your meetings.

Thank you.

Very truly yours,

[Signature]

Kirsten Barron, Chair
Washington State Access to Justice Board

cc: Alliance Member Board Chairs
    Washington State Bar Association Board of Governors
    Access to Justice Board
    Access to Justice Board Delivery System Committee
Background

In 2010, the ATJ Board determined that there were concerning issues regarding the adoption of online/electronic systems for accessing court records in the Superior Court system. At issue are potential barriers to information access posed by the fees required to use the systems being adopted by some courts and a lack of evidence that the ATJ Technology Principles had been applied in developing or acquiring those systems. An increase in the use of electronic systems and the apparent lack of uniform standards or policies regarding their fee structures suggested that counties might not be taking steps to ensure access for those of limited financial means. Recent initiatives, such as the Supreme Court’s adoption of GR 34, signal the desire in this state to create more uniform standards to remove access barriers for qualified litigants by reducing or eliminating the associated costs of access to our courts. The ATJ Board tasked its Justice without Barriers Committee (“JWOB”) to examine the issue of access to electronic records. The JWOB created a subcommittee tasked with addressing the issue of court records access in the superior court system of Washington. The subcommittee (Mike Katell of Columbia Legal Services, Millicent Newhouse of Northwest Justice Project and Hon. Greg Spybolt of Spokane Superior Court) determined that some research into the current and planned practices of the courts should be the first step in analyzing the problem. Mike Katell worked on developing a questionnaire for the courts and began gathering information from AoC and others in the court system. In the Spring/early Summer 2011, Angela Hoppel, an extern working with the ATJ Board, completed the research by contacting all of the clerks’ offices in the state and gathering detailed information about their use of technology to provide access to court records for attorneys and pro se litigants. A detailed spreadsheet of the questions and answers is attached to this report. A summary of our findings follows:

Finding: Electronic Access to Court Records for Self-Represented Litigants is Available to a Large Number, but is Far From Universal

Of the 39 Washington counties, 22 use an electronic system to store and manage their court records. However, only 13 use a system that can be accessed by users other than court personnel. Of those, only 7 offer access to non-attorneys. About 8 intend to provide some sort of electronic access in the near, if unspecific (for most) future. While these facts suggest that online access to court records is not that widespread, the 7 counties that currently offer access to the general public contain nearly half the state’s residents.

Finding: Courts That Provide Online Access to Court Records Use Charge Fees and Many Do Not Have Transparent Discount or Waiver Policies

Of the counties that provide online access to court records, either exclusively to attorneys, or to the general public, seven counties currently use LibertyNet. LibertyNet is an “off-the-shelf” product developed by Liberty Information Management Systems, which is now owned by Hyland Software. It is used in jurisdictions throughout the United States. Five counties use
systems they either built themselves, like Pierce County's "LINX", or systems that were built for them, such as Franklin County's "DataNet".

Almost all of the counties that offer online court records access charge fees to users. The fees vary, but the most expensive are charged by counties using LiberyNet, where users, be they attorneys or pro se, must pay subscription fees of $500 per year, per user (Pend Oreille offers a monthly subscription at $54/month). Clark County is unique in also charging a $1,000 one-time setup fee. Most counties offer bulk pricing for firms, but the costs were not given. Wahkiakum and Thurston County are notable among LibertyNet users in that they charge nothing. Wahkiakum only offers access to attorneys, while Thurston offers access to the general public.

Many clerks were reluctant to discuss their non-profit/legal services or needs-based discount policies. We suspect that in some counties, discount plans are individually negotiated, or are based on the relationships between a clerk's office and local entities that are considered eligible for discounts. It is entirely unclear how such counties work with low income pro se litigants. Only four counties were willing to state that they offer a standard discount for legal services providers or low-income pro se litigants. Only one county stated that its fee discount information is published on the county's web site. Notably, Kitsap and Pierce counties appear to have the most transparent and generous discount policies for low income litigants and their advocates.

Clerkepass is another third party document management system, which is currently in use by 17 Washington counties. Based on information on the Clerkepass web site, that system may be able to provide online view access to court records, but none of the clerks in our state reported using any but the most basic features, which enable users to search for some types of court documents and print or mail certified or non-certified documents for a per-page + per transaction fee. Although the fees for the use of Clerkepass were not exhaustively researched, it appears that they are uniform in this state: $4 + $.25 per page non-certified, $5 first page + $1 per page + $8 certified. There are no discount options for use of Clerkepass.

**Conclusions**

Online access to court records is currently an option for a majority of the state's residents, and online services are expanding. Significant barriers exist in accessing the existing systems due to the high cost of access and the lack of clear guidelines for discounts and/or waivers. It is likely that these trends will continue as more counties adopt online records systems. Presumably, such systems are costly to develop/acquire, and may also be costly to maintain. Those counties that employ their own systems have more variance in their fee structures. One may speculate that they have more flexibility in setting access fees, while those using LibertyNet are less flexible, owing to the contract requirements between the makers of LiberyNet and the counties that use it. What is clear now is that there are few uniform practices among the counties that offer online access to court records in setting fees or offering needs-based discounts. What is also clear is that there is some resistance among clerks in adopting and/or publicizing discount guidelines.
Washington State Legal Aid System Funding Flow (2012)
Sources and Destinations

Federal Legal Services Corporation (LSC)
$5.6 Million/yr.

State of Washington Office of Civil Legal Aid (OCLA)
$11 Million/yr.

Northwest Justice Project (NJP)
• Primary Statewide Provider
• CLEAR Intake System
• 17 Field and Satellite Locations
• [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)
• Advocacy Support and Coordination
• Fiscal Contracting Agent for State $ to 19 Volunteer Attorney Programs and 4 Specialized Providers

Legal Foundation of Washington (LFW)
• IOLTA
• Campaign for Equal Justice (C4EJ)
• Cy Pres
• Gates Grant
$4 M Total in 2011 for Grants

Specialty Providers Serving Clients Ineligible for Federal or State Funding ($3.33 M/year)
• Columbia Legal Services
• Northwest Immigrant Rights Project
No State Funding Used to Support Directly or Indirectly

19 Local Volunteer Attorney Programs $1.26 M/yr. (of which $1 M originates at OCLA)

4 Local and Statewide Specialized Legal Aid Providers
$658,000/yr. of which $526,000 originates at OCLA
WASHINGTON STATE ACCESS TO JUSTICE BOARD

Significant Accomplishments
(1994 –2012)

Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board (ATJ Board) works to achieve equal access for those facing economic and other significant barriers. Every aspect of the Board’s work has a direct impact on the elimination of bias and barriers in the justice system. A body with no formal power or authority, the ATJ Board has nevertheless established itself as a permanent fixture in Washington State’s civil equal justice landscape. The ATJ Board, in collaboration with its many partners in the Washington State Alliance for Equal Justice, has accomplished much during its first seventeen years. Its current initiatives expand on these accomplishments, described below.

1. **Unifying Vision, Values and Planning:** The ATJ Board is the primary planning body for all matters relating to the delivery of civil legal aid services in Washington State. It has adopted a vision and set of unifying core values (the Hallmarks) in which all initiatives are grounded. Its State Plan details the design, organization, and support of a non-duplicative, integrated, efficient and effective legal aid delivery system. Its State Plan and Performance Standards create common expectations for all organizations involved in legal aid delivery and guide decisions regarding the investment and allocation of funding.

2. **Public and Private Funding for Civil Legal Aid:** The Equal Justice Coalition, a committee of the ATJ Board administered by the Legal Foundation of Washington, has worked since 1995 to successfully defend and expand state and federal legal aid funding in concert with other justice system funding initiatives and justice system partners, including the Washington State Bar Association. The ATJ Board worked for years to unify private legal aid fundraising efforts under a single umbrella. Those efforts are now successfully being implemented through the Campaign for Equal Justice, managed by Legal Aid for Washington Fund (LAW Fund).

3. **Technology Infrastructure and Support:** The ATJ Board has worked to ensure the existence of a uniform technology platform that ties all legal aid providers together in a seamless system. Recently, the ATJ Board was instrumental in creating JusticeNet, a dedicated system and innovate model of building broadband communications infrastructure in underserved areas of the state. JusticeNet is a component of a significant National Telecommunications and Information Administration (NTIA) grant to the State of Washington. The ATJ Board provides ongoing support for network-wide technology systems development efforts, and ensures consistent and inclusive coordination of technology initiatives between Alliance members and other key stakeholders, including the Office of the Administrator of the Courts.

4. **Coordination With and Integration Into the Judicial Branch:** The ATJ Board has been successful in securing heightened judicial branch awareness of civil legal aid as a core judicial branch function and promoting coordinated efforts with key judicial branch entities on technology, judicial and public legal education, and in defending and expanding resources available to meet the civil legal needs of low income Washingtonians. A notable example is the establishment of the new Office of Civil Legal Aid (OCLA) as a separate and independent agency in the judicial branch.

5. **Quantifying Unmet Civil Legal Needs and the Cost of Addressing These Needs:** The Supreme Court’s Task Force on Civil Equal Justice Funding was established at the request of the ATJ Board and staffed in large measure by the ATJ Board. The Task Force produced this state’s first comprehensive Civil Legal Needs Study and produced a report making a series of recommendations relating to the amount, administration and oversight of state legal aid funding. These reports served as the catalyst for substantial increases in state funding and for the passage of legislation creating an Office.
of Civil Legal Aid. The Civil Legal Needs Study continues to be credible and relevant for delivery system planning.

6. **Building a Sense of Community and Commitment to the Cause of Civil Equal Justice:** For the past decade and a half, the ATJ Board has hosted its annual Access to Justice Conference in conjunction with the WSBA Bar Leaders Conference. In recent years, the conference has built its theme and programming around current and cutting edge topics, which in turn has generated concrete actions to address these issues (e.g., immigration reform, eliminating bias in the justice system). The conference also serves as an opportunity for networking and the sharing of information and expertise, and for building community throughout the state among supporters of access to justice.

7. **Leadership Development – Bridging Divides and Strengthening the Delivery System:** The ATJ Board sponsored and helped host a Leadership Conference bringing together the leadership of all staffed, specialty and pro bono legal aid providers. There is now a Leadership Group that has been successful in bridging cultural and organizational gaps between legal aid and pro bono providers, expanding coordination and planning at the regional level, empowering a new and expanded community of program leaders throughout the state, and creating expanded support capacity for the state’s pro bono legal aid providers. The ATJ Board is taking the next steps in this process, which is to develop a Leadership Academy to institutionalize these successes and to build leaders who will preserve and protect our values-driven state justice community into the future.

8. **Inclusion, Diversity and Multicultural Competency:** Recognizing the need for the legal aid delivery system to be responsive and accountable to the needs of a diverse client population, and the corresponding responsibility of legal aid providers and support entities to be inclusive, diverse and culturally competent, the ATJ Board sponsored a series of trainings on concepts of inclusion, diversity and cross-difference competence as a justice system imperative. The ATJ Board integrates these principles into all aspects of its work, including the recruitment of volunteers and its priority-setting process. Examples of this include the ATJ Board’s work to address complex access issues facing persons with disabilities through court rules and judicial education; and the development and implementation of recommendations on immigration and civil rights.

9. **ATJ Technology Principles (Technology Bill of Rights):** The ATJ Board was the initiator, host and sponsor of the nationally recognized effort to develop core principles and values that are designed to ensure that the development, implementation and adaptation of technology systems are carried out in a manner that ensures full inclusion of all members of society. The ATJ Board’s Technology Bill of Rights project (TBoR) led to the development of the Access to Justice Technology Principles that were adopted by the Washington Supreme Court in 2004 and that are in the process of being implemented statewide, nationally and internationally.

10. **Unifying the Access to Justice Message:** Under the auspices of its Communications Committee, the ATJ Board has developed a unifying brand for all civil legal aid related activities in Washington State. This brand – the Alliance for Equal Justice – binds all providers in the state under a common banner and establishes expectations for coordination, messaging and communications. The Alliance banner expands understanding of and support for all legal aid related efforts, from resource development to expanded delivery services.

11. **Improving Access for Pro Se Litigants:** In collaboration with the Administration Office of the Courts, the Office of Administrative Hearings, the Washington State Bar Association, civil legal aid providers, court clerks and judges, the ATJ Board is coordinating the development of a visionary plan for institutionalizing support for pro se individuals through a self-help center integrated into county law libraries and in conjunction with courthouse facilitator programs. Phase 1 of the project is underway, which is to convert family law forms into plain language format.
12. **Establishing Public Legal Education as a Core Access to Justice Principle**: The ATJ Board helped to launch the Council on Public Legal Education, which was, until recently, hosted by the Washington State Bar Association. A primary focus was educating young people regarding their legal rights and responsibilities by championing the need for strong civics education in the schools.

13. **Coordinating Law School Participation in the Alliance**: The ATJ Board’s Law School Relations Committee works to ensure that every law student in the state has an understanding of the importance of public interest law, familiarity with the Alliance for Equal Justice community, an opportunity to work with Alliance members in some capacity as a student, an appreciation for the work that is being done on behalf of low-income clients, and a commitment to support the Alliance’s work in some capacity after law school. These efforts have generated significant law school, law student and law school faculty participation in the work of the ATJ Board throughout the Alliance.

14. **Incubator for New Initiatives**: The ATJ Board serves as the research and development component for initiatives to promote and expand access to the justice system for low and moderate income people. Examples include: Uniform Courthouse Facilitator Rule, rules on Unbundled Legal Services, standards adopted by the Board of Governors regarding fee for service telephone provider legal aid services; development of a pilot project for low fee services (GAAP) which had led to the development of the WSBA Moderate Means Program; amendments to CR 23 (cy pres); GR 33 (accommodation of persons with disabilities); *Ensuring Equal Access for People with Disabilities – a Guide for Washington Courts*; Access to Justice Technology Principles; JusticeNet; and plain language mandatory forms.

15. **Setting the National Standard**: The ATJ Board is a recognized national model for effective, integrated statewide legal aid planning and the development of a broad and inclusive statewide justice community. While first in the nation, there are now ATJ coordinating entities in nearly three-quarters of the states. Recognizing the success of the Washington experience, effective statewide planning and coordination has become a requirement for receipt of funding from the federal Legal Services Corporation. The ATJ Board has published a model planning guide which is used by state civil legal aid planning entities across the nation.