

Justice Crisis in Washington State

Background

Legal service attorneys and volunteer attorneys provide timely and efficient assistance that responds to compelling legal needs of low-income residents of Washington State. The bad news is that in 2000 there are 23% fewer legal services attorneys to help 78% more low-income people than there were in 1980. The Washington State Bar Association has declared that chronic lack of adequate funding for civil access to justice for the poor has "reached a crisis level". Commenting on this crisis, Washington State Supreme Court Justice Richard P. Guy recently observed, "The vitality of our justice system - and our democracy as a whole - depends upon the equal treatment of all our citizens, rich and poor alike. That thousands of poor people do not have access to justice in our state undermines the rule of law."

The Crisis - an Overview

The Washington State Access to Justice Network - a model public-private partnership - is dedicated to making the civil justice system open and available to all, including Washington State's nearly 1.2 million low-income population.

Working together, the ATJ Network assisted more than 80,000 low-income people last year. But little or no help could be given to 4 out of 5 low-income people who needed help. Statewide, both the individual client and the people in their communities struggle with the strains and challenges that result from unresolved civil legal problems. The poor person fighting homelessness, loss of income or lack of access to health care is a loser in this process. The community that copes with another person on the street loses. And all of us lose when the promise of justice for all is not kept.

Less Help for the Poor

Legal services attorneys, already limited in number at 125 attorneys statewide to help 675,000 eligible low-income people in 1980, are now practically an endangered species. In 2000, with 87 attorneys and a nearly doubled low-income population eligible for their services means even fewer are served.

35% Federal Funding Cut -- Flash Point For ATJ Crisis

The fuse on the powder keg of continuous under funding was lit by the massive 35% cut in federal funding in 1995. Five years later, downsizing, mergers, and creation of a computerized toll-free telephone intake system called CLEAR have squeezed every bit of inefficiency out of the system in an attempt to address the loss of \$2.3 million federal dollars.

Rural Areas Hit Hardest

Office closures and staff layoffs have hit rural communities the hardest. CLEAR, a toll-free telephone hotline offering information and referral to possible attorney assistance was designed to help people living in more rural areas. But the reality is that volunteer attorneys living in rural areas can take only a limited number of cases. Closure of legal services offices due to the funding cuts means clients needing 'hands on' legal representation, particularly in very complicated matters, have no where to turn. Restoration of adequate funding will enable the equal justice system to provide meaningfully relevant service capacity in places like Bellingham, Vancouver, Pasco, Longview and the Olympic Peninsula. It would also allow for expanded utilization of private attorneys in the most geographically isolated areas of the state.





The Washington State Access to Justice Network A Valued Community Partnership Working for Equal Justice

FAQ's

What is the Washington State Access to Justice Network?

The Washington State Access to Justice Network is a nationally recognized model public-private partnership dedicated to solving the most critical problems low-income people face, and ensuring that they are treated fairly. The Network's goal is to make the civil justice system open and available to all, particularly Washington State's nearly 1.2 million poorest and most vulnerable people. The Network enjoys broad-based, bipartisan and community support from business and religious leaders, law enforcement officials, health care providers, and local community organizations.

The Network includes a wide variety of public and private partners, including the Washington State Supreme Court; the state's judiciary and administrative law judges; tribal justice systems; the Washington State Bar Association; local, specialty and minority bar associations; law schools; court clerks and courthouse facilitators; county law libraries; the Washington State Access to Justice Board; national, state and local funders of civil legal services; the dispute resolution community; staffed civil legal services providers; volunteer attorney programs; paralegals; domestic violence advocates; human and social services providers; and many others.

Individually and in partnership with one another, these institutions and organizations work to ensure that low-income individuals and families have timely and meaningful access to legal services. Poor people may need access to educational materials or a clinic where they can learn to represent themselves, or the help of an attorney to protect themselves from an unlawful eviction or from domestic violence or to enforce a legal right.

What types of assistance does the Access to Justice Network provide?

Almost one third of all civil legal problems faced by poor and vulnerable people are those that threaten to divide families: child support, domestic violence, and custody rights. The next highest proportion of legal problems is housing issues, including unlawful evictions and foreclosures. Education and prevention of homelessness, violence and loss of income are other serious issues faced by people in need.

How does the Washington State Access to Justice Network provide services to low-income people?

The Network has developed an innovative and integrated statewide system designed to provide a full range of civil legal services to poor and vulnerable people in need. The system is efficient, effective, and responsive. Strategically using the capacity of a number of different legal services providers, and employing cutting edge technological innovations, the Network is able to provide civil legal services to tens of thousands of low-income people each year. Key components of the Network that provide direct legal services in Washington State include:

Northwest Justice Project

The Northwest Justice Project (NJP) is the statewide federal partner in the Access to Justice Network because it receives most of its funding from the federally funded Legal Services Corporation. NJP provides direct services on a statewide basis to clients out of nine offices across the state. NJP also provides services through CLEAR, a centralized legal information, advice and referral service which is accessible through a toll free number and available to clients in all counties except King, where it is being phased in last because alter-



nate resources exist, and there are not sufficient resources to support CLEAR in all 39 counties at this time. The CLEAR system is often the first place clients turn for information and assistance. After screening low-income clients' eligibility for assistance, a team of attorneys and paralegals responds to basic questions, provides appropriate referrals, and in some cases, provides brief services such as negotiating or preparing documents. In 1998, CLEAR handled more than 20,000 requests for civil legal assistance. About 50% of these required referral to a direct service provider; and for the majority of these people, there was no provider capable of accepting a referral from CLEAR. NJP also operates a website, www.nwjjustice.org, where hundreds of legal education brochures are available for on-line reading and download. The site is well used, receiving over a million hits in 1999, and more than 14,000 documents have been downloaded in the first quarter of 2000.

Columbia Legal Services

Columbia Legal Services (CLS) is a statewide provider of direct legal representation and community legal education services to clients through seven offices throughout the state. Funding is provided by the State of Washington, IOLTA (Interest on Lawyers Trust Accounts) funds administered by the Legal Foundation of Washington, private donations administered by LAW Fund, local Area Agencies on Aging contracts, United Way and other grants. CLS focuses on special needs populations that face unique barriers to essential services or to the justice system itself, and ensures that clients in need of complex legal assistance get the help they need.

Volunteer Attorney Programs

The 24 Volunteer Attorney Legal Services Programs throughout Washington State coordinate panels of local volunteer attorneys to counsel, advise and represent poor people with problems including housing, family law, protection of financial resources, and consumer issues. In 1999 more than 4,000 attorneys in Washington State volunteered tens of thousands of hours to help low-income clients.

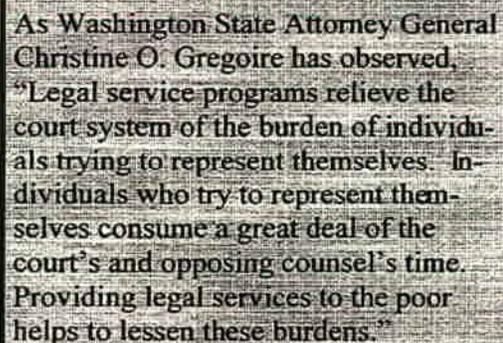
Volunteer Legal Services Programs receive support from a variety of sources, including county bar associations, IOLTA funds and state funding through Columbia Legal Services.

Specialty Legal Services Providers

Specialty legal services providers complement the services offered by NJP, CLS and the volunteer attorney programs. They include the Northwest Women's Law Center, the Unemployment Law Project, Law School Clinics, TeamChild, the Northwest Immigrant Rights Project, the Fremont Public Association, domestic violence advocates, dispute resolution projects and others. Funding for these programs comes from a variety of sources, including IOLTA funds administered by the Legal Foundation of Washington and community-based organizations. Many programs also utilize volunteer attorneys.

How does the Access to Justice Network benefit our justice system and our broader community?

The Access to Justice Network alleviates burdens on the courts by resolving cases through advice and negotiation, and ensuring effective representation in contested matters. The Network protects our society and strengthens our communities by preserving the rule of law and fundamental fairness for all our residents. Most importantly, the Network gives low-income people an opportunity for meaningful access to our courts and to the administrative process through our government agencies, and delivers on the nation's promise of equal justice for all.



As Washington State Attorney General Christine O. Gregoire has observed, "Legal service programs relieve the court system of the burden of individuals trying to represent themselves. Individuals who try to represent themselves consume a great deal of the court's and opposing counsel's time. Providing legal services to the poor helps to lessen these burdens."

Building Bridges and Better Bar Associations

Conference Program

WestCoast Wenatchee Center
Hotel & Convention Center
June 25-27, 1999

Washington State's Fourth Annual
Access to Justice Conference:

*Building the
Bridge to Justice*



Washington State Bar Association
Annual Bar Leaders Conference:

*Building a Better Bar:
Some Assembly Required*



Participants from both conferences are invited and encouraged to "cross the bridge" between conferences to attend workshops that best meet their needs. Approval for CLE credits is pending for both conferences.

Access to Justice Conference & Bar Leaders Conference Program

Friday June 25, 1999

Preliminary ATJ Network Organization Meetings

9:00 a.m. – 5:00 p.m.	WSBA Board of Governors	Red Delicious
10:00 a.m. – 12:00 p.m.	Access to Justice Board	Apple (9 th Floor of Hotel)
11:00 a.m. – 2:00 p.m.	LAW Fund Board	Money (9 th Floor of Hotel)
12:00 – 1:30 p.m.	Lunch WSBA Board of Governors Access to Justice Board	Fountain Room
12:00 – 5:00 p.m.	Volunteer Attorney Legal Services Programs and Specialized Legal Services Programs	Fuji 1-3
12:00 – 5:00 p.m.	Courthouse Facilitators	Fuji 4
12:00 – 5:00 p.m.	Columbia Legal Services Board	Gala 2, 3 & 4
12:00 – 5:00 p.m.	Legal Foundation of Washington Board	Golden Delicious East and West
12:00 – 5:00 p.m.	Northwest Justice Project Board	Gala 1
1:30 – 3:00 p.m.	ATJ Education Committee	Harvest
3:00 – 4:30 p.m.	ATJ Jurisprudence Committee	Harvest

Welcoming Reception Buffet *

6:00 p.m.	<p>Hosted by the Access to Justice Conference and the Washington State Bar Association (no host bar) Gov. Gary Locke's "Equal Justice Weekend" Proclamation Welcoming Remarks: Robert Siderius, Vice President, Chelan County Bar Association/Wenatchee Host Committee Dwight S. Williams, President, Legal Foundation of Washington Hon. T.W. (Chip) Small, Chair, Access to Justice Board M. Wayne Blair, President, Washington State Bar Association Chief Justice Richard Guy, Washington State Supreme Court</p> <p><i>*Entertainment presented by the Moderately Talented (Yet Plucky) Repertory Theatre of Justice: "The AX-ess Files: Justice is Out There" Accompanied by: Func Pro Tunc</i></p> <p>Dancing following entertainment: Music by <i>Func Pro Tunc</i></p>	Grand Apple Ballroom South
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Saturday, June 26

7:30 – 8:30 a.m.	<p>Breakfast Buffet First time Access to Justice Conference participants should go through the buffet line and be seated in the Grand Apple Ballroom North for the Conference Orientation facilitated by Pat McIntyre, Director, Northwest Justice Project</p>	Grand Apple Ballroom South
8:30 – 10:00 a.m. Concurrent Sessions		
<p>Cheap Internet: How to Teach it on a Budget Speakers will address how organizations may offer Internet instruction to their staff in the absence of expensive equipment or sophisticated facilities. The program will address suggested content and presentation format.</p>	<p>Richard Stroup, King County Law Library Claudia Jalowka, King County Law Library</p>	Golden Delicious East and West
<p>*Children's Rights: Breaking Systems Barriers This session will present the practical and systemic barriers to children's access to the criminal and civil justice systems from both judicial and child advocacy perspectives. Discussion will explore ways to improve meaningful access through the use of innovative advocacy models like TeamChild and cross-disciplinary approaches to problem solving.</p>	<p>Anne Lee, TeamChild (Seattle) Hon. Michael Trickey, King County Superior Court Lisa Linhart Dow, TeamChild (Yakima)</p>	Fuji 1, 2, 3 4
<p>Ethics Rules: Bridge or Barrier to Access? Speakers will address the major challenges of applying ethical rules to new technologies and delivery systems, the ethical aspects of limited legal representation and meeting the growing demand with diminishing resources.</p>	<p>Pat McIntyre, Northwest Justice Project Barrie Althoff, Washington State Bar Association Prof. James Vache, Gonzaga Law School Deborah Perluss, Northwest Justice Project</p>	Grand Apple Ballroom North
<p>Advanced Case Management Training – Kemp's Clients 2000 Additional training in John Kemp's Clients 2000. Topics include: Data conversion, personalizing/customizing reports and data/record definition. Each session will have time for user questions and answers</p>	<p>Joyce Raby, Washington State Bar Association Robin Lester, King County Bar Association Stacy Holmes, King county Bar Association Caitlin Davis Carlson, Legal Foundation of Washington Linda Young, Thurston Volunteer Legal Clinic Joan Kleinberg, Northwest Justice Project</p>	Harvest Room

Saturday, June 26

8:30 – 10:00 a.m. Concurrent Sessions (cont'd)		
<p>Bar Leaders Conference Our Foundation – Sand or Concrete?: Current Bar Issues This three- part seminar will focus on the changing nature of our justice system as we enter into the 21st century. The three components to be discussed are the relationship between the Bar and the judiciary, the changing environment for delivery of legal services to low income individuals and professionalism in the practice of law.</p>	<p>Hon. T.W. (Chip) Small, Chelan/Douglas - County Superior Court Ty Duhamel, Columbia Legal Services Ed Wolfe, WSBA Professionalism Committee Ray Gonzales, WSBA Board of Governors Long Range Planning Committee</p>	<p>Gala 1,2,3,4</p>
<p>10:00 – 10:15 a.m. Break</p>		
<p>10:15 a.m. – 12:00 p.m.</p> <p>This session will feature a low-income client attempting to work her way through the legal system. Presenters will give an overview of the ATJ system and resources and show how the pieces fit together.</p>	<p>*Building the Bridge to Justice: Access to Justice & Bar Leaders Conference Plenary</p> <p>Keynote Speaker: Hon. Judith M. Billings, Utah Court of Appeals</p> <p>Nancy Isserlis, Columbia Legal Services, as Janet</p> <p>Presenters:</p> <p>Pam Daniels, Clerk, Snohomish County Superior Court</p> <p>Anne Dederer, staff attorney Fremont Public Association</p> <p>Joan Kleinberg, Director of CLEAR, Northwest Justice Project</p> <p>Sara Pedrick, Director, Okanogan County Dispute Resolution Center</p> <p>Don Powell, WSBA Board of Governors</p>	<p>Orchard Exhibit Hall</p>
<p>12:00 – 1:00</p>	<p>Lunch</p>	<p>Grand Apple Ballroom South</p>

Saturday		
1:30 – 3:00 p.m. Concurrent Sessions		
<p>Bar Leaders Conference From Nuts & Bolts to Chips & Circuitry: Law in the 21st Century Will lawyers be obsolete in the 21st century? A discussion of the future of the legal profession with viewpoints from the judiciary, law school and the bar association.</p>	<p>Chief Justice Richard Guy, Washington State Supreme Court M. Wayne Blair, President, Washington State Bar Association Barrie Althoff, Chief Disciplinary Counsel, Washington State Bar Association John Clute, Dean, Gonzaga School of Law Jeff Bassett, Washington LEGALS</p>	<p>Gala 1, 2, 3, 4</p>
<p>Administrative Hearings: Building Better Access for Pro Se Litigants The Office of Administrative Hearings unveils its pilot "First in Touch" facilitator program for responding to appellants, a draft assistance manual for pro se litigants, and improved notices. Also, the pros and cons of SB 5260, attorneys' fees in administrative hearings will be discussed.</p>	<p>Hon. Art Wang, Chief Administrative Law Judge Hon. Barbara Boivin, Office of Administrative Hearings Pam Crone, Director, Unemployment Law Project Howard Graham, Attorney at Law</p>	<p>Grand Apple Ballroom North</p>
<p>Legal Advocacy for Grandparents Raising Children Family Court was not designed for addressing the needs of extended families or multi-generational legal issues. This workshop will summarize the issues relative caregivers present to elder law, public benefits, and family law attorneys, as well as issues that arise in mediation.</p>	<p>Lisa Brodoff, Seattle University School of Law Mary Hanneman, Northwest Women's Law Center Debra Wiley, Pierce County Center for Dispute Resolution Anne Hirsch, Court Commissioner, Family & Juvenile Court, Thurston County</p>	<p>Golden Delicious East and West</p>
<p>*Out of the Frying Pan and Into the Fire: Perspectives on Domestic Violence Cases in the Courts Discussion about what happens to domestic violence cases in civil courts from several perspectives. Panel speakers represent viewpoints from the judiciary, victims' attorney, and both civil and criminal advocates.</p>	<p>Leslie Owen, Domestic Violence Civil Justice Project, Columbia Legal Services Tracy Orcutt, Domestic Violence Victim Advocate, King County Prosecutor's Office Linda Marie Safar, Court Commissioner, Chelan County Superior Court Christina Misner, Eastside Legal Assistance Program Miriam Dominique, Domestic Violence Program Coordinator, Snohomish County Legal Services Leslie Savina, Eastside Legal Assistance Program</p>	<p>Fuji 1,2,3,4</p>
<p>Advanced Case Management Training – Kemp's Clients 2000 (repeat)</p>		<p>Harvest Room</p>
<p>3:00 – 3:15 p.m. Break</p>		

Saturday		
3:15 – 4:45		
Concurrent Sessions		
<p>Bar Leaders Conference Leadership Tool Kit</p> <p>This participatory workshop will provide tools for retaining, motivating and involving committee volunteers. Participants will learn how to establish and achieve goals, while sustaining committee momentum.</p>	<p>Janet R. Boguch, Non-Profit Management Consultant & Trainer, Non-Profit Works</p> <p>“Although developing and sustaining effective teams and engaging attorneys to get things done is challenging, it is not only possible, but it can be fun and rewarding.”</p>	<p>Gala 1, 2, 3, 4</p>
<p>*Mediation: An Appropriate Building Tool</p> <p>An overview of how attorney-mediators and community mediation centers provide services. Real clients tell of their mediation experience.</p>	<p>Linda Young, Thurston Volunteer Legal Clinic</p> <p>Mary Myhre-Pancake, Dispute Resolution Center of Lewis County</p> <p>Sara Pedrick, Okanogan County Dispute Resolution Center</p> <p>Larry Weiser, University Legal Assistance Program, Gonzaga Law School</p> <p>Former Mediation Clients</p>	<p>Fuji 1, 2, 3, 4</p>
<p>Creative Fundraising: Ideas and Tactics That Work</p> <p>Overall view of funding for legal services, private foundation sources, government grants, annual & deferred giving and fundraising events</p>	<p>Barbara Clark, Legal Foundation of Washington</p> <p>Pam Feinstein, Eastside Legal Assistance Program</p> <p>Cheryl Boal, LAW Advocates</p> <p>Lauren Moore, LAW Fund</p> <p>Larry Lium, Eastside Legal Assistance Program</p>	<p>Golden Delicious East and West</p>
<p>Blood, Sex & Money: Judicial Paternity v. Conclusive Affidavit</p> <p>A panel discussion regarding paternity affidavits/barriers and opportunities in developing Parenting Plans judicially.</p>	<p>David Johnson, Division of Child Support</p> <p>Tracy Waggoner, Attorney at law</p> <p>Hon. Arden J. Bedle, Snohomish County Superior Court</p> <p>Marie Turk, Snohomish County Prosecutor’s Office</p> <p>Larry Tobiska, Chelan/Douglas County Prosecutor’s Office</p>	<p>Grand Apple Ballroom North</p>
<p>Advanced Case Management Training – Kemp’s Clients 2000 (repeat)</p>		<p>Harvest Room</p>
<p>6:00 p.m. Dinner</p>	<p>Presentation of the 1999 Civil Equal Justice Community Partnership Awards, Michele E. Jones, Access to Justice Board</p> <p>*Keynote Speaker: John McKay, President, Legal Services Corporation</p>	<p>Grand Apple Ballroom South</p>

Sunday, June 27

8:00 – 8:30 a.m.	Breakfast Buffet	Grand Apple Ballroom South
8:30 – 10:00 a.m. Concurrent Sessions		
<p>Bar Leaders Conference Member Services: Building Blocks for Your Group</p> <p>The Bar Leaders Conference will break out to discuss bar management issues of particular interest to each group.</p>	<p>Small Bar Associations Medium Bar Associations Large Bar Associations</p> <p>Section/Committee Facilitator: John Cary, WSBA Legislative Committee Specialty/Minority Bar Facilitator: Jim Macpherson, Washington Defense Trial Lawyers</p>	<p>Gala 1,2,3,4 Gala 1,2,3,4 Gala 1,2,3,4</p> <p>Red Delicious East Red Delicious West</p>
<p>Private Bar Issues: Building Your Pro Bono Program</p> <p>Panel presentations on the need for pro bono attorneys from the court's perspective, model law firm pro bono programs, nuts & bolts of developing a law firm pro bono program, cajoling volunteers and various opportunities for attorney volunteers.</p>	<p>Hon. Paul Bastine, Spokane County Superior Court & ATJ Board Christine Allen, Foster Pepper & Shefelman & ATJ Board Pat Wagner, Heller, Ehrman, White & McAuliffe Robin Lester, King County Bar Michele Earl-Hubbard, Davis Wright Tremaine Rosemarie LeMoine, Private Practice Attorney</p>	<p>Fuji 1, 2, 3, 4</p>
<p>*Right to Counsel in Civil Cases: Why Not?</p> <p>Right to counsel is an integral component to the fundamental right of "access to justice," which in the United States is enshrined as equal justice under law. This "truth" is "self evident" and "government is fully instituted to secure this right." Why is this right not implemented in the civil justice system? We will discuss this extraordinary hiatus in our jurisprudence.</p>	<p>Justice Earl Johnson, Jr., California Court of Appeals</p> <p>Justice Richard Sanders, Washington State Supreme Court</p> <p>Jim Bamberger, Columbia Legal Services</p> <p>Jeff Needle, Law Office of Jeffrey Needle</p> <p>Leonard Schroeter, Chair, ATJ Board Jurisprudence of Access to Justice Committee</p>	<p>Grand Apple Ballroom North</p>
<p>Language & Disability Barriers: Breaking Through</p> <p>A panel discussion focusing on language and disability barriers and tools to address and overcome them.</p>	<p>Mary Myhre-Pancake, Dispute Resolution Center of Lewis County Vicky Stifter, Northwest Immigrants Rights Project Mary McKnew, Private Practice Attorney Dan Peterson, Division of Developmental Disabilities</p>	<p>Golden Delicious East & West</p>

Sunday

10:00 – 10:15 Break		
10:15 – 11:45 a.m. Concurrent Sessions		
<p>Bar Leaders Conference Professionalism: Blueprints for Better Lawyering</p> <p>A diverse panel will address the topic of professionalism, including lawyer civility, from a variety of perspectives.</p>	<p>Hon. John E. Bridges, Chelan/Douglas County Superior Court Stella Rabaut, Attorney at law Lisa Brodoff, Seattle University School of Law Rebecca Nerison, WSBA Lawyers' Assistance Program Prof. Jim Vache, Gonzaga University School of Law</p>	Gala 1, 2, 3, 4
<p>*Final Conference Plenary: Current Access to Justice Issues</p> <p>WSBA Public Legal Education Workgroup Recommendations</p> <p>Plan for Delivery of Civil Legal Services in Washington State</p> <p>Legal Services Funding in the Legislature: Where Do We Go From Here?</p>	<p>Judith Billings, Targeted Alliances, Consulting, Co-Chair, Public Legal Education Workgroup</p> <p>Hon. Paul Bastine, Spokane County Superior Court, Access to Justice Board Member</p> <p>Justice Philip Talmadge, Washington State Supreme Court</p>	Grand Apple Ballroom North

Thank You for Attending!

Please be sure to turn in your evaluation forms. There will be a drawing during the final session of each conference. The winner will receive a beautiful basket filled with goodies from Wenatchee. Must be present to win.

* Coverage by TV Washington

CLE Credits are pending for both the Access to Justice Conference and the Bar Leaders Conference. Conference participants will be notified of the actual credits approved a few months after the conferences.

ACCESS TO JUSTICE CONFERENCE RECOMMENDATIONS

JUNE 25-27, 1999

The following 34 recommendations are a compilation of recommendations from the first four Access to Justice Conferences: October 1996, June 1997, April 1998 and June 1999. This set of recommendations is based on a review of the progress on the October 1996, June 1997 and April 1998 conference recommendations and includes new recommendations developed during the 1999 conference workshops.

Each recommendation is annotated with the year it was adopted. The recommendations are arranged in each of the four sections (Judicial, Educational, Funding, Statewide Support) in the following order: those that have been implemented; those that are in the process of being implemented; and new recommendations.

Each recommendation has a status summary (if appropriate, or unless it is new) and a target date for implementation. Each recommendation also identifies primary and supporting responsible members. We are asking the primary responsible members to initiate the process of addressing the implementation of the recommendations. This process includes coordinating the involvement of the supporting responsible members in significant ways as well as identifying other key supporting members. A reference to the Access to Justice Network as the responsible member means that the implementation of the recommendation is the ongoing responsibility of all members of this Network.

JUDICIAL RECOMMENDATIONS

IMPLEMENTED

REC. #1 (1996): There is a need for an integrated strategy for increased funding for the courts because of the burgeoning number of litigants — especially *pro se* litigants — seeking access to the courts and the inability of the current system to accommodate them. The Washington State Supreme Court (Supreme Court) is encouraged to assume the leadership role in developing integrated funding for the judicial branch of government statewide.

Status: The Supreme Court convened the Commission on Justice, Efficiency and Accountability in 1997. In 1998 the Court developed proposed legislation, the Court Improvement Act, which addressed in part the issue of integrated funding for the judicial branch. The bill was introduced in the 1999 state legislative session and did not pass. The bill will be reconfigured and reintroduced in the 2000 state legislative session.

IMPLEMENTATION IN PROCESS

REC. #2 (1996, amend. 97,98,99): Because the judiciary is the guardian of our justice system, the judiciary and administrative law judges are encouraged to work to triple the number of their members who are engaged in equal justice efforts, including tripling judicial attendance at the June 1997 Access to Justice Conference to 24, doubling the number of judges at the 1998 Access to Justice Conference to 30, and having 40 judges attend the 1999 Conference. The amended recommendation is to have 50 judges attend the 2000 Conference.

Status: Eight justices and judges attended the 1996 Conference. Fifteen attended the 1997 Conference, including five members of the Supreme Court. A total of 28 judges, including five Supreme Court Justices and 11 Administrative

Law Judges, attended the 1998 Conference. A total of 37 judges, including four Supreme Court justices and 19 administrative law judges, attended the 1999 Conference.

Responsible Member(s):Primary: Supreme Court, Superior Court Judges Association, District and Municipal Court Judges Association, Washington Administrative Law Judges Association, Office of Administrative Hearings, Federal Bench.

Target Date: September 2000 Access to Justice Conference.

REC. #3 (1996): Given the increasing numbers of *pro se* litigants in the courts and the corresponding decreases in the capacity of legal services programs to provide representation, the judiciary is encouraged to develop systems and procedures to make the judicial system more user friendly.

Status: The following efforts are underway:

1. The Supreme Court's budget appropriation for the Judicial Information System (JIS) includes a project to develop automated customer services for *pro se* litigants, including computerized forms and procedures. This effort will be coordinated with the Access to Justice Board's (ATJ Board) Communications and Technology (ComTech) Committee. The Washington State Bar Association has hired an Access to Justice Communications and Technology Specialist to staff the ComTech Committee in developing a pilot project.

2. The ATJ Board's Systems Impediments to Access to Justice Committee's new *Report* makes a number of recommendations that focus on providing assistance for *pro se* litigants in court and before administrative agencies. Under the leadership of Chief Administrative Law Judge Art Wang, many of the *Report's* administrative agency recommendations are being implemented, including the development of a *pro se* handbook and the designation of contact persons or Hearings Facilitators in field offices. Other recommendations are under consideration, including alternative hearing dates on evenings and weekends and making information available over the Internet. Administrative Law Judge Barbara Boivin has been asked to lead the project.

3. The ATJ Board's Education Committee has developed a program to train new judges about *pro se* litigants in the courtroom. This program is now a permanent part of the Judicial College curriculum. The Education Committee also has developed judicial training programs for the Superior and District/Municipal Court Judges Associations on *Judges and Litigants: Communication is a Two Way Street* and *The Judicial Role in Ensuring Justice: Ethical Mandates and Constraints*.

Responsible Member(s):Primary: Supreme Court, Superior Court Judges Association, District and Municipal Court Judges Association, Washington Administrative Law Judges Association, Office of Administrative Hearings, Federal Bench. Supporting: ATJ Board ComTech, Education and Systems Impediments Committees, Washington Association of County Clerks, Courthouse Facilitators, Washington State Bar Association (WSBA) Pro Bono and Legal Aid Committee, Statewide Coalition of Dispute Resolution Centers, Office of Administrative Hearings.

Target Date: The progress of these efforts will be reviewed at the 2000 Access to Justice Conference.

REC. #4 (1996): The Access to Justice Community is encouraged to make access to justice an issue in all judicial selections.

Status: A priority of the ATJ Board's Education Committee is to encourage all judicial selection committees in Washington State to incorporate questions that address a demonstrated commitment to access to justice. The Education Committee also will develop a plan to institutionalize periodic presentations to these selection committees regarding the significance of these criteria.

Responsible Member(s):Primary: ATJ Board Education Committee; all judicial selection committees. Supporting: ATJ Board, Equal Justice Coalition (EJC), Supreme Court, Superior Court Judges Association, District and Municipal Court Judges Association, Washington Association of County Clerks, Courthouse Facilitators.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #5 (1996, amend. 1998): One of the most successful approaches to creating more user-friendly courts is Washington State's Courthouse Facilitator Program. The Amended Recommendation is threefold:

1. The Access to Justice Board will facilitate a process, to include all stakeholders, to work toward the resolution of the issues raised with respect to courthouse facilitators.

2. A component of these discussions will include research into best practices throughout the country.

3. The process will include plans to provide better education of the entire ATJ community about the functions and roles of the county clerks, courthouse facilitators and other components of the state justice system.

Responsible Member(s):Primary: Access to Justice Board. Supporting: Representatives from the Washington Association of County Clerks, Court Management Council, Washington State Bar Association, Courthouse Facilitators, Court Administrators, Law Librarians, Legal Services Providers, Bar Leaders, Supreme Court, Board of Judicial Administration, Superior Court Judges Association, District and Municipal Court Judges Association.

Target Date: 2000 Access to Justice Conference.

REC. #6 (1997): To further strengthen the Courthouse Facilitator Program, Conference participants recommend the following:

1. expand the Courthouse Facilitator Program to all counties;

2. provide state funding for all Courthouse Facilitator Programs; and

3. provide state funding for legal backup support and mentors for the Courthouse Facilitators.

Responsible Member(s):Primary: Office of the Administrator for the Courts (OAC). Supporting: Superior Court Judges Association, ATJ Board, Washington Association of County Clerks, WSBA, Courthouse Facilitators.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #7 (1996, amend. 1997,1998): Participants at all three ATJ Conferences have identified "unbundled legal services" (defined task representation) as a concept that raises critical and multifaceted issues that must be resolved in order to insure ethically sound and high quality representation of clients consistent with the ATJ Board-adopted *Hallmarks of an Effective Civil Legal Services Delivery System*. The Amended Recommendation is to convene a work group with representation from all interested stakeholders to identify the issues related to unbundling; monitor implementation of the recommendations from the previous ATJ Conferences; and develop a proposed action plan and practical guidelines for discussion at the 2000 ATJ conference.

The recommendations from the previous ATJ Conferences include the following:

1. Any rule that may be proposed which defines the concept of unbundled legal services will include the following:

a. provide for special appearance for limited representation under appropriate circumstances;

b. provide for disclosure of parties who are paid to prepare documents; and

c. provide for limited representation and withdrawal upon completion of certain proceedings.

2. Local rules also should be adopted which accomplish the following:

- a. provide priority for volunteer attorneys on any docket; and
 - b. specify courts' minimum expectations for attorneys agreeing to offer unbundled legal services.
3. Appropriate CLEs will be developed on unbundled legal services.
 4. A public education campaign marketed to the bench and the bar will be developed on unbundled legal services.
 5. All malpractice coverage issues will be resolved.

Responsible Member(s):Primary: Unbundled Work Group, to be convened by the Access to Justice Board. The Work Group will include representatives from the Supreme Court, the Superior Court Judges Association, Washington State Association of County Clerks, Courthouse Facilitators, Washington State Bar Association, Staffed Legal Services Providers, Volunteer Attorney Legal Services Providers, WSBA Pro Bono and Legal Aid Committee, Washington Defense Trial Lawyers.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #8 (1997): There is a need to reexamine the Rules of Professional Conduct and to recommend necessary changes to reflect efforts to expand access to justice, so long as these recommendations are consistent with ethical duties and the ATJ Board's *Hallmarks of an Effective Civil Legal Services Delivery System*.

Responsible Member(s):Primary: WSBA Rules of Professional Conduct Committee, ATJ Board Jurisprudence to Access Committee. Supporting: Supreme Court, Staffed Legal Services Providers, Volunteer Attorney Legal Services Providers.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #9 (1997, amend. 1998): There is a need for greater involvement and leadership by the judiciary in recruitment, support and encouragement of *pro bono* attorneys who provide direct representation. The Amended Recommendation identifies specific institutional changes:

1. award attorneys fees to *pro bono* attorneys in appropriate cases;
2. move *pro bono* cases to the top of the docket;
3. provide recognition to *pro bono* attorneys.

Responsible Member(s):Primary: Supreme Court, WSBA Pro Bono and Legal Aid Committee. Supporting: Superior Court Judges Association, District and Municipal Court Judges Association, Association of Administrative Law Judges, Volunteer Attorney Legal Services Providers, Staffed Legal Services Providers, Office of Administrative Hearings.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

NEW RECOMMENDATIONS

REC. #10 (1999): There is strong legal support for the notion of the right to counsel in civil cases (Civil Gideon), and we must begin to formulate specific strategies for its development.

Responsible Member(s): Primary: ATJ Board's Jurisprudence of Access Committee, Access to Justice Institute. Supporting: Access to Justice Network

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

EDUCATIONAL RECOMMENDATIONS

IMPLEMENTED

REC. #11 (1997, amend. 1998): ATJ Conference participants have identified a need for significant and coordinated efforts to educate the public about the justice system. The Amended Recommendation is to create a statewide work group with representation from the deans of the teachers colleges, OSPI and the legal community to develop, oversee and coordinate an LRE (law-related education) vision for Washington State with a specific focus on the following:

1. exploring legislative strategies for LRE funding for public schools;
2. adding LRE to teacher training programs;
3. working to influence the 2004 assessment process for social studies curriculum;
4. establishing a clearinghouse of information on existing curricula;
5. negotiating classroom space in the proposed remodel of the King County Courthouse; and
6. utilizing WSBA's new LRE Coordinator to help coordinate and encourage the expansion of existing programs and the development of new ones;
7. educating the public through developing a program of outreach to community groups (e.g., Elks, Kiwanis, Urban League);
8. educating the media about basic principles of law; and
9. encouraging local communities to take on the responsibility for educating elected officials and the public at large about the importance to our democratic system of civil legal services for the poor and access to our justice system; and
10. when training judges, taking the opportunity to provide information on how they can better educate the public on equal justice.

Status: In response to this recommendation, the ATJ Board's Education Committee took steps to form a workgroup. On November 6, 1998, a statewide workgroup with broad representation was convened by the Governors, Attorney General, Washington State Bar Association and Access to Justice Board. Judge Marlin Appelwick and former Superintendent of Public Instruction Judith Billings co-chaired this Public Legal Education Workgroup. The WSBA Board of Governors provided meeting facilities, a budget and staff support. Nearly sixty participants from the educational, legal and civil communities and the media met monthly for six months. The Workgroup's mission was to "develop a comprehensive plan to educate and to involve the people of Washington in the law and the legal system." The Workgroup's recommendation to establish a Public Legal Education Council was unanimously adopted by the Board of Governors. The Council, once established, will implement the recommendations in the Workgroup's Report: *Reinventing the Republic: A Proposal for Public Legal Education*.

IMPLEMENTATION IN PROCESS

REC. #12 (1996): The Equal Justice Coalition (EJC) will have a team captain and team members in each state legislative district to support the EJC's goal of developing a stable and permanent funding base for legal services.

Status: Currently the EJC has 34 team captains covering 26 of the 49 state legislative districts.

Responsible Member(s): Primary: EJC. Supporting: Access to Justice Network.

Target Date: 2000 Access to Justice Conference.

REC. #13 (1996): Recognizing that the establishment of justice is a cornerstone of the United States Constitution, the Access to Justice Network will strive to broaden the base of support for equal justice beyond lawyers.

Status: Although this will be an ongoing process, current EJC membership, non attorney group involvement in statewide access to justice activities, and targeted educational efforts will be used as benchmarks to measure the progress on this recommendation.

1. The EJC added six new non-attorney group members.

2. The Public Legal Education Workgroup (recommended by the 1998 Conference participants) produced a report calling for the development of a comprehensive plan to educate and to involve the people of Washington in the law and the legal system. That report was adopted by the Board of Governors and full-time staff has been assigned at WSBA to develop a Public Legal Education Council to oversee the implementation of the report's recommendations.

Responsible Member(s): Access to Justice Network.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #14 (1996): The Access to Justice Network will broaden and strengthen the base of support for equal justice by perfecting the equal justice "message."

Status: The Access to Justice Network has demonstrated that effective, coordinated and consistent messages about equal justice are catalysts that will compel people to action:

1. The EJC continues to update its equal justice messages, which are used to educate elected officials about legal services.

2. The EJC and the legal services providers have begun to publish an *Effectiveness Report*, designed to "put a face" on legal services.

3. The ATJ Board's Jurisprudence of Access to Justice Committee has participated in numerous forums on professionalism and the jurisprudential role of the bar in access to justice.

4. The Access to Justice Board has established a new media committee to coordinate message dissemination about equal justice through the press and legal publications.

5. The Public Legal Education Workgroup has made relevant recommendations that will be implemented by the new Public Legal Education Council.

Responsible Member(s): Primary: EJC, ATJ Board Media Committee, Public Legal Education Council. Supporting: ATJ Board's Jurisprudence of Access to Justice Committee, Staffed Legal Services Providers, Volunteer Attorney Legal Services Providers.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #15 (1996, amend. 1997): Members of the Access to Justice Network are encouraged to utilize existing educational tools and to develop new innovative tools to effectively deliver the access to justice messages.

Status: Although this will be an ongoing process, current educational efforts can be used as benchmarks to measure our progress. In addition to the creation of the messages, there has been significant progress in creatively delivering those messages:

1. The ATJ Board's Education Committee has met with the faculties of Washington State's three law schools to encourage them to integrate access to justice into their curricula.

2. The ATJ Board's Education Committee's workshop on "Dealing with Pro Ses" is now a permanent part of the curriculum of the annual Judicial College. The Education Committee also is preparing a core curriculum for judges on

access to justice.

3. The Access to Justice section of WSBA's website features downloadable articles and other relevant documents.

4. Seattle University Law School's new Access to Justice Institute is sponsoring a symposium in January 2000 on the access to justice implications of expanding the practice of law beyond attorneys.

5. The Access to Justice Board's Jurisprudence of Access Committee is publishing a series of articles in the *Bar News* on key aspects of jurisprudence as it relates to access to justice.

6. The annual May issue of the *Bar News* is devoted to access to justice.

7. The ATJ Board's new media committee will be coordinating message dissemination statewide through the news media and legal publications.

8. The Public Legal Education Council will be implementing a number of recommendations designed to K-12 and higher education students and the general public about the law and the legal system.

9. Students and faculty from the state's three law schools convened a law school coordinating meeting at the 1999 Access to Justice Conference.

Responsible Member(s):Primary: Access to Justice Board Education, Jurisprudence, Education and Media Committees, Access to Justice Institute, Public Legal Education Council. Supporting: Access to Justice Network.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #16 (1997): There is a need to continue to educate the state legislature about legal services.

Responsible Member(s):Primary: EJC, Public Legal Education Council. Supporting: Access to Justice Network.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #17 (1997): Conference participants recommend the establishment of training seminars for court clerks, courthouse facilitators and other *pro se* service providers in conjunction with the judicial conferences for the purposes of addressing the unique issues faced by *pro se* litigants in the courts.

Responsible Member(s):Primary: OAC. Supporting: Washington Association of County Clerks, Courthouse Facilitators, Superior Court Judges Association, District and Municipal Court Judges Association, Staffed Legal Services Providers, Volunteer Attorney Legal Services Providers, ATJ Board Education Committee.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #18 (1997): The organized bar plays a key role in ensuring access to justice. One way it can continue to be influential is to expand discussions of its role to public and professional forums.

Responsible Member(s):Primary: WSBA, Local, Specialty and Minority Bar Associations. Supporting: WSBA Pro Bono and Legal Aid Committee, ATJ Board Jurisprudence of Access to Justice and Education Committees, EJC, Law Schools, Access to Justice Institute.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #19 (1997): Recognizing that the media has a powerful influence on public opinion and that the legal profession and the legal system frequently are portrayed "unevenly," Conference participants recommend the establishment of a "truth squad" to address issues raised by the media and to educate the public.

Responsible Member(s):Primary: EJC, ATJ Board Media Committee. Supporting: WSBA, ATJ Board's Jurisprudence of Access to Justice and Education Committees.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #20 (1997): The need for volunteer attorneys continues to grow. With the advent of the new CLE Ethics requirement, Conference participants recommend the development and dissemination of a CLE on the ethics of *pro bono* work.

Responsible Member(s):Primary: WSBA Pro Bono and Legal Aid Committee. Supporting: Volunteer Attorney Legal Services Providers, Staffed Legal Services Providers, Local, Specialty and Minority Bar Associations, ATJ Board's Jurisprudence of Access to Justice Committee, Law Schools.

Target Date: 2000 Access to Justice Conference.

REC. #21 (1997): The development of diversity guidelines will provide specific suggestions for awareness training and inclusion in all aspects of the justice system, including: race; religion; national origin; sexual orientation; clients who proceed *in pro se* due to lack of resources to secure needed legal representation; those who are economically disadvantaged, face barriers to the justice system, experience unfair disparate treatment, or shoulder disproportionate burdens of poverty.

Responsible Member(s):Primary: ATJ Board Status Impediments to Access Committee. Supporting: Specialty and Minority Bar Associations, Staffed Legal Services Providers, Volunteer Attorney Legal Services Providers, Washington Association of County Clerks, Courthouse Facilitators, Superior Court Judges Association, District and Municipal Court Judges Association, Washington State Minority and Justice Commission, Washington Administrative Law Judges Association, Law Schools.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

FUNDING RECOMMENDATIONS

IMPLEMENTED

REC. #22 (1996): Conference participants recommend the establishment of an endowment fund whose income will help to provide a permanent and stable funding base for equal justice efforts and civil legal services delivery that are so desperately needed.

Status: LAW Fund has established a Board-designated endowment with nearly one-half million dollars.

IMPLEMENTATION IN PROCESS

REC. #23 (1996, amend. 1999): The continuing instability and unpredictability of funding for legal services and volunteer attorney legal services programs at the federal level compel renewed efforts in the state legislature to double (or better) state funding for legal services in 1999. The Amended Recommendation is to seek a \$1.9 million supplemental appropriation in 2000.

Status: There was a \$1 million increase in state funding for the 1997-1999 biennium. The WSBA Pro Bono and Legal Aid Committee prepared a report on civil legal services funding options that was presented to the WSBA Board of Governors for its consideration in May 1998. In June 1998 the BOG unanimously adopted a resolution (1) declaring civil access to justice in Washington state to be a chronic problem that has reached a crisis stage; and (2) declaring there exists a need for an increase of \$10 million in new state funding for civil legal services during the 1999-2001

biennium. A request for a biennial appropriation of \$10 million for civil equal justice was not approved by the state legislature. Plans are being developed to seek additional monies during the next legislative session.

Responsible Member(s): Primary: WSBA Board of Governors Legal Services Funding Committee, OAC, EJC. Supporting: Access to Justice Network.

Target Date: June 2000.

STATEWIDE SUPPORT RECOMMENDATIONS

IMPLEMENTED

REC. #24 (1996, amend. 1997,1998): There is a need for a statewide resource center that will implement the following:

1. develop an ongoing effective statewide coordinated campaign to recruit volunteers;
2. as part of that campaign, establish effective statewide training of volunteer attorneys, specifically in naturalization issues, and including rural areas;
3. develop uniform software to track grant information, clients, and volunteer attorneys, and to otherwise take advantage of the available technology to facilitate program operations and services to clients;
4. provide technical support to the pro bono programs, including technology and pro bono support;
5. urge the WSBA Board of Governors to adopt the proposed amendments to RPC 6.1 put forth by the WSBA Pro Bono and Legal Aid Committee;
6. develop one-page information sheets on welfare reform issues in understandable language for distribution to service providers statewide; and
7. support of efforts by bar associations and volunteer attorney legal services programs to contact court reporters, interpreters, and social workers for *pro bono* services and vendors for discounts.

Status: Significant aspects of this recommendation have been implemented:

1. The ATJ Board's ComTech Committee has developed a *Washington State Equal Justice Communications and Technology Vision* which is being implemented by the ComTech Committee, and which is providing technical support for the legal services and volunteer attorney legal services provider network.
2. WSBA has hired an Access to Justice Communications and Technology Specialist to staff the implementation of the ComTech *Vision*.
3. An Access to Justice Web presence has been developed on the WSBA Web Site, which provides information to both the public and the profession about access to justice and the Access to Justice Network.
4. The pro bono and specialty providers now have hardware, uniform case management software, Internet access, and have received appropriate training.
5. WSBA operates listservs for the pro bono and specialty legal services providers.
6. The WSBA Board of Governors has adopted the Pro Bono and Legal Aid Committee's proposal to award CLE credit for pro bono work and for mentoring pro bono attorneys. The proposed rule is before the Supreme Court for consideration.
7. There currently are two statewide *pro bono* panels: Native American and Children's SSI. Plans are underway to develop additional panels.
 1. The Supreme Court has adopted the Emeritus Attorney Rule at the request of the WSBA Board of Governors.

Currently 15 Emeritus attorneys are volunteering their services at 10 programs throughout the state.

2. WSBA's Pro Bono and Legal Aid Committee has developed a model law firm pro bono policy and is encouraging every firm in the state to adopt it or a similar policy.

3. WSBA's Pro Bono and Legal Aid Committee is developing a free CLE lending library at WSBA for the use of volunteer attorneys.

4. WSBA's Pro Bono and Legal Aid Committee is developing a pilot project that will enable attorneys in large urban corporate law departments to represent low income clients in rural areas via cutting-edge videoconferencing technology.

REC. #25 (1996, amend. 1997,1998): The CLEAR system will be operational statewide with adequate capacity by the end of 1998.

Status: CLEAR is now operational statewide with the exception of King County, in which it provides service on a fairly narrowly limited basis in consideration of pertinent demographic, staffing and alternative resource considerations.

REC. #26 (1998): All resource materials generated at the ATJ Conferences will be maintained in a central location and will be listed on the Access to Justice Web Site on the WSBA Home Page.

IMPLEMENTATION IN PROCESS

REC. #27 (1997): There is a need for greater communication between the urban and rural legal services providers regarding the difficulties/strengths of rural service delivery and creative resource sharing between urban and rural providers.

Responsible Member(s):Primary: Staffed Legal Services Providers and Volunteer Attorney Legal Services Providers. Supporting: ATJ Board, Local, Specialty and Minority Bar Associations, Washington State Paralegal Association, Washington Association of County Clerks, Dispute Resolution Community, Social Services Providers, Courthouse Facilitators, Court Administrators, the Judiciary.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #28 (1997): The Volunteer Attorney Legal Services Providers will develop a public relations campaign directed at current and potential volunteers regarding what they can do with their 30-hour aspirational goal for *pro bono* work.

Responsible Member(s):Primary: WSBA Pro Bono and Legal Aid Committee Volunteer Attorney Legal Services Providers, Staffed Legal Services Providers. Supporting: Local, Specialty and Minority Bar Associations.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #29 (1997): The Access to Justice Provider Network is encouraged to work closely with community-based and other non attorney mediation services, which can provide low cost alternatives to litigation.

Responsible Member(s):Primary: Statewide Coalition of Dispute Resolution Centers. Supporting: Staffed Legal Services Providers, Volunteer Attorney Legal Services Providers, WSBA, Local, Specialty and Minority Bar Associations.

Target Date: The progress on this recommendation will be reviewed at the 1999 Access to Justice Conference.

REC. #30 (1997, amend. 1998): Washington State has a large number of non attorney service providers that play a large role in helping clients gain meaningful access to the justice system. The Amended Recommendation suggests the following actions:

1. develop a pool of non attorney talent, (e.g., social service and community workers, law students and paralegals) that can assist in the preparation of cases and representation of low income clients, particularly in administrative proceedings;
2. centralize and increase access to advocacy materials and manuals;
3. develop pro se assistance materials and training; and
4. involve legal services staff as mentors.

Status: Several significant steps have been taken:

1. Chief Administrative Law Judge Art Wang and his staff are developing an administrative law pro se handbook and considering the implementation of additional recommendations contained in the ATJ Board's Systems Impediments to Access to Justice Committee's Report.

1. The Northwest Justice Project has launched its website, www.nwjustice.org, which contains the Law Center, with hundreds of downloadable documents in several languages.

2. Seattle University Law School has established its Access to Justice Institute, which will "match" volunteer law students with programs in need of their services.

3. The ATJ Board's ComTech Committee has applied to Microsoft Corporation for assistance in developing document assembly software in specific family law areas that can be used by pro se litigants.

Responsible Member(s): Primary: Chief Administrative Law Judge, Northwest Justice Project, Access to Justice Institute, Washington State Paralegal Association. Supporting: ATJ Board's ComTech Committee, Staffed Legal Services Providers, Volunteer Attorney Legal Services Providers, Statewide Coalition of Dispute Resolution Centers, Courthouse Facilitators, Washington Association of County Clerks, Aging and Adult Services Administration, CASA/GAL.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #31 (1997): Every Washington region is encouraged to consider replicating the Southwest Region's March 1998 Access to Justice Conference, which is designed to build local partnerships and share resources for the purpose of improving the delivery of legal services to low income clients.

Status: The Southwest Regional Access to Justice Conference was held in March 1998; its second annual conference was in September 1999. King County held its regional conference in April 1999.

Responsible Member(s): Primary: Legal Services and Volunteer Attorney Legal Services Providers. Supporting: Access to Justice Network.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

REC. #32 (1997): Many clients do not qualify for free legal services yet cannot afford to retain counsel. There is a need to establish reduced fee panels and other mechanisms to provide these clients with access to the justice system.

Status: The Washington State Bar Association has provided funding beginning in October 1999 for the Washington Young Lawyers Division GAAP (Greater Access and Assistance Project) proposal which will establish reduced fee panels throughout the state. WSBA will staff the project.

Responsible Member(s): Primary: Washington State Bar Association, Young Lawyers Division. Supporting: Local, Minority and Specialty Bar Associations, Lawyer Referral Services, Northwest Justice Project (CLEAR).

Target Date: September 2000.

NEW RECOMMENDATIONS

REC. #33 (1999): Given the explosion in technology, it is important to develop strategies to train the end-users – the clients – how to use the Internet, e-mail, etc., as well as strategies to make sure clients have access to these resources.

Responsible Member(s): Primary: ComTech Committee. Supporting: Law Libraries.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.

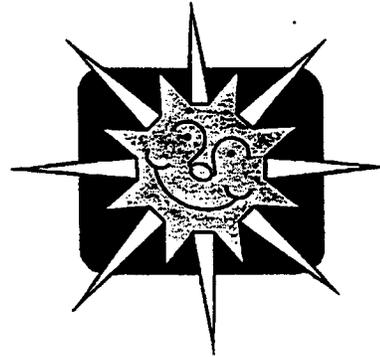
REC. #34 (1999): Columbia Legal Services has hired an attorney to coordinate domestic violence training and advocacy. A companion initiative is to address the growing need to expand and coordinate resources and information for victims of domestic violence who are pro se. These include, e.g., how to document the violence; what to include in the papers; methodology for judges to determine full and complete history, including prior criminal cases.

Responsible Member(s): Primary: Columbia Legal Services. Supporting: Legal Services and Volunteer Attorney Legal Services Providers, Courthouse Facilitators, Washington Association of County Clerks, Superior and District/ Municipal Court Judges Associations.

Target Date: The progress on this recommendation will be reviewed at the 2000 Access to Justice Conference.



Justice Barbara Madsen, Linda Young, Evan Ferber, and Mary Myhre-Pancake discuss mediation services in southwest Washington.



Southwest Washington Access to Justice Conference September 17 & 18, 1999 Ocean Shores, Washington Final Report



Conference planners Susann Lahmann, Kayrene Gilbertson, Gary McGuire, and Linda Young made sure registration went smoothly.

A g e n d a

Friday Sept. 17

9:00 to 11:00 a.m.
Golf Tournament

12:00 to 1:00 p.m.
Pre-Conference Lunch for Volunteer
Lawyer Program Staff

1:00 p.m.
Conference Registration * Ocean
Shores Convention Center

2:00 p.m.
Opening Plenary Session

Main Hall

3:00 to 4:30 p.m.
Workshops

Workshop Summary

Workshop Presenters
and Room

Housing: Mobile Home Issues

This will be an overview of the Washington Manufactured/Mobile Home Landlord-Tenant Act. Topics to be covered include: definitions; who is covered by the Act; formation of a lease; transferring agreements; termination of tenancy; and other common issues faced by mobile home owners. Recent legislation will also be covered. Participants will also discuss mobile home problems in their geographic area.

Bruce Neas, Attorney
Columbia Legal Services

1.5 CLE credits pending

Meeting Room 1

Guardian Ad Litem Issues

This session will look at the state of law regarding guardian ad litem and CASA roles; responsibilities, and accountability. The focus will be on Title 26 (family law) cases.

Raven Lidman, Law Professor &
Clinical Supervisor, Seattle University
Law School
Angel Rinaldo, Thurston County GAL
for County-Paid Cases
Jo Waddell, Director, Clark County
CASA Program
Barrie Althoff, Chief Disciplinary
Counsel, Washington State Bar

Main Floor 3

**Law & Justice Councils: A
Model for Access**

How to work with your local Law & Justice Council to improve access to justice across the civil and criminal justice systems. The Law & Justice Council of each county is a forum for planning, problem solving, and cooperation between county officials and other law and justice agencies. The Council addresses problems on a system-wide basis and makes recommendations to the County Board of Commissioners.

Gary McGuire, Lewis County Law &
Justice Council Co-Chair
Nettie Jungers, Lewis County Clerk

Meeting Room 2

A g e n d a

4:30 to 6:00 p.m.
Free time to enjoy Ocean Shores

6:00 p.m.
Reception
Main Hall

7:00 p.m.
Dinner and Dancing to
Func Pro Tunc
Main Hall

Saturday Sept. 18

8:00 a.m.
Continental Breakfast at The
Sands Resort

9:00 to 10:30 a.m.
Workshops

Workshop Summary

Workshop Presenters
and Room

Family Law: Unhurdled Legal
Services & Ethical Considerations

A look at discrete task representation
and its benefits and pitfalls for attor-
neys and clients.

Christine Cole, Attorney at Law
Paul Battan, Attorney at Law
Barrie Althoff, Chief Disciplinary
Counsel, Washington State Bar

1.5 CLE credits pending
including .5 ethics credit

Meeting Room 1

Public Benefits: Advocacy
Training for Non-Lawyers

This session will summarize the eligi-
bility rules and procedural rights for
the most important public assistance
programs, will describe some of the
problems with which applicants and
recipients commonly need help, and
will explain the variety of ways in
which non-attorneys can help people
understand and exercise their rights
and opportunities under these pro-
grams.

Charlie Mitchell, Attorney,
Northwest Justice Project
Norma Bayes, Paralegal, CLEAR,
Northwest Justice Project

Meeting Room 2

Working with Clients with
Disabilities: Overcoming Barriers

A panel discussion focusing on dis-
ability barriers and tools to address
and overcome them.

Ed Holen, Development Disabilities
Council
Mary McKnew, Attorney at Law
Kay Uhl, Alliance Counseling
Sandra Nelson, Capitol Pacific
Reporting

Main Floor 1

A g e n d a

An Ethic of Kindness: Creative & Strategic Approaches to Cultural Competency *

As we approach the 21st century, professionals' continuing value to society will increasingly depend on how well we, today, learn to bridge between differences of all types-while honoring and celebrating diversity. It is an imposing challenge to generate a vision of a cultural change which will transform the life of the future.

*This will be a double session lasting till 12:15

This training is designed to facilitate communication and empowerment. The focus will be on clarifying the complexities of working across significant differences and on understanding the dynamics of oppression. The training has a "training the trainers" impact and results in staff taking on action plans to bring about positive change among coworkers.

Dr. Leticia Nieto, Professor, St. Martin's College

Main Floor 3

10:45 to 12:15 p.m.

Workshops

Workshop Summary

Workshop Presenters and Room

Federal Disability Benefits Training: SSI/SSDI

What is Social Security Disability? What is SSI? Why do some people receive one, some people receive both, and most people seem to be denied both and have to appeal forever to get one or the other? We will give answers to these questions, and many more, in this introduction to federal disability benefits.

Eitan Kassel Yanich, Attorney with Elie Halpern & Associates, P.S.
Tom O'Neill, Attorney with Crandall, Long & O'Neill, P.S.

1.5 CLE credits pending

Meeting Room 1

Making the Most of Courthouse Facilitators: Potential and Constraints

This session will provide courthouse facilitators with a forum to share information and ideas between existing programs and with people from counties that do not currently have programs. Commissioner Prochnau will give a perspective from the bench on the value of courthouse facilitators and will explore issues and concerns facing all facilitator programs.

Commissioner Kimberley Prochnau, King County Superior Court

Main Floor 1

Mediation: Alternative Access to Justice

A discussion about how attorney-mediators and community mediation centers can assist low income clients and the courts with access to justice issues.

Paul Battan, Attorney at Law
Larry Weiser, University Legal Assistance Program, Gonzaga Law School
Mary Myhre-Pancake, Director, Dispute Resolution Center of Lewis County
Linda Young, Volunteer Mediator
Meeting Room 2

A g e n d a

12:15 to 1:15 p.m.
Lunch

Main Hall

1:30 to 3:00 p.m.
Workshops

Workshop Summary

Workshop Presenters and Room

Family Law: Third Party Custody Issues & Ethical Considerations

This session will explore the current state of statutory and case law in this area, ethical pitfalls to avoid, and the roles of guardians ad litem and mediation in 3rd Party Custody cases.

Meagan MacKenzie, Attorney, Columbia Legal Services
Evan Ferber, Dispute Resolution Center of Thurston County
Mary Hatzenbeler, Mediator & GAL
Barrie Althoff, Chief Disciplinary Counsel, Washington State Bar

1.5 CLE credits pending including .5 ethics credits

Main Floor 3

Pro Se Litigants: Straight Talk from the Bench

Social and legal service providers all see clients with legal problems who cannot afford representation. This session will address strategies on how best to serve pro se litigants, with a specific focus on improving the accessibility of courtroom activities and procedures.

Hon. Paula Casey, Thurston County Superior Court
Commissioner Chris Wickham, Thurston County Superior Court
Commissioner Carin Schienberg, Clark County Superior Court
Robin Lester, Director, Community Legal Services, King County Bar Assoc.

Meeting Room 1

Domestic Violence: Improving the Judicial Response

This workshop will offer perspectives on the judicial response to domestic violence from the perspectives of a domestic violence Legal Advocate, a Presiding Judge of a Domestic Violence Court, and a Supreme Court Justice. The panel will explore how the justice system, with community input, can work to address domestic violence in a new and coordinated way by consolidating services and incorporating civil protection orders.

Hon. Barbara Madsen, Washington State Supreme Court
Hon. Randal Fritzler, Clark County District Court
Shirl Zent, Legal Advocate, YWCA SafeChoice

Meeting Room 2

3:15 p.m.
Final Plenary

Main Hall

Southwest Washington Access to Justice Conference

Ocean Shores, Washington
 September 17-18, 1999

RECOMMENDATIONS

Each substantive workshop at the conference made a report to the final plenary session, identifying problems and proposing solutions. These recommendations were collated from those reports.

Workshop Topic	Problem	Proposed solutions
Guardians Ad Litem	Not enough GAL's available. GAL's are not uniformly trained. Discussion revealed much conflict about the proper role of GAL's and their accountability.	Develop statewide training model for GAL's. Create urban-rural partnerships across county lines to create larger pools of well-trained GAL's.
Unbundled Legal Services	Not enough attorneys are aware of, or willing to enter into, limited notices of appearance and create limited retainer agreements.	Develop a model rule for limited appearances; advocate its adoption in individual counties. Continue to educate attorneys about ethics of limited appearances.
Public Benefits	Low-income people are denied justice from the administrative agencies because they and their helpers are ignorant of administrative hearing processes.	Identify social service partners in each community to sponsor trainings for non-lawyers and to be trained to advocate for low-income clients in public benefits hearings. Could this be an appropriate activity for the EJC Summer of Justice in 2000?
Cultural Competency	Prejudice, misunderstanding, fear, and racism characterize cross-cultural interactions. Minority clients face unreasonable challenges accessing services	Identify partners in local areas who can sponsor trainings to foster cross-cultural understanding and appropriate provision of services.
Disabilities	Prejudice, misunderstanding, fear, and illegal obstacles are a constant challenge for disabled people.	More training on working with people with a wide variety of disabilities, including sensory, mobility, developmental, and mental health. This training should target attorneys and service providers especially, but should also be made available to the general public.
SSI	Social Security claimants in small towns and rural areas need advocates to assist them in conflicts with the Social Security Administration.	Help create more social security attorneys in private practice in rural areas and small towns.
Mediation	Mediation is an effective yet underused tool for access to justice.	Work with ADR section of WSBA and DRC's to expand mediation services. Publicize success of parenting plan mediations. Help create more DRC's, and help existing DRC's expand services.

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Workshop Topic	Problem	Proposed solutions
Courthouse Facilitators	Courthouse facilitator positions are sometimes politically controversial and subject to "turf wars" among court and county personnel.	Search for ways to reduce political conflict around facilitator positions locally and statewide. Support & reinforce current facilitators.
	Facilitator services are very effective, but are available only on a limited basis.	Expand facilitator services.
	Not all counties have facilitators.	Cowlitz county has formed a coalition to help create a facilitator position. We should encourage such activities in other counties.
Pro Se Litigants	More than 50% of family law litigants are now <i>pro se</i> . This number seems unlikely to decrease. Courthouses and their systems are still set up primarily for lawyers, and are ill equipped to deal with <i>pro ses</i> .	Support judicial leadership in demystifying family court proceedings.
Domestic Violence	Lack of coordination in responses to DV within a community. Lack of uniformity between counties in responses to DV.	Share Clark county model of coordinated Domestic Violence court statewide.
Third Party Custody	There has been a great increase in the number of non-parents raising children. Available solutions are often not appropriate. Judicial handling of cases across counties lacks uniformity.	Simplify forms and procedures for uncontested cases. Evaluate existing solutions to the problems of kinship care. Develop appropriate responses to this growing social and legal problem. Encourage and expand ADR in third party custody.
Mobile Homes	Service providers need sufficient time and resources to respond to disputes arising from the mobile home landlord-tenant act.	Strategize ways to create faster responses to mobile home disputes from both pro bono programs and DRC's.
Law & Justice Councils	Despite statutorily mandated presence of Law & Justice councils in every county, the state civil ATJ community has not previously been aware of them and has not found ways to include them in state ATJ activities.	Recognize Law & Justice councils as a resource; find ways to involve them in other ATJ activities locally & statewide.
	Not enough court-certified interpreters; certification process seems unreasonable slow	Work with Law & Justice Councils to provide training programs for interpreters. Advocate with OAC to speed up certification process for interpreters.
Plenary Session	Attendance at SWATJ was reduced due to schedule conflicts with other ATJ activities elsewhere in the state.	A statewide organization (the ATJ Board?) should maintain a master calendar of local, state, and national ATJ activities so we can avoid future schedule conflicts.