



Washington State: Building and Maintaining a Values-Driven Civil Legal Aid Delivery System — The Role of the Access to Justice Board

*By Gregory R. Dallaire¹
Member, Washington State Access to Justice (ATJ) Board
and Chair, ATJ Board's State Plan Oversight Committee*

The Washington State Access to Justice (ATJ) Board's inaugural meeting was held on November 21, 1994, a little over two weeks after the elections which ushered in the Gingrich revolution and attacks on federal funding for civil legal aid. Having been a project director for fifteen years before going into private practice in 1985, it was unthinkable to me that significant and core critical legal services for poor people could no lon-

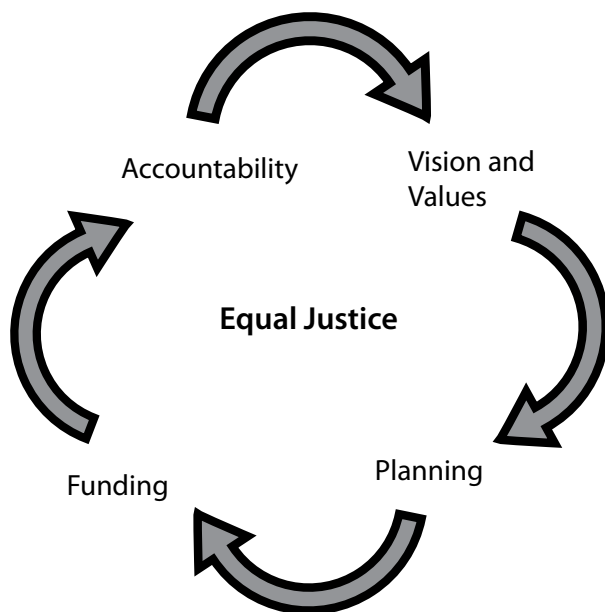


ger be provided due to federal restrictions, especially the poison pill provisions that imposed limitations on the use of non-LSC funds. I was not a member of the ATJ Board during the mid-nineties, but I watched with interest how the ATJ Board — aided and supported by project directors, bar leaders and the courts — and in spite of the challenges from D.C. — went about the business of creating an enduring and values-driven delivery system which operates under the premise that access to the civil justice system is a fundamental right.²

Created by Supreme Court Order in 1994, the ATJ Board is the designated state planning entity. Indeed, most of what the ATJ Board has done since its inception relates in some way to state planning, which the ATJ Board views as a continuing responsibility necessary to accommodate constant shifts in demographics, legal needs, available funds and political imperatives in our state. As such, state planning in Washington is not conducted in a vacuum (see graphic). It is grounded in vision and values³ and broad input from all relevant stakeholders. In the fourteen years since its inception, the ATJ Board has adopted three state plans⁴: one in 1995; a modification in 1999; and another revision in 2006. The current plan provides the blueprint by which funders allocate resources to legal aid providers. (In Washington State, these funders include the Legal Foundation of Washington, which distributes IOLTA and private funds raised by the Campaign for Equal Justice; and the Office of Civil Legal Aid, which administers state funding). The ATJ Board completes the cycle by ensuring that the goals of the state plan are being addressed consistent with the vision and the values and by remaining vigilant to the need to adjust the delivery system as needed.

LEADERSHIP

Washington State Access to Justice Board



Most importantly, the ATJ Board provides leadership. The Board has no real power — it is not a fiduciary or a funder. It operates through “moral authority,” which it derives from the Supreme Court and from the vision and values which power our access to justice “movement.” The ATJ Board’s state planning responsibilities are central to its overall mission. As Chair of the ATJ Board Committee overseeing the implementation of our current State Plan, I can attest to the steady and values-driven leadership of the Board and for the support that the Board enjoys from legal aid providers, the bar, the judiciary and the Court.

The most recent State Plan, adopted in May 2006, was developed following the review of the findings in the Civil Legal Needs Study⁵, conclusions from the



Washington State Civil Legal Aid Locations in 2008.

New Mexico State Plan Adopted and Overseen by Supreme Court

In May 2007, the New Mexico Access to Justice Commission submitted its *State Plan for Providing Civil Legal Aid to Low Income New Mexicans* to the New Mexico Supreme Court. The Plan was adopted by the Supreme Court in August 2007, with the Court assuming oversight of its implementation through the Access To Justice (ATJ) Commission. State leaders believe that Court adoption of the Plan will enhance its effectiveness and impact.

The State Plan was developed by the ATJ Commission’s System Planning Working Group, which consisted primarily of representatives of the state’s legal aid providers, with some Commission members. The group was charged with creating a state plan for the delivery of civil legal aid that:

- Ensures appropriate services are available for all low-income people with legal needs, expands access to justice, and reduces barriers.
- Establishes a minimum threshold for services.
- Acts as a guide for the allocation of limited state and private financial resources.
- Provides proper accountability through coordination, evaluation and oversight.

The State Plan includes detailed recommendations in the following areas:

- Priorities for client types and substantive law areas.
- Geographical distribution of legal aid offices and staff allocation.

- Organization of the delivery system, including points of entry, broad-based providers, and specialized providers.
- Collaboration and coordination among providers.
- Professional development and training.
- Funding the state legal aid system, including priorities for use of state funding, expansion of federal funding, expansion of IOLTA revenues, establishment of a *pro hac vice* fee benefiting legal aid in federal court, support for the Equal Access to Justice fund, and promotion of *cy pres* to benefit legal aid.
- External and internal program evaluations.
- System oversight.
- Support for self-represented litigants (incorporating recommendations of the Access to Justice Commission’s Self-Represented Working Group, also adopted by the Supreme Court).
- *Pro bono* services (incorporating recommendations of the Access to Justice *Pro Bono* 10-Step Plan, previously adopted by the Supreme Court).

The State Plan is available at www.ATJsupport.org (search under New Mexico — document is Appendix to “Access to Justice Commission Annual Report to Supreme Court, May 1, 2007”).

Supreme Court's Task Force on Civil Equal Justice Funding and Quantitative Report⁶; the 2000 Census; the Legal Services Corporation's 2003 evaluation of the ATJ Board's 1999 State Plan; recommendations from the Access to Justice Conferences and interactive GIS (Geographic Information Systems) maps of significant demographic and resource data.⁷ The areas of planning focus included upgrading rural delivery, strengthening *pro bono*, and strengthening statewide support functions. The 2006 Plan establishes eighteen service delivery regions to assess and address the need to ensure "presence" through the state through regional planning processes involving scores of stakeholders at the local level.

Implementation of the 2006 Plan is overseen by the ATJ Board's State Plan Oversight Committee (SPOC), which has been meeting since June 2006. Membership in SPOC includes the directors of the Legal Foundation of Washington and Office of Civil Legal Aid, directors of statewide providers of civil legal aid, directors of several *pro bono* programs, and members and staff of the ATJ Board. For the last two years, the Washington State Supreme Court has provided funding to facilitate implementation of the Plan, including funding for employment of contract staff to provide assistance to the local regional planning teams. Simultaneously, SPOC is exploring how to strengthen statewide support functions, including how to enhance and support *pro bono* efforts in our state. Currently SPOC is completing a comprehensive review of the eighteen regional plans that were submitted. These plans will become the foundation of a comprehensive unified state plan, which will be sent to the ATJ Board in September 2008.

Even before we have completed the implementation of our State Plan, we are realizing significant results. Due in part to thorough and convincing documentation in the Civil Legal Needs Study and its translation into our State Plan, the Office of Civil Legal Aid's request for a \$5.2 million increase in state funding was virtually unopposed in the 2007 legislature. This new funding is being used to establish several new offices in rural areas. This influx in resources has given us the flexibility to use IOLTA funds for increased services to low income people whose legal needs cannot be addressed with state or federal funds. And for the first time in decades, we are able to contemplate building a statewide support infrastructure for training, technology and other kinds of necessary support.

In order to properly represent a client, case planning is essential. Similarly, state planning is necessary for presenting the case for justice to legislatures, courts and community leaders. While these planning efforts have taken a significant amount of time and effort, the results described above have been rewarding and of great benefit to low income persons in our state. Some might argue that the gains that have been realized are because Washington is a unique state. That is not the case and it should not be used as a reason to avoid undertaking similar efforts in other states. Justice is a concept that everyone accepts and respects. Effective state planning is one important step towards making it a reality for the people we serve.

- 1 Gregory R. Dallaire was the founding director of Evergreen Legal Services in 1976. Before then, he managed legal services programs in Oakland, Seattle and the state of Georgia. In 1985, he moved to the commercial law firm of Garvey, Schubert and Barer where he was the Managing Director until his retirement in 2002. During his professional career, he has held numerous leadership positions in Washington State and national poverty law organizations. He currently serves on the board of directors of the Sargent Shriver National Center on Poverty Law and he recently completed a term as Chair of the Washington State Commission on Judicial Conduct. He also serves on the Washington State Access to Justice Board and chairs its State Plan Oversight Committee.
- 2 ATJ Board 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.
- 3 Hallmarks of a Effective Statewide Civil Legal Aid Services System (Revised Version adopted by the ATJ Board on February 20, 2004): www.wsba.org/atj/documents/hallmark.htm
- 4 The 1995 and 1999 State Plans can be found at www.wsba.org/atj/publications/default.htm#stateplanning; the 2006 State Plan can be found at www.wsba.org/atj/committees/sprc.htm
- 5 www.courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf
- 6 www.courts.wa.gov/newsinfo/content/taskforce/task_force_report_final_draft.doc; www.courts.wa.gov/newsinfo/content/taskforce/Final_Quantitative_WG_Report.doc
- 7 <http://mapserver.commenspace.org/wsba/atj-internal.php> (User: atj Password: justice)