DC Consortium of Legal Service Providers: Legal Services 2000 Symposium

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Part of the Health Law Commons, and the Social Welfare Law Commons
Remarks of Peter Edelman, Professor of Law,
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I want to begin by congratulating everyone who put this meeting together. This symposium is timely, important and it gives the opportunity for us as legal service providers to get our act together and to do a better job. It could not be a more important time in terms of what is happening to poor people in our country.

Of course I do not need to tell all of you that this is not a new conversation. Much of the D.C. Bar and all of the individual organizations here in the District have done so much for a long time. The D.C. Bar Part Program involves seventy or more law firms in pro bono work. There was already a summit meeting in 1995. Many things have already taken place to pull people together. New public interest activities have come along, like the Fair Budget Coalition and the Welfare Advocates Group. We have an infusion—in addition to some gray hair in the room—of some wonderful new public interest lawyers.

We can be justly proud of the commitment of the D.C. Bar, both in an organized way and as individuals, for the help that has been extended to the un-represented and underrepresented. The background work that has been done for this meeting—the papers by Jan May, Lynn Cunningham, and the multiple contributions from Alan Houseman—are all outstanding. Lynn’s paper is an especially comprehensive statement of the needs here in the District; it puts the facts together and this is no simple task, noting that poor people have such an incredible array of problems in their lives which have both legal and policy implications. The only thing wrong with the paper is that it is so scary to put it all down in one place. It is really daunting and makes you almost now know where to start responding. But of course we need it, because we cannot solve the problem piece-meal and we do not have to grasp the problems whole. So Lynn has put the challenge before us very effectively.

My main point is to urge you over the next day and a half to see what is possible in the way of what I might call a public health approach to lawyering for the poor. In a public health approach you find something that has polluted the river and you clean it up at its source instead of just treating its victims one by one. In legal and societal terms, when we are discussing why so many children are growing up poor and dying a slow death of disappointment, the challenge is to think about it in a public health way. Of course we cannot give up on individual representation. What I am calling for is to add to what we are already doing. All of this is difficult in terms of the time we have each day and each week, let alone how hard it is to accomplish.
I want to make four points in terms of substantive issues and five more points in terms of possible steps to consider taking in the wake of this meeting.

First, there has been a change in the issues we are facing. Alan Houseman states this well in his paper. There are going to be an increasing number of elderly individuals to represent. The number of poor children has increased in number along with an increasing immigrant population. AIDS has become a major issue. There are an increasing number of incarcerated individuals, a phenomenon that is especially troubling because of its racial implications and this also presents serious questions concerning their future when they are released. There are major problems with child support, and more broadly about how we get fathers more involved in the lives of their children. Disability has emerged as a front burner issue. All of these matters present issues for individual representation and for policy.

Of course there are some things, sad to say, that are continuing. Here in the city, bipolar nature of our demographics is so striking. The gap between the rich and poor has been widening nationally, but this trend is most evident here in the District. Washington, DC is two cities. We are the Kerner Commission's prediction come true, only the issue is not strictly one of economic separation along lines of color, but rather one that occurs at the intersection of race and poverty. The country is twice as well off as it was thirty years ago, but people at the bottom are worse off.

This is morally unacceptable and dangerous. Our policy responses have been simplistic and punitive. For men, we have answered with prison and for women we have answered with the termination of welfare. Now we have an answer for children: end social promotion. The schools did not work, they did not teach the children, so what we do is just not promote the children any more—effectively kick them out. Invest in what they need? Invest in their education? That is too complicated. And when they get old enough and they are not educated and they are out in the street and they start doing things we do not like we have another simple solution in place of the help we should have provided earlier—put them in jail. H.L. Mencken once said, “For every problem there is a solution that is neat and simple—and wrong.” That is the way we are doing our social policy these days.

I want to spend a minute on one recent change that presents a particular challenge—the change in welfare policy both nationally and locally. It makes the challenge much more related to the workplace. That is good in some ways, because we ought to be helping people succeed in the job market, although the new law deliberately makes it harder for lawyers to help people because it contains no requirements for due process protections. The law raises a whole new generation of issues, about fairness in relation to work assignments; about availability of child care; about the ensuing sanctions when people are deemed not to have cooperated, and about the lack of services at all for people to help them find and
keep jobs, with the time clock ticking toward lifetime cutoff if they do not find a job in time.

So what happened here in the District? Eight private contractors have contracts to provide welfare to work services. So far they have done very little to get people into the job market. They do not get paid if they do not perform, so the taxpayers are not losing out, but there are going to be a lot of people still on the welfare rolls when the time limit hits those who should have gotten help. What does that mean for us as advocates? There is no one we can sue. We have to figure out as advocates how we are going to make that whole structure accountable so that the District either takes a different approach or they make those contracts work to serve the people who are supposed to be helped. This is a ticking time bomb. The city is sitting on a $30 million surplus of federal TANF (Temporary Assistance for Needy Families) funds. This is one hundred percent federal money. There is no cost involved for you and me as local taxpayers. It could be invested in helping people get jobs, creating jobs if we need to, more childcare, and on down the list. It is a challenge for advocates.

The new welfare situation dramatizes the jobs challenge. It has to mean jobs in the regional economy. I am a great advocate of neighborhood revitalization, and I am going to discuss that in a moment or two, but I want to emphasize here that there are never going to be enough jobs in the neighborhood for all of the people who live there and want a job. If we want to get people jobs, we have to look to the suburbs, which is especially complicated here with our three-state configuration. In order to do that we must invent a whole new system, one that relates not only to women coming off welfare, but to men as well, and especially to young people looking for their first jobs. Advocates need to understand the problems in the D.C. Department of Employment Services and figure out what might be done to improve things.

One of the reasons people stay on welfare so long is that they lack basic skills. In D.C., though, adult basic education is a casualty of the budget crisis of recent years. It needs to be put back in place if we want to get people the literacy skills they need to get a job. The same goes for drug treatment. There is now almost no drug treatment available in the District. But, if we are honest about it, we will have to admit that drug and alcohol treatment is essential for many people to hold on to a job. Then people get jobs and they do not escape poverty. We all know that we can do something about that. There is no one we can sue, but we can advocate for a local earned income tax credit in the District and for a living wage ordinance, and for child care assistance that is available to everyone who needs help paying for child care, and health care, and help with the cost of housing. These things are all part of a realistic approach to a decent income for people who are working hard and doing the best they can. All of this is a challenge for advocates.
Second there has to be a change in the way we function as lawyers. I have already said that much of our challenge on the new issue agenda is to function as policy advocates rather than litigators. Another new direction is to undertake transactional work in low-income neighborhoods to help with the challenge of community building. This is another way of going to a scale that transcends individual problems. The D.C. Bar has already taken steps to create a pro bono community development project, with seven matches between law firms and community groups the first year. The work that Latham & Watkins has done is an excellent example that appears in the background papers. We need so much more of this: to get goods into neighborhoods at the nationally competitive prices, to get more affordable housing built, to bring more child care to the neighborhoods. All of this requires outside help, and not just from lawyers. Many other professionals could help, in the areas of real estate, management, finance licensing and regulation, and possibly securities.

Third, there is a particular opportunity now with our new Mayor. This is a time of new possibilities for our city. We need to step up and offer assistance. Fourth, I have already said it, but we have to look at policy. I mention this here because some lawyers who are happy to be involved in litigation—even controversial litigation, on a pro bono basis think policy work is too political. I do not think legislative lawyering is any more political. Many lawyers lobby for corporate clients all the time. We have to get the law firms involved, too. Lawyers are natural leaders in coalition building. Our training and our experience make us well suited for this job.

The list of policy issues for us to pursue is long. I have already mentioned a number of items. Another that I want to mention is the landlord-tenant court. It is ironic, to say the least, that a jurisdiction which has perhaps the best protections for tenants, on paper of any place in the country is among the worst in terms of what actually happens in court. Lawyers for the landlords sit in the anteroom of the court making people who have no lawyer sign documents committing them to pay back rent when they have valid counterclaims, and the judges know full well what is going on but cannot do anything about it because the number of cases is too large. We should not stand for this. We should be figuring out how to get a new system of representation for low-income tenants and how to change the balance.

The school system represents another challenge, maybe less threatening because it is not a lobbying challenge, but no less difficult in any case. This is a challenge of civic renewal. It is just critically important to make our schools work for all of our children if we are going to reduce poverty. Of course so many people here have been working on the schools for a long time—Rod Boggs and Mary Levy and Parents United and many law firms that have been paired up with individual schools. We had a committee on Public Education in the 1980's that did some good work, but it lost momentum. We need to do it again.
The question of jobs in the regional economy is similar. We need the Mayor and D.C. civic leaders to work with employers in the District and in Maryland and Virginia. We must figure out how to get people hired and how to assure that they have what the employers need for them in terms of training and basic skills, and that they have the supports they need to succeed in terms of transit, child care, coaching and all the rest.

Now my five points about process and institution building:

A new intermediary or more than one. A piece of this is to (a) create a more visible, efficient, inviting, and clear way for individuals to gain access to legal help. This should include telephone intake, direct patching to client serving organizations, hotlines, community education, cable television, and other new technology. Non-lawyer community volunteers as Jan May discusses, and maybe paid non-lawyer representatives who could do benefits work and advise in landlord-tenant court could fit in here. Another item would be (b) a clearinghouse and organizational focal point for transactional work, perhaps building on the new D.C. Bar effort. Finally, (c) organizing points for policy work.

There are three different areas of activity: individual representation, community-building, and policy. All of these add up to a multiple layers committee for poverty issues. There is a great deal of experience in this room in doing much of what I am talking about, for civil rights, for the elderly, and for pieces of the poverty problem like homelessness and immigration. But we do not have an intermediary like that in the area of poverty generally. We would have to sort out the existing organizations that handle pieces of the problem, and maybe add the base responsibility on to an existing entity. I think national foundation funding could be raised to get something like this off the ground and local foundations would be supportive, too.

These committees need to connect lawyers to neighborhoods, creating a more extensive physical presence. The Washington Legal Clinic for the Homeless does intake in nine places around the city, for example. But private firms could do more in this regard. I am fond of telling about what Leonard, Street & Deinard in Minneapolis did, because my father was with the firm for the first twenty years of his career. The son of one of the founders of the firm is a physician who runs a community health center in a low-income neighborhood, and he convinced the firm to establish an office in the health center. The work is three-dimensional. They represent individual clients, but they have also done the legal work for new affordable housing in the neighborhood and did a deal to get a grocery store in the center. They helped create a revolving fund for home repairs, worked on a lead paint abatement project, wrote community legal brochures, and have a monthly legal column in the community newsletter. This is costly, of course, but I think we should have it on the table. There is a huge demand among the population out there that never gets a lawyer. We do not go out and look for them
because we have enough clients already. So we need to consider this. The issue of place is real.

New professional partnerships. I have already mentioned this. Lawyers are the perfect glue to pull together professionals including individuals with backgrounds in social work, health services, business, financial, and the consulting world. This perspective would include getting lawyers to think more broadly about institution building and community building.

The perennial issue is how we get legal representation to the very large number of people who are not poor but are still unable to afford a lawyer. We are as bipolar in the distribution of legal services in this country as we are in the distribution of wealth.

Finally, there is the continuing question of where to get more funding, whether from filing fees, new joint fundraising efforts, or something else. I frankly have no brilliant ideas to offer here, except to say that we have to talk about it.

I hope there is some value in some of what I have said. This is a terrible time for poor people. We have a war on the poor and a war on lawyering for the poor. But, it is also a time of opportunity. We absolutely have to respond or disasters of greater magnitude will occur. People around the country are responding. There is more visibility for what is happening to the poor than we have had for a long time. The hot-button rhetoric has cooled some. The so-called welfare reform did seem to drain the infection some. The hot economy has helped, too. Locally we have a new Mayor and new possibilities.

Robert Kennedy used to sum up the challenge by quoting Camus, who said, "Perhaps we cannot make this a world in which children are no longer tortured. But at least we can reduce the number of tortured children." That is the challenge. Thank you for asking me to join you today.
You know you are getting old when you are invited to a conference on legal services that is looking towards the future, and you are the one who is asked to look back at history. Consistent with my role as historian, I will make my starting point Judge Learned Hand’s famous, and oft-quoted dictum, “thou shall not ration justice.” I have always believed that no matter how many times we quote it, it is the linchpin of what we lawyers are, or should be, all about.

Now, for a look back a bit in time. How was justice meted out in 1960 when I first came to the District of Columbia as a newly minted lawyer? Answer: not very well. And how does our justice system today compare to then? Well, better certainly. Of course it is far from what it should be, but still two steps forward and one step back is progress. And I think that is what we’ve had—two steps forward and one step back.

I think that if I have any one thing that I would like to stress today, it is that progress of any measure does not fall out of the sky. It has come to our justice system because of the commitment of a small band of lawyers. Because these lawyers have been willing to go the distance, to take two steps forward even when they had to take one step back, many many lives have been changed for the better. This band of individual lawyers has made a difference.

In 1960 when I graduated from law school, Gideon v. Wainwright had not yet been decided by the U.S. Supreme Court, and criminal defendants could be tried, convicted and sentenced without benefit of legal counsel. The Easter case had not been decided by the Court either, and alcoholics were thrown into jail as criminals defendants, also without benefit of counsel. There was no modern public defender system as we now know it, nor any criminal justice statute or program to pay lawyers in private practice to represent accused persons.

Washington, D.C. was still a quasi-southern town in 1960 that had shared with the rest of the country’s relative prosperity and somnolence during the Eisenhower years. But the sleepwalking era was in its declining days and John Kennedy was to be elected President a few months after my arrival. Segregation had been officially outlawed, but there were no minorities in the partnership ranks of our largest elite law firms. Charlie Duncan, who later became the first Black-American president of our bar, had to bring a lawsuit in order to use the bar’s library at the U.S. Courthouse. And racial injustice permeated the everyday lives of most of our city’s residents.

It was three years before Martin Luther King would give his soaring “I Have a Dream” speech on the mall, and a discomforted President Kennedy would call
Washington lawyers like Lloyd Cutler and John Douglas to the White House and ask them to create a lawyers’ committee for civil rights, an organization that has lasted and has fought for civil rights to this day. There was only one civil legal assistance program in the city, and it was staffed by a single lawyer with a little pro bono help from volunteer lawyers. There were no training programs for the volunteer lawyers, not even training manuals, and certainly there were no assessment of needs studies. And no one worried about duplication with other legal service programs—because there were no others.

The general public and the bar assumed that because the poor were poor, and did not own property thus, they did not need lawyers. Yale Law School Professor Charles Reich had not yet published his seminal “New Property” article in the Yale Law Journal. In that article, he famously pointed out that government benefits such as unemployment compensation, social security disability payments, food stamps and public housing units constitute property of paramount importance to lower income persons. He persuasively argued that lawyers are indeed needed by lower income persons to help them establish their rights to such benefits, just as airline companies and other corporations need lawyers to press their claims for airline routes, broadcasting licenses, and other government benefits of use to them.

For not very rational reasons, in 1960 it was commonly believed by the public and the bar that the poor did not want, or need, divorces. Similarly, the public and the bar were totally oblivious to the fact that welfare agencies routinely denied any help to mothers and their children unless the mothers could produce a piece of paper proving that they were divorced from their husbands. Even on those few occasions when the mothers could obtain pro bono lawyers to represent them, the court required that the mothers pay for legal representation for the absent fathers, as well as all court costs.

Law firms did not have pro bono partners or pro bono coordinators when I came to Washington in 1960, and, with a few exceptions, most notably the law firm of Covington & Burling, there was no commitment within the general bar to serving the poor.

And even on those occasions when there were legal aid or volunteer lawyers assisting low-income persons, the lawyers had not yet thought to argue, and judges had not yet agreed, that the clients might have theretofore unheard of rights: the right to withhold rent in the face of housing code violations, for example.

Clinical programs to serve the legal needs of the poor had not yet even been conceived of at most law schools. In fact, at most law schools—certainly including Harvard where I went to law school—professors never talked about low-income clients or their legal problems, nor about any ethical obligation law students might have to find time in their subsequent careers to provide help to
the disadvantaged. There were no Skadden fellowships, or any other fellowships for public interest minded law graduates.

And so it was remarkable given this lack of inspiration from the top that the 1960's and early 1970's saw the emergence of a band of real heroes and heroines in the legal profession who saw that justice was indeed rationed and determined to use their legal skills and training—bit by bit, step by step—to create new procedures, new institutions, new paradigms of justice.

First and foremost in this band of lawyers were Edgar and Jean Cahn, whose brilliant insights into the rationing of the justice system, and their insistence that clients be at the center of fixing it, led directly to the creation of the Office of Economic Opportunity Legal Services Program in the Lyndon Johnson Administration, a program which later evolved into the federally funded Legal Services Corporation.

The Cahns were joined by Gary Bellow, who helped design the model public defender service that we now have in this city, and later, after crucial years with Ceaser Chavez and the California Rural Legal Assistance program in California, established a model and client centered legal clinic at Harvard Law School. Clinton Bamberger, a successful forty-year-old partner at Piper & Marbury came over for a short stint as director of the new OEO Legal Services Program—and never left, dedicating the rest of his life to providing access to justice. And there were others like Earl Johnson, now a state court judge in California, who succeeded Clint Bamberger as head of the OEO Legal Services Program and expanded it in the important war on poverty era; Patricia Wald, now U.S. Court of Appeals Judge, who provided pioneering leadership in the areas of juvenile justice and mental health law; and Florence Roisman, now a law professor at Indiana Law School, who spent most of her career in legal services and taught thousands of anti-poverty lawyers throughout the country about the needs and rights of public housing tenants.

The federally funded legal services program attracted other foot soldiers who never left. Lawyers like Ellen Scully, Willie Cook and a bit later Lynn Cunningham, Paula Scott, Susan Shapiro and Jan May, all of whom are here at this conference with us, still soldiering on, two steps forward, one step back.

An entire law school, Antioch, now the David A. Clarke School of Law at the University of the District of Columbia, was established for the principal purpose of providing a clinical legal education. Once again, the creators of this revolutionary concept of legal education were the visionaries Edgar and Jean Cahn. In other law schools, clinics designed both to teach poverty law and other public interest law subjects, and also to provide representation of disadvantaged persons, came into being and flourished in the hands of committed lawyers like George Washington Law School’s Joan Strand, who is soon to be the president of the District of Columbia Bar.
Gradually new legal assistance programs were created to join the longstanding Legal Aid Society—programs like Ayuda and Carecen, which provide the Hispanic community help from a staff that is completely bilingual. The Legal Counsel for the Elderly, under the leadership of Wayne Moore and Jan May, was chosen as a model program by the Legal Services Corporation and continues today to provide delivery systems such as hotlines that are models for the rest of the country.

A young law firm associate named Sally Determan badgered her senior partners at Hogan & Hartson into establishing a formal pro bono program and hiring a partner whose sole responsibility would be to manage it and to recruit and inspire younger lawyers to handle public interest matters. John Ferren (now a D.C. Court of Appeals Judge), who had helped establish the Chicago Council of Lawyers and was then teaching at Harvard Law School, was recruited by Hogan and Hartson to come to Washington. Under John Ferren’s enthusiastic guidance the country’s first pro bono partner-led program was begun.

Other law firms followed Hogan’s lead and employed pro bono partners or coordinators, and encouraged their firms’ lawyers to take on pro bono cases. Covington & Burling, which had always provided large amounts of pro bono help formalized its relationship to the federally funded Neighborhood Legal Services Program and to this very day has staffed one of the program’s neighborhood clinics on a full-time basis with lawyers, paralegals and secretaries.

And there were non-lawyers too who joined the war against poverty—people like Ayuda’s Yvonne Vega and Covington and Burling’s Blossom Athey. Last week Blossom Athey received the Legal Aid Society’s Servant of Justice Award. Celebrating, at age 79, her fifty years of work at Covington as a legal assistant, Blossom Athey spent nearly all of those years teaching legions of Covington lawyers about the social welfare needs of their clients and how they were inextricably intertwined with their legal needs. And Blossom taught them also how to get redress for those needs by going directly to the public housing projects, welfare offices, schools, jails, and other institutions that were denying their clients justice.

In the mid-1970’s some extraordinary leaders of the organized bar began to exhort bar members to look about them and to see that justice was indeed rationed, and to do more as a bar to provide equal access to justice. Marna Tucker, Brooksley Born, Ann Macrory, David Isbell, and John Pickering were some of those leaders and they have continued to work for equal justice to this very day.

In 1977, the bar began to offer training programs in poverty law subjects and to recruit pro bono lawyers. A Bar Foundation was created whose sole mission was to give grants to legal service programs helping the poor and disadvantaged—the only bar foundation in the country at the time to have such a mission. A dues add-on procedure was established—another innovative first in the bar world—so that all members of the bar could contribute to funding the community’s legal service programs when they paid their annual dues. Some of these
bar programs have been revised in the years since then, but improving access to
justice has remained one of the goals of the District’s unified bar.

In the 1980’s, more incredibly talented and dedicated lawyers appeared on the
scene and are today staffing legal service programs with very little pay or re-
sources—lawyers like Laura Flegel at Whitman-Walker’s legal clinic and Patty
Fugere at the Washington Legal Clinic for the Homeless. Patty’s passionate dedi-
cation served as the model for the hero of John Grisham’s book, *The Street Law-
yer*, but she has been a real life heroine for thousands of this city’s homeless.

Still, as we look back at our history and celebrate all of our collective achieve-
ments, it is good to stop and take stock once in a while to assess where we are,
what the political and economic realities have become, how best to husband our
resources and our mutual strengths, and to discuss strategies for the future. That
we are here today doing this in a collegial fashion is a great tribute to the legal
service lawyers we have in this community, and I particularly want to applaud
Shelley Broderick, Lynn Cunningham, Julia Gordon and Jan May from the D.C.
Consortium for Legal Services for making this conference happen.

Certainly, we all know we haven’t reached Nirvana by any means. Indeed, the
poor seem once again to be marginalized at best, and the subject of vindictiveness
at worst. The nineteen nineties have seen the virtual elimination of the ancient
writ of habeas corpus, growing numbers of death sentences, burgeoning numbers
of young people behind prison bars, and punitive anti-immigrant legislation even
for legal aliens, including deportation of longtime residents for minor offenses
committed long ago.

The federally funded Legal Service Corporation, which some of you at this
conference helped bring into being, has severely restricted what legal services
programs can do for their clients. Indeed, the program is in a constant death fight
even to exist. The Interest on Lawyers Trust Accounts (IOLTA) program, which
has tried to fill in for the loss of federal funding has also been under attack and is
now in jeopardy of being eliminated as it awaits court rulings on its fate.

Exacerbating the funding problems for legal services, the United Way has
greatly cutback funding for legal service programs, as have most of the major
foundations such as Ford. (Fortunately, the Soros Foundation, at least for the
time being, is making major contributions.) And individual lawyer and law firm
contribution of funds and *pro bono* time seem to be an ever decreasing portion of
total profits and work hours as lawyers are exhorted to bill 2000 hours or more a
year in order to fatten the bottom line.

So the time does seem ripe for a collective look at where we are and where we
might go. In taking this look, we should consider involving others, particularly
the client community we serve. The mandated public interest programs started in
the mid-70’s when bar leader, David Isbell, chaired a bar committee that held
hearings all over the city so that representatives of community organizations and
individual residents as well could tell the bar what they perceived their needs to
be and what they would like the bar to do. It was from these hearings that the Bar determined that the mission of the bar should be to provide access to justice, to support the community’s legal services programs and to do it by providing funds and pro bono help to those programs.

In response to the community’s outrage at having its citizens buffeted from program to program and finding no relief at any of them, the Unified Bar created a centralized intake and referral program, whose principal reason for being was to serve those who could not afford to hire lawyers. This intake and referral program fielded some twenty thousand calls and walk-ins a year. Among other things, the program’s staff learned of the unmet needs in the community and then communicated that information to others in the community so that together ways could be devised to meet those needs. As Columbus Community Legal Service’s Clinic director, Professor Ellen Scully, reminded me last evening, the city’s legal aid programs to help battered women grew directly out of the referral program’s despair at learning of so many women in need of legal help and finding not a single legal service program available to provide that help.

The Bar’s mission has been redefined in the intervening years, and the intake and referral service, lacking adequate resources and bar commitment to providing the needed resources, languished, and now has been eliminated altogether.

Perhaps D.C. residents should be consulted once again as to whether some new centralized intake and referral program—perhaps standing alone, perhaps housed in a law school, if not the bar—should once again be established with adequate resources and trained professional staff. And this includes staff who believe that they have an important role in providing access to justice and whose belief is reenforced by respect and support from the rest of the legal service community. Perhaps each individual legal services program could consider contributing a portion of its resources to funding a centralized intake and referral program.

Perhaps we can look at all of our programs afresh.

Perhaps, as we have been discussing at this conference, some of our community’s legal services programs can be consolidated to achieve cost efficiencies.

Perhaps programs can do more than just raise operating funds and instead should create endowments. Perhaps we should have strategies in place for doing this. Perhaps law firms and foundations can help devise the strategies. Perhaps a tax should be imposed on law firm receipts to help build these endowments. Perhaps the city’s relatively recent professional license fee could be devoted to such a purpose.

Perhaps it is time to reassess not only our existing provider programs, but also other institutions, paradigms, and long held beliefs, even when that examination might seem at first blush to threaten our existing order and our established place within it.

For example, perhaps the time has come for the bar at large to reexamine its traditional hostilities to advice and help being given by nonlawyers. In the earli-
est days of this country, both lawyers and nonlawyers freely provided advice and assistance to one another on matters involving the law (with the sometime exception of court appearances.) After the Revolutionary War, the first one hundred years of the new American nation were marked by a completely unregulated legal profession. Not until this century, during the Depression interestingly enough, did bar associations begin seriously adopting and enforcing unauthorized practice of law statutes. The result was to create a lawyers monopoly on providing advice and assistance in most law related matters. Accountants, bankers, realtors and others with clout faced down the bar and continued to provide services to the public. But the bar, including the legal services bar, has generally resisted the use of nonlawyer advocates for low and middle income persons, even when many of their needs are not being met by the legal profession. The recent dramatic growth in self-help, use of computer generated legal forms, and pro se court appearances by the middle class, is in large part the public’s response to the lack of affordable legal help.

Trained nonlawyer professionals can, for example, provide invaluable services in a centralized intake and referral service, especially one that is established to provide multidisciplinary help. In England there is a network of citizen’s advice groups in every town and village where knowledgeable nonlawyers provide information and help for a wide array of law related programs, including referral to lawyers for problems that really do require legal assistance. Why can’t we establish such a network in our community? Maybe we should consider whether it is time for legal service programs to devise ways (notwithstanding the IRS and funding obstacles) to open their doors to more of the near poor and even moderate income persons, perhaps by having a sliding scale for the provision of free, low cost, and moderate fee services. There really is no bright line delineating ability and inability to pay legal fees. The ability to pay for legal assistance is dependent not only on income, but upon factors and circumstances that vary greatly. Thus, the individual with moderate income who can afford the cost of representation at a simple traffic court hearing involving only a fine may be unable to pay a lawyer to challenge or defend the contested probate of a will where there are few valuable assets at stake, or defend against a social security claim of overpayment—a claim that private lawyers are loath to defend since there will be no principal from which attorney fees can be drawn. And certainly the person of modest means is unlikely to have the resources to litigate a dismissal from employment through trial and appeal.

Perhaps the time has come to eliminate the third year of law school. I always get horrified looks from the academics in an audience whenever I suggest this, and I can see from the expressions on some of the faces before me that today is no exception. An alternative possibility is a mandatory apprenticeship program for the third year of law school, although I am inclined to do away with the third year altogether and let students begin working with less debt. Perhaps more of
them would be attracted to careers in public service. Perhaps the trend towards higher and higher starting salaries could even be reversed, with the possible salutary result of lower legal fees for the public generally.

I wouldn’t be opposed to a voluntary third year for the serious scholars who want to engage in research and prepare for careers in academia or for those students who want to get a law “and” degree like law and medicine or law and business, or even for those who just feel like taking a few more electives and are willing to pay twenty-five or thirty thousand dollars for the privilege.

And perhaps for the law schools’ professors who, of course, don’t want to be unemployed, new ways of spending some of their time can be found. Perhaps every third year they could partner with law firms, public housing organizations, governments and legal service organizations, and in the process add some real world dimension to their teaching careers.

I’m not suggesting that any of these suggestions is the answer, and perhaps none of them are even an answer. But collectively we must find answers, for justice is still rationed for far too many of our fellow human beings. The individuals who can find the answers are not on Capitol Hill or in the White House; they are right here in this room. As my trip down memory lane has indicated, you legal service and pro bono lawyers have been this community’s creative—and heroic—problem solvers in the past, and I know that you can be the problem solvers for the future as well.

I would like to close by saying, as did Professor Peter Edelman yesterday, that I too have always been inspired by Robert Kennedy’s words in his Cape Town, South Africa speech that Jan May has reminded us of in his excellent conference paper. So I will close by reading again Kennedy’s eloquent words:

“Few will have the greatness to bend history itself, but each of us can work to change a small portion of events, and in the total of these acts will be written the history of each generation.”
Remarks of Ada Shen-Jaffe, Director
of Washington State’s Columbia Legal Services

I am honored by the invitation to join your magnificent effort during the next day and a half to create a new culture of collaboration throughout the civil equal justice community here in the District of Columbia. And, as a representative of your colleagues in “the other Washington,” I will be well rewarded if our civil equal justice efforts, which tell the story of just one of many possible approaches, makes your task easier in any way. I have reviewed the materials assembled for your conference, and am most impressed by the collaborative work that is already underway here, and I applaud your efforts to do even better.

My remarks today will cover three areas:

First, I’d like to tell you the story of civil equal justice in Washington State. Next, I’d like to share my outsider’s perspective on the most obvious differences and contrasts between the two “Washington” approaches to this point. Finally, I’d like to leave you with some “food for thought” as you move into your work-groups for the remainder of the conference.

Take a look now at the timeline drawing, which was prepared in 1995 for the Board of Governors of the Washington State Bar and the state supreme court. It was an attempt to illustrate voluminous longstanding efforts to ensure civil equal justice for poor and vulnerable people. Don’t be daunted by the fact that it starts back in the 1600’s, because it moves very quickly to the 1900’s. In its original flip chart version, this timeline would stretch across the entire wall, and probably around the corner of this room. The equal justice legal services community has a rich history. But the unrelenting adversity faced by the community and the client populations we serve has resulted in the fragmentation and balkanization of our work, and of our community’s awareness and understanding of it. The timeline is an effort to capture this history, and give all who care about equal justice a better sense of context from which to work.

When this timeline was made public at our very first Access to Justice Conference, nearly all of the almost two-hundred participants were excited to discover they could find a place somewhere on it because of something they had done in Washington State or in another part of the country. People could identify with the equal justice history at a personal level. Many had worked as interns or staff members at legal services programs, as volunteers at pro bono programs, as students at law school clinical programs, community-based human and social services organizations, or organizations providing support to the civil equal justice
community. This strong sense of identification with a long and proud history of justice work was deeply empowering.

In reviewing the information you provided me about your efforts here in the District of Columbia, I was struck by the longstanding commitment and strong sense of identity and leadership in your equal justice community. This history must be documented, catalogued, honored and respected as an important anchor point to take you into the next phase of your effort. Capture this precious history before it is lost.

In many ways, Washington State's civil equal justice story is the same as for communities throughout the nation. On my first day on the job in 1981 as the Deputy Director of a statewide civil legal services program, the Director asked me to take responsibility for coordinating a process for retrenchment as a result of federal funding cuts under the Omnibus Budget Reconciliation Act. By the time my tragic mission was accomplished, our Board of Directors would authorize us to proceed with a retrenchment plan to lay off 100 staff people and shut down 9 of 21 legal aid client service offices. And after 1981, in '86, '88, and '89, the members of the Board of Directors would face each October board meeting with dread. They knew that every October, we would likely be talking about yet another round of lay offs or office closures due to stagnant federal funding for over a decade. And through the decade, we kept cutting here and reducing there.

During this same period, there was tremendous growth in the poverty population and in the diversity factors represented in that population. As you know, diversity factors, such as race, ethnicity, immigrant status, language barriers, physical and mental barriers and so forth greatly exacerbate the problems that poor and vulnerable people face. These factors — more than one of which are presented by many people in poverty — compound problems and make them multi-layered and exponentially complex. The materials that you have been provided by the Project for the Future of Equal Justice describe these factors eloquently. Thus, client needs increased dramatically as our capacity to respond shrank.

In the 1980's, amidst so much difficulty, leaders in our civil equal justice community joined together to establish the IOLTA (Interest on Lawyers Trust Accounts) program through State Supreme Court rule. In Washington State, IOLTA funds are administered by the Legal Foundation of Washington. In Washington State, we have been blessed with strong and clear-eyed leadership of IOLTA resources. The Legal Foundation's commitment to the vision of equal justice meant that IOLTA funds were used to support and underwrite civil equal justice work statewide, enabling the community to survive and serve client communities through 12 years of stagnant federal funding. Even more important to the future of our equal justice efforts than money was the Legal Foundation's insistence that every single grant application state explicitly how client services would be delivered in an integrated, coordinated manner with other services
providers involved in civil equal justice delivery in the area. If you did not provide the Foundation with satisfactory assurance, you did not get any money. Thus, the Legal Foundation was key in setting the tone for collaborative engagement with its very first grant application cycle in 1986.

During this bleak period of layoffs and office closures, I was invited to speak as a representative of the civil legal services community at a meeting of the Washington State Bar Association’s Long Range Planning Committee in 1990. I brought a drawing of what is now jokingly referred to as “the Circles Chart.”¹ This I drew with felt tip markers on eight sheets of “flip chart” paper taped together on my dining room table. The circles represent everything my colleagues and I could think of related to civil equal justice in Washington. The drawing was an attempt to illustrate how the lifeblood, talent and energy of the very best and the brightest of the civil equal justice community was being wasted in balkanized, uncoordinated, fragmented, often duplicative, though always well-meaning efforts. One superior court judge who saw the drawing for the first time lamented that he himself had failed to make a strategic connection between two task forces on which he served. These were a Governor’s Minority and Gender Justice Task Force and a Washington State Bar Association task force on minority and gender equity issues related to the justice system. The chart also reflected the usual pro bono task forces, advisory and special committees, each generating its report, which then sat on shelves at the State Bar office, gathering dust. I’m sure everybody has a similar story to tell. People were taken aback by the Circles Chart, because it illustrated our lack of effectiveness and efficiency. The circles and the equal justice community’s efforts were like a thousand Roman candles. If we bundled them together, we could send a rocket to the moon, but as it was, each separate little flash of energy added up to an awful lot of flickering light, but no great equal justice vision.²

In response to the “Circles Chart,” the State Bar Long Range Planning Committee incorporated into its comprehensive 1991 report a recommendation that the Bar adopt as one of its highest priorities access to justice for all. It went on to recommend that the Bar make a strong institutional commitment to civil equal justice beyond the sporadic and piecemeal efforts it had made up to that time. By way of example, one of the co-chairs of the Long Range Planning Committee said that it was unacceptable that state funding for civil legal services for poor and vulnerable people had been left to a short Asian woman with glasses running around the state legislature with a tin cup. He urged the Bar Association to take a leadership role. In response to that recommendation, the Board of Governors established a three-governor Access to Justice (ATJ) Committee, which, in turn, established a statewide Access to Justice Task Force. The Task Force met for

¹ See, Appendix A.
² See, Appendix B.
eighteen months. It recommended, among many things, that an Access to Justice Board be established via court rule with the imprimatur of the state supreme court. This was crucial because the court is the highest body in the state responsible for the administration of justice. The ATJ Board would be responsible for ensuring access to justice for poor and moderate-income people who face barriers to the justice system, and for the effective coordination of all efforts relating to civil equal justice.

Looking back now, we can see that these recommendations acted as a catalyst. Years of energy, commitment and support for civil legal services for poor and vulnerable people by many members and leaders of state, local and minority bar associations, successfully converged into a platform for more focused and strategic future action. Based on the ATJ Task Force recommendations, the Board of Governors proposed a new rule to establish an Access to Justice Board, and made a formal request for adoption of the proposed rule by the state supreme court. The Bar President, the President of the Legal Foundation (IOLTA) Board, and I presented the request to the Administrative Committee of the state supreme court. The Justices applauded our efforts to ensure equal justice for all, thanked us and encouraged us to keep up the good work. Two weeks later, the court rejected the proposed rule.

Proponents of the rule were stunned by the rebuff of a rule they believed was essential to achieving the goal of equal justice for all. They called and asked what I thought we should do. I said, “Let’s move for reconsideration.” They said, “This is an administrative function of the court, not an adjudicative function, so there is no such thing in this situation.” I told them that there could be little harm in asking, and it did not seem like we had anything to lose.

By this time, we had a new State Bar President, and a new President of the Legal Foundation. These new leaders were committed to carrying on the equal justice vision, and they had to get up to speed very quickly. While this was not a problem in Washington State, leadership turnover in the various equal justice community’s organizations can lead to “lurching and churning” and lack of long term leadership focus in this area, where consistent and stable vision over time is essential. And, of course, this problem is precisely what the proposed rule would address.

Our request for a rehearing was granted. On our next trip to the state supreme court, we met with the Executive Committee of the court. The first twenty minutes consisted of encouragement and support by the court for civil access to justice efforts we were making to assist people in need. This was followed by the Committee members asking why it was not sufficient for the State Bar to handle this, and asserting the doctrine of judicial restraint in rulemaking. It was clear to me that our request would be rejected once again. During the discussion, I got up and walked across the hall to the Office of the Administrator for the Courts. I asked a staffer if there was a listing of all the commissions, task forces and other
entities in which the court exercises its rulemaking authority or conducts some sort of an administration of justice type of function. The staff person provided me with a two-page list from a handbook for Justices of the Court. To tell you the truth, other than “Domestic Relations Pattern Forms Practice,” I did not know what any of the other listings meant. I returned to the meeting, where the discussion about judicial restraint was still underway. When the Justices asked if we had any questions, I raised my hand. I said that I understood that the exercise of judicial restraint was the prerogative of the court. I said that in the following instances, the court had chosen not to exercise it, and I proceeded to read the list. “Surely,” I said, “equal justice for all is as important to the court as . . .,” and I proceeded to reread the list. I was interrupted and told that the Justices were aware of the items on the list, and was there anything else we wanted to say? I asked the Justices to ask themselves if they could look themselves in the mirror if they, who were responsible for the administration of justice, abrogated their leadership responsibility to ensure equal justice for the poorest and most vulnerable people in our state. We thanked the Justices for their time and attention, and left.

The scene at the parking lot was tense. My companions were quite upset. They were afraid that we had angered the court. I said it was clear to me that the court intended to reject the request for a second time. Instead of wasting the court’s time and our effort, I thought we needed to dramatically change the way the court was thinking about its own role in ensuring equal justice, and that I couldn’t think of anything else to do. I said I didn’t think we had anything to lose. A few weeks passed by, and the President of the State Bar called to let me know the rule had been rejected for a second time. When you work in the equal justice arena, you develop a thick skin and just keep going because the needs of the clients never go away.

Several months later, one of the justices of the court dropped by to let us know that one of the justices, now Chief Justice of the Washington State Supreme Court, had canvassed the members of the court, working doggedly through the various concerns and objections his colleagues on the bench had with the proposed rule. Addressing these by using a court order instead of a court rule, by adding sunset and other provisions and modifications, he tried a third time. He failed. He persisted. More changes. On the fourth try, Justice Richard Guy finally succeeded in obtaining the unanimous court order establishing an Access to Justice Board! When I saw Justice Guy about a month later, I asked him what had happened. He said “I just couldn’t look myself in the mirror.” The Access to Justice Board was born, and an important milestone in our journey toward our state’s equal justice vision achieved.

This milestone occurred just as the U.S. Congress, in 1995, was moving toward further deep cuts in funding for civil legal services for poor people, and the imposition of new rules and regulations which would dramatically limit the scope and nature of legal representation available to poor people. As many of you know,
the President of the Legal Services Corporation (LSC) (which administers the federally appropriated dollars for civil legal services for poor people) advised all of its field service grantee programs to engage, forthwith, in a state planning process to address how clients could best be served in the face of deep funding reductions and new regulations.

At that time, there were three LSC-funded programs in Washington State. The leaders of these programs understood that they could not deal with threatened federal funding losses and the imposition of onerous restrictions of legal representation for poor and vulnerable people in a vacuum. The future of civil equal justice could not rest in our hands alone. We believed that the best possible outcome for clients could happen only if our community as a whole shared responsibility for planning the future of equal justice. This community would have to be expansive. It would include many partners, such as all those engaged in the entire justice system apparatus, court administrators, law librarians, county clerks, courthouse facilitators, local, state and minority bar associations, law schools, domestic violence victim assistance advocates, homeless shelters, community organizations, human and social service organizations, and so forth. We knew we needed to broaden our scope and invite everyone who had a stake in or who cared deeply about equal justice to join us in the state planning process, but the practical question we faced was what would the best vehicle for engaging in this broad community-wide process? In July of 1995, we made a formal request to the brand-new Access to Justice Board to take responsibility for state planning in Washington State. In spite of its fledgling state, the ATJ Board courageously agreed to tackle this enormous task. During the next seven months, the ATJ Board conducted all day meetings once each month. One hundred and sixty-three stakeholder organizations, individuals and community representatives in the civil equal justice network participated in the Board's discussions. All participants talked about the consequences to equal justice and to the civil legal services delivery system of threatened federal cuts and the imposition of new regulations limiting legal help for poor people. They talked about the consequences of proposed total elimination of state support for civil equal justice. And they talked about the consequences if legal challenges to the IOLTA program resulted in reduced resources or the elimination of the IOLTA program altogether. The Board got a clear picture of the legal needs of clients and local communities for civil legal help, service gaps, emerging issues, and the strengths and weaknesses of the delivery system at that time.

The funding picture seemed so bleak that it became surreal. At this point, I drew a cartoon to try to capture the absurdity of the situation. My Board of Directors said I should rip it up and throw it away, because it was too depressing. I did throw it away, but I'll describe it to you. It was a simple, not very artful line drawing of "three poor schnooks." They were lined up against the wall of a barbed wire fenced courtyard. They were blindfolded, and had their arms tied
behind their backs. A firing squad was preparing to shoot them. The first blindfold read “LSC $,” the second read “State $,” and the third read “IOLTA $.”

The cartoon represented a turning point for me, because paradoxically it focused me away from short-term concerns. It helped me realize that the ATJ Board's true challenge was to address the question of what equal justice should look like in the long term future, perhaps not achievable in our lifetimes. How could we best empower local and regional communities to develop community-based understanding for the importance of equal justice as a cornerstone of our democracy, and for the need to support it? How could we nurture development of an effective justice system, which employs resources adequate to meet the needs of the poorest and most vulnerable people in our communities? How could we foster development of an equal justice network that is not continually having to react to external forces, which often disfavor those who are weakest and most unpopular at any given point in time? How do we insulate and protect poor and vulnerable clients from these unfair and disparate effects? How do we provide a system which is responsive and relevant to the lives of thousands of near poor and working people and families? Based on these difficult and complex discussions, the ATJ Board adopted “The Hallmarks of an Effective Civil Legal Services Delivery System.” These “Hallmarks” are a statement of the ATJ Board’s core values. It is a long document, but I will condense three of its key points. An effective delivery system:

1. Must be client-centered: that is, the delivery system serves the unmet legal needs of real people and groups with specific legal problems.
2. It must make the best possible strategic use of every available resource coming in to the overall civil equal justice community. This requires careful determination about the best strategic use for every dollar: LSC dollars with their accompanying restrictions, as well as for state and IOLTA and other resources with their respective limitations and requirements. “Best possible strategic use” refers to those uses that are most consistent with achieving the best possible results for the client community over time.
3. It must ensure that no poor and vulnerable person or group is written off or written out of civil equal justice because they are politically disfavored or unpopular. Unfortunately, sometimes negative stereotypes of certain groups of people predominate in our society, local culture and the media. One day, such harmful stereotypes might be directed at “welfare mothers,” or domestic violence victims who live in isolated rural communities. On another day, they might be directed at domestic violence victims trying to divorce their abusers, because family breakup is anathema to some, regardless of the reason. On other days, people who are confined to mental health, juvenile, long-term care, corrections or other institutions might be the focus of dehumanizing stereotypes. And yet on other days, migrant farm workers, undocu-
mented workers, immigrants, or people in certain ethnic groups, might be negatively stereotyped because of perceived differences in appearance, language, and so forth. We all know this. But the disparate treatment that results impoverishes and disadvantages many in spite of the existence, on the books, of legal protections that are inaccessible to those who need them most, and no system of truly equal justice can allow this.

The ATJ Board’s adoption of the core values embodied in the Hallmarks was its single most important action. A set of unifying core values helped to bind a community to a common equal justice vision. This muted everyone’s concerns about “turf,” “institutional skins,” who does what, how territory gets “carved up,” who should pay for what, who should do what, and who should get the money for what. The values make clear what roles and functions must be supported to most effectively address the overall needs of poor people, and decisions can be made on this basis, instead of on the basis of the needs or wishes of any individual, organization or institution.

The State Plan adopted by the ATJ Board rested on the Hallmarks. It called for major restructuring of the existing civil equal justice delivery system. It recommended that the three LSC funded programs merge into a statewide entity, Columbia Legal Services (CLS), which would not compete for LSC dollars. It recommended that a wholly new entity, the Northwest Justice Project (NJP) be formed to competitively bid for Legal Services Corporation funds for the specific purpose of making the best strategic use of the newly restricted and substantially reduced amount of federal dollars. NJP would use a significant portion of those dollars to establish a brand new statewide “Coordinated Legal Education, Advice and Referral” (CLEAR) telephone system for client screening, intake, advice, referral, brief service and community legal education. We are now four years into the initial State Plan, and CLEAR has twenty-one well-trained attorneys and paralegals, assisted by volunteer lawyers working the CLEAR phone lines. They are well supervised and supported. The CLEAR line is toll-free, with bilingual advocates and TDD capability. CLEAR staff members travel around the state from time to time to interact directly with people in the communities and regions they cover. This strengthens responsiveness and quality of referrals to and from the CLEAR system. Staff members may periodically rotate off of the phone lines to co-counsel on cases with other service providers. NJP is still striving, with severe resource limitations, to expand CLEAR to a full 39-county “footprint.” CLEAR is a nationally recognized model for civil equal justice service delivery.

Another important recommendation in the State Plan was 100% integration of all service providers into a statewide coordinated system. The Board understood that this would be difficult to achieve, but felt it must be an expressly articulated goal nonetheless.

The key to this all was sacrifice of parochial values. The unsung heroes of the restructuring phase were the hundreds of people within the civil equal justice
community who sacrificed their jobs, their programs, their boards, their funding in the service of a bigger common vision rather than in the service of their own interests.

As we restructured the delivery system, we tried to maintain three core capacities:

1. Continued presence and visibility in the community: depending on the circumstances, this could mean physical presence, "cyber-presence" via technology, or delegated presence, whereby local community-based eyes and ears are so well connected to the civil equal justice delivery system that they can generate a swift and appropriate response to an unmet legal need from the delivery system. Community presence and visibility are essential to:
   a) deterring unfair, exploitative or unlawful actions and behavior which harm vulnerable and poor people;
   b) ensuring the relevance of our services to the client community, and our ability to correctly identify and address the most critical issues faced by the client community; and
   c) building and maintaining broad-based public support for civil equal justice work and the concept of equal justice for all.
2. A system which, taken as a whole (and without violating any funding restriction), has the capacity to address for vulnerable and poor people, many of whom are among the least favored and most readily discarded members of our society, the same full range of civil legal representation as is available to people who are not poor — class actions, welfare reform challenges, lobbying, undocumented worker representation, institutionalized populations, etc.
3. Quality assurance and accountability mechanisms, including technical assistance, training, support and coordination of client representation so as to ensure effective and economical delivery of client service.

Part of the impetus for restructuring came from a widespread sense of dissatisfaction within the civil equal justice community. As the number of client service needs increased over the 1980's and 1990's, and available resources continued to shrink or stagnate, the community felt more and more complicit in violating Judge Learned Hand's statement, "Thou shalt not ration justice." How could we get out of this downward spiral? The "funnel drawing" illustrates this "rationing of justice" dynamic. To avoid becoming overwhelmed by client needs in an environment of shrinking resources, the legal services community developed elaborate eligibility screening and "priority-setting" mechanisms to narrow the kinds of problems or cases programs could handle for poor clients. Clients who did not fall within eligibility guidelines, or whose problems did not fall into priority service areas were referred away or turned away. A person seeking help would have

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3 See, Appendix C.
to run a veritable gauntlet to secure assistance. “I’m sorry, sir, you’re not income-eligible for our services.” “I’m sorry, this is a criminal matter, and we do not handle criminal matters.” “I’m sorry, ma’am, but the type of problem you have is not in our office’s list of priority areas for service, and because our resources are so limited, we must restrict our cases to those priority areas.” “I’m sorry, but although your problem does fall within our priorities, we have too many cases to handle any new ones right now, so all we can do is try to refer you out or place you on a waiting list.” The lucky few who make it through the narrowing funnel are shown as the “distillate drop.” State Planning and restructuring provided our community with the perfect opportunity to take a cold, hard look at this “system.” By accepting it and being a part of it, we had become complicit in the rationing of justice. We looked at the funnel. We daydreamed about a system in which every person in need would get help in the most effective and least costly way possible that would meet his or her need. We said, “What if we flip this funnel over?” Everyone would come in to the equal justice delivery system through the base of the pyramid (see “Pyramid Chart”).

One of several important functions served by the CLEAR system, assisted by other mechanisms to ensure that hard to serve, hard to reach populations who cannot gain access to CLEAR via telephonic means can gain access to the equal justice delivery system, is to serve as the primary intake and access system at the base of this pyramid. An estimated 50 percent of people seeking help could have their legal needs met by a relatively brief and inexpensive interaction with CLEAR. They might receive a brochure or self-help pamphlet translated into their primary language, or obtain brief advice or service, or a “smart referral” to the appropriate human or social service or justice system related service. CLEAR’s website maintains over 200 documents translated into multiple languages, www.nwjustice.org. The Internet gives CLEAR the capacity to “send” the client an up-to-date brochure or set of self-help materials to the client at a county law library, public library, court clerk’s office, domestic violence shelter, or wherever a client has access to the Internet and a printer. And in another tremendous “systems gain” over the old funnel approach, CLEAR provides expedited access to well trained, experienced lawyers and paralegals upon first contact with the system. Note that because CLEAR is staffed by professionals, it has the capacity to provide a fluid range of client service functions throughout the pyramid.

The next step up in the pyramid assumes there is an army of third party equal justice stakeholders who can be better supported and trained to understand the kinds of typical legal problems and issues faced by the people who they serve. This enables them to help clients prevent problems, seek early intervention in important legal matters, and gain access to legal help in a timely and appropriate

4 See, Appendix D.
way. Such partners at the second level of the pyramid would include homeless shelter workers, domestic violence advocates, law school clinical people and so on and so forth. Many clients can be helped at this level with low cost interventions. Statewide training and informational materials for domestic violence victim assistance workers can help them understand how to identify child support, paternity issues, or other issues presented by a victim's situation. The assistance worker is not practicing law, but is providing important information about whether or not the victim has important legal rights or obligations and what options are available to assert or comply with them.

Next on the pyramid is an "unauthorized practice of law" line, which means that if you provide client services in the two levels of the pyramid above the line, you are, in fact, practicing law, and must have an appropriate license to do so. The third level of the pyramid presumes that about 10 percent of people in need can be helped with a brief and simple legal representation. This could be done through a pro bono lawyer who reviews a client's eviction papers, identifies any legal defenses, and helps the client work out a solution that is mutually agreeable to the client and the landlord in, say, a half an hour's time.

The final level of the pyramid is what I call the "level of last resort," or the most complex case level. "Last resort" acknowledges that, in spite of our best recruitment efforts, volunteer lawyers, however committed they are to equal justice, are not likely to agree to go to Western State Hospital, which is a mental health institution, to interview residents who are upset about the involuntary administration of drugs. "Last resort" means that, as a practical matter, some volunteer lawyers will not volunteer to go to homeless shelters, farm labor camps, etc., to ensure civil equal justice for the people there. And a "most complex case" might be one that involves a combination of high level litigation as well as administrative or legislative advocacy to complement the litigation or to ensure that the positive results from litigation are not undone by subsequent legislative changes. These types of cases often require collaborative efforts over a lengthy period of time at multiple levels. Again, the average pro bono volunteer is not likely to be able to assume responsibility for such an undertaking.

The pyramid drawing is a graphic representation of what we are trying to put into place. Have we achieved the pyramid in Washington State? Of course not! It is an aspirational blueprint. But it keeps everyone in the civil equal justice community focused and moving in the same direction. I have brought along a listing of the Washington State legal service providers network for you. This grows larger all the time.

I will give you a few examples of how we have implemented the State Plan and begun to build the pyramid in a way that is consistent with the common values articulated in the Hallmarks.

While the State Plan, which was adopted in November of 1995, contemplated, among other things, the creation of a wholly new delivery system component,
CLEAR, no one really had a good idea at the outset how many people would be needed to adequately staff it. By 1997, CLEAR had 14 staffers. It would not be able to expand its service range beyond roughly half of the 39 counties in Washington State without additional resources. Also in 1997, after having initially "zeroed-out" state funding for civil legal services for poor people for the third year in a row, the legislature eventually restored the funding and then went on to provide an additional $2 million for the biennium to help mitigate the effect of the 1996 and 1997 federal cuts. The new funds were directed to Columbia Legal Services. Because we had the Hallmarks and a State Plan, we were able to figure out the best strategic use of new resources coming into the civil equal justice community. Under the State Plan, CLEAR needed to expand to statewide coverage. So I went to the Columbia Legal Services Board, staff, staff union, and program leadership, and said if we were to remain true to our stated values and the Plan, we would need to ensure that the new resources would be available to support a significant expansion for the CLEAR system. At first, many disagreed with this plan. But after several difficult months of principled debate, CLEAR began its expansion to its current 38 of 39 county level.

Another example of State Plan and values implementation has been the successful harnessing of new technologies. Look at the drawing with the "lightning bolts" on it. This is our communications/technology ("ComTech") vision. Two years ago, it was a drawing on a piece of paper. Today, every civil equal justice community partner is connected via a network of coordinated effort. This network is in use for client intake and referral, the sharing of information, briefs and pleadings, training and events calendaring, creation of information systems, case management systems, and the production of databases that will help the civil equal justice network identify emerging client needs, unmet needs and service gaps, and available resources.

Another example of shared effort in keeping with the State Plan has been collaboration in the area of civil equal justice for victims of domestic violence. Using Department of Justice Violence Against Women Act grants as a catalyst, the equal justice community worked together to develop a long-range plan to better address the civil equal justice needs of domestic violence victims and survivors. Although we were not successful in getting DOJ money last year, and hope to be successful this year, the DOJ money has become secondary to the longer term benefits of our collaborative effort. The collaborations have resulted in a two-day domestic violence training for lawyers and paralegals who represent domestic violence victims and survivors, and a comprehensive survey of domestic violence civil equal justice resources, service gaps, unmet needs. A statewide work plan is underway.

5 See, Appendix E.
And finally, the ATJ Board’s annual conference has grown beyond our most expansive dreams. In Spokane, Washington, in the year 2000, the statewide Judicial Conference, the State Bar, court administrators, county clerks, law librarians, courthouse facilitators, all plan to join the civil equal justice network in a shared conference. We expect 1,200 people to attend.

I would like to share my outsider's perspective on the most obvious differences and contrasts between the civil equal justice challenges faced by our two Washingtons. First, there is a tremendous difference in geographic area and coverage. I have a regional field service office in Wenatchee, Washington, where five lawyers are trying to cover nearly 15,000 square miles from the Canadian border to the center of the state. You have a relatively compact geographic area to cover here in the District, and there is public transportation. Our client populations are dispersed in many parts of the state. Concentrated urban areas, outside of metropolitan Seattle and Tacoma, are few. Much of the state is rural, and poor and vulnerable people are scattered very widely. There is little public transportation in these areas. Here, you have a highly concentrated, urban population. We have the Cascade and Olympic mountain ranges and large bodies of water physically dividing parts of the state. Some of the senior citizens we serve will meet us at local senior centers that take a staff attorney nine hours round-trip to visit from the nearest office. You have an incredible array and concentration of resources right here in the beltway. We have 17,000 practicing lawyers scattered all over the state, many of whom have extremely limited resources. Civil legal services programs that serve poor and vulnerable people in my state have been the target of fierce attacks and hostility. When November of 1994 arrived, some who felt aggrieved by legal services programs and their representation of poor people, and who resented having taxpayers' dollars go to help people who would then sue them in an adversary legal system, acted quickly to cut funding. The civil equal justice community, fragmented and without a broad base of support through the difficult years of the 1980's, was badly damaged by its isolation and the isolation of the clients it serves. The Washington State legislature “zeroed-out” funding for civil legal services for poor people in 1995, 1996 and 1997, not to mention efforts at the national level, of which you are aware, to cut federal funding. The equal justice community had to fight its way back into the budget every year. While I would not wish this degree of adversity on anyone, extreme adversity can, and did, lead to a level of creative problem-solving and cohesion that was unprecedented in our state.

The last thing I want do is leave you with some “food for thought” for the next day and a half: 1) Draw your own “circles chart.” You need to know who you are and how many resources you have to begin to understand your potential as a community; 2) Work together on a common vision and set of values – your own version of the Hallmarks. With all respect, what's missing from the Consortium's work so far is a clear, express articulation of vision and values. These will allow
you to make tough decisions based not on individual organizational issues or interests, but on a common vision of equal justice.

Now let's take a look at your draft recommendations. The first recommendation says “the Consortium should act as a formal coalition to advocate for the institutional interest of providers.” I suggest you rethink this. I suggest you not think in terms of advocating for the institutional interests of providers. Achieving an equal justice vision is not about protecting or advocating for institutions; it is about protecting, advocating for and serving low-income and vulnerable people. Perpetuating providers’ institutional interests is the antithesis of what you should be trying to accomplish. Further on, where it says “the Consortium will seek to promote itself,” I make the same suggestion. Rethink this. We should be promoting a vision of civil equal justice for poor and vulnerable people. This is the only position you can take, you must take, if you are to hold the highest moral ground from which to achieve the goal of equal justice for all. A statement of common values and vision will take a lot of hard work. It is not an easy task. But if you attempt to proceed without it, you will continue in the “Roman candle phase,” squandering precious resources that could be much more clearly focused on effectively meeting the most urgent and compelling needs of the low-income and vulnerable people in your community.

In conclusion, I want to mention that at our first ATJ conference, we gave everybody a “no turf” button — a round red button that had the word “turf,” in bold letters with the universal prohibition slash line going through it. People laughed and joked about it, and they teased us about how corny it was. But we continue to wear them at every conference as an important reminder that we are not here to serve our own organizational interests. We are here, each and every one of us, in the service of a common vision. Beyond vision and values, role modeling and infinite patience are the next most important ingredients to the building of a strong and enduring equal justice effort. You have all the talent and raw materials you need right here in your community. You have the will to do it. It's time now to roll up your sleeves and write the next chapter of your own equal justice story.
## EQUAL JUSTICE TIMELINE

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<tr>
<td>• Legal profession</td>
<td>• Local Bar-sponsored</td>
<td>• President Nixon</td>
<td>• Gonzaga Law</td>
<td>• Legal Services</td>
<td>• Northwest Women's</td>
<td>• Joint Legal</td>
<td>• UPS Law School</td>
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<td>recognizes pro bono</td>
<td>volunteer lawyer programs</td>
<td>signs law creating</td>
<td>Law School</td>
<td>Services Corp (LSC)</td>
<td>Women's Law Center</td>
<td>Task Force</td>
<td>(now Seattle U.)</td>
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<tr>
<td>responsibilities.</td>
<td>in some countries.</td>
<td>the Legal Services</td>
<td>establishes clinical</td>
<td>funds 3 programs</td>
<td>(NWLC) established</td>
<td>(NWLC) starts</td>
<td>starts law school</td>
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<td></td>
<td>Corporation (LSC).</td>
<td>program.</td>
<td>in WA State.</td>
<td>to advance, protect</td>
<td>practice clinical</td>
<td>practice clinical</td>
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<td>• Federal OEO</td>
<td>• WA State legislature</td>
<td>• LFW (Legal</td>
<td>• WSBA sponsors</td>
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<td>(Office of Economic</td>
<td>authorizes</td>
<td>Foundation of</td>
<td>first Pro Bono</td>
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<td>Opportunity) sponsored legal</td>
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<td>Washington)</td>
<td>Task Force I Report</td>
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<td>services to serve poor people in some countries.</td>
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<th>1987</th>
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<td>• WSBA Pro Bono Task</td>
<td>• WSBA Pro Bono Task</td>
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<td>Force I Report</td>
<td>Force Report II</td>
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<td><strong>(WSBA) Legal Aid Committee issues its Report on unmet Civil Legal Needs of low-income people in WA State.</strong></td>
<td><strong>Dispute Resolution Centers (DRCs); DRC's in some countries, e.g., Grant, King, Snohomish, Spokane.</strong></td>
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<td><em>NWLC starts free legal rights education workshops.</em></td>
<td><em>WSBA’s Legal Aid Committee institutes report on the unmet Civil Legal Needs of Low-Income people; alerts WSBA to WA State’s equal justice crisis.</em></td>
<td><em>Interest rates decline; IOLTA revenue down 1/2%.</em></td>
<td><em>Governor’s Proclamation of “Equal Justice Under Law Day”.</em></td>
<td><em>IOLTA revenue down an additional 26%.</em></td>
</tr>
<tr>
<td><em>WSBA’s Legal Aid Committee starts to garner support for civil legal services for poor people via a “Filing Fee Bill” proposing a $22 increase in Superior Ct. filing fees.</em></td>
<td><em>WSBA’s Legal Aid Committee starts to garner support for increased resources for civil legal services for low-income people.</em></td>
<td><em>WSBA efforts in support of filing fee bill continue. WSBA Domestic Relations Task Force.</em></td>
<td><em>NWLC’s legal rights education coordinator; workshops; Regional Advocacy Program strengthened.</em></td>
<td><em>WSBA appoints Board of Governors Committee on Access to Justice.</em></td>
</tr>
<tr>
<td><em>Univ. of WA Law School Clinical Programs established.</em></td>
<td><em>WSBA Board of Governors votes to support Filing Fee Bill, endorsing filing fee increase for this purpose only!</em></td>
<td><em>Legal Aid for Washington Fund (“LAW Fund”) established.</em></td>
<td><em>Legal Foundation of WA (LFW) administered IOLTA income “peaks” at $4 MM per pear.</em></td>
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### EQUAL JUSTICE TIMELINE

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<tr>
<th>Year</th>
<th>Event</th>
<th>Details</th>
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<tr>
<td>1993</td>
<td>Work to include Limited Practice Officers (LPO's) in IOLTA rule begins. WSBA appoints an Access to Justice Task Force.</td>
<td><strong>Recommends</strong> funding for Courthouse Facilitator Programs. and 1 year pilot project for Courthouse Facilitator Programs; $22 increase results in expanded civil legal services to low-income people statewide, &amp; Supplemental Grants for Volunteer Legal Services Programs.</td>
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<td>1994</td>
<td>WA State legislature passes bill allowing local court surcharge to help fund Alternative Dispute Resolution (ADR) programs.</td>
<td>9 Pilot projects funded by the Legal Services Programs of WA. for Courthouse Facilitator Projects.</td>
</tr>
<tr>
<td>1994</td>
<td>State legislature passes bill allowing $10.00 local surcharge to help fund Courthouse Facilitator programs.</td>
<td>Pro Se Family Law Litigants Workgroup formed in King County.</td>
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<tr>
<td>1994</td>
<td>Pro Se Family Law Litigants Workgroup formed in King County.</td>
<td>WSBA Requests to state supreme court for creation by court rule of an independent Access to Justice Board.</td>
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<tr>
<td>1995</td>
<td>WSBA 2nd Request to Supreme Court for LPO Rule</td>
<td>*List of providers of “unbundled “legal services” developed by NWLC.</td>
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<td>1995</td>
<td>WSBA Board of Governors adopts the VALS Action</td>
<td>State House of Representatives cuts funds for civil legal</td>
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<td>1995</td>
<td>104th Congress moves to eliminate all Federal funding</td>
<td>Development of proposal for Regional Justice Center Change.</td>
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<td>1995</td>
<td>Supreme Court publishes APR 12 LPO Rule Change.</td>
<td>Access to Justice (ATJ) Board appoints Equal Justice</td>
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<td>APR 12</td>
<td>Plan Conference</td>
<td>Plan.</td>
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<td>via LSC (the Legal Services Corporation) for civil legal services ($6.2 MM to WA. St. in 1995).</td>
<td>services for poor people from $2.4 MM/yr. to $100, based on grower organization and legislator opposition to representation of migrant workers by legal services. Statewide self-help program &amp; materials developed by NWLC.</td>
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<td></td>
<td>Law Information Center by King County Pro Se Family Law Litigants Working Group.</td>
<td>Coalition (EJC) Chair. EJC works to save LSC Federal funds &amp; state funds.</td>
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<th>Action</th>
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<tr>
<td>*State legislature restores $2.4 MM funding for civil legal services, subject to Budget Proviso related to farm-worker representation and creation of Agricultural Interests/Legal Aid Relations Task Force.</td>
<td>*LSC President calls for State Planning process to prepare for imminent Federal funding cuts, &amp; the imposition of new regulations, which will severely limit full-range client representation.</td>
</tr>
<tr>
<td>*LSC-funded programs (SLSC, PSLAF and ELS) agree ATJ Board is proper entity to undertake the state planning process.</td>
<td>*ATJ Board adopts state plan based on extensive 4-month-long process, equal justice community input and the “Hallmarks of an Effective Civil Legal Services Delivery System.” Recommendations include:</td>
</tr>
<tr>
<td>*ATJ Board adopts LPO (limited Practice Officer) Rule APR 12, effective December, 1995.</td>
<td>*Supreme Court rules on LPO (limited Practice Officer) Rule APR 12, effective December, 1995.</td>
</tr>
<tr>
<td>*Local Bar efforts to expand volunteer resources to help “fill the gap” resulting from funding reductions, new restrictions and restructuring.</td>
<td>*Implementatio of ATJ Board State Plan: 1. SLSC/PSLAF/ELS forego competitive bidding for newly restricted 1996 LSC $; 2. SLSC/PSLAF/ELS merge to form Columbia Legal Services; 6 of 13 legal services offices</td>
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### Equal Justice Timeline

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<tr>
<th>Year</th>
<th>Event Description</th>
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<tr>
<td>1996</td>
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* NWLC's Regional Advocacy Program:  
  a) Legal rights education; &  
  b) Self-help strategies.  
* Equal Justice Coalition (EJC) efforts in full swing to save federal and state funding for civil legal services for poor people.  
* WA state legislative session:  
  1. Governor adds $2MM to Supplemental State Budget to help mitigate Federal cuts & costs of restructure;  
  2. Legislature ultimately appropriates $1MM conditioned on Grower organization Sign-off on an ADR (Alternative Dispute Resolution) restructures into 5 regions: East, Central, Pacific NW, Metro & West/SW, with 7 offices (Spokane, Wenatchee, ...  
* Columbia Legal Services (CLS)  
* c.) client & community engagement which enables low-income community to better meet essential needs;  
* d.) Long-term political viability  
* 3. Statewide Coordination & Support: Strengthen high quality performance standards, & economical  
* NJP starts to develop "state-of-the-art" toll-free, user friendly client referral & advice system "CLEAR" (Coordinated Legal Education & Referral) |  
shut-down; staff lay-offs (50%)  
Week-by-week continuing Resolutions by Congress on FY '96 budget leave NJP in limbo. |
### EQUAL JUSTICE TIMELINE

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<td>2. Senate cuts this down to $1MM in Supplemental Budget; House budgets $0.</td>
<td>Agreement for use by legal services lawyers representing clients in employment cases. (After a year, funds were never released.)</td>
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<tr>
<td>Yakima, Everett, Seattle, Tacoma, Olympia) to help WA. state Equal Justice Network preserve 3 capacities in state's civil legal services delivery system: 1. Presence a.) awareness of most critical &amp; compelling needs of poor clients; b.) deter unlawful behavior that violates legal rights of poor people; for civil legal services delivery system. 2. Responsiveness to Vulnerable Populations / Special Needs Clients / Imposition of Ideologically-Based Restraints on Full-Range Legal Representation of Poor Clients; delivery of legal services.</td>
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| •NJP begins to set up small client service offices around the state. | •April: Congress imposes substantial new restrictions on LSC, cuts funds from $415 MM to $278 MM for Fiscal Year 1996; •July: House Leadership fails to eliminate LSC (Reps. Nethercutt, McDermott, Dicks vote to support continued; •September: WSBA Board of Governors reaffirms & renews commitment to Access to Justice; •ATJ Board Committee Work starts to take shape: • Jurisprudence of Access; • Education; • Accountability standards; •October 4-6, 1996 First-ever WA. state Access to Justice Conference brings together over 200 members of •ATJ Board & Equal Justice Network take on vision of equal justice for all in accordance with the "Equal Justice Pyramid". •Fifth Circuit holds Texas IOLTA program unconstitutional; lawsuit filed challenging expansion of IOLTA Rule to LPO's (Limited
### Equal Justice Timeline

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<th>LSC targeted for further future cuts in 1997, 1998 or complete elimination.</th>
<th>Federal support for civil legal services for poor people.) including strong volunteer efforts statewide.</th>
<th>Telephone Access; Systems Impediments; Status Impediments; Communication &amp; Technology; Resource Development.</th>
<th>Washington's Equal Justice Network.</th>
<th>Practice Officers) in WA state.</th>
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<tr>
<td>• November ATJ Board reviewed for 5 years by unanimous order of the Washington State Supreme Court.</td>
<td>• Continued threats to eliminate LSC &amp; Federal support for civil equal justice.</td>
<td>• January Governor Locke proposes $3.8 MM biennial increase for civil legal services funding to mitigate loss of Federal support &amp; growth in poverty population, &amp; burgeoning unmet needs of 1.2 million poor people.</td>
<td>• March U.S. Supreme Court accepts Cert. in Texas IOLTA case. Washington State Supreme Court Chief Justice and Attorney General join Amicus Briefs filed by the Conference of Chief Justices &amp; Attorneys General of 35 states.</td>
<td>• April LAC Board picks former WA. State Equal Justice Coalition Chair, John McKay as new President of the Legal Services Corporation.</td>
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## EQUAL JUSTICE TIMELINE

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<td><em>2nd Access to Justice Conference held in conjunction with state Bar leaders' convention in Yakima.</em></td>
<td><em>Statewide Children's S.S.I. Disability Pro Bono Panel Developed.</em></td>
<td><em>Federal &quot;VOCA&quot; funds to provide emergency legal services to domestic violence victims awarded by Dept. of Social &amp; Health Services to NJP and several pro bono programs.</em></td>
<td><em>WSBA President Mary Fairhurst leads Bar with &quot;Stewards for Justice&quot; message.</em></td>
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<td><em>WSBA Board of Governors O.K.'s development of standards for legal advice and referral hotlines in WA state to fill the gap for people in need of help who are ineligible for free service via NJP's &quot;CLEAR&quot;.</em></td>
<td><em>Overcoming intense efforts by LSC opponents to eliminate Federal funding for civil legal services, Congress votes to maintain status quo funding at $283 MM.</em></td>
<td><em>CLS helps ensure successful expansion of &quot;CLEAR&quot; NJP's &quot;Coordinated Legal Education and Referral&quot; system to eventually serve poor people in 39 countries.</em></td>
<td><em>ATJ Board's Communication &amp; Technology Committee develops Equal Justice Communication Workplan.</em></td>
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<tr>
<th>January</th>
<th>1998</th>
<th>February</th>
<th>April</th>
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<tr>
<td><em>Supreme Court's courthouse facilitator committee drafts GR21, responding to ATJ conference recommendatio n.</em></td>
<td><em>WSBA Board of Governors hears oral argument in Phillips v. WA, Legal Foundation in a case challenging the constitutionality of the IOLTA (Interest on Lawyers' Trust Accounts) program and state supreme.</em></td>
<td><em>Federal District Court Judge Coughenour dismisses challenge to constitutionality of IOLTA Rule relating to Limited Practice Officers in WA Legal Foundation v. Legal Foundation of WA.; Jan. 30,</em></td>
<td><em>WSBA adopts proposal of renamed &quot;WSBA Pro Bono &amp; Legal Aid Committee&quot; to award CLE credit for pro bono representation and for mentoring pro bono attorneys.</em></td>
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<td><em>ATJ Board's Education Committee presentation at Annual Judiciary College on &quot;Dealing with Pro Sis in the courtroom&quot;.</em></td>
<td><em>U.S. Supreme Court hears oral argument in Phillips v. WA, Legal Foundation in a case challenging the constitutionality of the IOLTA (Interest on Lawyers' Trust Accounts) program and state supreme.</em></td>
<td><em>WSBA adopts proposal of renamed &quot;WSBA Pro Bono &amp; Legal Aid Committee&quot; to award CLE credit for pro bono representation and for mentoring pro bono attorneys.</em></td>
<td><em>WSBA Pro Bono &amp; Legal Aid Committee develops proposed civil legal services funding options for consideration &amp; review by the Board of Governors.</em></td>
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<td><em>Third Annual Access to Justice Conference held in conjunction with state Bar leaders' conference in Chelan; April 3-5 1998.</em></td>
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<td>June 1998</td>
<td>*WSBA first state Bar to hire full-time Access to Justice “Com Tech” (Communications / Technology) coordinator.</td>
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<td>*U.S. Supreme Court decision in Phillips challenge to IOLTA; court finds IOLTA to be “property”; remand to determine if “taking” occurred &amp; if so, what compensation, if any, is due.</td>
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<td>*WA State Chief ALJ (Administrative Law Judge) begins to implement ATJ recommendation re: systems impediments.</td>
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<td>July 1998</td>
<td>*WSBA adopts Emeritus Rule to foster volunteer attorney efforts to serve poor people and the equal justice network by retired attorneys.</td>
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<td>*NJP’s comprehensive Website established &lt;www.nwjustice.org&gt; featuring the “Law Center” where hundreds of Legal Education brochures are available for online reading and download.</td>
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<td>*First statewide civil legal services fundraising event Viva La Justicia! sponsored by Law Fund (Legal Aid for Washington Fund).</td>
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<td>*Effort to cut Federal LSC (Legal Services Corporation) funds by 50% defeated; key votes, on bipartisan basis from Washington delegation.</td>
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<td>September</td>
<td>*ATJ Board undertakes LSC request for extensive evaluation &amp; reformulation of 1995 state plan for civil legal services delivery in Washington.</td>
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<td>*NJP’s CLEAR (Coordinated Legal Education Assistance &amp; Referral) expands to 38 of 39 countries.</td>
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<td>*Governor, Attorney General &amp; WSBA Board of Governors convene PLE (Public Legal Education) work group chaired by former SPI (Superintendent of Public)</td>
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<td>January 1999</td>
<td>*NJP gets small increase (3%) for first time in 4 years</td>
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<td>*Supreme Court Chief Justice Richard Guy affirms existence of an equal justice crisis and asks for first time, for $10 MM biennial appropriation for civil legal services for</td>
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<td></td>
<td>*Joint effort by WSBA, ATJ, EIC, OAC &amp; other members of the civil equal justice community to address civil equal justice funding crisis through $10 MM increase in state</td>
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<td>*Phase I of ATJ Board’s “Com Tech” (Communications &amp; Technology) Committee initiative seeking support from Microsoft successful.</td>
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<td>*WSBA (State Bar) hosts first full-day Emeritus Lawyers’ Volunteer Training Event.</td>
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<td>EQUAL JUSTICE TIMELINE</td>
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<tr>
<td><strong>March</strong></td>
<td><strong>May</strong></td>
<td><strong>June</strong></td>
<td><strong>June 25-27</strong></td>
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<tr>
<td>•Pursuant to state plan, CLS staffs statewide coordinator positions.</td>
<td>•Statewide Training for Pro Bono Volunteer Attorney Legal Services Providers on new Uniform Case Management system to ensure uniformity of reporting data keeping and analysis and accountability.</td>
<td>•WSBA adopts model standards for &quot;For Profit Legal Services Hotlines&quot; to foster a more seamless, &quot;user-friendly&quot; civil legal services delivery system for moderate-income &amp; poor people in WA.</td>
<td>•WSBA wins prestigious &quot;Harrison Tweed&quot; Award from ABA (American Bar)</td>
</tr>
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<td>•Instruction) Judith Billings &amp; Court of Appeals Judge Marlin Appelwick to develop comprehensive statewide PLE campaign.</td>
<td>•4th Year of static Federal funding forces NJP to plan for reduction in client service.</td>
<td>•ATJ Board establishes Family Law Task Force.</td>
<td>•Fourth Annual Statewide Access to Justice Conference in Wenatchee, including draft</td>
</tr>
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<td>•Indigent people, as part of judicial budget.</td>
<td>•ATJ Board celebrates its 5th Anniversary.</td>
<td>•ATJ page &quot;on-line&quot; on WSBA website.</td>
<td>•WSBA's Special Access to Justice issue of &quot;Bar News&quot; published.</td>
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Association for leadership & continuity of commitment to civil equal justice.

- Revised & updated state plan for coordinated statewide civil equal justice service delivery
- Public legal education work group plans and recommendations
Criminal matter refer to public defense

Client eligible, but not a priority area legal problem

Civil Legal Services Delivery "Funnel"

Client eligible, referred to other available resource

Client eligible for representation

Client within priority area, but lacks adequate resources to represent

"Client not eligible"

Review by "Public Defender" of client who makes "distillate drop"

("There shall not ration justice...")
of people in need can be served through very low-cost intervention (e.g., self-help materials, videos, brochures in multiple languages, cable-access TV, ATM-type devices, etc.).

35% of people in need can be helped which involves a trained non-lawyer 3rd party (e.g., Domestic Violence Shelter Worker).

50% of people in need can be helped through very low-cost representation (e.g., legal clinic, community centers).

10% of people in need require the help of an attorney but legal fees are not an issue.

5% of people in need require full range, high-cost legal representation.

Equal Justice "Umbrella" Network stems from Washington State's Equal Justice Network.

CLrent Access Needs

Washington State Bar Association Volunteer Bar Projects, Access to Justice Programs, University Legal Clinics, Law Fund/Plaints Committee

Resources in Washington State's Equal Justice Network:

- Supreme Court Bar Projects
- Volunteer Programs
- Legal Clinics
- Law Fund
- Plaints Committee

Appendix D
APPENDIX E

Washington State Equal Justice
Communication and
Technology Vision