

Justice in Motion — Where we've been and what's next

By Sarah Glorian

March 23, 2016 - 1:34am

Sarah Glorian, Senior Attorney for the Northwest Justice Project office in Aberdeen, has been practicing since 2000 — on the East Coast for eight years and later hired to open a three-attorney office in Aberdeen in 2007. Aberdeen is now a one-attorney office covering Grays Harbor and Pacific counties. She loves to cook and enjoys the outdoors by gardening, jogging, hiking and doing volunteer trail work for the Washington Trails Association.



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In light of the recently updated Washington Civil Legal Needs Study, Northwest Justice Project is getting ready to reassess its strategic and systemic advocacy projects. This is timely as we are coming to the end of an internal three-year strategic systemic advocacy plan that has focused on legal barriers to employment.

We continue our work from that plan, including driver license reinstatement and administrative disqualifications. The latter involves adverse findings by a state agency such as Adult Protective Services, Child Protective Service, etc., which create a permanent bar to 150-plus occupational licenses and where due process protections were not followed or did/do not exist. Locally, we also “clean up” eligible criminal histories.

Nevertheless, it is always good to stop, take stock, reflect, and adjust one's focus as identified needs change.

In looking back at the past three years, our work on driver license reinstatement has shed light on a remarkably flawed system. It has created a profound and notable barrier to employment substantially and disproportionately affecting low-income folks. Those of higher economic status can take it for granted if you receive a speeding ticket — you pay the fine and move on.

In contrast, for those who are low-income, paying a fine often means going without a necessity, like paying rent or utilities. There are also plenty of folks who are not low income as defined by the Federal Poverty Guidelines who are still living paycheck to paycheck. I hazard the latter is possibly the rule, not the exception, for many in this and many other communities. For instance, in a recent well-being survey within my own statewide non-profit organization, approximately half of our staff who responded are living paycheck to paycheck, setting aside nearly nothing for the future — or worse, not making ends meet (for better or worse, many in non-profit are passionate about their work, often to a fault).

Unexpected expenses send many home budgets into a precarious financial situation; often triggering a damaging ripple effect. A common thread of many cases I have assisted with in the past few years looks something like this:

Speeding ticket 11 MPH over (moving violation/traffic infraction). Fine (\$166). Cannot pay. As a result of non-payment, driver license is suspended. Need to get to work, doctor appointment, school, etc. Drive without

license. Pulled over again. Charged with Driving While License Suspended Third Degree (criminal charge/misdemeanor). Fine (\$400). Cannot pay. Do not show up for court. Failure to appear; warrant issued for arrest (warrant fee added). Still need to get to work, doctor appointment, school, etc. Drive without license. Pulled over again. Charged with another Driving While License Suspended Third Degree (another criminal charge/misdemeanor). Fine (\$400). Cannot pay. Do not show up for court. Failure to appear; another warrant issued for arrest (warrant fee added). Fines referred to collections. Collection fee of 50% of referred fines assessed (\$483). Interest begins to accrue.

What started out as a \$166 fine is now over \$1,499 and growing larger every day.

These cases are heard in municipal and district courts throughout the state. Each court handles these cases differently. Some will grant a hearing; some will not. Some will remove from collections; some will not. Some allow community service; some do not. Some charge a warrant fee, some do not. Warrant fees in Grays Harbor County range from the fee being waived upon showing up to \$100. If you show up and do not have the fee, some will require you to pay or be booked into the jail; often “book and release,” but not always. I had one client on SSI who paid his fines by sitting in jail for over a week — a clear lose-lose proposition for that municipality’s taxpayers: no money was collected and the jail and taxpayers incurred the expense of locking my client up, feeding him, etc.

Lastly, a layperson with a limited income trying to negotiate payment plans with multiple courts and collection companies — none of which have any interest in sharing the layperson’s limited pie — is the definition of a losing proposition. In rural communities in particular, if folks cannot get their license, they cannot get to employment, they cannot earn a wage to pay off their fines. The spiral downward is near impossible for folks to dig out of on their own, if at all. I have clients on fixed incomes who do not have disposable income to even cover the monthly accruing interest. Any payment plan would last in perpetuity — a lifetime payment plan.

Through joint efforts by various stakeholders, a bill has passed unanimously in both the House and Senate, and is currently on the Governor’s desk awaiting signature along with many other bills in the pipeline held captive by the budget debates. By the time this column is printed, it will likely either have been signed or withered on the vine with many others in the queue. If signed, it will form a workgroup to explore the creation of a statewide driver license reinstatement program to allow folks to enter into a singular payment plan to cover all driver license-related court debts. Of course, the devil is in the details, but it is a start.

2015 Civil Legal Needs Study:

ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

To find out if you are eligible for Northwest Justice Project services:

For cases including youth (Individualized Education Program and school discipline issues), debt collection cases and tenant evictions, please call for a local intake appointment at (360) 533-2282 or toll free (866) 402-5293. No walk-ins, please.

For all other legal issues, please call our toll-free intake and referral hotline commonly known as “CLEAR” (Coordinated Legal Education Advice and Referral) at 1-888-201-1014, Mondays through Fridays 9:10 a.m. to 12:25 p.m. If you are a senior, 60 and over, please call 1-888-387-7111; you may be eligible regardless of income. Language interpreters are available. You can also complete an application for services at nwjustice.org/get-legal-help. Be sure to also check out our law library at: www.washingtonlawhelp.org.

