To: Alliance Members and Stakeholders

From: Jim Bamberger, Director

Re: Civil Legal Aid Funding in FY 2019-21

Date: April 29, 2019

The Legislature has completed its work on the FY 2019-21 operating budget and the FY 2019 supplemental operating budget. The results for civil legal aid and other programs administered by the Office of Civil Legal Aid were very positive. In the civil legal aid area, the Legislature:

1. Protected gains in previous years by funding a $3.1 million vendor rate adjustment for the Northwest Justice Project. This ensures that NJP will be able to maintain existing levels of client service capacity (including the 15 additional FTE’s funded in the FY 2017-19 biennium) and meet its legal obligations under its new collective bargaining agreement.

2. Provided $3.0 million in new funding for 20 (of 40 requested) additional Civil Justice Reinvestment Plan attorneys. These will be phased in on a schedule with 10 new attorneys coming on line in January 2020 and 10 more in January 2020. While substantial planning has already occurred, OCLA will be coordinating with stakeholders on its implementation plan.

3. Provided $300,000 to help address the compensation comparability issues faced by local volunteer attorney programs. This is one-half of the funding requested. OCLA will work with the Legal Foundation of Washington and the Pro Bono Council to develop an investment plan.

4. Provided $600,000 for a one-time study of the impact of legal representation of tenants in eviction cases. This is part of a comprehensive legislative strategy developed by key legislators and tenant advocates to address unfairness in the eviction process. In addition to the study funding, multiple bills passed significantly changing the eviction process. Thanks to Senator Kuderer and Rep. Macri for proposing and securing funding for the study. OCLA will be contracting with the Evans School of Public Policy to undertake this study and establishing an advisory group to help guide it.

5. Provided $200,000 to fund the statewide kinship care legal aid support and training coordinator position established by passage of SB 5651. Thanks to Sen. King (R-Yakima) for sponsoring the bill and to the kinship caregiver community for encouraging its passage and supporting required funding. OCLA will contract with the King County Bar Associations Pro Bono Services program to staff this position.
6. Provided $300,000 in capacity development funding to continue building the International Families Justice Coalition which provides pro and low-bono services to immigrant women brought into the country who find themselves isolated and powerless in family law matters when their spouses initiate divorce or related family law proceedings.

In the Children’s Representation arena, the Legislature:

1. Addressed a caseload-driven shortfall in funding for legal representation of children who remain dependent six months following termination of their parents’ legal rights. ($175,000 in the FY 2019 supplemental budget and $400,000 in the FY 2019-21 operating budget).
2. Extended the duration of and re-appropriated $505,000 in funding for the study looking at the impact of early appointment of attorneys to represent children in dependency cases (at the shelter care hearing).

Finally, the Legislature passed **SHB 1643** that directs OCLA and the Office of the Secretary of State to enter into an interagency agreement to develop and make available self-help information, forms, and legal assistance to participants in the Secretary of State’s Address Confidentiality Program who seek to acquire real property but need to maintain confidentiality of their identification and addresses to protect their safety. OCLA and the Secretary of State’s Office are close to agreement on the terms of the interagency agreement and OCLA has recruited Joanna Plichta Boisen of Davis Wright Tremaine to represent it on the Secretary of State’s Address Confidentiality Home Ownership Task Force that will be meeting over the next few months.

In an absolute sense this was an extraordinary session. When considered against the backdrop of the budget and revenue challenges faced by the budget writers and the hyper-partisan environment, it was even more so. Civil legal aid remained a fully-bipartisan effort. As examples, a majority of Senate Republicans asked for full funding of the Civil Justice Reinvestment Plan and the House Republican budget lead (Rep. Stokesbary) successfully argued for an amendment doubling the number of CJRP attorneys proposed in the initial House budget. Further, we made new friends and allies. Both the House and Senate Members of Color Caucuses embraced civil legal aid as a critical component of the effort to address the equity and justice needs of communities of color, asking that their budget writers fully fund OCLA’s Civil Justice Reinvestment Plan request. Finally, it is an affirmation that the Civil Justice Reinvestment Plan remains the legislatively endorsed roadmap to addressing and remedying the challenges documented in the 2015 Civil Legal Needs Study.

We have many people to thank – and will do so in the coming days, weeks, and months. Thanks to the legislative members of the Civil Legal Aid Oversight Committee, the Equal Justice Coalition, the cities of Spokane, Yakima, and Bellingham (which made legal aid funding a legislative priority) and all of you who assisted with this effort. Equity and justice is alive in well in large part due to our collective efforts.

Jim