

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Office of Civil Legal Aid

Decision Package Title Maintain Existing Client Service Capacity

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

OCLA seeks funding to mitigate against legally obligated increases in personnel expenses experienced by its client service provider, Northwest Justice Project.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 250,000	\$ 507,000	\$ 757,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Protect legislatively authorized baseline client service capacity in face of known and measurable personnel cost increases.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Access to timely, competent and effective civil legal assistance is essential to the ability of litigants to effectively assert and defend important legal rights within the justice system. Such access is also essential for the courts to deliver on the constitutional promise of administering real justice in all cases openly and without unnecessary delay. Civil legal aid offers a legal voice for low income people who lack any other means of participating in legal proceedings in which they are involved. In so doing, it is the vehicle through which the justice system offers both fairness and the appearance of fairness.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Persons with disabilities limiting their ability to effectively participate in judicial proceedings are disproportionately poor. The availability of civil legal aid services helps ensure that these people are able to assert their rights to reasonable accommodation and otherwise overcome access barriers that limit their ability to meaningfully participate in legal proceedings in which they are parties. The same is true for individuals who are limited English proficient and who are also disproportionately poor. Legal aid helps them assert their language access rights and to effectively participate in proceedings in which they are involved.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. Legal aid offers a full spectrum of assistance to enable low-income people effectively participate in their legal cases. In those cases where the stakes are important, the issues complex and the other side is represented, an unrepresented individual is at a distinct disadvantage. Within the resource limits available, civil legal aid -- whether offered through a staffed legal aid program or a pro bono attorney levels the playing field and ensures that evidence and arguments of those with important interests at stake will be heard and considered on their merits. Protecting current levels of client service capacity will ensure that there is some minimal presence to address the needs of low income people on a statewide basis. Without such investment, the system will lose another 5 FTE over the course of the biennium.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

N/A

Appropriate Staffing and Support. *Washington courts will be appropriately staffed*

and effectively managed, and court personnel, court managers and court systems will be effectively supported.

Measure Detail

Impact on clients and service

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency which administers and oversees the state's investment in civil legal aid services. OCLA is governed by RCW 2.53.020 and .030. The Legislature has directed that OCLA contract with a "qualified legal aid program" for the provision of civil legal aid services to eligible clients. RCW 2.53.030(2). OCLA contracts with the Northwest Justice Project to provide state-authorized and supported civil legal aid services.

NJP maintains a statewide client intake, access and referral system (CLEAR); regional and satellite offices in 17 locations throughout the state; a system to help underwrite state-eligible client services provided through 17 local volunteer attorney programs and 4 providers of specialized and targeted legal aid services; and training and professional development support for state-funded legal aid program staff and volunteers.

Over the past four years, NJP has lost 20.5 FTE client service positions. Its current footprint is now 85.8 basic field client service attorneys. A chart outlining basic field client service staffing changes since 2009 is attached.

The requested funding is necessary to protect the existing footprint against further erosion. OCLA seeks an amount that is equal to the state's percentage of total program personnel cost increases commensurate with the state's contribution to NJP's overall program operations (52%). These are costs that must be incurred by NJP. They do not reflect any COLA or other baseline salary scale adjustment; merely experiential progression on NJP's Board-adopted (2008) salary scale.

Impact on other state services

Further reduction in client service capacity means fewer clients are served. It may also mean closure of one-attorney offices in one or more locations. Reduced client service capacity can and does have an indirect impact on demands for state and local services for victims of domestic violence, homeless persons, persons in need of medical or mental health services, etc.

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

Not applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

Funding will be requested in future biennia.

Effects of non-funding

NJP will lose an additional 5 FTE during the course of the FY 2015-17 biennium. Depending upon where such cuts are taken, it could further substantially reduce client service available through the statewide legal aid information, assistance and referral line (CLEAR) and/or further reduction of client service capacity in one of its 17 field or satellite locations and/or closure of one or more one-attorney offices.

Expenditure calculations and assumptions and FTE assumptions

Costs are determined on the basis of existing staffing levels by position and experience, actual costs associated with experiential progression on NJP's Board-approved salary scale and anticipated changes in related personnel expenses.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 250,000	\$ 507,000	\$ 757,000
Total Objects	\$ 0	\$ 0	\$ 0