

# Washington State Judicial Branch 2024 Supplemental Budget Civil Legal Aid for Blake Impacted Individuals

**Agency:** Office of Civil Legal Aid

**Decision Package Code/Title:** BA – *State v. Blake* Civil Legal Aid

**Agency Recommendation Summary Text:**

Funding is requested to continue legal assistance to individuals eligible for civil relief as a result of the Washington Supreme Court’s decision in *State v. Blake*. (Judicial Stabilization Trust Account - State)

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
<b>FTEs</b>	0.00	0.00	<b>0.00</b>	0.00	0.00	<b>0.00</b>
<b>Operating Expenditures</b>						
<b>Fund 16A-1</b>	\$0	\$2,847,000	<b>\$2,847,000</b>	\$0	\$0	<b>\$0</b>
<b>Total Expenditures</b>						
	<b>\$0</b>	<b>\$2,847,000</b>	<b>\$2,847,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Package Description:**

On February 25, 2021, the Washington Supreme Court issued the opinion in *State v. Blake*, declaring that drug possession laws without an intent requirement are unconstitutional. This request carries forward with limited expansion legislative funding to address and effect the right to civil relief as a consequence of the *Blake* decision.

**Fully describe and quantify expected impacts on state residents.**

Since 2021, Office of Civil Legal Aid (OCLA)-funded civil legal aid providers have been providing a full spectrum of civil legal information, advice, assistance, and representation to *Blake*-affected individuals principally on issues related to issues relating to recovery of legal financial obligations (LFOs). This representation ensures fair and consistent treatment of those entitled to relief regardless of the counties or municipalities into which they have made LFO payments. These efforts have resulted in significant changes in jurisdictional processing of claims for LFO refunds. Now that the Administrative Office of the Courts has established the LFO Refund Bureau, additional assistance will be needed to assist *Blake*-affected individuals who have been informed of their refund amounts and have a right to civilly appeal the same.

This decision package requests a 4 percent increase over the FY 2024 appropriated level and funding for two new attorney positions to handle Refund Bureau appeals, totaling \$2,847,000 for FY 2025. This amount ensures that thousands of individuals will continue to receive direct legal assistance, particularly in challenging their Refund Bureau allotment, and a range of self-help tools to enable them to seek and secure necessary civil relief, including establishing, contesting, and recovering LFO’s and related expenses incurred as a result of their unconstitutional convictions.

**Explain what alternatives were explored by the agency and why this was the best option chosen.**

The Legislature has recognized the need for effective civil legal assistance to individuals entitled to relief under the *State v. Blake* decision. The 2023-25 biennial operating budget appropriated funding for one year. There are no alternatives that will ensure continuity of essential civil legal aid services for such individuals into and through FY 2025.

**What are the consequences of not funding this request?**

Dedicated professional legal assistance for individuals in need of legal information, advice, advocacy, and representation will cease effective June 30, 2024, leaving many thousands of individuals without meaningful recourse to enforcing civil legal claims resulting from the *State v. Blake* decision.

**Is this an expansion or alteration of a current program or service?**

This decision package ensures continuity of current *Blake*-related civil legal assistance, including two new contracted attorneys to represent *Blake*-affected individuals who appeal from Refund Bureau calculations of the amounts of LFO payments to which they are entitled to a refund.

**Decision Package expenditure, FTE and revenue assumptions:**

*State v. Blake* related funding will continue to be contracted to three qualified non-profit civil legal aid providers at FY 2024 levels assuming a 4 percent increase for inflation and adding two new positions dedicated to handling Refund Bureau appeals.

**How does the package relate to the Judicial Branch principal policy objectives?**

Services funded through this appropriation serve the following judicial branch objectives:

**Fair and Effective Administration of Justice**

The right to civil relief as a result of the *State v. Blake* decision is a matter that resulted from decades of unconstitutional prosecutions for simple drug possession without the need to prove intent. A crisis created by the justice system must be remedied by the justice system. That is the essence of the branch's commitment to the fair administration of justice.

**Accessibility**

Civil relief representational services are otherwise unavailable to those most harmed and least able to secure relief by themselves. This is particularly true for people with physical, behavioral, and cognitive disabilities, people from communities least able to access critical legal information or assistance, and people who are limited English proficient. This decision package continues services targeted to members of these groups.

**Access to Necessary Representation**

Systems designed to offer relief (LFO refund and conviction vacature) are inconsistent and often applied not on the basis of uniform standards but on the basis of where the conviction was entered and where the LFO obligations were incurred. It is essential that those entitled to relief from unconstitutional convictions realize that entitlement regardless of where they reside or where their convictions/LFO obligations arose. Civil legal representation is key to ensuring consistency of access to required civil relief.

**Are there impacts to other governmental entities?**

No

**Stakeholder response:**

There is no opposition to this request. All *Blake*-affected communities and support organization support this request.

**Are there legal or administrative mandates that require this package to be funded?**

No

**Does current law need to be changed to successfully implement this package?**

No. However, transfers from the General Fund-State into the Judicial Stabilization Trust Account will be needed to fund this request in the budget bill under Special Appropriations, Part VII.

FOR THE OFFICE OF FINANCIAL MANAGEMENT— JUDICIAL STABILIZATION TRUST ACCOUNT

General Fund—State Appropriation (FY 2024) . . . . .	\$0
General Fund—State Appropriation (FY 2025) . . . . .	\$2,847,000
TOTAL APPROPRIATION. . . . .	\$2,847,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial stabilization trust account created in RCW 43.79.505

**Are there impacts to state facilities?**

No

**Are there other supporting materials that strengthen the case for this request?**

No

**Are there information technology impacts?**

No

**Agency Contacts:**

Philippe Knab, Eviction Defense/Reentry Programs Manager  
360-485-1533  
[Philippe.knab@ocla.wa.gov](mailto:Philippe.knab@ocla.wa.gov)