KCBA KING COUNTY BAR ASSOCIATION

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1200 Fifth Avenue
Suite 700
Seattle, WA 98101

206.267.7100 Phone
206.267.7099 Fax
www.kcba.org

Sent Via Email

June 14, 2018

To: JISC Data Dissemination Committee Members
C/O Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

My name is Jacob Kuykendall and I am a staff attorney for volunteer legal services at the King County Bar Association. I was recently hired to begin a the new Records Project, expanding and formalizing the pro bono efforts of the KCBA to help individuals in King County near or below the poverty line with vacating criminal convictions that are preventing them from receiving employment or housing.

The KCBA's pro bono services department is a non-profit organization that has, until recently, been exclusively focused on the civil legal needs of eligible people in the county, primarily around issues of family law. Until this year, volunteer legal services consisted of a single attorney connecting legal aid recipients with pro bono attorneys in other areas of law. Now, with a new grant of funding, the volunteer legal services team has expanded and refocused into a three person team focusing on other legal issues faced by our clients.

To give some background as to why we need access to JABS, here is how the process at volunteer legal services currently works. When a client calls us asking for help to vacate a criminal conviction, we first screen the client to determine if they are eligible for our services because of their income level, family size, etc. If we determine they are eligible for our services, we then determine whether their conviction or convictions are eligible to be vacated. If we determine that they are eligible to have the conviction vacated then either I personally will represent the client to vacate the conviction or, someday, we will assign that case to a volunteer attorney to vacate the conviction.

The Washington state laws provide only for a very narrow set of convictions that can be vacated: an individual can only vacate their most recent conviction, they can only vacate convictions for certain types of crimes, they can only vacate one misdemeanor (but an unlimited number of felonies), and they can only vacate a conviction after a certain number of years have passed *since the completion of all obligations related to the conviction.* That last issue is the biggest reason we need JABS access.

Volunteer legal services only consists of three people, two attorneys and one case assistant. Right now, when we get a client who wants to vacate a conviction, here is the process our case assistant goes through in order to determine whether a client has a conviction eligible to be vacated:

- First, she goes through Washington Case Search and searches for all cases listed for that client.
- Then, she goes through JIS and cross-references those cases as well as notes any new ones listed only in JIS.
- Then, the client has to come in and provide their fingerprints so that we can request, at cost, a copy of the convictions listed by the Washington State Patrol.
- She compiles a cross-referenced list of all of these various records, sorts it by date, disposition, and court of record.
- Then, she has to call each courthouse on the list individually to determine whether all of the client's obligations for each of their convictions have been completed.

- Finally, she physically travels to the courthouse to get copies of those obligations from the clerk.

This process can take days for a single client, requires us to put out the costs of requesting these records for each client, and also involves a lot of travel both for the staff assistant and often the client. We are a team of three people on a non-profit budget, so this is a huge drain on our very limited resources.

The only way for me to be able to expand this project to help a greater number of people is to find ways to stretch the resources we have even further. We only need this account access for the three members of volunteer legal services.

I am happy to answer any other questions you might have, and I look forward to speaking with all of you on June 22nd.

Thank you,

Jacob Kuykendall
Volunteer Legal Services – Records Project
King County Bar Association
(206) 267-7027
jacobk@kcba.org