



September 22, 2020

Washington Supreme Court  
P.O. 40929  
Olympia, WA 98504-0929

**Re: Support of Washington State Bar Association (WSBA) Rule Change to Reduce Barriers to Access for Emeritus Pro Bono License Status (APR 1, APR 3, & GR 24)**

Dear Justices,

Kids in Need of Defense (KIND) respectfully writes to urge you to approve of the rule change by the Washington State Bar Association (WSBA) on July 24, 2020, to reduce barriers to access for Emeritus Pro Bono license status in Washington Admission and Practice (APR) and General Rules (GR) APR 1, APR 3, and GR 24.

KIND is the leading national nonprofit organization advocating for the rights of unaccompanied migrant and refugee children in the U.S. Our organization is headquartered in Washington, D.C., with a field office based in Seattle, Washington. KIND primarily serves unaccompanied children who migrate to the U.S. alone; moreover, many have experienced violence, trauma, and other extreme hardships. KIND is a Qualified Legal Service Provider providing immigration legal services to unaccompanied immigrant children in Washington state, serving youth primarily in Snohomish, King, Pierce, and Thurston counties. Almost all of our clients are limited English proficient and have household incomes of less than 200% of the Federal Poverty Guidelines (FPG), with many having less than 50% of FPG. In addition to providing legal representation to unaccompanied children, KIND also recruits, trains, and provides tailored mentoring to *pro bono* attorneys so that they can provide quality representation and services for this vulnerable population.

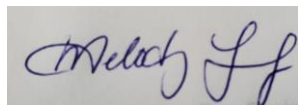
As unaccompanied children do not have a right to counsel in their removal proceedings, we rely on volunteers to provide these crucial legal services to ensure that no refugee or immigrant child faces immigration court alone. Based on KIND's experience, children who are represented are five (5) times more likely to receive immigration relief in their immigration cases. The difference a *pro bono* attorney makes is critical in their access to justice. Even with our legal partners and volunteers, we are unable to meet the great need for legal representation within our immigrant community. The demand for *pro bono* services far outweighs the supply of *pro bono* lawyers and legal representatives to assist immigrants. As access to counsel is critical to due process in immigration proceedings, *pro bono* representation may mean the difference between safety or deportation to dangerous conditions—even death. For example, KIND's Seattle office currently has about 480 open cases. However, in Fiscal Year 2019 (October 2018-September 2019), 723 unaccompanied minors were released to sponsors in

Washington state.<sup>1</sup> In Fiscal Year 2020 (October 2019-July 2020), 230 unaccompanied minors were released to sponsors in Washington state.<sup>2</sup> This is in addition to the detained unaccompanied minors currently in the custody of the Office of Refugee Resettlement, Division of Children’s Services. Many of these children may also have more than one form immigration relief to file or may also require other *pro bono* civil legal assistance in other areas, such as housing and benefits.

Because of this, KIND supports the proposed changes to the WSBA Emeritus Pro Bono licensing requirements. Retired and inactive members of the bar provide crucial services to our client population. KIND provides this perspective from its vast experience working with various *pro bono* partners, ranging from corporations like Microsoft and Amazon, law firms like Perkins Coie LLP and K&L Gates to solo attorneys, law clinics, and government attorneys. As maintaining Emeritus Pro Bono Status presents financial barriers, if even one or two additional volunteers were able to practice under this status, it would dramatically impact our ability to serve this marginalized and particularly vulnerable population. Removal of the 5/10 rule would increase the pool of competent and experienced attorneys and help retain legal knowledge and experience. The proposed amended rules could also help transition individuals to the practice of social justice and non-profit legal services by being trained and mentored by KIND to work with children and learn immigration law. With an increase in attorneys available to take *pro bono* cases, KIND hopes to also see an increase in multilingual and culturally sensitive attorneys available to work with vulnerable immigrant children. It is also especially crucial to increase the pool of attorneys who can provide *pro bono* services for clients who reside in rural areas of Washington state, such as children released to farmworker sponsors in Spokane and the Tri-Cities, where there is already a severe gap in legal services that has only been exacerbated by the COVID-19 pandemic.

We urge you to approve the proposed changes. We also urge you to consider and approve these changes on an expedited basis. Thank you for your careful consideration, and please do not hesitate to contact us at [myoung@supportkind.org](mailto:myoung@supportkind.org) and [cliou@supportkind.org](mailto:cliou@supportkind.org).

Respectfully,



Melody Young, Esq.  
Senior Attorney  
Kids in Need of Defense (KIND)



Cindy Liou, Esq.  
State Policy Director  
Kids in Need of Defense (KIND)

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<sup>1</sup> U.S. Department of Health & Human Services, Office of the Administration for Children & Families, Office of Refugee Resettlement, Unaccompanied Alien Children Released to Sponsors by State (Sept. 27, 2019), available at <https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-state>.

<sup>2</sup> *Id.*

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Cc:** [Tracy, Mary](#)  
**Subject:** FW: KIND Support of WSBA Rule Change to Reduce Barriers to Access for Emeritus Pro Bono License Status (APR 1, APR 3, & GR 24)  
**Date:** Wednesday, September 23, 2020 8:02:55 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[KIND Letter to WA Supreme Ct supporting Emeritus Pro Bono status changes--9.22.20.pdf](#)  
[image001.png](#)

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**From:** Melody Young [mailto:[MYoung@supportkind.org](mailto:MYoung@supportkind.org)]  
**Sent:** Tuesday, September 22, 2020 5:19 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Cc:** Cindy Liou <[CLiou@supportkind.org](mailto:CLiou@supportkind.org)>; Janet Gwilym <[jgwilym@supportkind.org](mailto:jgwilym@supportkind.org)>  
**Subject:** KIND Support of WSBA Rule Change to Reduce Barriers to Access for Emeritus Pro Bono License Status (APR 1, APR 3, & GR 24)

Dear Justices,

Attached, please find a letter from Kids in Need of Defense (KIND), respectfully urging you to approve of the rule change by the Washington State Bar Association (WSBA) on July 24, 2020, to reduce barriers to access for Emeritus Pro Bono license status in Washington Admission and Practice (APR) and General Rules (GR) APR 1, APR 3, and GR 24. If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,  
Melody Young

**Melody Young, Esq.**

*(she/her/hers)*

Senior Attorney

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*\*\*Please note new phone number and mailing address. I am currently working remotely.\*\**

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