

SPECIAL FEATURE: LEGAL NEEDS STUDIES — WHO DO THEY HELP AND HOW?



Washington State’s 2015 Civil Legal Needs Study Update — Old Questions, New Answers

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In September 2003, the Washington Supreme Court’s Task Force on Civil Equal Justice Funding published its Civil Legal Needs Study (2003 CLNS),²



which for the first time documented the unmet civil legal problems of low and moderate income Washingtonians. The 2003 Study followed similar studies across the nation, many of which were conducted using methodologies derived from

those developed by the Institute for Survey Research at Temple University for the American Bar Association’s landmark 1994 *Report on the Legal Needs of the Low-Income Public*.³ The 2003 Washington State study built on methodological modifications developed by leaders in our sister state of Oregon in association with the development of their statewide legal needs assessment published in 2000.⁴ The backbone of Washington State’s 2003 CLNS was a non-random, face-to-face convenience survey of more than 1300 low-income individuals across the state. The survey was complemented by a random telephone survey of low and moderate income (mostly moderate income) households.

The final report issued from the 2003 CLNS described the substance and prevalence of the civil legal problems experienced by low-income individuals, families and communities, the degree to which necessary legal assistance was available, and the consequences experienced by those unable to timely secure civil legal assistance. The Study’s findings were

striking and galvanized a decade-long effort to expand public support for civil legal aid within the context of a new, non-partisan judicial branch administrative infrastructure.

Another Civil Legal Needs Study, Really?

In response to one of many recommendations coming from the Task Force on Civil Equal Justice Funding, the Washington State Legislature established the Office of Civil Legal Aid (OCLA) in 2005 as an independent judicial branch agency to, among other things, (a) administer and oversee the use of state legal aid funding and (b) monitor and report regularly on the status of access to the civil justice system for low-income Washingtonians. Over the years OCLA has filed reports with the Legislature and the Supreme Court’s Access to Justice Board documenting the work undertaken by the state-funded legal aid programs and monitoring relevant trends in poverty demographics. From 2005 through 2012, OCLA looked to the 2003 CLNS as the baseline source of understanding regarding the substance and prevalence of legal problems experienced by low-income people and the foundation of biennial budget requests submitted to the Legislature.

Recognizing that much had changed in the nearly ten years since the 2003 Study’s publication, OCLA convened a statewide Civil Legal Needs Study Scoping Group (CLNS Scoping Group) in 2012 to assess whether demographic, social, governmental policy and other changes that had occurred since 2003 limited the reliability of the 2003 CLNS. Specifically, the sixteen-member CLNS Scoping Group was asked whether the

2003 CLNS could continue to serve as a relevant and reliable guide for (a) legal aid providers in determining the focus and orientation of their work, and (b) policy makers and funders deciding about whether, in what amounts and for what purposes should new investments be made in the statewide civil legal aid system.

The CLNS Scoping Group reported that there had been substantial changes in the demographics of low-income individuals and families, the substantive laws and legal frameworks that affect low-income people, governmental policies affecting the poor and technology-based practices that adversely affect the ability of low-income individuals to access necessary services and secure health care, housing, credit and employment. The group noted that, like the rest of the nation, Washington State was hit hard by the Great Recession of 2008-09 and the catastrophic loss of jobs which drew hundreds of thousands of residents into the ranks of the poor. The state's housing markets collapsed, resulting in a foreclosure crisis fueled in part by high risk, predatory lending and perpetuated by across-the-board declines in pre-recession housing values. And the CLNS Scoping Group noted that new legal problems had emerged, many of which were experienced by individuals and families who, until the Great Recession, had been hard working members of the middle class.

In its final report,⁵ the CLNS Scoping Group concluded that it was time to update the general understandings of the nature, gravity and consequences of legal problems that low-income people face in Washington State. They recommended that the 2003 Civil Legal Needs Study serve as the baseline reference point for such an update. According to the CLNS Scoping Group, an updated study would provide a current

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understanding of the substance and prevalence of the problems identified in the 2003 CLNS as well as new problems reported by low-income residents and provide information on the degree to which the experience of low-income people differs on the basis of race, ethnicity, disability, military status, sexual orientation, gender identity and other personal and/or household characteristics; the degree to which the mass collection and dissemination of data create legal problems that affect the ability of low-income people to secure and maintain employment, housing and credit; the degree to which people are able to secure legal help and the value of civil legal aid to low-income families and communities. To conduct this update, the CLNS Scoping Group recommended that OCLA convene a blue ribbon panel to oversee the effort, and offered suggestions about focus and methodology.

Before agreeing to act on the CLNS Scoping Group's recommendation, OCLA consulted with the Chief Justice and other members of the Washington Supreme Court, leaders of the Supreme Court's Minority and Gender and Justice Commissions and Access to Justice Board, the Washington State Attorney General, the state's Chief Administrative Law Judge, other state officials as well as key leaders within the statewide civil legal aid community. Recognizing that any comprehensive update would be time consuming and costly, OCLA wanted to make sure that there was a consensus among all key leaders and stakeholders before moving forward with an effort to update the 2003 CLNS and that alternative approaches were fully considered.

Among the ideas discussed was whether, in lieu of updating the legal needs study, Washington State should undertake an economic analysis of the value of civil legal aid and the return on investment that funders, including the Washington State Legislature, might realize by investing additional money into the statewide civil legal aid system. OCLA considered and shared the best of the recent studies conducted in other states focused on the "return on investment" (ROI) or economic impact analysis.⁶

In the end, stakeholders and community leaders agreed that it was most important that any new research effort focus principally on the problems experienced by low-income people, changes in the substance and prevalence of these problems since 2003 and the impact of the many changes documented by the CLNS Scoping Group on the ability of low-income people to get the legal help they need to address these problems. The decision to undertake a comprehensive update of the 2003 study was made.

Moving Forward With the CLNS Update

Once the determination was made to update the 2003 CLNS, the Supreme Court was approached for assistance and support. The Chief Justice and members of the Court decided that, as the 2003 CLNS was a Court-sponsored project, so too should be the update. The Court established a Civil Legal Needs Study Update Committee (CLNS Update Committee) and appointed Justice Charles Wiggins to chair it. Members of the committee included the Attorney General, the Chief Administrative Law Judge, another justice of the Supreme Court, representatives from the Access to Justice Board, the Civil Legal Aid Oversight Committee,⁷ social, health and human services providers in eastern and western Washington and a person eligible for civil legal aid services.

After conducting a national search for a research partner to conduct the study update, the CLNS Update Committee selected the Social and Economic Sciences Research Center at Washington State University (SESRC). SESRC had developed a national reputation for conducting high quality, random survey research employing multiple modes of engagement with the target audience. Their work has been well-received by policy makers in Washington State and nationally, and they were eager to take on this project.

SESRC proposed to conduct a random survey (as opposed to the convenience survey protocols that were employed in the 2003 effort) that would (a) successfully penetrate the target population (households with incomes at or below 200% of Federal Poverty Level (FPL)) and (b) generate results that would achieve sufficient levels of statistical reliability so that providers and funders could have confidence that they reflect the actual circumstances experienced by low-income Washingtonians. The challenge presented was how to undertake a random assessment of Washington State residents in a manner that would effectively penetrate and secure sufficient responses from low-income residents to substantiate and support the results of the survey.

The Census Bureau's American Community Survey (ACS) documented that there were more than 6.8 million residents in Washington State in 2013, of whom more than 960,000 lived at or below 100% of the FPL.⁸ There were 1.25 million residents living at or below 125% of FPL (18.4% of the state's population) in 2013. The researchers at SESRC and OCLA staff developed the strategy to secure sufficient numbers of low-income respondents as follows: First, OCLA mapped the 2013 census information for race and poverty by census

tract.⁹ Of the nearly 1500 census tracts in Washington, a query would be run to identify those census tracts that had either (a) 28% of the resident population living at or below 125% of FPL, and (b) at least 1000 members of a distinct census-based racial and ethnic group, of whom at least 25% lived at or below 100% of poverty. This resulted in a list of 126 census tracts that were distributed throughout the state — urban and rural, eastern and western Washington, on and off Indian reservations and in communities with significant minority populations.

SESRC researchers then began the process of crafting and testing a new questionnaire. Using the 2003 questionnaire as a starting point, the goal was to create a survey instrument that was accessible and could be administered in one of three ways — by mail, telephone and the web. Once the basic instrument was drafted, OCLA convened a group of subject matter experts for each of the substantive areas of inquiry as well as those who work with the distinct communities or groups that would also be the focus of the survey effort. A final survey instrument¹¹ was developed and translated into Spanish. SESRC field tested the survey using a range of participant engagement strategies designed to ensure that (a) the questions were understandable by those who would participate and (b) that survey respondents would willingly participate in the survey effort. A final strategy was employed that included the following:

- An introductory letter on SESRC letterhead co-signed by the lead researcher and Justice Wiggins and a link to the on-line survey instrument was sent to 15,000 randomly selected addresses in the 126 targeted census tracts. The initial packet included a \$2 bill as an initial incentive. Participants were told that all who responded would be eligible to participate in one of four regional lotteries for a \$50 grocery certificate and one statewide lottery for a tablet computer.
- Twelve days later households with only a known address received a second letter along with the paper survey, and were given the opportunity to complete the survey either by filling out the paper survey, responding on the web using a unique identifier or taking the survey by phone. These same households received a postcard reminder of the opportunity to participate five days later; and another mailed reminder of the ways in which they might participate in the survey one week later.
- Households with a matched phone were contacted fifteen days later and offered the opportunity to

take the survey by phone or via the web. Efforts to make telephone contact continued throughout the survey period.¹¹

The survey effort was conducted between September and December of 2014. In the end, 3,125 households completed the screening portion of the survey, and 1,375 low-income respondents completed the survey. This participation rate was large enough to ensure a sample error of no larger than +/-3% at the 95% confidence level. In addition to securing the necessary level of low-income household participation, a demographic analysis shows that respondents fully reflect the racial and ethnic makeup of Washington State's low-income population. Thus, not only could findings be reported with confidence of their reliability as indicators of the experience of low-income people generally, they could also be reported out for each of the census-based racial and ethnic communities with an equal level of reliability.¹²

In addition to the random survey effort described above, SESRC coordinated an effort to conduct a non-probability convenience survey (N-PS) of members of subgroups that would have difficulty in responding to an address-based random survey effort. These include people who are homeless, immigrants, victims of domestic violence, Native Americans, and those who experience age, ability, cultural or language barriers that limit the likelihood of their responding to the random survey. The goal of the N-PS survey was to obtain a deeper appreciation of the problems unique to or disproportionately experienced by members of these

target groups.¹³ Working with law student volunteers at Seattle University School of Law, some twenty-five organizations were recruited across the state to assist in identifying and securing completed surveys from members of these target groups. The same survey instrument was used for the N-PS as was used for the main probability survey. An additional 224 completed surveys were obtained through the N-PS.

So, What Did We Find?

In June and July 2015, SESRC released the first of its reports documenting the findings of both the random probability based survey and the N-PS. SESRC produced a special technical paper aggregating the survey data for the group of respondents found to have the greatest prevalence of legal problems — persons who self-identified as victims of domestic violence or sexual assault in the prior twelve-month period.¹⁴

The principal findings are striking and are listed below:

1. While the general percentage of low-income households that experienced at least one civil legal problem each year remained fairly stable between 2003 and 2014, the per capita number of problems experienced tripled — from 3.3 in 2003 to 9.3 in 2014.
2. Nearly 50% of low-income households do not self-diagnose the problem they experience as having a legal component; and they do not seek legal help. How do we know this? When asked in the very first question whether they had experienced a civil legal problem in the prior twelve months for which they thought they might need legal help, only about 35% of respondents said “yes.” These same respondents then went through a series of 138 questions involving seventeen substantive and cohort-specific problem areas with the same queueing language; *i.e.*, did you have one or more of the problems listed below for which they thought they might need legal help. Seventy-one (71%) percent of the respondents answered “yes” to one or more of these questions. This raises significant questions about the level of legal literacy of low-income people, their ability to self-diagnose the legal components of the problems they experience and — more importantly — the relevancy and responsiveness of existing legal aid information, outreach and access systems.
3. The substantive areas where low-income people experienced the greatest prevalence of problems changed markedly. Whereas the top three problem areas in the 2003 CLNS sample were housing,

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family relations and employment, respondents from the N-PS survey reported the greatest prevalence of problems in the areas of health care, consumer/finance and employment.¹⁵

4. Who you are really matters. Low-income people who identify as African American or Native American experience substantially greater prevalence of problems in nearly every substantive area of problem explored. The same is true of persons with disabilities and young people between the ages of fifteen and twenty-one.
 5. Low-income people regularly experience discrimination and unfair treatment on the basis of legally protected characteristics as well as on the basis of other characteristics including, but not limited to, immigration status, prior juvenile or criminal system involvement and credit history. Nearly 40% of African-American respondents, nearly 30% of Native American and nearly 20% of respondents who identify as Hispanic or Latino reported one or more incidences of discrimination on the basis of race or ethnicity. Seniors, youth and victims of domestic violence experienced discrimination and unfair treatment on the basis of age at higher levels of other demographic groups. African-Americans, Native Americans, domestic violence victims and persons with disabilities experienced the highest levels of discrimination and unfair treatment on the basis of credit history. And African Americans and Native Americans reported the greatest level of discrimination on the basis of prior involvement in the juvenile or criminal justice system (echoing the underlying disproportionate involvement of members of these two groups in the juvenile, child welfare and criminal justice system). The study results expose evidence of differential treatment on the basis of multiple characteristics. Thus, for example, victims of domestic violence or sexual assault are more than twice as likely to experience discrimination or unfair treatment on the basis of race than members of the general low-income population. Young people between one and twenty-one also reported higher levels of racial/ethnic discrimination and unfair treatment.
 6. Of all groups surveyed, victims of domestic violence or sexual assault reported nearly double the prevalence of problems across the entire spectrum of legal problem areas and had the highest average per capita number of problems (19.7 per person); more than twice the average per capita number for the general low-income population.
- Members of this group were far more likely than those in the general low-income population to understand that the problems they experienced had a legal component for which they needed to get legal help. Domestic violence victims who self-identified as African American, Native American, Hispanic/Latino, who identified as having a disability or who were young (ages 15-21) reported especially high rates of discrimination and unfair treatment in the areas of employment, rental housing, consumer/finance, access to government assistance, education and health care.
7. There is a significant difference in the areas of problems found to be most prevalent and the areas of problems for which low-income people most often seek legal help. Thus, while problems involving health care, consumer/finance and employment are the top three in terms of prevalence, low-income people report seeking legal help most often when faced with a problem involving housing, family relations and consumer/finance (i.e., debt collection and bankruptcy). While this finding is understandable in the sense that problems in the latter three areas are more likely to involve a need for court resolution and often present issues that are more urgent in the moment, so many of these problems flow from other problems that went unaddressed and ended up getting a legal life of their own. For example, one-fifth of respondents reported a problem with medical care cost recovery and nearly that many reported not being told of their eligibility for charity care. When unattended, these problems quickly morph into debt collection and garnishment matters that in turn can threaten a job or the income needed to maintain a home.
 8. The majority of low-income Washingtonians face their civil legal problems alone. Legal help was not sought for nearly two-thirds of the more than 7,460 problems reported by survey respondents,¹⁶ and no legal help was obtained for more than three-quarters of all problems. Respondents were able to get some level of legal help with respect to just 24% of problems reported. Remarkably, nearly 70% of those who sought legal help were able to get some type of assistance. About as many (36%) sought help from a private attorney as those who sought help from a legal aid program or the legal aid hotline (CLEAR) run by the statewide Northwest Justice Project. Nineteen percent (19%) sought help from a private volunteer attorney.
 9. Low-income people have very little confidence in

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the ability of the courts and the larger civil justice system to help people like them enforce their legal rights or solve important problems. Nearly 60% do not feel that people like them are treated fairly in the civil justice system.

10. Sixty percent (60%) of those who receive legal help are often able to secure some level of resolution to the legal problem they experienced. Unfortunately, due to constraints on length, the survey instrument did not ask about the nature of the legal help obtained (i.e., whether it was advice, brief service or extended legal representation). We had to leave for another day and another study the question of whether there was a correlation between the level of legal assistance received and the degree to which low-income people are able to completely resolve to their problems.

So We've Done the Survey and Reported The Findings — What's Next?

The survey effort generated a treasure trove of data, the mining of which is going to continue for some time. The reports published to date and additional insights to be gained over time will help guide the next round of intensive planning and coordination within the larger statewide legal aid delivery system, known as Washington's Alliance for Equal Justice, which will be carried out under the auspices of the Supreme Court's Access to Justice Board. At the organizational level, the data generated will allow our legal aid providers to deepen their understandings of the nature of the substantive problems experienced, the degree to which many that appear to be interrelated are in fact related, assess the effectiveness of existing intake and outreach systems and develop intentional strategies to address the legal problems documented in the study. And, finally, the findings will help catalyze an intensive statewide effort to secure the funds necessary to reinvest in and revitalize our statewide legal aid system.

A. State Planning 2016–19

Washington completed its first state plan for the coordinated delivery of civil legal service for low-income people in 1995. Facing Legal Services Corporation (LSC) funding restrictions that limited the nature, substance, scope and beneficiaries of legal services, that plan called for a bold restructuring of Washington's legal aid delivery system to make the best use of

restricted and unrestricted funding in an effort to fully deliver on our collective commitment to provide a full range of legal services to the most vulnerable people in our communities. In that document and our *Hallmarks of an Effective Statewide Civil Legal Services Delivery System*, we articulated our vision of “equal justice that empowers low income individuals and groups to define, promote and defend their legitimate interests through the civil justice system.” We also articulated our mission to protect the individual rights of low-income clients; oppose laws, regulations, policies and practices that operate unfairly against low-income individuals and groups; develop and implement laws, regulations, policies and practices that directly affect the quality of life of low-income individuals and groups; employ a broad range of legal advocacy approaches to expand the legal rights of low-income individuals and groups; and assist low-income individuals and groups in understanding and effectively asserting their legal rights and interests within the civil justice system, with or without the assistance of legal counsel.

Twenty years later, our access to justice community has much to be proud of, but we are far from delivering on our vision of equal justice — that poverty not be an impediment to justice. Rather than being empowered to assert their legal rights in the civil justice system, the 2015 CLNS Update tells us that low-income Washingtonians do not understand that the challenges they face have legal remedies. It tells us that the nature of their legal problems are different from what we understood in 2003 and that they are intersecting, with one legal problem left unaddressed building into multiple legal problems. The 2015 CLNS Update tells us that our delivery system needs to evolve. It tells us we need a new plan.

Our next State Plan for the Delivery of Civil Legal Aid will be developed over the next year and will guide the collective efforts of the Alliance for Equal Justice for the next three years in order to expand access to the justice system and identify and eliminate barriers that perpetuate poverty and deny justice. The plan will identify our goals, written in terms of the needs of the client community we seek to serve, and strategies to bring us closer to our shared vision for how the Alliance might work together to achieve greater impact.

The CLNS tells us that low-income people regularly experience discrimination and unfair treatment on the basis of legally protected characteristics as well as on the basis of other characteristics including immigration status, prior juvenile or criminal system involvement and credit history. We intend for this plan to recognize the role of inequality, poverty, racial and other forms

of systemic inequity and its impact on the clients and client communities we strive to serve. The goal is to provide a roadmap with defined strategies that will help us, working with others, address these systemic barriers to increase the chance that low-income Washingtonians experience *both* enhanced access to the civil justice system and justice itself. And while the emphasis of the plan may be on the civil justice system and civil legal aid partners, our plan will take into account the interconnectedness of the civil, juvenile, child welfare and criminal justice systems, with a clear-eyed objective to break down the systemic silos that we have locked ourselves and our clients into.

The results of the 2015 CLNS Update confirm that the stakes for families are as high as ever. We must find ways to ensure meaningful equity and justice for the most vulnerable and marginalized people in our state — with or without new resources. That is the collective commitment that will guide the planning process.

B. Using the Study's Findings to Assess Existing Systems and Develop Strategic Responses at the Organizational Level

Washington's coordinated legal aid delivery system operates under the banner of the Alliance for Equal Justice, bringing together several staffed statewide and specialty legal aid programs¹⁷ and a network of county based volunteer lawyers programs. The largest of the staffed programs, the Northwest Justice Project (NJP), is the state and federally-funded legal services program. NJP operates as an integrated, seventeen-office statewide law-firm providing a comprehensive range of legal services to address basic human needs and promote the long-term well-being of low-income individuals, families, and communities. Ten specialized units also address specific legal problems or the needs of particular communities, such as foreclosure, re-entry, a Medical Legal Partnership, and a Veterans and a Native American unit. As noted above, NJP operates CLEAR, a statewide, toll-free, legal assistance hotline, including a video supported ASL line, providing centralized intake screening, legal advice, limited assistance, representation and referral. NJP also operates *WashingtonLawHelp.org*, an extensive legal self-help center containing hundreds of legal resources, forms and instructions (in multiple languages), including document assembly technology, and educational videos in NJP's own YouTube channel. In 2015 NJP advocates completed work on nearly 15,000 cases directly benefiting approximately 33,000 low-income individuals.

Immediately upon release of the 2015 CLNS

Update, NJP undertook an in-depth six month review and analysis of the study's findings with the goal of ascertaining possible implications of the data for service delivery. NJP empaneled a broad-based staff work-group, reflecting the full range of NJP advocacy perspectives, including CLEAR, basic field, Native American Unit, Farm Worker Unit, Foreclosure Prevention Unit, Medical Legal Partnership, CLEAR Sr., and NJP Administration. The work group consisted of both attorney and non-attorney staff, and included NJP participants in the Shriver Center's 2015 Racial Justice Training Institute cohort.

While the 2015 CLNS Update provides a comprehensive and rigorous assessment of the legal problems experienced by all significant segments of low-income, client eligible populations across Washington State, the data does not prioritize among the range of legal problems experienced by respondent households. Similarly, despite the breadth of the data additional questions arose as to correlations between problem types and respondent demographic characteristics.

NJP's work group generated twenty-two additional research questions (and sub-questions) that could be answered through cross-tabulation of the CLNS data set. These questions encompass an additional 860 cross tabulations and seek more specific breakdowns of the demographic data in relation to the legal problems experienced, as well as information about those populations who accessed the civil legal aid delivery system with a view to more deeply exploring community confidence in the justice system. Some queries focused on specific advocacy areas NJP staff are currently working on, and whose work would benefit from increased knowledge of the problem or legal need. The Access to Justice Board's Delivery System's Committee is soliciting input from Alliance for Equal Justice providers to prioritize areas of further inquiry.

In addition to providing critical data to aid Washington's legal aid providers in reviewing current services, capacities and gaps, the 2015 CLNS Update's comprehensive, rigorous appraisal of the legal problems experienced by all significant segments of low-income, client eligible populations across the state also provides an in-depth resource to support NJP's periodic priority setting process. The results of the additional tabulations and data generated by the queries will be further reviewed to help guide NJP's priority setting and Alliance state planning efforts.

In Washington State, pro bono services are primarily delivered through seventeen locally operated Volunteer Lawyer Programs (VLPs). Washington's VLPs look

to the local legal community to help provide free legal services to low-income residents facing legal problems that affect their individual and family health, housing, safety and economic security. Consistent with long-standing expectations set forth in the ATJ Board's State Plan, the VLPs receive direct electronic client referrals from NJP's CLEAR statewide legal aid call center and coordinate client service planning and priorities with the local legal aid offices in their community. Reflecting the findings of the 2015 CLNS with respect to the types of cases for which low-income residents seek help, the VLPs primarily receive requests for and provide services to low-income people on matters involving issues of domestic violence, child custody and support, housing, and consumer/finance (including debt collection and bankruptcy).

In 2014, the ATJ Board established a statewide Pro Bono Council (PBC) to serve as the unified voice of the pro bono community on matters relating to legal aid system policy and planning. The PBC is staffed by a Manager who provides technical support and assistance to programs, coordinates closely with statewide leadership at the ATJ Board, legal aid programs and the principal statewide legal aid funding organizations.

As with the rest of the delivery community, the release of the CLNS Update in July 2015 has catalyzed critical and strategic thinking within the PBC and the larger pro bono legal aid community. Throughout 2016, the PBC and the seventeen local VLPs will convene planning meetings to determine how their programs, individually and working in collaboration with other local and statewide legal aid providers, can provide services in ways that help low-income clients address many of the problems identified in the study. We are clear-eyed and understand that this effort may result in changes to program priorities; recruitment and training strategies; substantive areas of client service; intake and referral practices; and/or education of staff, boards, volunteers, and local communities about the crucial need for increased and innovative support for legal services. Additionally, through active participation in the 2016-2019 Washington State Plan for the Delivery of Civil Legal Aid, the seventeen state-funded VLPs will work with other Washington State civil legal aid providers to develop goals and strategies for organizational change, both as individual programs and as a network that will respond to the increased need for civil legal services for low-income Washingtonians.

C. Making the Case To Secure Funding Needed to Significantly Close the Justice Gap

In addition to providing substantive information to inform delivery system planning within programs and on a statewide basis, completion of the 2015 CLNS Update also offered a unique opportunity to tell the story of legal aid and make the case for increased public and private investment. To this end, the Supreme Court's CLNS Update Committee engaged a regional communications consulting firm to translate the technical reports produced by SESRC into a polished and accessible thirty page report detailing the findings and methodology of the study. Designed to be reader friendly and useful with multiple audiences, the Final Report incorporates graphics, pictures, and stories of low-income Washingtonians that have faced civil legal issues. Complementing this report, the firm produced a one-page document and PowerPoint presentation designed to serve as tools to help educate key stakeholders, elected officials and opinion leaders about the findings and implications of the survey.

With these products in hand, the next task was to build public awareness. This was accomplished by our Equal Justice Coalition (EJC) using traditional media, community presentations, and social media.

The EJC is a standing committee of the ATJ Board. Its principal role is to educate the public and elected officials about civil legal aid and to advocate for expanded public support. The EJC is housed at the Legal Foundation of Washington — Washington State's IOLTA funding agency. In anticipation of public release of the 2015 CLNS Update, the EJC engaged the same communications firm that produced the Final Report to run a ninety-day publicity and awareness building campaign. The campaign — dubbed *Justice For All* — was aimed at promoting the findings of the survey, emphasizing the vital importance of legal aid for low-income Washingtonians, and, ultimately, priming the EJC's advocacy efforts in the state legislature. Beginning with a statewide press release to over 150 media outlets on October 29, 2015, the official report of the 2015 Washington State Civil Legal Needs Study Update was released to the public.

During the next three months, articles, editorials, and op-eds were placed in statewide and local media outlets. This effort began by hosting five press events, each in different regions of the state, inviting members of the press to interview a legal aid attorney, a low-income person who received legal assistance, and a well-known community member who was an expert on the survey. All five events were successful and yielded

stories that highlighted the findings of the study while also including the voices of low-income people affected by civil legal issues. Continuing on the success of the initial media push, the Justice For All campaign sought the attention of editorial boards. Editorials highlighting the study and calling for substantial increases in state funding for civil legal aid were published in four major newspapers across the state. Articles were published in nearly every major media market. And op-eds were placed by a sitting Republican State Senator and a Democratic House member. Overall, the Justice For All campaign produced over twenty news stories in over fifteen Washington State media outlets, including one radio piece and two TV segments.

In addition to the media push, the Justice For All campaign educated the public by helping legal aid providers and EJC supporters achieve fluency in the study's findings, use the communications tools that had been developed and communicate effectively about the study and its implications. Using the Washington State Bar Association's video conference center, two statewide training workshops were held to teach people how to most effectively deliver the PowerPoint and how to talk about the survey. All messaging resources were posted to the EJC's website. ATJ community leaders were encouraged to present to their coworkers, boards, community partners, and other appropriate organizations. A continuing legal education (CLE) presentation was developed and certified for ethics credit and has been delivered several times since December 2015.

The third component of the Justice For All efforts involved social media. Through Facebook and Twitter, the EJC leveraged the success of the more traditional media efforts. Also, the EJC developed a social media toolkit for its partners to use to help spread the findings of the study. Social media efforts resulted in nearly a 10% increase in Facebook followers over the three month period, and the majority of EJC posts on Facebook reached over 1,500 viewers. This is the most social media success that the EJC has ever experienced.

Having completed the successful roll-out, attention has turned to keeping the story alive and translating it into new resources for civil legal aid. Because Washington State budgets on a biennial basis, little can be achieved to address the actual funding needs prior to the 2017 legislative session. Consequently, the EJC will spend 2016 ensuring that it is organizing its members to meet with or contact their state legislators to highlight the findings of the study and emphasize the need for additional funding. This work includes helping EJC members schedule constituent meetings, testify at

committee hearings, host educational visits for legislators to local legal aid offices and craft email messages to send to legislators. Building on lessons learned through the first phase of the Justice For All campaign, the EJC will help members identify important stories and client service successes that highlight the value of civil legal aid and promote these with local and statewide press outlets. And, finally, the EJC will coordinate with the Office of Civil Legal Aid as it develops and presents its civil legal aid reinvestment plan to the Washington State Legislature.

In the world of private resource development, it is already clear that the success of the public awareness campaign had an immediate and positive impact on Washington's annual fundraising drive, the Campaign for Equal Justice. The Campaign is our state's unified legal aid fundraising effort conducted around the state throughout the year. As some of our board members and grantee partners engaged locally with the media campaign, others used the CLNS Update in their public speaking, written solicitations and one-on-one meetings to help raise much needed funds for legal aid services. Essentially, all of the Campaign's fundraising letters included a one-page synopsis of the CLNS since it was the core message of our appeal. In addition, our Endowment for Equal Justice is launching an effort to raise an additional \$5 million (above the \$15 million current endowed) over three years. This effort will take full advantage of the CLNS Update and the data highlighting the growing unmet legal needs and corresponding justice gap as impetus to meet its ambitious fundraising goals.

Finally, we will continue to use the CLNS Update to maintain fundraising momentum and appeal to new constituencies and donors who may not be aware of the degree to which legal aid creates life altering improvements in people's lives. We also plan to raise awareness and funds around specific findings of the CLNS Update, such as the astounding number of legal issues faced by domestic violence survivors and the intersection of health and financial related issues. Many philanthropists who currently support organizations working on those issues do not know or understand how having a lawyer's help can change the outcome permanently and positively.

Overall the CLNS has provided the Campaign and the Endowment with an invaluable tool to tell the story of the growing unmet need for civil legal aid in Washington. And our plan is to use the data to tell the story in new and innovative ways to raise funds, provide services and ultimately work together to change the underlying structures that make this work necessary.

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- 1 Jim Bamberger is the Director of the Washington State Office of Civil Legal Aid, a judicial branch agency that secures and administers \$23 million in biennial state legislative appropriations for civil legal aid. A former "Reggie Fellow," Jim spent more than 25 years in the civil legal aid movement before being appointed by the Washington Supreme Court in 2005 to serve as the agency's first Director. Jim is active in the state and national equal justice communities and has written widely on issues relating to the delivery of civil legal aid. Jim served as principal staff to the Civil Legal Needs Study Update. Jim may be reached at jim.bamberger@ocla.wa.gov.
- 2 Washington State Supreme Court, Task Force on Civil Equal Justice Funding, *Civil Legal Needs Study* (September 2003), at <http://www.courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf>
- 3 American Bar Association Consortium on Legal Services and the Public, *Legal Needs and Civil Justice, Major Findings from the Comprehensive Civil Legal Needs Study* (1994), at <http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/sclaid/legal-needstudy.authcheckdam.pdf>
- 4 Oregon State Bar, et al., *The State of Access to Justice in Oregon* (2000), at <https://www.osbar.org/probono/Legal-NeedsStudy.html>
- 5 Final Report of the Civil Legal Needs Study CLNS Scoping Group (December 2012), at <http://ocla.wa.gov/wp-content/uploads/2015/03/ScopingGroupReport-Finalv4012-24-12-1.pdf>
- 6 Many of these ROI or economic impact studies can be found in the E-Library hosted by the National Legal Aid and Defender Association, at http://www.nlada.org/Civil/Civil_Library/document_search?batch_size%3Aint=20&nlada_weighted_searchable_text=economic+impact+analysisn
- 7 The bipartisan Civil Legal Aid Oversight Committee was established by the Washington State Legislature in 2005 to oversee the activities of the Office of Civil Legal Aid and make recommendations to the Legislature on the matters affecting the delivery of civil legal aid services. RCW 2.53.010.
- 8 See, US Census Bureau, 2013 ACS, Table 17001 at http://factfinder.census.gov/faces/tables/services/jsf/pages/production.view.xhtml?pid=ACS_13_1YR_S1701&prodType=table. Reference is to the data relied upon in designing the CLNS Update methodology.
- 9 OCLA has developed and maintains a GIS system that allows for mapping and conducting queries on a range of data sets, including poverty information generated through the ACS. Maps and a chart showing the target census tracts and participation rates are found at pp. 19–20 of the Final Report.
- 10 The survey instrument is found at <http://ocla.wa.gov/wp-content/uploads/2015/09/PS-Questionnaire-Final-20-payment-07-31-14-2.pdf>
- 11 A full description of the methodology employed is set forth in Appendix A at pages 24–25 of the Final Report.
- 12 The racial and ethnic composition of those responding to the survey and the relationship between census-based racial and ethnic breakdown of Washington State's low-income population is at p. 20 of the Final Report.
- 13 The cost of the survey effort, including participant incentives, exceeded \$300,000. OCLA is grateful for its funding partners, the Legal Foundation of Washington, the Supreme Court's Minority and Justice and Gender and Justice Commissions, the Washington State Bar Association, the King County Bar Association, the Office of the Attorney General, the King County Department of Public Defense, the Supreme Court's Access to Justice Board and the Washington State Association for Justice.
- 14 All technical papers and reports produced from the survey effort are found at: www.ocla.wa.gov/reports.
- 15 Of those who responded to the N-PS survey (36.7% of whom reported being a victims of domestic violence or sexual assault), the areas of greatest prevalence were health care, family relations and rental housing. See *N-PS Supplement to Statewide Civil Legal Needs Study Probability Survey Report* at 5-6.
- 16 These findings reflect the 71% of households who reported a problem other than discrimination or unfair treatment. Of those that experienced a problem involving discrimination or unfair treatment, 35% sought legal help, of whom 19% got some level of legal assistance.
- 17 Alliance-staffed legal aid programs include: Columbia Legal Services, Northwest Immigrant Rights Project, TeamChild, Unemployment Law Project, and Seattle Community Law Center.
- 18 Contributors to this article include: Jay Doran, Education Director, Equal Justice Coalition; Melissa Mann, Director, Campaign for Equal Justice; Terra Nevitt, ATJ Program Manager, Washington State Bar Association; Beth Leonard, Manager, Washington State Pro Bono Council; and César Torres, Executive Director, Northwest Justice Project, whom the author thanks.