

Northwest Justice Project

Promoting the long-term well-being of
low-income individuals, families and communities.



**Annual Report
2013**

“We hold GR 34...was adopted to ensure that indigent litigants have equal access to justice. Any fees required of indigent litigants are invalid and must be waived under the rule.”
Jafar v. Webb, 122 Wn.2d 520 (2013)



Dear Equal Justice Colleagues and Supporters –

It is my great pleasure to report to you on the remarkable work of the Northwest Justice Project in 2013. NJP's Annual Report illustrates the profound impact that legal aid has on the lives of low-income families and communities. Legal representation addresses basic human needs for health care, housing and family safety; protects working families, veterans, and our elderly from economic exploitation and insecurity; and helps overcome barriers to employment to avoid the brunt of severe poverty and make possible the pursuit of a better future.

One of the true highlights of 2013 for NJP and our Alliance for Equal Justice partners was the Supreme Court's unanimous decision in *Jafar v. Webb* enforcing the plain language of GR 34, Washington's uniform fee waiver rule. NJP's extensive work to promote the "long-term well-being" of our client communities in the *Jafar* case is echoed in the pages that follow, including the impressive results from the first year of NJP's strategic advocacy focus, *Attacking Barriers to Employment*, along with a sampling of the many individual cases that benefit the broader community. Of special note was the role of NJP's Native American Unit in securing issuance of HUD guidance protecting Native American communities here in Washington and across the country. We are also especially proud of the critical role NJP played in ensuring that our client communities, especially those with disabilities or language access needs, were fairly treated in the implementation of Washington's Health Benefit Exchange.

In 2013 NJP was able to stem the loss of attorney staff providing core state and federally funded services (reduced by 20 since 2009). Overall NJP completed legal work on cases directly benefitting more than 27,000 low-income persons across the state, provided additional eligibility screening and referrals to our legal aid partners, and sent legal information publications to thousands more low-income households. Using targeted grants, we expanded our ability to serve families confronting the effects of the ongoing foreclosure crisis, expanded our capacity to serve the needs of low-income veterans, expanded our Medical Legal Partnership, and were able to continue the RISE Project to provide vital legal services to help formerly incarcerated mothers reunite with their children.

Every day NJP's highly dedicated staff delivers high quality legal assistance and representation, working hand-in-hand with our Alliance for Equal Justice partners, to advance the goal of equal justice in Washington. We appreciate and thank you for your support and commitment to working with us to help make equal justice a reality.

César E. Torres, Executive Director



PROMOTING LONG-TERM WELL-BEING:



Jafar v. Webb – The Supreme Court’s unanimous decision enforcing the plain language of GR 34, Washington’s uniform fee waiver rule, is a landmark moment in Washington’s efforts to open the courthouse doors to all people regardless of income.

Immediately after adoption of GR 34 in 2011, NJP undertook a sustained multi-year effort involving every NJP office, and coordinated with many of our volunteer lawyer program partners, to comprehensively document the multitude of ways in which the courthouse doors in nearly every county in the state remained closed to low-income persons unable to pay court fees.

NJP’s *amicus* brief to the Court presented a compendium of the failure of courts to follow GR 34 and the resulting barriers fees continued to pose for low-income litigants. The Court’s decision in Ms. Jafar’s case, argued *pro bono* by Fenwick and West for Legal Voice, is the culmination of more than a decade of work by the Access to Justice Board and the Alliance for Equal Justice. Since the decision, NJP has continued its monitoring efforts to ensure the courthouse doors are in fact open to everyone in Washington, regardless of ability to pay.

... by Exposing Barriers to Justice

Modern-Day Debtors Prisons in Washington: Beth was facing jail time for failure to pay fines and court costs, even though her SSI disability benefits were not enough for her to meet her basic living expenses each month.

Disabled after years in the foster care system, Beth was referred to NJP by a local substance abuse treatment center because she had outstanding bench warrants in two District Court cases. NJP’s investigation made clear that the District Court failed to consider Beth’s lack of funds when imposing incarceration for failure to pay fines. In fact, the District Court practices reflected an extensive, state-wide collection system that forces low-income people to forego meeting basic human needs and use limited income, disability, or other assistance benefits to pay escalating fines and costs to avoid jail time. NJP sought a hearing at which Beth could challenge the court’s practice and demonstrate her inability to pay. But the District Court refused to provide Beth a hearing *unless she paid the “warrant fees” in cash, which she could not do, or turn herself into jail until the next scheduled docket date!* NJP filed suit in the Superior Court challenging the bench warrants on constitutional grounds. The Superior Court entered a restraining order against enforcement. Faced with the TRO, the District Court quashed the warrants and provided Beth a hearing at which Beth could demonstrate her inability to pay the outstanding fines.

The abusive and inhumane system NJP helped Beth challenge is carefully detailed in [“Modern-Day Debtor’s Prisons in Washington”](#), a recently issued report by the American Civil Liberties Union and Columbia Legal Services, which has led to a statewide review of these practices.

... by Attacking Barriers to Employment



First Year of Statewide Advocacy Focus a Resounding Success – During the first full year of NJP's *Attacking Barriers to Employment* advocacy focus, interdisciplinary teams of NJP advocates took on more than 30 cases on behalf of low-income clients unfairly disqualified or barred from employment.

Erroneous and unfounded agency determinations cause the loss or denial of jobs, threaten budding careers and educational aspirations, and greatly diminish the livelihoods of hardworking individuals. NJP provided representation in administrative hearings, petitions for judicial review, and multiple appeals to the Courts of Appeal, overturning bars to employment in more than a dozen cases with litigation ongoing in a dozen more cases at the end of 2013.

Our *Attacking Barriers to Employment* work also focused on Driver's License Suspensions. NJP is working with local courts to develop and implement procedures to enable low-income people unable to pay traffic fines maintain their ability to drive to work, schools, and medical and other appointments free of fear they will incur yet more fines. In addition, as a result of NJP's relicensing efforts many individuals are now able to drive lawfully. This important work continues to provide new hope and increased opportunity to low-income Washingtonians.

When Sara tried to renew her driver's license, her check bounced. She could not pay the money and the added fees so her license was suspended. A year later, the Department of Licensing denied Sara an Identicard because she could not pay the more than \$900 claimed by DOL due to the earlier bounced check. *Sara had been barred from all DOL services.*

Without an I.D. card, Sara could not get a job, rent an apartment, travel by train, or access any services that require official identification. As there was no legal basis for this policy, NJP sued DOL on Sara's behalf. DOL settled quickly, issued her an ID and rescinded its policy.



Laura, a disabled 53 year old, found herself homeless with her disabled son. She and her husband had lost their jobs, then their home, and the financial stress had caused their separation. To make matters worse, because she had been unable to pay outstanding traffic fines her license had been suspended. Without a license, Laura could not search for a job to get herself on her feet again.

NJP represented Laura to petition the court to get her ticket out of collections. The court agreed to substantially reduce the amount Laura owed. The court also put Laura on a \$20 per month payment plan, and immediately released the hold on her driver's license. Laura was relieved to be able to search for work without risk of being stopped and facing more fines or jail.

... by Protecting Basic Human Needs

For Family Safety: Elena found herself in a very violent marriage, with an intensely jealous husband who beat her in the presence of their young son and repeatedly threatened to kill her while pointing a gun at her head. Her husband bragged about being a friend of a man who had been charged with killing his girlfriend. He closely monitored her work schedule and timed her travel time getting home. The husband also used the child as a way to assert his control. Elena could not go anywhere unless the child went with her. He interrogated the child on everything she did. The client was deathly afraid to leave for fear of her life and the child's safety, but slowly and hesitantly sought out help. In a process that took two years, she developed a safety plan to be able to flee the relationship. NJP assisted her with a protection order and thereafter with filing a dissolution action and a protective parenting plan. The husband threatened to kill himself and their son, but Elena persevered. With NJP's help, Elena succeeded in protecting herself and secured a real home for her son's future.



For Health Care: Eric was 15 years old when his doctors prescribed a power wheelchair. He suffers from a degenerative neuromuscular disease that causes significant contraction of his joints and muscles, and severe fatigue. It was dangerous for him to use a manual walker on his own so Eric could not walk without the assistance of an adult.

Eric's family had private medical insurance, but the insurance company refused to cover the cost of a motorized wheelchair, making it impossible for Eric to take part in basic activities like going to school. NJP was forced to file a federal lawsuit against the insurance company - only then did the insurance company agree to cover the cost of a motorized wheelchair.

Eric can now attend school, navigate the hallways with his friends, and his quality of life and outlook for the future have greatly improved.

For Economic Security: Lora was desperately struggling to pay her debts when a "debt settlement" company offered to help. With the prospect of a manageable payment plan, Lora signed a contract and began making monthly payments. She made her regular payments, but after she finished paying what she thought was owed, the debt settlement company demanded more payments. When she got word the debt settlement company may not have made payments to her creditors, she called NJP for help. A CLEAR attorney verified that the debt settlement company had charged her more than was legally permitted by law and that the company was required to refund all of the payments she had made because it had failed to make payments on her behalf. CLEAR then sent a demand letter to the debt settlement company detailing the violations, canceling Lora's contract, and demanding a refund of all of her payments. Faced with the demand, the company quickly refunded most of the money Lora had paid them. Some months later, Lora received damages as part of a class action lawsuit brought by a private attorney against the debt settlement company.

... by Protecting Affordable Housing and Shelter

Connie, a severely disabled adult requiring in-home care under the COPES program, was facing a trustee foreclosure sale in two weeks when she first contacted NJP. Connie's mother, who had cared for and looked after her all her life, had died.



Connie had continued to make mortgage payments until she missed one payment because of medical bills. After that, the loan servicer refused to accept any of her payments because neither the home nor the loan was in her name. After her mother's death, Connie had never probated the estate. Armed with NJP's Supreme Court victory in *Quality v. Klem*, affirming the fiduciary duty of trustees to homeowners, NJP negotiated with the trustee to postpone the sale to allow Connie to initiate a probate action. The probate action eventually allowed Connie to exercise her rights under the Foreclosure Fairness Act and obtain a permanent loan modification that allowed her to comfortably remain in her home.

On the heels of successfully representing several Native clients to overturn improper subsidized rent increases, NJP's Native American Unit is credited as being the catalyst for the issuance of HUD Notice PIH 2013-30, protecting tribal members nationwide from unlawful rent increases based on improper treatment of tribal trust fund settlement distributions.



Very low-income, disabled residents of two large residential buildings sought NJP's help when the city told everyone they had 10 days to move because of substandard conditions. More than 60% of the 200 low-income tenants living at the property were disabled and their sole sources of income were fixed disability benefits. The two buildings provided some of the only affordable private housing in the mostly rural area. NJP represented numerous tenants and entered into negotiations with the city and the owner in an effort to prevent closure of the buildings. A number of community organizations, including the local homeless network also called for saving the buildings. After an intense week of negotiations and frantic efforts, the owner agreed to repair plans and the closure order was lifted. The buildings were made safer and a much needed affordable housing resource in the community was preserved.

With cold weather approaching, preparations for winter homeless shelters at local churches were halted when the City of Yakima imposed requirements that were practically impossible to meet. NJP agreed to represent the non-profit organizing the shelters and assembled a volunteer legal team of local land use attorneys and ACLU cooperating attorneys to present the City with a detailed analysis of why the City's requirements were improper. Faced with the arguments marshaled by NJP's team, the City changed its position and allowed the shelters to open on time.

... by Protecting Vulnerable Elderly and Veterans

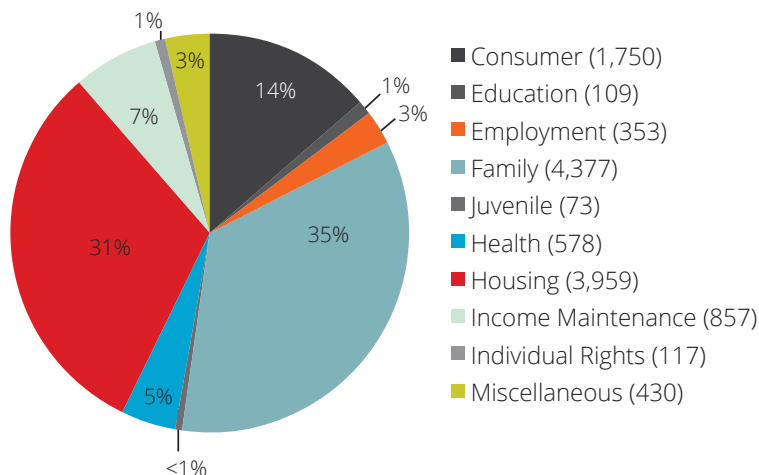
Roger, a 79 year old paraplegic tribal elder, was desperate. His once helpful grandson was stealing his disability income and causing so much trouble the landlord was evicting Roger from his subsidized apartment. Roger sought help and NJP quickly filed a Vulnerable Adult Protective Order to bar his grandson from the premises. Using the VAPO, NJP negotiated a settlement that allowed Roger to continue living in his affordable, accessible home.



NJP's work with Veteran Treatment Courts has led to a unique partnership with the Departments of Corrections and Veterans Affairs to provide legal services to incarcerated veterans in anticipation of their release and re-entry into the community. The Veterans Project makes monthly visits to Stafford Creek Corrections Center to meet with veterans and help coordinate services, providing assistance to help these veterans plan for their release, reduce their legal financial obligations, and address healthcare obstacles to facilitate a smooth future transition to society.

Paul, a 62 year old disabled Vietnam War veteran, his partner, and their daughter were living in a van when they were referred to NJP for help. The family had become homeless after Paul withheld his rent over the prior landlord's failure to make health and safety repairs. NJP assisted the client with an application for a HUD-Veterans Affairs Supportive Housing (VASH) rent voucher, but the application was rejected. NJP filed a grievance and represented Paul at the hearing to challenge as improper the housing authority's denial of assistance based on Paul's household composition. The housing authority relented and agreed that the family was eligible for a VASH voucher. Paul and his family moved into safe and decent housing in time for Christmas.

In 2013 NJP completed legal assistance in 12,606 cases, directly benefiting more than 27,000 low-income persons, nearly half of whom were children.



NJP's work is made possible by the State of Washington, through the **Office of Civil Legal Aid**, and Congress, through the federal **Legal Services Corporation**. Significant support is also provided by the **Office of the Attorney General** and the **Legal Foundation of Washington**. NJP is an integral member and supporter of the **Alliance for Equal Justice**, Washington's nationally recognized network of staffed legal aid, specialty and volunteer attorney programs, and dedicated supporters and volunteers.

Additional services provided by NJP in 2013:

- 7,223 Additional Households Screened for Eligibility
- 2,062 Income Eligible Households Referred to other Providers (Outside NJP Priorities)
- 3,062 Households Received Legal Publications & Forms
- 9,111 Legal Publications Sent
- 322 Types of Publications Sent

NORTHWEST JUSTICE PROJECT

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NJP OFFICES & SPECIALIZED UNITS

CLEAR Washington's statewide, toll-free, legal assistance hotline provides centralized client screening, including "online" intake, for Alliance-wide legal aid providers. CLEAR provides legal advice, limited assistance, representation and referral, and operates dedicated **Seniors, Domestic Violence**, and video supported **American Sign Language** hotlines.

Regional Offices NJP has 17 regional and satellite offices to provide extended local advocacy and representation in the most pressing and difficult cases facing low-income individuals and families across the state. NJP's regional offices support county-based volunteer lawyer programs that leverage thousands of hours of *pro bono* services, and provide important community legal education and support for social service providers and the courts.

Special Services Units NJP's specialized services units address particular legal problems or the needs of specific vulnerable communities. Specialized units often involve innovative collaborations or partnerships. NJP's specialized services units are: **Foreclosure Prevention Unit** · **Foreclosure Consequences Advocacy Team** · **Medical Legal Partnership** · **Veterans Project** · **Reentry Initiated through Services and Education (RISE) Project** · **Integrated Rural Legal Assistance Project** · **Farm Worker Unit** · **Native American Unit**.

WashingtonLawHelp.org NJP promotes the effective and efficient administration of justice through an extensive online legal self-help center containing hundreds of legal resources, forms and instructions (in multiple languages), including interactive forms (document assembly), and a growing library of educational videos available on NJP's own YouTube channel.

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