

WisTAF Report--APPENDIX T

REPORT OF THE RESOURCE DEVELOPMENT COMMITTEE

MAY 2004

Adopted by the Washington State Access to Justice Board, May 7, 2004.

Executive Summary

The Resource Development Committee has developed a series of recommendations to the Access to Justice Board. They are summarized below. Earlier, Initiatives 1 and 2 were adopted by the ATJ Board:

1. Endorse the creation of a Resource Development Coordinator to assist smaller volunteer attorney legal services efforts to raise money.
2. Sponsor a statewide Open House Day project in October to build goodwill and political support for providers in the Access to Justice Network.

The remaining recommendations require discussion and adoption by the ATJ Board:

- I. Endorse and support a joint effort between LAW Fund and the King County Bar Foundation that focuses on raising funds from King County law firms.
- II. Endorse and support a unified, statewide, private fundraising campaign in the other 38 counties, including a request for one-time seed money for underwriting staff for the statewide fundraising entity, LAW Fund.
- III. Disband the RDC and establish a Unified Statewide Campaign Committee to assist with the oversight of the recommendations as they are implemented.

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The ATJ Board established the Resource Development Committee (RDC) after the 2001 Access to Justice Conference. With the exception of a three-month hiatus in the Spring of 2003, the committee has been meeting regularly since its inception. Meetings have been well attended and participatory. (Attachment 1 is a list of those who have participated in the committee's deliberations.) The early meetings of the group focused on the history of development and allocation of resources for civil legal services in our state. During most of 2002, the committee sought to identify and discuss issues that serve to enhance funding for legal services. As part of the process, the committee was forced to confront the obstacles that stand in the way of attaining those objectives. In addition to regular monthly meetings, in November 2002, some members of the committee traveled to Portland, Oregon to meet with bar leaders and representatives of the Campaign for Equal Justice, an organization involved in statewide fundraising in that state.

Early on, a consensus developed that efforts should be made to fund a resource development coordinator who would work primarily with the smaller, more rural providers that have no or little fundraising expertise. As defined in a job description adopted by the RDC, the coordinator would have the responsibility to assist the small

local programs raise private funds through a concerted campaign and also assist them to write grant proposals.

An additional aspect of this first initiative was to develop a budget and seek funding for the position. While there was positive feedback from the provider community on the need for and usefulness of this position, the prospect of reduced monies for civil legal services and low IOLTA interest rates precluded funding for it.

A second initiative undertaken by the committee is modeled on a successful program in Oregon. On Wednesday, October 27, 2004 eighteen "open houses" are scheduled to take place throughout the state. The purpose of this effort is twofold: first, to foster increased statewide cooperation among participants and providers in the Access to Justice Network; and, second, to build political capital by educating our elected officials, the media, judges, private attorneys, current and potential donors and the general public about access to justice issues. The theme for this first statewide event is *pro bono*. Sara Zier, EJC Coordinator, is working with the regional planning and coordination groups around the state. Additionally, a set of uniform materials is being developed for local use; potential speakers are being identified and asked to reserve the date; and, a two hour workshop at the June ATJ Conference is scheduled for those persons who are responsible for organizing each of the eighteen local efforts.

As indicated earlier, the two initiatives spelled out above have been adopted by the ATJ Board. The recommendations envision a statewide fundraising campaign that will take a two-tiered approach: the first being a joint effort by LAW Fund and the King County Bar Foundation (KCBF) directed at King County law firms; the second applying to all counties outside King County, where LAW Fund will be responsible for conducting a single statewide campaign. In addition, the RDC calls for termination of the RDC and the creation, in its stead, of a Unified Statewide Campaign Committee to coordinate and support the development of the statewide Campaign for Equal Justice and to oversee the statewide Open House Project which was previously approved by the ATJ Board. The goals, objectives and strategies of the Campaign for Equal Justice are outlined below. Following that are specific recommendations for the ATJ Board's consideration and approval.

1. Governing Goals and Objectives

The design, structure, implementation and allocation protocol of the Campaign for Equal Justice should:

- Create an atmosphere of trust and collaboration conducive to successful fundraising in all parts of the state.
- Create incentives for expanded collaborative efforts that will bring substantial new private resources into the statewide civil equal justice system.
- Serve the overall values, goals and objectives of the ATJ Board's recently revised Hallmarks and the expectations of the State Plan (and future revisions to the State Plan).

- Provide an incentive to participate for those organizations that have developed mature or maturing resource development efforts.
- Promote consistency of message and simplicity of donor response.
- Promote resource equity throughout the statewide civil equal justice system.
- Provide some return on reasonable local expectations for growth in privately developed resources while preserving the capacity to commit new resources in accordance with considerations of geographic equity and statewide client needs.
- Provide increased non-restricted funding to underwrite full-range, full service client representation by members of the statewide equal justice network.
- Create some certainty of expectation for programs participating in the system and, at the same time, provide a means of ensuring that all members of the unified system live up to expectations for active, open and inclusive participation in the effort to expand private resources for civil equal justice services.
- Provide for increased visibility and ever expanding support for the efforts of the civil equal justice network and the organizations that participate.
- Allow programs that have public service components in addition to the provision of legal services to the poor to participate in the collaborative legal aid fundraising efforts in ways that respect their ability to continue to pursue needed funding for their other public service activities.

2. Strategic Approach

- Consistent with the goals outlined above, the RDC envisions a two-tiered approach, specifically, a LAW Fund directed statewide campaign for all counties outside of King County and a joint campaign by LAW Fund and the KCBF in King County focused exclusively on law firms. Both of these efforts will be conducted under the banner of the “Campaign for Equal Justice”. (Use of this campaign brand will dovetail nicely with the RDC’s Statewide Open House Project and the core themes associated with the ATJ Communications Committee’s Alliance for Equal Justice.)
- Until otherwise agreed, LAW Fund and the KCBF will continue to pursue requests to individuals in King County for support through mailings, telephone solicitations, etc., but will not separately solicit King County law firms for firm contributions except as sponsors of special events (e.g. Goldmark Luncheon, Breakfast with Champions). Those special events will continue as they have in the past. Issues relating to whether and, if so, how individual solicitations might be coordinated or consolidated will be left to further discussion between LAW Fund and the KCBF.

3. Building Confidence/Testing Assumptions: A King County Joint Firm Campaign (Recommendation I)

- The RDC recommends that a unified King County “Campaign for Equal Justice” be initiated in the fall of 2004. The partners to the campaign will be the KCBF and LAW Fund. The geographic target area will be King County. Targets of the unified campaign will be King County-based law firms. Both the KCBF and

LAW Fund Boards have enthusiastically agreed to participate in this effort. To carry out this recommendation, the two organizations will essentially merge their King County firm campaigns. LAW Fund and KCBF board and staff teams will work under guidelines to be defined in a Memorandum of Agreement (“MOA”) between the two organizations. The goal will be to increase financial support from firms that have supported one or both of the organizations’ annual fundraising efforts and to cultivate involvement from firms that have not yet participated in annual civil equal justice fundraising efforts.

- The MOA between KCBF and LAW Fund will define expectations of the parties (i.e., rules of collaboration) for carrying out the campaign itself and allocating revenues generated from that campaign. The general allocation rules will be as follows:
 - For firms that currently give to both LAW Fund and the KCBF, revenues will be split on the basis of the pre-existing relationship between the firms’ average level of giving to the respective organizations during a pre-defined baseline period (we propose the average of the prior two years) up to the amount of the total average for the baseline period. Revenues in excess of the baseline average will be split 50%/50%. For example, assume Firm A’s baseline gift was \$15,000 to LAW Fund and \$10,000 to KCBF (\$25k total to both; 60% LAW Fund, 40% KCBF). Assume that we are successful in securing a unified gift of \$30,000 to the Campaign for Equal Justice. The first \$25,000 will be split 60%-40%. The new \$5,000 will be split 50%-50%. LAW Fund will receive \$17,000; the KCBF will receive \$12,500. In the event the gift is less than the baseline average of \$25,000, whatever is raised will be split 60%-40%.
 - For firms that have given only to one of the programs, the baseline (two year average) level will go to the organization that had received the gift in prior years, and the new revenues will be split 50%-50%. For example, if Firm B gave \$5,000 to KCBF and then gave \$10,000 to the joint campaign; KCBF would get \$7,500 (\$5,000 plus one half of increase (\$2,500)) and LAW Fund would get \$2,500.)
 - Funds raised from firms that have not previously given to either (within the past two years) will be split 50%-50%.
- The KCBF will use the proceeds of this joint campaign to support its diversity and legal services programs.
- Similarly, joint campaign funds going to LAW Fund will be included in the statewide campaign proceeds that are distributed by the Legal Foundation of Washington (LFW) in accordance with the values and expectations outlined in the State Plan (and soon-to-be Revised State Plan) and the terms of the September 18, 2003 Memorandum of Agreement between LAW Fund and the LFW. The new Unified Statewide Campaign Committee (see Section 5) may also be offering relevant allocation considerations to the LFW.
- KCBF and LAW Fund will work with representatives of the Eastside Legal Assistance Program (ELAP) to develop an agreement and protocol for seeking contributions from King County-based firms that have a demonstrated history of

contributing to ELAP's annual firm campaign. (This is already underway in ELAP's early May approach to Eastside law firms).

- Prospects in the joint King County law firm campaign will be asked to make their gifts in an unrestricted manner. Designated gifts will be discouraged. Requests for gift designation should be used as opportunities to educate prospects on the underlying principles of the collaborative campaign. Firms that still request to designate all or a portion of their contribution will be accommodated, but will be encouraged to increase the unrestricted portion of their gift.

4. Building the Foundation for a Unified Statewide Campaign (Recommendation II)

- Another recommendation of the RDC concerns a unified, statewide private resource development campaign for the other 38 counties in the state. Over the next 12-18 months LAW Fund, in conjunction with a new Unified Statewide Campaign Committee (see below), will continue its effort to develop and enhance a unified statewide private resource development campaign. LAW Fund staff will work with regional representatives of the Leadership Conference Group, the private bar, legal aid programs and other equal justice leaders to develop and support regional campaign teams in the 38 counties other than King County. LAW Fund will negotiate separate Memoranda of Agreement with regional campaign partners to define respective roles, responsibilities and expectations.
- Funds raised by LAW Fund will be administered and distributed by the LFW in accordance with the values and expectations outlined in the State Plan (and soon-to-be Revised State Plan) and the terms of their September 18, 2003 Memorandum of Agreement. The LFW will commit a reasonable percentage of the proceeds (after costs of operation) to support the operations and infrastructure of volunteer attorney services programs other than those funded by the KCBA.¹ The percentage of annual campaign funds committed to pro bono support will be determined by the LFW through its annual grant making process. In addition, the LFW and the Unified Statewide Campaign Committee will develop a system to ensure that those volunteer and specialty legal services programs that have previously established effective annual organized fund raising campaigns and that agree to join, actively participate in and promote the unified statewide campaign realize the benefits of their past donor cultivation efforts as well as benefit from the expanded resources generated through the unified statewide campaign.
- LAW Fund will be given access to the Washington State Bar Association mailing list to use for building a donor contact data base.
- To support the expansion of LAW Fund's statewide fundraising efforts, a request will be made for the WSBA to provide *one-time* seed money to underwrite staffing necessary to enable LAW Fund to effectively support the demands of building regional campaign teams throughout the state. Future staffing costs will come from annual revenues or grants.

¹ The LFW's allocation of dollars raised through the statewide campaign to pro bono programs outside of King County in accordance with this protocol will not limit the eligibility of the KCBA to seek IOLTA funding from and be treated by the LFW on an equal footing with other potential grant recipients.

5. RDC Sunset / USCC Sunrise (Recommendation III)

- The RDC further recommends that the committee be disbanded. It is also recommended that the ATJ Board form and appoint members to a new “Unified Statewide Campaign Committee” (USCC). Membership on this committee should include representatives of the key stakeholder groups and organizations, including but not limited to, the ATJ Board, WSBA, LFW, EJC, LAW Fund, KCBA/F, CLS, NJP, VLS providers outside King County, and specialty programs that are current recipients of LFW funding (e.g., ULP, NWIRP).
- The USCC’s purpose will be to help guide and support efforts to expand the Campaign for Equal Justice; to provide guidance, as appropriate, to the LFW on considerations that might be used to inform the LFW’s allocation of funds generated from the campaign consistent with the overall goals and objectives outlined in this memo; and, to oversee the Statewide Open House initiative previously approved by the ATJ Board and currently being staffed by the Equal Justice Coalition. (Documents and materials generated through the RDC’s campaign and allocation sub-committees will be made available to this new entity.)

Assuming that the ATJ Board adopts the recommendations set forth above, the RDC will automatically disband. Thus, it is incumbent upon the ATJ Board that timely appointments are made to the USCC as much future work is defined in this report. To ensure continuity of history and perspective, the RDC has identified four of its members to serve as transitional members of the USCC. These include Jim Bamberger (CLS), Karen Falkingham (LAW Fund), Lynn Greiner (Unemployment Law Project), Glenn Kadish (Snohomish County Legal Services) and Geoff Revelle (KCBA/F). The ATJ Board is further encouraged to solicit input from the Leadership Conference Group before making the balance of the appointments to this committee.

Respectfully submitted,

Gregory R. Dallaire, Chair
ATJ Resource Development Committee

ATJ Resource Development Committee Members, 2000–2004

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