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Civil Legal Aid Reinvestment Plan & Legal Services Sales Tax

WHEREAS, it is the mission of the King County Bar Association (KCBA) to offer input on matters of public policy; and

WHEREAS, the 2015 Civil Legal Needs Study (the Study) published in October 2015 identifies a significant decrease in the ratio of field legal aid attorney to Washington residents living at or below 125% of the poverty level, since 2009, when the ratio was 1:9,000, compared with 1:11,500 in 2015, which still would not meet the federal “minimum access” level for low income households in need of legal service of 1:5,000; and

WHEREAS, in response to the Study, the Washington Office of Civil Legal Aid (OCLA) and the Washington Alliance for Equal Justice, of which KCBA is a member, developed a Civil Justice Reinvestment Plan (the Reinvestment Plan) to provide minimum staffing and support for civil legal aid and pro bono services, which would require an appropriation for the 2017-2018 state budget biennium of \$24,000,000; and

WHEREAS, the Washington State Civil Legal Aid Oversight Committee (the Oversight Committee), formulated a proposal to fund this expense that relies solely on taxation of certain consumers of legal services; and

WHEREAS, the King County Bar Association has considered impact that the taxation proposal would have on consumers, including small businesses, the working poor, and individuals in the lower middle class, as well as members of the legal profession in Washington; and

WHEREAS; the King County Bar Association recognizes that funding of pro bono services in our community promotes basic civil rights within our state, is a fundamental feature of a just and fair justice system, and is a general benefit to society as a whole;

NOW, THEREFORE, BE IT RESOLVED that the King County Bar Association accepts the findings of the 2015 Civil Legal Needs Study and recognizes the urgent need to improve access to legal services through increased state civil legal aid appropriations in Washington for residents at or below 125% of the poverty level;

RESOLVED FURTHER that the King County Bar Association believes a sales tax on legal services fails to allocate the responsibility for funding civil legal aid in a fair manner as a general obligation of our entire society, not paid for solely by purchasers of legal services, and that ultimately a sales tax would further add to the regressive tax structure of the state of Washington by burdening the working poor and individuals in the lower middle class unfairly. KCBA opposes a sales tax or surcharge on legal services.

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RESOLVED FURTHER, the King County Bar Association instead proposes that, in the event the Washington State Legislature finds that it is unable to fund the Reinvestment Plan with General Fund revenue sources, the State should consider adopting a modest increase in the Business and Occupation Tax for all businesses so that sufficient revenue is available in the state's General Fund to implement the Reinvestment Plan.

*Approved by the Board of Trustees
December 21, 2016*