

DICTUM.LIVE
ELAP Podcast
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Chris Fox

Welcome to [Dictum.Live](#). I am your host, Chris Fox, attorney, and founder of [Dictum.Live](#) and the [Washington Family Law Reporter](#), divisions of [Catalyst Publications](#).

Today we're going to discuss the [Eastside Legal Assistance Program](#) with the acronym ELAP. Joining me as co-host is **Jacqueline Jeske**. Jacqueline is an attorney providing [family law mediation and arbitration services](#). Her extensive legal experience includes service as a public defender for the city of Bellevue as a Deputy prosecutor attorney, as a commissioner for the King County Superior Court and as past president of ELAP Board of Directors. Jackie is currently a member of the Washington State Bar Association's Family Law Executive Committee.

Our guests today are **Danielle Caldwell**, ELAP's Program Director. Danielle previously served and worked at Solid Ground as a social worker. She graduated c laude from Washington State University. And **Kristen Schmidt**, ELAP's Domestic Violence Senior Staff Attorney. Kristen was most recently a judicial law clerk in the Snohomish County Superior Court and previously was an associate attorney with Seacoma Law in Tacoma. Kristen earned a law degree from Seattle University.

Welcome Jackie, Danielle and Kristen, and thank you for participating in this podcast.

Jacqueline Jeske

It's good to be here Chris. I appreciate the invitation.

Chris Fox

Reading from ELAP's website, ELAP is a 501c3 nonprofit organization with a mission to empower people in King County to achieve fair and equal justice through free legal aid and community education. It's dedicated to working with people facing crises that need legal solutions. It educates communities about their legal rights and works for free to solve legal issues and provide resources for community members.

I'd like to begin the conversation by asking Danielle and/or Kristen to provide a background and a history of ELAP.

Danielle Caldwell

Thank you so much Chris for inviting us to talk about ELAP and highlight the work that we've been doing for so many years in the community. ELAP is celebrating its 35th anniversary this year, which is quite a milestone. When we look back to about thirty years ago there really were no legal resources that existed for. People who were experiencing domestic violence on the East Side were the catalyst for the creation of ELAP. Since then, ELAP has expanded its scope of legal aid and effort to meet the growing legal needs of the community. The organization's priority has always been to address domestic violence and family law issues. That is the foundation of the work we do.

Jacqueline Jeske

It's really gratifying Kristen to see the growth of the organization over these many years. In 1998, as the President of the Board, I worked with other attorneys, including Barry Hassen, Linda Jackman, who some may remember as a prior domestic violence advocate, Pam Feinstein, who was then the Executive Director, Ken Davidson, and Mary Jean Moschetto, to create the Domestic Violence Legal Aid Fund to serve victims of violence. I remember we had to prioritize parents with children, particularly young children, because we didn't have the resources and the organization couldn't serve all the needs in the community. So, it's been wonderful to watch the organization grow and be able to serve so many more folks, and to watch the fundraising breakfast in response to the need in the community. I'm wondering when I listen to you folks and think about that, what the greatest need is that you see today for ELAP and where the community could respond to that need?

Kristen Schmit

I think a great need that we continue to see is for assistance in family law trials. A lot of survivors, unfortunately, have to proceed unrepresented in their cases. I think Danielle can speak more about our current programs. There is the outstanding need that presently exists.

Ms. Jeske, it was really interesting to hear you talk about how things were in the past and how much you know the organization has grown, but a lot of those issues still exist today as well not having enough resources at this time to currently address the need. I think even with the expansion there still does need to be certain prioritization of individuals that are seeking assistance because, unfortunately, we can't serve every person that comes through.

Jacqueline Jeske

Can you tell our audience me a little bit about what used to be called the direct representation program that tried to provide a bridge between the assistance that ELAP gave to victims of domestic violence at a temporary hearing or protection order process and then would try to patch in an attorney for them to assist them in a family law trial?

Barry Hassen was the first person I remember who really tried to craft that pathway on the Board, but it was very haphazard at the time we were just starting out. I don't know what it looks like today or how many folks you serve but the community has certainly grown so I would imagine that has really increased the need.

Kristen Schmit

Yes, thank you Ms. Jeske. I could speak to the Domestic Violence Legal Program we still operate in a similar way. We are only able to offer limited assistance to domestic violence survivors. The way that this program functions currently is that we receive referrals directly from DV advocates from the domestic violence agencies. My position specifically is partnered directly with the domestic abuse women's network. I prioritize cases while also being able to take cases throughout King County. Typically, what our services look like is representing survivors in civil protection, order matters and offering limited assistance in their subsequent family law cases or parallel family law cases. Unfortunately, with our remaining scope in the program we aren't able to offer full representation through family law trials. We are not staffed for that. We don't have the resources to take every single person that comes through for full representation through their family law case. But we do offer them a limited representation just to get the case started as well as possibly getting them through temporary orders depending on the client.

I'm just serving survivors in general. It is very much survivor centered. We don't tell survivors what to do next in their case or anything like that. We serve depending on the survivors' needs, currently where they're at. Potentially mentally and health-wise they can sometimes do more in their case than other survivors that come through, so we do still prioritize based on different risk assessments and factors when determining the level of service that we're able to get as each survivor comes through our program. And then once we get them through either temporary orders or another miscellaneous motion in their case, we explain to them the next steps. That's where they can potentially continue to have clinic appointments. I do think that the Informal Family Law Trial has been an improvement for individuals who are unrepresented. I think just from speaking directly with clients I know that they do at least feel some sense of ease knowing that that's an option. I think that has been an improvement for individuals.

Chris Fox

How important is community education and the legal advice clinics that ELAP presents and provides?

Kristen Schmit

I could start and then pass it over to Danielle to talk more about the clinics. I think they're still extremely important. Depending again on the survivor's needs, a clinic appointment may be extremely beneficial, especially with just being explained what's going on in their family law case.

I think everyone on this platform knows family law cases can get very complicated and can last for a very long time. Just having that type of clinic appointment can be very beneficial to potentially steer a survivor in the next best direction and provide additional resources moving forward. We've also had success for survivors that may have multiple barriers that they're facing when accessing legal needs such physical or mental health conditions that make it impossible for them to complete their own paperwork. Having that volunteer pro bono network be able to step in after a clinical appointment to help has really worked out for some survivors. We really need volunteer attorneys who are willing to potentially take on a pro bono family law trial. That has worked out for some survivors, but it still is something that can't consistently happen at this time without more volunteers.

Danielle Caldwell

ELAP offers 15-20 monthly legal clinics that cover various issues. Domestic family law being the most sought-after legal clinics, but we also cover immigration, adult guardianship, and elder law. These clinics are very important for clients who are pro se and would otherwise have no other legal resource or education to refer to resolve their legal matter. Recognizing that ELAP can't provide representation and has a very limited scope for all of these legal issues, this is where our legal advice clinics come in. Clients are welcome to schedule multiple appointments as they're working through their legal issue and oftentimes, as Kristen mentioned, pro bono attorneys will take on their case for more extensive service and that's been extremely valuable for our community members.

Chris Fox

What is the process for an individual who may want to access ELAP's services? How do they go through the steps to have that consultation?

Danielle Caldwell

This is a good opportunity to announce that ELAP has implemented a new online intake form so prospective clients can now visit our website to apply for legal help. We've seen a significant improvement in our ability to triage and intake cases more efficiently because all the information is already there on the form whereas traditionally what we've asked clients to do is contact our intake line. Over the years we've seen a high volume of calls come through that intake line. Often there can be a lot of phone tag going on or clients calling multiple times throughout the day trying to reach our intake staff, which really is just one or two 2 people at this moment. The new online intake form on our website helps, but we continue to have our intake line for folks to call in. They can leave a message if they're not able to speak personally with someone. The intake process takes about 15 to 20 minutes as we screen them for eligibility, talk briefly with them, and get a summary of their legal issues. Based on that, we either schedule them into a legal clinic or refer them to the appropriate ELAP program.

We also have a designated phone line for clients with limited English proficiency and may need an interpreter. We have two staff members who are bilingual and able to provide a bit more culturally competent services to our Spanish speaking community members.

Returning to our eligibility criteria, we serve at this point most of King County so despite our name we have a large presence throughout King County. Thanks to expanded funding and the general support of ELAP and the services that we offer we're able to expand our services beyond just the East Side. However, when it comes to the Seattle area, we are limited in the scope of services we can provide unless that person is identified as a survivor of domestic violence. Lacking in resources, we do try to focus on rural areas of Southeast King County and the East Side where we were founded and established in.

Regarding our income limits, unlike other providers in our area, we decided to raise our income limit from 200% to 400% of the federal poverty level guidelines. Considering the high cost of living in our region we were noticing that folks who fell outside of 200% of the federal poverty level weren't getting the services that they needed so we did raise it up to 400%. This expands our services for those people that were falling through the gap.

Chris Fox

Danielle, can you speak to the interpreter translator option that is available for the clients and also the volunteer attorneys at the legal clinics?

Danielle Caldwell

Thanks to the [Legal Foundation of Washington](#), they pay for our interpreter services which is called [Cyracom](#), formerly known as Voyance. It offers language interpretation in dozens of different languages, and this is accessible to both ELAP staff and our pro bono attorneys so when we call clients we can connect to an interpreter in whatever language that we need and that interpreter will place the call for us and subsequently provide interpretation throughout the entire discussion whether it's through the legal clinic consultation or through the intake process.

Chris Fox

I have been a volunteer attorney for ELAP for numerous years and I'd like to use this opportunity to encourage other attorneys to volunteer their services. Danielle or Kristen. Can you speak to that need and the benefits that come to individual attorneys?

Danielle Caldwell

We currently have about 15 to 20 monthly legal clinics that occur and a little over a hundred pro bono volunteers. In those clinics, however, we're seeing a growing need for more attorneys to staff those clinics because they're just we're only able to serve about 2 to 3 clients per clinic. And we're scheduling clients further and further out as we get a high volume of calls coming in. So, we can always use more attorneys, especially in our family law clinics which as I mentioned is the highest need that we have. And we don't anticipate that that's ever going to change.

Our pro bono volunteers don't always get to hear the outcome of a client's case. But sometimes we do, and clients will provide that feedback to us they're ever so grateful that they were able to meet with an attorney and at the very least get some advice and some guidance on where they need to go with their case. They are so happy that someone was able to take the time and sit with them whether it's over the phone, in person, or via Zoom and just walk them through their case. We often hear feedback that they otherwise wouldn't be able to resolve their issue if it hadn't been for our legal clinics and our volunteers staffing those clinics. The services we provide are very critical and we need to be able to continue providing them.

Chris Fox

My experience was that prior to Covid, the clinics would be held at various locations but during Covid and then continuing afterwards, the clinics are done virtually. And the consultations are preceded by an organized format where you, Danielle, and other staff members will receive intake information and provide that in advance to the consulting attorney. The actual conference or consultation is approximately one hour. It's quite efficient and I think it serves the attorney's time well and, in my experience, has benefited the clients.

Danielle Caldwell

Yes Chris, you are correct that since the pandemic we have shifted towards more of a telephonic and virtual model. That has served our attorneys very well. It's more efficient for them. They don't have to travel to a clinic to meet with a client only to possibly find out that the client is not available. Another benefit to the telephonic model is that, from the client's perspective, transportation issues may be avoided. These are some benefits to shifting

toward a virtual model, but for obvious reasons, there are benefits to having some in-person clinics available as well. Especially when it comes to those more complicated cases that might involve a lot of paperwork. Sometimes it's just easier to sit down in person and go over that with the client in person.

Chris Fox

What are the principal sources for ELAP's funds.

Danielle Caldwell

We get funding from various sources, including the Legal Foundation of Washington. It is a great supporter of our work. We also on the local level get funding from what is known as pooled cities, a group of cities that pull together their funding to support ELAP's work. The major supporters of that funding are Kirkland, Redmond, Bellevue, and Renton, among others. The pooled cities are major funders of our legal clinics as well as our housing stability program. The [Veterans, Seniors & Human Services Levy](#) also provides funding for a lot of the programming within ELAP and we also get funding from the city of Seattle including [our gender base violence grant](#).

Kristen Schmit

The Seattle grant provides funding for our domestic violence legal program. This is the program that I am in, and it's staffed currently right now with me and two other attorneys that were recently brought on within the last year because of this new funding from the city of Seattle, which allows us to expand our services and provide more services directly in Seattle which historically wasn't necessarily ELAP's area. So, with the City of Seattle funding it is very broad how survivors can qualify and for the most part any survivor that comes from a Seattle DV agency can potentially qualify through that source of funding.

Chris Fox

What future innovations or avenues is ELAP considering, including mediation between parties to resolve some of the family issues?

Danielle Caldwell

I can speak to the landlord/ tenant side of things because we did partner with our local

mediation organizations to offer that service during the pandemic when there was a lot of tenant protections in place and requirements for landlords to mediate with tenants before initiating the eviction process. I do think it's worth continuing to explore in family law cases. I think it was successful when we partnered with King County Dispute Resolution Center and Bellevue Conflict Resolution Center to try to initiate mediation.

Chris Fox

Do you think that success could carry over into the family law area?

Danielle Caldwell

I do. I would like to know Kristen's thoughts on this.

Kristen Schmit

I know Mr Fox and Miss Jeske are both aware of this mediation can be waived in a case in King County if there are allegations of domestic violence. So again, our services with survivors are very much survivor centered and survivor led so ultimately, it's their choice if they want to, pursue waiving that requirement in their case. For the most part with my clients they do not believe that a mediation attempt would be beneficial. Just knowing their abuser best, they just know that that would not end up likely in a result that would be safe and fair to either the survivor or the children if there are children in the case. But again, there are I think rare instances where a survivor wants to try to at least mediate it in their case to see if they can reach a resolution that way.

Jacqueline Jeske

I suppose my perspective has shifted a bit as is natural when you have a broader scope of experience. And when I was on the bench I could not see as easily how mediation could be a comfortable or even appropriate setting for victims of violence and trauma, but what I would observe is that over time I began to see that, while many cases have to go to court to be resolved, it's just simply the only option. I don't disagree with Kristen or Danielle there. But court can be a hostile and harsh environment for victims of trauma, and it is a one size fits all setting that because of the rules has to be completely transparent, and that can leave additional trauma on the other side of a trial on the other side of a motion. I know I observed many victims re-traumatized by just the simple process of having to go through a court hearing and face someone who had harmed them in the past and go

through that very kind of rule and regimented one-size-fits all system.

When I left the bench and began my mediation practice, I was very focused on wanting to find a more humane way to help individuals resolve conflict. Because I had done so much domestic violence work in the past, I could see that there are some benefits to that mediated process now that it's virtual. I think that the same power imbalance exists in every setting. How it gets worked with and how it can be handled is really the key question and many times I find that individuals in situations that involve family interpersonal violence the only voice they have perhaps heard, particularly if they're resourced; the only voice they've heard telling them what will play out in a trial courtroom is their attorney and so sometimes the mediator operates as the first voice to explain to them what that could look like and that it may not be necessarily exactly what they thinking. That can often shift the negotiation and that imbalance. So, I do think that victims feel more comfortable virtually and are able in some ways to be safer virtually than when they had to physically appear at a physical location. And of course, they have to do that in some instances in court too. So, my perspective has shifted a bit. But I recognize that there are some cases that have to go to court, that have to go to trial and that may be the only appropriate route. But I also think that many victims of violence don't have a very innate understanding of what mediation is like and so it's hard for them to see how it could be helpful to them to resolve a family law case where there is a power imbalance.

Chris Fox

Danielle or Kristen, do you want to provide a follow up before we move to the event coming up in May?

Kristen Schmit

Ms. Jeske, thank you so much for sharing your perspective, especially with all your different experiences that you have, and I think that's you know when it ultimately comes down to it with our services, they're very much survivor-led. Some of them are very open to mediation and others I think just know that it's not going to be beneficial and it's just going to create further harm going to mediation and facing their abuser in that capacity. But it is very much a choice that they make and that we potentially support them in making but also for the most part at least with our scope of services that could be potentially advice that they can get from a clinic appointment because for the most part once I assist a survivor

with getting through temporary orders. We'll just try to set them up with additional resources as they continue to move through their case, but we definitely would suggest meeting with even a volunteer attorney to discuss their options for that and having no one put pressure on them of what decision is ultimately going to be best for them, but I completely hear what you're saying.

Chris Fox

Thank you, Kristen, and thank you Jackie, for that very good input. Let's transition to the upcoming May 23, 2024, [Breakfast for Justice](#). Danielle, can you provide specifics about that

Danielle Caldwell

Our annual breakfast for justice is our biggest event of the year and as Chris mentioned it is going to be on May 23rd, which is a Thursday. It will be at the [Meydenbauer Center](#) in downtown Bellevue. Doors open at 7 am. The program begins at 7:30 and concluded at 8:30. It's a short event and a wonderful opportunity for our legal professionals and elected officials and the wider community to gather and support ELAP's mission to provide access to justice for all.

Please visit our website - [Breakfast for Justice](#) – for more details and to register for the event.

Chris Fox

I have in the past attended and encourage anyone who's listening to this podcast to attend. It's certainly for a great cause and provides an opportunity to sit at a table and look across the room to see your colleagues in a familial type of collegial atmosphere. That is so different from perhaps seeing an attorney or a colleague in an adversarial sense in a courtroom. I encourage attorneys to attend. From the fundraising's standpoint, this is ELAP's one annual event and it's very important to the services that they provide.

Jacqueline Jeske

I agree, Chris. It's a great event and a great breakfast. I've attended many times as well and it's really been nice after the pandemic to get back and make those connections and very helpful in terms of collegiality to interact with people when you're not on the other side

of a case and share information and share perspective and be part of doing something that supports your legal community. I mean that just really a good thing. Even though there's the eventual "ask," there's a lot more to it than that when you are part of a community. I too would encourage anyone to attend.

Chris Fox

Thank you, Jackie, Danielle, and Kristin, for participating in today's conversation and for your respective services that you provide to the community. Are there any further comments?

Kristen Schmit

I have one more "call to action" for volunteer attorneys. I think in the future we're going to look at potentially putting on some type of training or educational presentations. To just train also volunteer attorneys on offering expanded and expanded scope of services such as trial assistance. So, if you're interested in that, you can go ahead and reach out to Vivian Lee, our legal director; she'll be putting on or coordinating some of these different presentations. Her email is vivian@elap.org

Chris Fox

Okay, thank you.

Danielle Caldwell

Along those same lines, if you are interested in volunteering in one of ELAP's Legal Clinics or even interested in providing representation or some scope of services for our clients. Please do visit our website at elap.org to fill out our [pro bono interest form](#).

Jacqueline Jeske

Thank you, Kristen, and Danielle for the work that you do. It's really the ultimate form of public service. For anyone who works with victims of trauma and violence, it can be very weary work and it takes a toll on those who do it. But it also meets such an incredible need in our community. I want to express my appreciation to them for being part of that public service that is undervalued I think sometimes in our world. It's important to recognize those who do engage in it and to hold them up because they really are an important part. Of serving our community. Thank you both!

Chris Fox

Thank you again. Danielle and Kristin and Jackie. This concludes today's podcast. Information about future and past Dictum.Live podcasts is available on the Catalyst Publications website ***catalystpublicationsinc.com***

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