



**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In re the Matter of

Lifeline and Link Up Reform and Modernization,) WC Docket No. 11-42
Telecommunications Carriers Eligible for Universal Service Support) WC Docket No. 09-197
Connect America Fund) WC Docket No. 10-90

**COMMENTS OF
THE WASHINGTON STATE ACCESS TO JUSTICE BOARD**

The Washington State Access to Justice Board (“ATJ Board”) submits these comments to express its support of the proposal by the Federal Communications Commission (the “Commission”) to rebuild and modernize the Lifeline program so that all qualifying low-income consumers of Lifeline can utilize unlimited Internet. The ATJ Board holds the conviction that access to the Internet *is essential for* access to justice. Therefore, by expanding the Lifeline program to include broadband services, the Commission will make a critical and an historic step in reshaping the way our most impoverished Americans engage with and participate in the law.

Interest of the Commenter

The ATJ Board was established by the Washington Supreme Court in 1994 at the request of the Washington State Bar Association Board of Governors in response to a growing need to coordinate and improve access to justice efforts in Washington State. Recognizing that access to the civil justice system is a fundamental right, the ATJ Board works to achieve equal access for those facing economic and other significant barriers and is charged with planning for the statewide delivery of civil legal aid services. Its Plan for the Delivery of Civil Legal Aid to Low

Income People in Washington State is the blueprint for this work. The ATJ Board is administered by the Washington State Bar Association¹ and reports annually to the Washington Supreme Court and the Washington State Bar Association.

Comments

The ATJ Board supports the Commission’s proposal to modernize its Lifeline program by establishing minimum service levels for broadband Internet access. Decades after the introduction of the Internet, broadband is now a basic necessity in a modern democracy — on par with access to healthcare, education, and economic opportunity. Furthermore, the Internet has fundamentally changed the way those systems function. Many employers and Federal and State agencies no longer accept applications through traditional, analog channels. Access to employment and housing opportunities increasingly requires access to the internet as well as to mobile voice services.

The Washington Supreme Court’s Task Force on Civil Equal Justice Funding recently published a Civil Legal Needs Study (2015 CLNS) which found that nearly two-thirds of low-income respondents who indicated having at least one civil legal problem in the last twelve (12) months did not seek or were not able to obtain legal help. Here in Washington State there are a variety of legal resources available to individuals navigating the legal system, but for some, barriers such as inflexible work schedules, insufficient transportation or transit opportunity, and childcare obligations can prevent those individuals from identifying and accessing legal aid through traditional means, such as a walk-in clinic.

¹ This comment has been prepared by and is submitted exclusively on behalf of the Access to Justice Board. It does not represent the position of the Washington State Bar Association.

For those fortunate individuals in our state who have reliable, consistent, and uninterrupted access to the Internet, the legal resources available are significant. For example, those who wish to expunge a juvenile record can learn how to do so online. Northwest Justice Project, a publicly funded legal aid program, has a video detailing how expungement works and the courts provide all the forms online. This saves the user transaction costs, allows her or him to enter the workforce more easily, and avoids unnecessary travel to attend court which can sometimes be in another county from where the individual resides. At the Northwest Justice Project, potential clients may not be able to call the hotline during business hours, but an online intake is available to clients 24 hours a day, seven days a week—ensuring they are able to start the process at their first opportunity.

Essential legal resources are moving online and into video formats that require broadband access in order to utilize them. The juvenile court expungement video from Northwest Justice Project is just one of 60-plus videos available in Spanish, English, and American Sign Language. Topics of these videos include: explaining renters' rights, debt collection defense, foreclosure mediation, drivers license reinstatement, and language access. These videos provide clients with basic how-to and other essential information on addressing their legal issues in a practical format that breaks down language access barriers. Northwest Justice Project also hosts a traditional website with over 1,000 legal resources and 800,000 visitors per year. Many of these resources are PDFs or other documents that can be accessed much more easily on broadband.

Moreover, broadband access is also becoming essential for access to court records. The Access to Justice Board has established best practices for electronic records access, and as a result Washington State and several individual counties within the state are implementing electronic access to court records and dockets. The potential time and money that will be saved

by low-income clients is extremely significant, but without the ability to get broadband access online, this population is left out.

But Lifeline should not stop at mere broadband access. To be most effective, the Commission should establish a minimum service level for Lifeline broadband that includes no data caps. Legal problems cannot wait for the beginning of the month. A domestic violence situation or a landlord lockout can happen at any time with little to no warning. We recognize that issues around data caps still need to be addressed, but data caps that run out halfway through a month are harmful when someone needs legal help immediately. Making broadband available to impoverished individuals in a meaningful way means making it available all month long.

Furthermore, Broadband Lifeline should be individual-based, not household-based, and should work hand-in-hand with wireless Lifeline. Many low-income individuals have mobile devices which can access the Internet, but they cannot afford to use this vital option. For example, see: <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>.

Another reason for Lifeline to be based on individuals rather than households is domestic violence. Victims of domestic violence should not have to rely on their abuser's broadband access in order to seek legal guidance and emergency assistance. Privacy and safety concerns make it very difficult for a victim to seek help without their own broadband access.

Conclusion

The ATJ Board supports the Commission's proposal to expand the Lifeline program to unlimited broadband Internet access as it will greatly enhance access to justice for all people.

Respectfully submitted,
Washington State Access to Justice Board

September 25, 2015