
SUBSTITUTE HOUSE BILL 2474

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Judiciary (originally sponsored by Representative Kastama)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to pro se attorneys' fees in civil actions;
2 amending RCW 4.84.185; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that certain
5 individuals may be deterred from defending against civil lawsuits, or
6 pursuing legal action against the unreasonable actions of others,
7 because they do not possess the required financial resources to retain
8 an attorney for defending or pursuing litigation.

9 **Sec. 2.** RCW 4.84.185 and 1991 c 70 s 1 are each amended to read as
10 follows:

11 (1) In any civil action, the court having jurisdiction may, upon
12 written findings by the judge that the action, counterclaim, cross-
13 claim, third party claim, or defense was frivolous and advanced without
14 reasonable cause, require the nonprevailing party to pay the prevailing
15 party the reasonable expenses, including fees of attorneys, incurred in
16 opposing such action, counterclaim, cross-claim, third party claim, or
17 defense. This determination shall be made upon motion by the
18 prevailing party after a voluntary or involuntary order of dismissal,

1 order on summary judgment, final judgment after trial, or other final
2 order terminating the action as to the prevailing party. The judge
3 shall consider all evidence presented at the time of the motion to
4 determine whether the position of the nonprevailing party was frivolous
5 and advanced without reasonable cause. In no event may such motion be
6 filed more than thirty days after entry of the order.

7 (2) A party who is representing himself or herself is entitled to
8 attorneys' fees under this section if such fees would have been awarded
9 to a party represented by an attorney. Fees awarded under this
10 subsection shall be based on the prevailing local hourly rate charged
11 by attorneys practicing within the area of law that was the subject of
12 the frivolous action or defense. The number of hours the party shall
13 be compensated for shall be based on the number of hours that an
14 attorney would have needed to accomplish the results obtained by the
15 party.

16 (3) The provisions of this section apply unless otherwise
17 specifically provided by statute.

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