

HOUSE BILL REPORT

HB 1275

As Reported by House Committee On:
Judiciary

Title: An act relating to the administrator for the courts.

Brief Description: Changing provisions relating to the administrator for the courts.

Sponsors: Representatives Lantz and Esser; by request of Administrator for the Courts.

Brief History:

Committee Activity:

Judiciary: 2/1/01, 2/27/01 [DPS].

Brief Summary of Substitute Bill

- Requires the Administrator for the Courts (administrator) to periodically assess unmet civil legal needs of low-income people in the state.
- Requires the administrator to administer state funds that may be appropriated for improving the operation of the courts and to provide support for court coordinating councils and appropriates \$500,000 for the Office of Administrator for the Courts, under the direction of the Board for Judicial Administration, for the support of court coordinating council planning activities.
- Clarifies that the administrator and assistants may not practice law for remuneration in the state, but that they are not prohibited from providing pro bono legal services or legal services for themselves and their immediate family members.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Christopher Waraksa (786-5793); Edie Adams (786-7180).

Background:

Project 2001 Committee: The Project 2001 Committee was formed by the Board for Judicial Administration to pursue long-range court reform. The committee was charged with reviewing problems with the court system and recommending solutions. The committee recommended assigning new duties to the Office of the Administrator for the Courts and creation of court coordinating councils.

Administrator for the Courts: The Administrator for the Courts (administrator) is appointed by the Washington Supreme Court from a list of five persons submitted by the Governor. The administrator, under the supervision and direction of the Chief Justice, is charged with administering various aspects of the state court system, such as fostering court efficiency, training personnel, designing forms, developing standards, and controlling costs. Neither the administrator nor assistants may practice law during their tenure with the Office of the Administrator for the Courts. In addition, the administrator may not be over the age of 60 when appointed to office.

Court Coordinating Councils: The final report of the Project 2001 Committee calls on the Board for Judicial Administration to promote the establishment of court coordination councils. These broadly based trial court coordination councils will be formed in each jurisdiction, composed of trial court judges, clerks, court administrators, lawyers, citizens, and other local officials. The councils are to work toward maximum utilization of judicial and other court resources by first developing and then implementing comprehensive trial court coordination plans.

Summary of Substitute Bill:

The administrator must periodically assess unmet civil legal needs of low-income people in the state, administer state funds that may be appropriated for improving the operation of the courts, and provide support for court coordinating councils. The sum of \$500,000 is appropriated to the Office of the Administrator for the Courts, under the direction of the Board for Judicial Administration, solely for the support of court coordinating council planning activities.

The existing prohibition on the practice of law by the administrator and assistants is clarified: The administrator and assistants may not practice law for remuneration in the state, but they are not prohibited from providing pro bono legal services or legal services for themselves and their immediate family members. Finally, the requirement that an administrator not be over 60 years old at the time of appointment is removed.

Substitute Bill Compared to Original Bill:

The original bill removed the prohibition on the administrator and assistants practicing

law. The substitute bill clarifies that the administrator and assistants may not practice law for remuneration in the state, but that they may provide pro bono legal services or legal services for themselves and their immediate family members.

Appropriation: The Sum of \$500,00 from the Public Safety and Education Account.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The court coordinating councils will aid the efforts of the Board for Judicial Administration to increase efficiency and effectiveness in the courts. The councils provide a less formal and cumbersome way to experiment with court reforms. The mandated studies of unmet civil law needs would provide much needed objective baseline data for state policymakers. Removing the prohibition on attorneys working for the Office of the Administrator for the Courts practicing law outside of the office would simply allow attorneys to participate in pro bono work and give legal advice to family members.

Testimony Against: None.

Testified: Mary McQueen, Office of the Administrator for the Courts; and Kirk Johns, Washington State Bar Association, Court Improvement Committee.