

HOUSE BILL REPORT

SHB 1210

As Passed House
March 9, 1993

Title: An act relating to attorneys' fees.

Brief Description: Increasing statutory attorneys' fees.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, Long, Forner and Johanson.)

Brief History:

Reported by House Committee on:
Judiciary, February 16, 1993, DPS;
Passed House, March 9, 1993, 94-4.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Bill Perry (786-7123).

Background: Generally in this state, each party to a legal action bears the cost of his or her own expenses, including any attorney's fees. There are, however, certain "costs" that the prevailing party in an action may recover from the other party. The losing party must pay these costs in addition to paying the judgment.

These costs which are recoverable by the prevailing party include:

- (1) filing fees;
- (2) fees for the service of process;
- (3) fees for service by publication;
- (4) required notary fees;
- (5) reasonable expenses incurred in obtaining records;
- (6) reasonable expenses of transcription of depositions;
- (7) statutory witness fees; and
- (8) **statutory attorney's fees.**

The "statutory attorney's fees" allowed as costs are relatively modest dollar amounts set by statute. These dollar amounts may or may not bear any relationship to the fees a party actually pays his or her attorney. In most cases of any size or complexity, the attorney's fees actually incurred will far exceed the statutory fees. In some simple and routine matters, however, the statutory fees might approximate the actual fees.

The amount of these statutory attorney's fees varies depending on the level of court in which the legal action has taken place. In superior court, the court of appeals and the supreme court, the amount is \$125. In district court the amount is \$50. (This district court amount was raised in 1985 from \$25 to the current \$50.)

In district court actions, this \$50 prevailing party attorney's fees is recoverable only if the prevailing party is in fact represented by an attorney and only if the amount of the judgment is \$25 or more. (This \$25 threshold judgment amount was raised in 1985 from \$5 to the current \$25.)

Summary of Bill: A prevailing party who is represented by an attorney and who secures a judgment of \$50 or more in district court may recover costs, including a statutory attorney's fee of \$125.

Fiscal Note: Not requested.

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

Testimony For: The legal costs of pursuing cases in district court have increased significantly since 1985, the last time the attorney's fee amount was raised.

Testimony Against: None.

Witnesses: Frank Lamb, Washington Collectors Association (pro).