
Judiciary Committee

HB 2150

Title: An act relating to civil legal services funding, administration, and oversight.

Brief Description: Modifying the administration of civil legal services.

Sponsors: Representatives Lantz, Darneille and Sehlin.

Brief Summary of Bill

- Moves the administration and oversight of civil legal services from the Department of Community, Trade, and Economic Development to the Administrative Office of the Courts.
- Creates a new account in the custody of the State Treasurer in which all moneys appropriated for civil legal services shall be deposited.

Hearing Date: 3/3/03

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Various organizations, such as Columbia Legal Services, the Northwest Justice Project, and volunteer attorney programs, provide civil (not criminal) legal services to indigent people in Washington.

Funding for civil legal services comes from a variety of sources, including: (a) federal funding; (b) state funding; (c) the Interest on Lawyers Trust Accounts (IOLTA) program administered by the Legal Foundation of Washington, which was created by the state Supreme Court; and (d) other contributions from various organizations.

State funding for civil legal services generally comes from the Public Safety and Education Account (PSEA). State funding has, at different times, also come from other sources, such as the general fund, Temporary Assistance for Needy Families (TANF), and the Violence Reduction and Drug Enforcement Account (VRDE).

The Department of Community, Trade, and Economic Development (DCTED), which is an

executive branch agency, administers the funds appropriated by the Legislature for civil legal services. The DCTED contracts with Columbia Legal Services, which provides services and subcontracts with other providers for delivery of civil legal services. There are statutory provisions governing the categories of cases and subject matters for which civil legal services providers may and may not use state funds.

Civil legal service programs receiving state funding must be audited annually by an independent outside auditor and are subject to audits by the State Auditor. In addition, a bipartisan, bicameral legislative Civil Legal Services Oversight Committee (Committee) was created in 1997 to review the activities of state funded legal services providers. The Committee is required to meet periodically.

The Task Force on Civil Equal Justice Funding (Task Force), created by the Washington State Supreme Court, has been evaluating the civil legal needs of Washington residents and studying the funding issues around civil legal services. One recommendation from the Task Force is to move the administration and oversight of civil legal services from the DCTED to the AOC.

Summary of Bill:

The administration and oversight of civil legal services is moved from the DCTED to the AOC.

The State Civil Legal Services Account is created in the custody of the State Treasurer. All moneys appropriated from any source, fund, or account for civil representation of indigent persons shall be deposited in the civil legal services account. Any revenues deposited directly into the account may be spent only after appropriation. Expenditures from the account may be used only for civil representation of indigent persons as authorized under current law.

Appropriation: None.

Fiscal Note: Requested on February 27, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.