

HOUSE BILL REPORT

SHB 1747

As Passed Legislature

Title: An act relating to state-funded civil representation of indigent persons.

Brief Description: Administering the state-funded civil representation of indigent persons.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Wood, Rodne, Priest, Clements, Lantz, Williams, Darneille and Ormsby).

Brief History:

Committee Activity:

Judiciary: 2/16/05, 2/18/05 [DPS];

Appropriations: 3/2/05, 3/5/05 [DPS(JUDI)].

Floor Activity:

Passed House: 3/15/05, 96-0.

Passed Senate: 4/6/05, 37-12.

Passed Legislature.

Brief Summary of Substitute Bill

- Moves the administration and oversight of state-funded civil legal services from the Department of Community, Trade, and Economic Development to a newly created independent agency of the judicial branch called the Office of Civil Legal Aid.
- Creates the Civil Legal Aid Oversight Committee, made up of four legislators and other appointed members.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Springer and Wood.

Minority Report: Without recommendation. Signed by 1 member: Representative Serben.

Staff: Trudes Tango Hutcheson (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Nona Snell (786-7153).

Background:

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

Although funding comes from a variety of sources, state funding for civil legal services generally comes from the Public Safety and Education Account (PSEA) and is administered by the Department of Community, Trade, and Economic Development (DCTED), which is an executive branch agency. The DCTED uses a distribution formula based on the distribution of low income individuals by county.

State-funded providers may not use state funds for certain categories of cases and activities. A Civil Legal Services Oversight Committee was created in 1997, made up of one member from each of the minority and majority caucuses of the House of Representatives and one member from each of the minority and majority caucuses of the Senate. The oversight committee is responsible for reviewing the activities of state-funded civil legal services providers. The committee is required to meet at least four times each year and to accept public testimony at two of the meetings.

The Task Force on Civil Equal Justice Funding, which was created by the state Supreme Court, recommended, among other things, moving the administration and oversight of civil legal services from the DCTED to the Administrative Office of the Courts.

Summary of Substitute Bill:

The Legislature finds that civil legal aid to indigent persons is an important component of the state's responsibility to provide proper and effective administration of civil and criminal justice.

The Office of Civil Legal Aid (OCLA) is created as an independent agency of the judicial branch. Administration of state-funded civil legal services is transferred from the DCTED to the OCLA.

The Supreme Court shall appoint a director of the OCLA from a list of three names provided by the Access To Justice Board (ATJ). The director will serve at the pleasure of the Supreme Court and will receive a salary to be determined by the new Civil Legal Aid Oversight Committee (Committee). The director must:

- contract with legal aid providers;
- monitor and oversee the use of state funding;
- report to the Committee and the ATJ on the use of state funds;
- report on the status of access to the civil justice system for low-income people; and
- submit a biennial budget request.

A new, 11-member oversight committee is created and replaces the four-member oversight committee.

The Committee consists of:

- three members appointed by the Supreme Court from a list of names submitted by the ATJ;
- two members appointed by the Board for Judicial Administration;
- two senators, one from each caucus, appointed by the President of the Senate;
- two representatives, one from each caucus, appointed by the Speaker of the House;
- one member appointed by the Washington State Bar Association; and
- one member appointed by the Governor.

Members serve a three-year term, subject to a renewal of one additional three-year term. At the time of appointment, a member may not be employed by a state-funded legal aid provider. Members serve without compensation, except for travel reimbursement and other expenses.

The Committee must oversee the activities of the OCLA and review the director's performance. The Committee may make recommendations to the Supreme Court, the ATJ, and the Legislature regarding state-funded civil legal aid.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.

Testimony For: (Judiciary) This bill is a result of the task force created by the Supreme Court. They recommended transferring the administration of civil legal services not because the DCTED isn't doing a good job, but because overseeing civil legal services is not very consistent with their other responsibilities. It makes more sense for civil legal services to be under the oversight of the judicial branch. The new oversight committee will be an improvement over the current committee. The DCTED testified in support of the Senate companion bill. There will be virtually no cost to this bill.

Testimony For: (Appropriations) Shifting the civil legal aid from DCTED to the Office of Civil Legal Aid was recommended by the Supreme Courts Task for Civil Equal Justice Funding. The new office will be more efficient and will not impact the general fund. Additional costs to set up a separate office come out of the appropriation for civil legal aid funding.

The lack of adequate civil legal aid is so pervasive that the senior citizen lobby supports the move of the office and the oversight committee.

Testimony Against: (Judiciary) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Judiciary) Representative Wood, prime sponsor; Sandi Swarthout, Equal Justice Coalition; and Patrick McIntyre, Northwest Justice Project.

Persons Testifying: (Appropriations) Bruce Reeves, Senior Citizen Lobby; and Sara Zier, Equal Justice Coalition.

Persons Signed In To Testify But Not Testifying: (Judiciary) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.