S-0321.1

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**SENATE BILL 5090**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Padden, Kuderer, and Holy

AN ACT Relating to tort actions; amending RCW 4.24.005; adding new sections to chapter 4.24 RCW; and creating a new section.

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

**Sec.**  RCW 4.24.005 and 1987 c 212 s 1601 are each amended to read as follows:

(1) Any party charged with the payment of attorney's fees in addition to damages in any tort action may petition the court not later than ((~~forty-five~~)) 45 days of receipt of a final billing or accounting for a determination of the reasonableness of that party's attorneys' fees. The court shall make such a determination and shall take into consideration the following:

((~~(1)~~)) (a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

((~~(2)~~)) (b) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

((~~(3)~~)) (c) The fee customarily charged in the locality for similar legal services;

((~~(4)~~)) (d) The amount involved and the results obtained;

((~~(5)~~)) (e) The time limitations imposed by the client or by the circumstances;

((~~(6)~~)) (f) The nature and length of the professional relationship with the client;

((~~(7)~~)) (g) The experience, reputation, and ability of the lawyer or lawyers performing the services;

((~~(8)~~)) (h) Whether the fee is fixed or contingent;

((~~(9)~~)) (i) Whether the fixed or contingent fee agreement was in writing and whether the client was aware of his or her right to petition the court under this section; and

((~~(10)~~)) (j) The terms of the fee agreement.

(2) In any tort action arising under Washington law brought on behalf of a class in which a common fund is sought as damages, the court's decision on class certification and appointment of class counsel must include establishing the percentage of the sought-for common fund recovery to be paid to class counsel as a fee, as one factor in determining that counsel will provide competent and adequate representation to the class. If a common fund is created by way of settlement or judgment, the court must award an attorneys' fee under the class certification order, unless the court enters written findings of fact and conclusions of law confirming that changed circumstances justify an adjustment to the award.

NEW SECTION. **Sec.**  A new section is added to chapter 4.24 RCW to read as follows:

For any statute the violation of which is remediable by an award of statutory damages, a party alleging a violation of the statute thereby alleges injury sufficient to confer standing on that complainant.

NEW SECTION. **Sec.**  A new section is added to chapter 4.24 RCW to read as follows:

When a court orders an award of statutory damages, the court shall multiply the statutory award by the percent change in the consumer price index for all urban consumers as published by the United States department of labor, bureau of labor statistics from December 31st of the year in which the statutory damages were awarded through December 31st of the year before the date of the award. This section applies to all final judgments entered on or after the effective date of this section.

NEW SECTION. **Sec.**  This act applies to all lawsuits pending or filed on or after the effective date of this section.

**--- END ---**