

HOUSE BILL REPORT

ESHB 1378

*As Passed House
March 15, 1991*

Title: An act relating to superior court fees.

Brief Description: Changing provisions relating to superior court fees.

Sponsor(s): By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott).

Brief History:

Reported by House Committee on:
Appropriations, February 25, 1991, DPS;
Passed House, March 15, 1991, 72-26.

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *That Substitute House Bill No. 1378 be substituted therefor, and the substitute bill do pass.*
Signed by 21 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Hine; Holland; Mielke; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; and Wang.

Minority Report: *Do not pass.* Signed by 4 members: Representatives Ferguson; Fuhrman; McLean; and Nealey.

Staff: Susan Kavanaugh (786-7130).

Background: The superior courts of Washington State are authorized to charge fees, known as "filing fees" for their various proceedings. Revenue from civil case filing fees is split between the local county - 68 percent - and the state Public Safety and Education Account (PSEA) - 32 percent.

The PSEA was created by the Legislature in 1984 to receive the state's share of revenues from court fines and forfeitures, as well as fees. By statute, money in the account is to be used for traffic safety education, highway safety, criminal justice training, crime victims'

compensation, judicial education, the judicial information system, winter recreation parking and state game programs.

Under the U.S. Constitution, the state and local governments are required, in most criminal proceedings, to pay for the defense of persons found to be indigent. In civil cases there is no such requirement. However, in recent decades non-profit legal assistance programs have received public funding, primarily federal, for civil representation of indigents.

Summary of Bill: Filing fees for certain Superior Court proceedings are increased as follows:

Civil actions: current - \$78, proposed - \$100;
Civil appeals: current - \$78, proposed - \$100;
Demand for Jury: current - \$25, proposed - \$50;
Probate: current - \$78, proposed - \$100; and,
Contesting Will: current - \$78, proposed - \$100.

The current split of these revenues, 68 percent to counties and 32 percent to the PSEA, applies to the increase.

Representation of indigent persons in civil cases is added to the list of activities eligible for funding from the PSEA account. The Department of Community Development is directed to contract with qualified legal aid programs, defined in the bill, for civil representation of indigents.

The bill is made null and void unless at least \$4 million is appropriated for it in the operating budget.

No funds made available under the act to qualified legal aid programs are to be used to bring class action lawsuits.

Fiscal Note: Available.

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

Testimony For: The population of low-income persons in need of civil legal assistance has increased while federal funding has effectively declined. Funding from interest on lawyers' trust accounts (IOLTA) and pro-bono work by private attorneys are both important, but insufficient to meet the increased need. Legal services lawyers do high-quality work and develop expertise in family, public benefits, landlord-tenant and other issues frequently faced by low-income individuals; they are a resource for private lawyers doing pro-bono work. Their work helps the court system by allowing an orderly presentation of the issues. Legal services corporations are often the only recourse, and only

source of access to the judicial system, for low-income individuals. Legal services corporations take primarily cases that involve individuals in jeopardy, situations such as a family facing eviction. The \$22 increase in civil filing fees will not work a hardship because it is typically paid just once or twice a lifetime. The bill preserves the 68 percent/32 percent split of fees between counties and the PSEA.

Testimony Against: None.

Witnesses: Lowell K. Halverson, Washington State Bar Association; Justice William Williams; Norm Maleng, King County Prosecutor, Washington Assoc. of County Officials; Jean Soliz, Office of Financial Management; Kurt Sharan, Washington State Association of Counties; and Rick Wickman, Washington State Association of Counties.