

SENATE BILL REPORT

SHB 1747

As Reported By Senate Committee On:
Judiciary, March 29, 2005
Ways & Means, April 4, 2005

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

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

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

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

Committee Activity: Judiciary: 3/22/05, 3/29/05 [DP-WM, DNP].
Ways & Means: 3/31/05, 4/4/05 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Esser, Rasmussen and Thibaudeau.

Minority Report: Do not pass.

Signed by Senators Carrell and McCaslin.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Chelsea Buchanan (786-7446)

Background: Currently, administration and oversight of state civil legal aid funding is performed by the Department of Community Trade and Economic Development (DCTED) in the executive branch. Supporters of this legislation believe that moving administration and oversight to a newly created office in the judicial branch will ensure effective coordination and integration of the state's investment in civil legal aid services with other justice system functions. There is concern that the current executive branch administration of civil legal aid funding creates inherent tensions and potential conflicts due to the executive branch underwriting legal representation of low-income people in civil matters that may involve the executive agency, such as those related to housing and public benefits.

Summary of Bill: 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 must 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).

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.

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.

Committee/Commission/Task Force Created: Yes.

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

Testimony For: (Judiciary) This committee unanimously passed the companion bill to this legislation. This is an excellent bill. The Office of Civil Legal Aid will function better as an independent agency of the judicial branch.

Testimony Against: (Judiciary) None.

Who Testified: (Judiciary) PRO: Sandi Swarthout, Equal Justice Coalition.

Testimony For (Ways & Means): Having an independent Office of Civil Legal Aid will better serve consumers of indigent legal services.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): PRO: Sara Zier, Equal Justice Coalition.