

SENATE BILL REPORT

SB 5685

As Reported By Senate Committee On:
Judiciary, February 16, 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: Senators Kline, Johnson, Weinstein and Esser.

Brief History:

Committee Activity: Judiciary: 2/10/05, 2/16/05 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

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

Staff: Lidia Mori (786-7755)

Background: Currently, administration and oversight of state civil legal aid funding is performed by the executive branch Department of Community Trade and Economic Development. 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 is created as an independent agency of the judicial branch. The legislature is directed to appropriate funds from the public safety and education account to promote civil representation of indigent persons. The funds will be administered by the Office of Civil Legal Aid. When entering into a contract with a qualified legal aid provider, the Office of Civil Legal Aid must require the provider to provide legal aid in a manner that maximizes geographic access throughout the state. Activities of the Office of Civil Legal Aid will be carried out by a Director of Civil Legal Aid Services who is appointed by the supreme court from a list of three names forwarded by the access to justice board.

A civil legal aid oversight committee is created and the membership is specified in law. It will include judicial branch and bipartisan legislative branch representation. The committee is directed to oversee the activities of the Office of Civil Legal Aid, review the performance of the Director of the Office of Civil Legal Aid, and may make recommendations to the Supreme Court, the access to justice board, and to the legislature regarding the provision of civil legal aid.

Appropriation: None.

Fiscal Note: Requested on February 9, 2005.

Committee/Commission/Task Force Created: No.

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

Testimony For: The task force on civil legal aid funding included exactly the type of recommendation embodied in this bill. It is cost effective to move administration of civil representation of indigent people away from the executive branch and create an independent agency of the judicial branch.

Testimony Against: None.

Who Testified: PRO: Patrick McIntyre, Northwest Justice Project.