
Ways & Means Committee

HB 2362

Brief Description: Providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees.

Sponsors: Representative Kessler.

Brief Summary of Bill

- Creates surcharge for certain services provided by county clerks.
- Creates a judicial stabilization trust account.
- Requests the Washington Supreme Court to consider authorizing an increase in attorneys' licensing fees.

Hearing Date: 4/16/09

Staff: Alex MacBain (786-7288) and Courtney Barnes (786-7194)

Background:

Overview of County Clerk Fees

County clerks are elected officials who oversee all record-keeping matters pertaining to the superior courts, including receipting fees, fines, court-ordered moneys, and disbursement of funds. County clerks collect superior court filing fees and other fees for court services as prescribed by statute. Depending on the fee assessed, the fee may or may not be divided with the state.

The following table gives the current fee schedule for certain fees collected by the county clerks for their official services. These fees are subject to division with the state Public Safety and Education Account and with the county or regional law library fund.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Filing	Fee
First or initial paper in any civil action	\$200
Unlawful detainer action	\$45
First or initial paper on appeal from a court of limited jurisdiction or any civil appeal	\$200
Petition for judicial review under the Administrative Procedure Act	\$200
Petition for unlawful harassment	\$53
Notice of debt due for the compensation of a crime victim	\$200
First paper in a probate proceeding	\$200
Petition to contest a will admitted to probate or petition to admit a will which has been rejected	\$200
Conviction or guilty plea, failure to prosecute an appeal from a court of limited jurisdiction, or affirmation of a conviction by a court of limited jurisdiction	\$200

County clerks are required to collect a filing fee of \$250 from a party seeking review of a trial court decision. This fee is collected from the first party to file a notice of appeal or notice of discretionary review. This fee is transmitted to the appropriate state court.

Attorneys' Licensing Fees

The Washington State Bar Association (WSBA) is an administrative arm of the Washington Supreme Court. The WSBA administers the admissions, licensing, and disciplinary functions of lawyers in Washington. Under court rules, the WSBA Board of Governors has the authority to prescribe the amount of annual licensing fees subject to the approval of the Washington Supreme Court.

All lawyers licensed in Washington pay an annual filing fee that varies from \$120 to \$415 depending on whether the lawyer is in active status and how long the lawyer has been admitted in Washington. In addition to the licensing fee, lawyers pay an annual fee of \$15 to the Lawyers' Fund for Client Protection.

Summary of Bill:

The following surcharges are added to the fees collected by county clerks:

- \$50 for the filings listed in the chart above, excluding filing a petition for unlawful harassment or an unlawful detainer action;
- \$93 for filing an unlawful detainer action; and
- \$200 for filing a notice of appeal or notice of discretionary review.

The surcharges are in addition to the existing fees collected by county clerks. All surcharges collected by the clerks must be remitted to the State Treasurer for deposit in the Judicial Stabilization Trust Account.

Judicial Stabilization Trust Account

A judicial stabilization trust account (account) is established in the custody of the State Treasurer. The surcharges created by this act must be deposited in this account. Moneys in the account may be spent only after appropriation, unless otherwise authorized by statute. Expenditures from the account may be used only for the support of judicial branch agencies.

Attorneys' Licensing Fees

The Legislature encourages the Washington Supreme Court to consider authorizing an increase in attorneys' licensing fees to support the operation of the state law library. Revenue from licensing fee increases may be deposited in the Judicial Stabilization Trust Account and may be expended by the administrator for the courts at the direction of the Washington Supreme Court for the operation of the state law library.

Appropriation: None.

Fiscal Note: Requested on April 15, 2009.

Effective Date: The bill contains an emergency clause and takes effect immediately.