

SENATE BILL REPORT

SHB 2496

As of March 1, 2016

Title: An act relating to pro bono legal services for military service members, veterans, and their families.

Brief Description: Concerning pro bono legal services for military service members, veterans, and their families.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kilduff, Muri, Shea, Orwall, Klippert, Hayes, Sawyer, Hansen, Rodne, Haler, Goodman, Jinkins, Kuderer, Appleton, Zeiger, Frame, Rossetti, Magendanz, Wilson, McBride, Ormsby, Bergquist, Gregerson, Sells, Stanford and Scott; by request of Attorney General).

Brief History: Passed House: 2/17/16, 98-0.

Committee Activity: Law & Justice: 2/26/16 [DPA-WM].

Ways & Means: 2/29/16.

SENATE COMMITTEE ON LAW & JUSTICE

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

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Tim Ford (786-7423)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Steve Jones (786-7440)

Background: State law prohibits the Office of the Attorney General from engaging in the private practice of law. The Office of the Attorney General cannot represent private citizens in court either to bring an action on behalf of an individual or to defend an individual. Any private citizen needing such representation should consult a private attorney.

Veterans, military personnel and their families may be eligible to receive some free or low fee legal services from a variety of regional and statewide non-profits depending upon their means and the resources of the non-profit entities.

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.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Amendments): An office of military and veteran legal assistance is created within the Office of the Attorney General for the purpose of promoting and facilitating civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington State. The legal assistance program does not permit the Office of the Attorney General to provide criminal legal assistance.

The legal assistance program shall recruit and train volunteer attorneys and service programs willing to perform pro bono legal services for military members, veterans, and their families. The Attorney General may apply for and receive grants, gifts, or other contributions to support this legal assistance program.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Amendments): Removes immunity from liability for the state and volunteer attorneys. The advisory committee includes the Washington State veterans bar association.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Law & Justice): PRO: This bill is a request from the Attorney General's Office. There are over a half million veterans in the state with their families. Veterans have needs for housing, health care, and benefits. It is difficult for veterans to access legal assistance because not all lawyers understand the laws unique to veterans. The AG's Office will act as a clearinghouse of volunteer attorneys for veterans. Nevada also has a program like this in their Attorney General's Office.

Persons Testifying (Law & Justice): PRO: Rep. Kilduff, prime sponsor; Jeff Coats, WSBA; Dave Horn, Attorney General's Office; Mark San Souci, Dept. of Defense.

CON: None.

Persons Signed In To Testify But Not Testifying: No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Members of the military who have defended our country should not come home to face legal obstacles. Military members, veterans, and their families have unique legal issues, including veterans' benefits and military discharge issues. This bill is a cost-effective approach to this need. The state's fiscal exposure could be limited by an immunity clause.

Persons Testifying (Ways & Means): PRO: Rep. Kilduff, Prime Sponsor; Travis Alley, Attorney General's Office; John Tymczyszcz, WA St. Veterans Barr Assoc.

Persons Signed In To Testify But Not Testifying: No one.