

HOUSE BILL REPORT

SHB 1055

As Amended by the Senate

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 Appropriations (originally sponsored by Representatives Kilduff, Muri, Haler, Shea, Appleton, Klippert, Lovick, Stokesbary, Stanford, Jinkins, Reeves, MacEwen, Koster, Hayes, Barkis, Kloba, Frame, Ormsby, Bergquist, Goodman, Gregerson, Young, Kirby, Fey, Slatter, Sawyer and Tarleton; by request of Attorney General).

Brief History:

Committee Activity:

Judiciary: 1/11/17, 1/19/17 [DP];

Appropriations: 2/15/17, 2/21/17 [DPS].

Floor Activity:

Passed House: 3/1/17, 98-0.

Senate Amended.

Passed Senate: 4/11/17, 49-0.

Brief Summary of Substitute Bill

- Creates an Office of Military and Veteran Legal Assistance within the Office of the Attorney General to promote and facilitate civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their families.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

Staff: Audrey Frey (786-7289).

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.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

Staff: Meghan Morris (786-7119).

Background:

"Civil legal aid" refers to free or low-cost legal services designed to help low-income individuals, families, and communities solve civil legal problems that they experience.

Civil legal aid programs in Washington include:

- the Northwest Justice Project, which provides civil legal aid services to low-income clients, maintains a toll-free legal assistance hotline, and operates 17 regional offices and special service units that address the needs of vulnerable communities; and
- the Washington State Office of Civil Legal Aid, a statutorily created judicial branch agency that funds and provides oversight for the Northwest Justice Project's programs, the statewide legal services self-help website, and other advocacy coordination and training programs for legal aid advocates throughout the state.

Civil legal aid services available specifically for low-income veterans, military personnel, and their families in Washington include:

- the Northwest Justice Project's Veterans Program, which provides free legal services to financially eligible low-income and homeless veterans on a variety of civil law issues, such as barriers to employment and housing, child support, and vacating criminal records;
- the Washington State Bar Association's (WSBA) "Call to Duty" program, which facilitates referrals and access to free or reduced-fee legal help for low-income veterans; and
- the WSBA's Legal Assistance to Military Personnel Section, which addresses matters related to providing appropriate and efficient legal service to members of the United States Armed Forces and compiles a list of legal resources for veterans.

National and regional organizations providing civil legal aid services to veterans, military personnel, and their families include:

- the American Bar Association's (ABA) Standing Committee on Legal Assistance for Military Personnel, which supports several initiatives to deliver legal assistance to service members, veterans, and their families, such as ABA Home Front, ABA Military Pro Bono Project, and ABA Veterans' Claims Assistance Network; and
- the Veterans Consortium Pro Bono Program, which provides pro bono professional services to veterans and military families.

Other protections and resources available to veterans, military personnel, and their families include:

- the federal Servicemember's Civil Relief Act, which provides a number of protections to military personnel on active duty, including protecting service members from default judgments and staying court proceedings if the service member is unable to defend his or her interests in the proceeding;
- the Washington Service Member's Civil Relief Act (the Act), which provides certain rights and protections in civil proceedings to service members and their dependents, and authorizes the Attorney General to enforce the Act through civil proceedings; and
- the Office of the Attorney General's *Military & Veteran Legal Resource Guide*, which is designed to help inform veterans, military personnel, and their families about available benefits and protections regarding issues such as employment and housing discrimination.

Summary of Substitute Bill:

The Office of Military and Veteran Legal Assistance (the Office) is created within the Office of the Attorney General. The purpose of the Office is to promote and facilitate 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.

Definitions.

- "Service member" is defined as an active or reserve member in any branch of the United States Armed Forces.
- "Veteran" is defined to have the same meaning as provided in the state laws on public employment, civil service, and pensions.
- "Family member" is defined as the spouse or domestic partner and dependent minor children of a service member or veteran.

The Attorney General may not provide legal assistance, pro bono services, or self-help services to a service member, veteran, or family member with regard to a criminal prosecution.

Duties of the Office of Military and Veteran Legal Assistance.

The Office shall:

- recruit and train volunteer attorneys to perform pro bono services for service members, veterans, and their family members;
- create and maintain a registry of service programs and volunteer attorneys available to perform pro bono services for service members, veterans, and their family members; and
- assess and assign requests for pro bono services to volunteer attorneys and service programs registered with the Office.

Advisory Committee.

The Office shall establish an advisory committee to provide advice and assistance to the Attorney General regarding program design, operation, volunteer recruitment and support strategies, service delivery objectives and priorities, and funding. The committee shall include, among others:

- representatives from legal assistance offices on military installations in Washington;
- the Office of Civil Legal Aid;
- the Washington State Bar Association's Legal Assistance to Military Personnel Section;
- the Washington State Veterans Bar Association;
- the Washington Department of Veterans Affairs;
- the Washington Military Department;
- veteran service organizations;
- military support organizations; and
- organizations involved in coordinating, supporting, and delivering civil legal aid and pro bono legal services in Washington.

The Attorney General may apply for and receive grants, gifts, donations, bequests, or other contributions to help support, and to be used exclusively for, the operations of the Office.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- expands the definition of "family member" to include "the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent minor children under 21 years of age of a living or deceased service member or veteran for whom the service member or veteran provided at least one-half of that person's support in the previous 180 days before seeking assistance of the programs and services authorized by this chapter";
- provides that the Attorney General may not directly provide legal assistance, advice, or representation in any context, unless otherwise authorized by law;
- rephrases certain language, including a provision stating that the Attorney General may not provide legal assistance programs, pro bono services, or self-help services to a service member, veteran, or family member with regard to a criminal prosecution, replacing the phrase "with regard to a criminal prosecution" with the phrase "being criminally prosecuted";
- modifies the list of organizations whose representatives must be included on the advisory committee, removing references to the Washington Department of Veterans Affairs, the Washington Military Department, veteran service organizations, and military support organizations and adding a reference to the "relevant office of military service and support organizations"; and
- removes the section containing a null and void clause applicable to the entire act and adds language to the section creating the Office of Military and Veteran Legal Assistance providing that its creation is subject to the availability of amounts appropriated for this specific purpose.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Judiciary):

(In support) Washington looks to its veterans to protect the state. Washington has over 600,000 service members, veterans, and their families. This bill will fill the gaps in civil legal aid available to veterans, assist veterans, and streamline things for veterans who are newly arrived in the state. Last year it had unanimous support in the House.

The Nevada model inspired this bill. Nevada served over 100,000 veterans last year.

Washington is the sixth largest military state. Military service members face unique problems. The service offered to veterans through the Judge Advocate General does not provide all the civil legal service that veterans need. This bill will fill some of those gaps by placing this within the Attorney General's office.

This bill is a wonderful starting point for addressing the need veterans have. It's a good place to consolidate resources and point people in the right direction. There's a perception among veterans that civilians just don't get it. It helps when the person providing services is a veteran or has lots of experience working in the veteran's community.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The bill helps promote and facilitate legal access for pro bono legal services for current and former military service members. Last year a similar bill passed with unanimous support in the House of Representatives. Current and former service members can have unique legal challenges that are complicated by or are a result of their service. To address these issues, the Office of the Attorney General will create the Office of Military and Veterans Assistance (Office). There will be an advisory committee to ensure efficiencies and collaboration with existing efforts. The Office will require modest annual outlay and one full-time coordinator. The fiscal estimates are based on a similar program successfully launched in Nevada that emphasizes public-private partnerships. If only 1 percent of the licensed attorneys in Washington perform just eight hours of pro bono service each year, Washington service members will have the equivalent of hundreds of thousands of dollars in legal service aid.

Nevada has been the model for a year and a half. In that time, Nevada collected 150 volunteer attorneys to help military veterans and their families in 900 different cases. The investment is worth it for Washington, which is the sixth largest military state.

(Opposed) None.

Persons Testifying (Judiciary): Representative Kilduff, prime sponsor; Representative Muri; Mark San Souci, Department of Defense; Travis Alley, Office of the Attorney General; and John Varga and Ari Hargrave, Washington State Veterans Bar Association.

Persons Testifying (Appropriations): Travis Alley, Office of the Attorney General; and Mark San Souci, United States Department of Defense.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.