

SENATE BILL REPORT

SB 5021

As of February 23, 2017

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: Senators O'Ban, Frockt, Schoesler, Darneille, Nelson, Pearson, Rolfes, Conway, Sheldon, Fortunato, Fain, Hasegawa and Kuderer; by request of Attorney General.

Brief History:

Committee Activity: Law & Justice: 1/11/17, 2/08/17 [DPS-WM].

Ways & Means: 2/22/17.

Brief Summary of First Substitute Bill

- Establishes an office for military and veteran legal assistance within the Attorney General's Office, which may not provide criminal legal assistance.
- Creates a legal assistance program that must recruit and train volunteer attorneys and identify service programs.
- Provides free legal services for military service members, veterans, and their families.
- Defines family members to include dependent minor children under twenty-one years of age.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Staff: Tim Ford (786-7423)

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.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Daniel Masterson (786-7454)

Background: State law prohibits the Attorney General's Office from engaging in the private practice of law. The Attorney General's Office 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 certain 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.

Summary of Bill (First Substitute): An office of military and veteran legal assistance is created within the Attorney General's Office 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. Family members are defined and include dependents under 21 years of age. The legal assistance program does not permit the Attorney General's Office to provide criminal legal assistance.

The legal assistance program must recruit and train volunteer attorneys and identify 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 (First Substitute):

- Defines family members to include dependent minor children under 21 years of age.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Proposed Substitute (Law & Justice): *The committee recommended a different version of the bill than what was heard.* PRO: Veterans have unique challenges complicated by overseas deployments and their legal needs often are not met. The proposed bill creates a program to provide free legal services to military members, their family, veterans, and surviving spouses. There are state and federal laws providing protection for military members and not all attorneys are aware of these laws. Non-profit entities that provide general legal assistance likely do not have the specialized knowledge to assist veterans. To provide legal service related to VA benefits, an attorney must be certified by the VA. There are about 200 certified attorneys out of approximately 35,000 licensed attorneys in Washington state. The Attorney General's Office will not be

providing direct legal representation, but will be administering a program of volunteer attorneys who will provide legal assistance. The Attorney General's Office will be provided guidance by an advisory committee. Nevada has a model program similar to what would be created by this proposed bill.

Persons Testifying (Law & Justice): PRO: Senator O'Ban, prime sponsor; Andrew Logerwell, Attorney General's Office testifying on behalf of Travis Alley, Attorney General's Office; Mark San Souci, Legislative Liaison, Department of Defense; John Tymezyszyxi, Washington State Veterans Bar Association; Shane McKinnie, Washington State Veterans Bar Association; Sarra Marie, Washington State Veterans Bar Association.

Persons Signed In To Testify But Not Testifying (Law & Justice): Travis Alley, Attorney General's Office.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This population faces unique challenges that can result from or be complicated by their military service. If 1 percent of attorney's provide eight additional hours of pro bono work per year, it would result in \$100,000 of legal services. The model is based on a similar program in Nevada that has been successful. Nevada has helped 900 families in less than two years. The 100+ members of the Washington State Veterans Bar Association are ready to volunteer for this program. The 600,000 veterans in the state will get a good value for state dollars with this program.

Persons Testifying (Ways & Means): PRO: Mark San Souci, Department of Defense, State Liaison Office; Travis Alley, Assistant Attorney General; John Tymczyszyn, Washington State Veterans Bar Association.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.