

SENATE BILL REPORT

2ESHB 1378

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 2, 1992

**Brief Description:** Changing provisions relating to superior court fees.

**SPONSORS:** House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott).

**HOUSE COMMITTEE ON APPROPRIATIONS**

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** Do pass as amended.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Gaspard, Hayner, Murray, Newhouse, Niemi, Rinehart, L. Smith, Talmadge, West, and Wojahn.

**Staff:** Steve Jones (786-7715)

**Hearing Dates:** April 5, 1991; April 8, 1991; March 2, 1992

**BACKGROUND:**

The filing fees to be collected for civil actions in superior court are established by statute. The fee for the initial filing of a civil lawsuit, a probate proceeding, or an appeal is \$78. The fee for a contested unlawful detainer action is \$48. The fee for filing a demand for a six-person jury is \$25 and for a twelve-person jury is \$50. Upon conviction, the defendant in a criminal case in a court of limited jurisdiction must pay a fee of \$70.

Sixty-eight percent of the filing fee revenue is retained by the county; 32 percent is transmitted to the State Treasurer and deposited in the Public Safety and Education Account, where the revenue may be appropriated for traffic and highway safety, judicial education and information, state game programs, and winter recreation parking.

Legal assistance to low-income persons in civil law matters is provided primarily by nonprofit legal aid organizations which receive a majority of their funding from federal grants through the Legal Services Corporation.

In each county required by state law to maintain a county law library, the county treasurer is required to deposit the following sums in a law library fund: \$7 from each superior court filing fee for an appeal, probate or civil case and \$3 from each district court civil case. The \$7 deposit may be increased up to \$9 by the county legislative authority.

**SUMMARY:**

Several filing fees for civil actions in superior court are increased. The initial filing fee for a civil lawsuit, probate proceeding, or appeal is increased to \$110. The court may waive the fee for the initial suit or an appeal in cases of financial hardship. The fee in criminal cases in a court of limited jurisdiction is increased to \$110. A demand for a six-person or twelve-person jury is increased to \$50 and \$100, respectively.

The amount of filing revenue retained by the county is decreased from 68 percent to 54 percent. The remaining 46 percent is deposited in the Public Safety and Education Account. The permitted uses of the account are expanded to include civil representation of indigent persons.

The dedicated uses of moneys in the Public Safety and Education Account is expanded to include grants for the legal representation of indigent persons in civil cases by legal aid organizations that have received federal grants. The distribution of the state grants is determined on the basis of the low-income population of the county being served by the legal aid organization. The organizations are prohibited from using the state grants for class action lawsuits or lobbying.

The deposits to the county law library fund is increased to \$12 for superior court cases and increased to \$6 for district court cases. The \$12 deposit may be increased to \$14 by the county legislative authority.

The bill is made contingent on at least \$2.4 million being appropriated in the 1992 supplemental budget for legal representation by indigent persons in civil cases.

**Appropriation:** none

**Revenue:** yes

**Fiscal Note:** available

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

The contribution to the county law library fund from each Superior Court filing fee is increased to \$15 if approved by the county legislative authority. The authorized uses for funds received by legal services organizations are specified, and the bill is made contingent on at least \$1.6 million being appropriated in the 1992 supplemental budget for legal services to indigents.

**TESTIMONY FOR:**

The bill will help fund legal services for the poor, an area in which many unmet needs exist. While many attorneys in the state volunteer their services, additional help is needed to fund the state's legal services organizations. The bill will

also help county law libraries deal with severe budget reductions.

**TESTIMONY AGAINST:**

The bill deprives the counties of the state of needed new revenues and will prevent the counties from seeking any additional fee increases in the near future.

**TESTIFIED:** PRO: Representative Marlin Appelwick; Patrick Comfort, Washington State Bar Association; Lowell K. Halvorson, Legal Foundation of Washington, Janet Gildenhar, Washington Association of County Law Libraries; CON: Fred Saeger, Washington Association of County Officials