

**SENATE BILL REPORT**

**ESSB 5157**

**AS PASSED SENATE, MARCH 4, 1993**

**Brief Description:** Increasing statutory attorneys' fees.

**SPONSORS:** Senate Committee on Law & Justice (originally sponsored by Senators Hargrove and Nelson)

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

**Staff:** Tom McBride (786-7448)

**Hearing Dates:** January 29, 1993; February 5, 1993

**HOUSE COMMITTEE ON JUDICIARY**

**BACKGROUND:**

Parties in a civil lawsuit may recover attorney's fees. Attorney's fees may be awarded by way of contractual agreement, by court decision or by statute.

Currently, in civil cases involving sums under \$10,000, state statutes provide for attorney's fees in the amount of \$50 to the prevailing party, unless otherwise provided.

To obtain the statutory award of attorney's fees, the debt recovery or judgment obtained by the prevailing party must be at least \$25, exclusive of the costs of bringing the lawsuit. These cases are generally tried in district court.

Statutory attorney's fees in cases involving sums over \$10,000, which are generally tried in superior court, are \$125.

**SUMMARY:**

Statutory attorney's fees in cases involving less than \$10,000 are \$100 or the amount of the judgment obtained, whichever is less.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Amount of attorney's fees awarded have not been raised since 1985 and no longer reflect costs of retaining an attorney to pursue claims.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Benita McCormick, Washington Collectors Association; Kevin Underwood, Allied Credit

**HOUSE AMENDMENT(S):**

Statutory attorney's fees in cases involving less than \$10,000 shall be \$125, provided the judgment amount is for \$50 or more.