

HOUSE BILL ANALYSIS

HB 2474

Title: An act relating to pro se attorneys' fees in civil actions.

Brief Description: Allowing pro se attorneys' fees in civil actions.

Sponsors: Representative Kastama.

Brief Summary of Bill

- Provides that pro se litigants in civil actions are entitled to attorney fees in every instance in which a party represented by an attorney would be entitled to attorney fees.

HOUSE COMMITTEE ON JUDICIARY

Staff: Trudes Hutcheson (786-7384).

Background:

Washington follows the American rule regarding attorney fees. Each party pays his or her own legal fees unless some statute, contract, or equitable basis allows otherwise. Examples of statutes that allow courts to award attorney fees to the prevailing party include the family law statutes and the Consumer Protection Act.

There is nothing in statute prohibiting Washington courts from awarding attorney fees to non-attorney litigants representing themselves. Some local court rules may provide that in some cases, pro se litigants are not entitled to attorney fees. In certain cases, Washington courts have awarded attorney fees to attorneys who represent themselves. When interpreting attorney fee provisions in certain federal statutes, some federal district courts have held that non-attorney pro se litigants are not eligible for attorney fees.

Summary of Bill:

A party representing himself or herself in a civil action is entitled to attorney fees in every instance in which a party represented by an attorney would be entitled to attorney fees.

The hourly rate shall be based on the prevailing local hourly rate charged by attorneys. The number of hours a litigant can charge shall be based on the number of hours that an attorney would have needed to accomplish the results obtained. In cases

where all parties are representing themselves, the prevailing party's attorney fees should be calculated at \$25 per hour.

Fiscal Note: Not requested.

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