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**SUBSTITUTE SENATE BILL 5260**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Kline, Johnson and Thibaudeau)

Read first time 03/03/99.

1 AN ACT Relating to the equal access to justice act; and creating a  
2 new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) There is created the equal access to  
5 justice task force to study and review the provision of attorneys' fees  
6 for qualified parties at administrative hearings. The task force shall  
7 review and determine the type of administrative hearings that require  
8 the presence of counsel to preserve fundamental rights or entitlements.  
9 In addition, the task force shall also review issues related to  
10 representation and adequate due process where the qualified party has  
11 a substantial economic interest in the outcome of the agency action.  
12 The task force may also determine those cases at which payment of  
13 attorneys' fees would encourage settlement prior to hearings or which  
14 would discourage appeals of nonmeritorious claims. The task force may  
15 determine those instances where it would be inappropriate to require  
16 payment of attorneys' fees by a state agency because the agency is only  
17 a nominal party to the action at the administrative hearing. The task  
18 force shall also determine whether the qualifying net worth amount  
19 should be lowered for qualified parties in administrative appeals and

1 whether nonattorney representatives should be compensated for their  
2 representation at administrative hearings. The task force may  
3 determine any other relevant matters that arise in connection with this  
4 review and study.

5 (2) The task force shall be comprised of: Two persons from the  
6 Washington state bar association, selected by the board of governors;  
7 two persons from the access to justice board, selected by the chief  
8 justice of the Washington state supreme court; four persons  
9 representing state agencies, selected by the governor; two state  
10 senators, one from each of the two largest caucuses, selected by the  
11 president of the senate; and two state representatives, one from each  
12 of the two largest caucuses, selected by the co-speakers of the house  
13 of representatives.

14 (3) The task force shall report to the appropriate committees of  
15 the legislature during the 2000 regular session. The task force shall  
16 terminate July 1, 2000.

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