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## Judiciary Committee

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### HB 2739

**Title:** An act relating to fiscal support for civil indigent legal services, county law libraries, and related justice system activities and creating an office of civil legal services.

**Brief Description:** Providing funding for certain justice system activities.

**Sponsors:** Representatives Darneille, Shabro, Lantz, Skinner, Lovick and Moeller.

Brief Summary of Bill
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| <ul style="list-style-type: none"><li>• Increases civil filing fees in superior court from \$110 to \$200;</li><li>• Increases the amount the county must contribute to the county or regional law library from \$12 to \$17, and allows the county to increase that contribution to \$20, or up to \$30 in counties with multiple library sites;</li><li>• Creates the Office of Civil Legal Services as an independent agency in the judiciary that will administer the state funds appropriated for civil legal services.</li></ul> |
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**Hearing Date:** 2/3/04

**Staff:** Trudes Tango Hutcheson (786-7384).

**Background:**

Superior court clerks are required by statute to collect a filing fee of \$110 for the initial filing of a civil lawsuit, a probate proceeding, an appeal, a petition for review of an agency hearing or agency action, and a notice of debt due for the crime victims compensation fund. Upon conviction, a defendant in a criminal case in a court of limited jurisdiction must pay a fee of \$110. The filing fee to initiate an unlawful detainer action is \$30, with an additional \$80 due when the defendant answers the unlawful detainer complaint.

Generally, 46 percent of the money collected from superior court filing fees is deposited in the Public Safety and Education Account (PSEA). The remaining 54 percent remains with the county.

Each county with a population of 8,000 or more is required to maintain a county law library. State law provides that \$12 of every new probate or civil filing fee collected in superior court and \$6 of every civil filing fee collected in district court are to be used for the support of the county law library. Upon approval of the library board of trustees and the county legislative authority, the \$12 contribution may be increased to \$15.

Various organizations, such as Columbia Legal Services, the Northwest Justice Project, and volunteer attorney programs, provide civil legal services to indigent people in the state. Generally, state funding for civil legal services comes from the Public Safety and Education Account (PSEA). State funding has, at different times, also come from other sources, such as the general fund, Temporary Assistance for Needy Families, and the Violence Reduction and Drug Enforcement Account.

The Department of Community, Trade, and Economic Development (DCTED) administers the funds appropriated by the Legislature for civil legal services. The DCTED contracts with Columbia Legal Services, which provides services and subcontracts with other providers for delivery of civil legal services. There are statutory provisions governing the categories of cases and subject matters for which civil legal service providers may and may not use state funds.

Civil legal service programs receiving state funding must be audited annually by an independent outside auditor. In addition, the Joint Legislative Civil Legal Services Oversight Committee was created in 1997 to review the activities of state funded legal service providers. The Committee is required to meet at least four times each fiscal year and accept public testimony at a minimum of two of those meetings.

**Summary of Bill:**

The filing fee for civil actions, probate proceedings, and other filings in superior court is increased from \$110 to \$200. For unlawful detainer actions, the plaintiff must pay \$50 for the initial filing, and an additional \$150 if the defendant answers.

The amount required to be deposited in the county or regional law library fund from new probate or civil filing fees is raised from \$12 to \$17. The \$17 contribution may be increased up to \$20, or up to \$30 in counties with multiple library sites, upon approval of the library board of trustees and the county legislative authority.

The administration and oversight of civil legal services is moved from the DCTED to the Office of Civil Legal Services, an independent agency of the judicial branch. The director of the OCLS shall be appointed by the supreme court from a list of three names provided by the Access to Justice Board. The director is charged with contracting with legal aid providers to provide civil indigent representation, monitoring the use of state funds for civil legal services, and reporting to the administrator for the courts, the supreme court, the Access to Justice Board, and the Joint Legislative Civil Legal Services Oversight Committee.

The Joint Legislative Civil Legal Services Oversight Committee must meet at least two times during each fiscal year, as opposed to four times.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2004.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.