

HOUSE BILL REPORT

HB 2496

As Reported by House Committee On: Judiciary

Title: An act relating to pro bono legal services for military service members, veterans, and their families.

Brief Description: Concerning pro bono legal services for military service members, veterans, and their families.

Sponsors: Representatives Kilduff, Muri, Shea, Orwall, Klippert, Hayes, Sawyer, Hansen, Rodne, Haler, Goodman, Jinkins, Kuderer, Appleton, Zeiger, Frame, Rossetti, Magendanz, Wilson, McBride, Ormsby, Bergquist, Gregerson, Sells, Stanford and Scott; by request of Attorney General.

Brief History:

Committee Activity:

Judiciary: 1/27/16, 2/4/16 [DPS].

Brief Summary of Substitute Bill

- Creates an Office of Military and Veteran Legal Assistance (Office) within the Office of the Attorney General to facilitate civil legal pro bono services for military service members, veterans, and their families.
- Immunizes an attorney who renders his or her pro bono services to the Office from civil damages if the attorney provides his or her services in good faith and is not grossly negligent.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

Staff: Ellie Page (786-7291) and Edie Adams (786-7180).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There are a variety of civil legal aid services available to low-income individuals. The Washington State Office of Civil Legal Aid is a statutorily created judicial branch agency that helps fund the Northwest Justice Project's programs providing civil legal aid services to low-income clients. The Northwest Justice Project maintains a toll-free legal assistance hotline, 17 regional offices that provide legal advocacy, and special service units that address the needs of vulnerable communities.

Civil legal aid services are also available for low-income veterans, military personnel, and their families. The Northwest Justice Project's Veterans Program provides free legal services to financially eligible low-income and homeless veterans regarding a variety of civil law-related issues, such as barriers to employment and housing, child support, and vacating criminal records. The Washington State Bar Association, through its "Call to Duty" program, facilitates referrals and access to free or reduced-fee legal help for low-income individuals, as well as provides links to resources through its Legal Assistance to Military Personnel Section. Additional regional and national organizations, such as the American Bar Association's Home Front and the Veterans Consortium Pro Bono Program, also provide resources for veterans and military personnel.

State law prohibits the Office of the Attorney General from representing private citizens. Generally, the Office of the Attorney General may only represent the state and state officers or employees acting in their official capacity. However, the Service Members' Civil Relief Act (Act), which offers protections for service members and their dependents in civil judicial proceedings or administrative proceedings, authorizes the Attorney General to enforce the Act through civil proceedings against individuals. The Office of the Attorney General also provides a *Military & Veteran Legal Resource Guide* designed to help inform veterans, military personnel, and their families about available benefits and protections regarding issues such as employment and housing discrimination.

Summary of Substitute Bill:

An Office of Military and Veteran Legal Assistance (Office) is created within the Office of the Attorney General to promote and facilitate civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington. Definitions are provided for "veteran" and military "service member," and "family member" is defined as the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent minor children of a living or deceased service member or veteran for whom the service member or veteran provided at least one-half of that person's support in the previous 180 days before seeking the assistance of the authorized programs and services.

The Office must recruit, train, and maintain a registry of attorneys and service programs that volunteer to perform pro bono services. It must also assign requests for pro bono services to registered volunteer attorneys and service programs, as well as establish an advisory committee comprised of specified entities that must provide assistance regarding program design and operation, and volunteer recruitment and support strategies. The Attorney

General may apply for and receive grants, gifts, or other contributions to be used exclusively for the program.

An attorney who volunteers his or her legal services is not liable for any civil damages if he or she renders assistance in good faith and is not grossly negligent. The state is not liable for services provided by the program.

Substitute Bill Compared to Original Bill:

The amendment adds the Washington State Veterans Bar Association to the entities included in the advisory committee.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Washington is the sixth most populous military state in the nation, and there is need for pro bono civil legal aid services for veterans, military service members, and their families. Similar to Nevada's law, the bill would not allow the Office of the Attorney General to provide private legal advice. Rather, it permits the Office of the Attorney General to house an office facilitating legal assistance services for veterans and military members. Promoting and facilitating pro bono civil legal aid would especially help veterans and military service members from out of state. Although the military already provides some civil legal aid services, many civil legal needs of veterans and military service members and their families go unaddressed. The training aspect of the bill would increase the awareness of volunteer attorneys and service programs concerning federal and state laws. The bill would codify what the Washington State Veterans Bar Association has been trying to accomplish.

(Opposed) None.

Persons Testifying: Representative Kilduff, prime sponsor; Representative Muri; Travis Alley, Office of the Attorney General; Mark San Souci, Department of Defense State Liaison Office; Caesar Kalinowski, Washington State Veterans Bar Association; and Andrew Pierce, Legal Assistance for Military Personnel Association.

Persons Signed In To Testify But Not Testifying: None.