

SENATE BILL REPORT

SB 6300

As Reported by Senate Committee On:
Law & Justice, February 3, 2016

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: Senators O'Ban, Hobbs, Fain, Dammeier and Conway; by request of Attorney General.

Brief History:

Committee Activity: Law & Justice: 1/19/16, 2/03/16 [DPS-WM].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6300 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: State law prohibits the Attorney General's Office from engaging in the private practice of law. The Attorney General's Office cannot represent private citizens in court either to bring an action on behalf of an individual or to defend an individual. Any private citizen needing such representation should consult a private attorney.

Veterans, military personnel and their families may be eligible to receive some free or low fee legal services from a variety of regional and statewide non-profits depending upon their means and the resources of the non-profit entities.

Summary of Bill (Recommended Substitute): An office of military and veteran legal assistance is created within the Attorney General's Office for the purpose of promoting and facilitating civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in

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.

Washington State. The legal assistance program does not permit the Attorney General's Office to provide criminal legal assistance.

The legal assistance program shall recruit and train volunteer attorneys and service programs willing to perform pro bono legal services for military members, veterans, and their families. The Attorney General may apply for and receive grants, gifts, or other contributions to support this legal assistance program.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): Removes immunity from liability for the state and volunteer attorneys. The advisory committee includes the Washington state veterans bar association.

Appropriation: None.

Fiscal Note: Requested on January 18, 2016.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Veterans civil legal needs go unaddressed. Veterans have unique challenges complicated by overseas deployments. The law has special federal and state protections for military personnel and not all attorneys are aware of these laws. Non-profit entities that provide general legal assistance likely don't have the specialized knowledge to assist veterans. The Attorney General's Office will not be providing direct legal representation, but will be administering a program of volunteer attorney who will provide legal assistance. The Attorney General's Office will be provided guidance by an advisory committee.

The Office of Civil Legal Aid could administer this program if it is the preference of the legislature.

Persons Testifying: PRO: Travis Alley, WA Attorney General Office; Mark San Souci, Dept. of Defense; Ted Wicorekand Rex Bruce, Veterans Legislative Coalition; Jim Bamberger, Office of Civil Legal Aid.

Persons Signed In To Testify But Not Testifying: No one.