

# FINAL BILL REPORT

## SHB 2308

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Synopsis as Enacted

**Brief Description:** Concerning civil legal aid.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Jinkins, Graves, Stokesbary, Kilduff, Valdez, Ortiz-Self, Santos, Goodman, Fey, Bergquist, Sawyer, Tharinger, Pellicciotti, Dolan, Haler, Frame, Stanford, Macri, Kloba, Ryu, Appleton, Doglio, Young and Stonier; by request of Office of Civil Legal Aid).

**Background:**

The Office of Civil Legal Aid (OCLA) is an independent agency of the judicial branch. The Supreme Court appoints the director from a list of three names provided by the Access To Justice Board (ATJB). The director serves at the pleasure of the Supreme Court and is tasked with the following:

- contracting with legal aid providers to provide authorized civil legal aid services;
- monitoring and overseeing the use of state funding to ensure compliance;
- reporting to the Civil Legal Aid Oversight Committee (Committee) and the ATJB on the use of state funds;
- reporting on the status of access to the civil justice system for low-income persons eligible for state-funded legal aid; and
- submitting a biennial budget request.

Moneys appropriated by the Legislature for civil representation are administered by the OCLA, and must be used solely for the purpose of contracting with qualified legal aid programs for legal representation of indigent persons in matters relating to:

- domestic relations and family law matters;
- public assistance and health care;
- housing and utilities;
- Social Security;
- mortgage foreclosures;
- home protection bankruptcies;
- consumer fraud and unfair sales practices;
- rights of residents of long-term care facilities;
- wills, estates, and living wills;
- elder abuse; and
- guardianship.

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*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.*

Moneys distributed to qualified legal aid programs by the OCLA may not be used directly or indirectly for:

- lobbying or grass roots lobbying;
- class action lawsuits;
- participating in, or identifying the program with, prohibited political activities, such as any activity directed toward the success or failure of a political party, candidate, or ballot measures, or voter registration or transportation activities;
- representation in fee-generating cases;
- organizing any association, union, or federation, or representing a labor union;
- representation of undocumented aliens;
- picketing, demonstrations, strikes, or boycotts;
- engaging in inappropriate solicitation; or
- conducting training programs that advocate particular public policies, encouraging or facilitating political activities, labor or antilabor activities, boycotts, picketing, strikes or demonstrations, or attempting to influence legislation or rulemaking.

Moneys appropriated for civil legal representation may not be used for legal representation that is either expressly prohibited or beyond the scope of what is permitted.

**Summary:**

In addition to other duties, the director of the Office of Civil Legal Aid (OCLA) is required to periodically assess the most prevalent civil legal problems experienced by low-income people in the state and the capacity of the state-funded legal aid system to meet these legal needs.

Legislative findings are made stating that:

- The prevalence of civil legal problems experienced by low-income people in the state exceeds the capacity of the state-funded legal aid system to address these problems.
- To ensure the most beneficial use of state resources, it is appropriate to authorize legal assistance with respect to civil legal problems that directly affect important rights and basic needs of individual low-income residents and their families and to define certain limits on the use of state moneys appropriated for civil legal aid.

With respect to subject matter areas for which state moneys may be used, reference is made to governmental assistance and services rather than public assistance, and reference to Social Security is stricken. References to consumer fraud and unfair practices and home protection bankruptcies is replaced with a consolidated references to consumer, financial services, credit, and bankruptcy. The use of state moneys is additionally authorized for matters relating to: employment; disability rights; education including special education; administrative agency decisions; and discrimination prohibited by local, state, or federal law.

With respect to the prohibition on the use of state moneys for the representation of certain individuals, the term undocumented aliens is replaced with individuals who are in the United States without legal authority.

Rather than directing the OCLA to enter into contracts with counties to disburse state funds for attorneys appointed to handle dependency and termination matters, and allowing the OCLA to require a county to use attorneys contracted with the OCLA, the OCLA is directed to enter into contracts with attorneys and agencies for the provision of such services. When entering into a contract with a qualified legal aid provider, the OCLA must require that the provider meet generally accepted standards for the delivery of civil legal aid.

**Votes on Final Passage:**

House	86	12
Senate	48	0

**Effective:** June 7, 2018