
HOUSE BILL 2071

State of Washington

67th Legislature

2022 Regular Session

By Representative MacEwen

Read first time 01/21/22. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to tort modernization; amending RCW 4.24.005; and
2 adding new sections to chapter 4.24 RCW.

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

4 **Sec. 1.** RCW 4.24.005 and 1987 c 212 s 1601 are each amended to
5 read as follows:

6 (1) Any party charged with the payment of attorney's fees in
7 addition to damages in any tort action may petition the court not
8 later than forty-five days of receipt of a final billing or
9 accounting for a determination of the reasonableness of that party's
10 attorneys' fees. The court shall make such a determination and shall
11 take into consideration the following:

12 ~~((1))~~ (a) The time and labor required, the novelty and
13 difficulty of the questions involved, and the skill requisite to
14 perform the legal service properly;

15 ~~((2))~~ (b) The likelihood, if apparent to the client, that the
16 acceptance of the particular employment will preclude other
17 employment by the lawyer;

18 ~~((3))~~ (c) The fee customarily charged in the locality for
19 similar legal services;

20 ~~((4))~~ (d) The amount involved and the results obtained;

1 ~~((5))~~ (e) The time limitations imposed by the client or by the
2 circumstances;

3 ~~((6))~~ (f) The nature and length of the professional
4 relationship with the client;

5 ~~((7))~~ (g) The experience, reputation, and ability of the lawyer
6 or lawyers performing the services;

7 ~~((8))~~ (h) Whether the fee is fixed or contingent;

8 ~~((9))~~ (i) Whether the fixed or contingent fee agreement was in
9 writing and whether the client was aware of his or her right to
10 petition the court under this section;

11 ~~((10))~~ (j) The terms of the fee agreement.

12 (2) In any tort action arising under Washington law in which an
13 attorneys' fee is paid from a common fund recovery, the court shall
14 award an attorneys' fee equal to 35 percent of the value of the
15 common fund actually delivered to and received by beneficiaries,
16 without regard to any other factors, including but not limited to the
17 factors recited in subsection (1) of this section.

18 NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW
19 to read as follows:

20 Notwithstanding any other provision of law, for any statute the
21 violation of which is remediable by an award of statutory damages, a
22 party alleging a violation of the statute thereby alleges injury
23 sufficient to confer standing on that complainant.

24 NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW
25 to read as follows:

26 Notwithstanding any other provision of law, when a court orders
27 an award of statutory damages, the court shall multiply the statutory
28 award by the percent change in the consumer price index for all urban
29 consumers as published by the United States department of labor,
30 bureau of labor statistics from December 31st of the year in which
31 the statutory damages were enacted into law through December 31st of
32 the year prior to the date of the award. This section applies to all
33 final judgments entered on or after the effective date of this
34 section.

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