

## CHAPTER 93.

[H. B. 30.]

## LEGAL AID BUREAU.

AN ACT declaring the promotion of organized legal aid to be in the public interest, defining legal aid bureaus, authorizing their creation, providing for their financing by certain counties and their operation by legal aid county committees and the Washington State Bar Association.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. LEGAL AID DEFINED. Legal aid is the rendition, without compensation, of professional services by an active member of the Washington State Bar Association to or for any indigent person unable to pay a reasonable attorney's fee determined in accordance with the Established Code of Legal Ethics. Legal aid defined.

SEC. 2. PUBLIC INTEREST. The promotion of organized legal aid is hereby declared to be in the public interest. Public interest.

SEC. 3. APPLICATION TO CERTAIN COUNTIES. The need for legal aid not being uniform in all localities and unorganized legal aid being less available in the more populous communities, the provisions of this act are limited in application to each first-class and Class A county. Limitation.

SEC. 4. DECLARATION OF NECESSITY BY BOARD OF COUNTY COMMISSIONERS. The board of county commissioners (hereinafter called the county board) is empowered to find by resolution the existence of a necessity in such county for organized legal aid. Such resolution shall specify the amount of county funds thereby to be allocated for and expended in the operation of a legal aid bureau during the period of the fiscal year or the remainder thereof. Within ten days after the passage of such a resolution, the commissioners shall cause a certified copy to be Declaration of necessity.

transmitted to the board of governors of the Washington State Bar Association (hereinafter called the bar board).

Bureau defined.

SEC. 5. LEGAL AID BUREAU DEFINED. A legal aid bureau (hereinafter called the bureau), is an agency for the rendition of organized legal aid to indigent persons resident in the county, consisting of one director, who shall be an attorney resident in the county, and who shall be in good standing and active membership in the Washington State Bar Association, together with such professional and other personnel, such office facilities, and other equipment, as may be determined by the bar board and be financed by the county board.

Bar board.

SEC. 6. BOARD OF GOVERNORS—AUTHORITY. Upon receipt of a certified copy of such resolution the bar board is empowered and, within sixty (60) days thereafter, is obligated to create and continue a legal aid bureau as soon and as long as the necessary funds so allocated are made available by the county board, all expenditures for the bureau to be limited to county funds so supplied, except only as hereinafter authorized. The bar board is vested with the ultimate power to control by its rules and regulations such bureau, the immediate supervision of which in actual operation shall be by the bar board itself or by a committee of its selection.

Committee.

SEC. 7. LEGAL AID COUNTY COMMITTEE CREATED. The legal aid county committee (hereinafter called the committee), if created and continued by resolution of the bar board, shall consist of three members chosen by the bar board as follows: a member of the bar board, who shall be chairman, a judge of the superior court of the county, and an active member of the Washington State Bar Association, resident in the county.

Powers.

SEC. 8. LEGAL AID SUPERVISION. Among the powers to supervise the actual operation of any

such bureau, which shall be exercised either by the bar board itself or in its discretion by the committee, are the following:

(a) To appoint and remove at will the director and to fix the amount of his salary not in excess of Two Hundred Dollars (\$200) per month;

(b) To engage and discharge all other employees of the bureau and to fix their salaries or remuneration;

(c) To assist the director in supplying the free services of attorneys for the bureau;

(d) To cooperate with the dean of any law school now or hereafter established within this state respecting the participation of law students in the rendition of services by the bureau under the guidance of the director—however, by this provision, no law student shall be deemed authorized to represent as an attorney in a court of record any legal aid client;

(e) To require of the director periodically written statements of account and written reports upon any and all subjects within the operation of the bureau;

(f) To prescribe rules and regulations, always subject to the bar board, for determination of the indigent persons who are entitled to legal aid, for determination of the kinds of legal problems and cases subject to legal aid, and for determination of all operative legal aid policies not inconsistent with this act;

(g) To advise the county board, for its budget upon its written request, as to the estimated amount of county funds reasonably required to effectively operate the bureau for the ensuing fiscal year;

(h) To receive county funds allocated by the county board for the bureau, and to render an account thereof at the times and in the manner reasonably required by the county board;

(i) To disburse such county funds, after receipt thereof, solely for the purposes contemplated by this act.

Registration fees.

**SEC. 9. REGISTRATION FEES AND PRIVATE FUNDS.**

For the purpose of promoting organized legal aid, the bar board is empowered to receive and disburse, at its discretion, a nominal registration fee (not in excess of \$.50), which it may require of legal aid applicants, and also donations in any sum of private funds.

Restrictions.

**SEC. 10. LIMITATION OF LEGAL AID.**

No legal aid shall be rendered by or through any bureau as to any matter which, in the opinion of the director or the committee is not a proper subject of legal aid. No legal aid shall be given concerning matters relating to claims or litigation commonly handled on a contingent fee basis, nor to the defense of criminal charges in court.

Attorneys' fees.

**SEC. 11. ATTORNEYS' FEES.**

No attorney's fee shall be charged to or received from any legal aid client as to any legal aid matter handled by or through the bureau. All attorneys' fees and court costs collected from any third party by the bureau in the name of any legal aid client shall become a part of the bureau's operation funds.

County funds.

**SEC. 12. COUNTY FUNDS.**

The county board in its discretion shall allocate funds for the purposes of the bureau from county funds available for public assistance and relief received from the levy of three mills as provided in section 17, chapter 180, Laws of 1937.

Discontinuance of bureau.

**SEC. 13. REVOCATION OF DECLARATION OF NECESSITY.**

The county board is empowered to find by resolution the non-existence of a necessity in such county for organized legal aid. Within ten (10) days after the passage of such a resolution the county board shall cause a certified copy to be transmitted to the

bar board. Upon receipt of a certified copy of such resolution the bar board is empowered and, within sixty (60) days thereafter, is obligated to discontinue the Legal Aid Bureau—unless it is subsequently maintained in the discretion of the bar board and financed by funds other than county funds. Nothing in this act shall prevent a county board from adopting successive resolutions declaring the existence or non-existence of a necessity for organized legal aid, but no bureau actually created as a result of such a resolution shall be discontinued by a resolution of revocation within sixty (60) days thereafter.

SEC. 14. WASHINGTON STATE BAR ASSOCIATION NOT RESTRICTED. No county funds shall be expended for legal aid except in accordance with this act, but nothing in this act shall limit the powers of the Washington State Bar Association, or its board of governors, to promote or render legal aid independent of county financial support.

Bar Association not restricted.

SEC. 15. CERTAIN OTHER ACTS NOT APPLICABLE. The provisions of section 6 of chapter 180 of the Laws of 1937 shall not be applicable to a bureau or a committee as authorized by this act, or to the bar board or the Washington State Bar Association.

§ 6, ch. 180, Laws 1937 not applicable.

SEC. 16. EMERGENCY. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Effective immediately.

Passed the House February 16, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 11, 1939.