
SENATE BILL 5370

State of Washington

64th Legislature

2015 Regular Session

By Senators Dansel, Honeyford, and Roach

Read first time 01/20/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to the payment of interim attorneys' fees to
2 nongovernment parties under certain claims; and amending RCW
3 4.84.010.

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

5 **Sec. 1.** RCW 4.84.010 and 2009 c 240 s 1 are each amended to read
6 as follows:

7 (1) The measure and mode of compensation of attorneys and
8 counselors(~~(7)~~) shall, unless otherwise specified in law, be left to
9 the agreement, expressed or implied, of the parties, but there shall
10 be allowed to the prevailing party upon the judgment certain sums for
11 the prevailing party's expenses in the action, which allowances are
12 termed costs, including, in addition to costs otherwise authorized by
13 law, the following expenses:

14 ~~((1))~~ (a) Filing fees;

15 ~~((2))~~ (b) Fees for the service of process by a public officer,
16 registered process server, or other means, as follows:

17 ~~((a))~~ (i) When service is by a public officer, the recoverable
18 cost is the fee authorized by law at the time of service.

19 ~~((b))~~ (ii) If service is by a process server registered
20 pursuant to chapter 18.180 RCW or a person exempt from registration,

1 the recoverable cost is the amount actually charged and incurred in
2 effecting service;

3 ~~((3))~~ (c) Fees for service by publication;

4 ~~((4))~~ (d) Notary fees, but only to the extent the fees are for
5 services that are expressly required by law and only to the extent
6 they represent actual costs incurred by the prevailing party;

7 ~~((5))~~ (e) Reasonable expenses, exclusive of attorneys' fees,
8 incurred in obtaining reports and records, which are admitted into
9 evidence at trial or in mandatory arbitration in superior or district
10 court, including but not limited to medical records, tax records,
11 personnel records, insurance reports, employment and wage records,
12 police reports, school records, bank records, and legal files;

13 ~~((6))~~ (f) Statutory attorney and witness fees; and

14 ~~((7))~~ (g) To the extent that the court or arbitrator finds that
15 it was necessary to achieve the successful result, the reasonable
16 expense of the transcription of depositions used at trial or at the
17 mandatory arbitration hearing: PROVIDED, That the expenses of
18 depositions shall be allowed on a pro rata basis for those portions
19 of the depositions introduced into evidence or used for purposes of
20 impeachment.

21 (2)(a) In an action or suit in any court in this state, including
22 actions for judicial review of administrative actions or decisions,
23 when a nongovernment party claims or counterclaims for legal or
24 equitable relief, or both, against a government party upon grounds
25 alleging that the government party has knowingly acted contrary to
26 law, the nongovernment party may move the court for interim
27 attorneys' fees, which motion must be heard and decided before any
28 other proceedings in the case.

29 (b) If the nongovernment party proves beyond a reasonable doubt
30 that a government party has knowingly acted contrary to law, the
31 court shall order the government party to pay costs and interim
32 attorneys' fees to the nongovernment party in an amount adequate to
33 finance the nongovernment party's claim against the government party
34 and structured as the court deems appropriate.

35 (c) The court's order of interim attorneys' fees is enforceable
36 by the contempt power of the court and is deemed a final order for
37 the purposes of appeal.

1 (d) For purposes of this subsection (2), "government party"
2 includes the state and all state agencies, counties, cities, special
3 districts, municipal corporations, and their agencies.

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