

Multiple Agency Fiscal Note Summary

Bill Number: 1116 HB	Title: Unif. collaborative law act
-----------------------------	---

Estimated Cash Receipts

Agency Name	2013-15		2015-17		2017-19	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Administrative Hearings	Non-zero but indeterminate cost. Please see discussion."					
Total \$	0	0	0	0	0	0

Estimated Expenditures

Agency Name	2013-15			2015-17			2017-19		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Estimated Capital Budget Impact

NONE

Prepared by: David Dula, OFM	Phone: (360) 902-0547	Date Published: Final 1/25/2013
-------------------------------------	---------------------------------	---

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 32833

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 1116 HB	Title: Unif. collaborative law act	Agency: 055-Admin Office of the Courts
-----------------------------	---	---

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2014	FY 2015	2013-15	2015-17	2017-19
Counties					
Cities					
Total \$					

Estimated Expenditures from:

COUNTY	FY 2014	FY 2015	2013-15	2015-17	2017-19
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2014	FY 2015	2013-15	2015-17	2017-19
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact: Edie Adams	Phone: 360-786-7180	Date: 01/17/2013
Agency Preparation: Charlotte Jensen	Phone: 360-705-5213	Date: 01/18/2013
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 01/18/2013
OFM Review: David Dula	Phone: (360) 902-0547	Date: 01/18/2013

Request # Procedure-2

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The bill adds a new chapter to Title 7 RCW to provide for a collaborative law act.

Section 1 states the chapter may be known and cited as the “uniform collaborative law act.”

Section 2 is a new definition section that defines “collaborative law communication” as a statement whether oral or in a record, or verbal or nonverbal, that: Is made to conduct, participate in, continue, or reconvene a collaborative law process and occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded. “Collaborative law process” means a procedure intended to resolve a matter without intervention by a tribunal and in which persons: (a) Sign a collaborative law participation agreement and are represented by collaborative lawyers. Other definitions are included that define persons and processes for collaborative law actions.

Section 3 provides that this chapter applies to a collaborative law participation agreement that meets the requirements of section 4 of this act signed on or after the effective date of this section. States the use of collaborative law applies only to matters that would be resolved in civil court and may not be used to resolve matters in criminal cases.

Section 4 provides that a collaborative law participation agreement must be in a record; signed by the parties; states the parties intention to resolve a collaborative matter through a collaborative law process under this chapter; describes the nature and scope of the matter; identifies the collaborative lawyer who represents each party in the process and contain a statement by each collaborative lawyer confirming the lawyer’s representation of a party in the collaborative process. Parties may agree to include in a collaborative law participation agreement additional provisions not inconsistent with this chapter.

Section 5 sets out the process to begin and conclude a collaborative law process. In part, the section provides that a process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.

Section 6 provides that persons in a proceeding before a tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. Subject to provisions in the bill the filing operates as an application for a stay of the proceeding.

The parties shall promptly file with the tribunal notice in a record when a collaborative law process concludes. The stay of the proceeding under subsection (1) of this section is lifted when the notice is filed. The notice may not specify any reason for termination of the process.

A tribunal in which a proceeding is stayed under subsection (1) may require the parties and collaborative lawyers to provide a status report on the process and the proceeding. The status report may only include information on whether the process is ongoing or concluded.

A tribunal shall provide parties notice and an opportunity to be heard before dismissing a collaborative law process.

Section 7 provides that a tribunal may issue emergency orders to protect the health, safety and welfare or interest of a party or a family or household member as defined in RCW 26.50.010 during a collaborative law process.

Section 8 provides that a tribunal may approve an agreement resulting from a collaborative law process.

Section 9 concerns the disqualification of collaborative lawyer and lawyers in an associated law firm.

Section 10 concerns a governmental entity as a party.

Section 11 provides that on the request of another party a party shall make timely, full and informal disclosure of information related to the collaborative matter without formal discovery. A party shall promptly update previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.

Section 12 concerns the standards of professional responsibility and mandatory reporting for attorneys in a collaborative law process.

Section 13 provides for the duties of an attorney to a prospective party in a collaborative process.

Section 14 provides that it is the responsibility of a prospective collaborative lawyer to make a reasonable inquiry concerning whether a coercive or violent relationship exists between the party and other parties in the process.

Section 15 provides that a collaborative law communication is confidential to the extent agreed upon by the parties in a signed record or as provided by state law.

Section 16 provides for privilege against disclosure of collaborative law communication; admissibility; and discovery. Communication is privileged and not subject to discovery and is not admissible in evidence. Provisions for disclosures by parties and nonparties are specified.

Section 17 provides for the waiver of privilege in a collaborative process.

Section 18 sets out the limits of privilege in a collaborative process.

Section 19 sets out the authority of a tribunal in case of noncompliance.

Section 20 addresses uniformity of application and construction of the act.

Section 21 provides for the relationship between the collaborative law act and the electronic signatures in global and national commerce act.

II. B - Cash Receipts Impact

II. C - Expenditures

Based on input received for a prior version of this bill, it is assumed that this bill will have no fiscal impact to the courts statewide.

JIS Expenditure:

This bill requires modifications to the Judicial Information System (JIS) to implement a collaborative law alternative dispute case process that is separate and distinct from arbitration and mediation case processing. This requires changes to JIS application coding. These changes are estimated to take 267 hours (requirements gathering-40 hours; implementation-5 hours; research-10 hours; testing-45 hours; implementation-128 hours; data warehouse-24 hours; documentation-15 hours) at a one-time cost of \$32,040 in FY 2014.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<u>State</u>	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Personal Service Contracts					
Goods and Services	32,040		32,040		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	32,040		32,040		

Request # Procedure-2

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

Part IV: Capital Budget Impact

STATE EXPENDITURE SUMMARY

Bill #	1116 HB
Bill Title	Collaborative Law Act

State Expenditure Total:

Account #	Account Title	Type	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
001	General Fund	State	32,040	-	-	-	-	-

Administrative Office of the Courts Expenditures:

Account #	Account Title	Type	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
001	General Fund	State	32,040	-	-	-	-	-

Expenditures by Object:

Salaries and Wages								
Employee Benefits								
Personal Service Contracts								
Goods and Services	32,040							
Travel								
Capital Outlays								

Superior Court Judge Salaries/Benefits Expenditures:

Account #	Account Title	Type	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
001	General Fund	State	-	-	-	-	-	-

Expenditures by Object:

Salaries and Wages								
Employee Benefits								

Individual State Agency Fiscal Note

Bill Number: 1116 HB	Title: Unif. collaborative law act	Agency: 100-Office of Attorney General
-----------------------------	---	---

Part I: Estimates

☒ No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Edie Adams	Phone: 360-786-7180	Date: 01/17/2013
Agency Preparation: Toni Ursich	Phone: (509) 456-3123	Date: 01/22/2013
Agency Approval: Brendan VanderVelde	Phone: 360 586-2104	Date: 01/22/2013
OFM Review: David Dula	Phone: (360) 902-0547	Date: 01/23/2013

Request # 13-010-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

No fiscal impact. This legislation will not generate any costs or savings for the Attorney General's Office.

Section 1 is a new section that provides that this law may be known and cited as the Uniform Collaborative Law Act (UCLA).

Section 2 is a new section that contains definitions.

Section 3 is a new section that governs the applicability of the UCLA.

Section 3(1) provides that this chapter applies to collaborative law participation agreements that meet the requirements of section 4 and that are signed on or after the effective date of this chapter.

Section 3(2) provides that the use of collaborative law applies to only civil matters.

Section 4(1) enumerates the requirements of a collaborative law participation agreement.

Section 4 (2) authorizes parties to agree to add other provisions in a collaborative law participation agreement where not inconsistent with the requirements of this chapter.

Section 5 is a new section that describes how the collaborative law process is commenced and how it may be concluded.

Section 5(1) provides that the collaborative law process begins when the parties sign a collaborative law participation agreement.

Section 5(2) prohibits tribunals from ordering participation in a collaborative law process over a party's objection.

Section 5(3) provides that a collaborative law process is concluded by resolution of the matter, resolution of a part of the matter with agreement that the remaining parts of the matter will not be decided via the collaborative law process, or termination of the process.

Section 5(4) provides that a collaborative law process terminates when one party gives notice to the others that the process is terminated, begins a proceeding related to a collaborative matter without agreement of all parties, or takes one of several actions in a pending proceeding related to the matter.

Section 5(5) requires a party's collaboration lawyer to give prompt notice to the other parties of the lawyer's withdrawal or dismissal.

Section 5(6) authorizes a party to terminate a collaborative law process with or without cause.

Section 5(7) allows a collaborative law process to continue following the withdrawal or dismissal of a collaborative lawyer if, within 30 days after notice of withdrawal or dismissal, the unrepresented party engages a successor lawyer and a signed record is executed that contains identified content, including the parties' agreement to continue the process.

Section 5(8) provides that a collaborative law process does not conclude if, with the consent of all parties, a party asks a tribunal to approve a resolution of all or part of a collaborative matter.

Section 5(9) authorizes a collaborative law participation agreement to identify other methods of concluding a collaborative law process.

Section 6 is a new section that relates to the use of the collaborative law process when proceedings are pending before a tribunal.

Section 6(1) authorizes parties to pending court proceedings to enter a collaborative law participation agreement. This section requires notice of such agreement to be promptly filed with the tribunal and provides that such filing operates as an application for a stay pursuant to subsection 3 of this section and sections 7 and 8 of this act.

Section 6(2) requires the parties to promptly notify the tribunal of the conclusion of a collaboration matter, prohibits the notice from providing a reason for a termination, and provides that such notice lifts the stay put in place under Section 6(1).

Section 6(3) authorizes tribunals in which a proceeding is stayed under subsection (1) of this section to require parties and collaborative lawyers to provide a status report on the collaboration law process and the proceeding. This section limits the content of such report to information on whether the collaboration process is ongoing or concluded.

Section 6(4) prohibits the tribunal from considering a communication made in violation of Section 6(3).

Section 6(5) requires a tribunal to provide parties with notice and an opportunity to be heard before dismissing for inaction a proceeding in which notice of a collaboration process has been filed.

Section 7 is a new section that authorizes tribunals to issue emergency orders to protect the health, safety, welfare or interest of a party or family or household member during collaboration proceedings.

Section 8 is a new section that authorizes tribunals to approve agreements resulting from collaborative law processes.

Section 9 is a new section that applies to the disqualification of collaboration lawyers and law firms.

Section 9(1) disqualifies a collaboration lawyer from appearing in a tribunal to represent a party in a proceeding related to the collaboration proceeding, except as allowed in section 9(3).

Section 9(2) disqualifies law firms associated with a collaboration lawyer disqualified under section 9(1) from appearing in a tribunal to represent a party in a proceeding related to the collaboration proceeding, except as allowed in section

9(3) and section 10 of this act.

Section 9(3) authorizes a collaboration lawyer or associated law firm to represent a party in the following limited circumstances: a) to seek court approval of an agreement arising out of the collaboration process, or b) to seek or defend an emergency order to protect the health, safety, welfare or interest of a party or family or household member if a successor lawyer is not immediately available to represent that person.

Section 9(4) provides that, if subsection 9(3)(b) applies, a collaboration lawyer or associated firm may represent a person or household or family member only until represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare or interest of that person.

Section 10 is a new section that applies to government entity parties.

Section 10(1) provides that the disqualification of section 9(1) applies to a collaboration lawyer representing a government entity.

Section 10(2) authorizes a lawyer in a law firm associated with the disqualified collaboration lawyer to represent a government entity in the collaborative matter or a related matter after the collaboration process concludes, if: a) the collaboration law participation agreement so provides, and b) the collaborative lawyer is isolated from any participation in the collaborative matter or related matter.

Section 11 is a new section that requires a party to a collaboration process to make timely and full disclosure to another party upon request, except as provided by other law. A party must timely update previously information that has materially changed. Parties are authorized to define the scope of disclosure during the collaboration process.

Section 12 is a new section that provides that this chapter does not affect the professional responsibility obligations and standards for lawyers or other professionals, nor does it modify the duty to report abuse, neglect, abandonment or exploitation under state law.

Section 13 is a new section that relates to the appropriateness of the collaboration process, and requires a prospective collaboration lawyer to take certain actions before a collaboration law participation agreement is signed.

Section 13(1) requires a prospective collaboration lawyer to assess the appropriateness of a collaboration law process for a matter with the prospective party.

Section 13(2) requires a prospective collaboration lawyer to provide the prospective party with information the lawyer believes necessary to enable the prospective party to make an informed decision about the material risks and benefits of using a collaborative law process for a matter as compared to another method of resolving the proposed collaboration matter.

Section 13(3) requires a prospective collaboration lawyer to provide certain information to the prospective party, including information related to actions that will terminate a collaboration agreement and notice of the fact that the lawyer and his or her law firm will be disqualified from representing the prospective client in any tribunal as to the collaboration

matter or matters related to it, with identified exceptions.

Section 14 is a new section that requires collaboration lawyers to take certain actions related to violent or coercive relationships.

Section 14(1) requires a prospective collaboration lawyer to make reasonable inquiry into whether a prospective party has a history of a violent or coercive relationship with another party before a prospective party signs a collaboration law participation agreement.

Section 14(2) requires a collaboration lawyer to continually assess, throughout the collaboration proceeding, whether his or her client has a violent or coercive relationship with another party.

Section 14(3) prohibits a collaboration lawyer who reasonably believes that the party he or she represents or is considering representing has history of violent or coercive relationship with a party or prospective party from beginning or continuing a collaboration process, unless: a) the party or prospective party requests a collaboration process be commenced, and b) the lawyer reasonably believes that the safety of the party or prospective party can be protected during the process.

Section 15 is a new section that provides that a collaborative law communication is confidential to the extent agreed by the parties on the record or as set forth in state law.

Section 16 is a new section that addresses the privilege for collaborative law communications, as well as disclosure and admissibility of such communications.

Section 16(1) provides, subject to sections 17 and 18 of this act, that a collaborative law communication is privileged under section 16(2), and is not subject to disclosure or admissible in evidence.

Section 16(2) provides that parties and nonparty participants may refuse to disclose, and take action to halt disclosure of, their collaborative law communications.

Section 16(3) provides that evidence that is otherwise admissible or disclosable is not exempt from disclosure solely because of its use in a collaborative law communication.

Section 17 is a new section that relates to waiving the privilege and precluding its exercise.

Section 17(1) authorizes the privilege set forth in section 16 of this act to be waived in a record, or to be waived orally in a proceeding, if all parties expressly agree and, in the case of a privilege held by a nonparty participant, if the nonparty participant also expressly waives.

Section 17(2) prohibits a person who makes a disclosure or representation about a collaborative law communication from asserting the privilege, but provides that this preclusion applies only to the extent needed to enable a person prejudiced by the disclosure or representation to respond to it.

Section 18 is a new section that sets forth additional limitations on the collaborative law communication privilege.

Section 18(1) provides that there is no privilege for collaborative law communications that: a) are required to be available to the public under chapter 42.56 RCW, or are made during a session of a collaborative law process that is open or required to be open; b) contain a threat or statement of intent to inflict bodily harm or commit a crime of violence; c) are intentionally used to plan, commit, or attempt to conceal a crime or criminal activity; or d) are in an agreement resulting from the collaborative law process.

Section 18(2) provides that the collaborative law communication privilege under section 16 of this act does not apply to the extent a communication is: a) sought or offered to prove or disprove a claim of professional misconduct or malpractice arising from or related to the collaborative law process; b) sought or offered to prove or disprove abuse, neglect, abandonment or exploitation of a child or adult, unless children protective services or adult protective services is a participant in the process; or c) sought or offered to prove or disprove stalking or cyber stalking of a party or child.

Section 18(3) provides that there is no privilege for a collaborative law communication if a tribunal finds after a hearing in camera, that the evidence is not otherwise available, the need for the communication outweighs the interest in protecting confidentiality, and the communication is offered in either a criminal proceeding or in a proceeding seeking reformation or rescission of a contract arising out of the collaborative law process or in which a defense to avoid liability on such contract is asserted.

Section 18(4) provides that, if a collaborative law communication is subject to an exception under section 18(2) or 18(3), only the portion necessary to apply the exception may be disclosed.

Section 18(5) provides that disclosure or admissibility into evidence of any communication exempted under section 18(2) or 18(3) does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

Section 18(6) provides that the collaborative law communication privilege does not apply if the parties agree that all or any part of the communication law process is not privileged. However, collaborative law communications made by a person before being notified of such agreement remain privileged.

Section 19 provides tribunals authority to address noncompliance with the requirements of this act.

Section 19(1) authorizes tribunals to find that the parties intended to enter a collaborative law participation agreement, despite failure to comply with the requirements of sections 4, 13 or 14 of this act, if they signed a document indicating an intent to enter such an agreement and reasonably believed that they were participating in such an agreement.

Section 19(2) is a new section that authorizes tribunals that make the findings set forth in section 19(1) of this act to: a) enforce a collaborative law participation agreement, b) apply the disqualification provisions of sections 5, 6, 9, and 10 of this act, and c) apply a privilege under section 16 of this act.

Section 20 is a new section that requires that consideration be given to the need to promote uniformity of the law among the states that enacted this uniform act when applying and construing it.

Section 21 is a new section that provides that this chapter alters and supersedes the Federal Electronic Signatures in Global and National Commerce act, 15 U.S.C. Sec. 7001, but does not alter or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

Section 22 is a new section and is a severability clause.

Section 23 provides that sections 1 through 22 of this act constitute a new chapter in Title 7 RCW.

This bill is assumed effective July 1, 2013.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

Individual State Agency Fiscal Note

Bill Number: 1116 HB	Title: Unif. collaborative law act	Agency: 110-Office of Administrative Hearings
-----------------------------	---	--

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Edie Adams	Phone: 360-786-7180	Date: 01/17/2013
Agency Preparation: Jane Habegger	Phone: 360-407-2756	Date: 01/24/2013
Agency Approval: Larry Dzieza	Phone: 360-407-2717	Date: 01/24/2013
OFM Review: Diamatris Winston	Phone: (360) 902-7657	Date: 01/25/2013

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

HB 1116 adopts a Washington Uniform Collaborative Law Act (UCLA).

Collaborative law provides an alternative dispute resolution (ADR) process, to assist parties to resolve all or part of their dispute without the intervention of a tribunal, which includes administrative tribunals- Administrative Law Judges employed by the Washington State Office of Administrative Hearings. It is currently used most commonly in family law, but may be used in a variety of other types of civil legal disputes. In collaborative law, the parties sign a participation agreement which describes the scope of the issues to be addressed. Parties must also be presented by attorneys in the collaborative law process. This is not always required in mediation, another type of ADR.

The UCLA sets forth requirements regarding the following:

- The collaborative law participation agreement
- Beginning and concluding the collaborative law process
- Proceedings pending before the tribunal and status reports
- Emergency orders
- Approval of agreements by a tribunal
- Disqualification of collaborative lawyers and lawyers in associated firm
- Government entity as party
- Disclosure of information
- Standards of professional responsibility and mandatory reporting
- Appropriateness of collaborative law process
- Coercive or violent relationships
- Confidentiality of collaborative communication
- Privilege against disclosure for collaborative law communication admissibility; discovery
- Waiver and preclusion of privilege
- Limits of privilege
- Authority of tribunal in the event of noncompliance
- Uniformity of application and construction of the act
- Relation to electronic signatures in global and national commerce act

Washington State Office of Administrative Services and Possible Impacts of this bill to the OAH:

The Legislature created the Washington State Office of Administrative Hearings (OAH) in 1981 to provide an independent hearing office to conduct hearings and decide disputes between Washington citizens and state agencies. The OAH employs Administrative Law Judges (ALJs), who are attorneys, to conduct these state administrative hearings.

At times, ALJs utilize mediation in disputes assigned to them. Additionally in our current Strategic Plan, we have a goal to increase our use of mediation. If we were to utilize collaborative law as a new method of ADR, we would need to provide training to our judges and staff.

If we were to begin offering the collaborative law process for cases in which both parties are represented by attorneys, the fiscal impact to our agency would be the cost for training of our ALJs and staff in this new process. We conclude that the impact of this bill is indeterminate because the cost for this training is unknown. Currently we send our ALJs on one of our caseloads to mediation training at Seattle University. The tuition is approximately \$900 for a 4 ½ day course.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.