RCW 2.70.023 Direct representation of clients. (1) Except as otherwise provided in this section, the office of public defense shall not provide direct representation of clients.

(2) In order to protect and preserve client rights when administering the office's statutory duties to provide initial telephonic or video consultation services, managing and supervising attorneys of the office of public defense who meet applicable public defense qualifications may provide limited short-term coverage for the consultation services if office of public defense contracted counsel is unavailable to provide the consultation services. The office shall provide services in a manner consistent with the rules of professional conduct, chapter 42.52 RCW, and applicable policies of the office of public defense.

(3) The office of public defense may facilitate and supervise placement of law clerks, externs, and interns with office of public defense contracted counsel, in a manner consistent with the Washington admission and practice rules, the rules of professional conduct, chapter 42.52 RCW, and applicable policies of the office of public defense.

(4) Employees of the office of public defense may provide pro bono legal services in a manner consistent with the rules of professional conduct, chapter 42.52 RCW, and applicable policies of the office of public defense. The policies of the office of public defense must require that employees providing pro bono legal services obtain and provide to the office a written statement, signed by any pro bono client, acknowledging that:

(a) The pro bono legal services are provided by the employee acting in the employee's personal capacity and not as an employee of the office of public defense; and

(b) The state of Washington may not be held liable for any claim arising from the provision of pro bono legal services by the employees of the office of public defense.

The office of public defense shall retain the written statements in a manner consistent with records relating to potential conflicts of interest.

(5) The office of public defense shall provide public defense services for indigent persons qualified for appointed counsel in involuntary commitment cases under chapter 71.05 RCW at the request of the health care authority on behalf of a county, either directly or by contracting with persons admitted to practice law in this state or organizations that employ persons admitted to practice law in this state, using funds provided by the county pursuant to RCW 71.05.110. [2025 c 226 s 11; 2024 c 294 s 2.]

Effective date—2025 c 226: See note following RCW 71.05.020.