

HOUSE BILL REPORT

HB 2368

As Amended by the Senate

Title: An act relating to the practice of law by deputy sheriffs.

Brief Description: Allowing deputy sheriffs to practice law.

Sponsor(s): Representatives Padden, Riley, Mielke and Paris.

Brief History:

Reported by House Committee on:
Judiciary, February 4, 1992, DP;
Passed House, February 13, 1992, 90-0;
Amended by Senate.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 18 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Paris, Assistant Ranking
Minority Member; Belcher; Broback; Forner; Hargrove; Inslee;
Locke; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate;
Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: Deputy sheriffs are currently prohibited from practicing law. The origin of the restriction may have been a concern about a conflict between the duties of the sheriff acting as an officer of the court and the role of the attorney. In practice, an actual conflict may arise infrequently given different staffing patterns of the courts and larger number of employees in many sheriffs' offices.

Summary of Bill: Deputy sheriffs may practice law under certain circumstances. The deputy sheriff must not engage in duties closely related to the function of the court; must limit his or her law practice to areas not in conflict with the deputy sheriff's duties; may not serve civil process; and may not attend sessions of the superior court. If a conflict arises between the sheriff's duties and the law practice, the deputy sheriff must quit either the practice of law or his or her job as a sheriff until the conflict no longer exists. The deputy sheriff may finish any pending legal matters to avoid hardships to clients if those matters

are not the cause of the conflict. The deputy sheriff must also file an affidavit with the clerk of the court where the sheriff will practice law stating that he or she will comply with these requirements.

EFFECT OF SENATE AMENDMENT(S): The House bill is stricken and replaced with the Senate amendment. The Senate amendment simply removes current law's prohibition on deputy sheriffs from practicing law. The Senate amendment removes several contingencies contained in the House bill on the ability of the sheriff to practice law. Primarily, those contingencies prevented the sheriff from practicing law if a conflict exists or arises with the person's duties as a sheriff and the person's duties as an attorney.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill contains provisions assuring that potential conflicts of interest between the professions are minimized. The bill will allow a deputy sheriff who is also an attorney to practice law.

Testimony Against: None.

Witnesses: Mike Patrick, Washington State Council of Police Officers (in favor).

VOTE ON FINAL PASSAGE:

Yeas 90; Excused 7; Absent 1

Excused: Representatives Basich, Brekke, Grant, Hine, Locke, Ludwig, Wineberry

Absent: Representative Sprenkle