

# FINAL BILL REPORT

## SHB 1911

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Synopsis as Enacted

**Brief Description:** Concerning activities in which the office of public defense may engage without violating the prohibition on providing direct representation of clients.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Taylor, Cheney, Ortiz-Self, Reed, Simmons, Ormsby, Reeves, Fosse and Davis; by request of Office of Public Defense).

**House Committee on Civil Rights & Judiciary**  
**Senate Committee on Law & Justice**

### **Background:**

The Office of Public Defense (OPD) is a judicial branch agency established to implement the constitutional and statutory guarantees of counsel and to deliver indigent defense services funded by the state. The OPD contracts with attorneys, local governments, and law firms to provide representation of indigent client appeals, indigent parents in dependency cases, persons committed as sexually violent predators, and initial consultations for youth who are stopped or arrested by law enforcement. The OPD is prohibited from providing direct representation of clients.

### **Summary:**

The OPD is permitted to engage in the following activities without violating the prohibition on direct representation of clients:

- Managing and supervising OPD attorneys who meet applicable qualifications may provide limited, short-term coverage for initial telephonic or video consultation services when OPD contracted counsel is unavailable.
- The OPD may facilitate and supervise placement of clerks, externs, and interns with OPD contracted counsel.
- The OPD employees may provide pro bono legal services in a manner consistent with the rules of professional conduct and applicable OPD policies. The OPD policies

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

must include a requirement that OPD employees providing pro bono legal services obtain a signed, written statement by any pro bono client acknowledging that the services are provided by the employee in the employee's personal capacity and that the State of Washington may not be held liable for claims arising from the provided services. The OPD must retain the written statements in a manner consistent with records relating to potential conflicts of interest.

**Votes on Final Passage:**

House 79 18

Senate 49 0

**Effective:** June 6, 2024