

SENATE BILL REPORT

SB 5453

As Reported by Senate Committee On:
Law & Justice, February 6, 2025

Title: An act relating to public defense recruitment and retention.

Brief Description: Concerning public defense recruitment and retention.

Sponsors: Senators Slatter, Torres, Chapman, Frame, Hasegawa, Holy, Saldaña and Valdez.

Brief History:

Committee Activity: Law & Justice: 2/03/25, 2/06/25 [DP-WM].

Brief Summary of Bill

- Directs the office of public defense to administer training programs for public defense support staff and maintain a pool of paralegals to support public defense contracted counsel.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres, Valdez and Wagoner.

Staff: Patrick Moore (786-7535)

Background: People who cannot afford an attorney to counsel them in criminal, juvenile, involuntary commitment, and dependency cases are described as indigent and are entitled to have a publicly funded attorney represent them. Public defenders are attorneys employed by governments to represent indigent defendants. Other attorneys may also be contracted to provide this service. The Office of Public Defense (OPD) was legislatively created in 1996 to implement the constitutional guarantee of counsel and to ensure the effective and efficient delivery of the indigent appellate services funded by the state of Washington.

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.

Paralegals perform certain legal work but are not licensed as attorneys and cannot perform some of the tasks that attorneys do. Public defense mitigation specialists assist attorneys in developing defense strategies by providing advice and recommendations to attorneys in assessing and preparing client cases as well as presenting information on social service needs of clients.

Summary of Bill: The OPD is directed to administer a training program for public defense mitigation specialists and paralegals who are new to public defense. The OPD is also directed to administer a pool of public defense paralegals to support the OPD contracted counsel on an as-needed basis. This paralegal pool is to prioritize solo practitioners and very small private law firms that are contracted with the OPD, as well as legal practitioners contracted to provide postconviction representation.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Requested on January 31, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: This bill takes effect on July 1, 2026.

Staff Summary of Public Testimony: PRO: The public defense system has a critical workforce shortage of attorneys and support staff. Counties are struggling to fill positions. Public defense attorneys are overworked with high caseloads and struggle to keep up. Delays in justice impact people's lives. This bill establishes a pool of paralegals to help public defense attorneys. Support staff are a backbone of public defense, they maximize efficiency and free up attorneys to focus on building strong defense cases. Public defense mitigation specialists help people avoid harsher criminal sentencing. This bill also brings in people who have lived experience in the justice system. The cost of inaction is too high. There is growing distrust in our legal system. It would be helpful to extend the training timeline called for in the bill. The Office of Public Defense is a natural place for this training to occur.

Persons Testifying: PRO: Senator Vandana Slatter, Prime Sponsor; Jacob Schmitt, Just Us Solutions, LLC; Sophia Byrd McSherry, Washington State Office of Public Defense.

Persons Signed In To Testify But Not Testifying: No one.