

SENATE BILL REPORT

HB 2368

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 25, 1992

Brief Description: Allowing deputy sheriffs to practice law.

SPONSORS: Representatives Padden, Riley, Mielke and Paris

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Dick Armstrong (786-7460)

Hearing Dates: February 25, 1992

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:

Deputy sheriffs are allowed to practice law under certain circumstances. The deputy sheriff: (1) must not engage in duties closely related to the function of the court; (2) must limit his or her law practice to areas not in conflict with the deputy sheriff's duties; (3) may not serve civil process; and (4) 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.

Appropriation: none

Revenue: none

Fiscal Note: none requested

SUMMARY OF PROPOSED SENATE AMENDMENT:

The conditions and limitations for deputy sheriffs to practice law are deleted.

TESTIMONY FOR:

There are no valid public policy reasons why a deputy sheriff should not be able to practice law. The Rules of Professional Conduct are sufficient to prohibit any conflict of interest.

TESTIMONY AGAINST: None

TESTIFIED: Representative Mike Padden, prime sponsor