

Washington State Judicial Branch

2023-25 Biennial Budget Request

AG Representation for Litigation Defense (Davison Case)

Agency: Office of Public Defense

Decision Package Code/Title: AR – Litigation Defense–AG–Davison Case

Agency Recommendation Summary Text:

OPD requests funding to cover agency costs for Attorney General legal services to defend an ongoing class-action lawsuit against OPD and the State of Washington. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 001-1	\$60,000	\$60,000	\$120,000	\$0	\$0	\$0
Object of Expenditure						
EM Attorney General Fees	\$60,000	\$60,000	\$120,000	\$0	\$0	\$0
Total Expenditures						
	\$60,000	\$60,000	\$120,000	\$0	\$0	\$0

Package Description:

OPD requests funding to cover required payments for legal representation and related services to defend an ongoing class-action lawsuit brought by the ACLU against OPD and the State of Washington. (Davison v. State of Washington and Washington State Office of Public Defense.)

The lawsuit alleges that the State and OPD have a federal and state constitutional duty to ensure that indigent respondents charged in juvenile offender matters in Grays Harbor County receive adequate public defense and that the State and OPD have violated this duty. The Washington State Supreme Court entered an interlocutory order in June 2020 and remanded the case to the trial court, and the Davison case is proceeding on a course toward trial. A trial date has not yet been set. If the state is found liable, the monetary exposure is significant.

Fully describe and quantify expected impacts on state residents and specific populations served:

N/A

Explain what alternatives were explored by the agency and why they were rejected as solutions:

N/A

What are the consequences of not funding this request?

Not funding this request would leave OPD unable to pay legal counsel for representation to defend the agency and the State against this lawsuit.

Is this an expansion or alteration of a current program or service?

No.

Decision Package expenditure, FTE and revenue assumptions:

N/A

How does the package relate to the Judicial Branch principal policy objectives?

- *Access to Necessary Representation:* OPD must be able pay for legal representation to defend a lawsuit against the agency and the State.

Are there impacts to other governmental entities?

Funding this request would ensure payment to the Attorney General for legal services.

Stakeholder response:

N/A

Are there legal or administrative mandates that require this package to be funded?

State agencies are required to pay for AG representation in litigation.

Does current law need to be changed to successfully implement this package?

N/A

Are there impacts to state facilities?

N/A

Are there other supporting materials that strengthen the case for this request?

N/A

Are there information technology impacts?

No

Agency Contacts:

Sophia Byrd McSherry, Deputy Director
360-586-3164, ext. 107
sophia.byrdmcsherry@opd.wa.gov