



Bob Ferguson

## ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

August 8, 2014

The Honorable John Braun  
State Senator, District 20  
PO Box 40420  
Olympia, WA 98504-0420

Dear Senator Braun:

This is to acknowledge your letter of August 5, 2014, requesting an opinion on the application to Washington law of the recent opinion of the United States Supreme Court in *Harris v. Quinn*, 573 U.S. \_\_\_\_ (2014).

You pose a series of questions regarding the application of *Harris* to Washington law, under which individual providers of home care services are regarded as state employees for the limited purpose of collective bargaining. I regret that we must decline to provide the opinion you have requested because the matters you ask about are currently at issue in litigation. *Centeno v. Dep't of Soc. & Health Servs.*, United States District Court for the Western District of Washington, No. 2:14-cv-00200-MJP.

It is our longstanding policy to decline to provide opinions on matters that are the subject of litigation. When a lawsuit has been filed, the case is in the hands of the courts for decision. This policy has been stated in many prior opinions, including AGLO 1971 No. 129: "The attorney general has, since statehood, consistently declined to issue opinions on questions already in litigation before the courts, or where litigation is imminent, believing that in such a case the proper tribunal to resolve the question is the court itself."

We anticipate that the courts will resolve your questions in due course. I trust that this information will be helpful.

Sincerely,

JEFFREY T. EVEN  
Deputy Solicitor General  
(360) 586-0728

wros  
enclosure (opinions brochure)