



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
SEPTEMBER 8, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Jason Schwarz (Chair), Maia Vanyo (Vice-Chair), Kathy Kyle, Christopher Swaby, Paul Holland, Anita Khandelwal, Christie Hedman, Erika Rutter, Rachel Cortez, Kevin Flannery, Justice Sheryl Gordon McCloud

CPD Emeritus members (non-voting members): Bob Boruchowitz, Ann Christian, Eileen Farley

WSBA Staff: Bonnie Sterken

Guests: Lacey Coppage, Jennifer Bartlett, David Carroll, Aditi, Gabrielle Caron, Geoff Hulse, Grace O'Connor, Jonathan Patnode, Katrin Johnson, Lindsey Townsend, Molly Sullivan, Sarah Hudson, Sophia Byrd McSherry, Victoria Blumhorst, Jon Mosher

Absent: Judge Patricia Fassett, Anthony Powers, Jason Bragg, Mohammad Hamoudi, Arian Noma, Jonathan Nomamiukor, Louis Frantz, Leandra Craft, Travis Stearns, Larry Jefferson, Abraham Ritter, Judge Drew Henke

Sixth Amendment Center: David Carroll and Lacey Coppage from the 6th Amendment Center joined the meeting to discuss their work, how Washington's public defense compares to other states, and the ABA 10 Principles.

They shared how Washington's public defense system compared to other states. Highlights included the following:

- They shared a map showing how many states either relieve counties from paying for public defense or where the state handles most of the funding. Overall, in 38 states, the state shoulders most of the public defense funding.
- They discussed case law that highlights the state's responsibility to provide effective counsel (i.e., *US v Cronin*). This case law leads to the ABA Ten Principles, recently revised, and includes the main principles of the Cronin analysis (early appointment of counsel, attorney qualifications/training/supervision, independence of the defense function, sufficiency of time).
- They provided examples of how states are NOT meeting the 10 principles. This leads to an acknowledgment that there needs to be an enforcement mechanism to ensure standards are being followed.
- They provided an example of how the 10 principles are being implemented in Michigan.
- They shared their methodology for when they go to a state to conduct an analysis of the public defense system to better implement the principles.

Lacey and David addressed questions and the Council discussed how this work could be applied to Washington.

Minutes: The July minutes were approved with one typo correction and one abstention.

Announcements: Jason Schwarz reminded the Council about the third quarter equity forum happening at the end of September. He also shared about the October meeting at the University of Washington. The agenda will include a CPD meeting to discuss the standards as well as a panel meeting for students interested in public defense.

Bob shared that the Standards Committee will have revised standards in the October meeting to share.

The meeting adjourned at 10:47am