



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
APRIL 21, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Kathleen Kyle, Arian Noma, Jason Schwarz, Abraham Ritter, Taylor Herring, Kevin Flannery, Maia Vanyo, Judge Drew Henke, Paul Holland, Anita Khandelwal, Christopher Swaby, Jonathan Nomamiukor, Louis Frantz

CPD Emeritus members (non-voting members): Bob Boruchowitz, Ann Christian, Travis Stearns

WSBA Staff: Bonnie Sterken

Guests: Jennifer Sherman, Jennifer Schwartz, Sarah Hudson, Erik Kaeding, Jonathan Patnode, Molly Sullivan, Katrin Johnson, Sophia Byrd McSherry, Christine Olson, Shoshana Kehoe-Ehlers, Grace O'Connor, Geoff Hulsey

Absent: Judge Patricia Fassett, Leandra Craft, Anthony Powers, Christie Hedman, Jason Bragg, Mohammad Hamoudi, Larry Jefferson, Rachel Cortez, Erika Rutter, Justice Sheryl Gordon McCloud, Eileen Farley

Minutes: The March minutes were approved with one revision from the OPD report.

Rural Public Defense: Jennifer Sherman and Jennifer Schwartz presented about their work to understand rural issues with the rural WA jails project. The project is ongoing and is a collaboration with six rural counties to understand the forces behind the rise of rural jail incarceration rates. They collected quantitative data from the courts and qualitative interviews from system staff and system involved. The research addresses structural issues (i.e., housing shortages, lack of social services, etc.) and legal issues (i.e., court infrastructure challenges, lack of diversion or relicensing, lack of public defense resources, and other issues). They addressed questions and the Council had a discussion.

Proposed Court Rule – CrR 4.2(e): Jason Schwarz asked for feedback from the Council regarding the March conversation with Judge Amamilo. Jason noted that he sees value in creating more clarity in the process, but also sees some downsides to the proposal. The Council discussed what they see currently happening in plea agreements and concerns with unintentional consequences with the proposed rule change. The Council decided to not act on this request. Jason will follow up with Judge Amamilo.

Office of Public Defense Report: Sophia Byrd McSherry reported on legislative activities and bills that are still progressing. A bill with DSHS is moving forward and a post-conviction bill is also moving still alive. On the budget they are expecting a final operating budget being presented tomorrow. Both the house and the senate had some of the things the OPD requested. Larry Jefferson is speaking at a conference in Denver and many OPD staff are going to the WDA conference, and will participate in the children's justice conference. They are interested in visiting Asotin County because they were contacted by the County Commissioners.

Katrin Johnson also discussed a survey they sent out to public defenders regarding retention and job satisfaction. They are sifting through the data and will share their results. On May 19 the Board of Judicial Administration will

discuss public defense recruitment and retention. OPD is in the 5th year of the criminal defense academy and will be having trainings upcoming. They'll be offering scholarships to the WACDL conference coming up as well. July 14 will be public defense day at OPD.

Standards Committee Update: Bob Boruchowitz reported that the committee is meeting a lot and are working on revisions to the entire Standards. They are still waiting for the national Standards. They have worked on mapping the 11 categories in the national standards to the WA standards. Bob emphasized that it will be a watershed moment when the National Standards come out and will be a big opportunity to change public defense. The Council discussed the need to address funding before implementing new standards.

Race Equity Committee Update: Abe Ritter reported that the committee had their first forum in March. They had 30 folks register and 17 participated. They had multiple discussion groups to discuss questions designed to gather data about their lived workplace experiences. The next forum will be June 28 from 12pm – 2pm. The invitation will go out Wednesday, May 3.

May Meeting: Jason Schwarz shared that there will be a BJA meeting on May 19 regarding public defense recruitment and retention and encouraged Council members to attend. Jason asked subcommittees to schedule their May meetings around this BJA meeting.

Announcements: Maia Vanyo reminded folks that we are hoping to do an in person CPD meeting in September.

Travis shared that there was a court rule on juvenile warrants that is being reconsidered by the Court right now. He encouraged council members to comment on its success. He also noted the success of a bill being signed officially ending the death penalty in Washington.

Ann brought up the progress in Kittitas County to open a public defense office and similar discussions in Asotin County. Ann asked what the role of CPD is in counties that aren't doing things well. She noted the CPD Charter task to improve delivery of defense services by examining and reporting on public defense systems. Is there a role for CPD to review counties? There was a conversation that it is consistent with the Charter but is pending CPD capacity. Bob suggested refreshing everyone's memory on the history of the CPD and work that has been done in the past.

The meeting adjourned at 11:22am