

BOG LEGISLATIVE COMMITTEE

Meeting Minutes

August 15, 2016

Members present: Phil Brady, Bill Hyslop, Angie Hayes, Mario Cava, Keith Black, Elijah Forde, Sean Davis

Guests present: Brooks Holland, Council on Public Defense (CPD)

Staff present: Alison Grazzini

SUMMARY OF ACTION TAKEN

Item Discussed	Bill Number	Vote	Comments
CPD statement regarding legal financial obligation (LFO) reform.	N/A	Vote #1: Meet requirements under GR 12.1.	No objections Vote: unanimous
		Vote #2: Authorize CPD LFO statement.	No objections Vote: unanimous
CPD endorsement of the Washington Appellate Project (WAP) comment re: proposed court rule RAP 14.2 concerning LFOs.	N/A	Vote #1: Meet requirements under GR 12.1.	No objections Vote: unanimous
		Vote #2: Authorize CPD to endorse comment to RAP 14.2.	No objections Vote: unanimous
Committee meeting minutes from June 14, 2016.	N/A	Approve meeting minutes.	No objections Vote: unanimous

CPD legal financial obligation reform statement

- Brooks Holland, CPD Chair provided an overview of the LFO statement by the Council. It calls for various reforms related to legal financial obligations. CPD has a workgroup dedicated to discussing the issue of LFO reform that includes county clerks, defense attorneys, prosecutors, and others to review impacts of current statewide policy on local jurisdictions across the state.

- The workgroup prepared the statement in consultation with the WSBA Legislative Affairs Manager as it is related to a bill that has been considered by the state legislature, [E2SHB 1390](#).
- The LFO statement is specific to Washington State, but may also be used as a platform for a joint WSBA/King County Bar Association (KCBA) resolution before the American Bar Association (ABA) and subsequent national LFO reform work.
- Gov. Brady entertained a motion to determine if the statement meets requirements under GR 12.1. Gov. Black moved the motion; Gov. Hayes seconded. Committee members discussed how the issue of LFO reform is an access to justice issue. Other discussion included involving stakeholders in future LFO reform conversations as well as sharing CPD's statement when/where appropriate.
- Gov. Brady called a vote to determine if GR 12.1 applies; passed unanimously.
- Committee members discussed next steps for the LFO statement which includes involving elected officials and stakeholders through the WSBA Legislative Affairs Manager as well as posting on the WSBA CPD website.
- Gov. Brady entertained a motion to approve CPD's LFO statement. Gov. Hayes moved the motion; Gov. Black seconded. No discussion.
- Gov. Brady called a vote to approve the CPD statement; passed unanimously.

Appellate court rule regarding legal financial obligations

- CPD Chair Holland provided an overview regarding the proposed change for RAP 14.2 related to costs on appeal for LFOs. The court rule is being amended based on cost concerns for defendants on appeal as thousands of dollars can be assessed for those who pursue appeals and lose.
- The Washington Appellate Project (WAP) drafted a comment to the proposed rule and brought the issue before the Council for endorsement. WAP supports a rule change to ensure a defendant found to be indigent during criminal prosecution will be presumed to remain indigent during the appeal process unless there is a substantial change in circumstances to pay. The rule change would shift the burden away from the defendant.
- The Council reached a supermajority vote in favor of endorsing the comment drafted by the WAP.
- Committee members discussed the supermajority vote and subsequent Council conversations about the intention of the rule change as well as impacts on local jurisdictions across the state.
- Gov. Brady entertained a motion to determine if the court rule comment meets requirements under GR 12.1. Gov. Black moved the motion; Gov. Hayes seconded. No discussion.
- Gov. Brady called a vote to determine if GR 12.1 applies; passed unanimously.
- Gov. Brady entertained a motion to approve the CPD endorsement of the court rule comment drafted by the WAP. Gov. Cava moved the motion; Gov. Black seconded.
- Committee members discussed a potential legislative impact with the WSBA Legislative Affairs Manager as well as the history of the WAP.

- Gov. Brady called a vote to approve the CPD endorsement of the WAP comment to RAP 14.2; passed unanimously.

Committee meeting minutes

- Gov. Brady entertained a motion to approve the meeting minutes from June 14, 2016. Gov. Hayes moved the motion; Gov. Black seconded. No discussion.
- Gov. Brady called a vote to approve the committee meeting minutes; passed unanimously.

With no further committee action or discussion, the meeting was adjourned by Gov. Brady at 1:34pm.