

**WASHINGTON STATE
BAR ASSOCIATION**

BOG LEGISLATIVE COMMITTEE

Meeting Minutes: April 18, 2016

Members present: Phil Brady, Anthony Gipe, Angie Hayes, Mario Cava, Keith Black, Bill Hyslop, Elijah Forde, Brooks Holland

Staff present: Jean McElroy, Alison Grazzini

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SUMMARY OF ACTION TAKEN

Item Discussed	Bill Number	Vote	Comments
Meeting minutes	N/A	Approve 3/21 meeting minutes	No objections (Governors Gipe and Forde abstained) Moved: Gov. Hayes Seconded: Gov. Hyslop
CPD Court Rule Comment re: CrRLJ 3.2	N/A	Does the comment meet GR 12.1	Unanimous Moved: Gov. Gipe Seconded: Gov. Hyslop
CPD Court Rule Comment re: CrRLJ 3.2	N/A	Authorization for CPD to comment publicly	Unanimous Moved: Gov. Black Seconded: Gov. Forde

Council on Public Defense: court rule comment

- Council on Public Defense (CPD) Chair Brooks Holland joined the meeting to explain CPD's desire to comment publicly regarding proposed court rule CrRLJ 3.2.
- Mr. Holland gave an overview of the issue and why CPD feels it necessary to comment. The issue arose in Superior Court in *State v. Barton* (2014) requiring cash-only bail for the defendant. A subsequent rule change occurred for Superior Court (rule 3.2). However, for courts of local jurisdiction, the rule change is currently a proposal. Others within the legal community have commented about the issue of cash-only bonds having negative impacts on certain communities with barriers to commercial surety bonds.
- The proposed rule change was brought to the attention of CPD who had already formed a subcommittee to review cash-only bail and its impacts on indigent defense. Justin Bingham and Daryl Rodrigues are co-chairs of this subcommittee.

- CPD's proposed comment to the rule change touches a middle ground; an alternative for those without access to commercial surety bonds without eliminating the cash-only option or rewriting the entire whole rule.
- Gov. Hyslop asked if there are those within the legal community who oppose the idea of offering an alternative to cash-only bonds. Mr. Holland responded that CPD wasn't aware of opposition. The CPD is diverse to ensure various points of views are captured when weighing issues such as these. Further, the CPD subcommittee that produced this comment is also diverse to ensure all points of views are considered before the Council makes decisions.
- Gov. Brady thanked Mr. Holland for his overview and opened the GR 12.1 discussion.
- Gov. Cava stated that he believes it meets GR 12.1 in terms of bail payment and alternative means from the indigent defense perspective.
- Gov. Brady agreed; Gov. Black also concurred and stated that CPD should be allowed to proceed with commenting publicly regarding the rule change.
- Gov. Gipe asked for clarification if the comment is coming from CPD or the full WSBA. Gov. Cava responded that per the WSBA Legislation and Court Rule Comment Policy that it is before the BOG Leg. Committee to approve CPD to move forward. Mr. Holland clarified that the comment is coming from CPD and that the deadline is April 30.
- Gov. Brady accepted a motion from Gov. Gipe with a second from Gov. Hyslop that the comment meets GR 12.1. The vote was unanimous.
- Gov. Brady accepted a motion from Gov. Black with a second from Gov. Forde that CPD be authorized to comment publicly regarding CrRLJ 3.2. The vote was unanimous.
- Mr. Holland thanked Board members for their time and departed the conference call.

Other business: possible joint legal financial obligation (LFO) reform resolution

- Alison stated that WSBA Executive Director Paula Littlewood was approached by a King Co. Bar Association (KCBA) member about a possible joint American Bar Association (ABA) resolution between WSBA and KCBA regarding LFO reform. Alison asked Board members for input and authorization to proceed in scheduling a conference call with Paula and CPD Chair Brooks Holland to discuss further.
- Alison stated that Board members had discussed the topic during the March 21 BOG Leg. Committee meeting and that this effort is related. She also reminded Board members of state legislation regarding the issue and that WSBA should proceed with caution as there are ongoing negotiations regarding LFO reform at the state level.
- Gov. Gipe stated that the WSBA should be contributing to the issue of LFO reform and to be mindful of the political climate, but also not to be timid.
- A short discussion ensued where Board members granted Alison authorization to proceed.

Meeting adjourned by Gov. Brady at 4:34 p.m. on April 18, 2016.