



April 30, 2019

Chief Justice Mary Fairhurst  
WSBA Bar Structure Work Group  
Via email: [structureworkgroup@wsba.org](mailto:structureworkgroup@wsba.org)

RE: Revisions to WSBA Structure

Dear Chief Justice Fairhurst and Members of the Bar Structure Work Group:

Thank you for your request for input on the structure of the WSBA and the regulation of the practice of law in Washington. I am writing on behalf of the Washington Defender Association (WDA) to express our strong support for continuation of the WSBA Council on Public Defense (CPD) as a part of the mandatory bar structure. WDA is a non-profit association of over a 1600 public defenders, criminal defense attorneys, investigators, and social workers throughout the state of Washington. WDA and its members are committed to supporting and improving indigent defense and the lives of indigent defendants and their families. A primary purpose of WDA is to improve the administration of justice and stimulate efforts to remedy inadequacies in substantive and procedural law that contribute to injustice. The CPD has been an important entity both in responding to court requests for input on appropriate standards for the provision of public defense services and in promoting justice reform efforts that improve the administration of justice.

The vast majority of clients facing criminal, dependency and ITA proceedings are represented by public defenders. Public defense clients do not have the luxury of finding new representation if they are concerned about the effectiveness of their attorney. The unique nature of the attorney-client relationship means that the oversight and regulation of that representation is critical to the integrity of the justice system process. The CPD serves a vital function in establishing baseline standards and practices to ensure we are not perpetuating a two-tiered system of justice: one for those with money and one for those without.

Since its initial inception as the "Blue Ribbon Panel on Criminal Defense" in 2004, the CPD has undergone several transformations and is the only standing "advisory council" of the WSBA. The CPD provides a unique and valuable forum for bringing together representatives of the bar, private and public criminal defense attorneys, current and former prosecutors, attorneys, the bench, elected officials and the public, and the WSBA Board of Governors. It is charged with maintaining and improving constitutionally effective public defense services in Washington and, over the course of its existence, the CPD has developed caseload standards and performance guidelines in various practice areas, recommended court rule and legislative changes to improve the administration of justice for public defense clients, and hosted policy forums to educate and bring together justice system professionals to promote sensible reform efforts relating to clients struggling with mental health and substance abuse issues, legal financial obligations, and race equity issues.

The Council on Public Defense currently is charged with the following tasks:

1. Recommend mechanisms to assure compliance with "Standards for Public Defense Services" endorsed by the WSBA.
2. Promulgate "Right to Counsel" educational materials and programs for the public, bench and bar concerning the constitutional right to counsel.
3. Develop "Best Practices" guidelines for public defense services contracts.
4. Address current issues relating to the provision of constitutional public defense services in Washington, including supporting efforts to ensure adequate funding is available.
5. Seek, review and recommend possible improvements in the criminal justice system which might impact public defense or the ability to provide public defense services.
6. Examine experience with Washington Office of Public Defense pilot projects and other programs and public defense systems to improve the delivery of defense services in Washington.
7. Develop recommendations concerning the most effective and appropriate statewide structure for the delivery and accountability for defense services.
8. Continue to study and develop system improvement recommendations for the civil commitments process.
9. Develop further recommendations for indigent juvenile public defense.
10. Evaluate and make recommendations regarding the implementation of the death penalty in Washington.
11. Develop performance standards for attorneys providing public defense services in criminal, juvenile offender, dependency, civil commitment, Becca and other cases to which counsel may be appointed.

Public defense in Washington has taken enormous strides in the past 15 years, largely under the direction of the Washington State Supreme Court through the CPD. The CPD is highly respected by the WSBA and the court, and still is hard at work in establishing standards and practice guidelines for the operation of public defense offices and in specific practice areas. There is no other entity that can take its place given the expertise of its members and representation from across the justice system; therefore, it is vital that the work of the CPD continue under the umbrella of the mandatory bar association.

Thank you for your consideration. We would be happy to answer any questions or to provide further information on our recommendation.

Sincerely,



Christie Hedman  
Executive Director