



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
JANUARY 8, 2021, 9:30AM TO 12:00AM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Travis Stearns (Chair), Jason Schwarz (Vice-Chair), Chris Swaby, Louis Frantz, Rebecca Stith, Justin Bingham, Kathy Kyle, Rachel Cortez, Christie Hedman, Jason Bragg, Judge Drew Henke, Abraham Ritter, Matt Heintz, Jaime Hawk, Justice Sheryl Gordon McCloud

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

WSBA Staff: Diana Singleton, Bonnie Sterken

Guests: Ali Hohman, Katrin Johnson, Sophia Byrd McSherry, Maialisa Vanyo, Kari Reardon, George Yeannakis, Kevin Flannery

Absent: Eric Hsu, Natalie Walton-Anderson, Matt Anderson, Deborah Ahrens, Brenda Williams, Judge Patricia Fassett, Nick Allen

Minutes: The December minutes were approved without edits.

SB 6287: Guardianships and Conservatorships: The Council discussed the legislation that passed last year, which would provide legal counsel for children in guardian proceedings as well as potential guardians and parents. OPD was asked to prepare a fiscal note on the legislation, but the service is not something that OPD is currently authorized to do. OPD would need to create a separate program due to a number of factors. OPD also has a questions about the number of cases estimated and the lack of available data. The Council discussed which other entities and stakeholders should be engaged in discussing this legislation, including counties, sections, WSBA, etc. Jason and Kari agreed to draft a one page summary of the bill and various considerations for stakeholders to see. The Council will continue discussing this issue at the February meeting. Travis will invite the Council's BOG liaison to ensure he is aware of the CPD's discussions.

Announcements: Sophia shared that the Chief Justice and Chief Justice Elect who have been advocating to have public defense included in phase 1 of the vaccine rollout out are meeting with the Governor to discuss.

Small Group Discussions: The Council divided into four breakout rooms to discuss committee work. Below are the report outs from each room at the end of the meeting.

- Independence: Reviewed draft materials that the Council approved. Christie sent to all public defense directors around the state. Received 2 comments – one positive and one that raised concerns. The committee reviewed suggested edits up to the last section. Will need to have one more meeting before presenting a final proposal in February.

- Standards: Been working on caseload workload issues. Decided to invite people in the trenches to come to a meeting later in January. The invitation is going out next week and Jason S will be facilitating to discuss concerns and thoughts on workloads.
- Racial Justice and Equity: Rebecca and Abe are the co-chairs of the new committee. Reviewed excel sheet with topics discussed at general meeting. Focused on a lot of groups doing this work and should get a handle on what other groups are working on. Also discussed what the composition of CPD should look like. Also looking at structure and how people are transitioned on and how boards function. Looking at when CPD meets or ways to gather input from folks who aren't on the CPD. Possibly have role in the competency for public defenders across the state. Something around mentorship for folks doing public defense and those from underrepresented communities. Supporting folks doing PD work beyond staff who encounter different oppressive experiences from their clients. Also looking into bringing in speakers.
- General Brainstorm: Discussed the following as potential areas of focus:
 - Work on dependency guidelines
 - Ways to ensure quality of representation throughout the state particularly in areas that have less structure (i.e., monitoring or oversight). More learning is needed.
 - Looking at conflict counsel who take cases outside of agency structures
 - Resentencing for people who are now adults but were sentenced as juveniles in adult court and ensure they have quality defense

The meeting adjourned at 12:05pm