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Washington State Bar Association

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COUNCIL ON PUBLIC DEFENSE  
MARCH 5, 2021, 9:30AM TO 12:00AM VIRTUAL/VIDEOCONFERENCE  
MINUTES

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**CPD voting members**

Travis Stearns (Chair), Jason Schwarz (Vice-Chair), Justin Bingham, Rachel Cortez, Abraham Ritter, Matt Heintz, ,  
Christie Hedman, Drew Henke, Louis Frantz, Jaime Hawk, Justice Gordon McCloud, Nick Allen, Kathy Kyle, Eric Hsu,  
Jason Bragg, Brenda Williams, Chris Swaby

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

**WSBA Staff:** Bonnie Sterken

**Guests:** Sophia Byrd McSherry, Barbara Harris, George Yeannakis, Kevin Flannery, Frank Thomas, Ali Holman,  
Katrin Johnson

**Absent:** Natalie Walton-Anderson, Matt Anderson, Judge Patricia Fassett, Deborah Ahrens, Rebecca Stith

**Council on Public Defense Budget:** Travis reported that we are in a position to reallocated the CPD's travel budget this year to another project. The Council is looking at following up on a Minority and Justice Commission report done by Aliyah Turner. The report was included as a juvenile detention study for the annual symposium looking at the mass incarceration of women and girls of color. Turner has follow up research and the commission has some wish list items in terms of additional research. A workgroup of the Council will discuss the plan in more detail later in the meeting.

**Minutes:** The February minutes were approved with edits provided in the meeting.

**Office of Public Defense Update:** Sophia reported that the vaccine letters from OPD authorizing eligibility for public defenders are still going out, but they have covered the big push. OPD would like to hear feedback from folks who have received the letter, either successfully getting the vaccine or seeing obstacles. OPD continues to look at a possible public defense task force. Legislatively, bills are moving and several bills they are watching have passed the House. Court's commission on children in foster care asked OPD to do a presentation on its race equity work. Sophia addressed questions.

**Washington Defender Association Update:** Christie reported on other legislative updates. Bills are moving on police accountability, sentencing, and early release. DWLS3 has an amendment that makes it meaningless so advocates discussing whether to support it or fight to change it. Mental health bills are still alive and moving. On the juvenile side Ali reported that 5120 is not moving well but they are optimistically hopeful. The 5123 juvenile sex offender registry is still alive (but not as robust as originally wanted). The juvenile expungement bill did die.

Regarding the budget, WDA is working on a budget proviso to get money to do a study on how public defense is provided. Counties are making a push to get money on various resentencing bills. The Council had a discussion. Travis reported that he is working on a letter to support a piece of legislation, and he'll share it on the listserv.

**ITA Standards:** Travis reported that the ITA standards are published. We will work with the Court to have the standards published on the website, and provide a recommendation to where to post them. OPD and WDA will work together to get the word out that the guidelines have been published.

**Covid Response Survey:** Katrin and Jason reported on the survey how Covid is impacting public defense and the courts. They sent out a survey across the state to gather feedback from public defenders on how things are going. The survey asked about online hearings and overall people are positive about the experience and how in person jury trials had been going. However, the survey revealed that client communication is a problem. Breakout rooms are important for ad hoc conversations during hearings, but some courts are using platforms that don't have this function or judges aren't allowing the use of them. Attorneys are attempting workarounds through text and phone, but that's dependent on what the client has available. Attorneys appreciate Covid court practices, but there is still the issue of being physically close to clients. It's difficult communicating with clients in custody and telephone/online communication is unrealistic. Interpreter cases are extremely challenging. They also looked at caseloads and how it was impacting public defenders. Found caseloads had grown and that preparation and length of cases is getting longer. Serious or violence cases are increasing, and they take longer. Defenders are spending more time per case due to communication barriers and decreased negotiation leverage. Attorneys are also taking on more of a court administration role with clients. Their key takeaways were the following: provide a summary to judges to keep these obstacles in mind, online hearing with breakout rooms are needed, ex parte orders, e-signatures and counsel signing for defendants, courthouse safety measures, and collaboration with defense. Folks need more collaboration especially with jails, resumption of speedy trials, negotiated resolutions on violence offenses, and technology for attorney client communication in court. Jason and Katrin addressed questions.

**Committee Worktime:** The Equity Committee and Independence Committee met for the rest of the meeting to continue their work plans. A separate group also met to discuss how to use the CPD's remaining funds for the year.

The meeting adjourned at 12:05pm