



Washington State Bar Association

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

CPD voting members: Travis Stearns (Chair), Matt Heintz, Christie Hedman, Justin Bingham, Rachel Cortez, Abe Ritter, Kathy Kyle, Justice Gordon McCloud, Chris Swaby, Rebecca Stith, Louis Frantz, Matt Anderson, Deborah Ahrens, Nick Allen, Jaime Hawk, Patricia Fassett, Jason Bragg, Larry Jefferson

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

WSBA Staff: Bonnie Sterken

Guests: Kevin Flannery, Ann Christian, Bob Boruchowitz, Katrin Johnson, Anita Khandelwal, Sophia Byrd McSherry, Maialisa Vanyo, George Yeannakis

Absent: Natalie Walton-Anderson, Jason Schwarz (Vice-Chair), Drew Henke, Eric Hsu, Brenda William

Introductions: The Council welcomed Larry Jefferson as the incoming OPD Director and newest Council member.

Washington Defender Association Update: Christie shared they held 12 webinars this quarter, including one on sentencing. She reported that a number of bills they were following have died, including and earned early release bill. The voting rights restoration bill passed but had a controversial floor debate. The three strikes billed has passed, potentially resulting in about 60 people who might have their life without parole sentences changed. The bill relating to alternatives has been amended and is moving forward. The mental health sentencing alternative bill is still alive and moving. A number of juvenile bills have died. Police accountability bills have passed although many were watered down.

Minutes: The March minutes were approved without edits.

Office of Public Defense Update: Katrin reported that OPD has being issuing their vaccine letters. No one needs a letter to go in anymore. They are still working on Cares Act funds including \$1.5mil for technology and PPE. After finalizing the invoices and they might have additional funds left over to give out. They are planning for another federal grant of \$1.1mil for contracts with different offices around the state to help with additional staffing relating to the serge of cases. HB 1140 juvenile bill is still alive and allows youth to consult with counsel.

Recruitment Update: Travis gave an update on the recruitment process and the seats to be filled. He noted that we are using this recruitment to improve diversity and inclusion on the Council.

Open Case Maximum Standard: Bob reported that the Standards Committee had a meeting with defender leaders from around the state. The Committee identified the following priorities from that conversation: 1) how to define fully supported in the standards (almost no one is fully supported), and 2) identifying an open caseload maximum. The Committee is discussing an open caseload maximum in an emergency order until Covid is over. They would start with felonies because there is a big need there. The Committee had discussed creating a

maximum of 50 clients with open cases after gathering feedback. However, they also have received feedback in opposition to this plan. The Committee is discussing deeper issues in public defense that has spread many office very thin. The Committee is not ready to take action on this today but want to make this a priority. The Council had a discussion about the issues and how to proceed. This will be added to the next agenda for further conversation.

Independence Committee: Ann presented the proposal from the Committee, which was included in the materials. She noted that the goal is to formally established in WA State what the ABA adopted as the principles of the public defense system. Independence of public defense is the first priority in the ABA principles. Ann reviewed the history of the Committee's work on this issue. Ann summarized the documents in the materials, the issues that the Committee is trying to address, and changes that have been made to the documents since the Council saw the last versions. Christie moved to adopt the packet of materials. Rebecca seconded. Christie accepted a friendly amendment that the motion includes changes to CrRLJ 3.1 and JuCR 9.2 which will be exactly the same as the 4th document on CrR 3.1. The motion also included an acknowledgment that this issue is in compliance with GR 12.2. the motion passed with a supermajority.

Announcements: Sophia reported that counties in WA are going to receive \$2.6 billion going out to them in response to other covid impacts. They are also receiving money specifically for transit and housing. This funding could include public defense impacts administered locally.

Blake Discussion: Justice Gordon McCloud left the meeting for this conversation. Travis led a discussion about the impacts of the Blake decision. Council members shared their observations from local jurisdictions and other impacts as a result of the decision. The Council will include a discussion on the next CPD meeting agenda.

The meeting adjourned at 11:59am