



WSBA COUNCIL ON PUBLIC DEFENSE MEETING AGENDA

September 17, 2021 | 9:30 am to 12:00 pm

VIRTUAL MEETING ONLY

For video and audio: <https://wsba.zoom.us/j/82861061154?pwd=aEFuTXVBdDdDeGVCeHY0OFgwekZxQT09>

For audio only: **LOCAL OPTION:** (253) 215-8782 || **TOLL-FREE OPTION:** (888) 788-0099

Meeting ID: 828 6106 1154 || Passcode: 029213

The purpose of the meeting is for the Council to discuss, deliberate, and take potential final action regarding the following agenda items:

3 min	Welcome and Roll Call	Travis Stearns	Discussion	
2 min	July Meeting Minutes	Travis Stearns	Action	<i>pp 2-4</i>
2 min	CPD Meeting Schedule	Travis Stearns	Discussion	<i>pp 5</i>
2 min	Updated FY22 CPD Roster	Travis Stearns	Discussion	
10 min	Office of Public Defense Update	Larry Jefferson Sophia Byrd McSherry	Discussion	
10 min	Washington Defender Association Update	Christie Hedman	Discussion	
10 min	Race Equity Committee Update	Abe Ritter	Discussion	
25 min	Standards Committee	Bob Boruchowitz	Discussion	
40 min	Blake Updates and Discussion	Katrin Johnson	Discussion	
5 min	Announcements	Everyone	Discussion	

The next CPD meeting will be October 22, 2021.

Reasonable accommodations for people with disabilities will be provided upon request. Please email bonnies@wsba.org.



Washington State Bar Association

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

CPD voting members: Travis Stearns (Chair), Jason Schwartz (Vice-Chair), Judge Drew Henke, Rebecca Stith, Louis Frantz, Justin Bingham, Matt Heintz, Christie Hedman, Nick Allen, Kathy Kyle, Larry Jefferson, Rachel Cortez, Chris Swaby, Matt Anderson, Justice Sheryl McCloud, Judge Patricia Fassett

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

WSBA Staff: Bonnie Sterken

Guests: Sophia Byrd McSherry, Robin Hardwick, Cait, Andrea Vallejos Velazquez, Timea Soos, George Yeannakis, Callan Oki, Cristina Rodriguez, Andrea Jarmon, Georhe, Brett Bellew, Nicole Gilson

Absent: Natalie Walton-Anderson, Eric Hsu, Brenda William, Matt Anderson, Jason Bragg, Jaime Hawk, Abe Ritter, Deborah Ahrens

Minutes: The May minutes were approved with a correction to the attendance.

Introductions: Travis encouraged everyone to watch Larry Jefferson's swearing in ceremony to lead the Office of Public Defense

Office of Public Defense: Larry shared what he is seeing as the main issues to address, including 1) the right to counsel and looking for opportunities to make sure folk have access to an attorney, 2) post-conviction release, in general and in the context of Blake, 3) representation in counties that have not been able to attract attorneys, and 4) the caseload crisis that has been exacerbated by the pandemic and other issues. Larry plans to reach out to folks around the state to hear what others think.

Sophia reported that additional Covid relief funds will be going out later this summer. RCW 10.101 funding will be carried forward and maintained throughout the year. Sophia also shared that they received funding to hire attorneys and administrative assistants for various programs.

In September the CPD will address the OPD budget request and other items to support and take action.

Larry is looking to do a caseload study. They have also been in contact with folks on community custody issues to have cases addressed.

Washington Defender Association Update: Christie reported that they are working on Blake and it is an ongoing process. They are hoping to have in person CLEs starting this fall, possibly the first in October. There is an ongoing project with a defender pipeline and helping folks across the state get looped in to internships and other projects. WDA put in a placeholder request for systems grant funding on two projects, one relating to post-conviction work and one on Blake resource attorneys or support.

Funding Update: Travis reported that we would like to offer ATJ Conference scholarships and Christie can help with outreach. Travis also reported that A. Turner was going to write a report on juvenile decline. In the meantime other entities have been putting together information related to Blake. Turner believes she can help draw conclusions from the data instead of the juvenile decline work.

Race Equity Committee: Rebecca shared the overview of the committee and work that has been done so far. They updated recruitment materials and are evaluating how recruitment has been done in the past. They have discussed obstacles to recruitment and outreach, looked at the annual demographic report on the applicant pool, discussed the need for more information on the type of vacancy a position is filling, and discussed the need for more transparency and background for the overall process. They also discussed the time, place and format of CPD meetings to make them more inclusive, including a possible hybrid/in-person structure. The Committee recommended that the CPD clarify the roles in the Charter, particularly members of the public, and possibly add a category for people with lived experience and other backgrounds. They are also looking at equity trainings for the CPD and might be inviting Diana Singleton to a future meeting to discuss what's available.

Barbara also shared about a training that was posted on the listserv regarding child welfare. She shared about how they developed their content and designed it to be building blocks that can be used across OPD programs. Barbara has built content and presented alongside other programs. Barbara recommended that to design content for a CPD training it would be helpful to identify intended outcomes and actions steps to take after the training. Barbara is also building a website with resources through OPD.

Standards Committee: Bob reported that the committee is looking at open cases. They are meeting to discuss what kind of data is needed to support a recommendation on open cases. They also want to discuss what fully supported means.

Brett Ballew joined to share about dependency caseload limits. The general rule has been a 60 case caseload. There is some data that supports that but the practice has changed over the years. They are seeing that there are a lot more meetings to attend in a child welfare case, which are often set in an emergent way. They have also noticed that expert use has changed. They are trying to learn how to be better trauma informed. Generally the attorney should be at 90% full in order to take emergency cases. The Council had a discussion about caseload limits.

Blake Conversation: Travis presented the proposed amendments to CrR 3.1, Right to and Assignment of Lawyer, and CrR 7.8, Relief from Judgement or Order. Larry gave an overview of the Blake decision and summarized the need to approve the proposed amendments. Christie moved that the CPD submit comments supporting the amendments and Rebecca seconded. The Council had a discussion.

The Council voted in favor with a supermajority that the matter does not violate GR 12.2. The Council then voted to support the amendments with a supermajority. Justice Gordon McCloud abstained from the votes.

Blake Updates: Individuals gave updates on what they are seeing in relation to Blake. Larry noted there is a lack of contacts and there are issues on credit for time served not being calculated correctly. Larry asked folks to contact with him if they are seeing issues. Access to folks in custody is an issue. OPD was also asked to help with a triage program, particular in jurisdictions that had limited resources. OPD made the request to AOC but WAPA and the Counties showed opposition. Christie shared there is a standing meeting with stakeholders interested in Blake to discuss issues. Sophia shared about the statewide reentry council that discussed concerned with folks getting the access they need and are interested in the triage concept. The Council had a discussion.

Robin Hardwick shared about looking at Blake data and how the data shows disparities on various demographics. Robin shared the data.

Covid Updates: The Supreme Court is opening up to in-person court in September. Jason shared that the recovery task force is going to look at proposed rules that have emerged from the pandemic. Others shared about what local jurisdictions are doing in terms of in-person gatherings.

The meeting adjourned at 11:50am

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Council on Public Defense 2021-2022 Meeting Schedule

All meetings are in via Zoom from 9:30am – 12pm

Zoom login details will be distributed one week before each meeting with the agenda/materials

Meeting Date	Meeting Location
Friday, October 22, 2021	Zoom Videoconference
Friday, November 19, 2021	Zoom Videoconference
Friday, December 3, 2021 <i>Committee meetings in lieu of full CPD meeting</i>	Zoom Videoconference
Friday, January 28, 2022	Zoom Videoconference
Friday, February 25, 2022	Zoom Videoconference
Friday, March 25, 2022	Zoom Videoconference
Friday, April 22, 2022	Zoom Videoconference
Friday, May 27, 2022 <i>Committee meetings in lieu of full CPD meeting</i>	Zoom Videoconference
Friday, June 24, 2022	Zoom Videoconference
Friday, July 22, 2022	Zoom Videoconference
Friday, August 19, 2022 <i>Committee meetings in lieu of full CPD meeting</i>	Zoom Videoconference
Friday, September 16, 2022	Zoom Videoconference