



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
SEPTEMBER 17, 2021, 9:30AM TO 12:00AM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Travis Stearns (Chair), Jason Schwarz (Vice-Chair), Rachel Cortez, Christie Hedman, Christopher Swaby, Matt Anderson, Kathy Kyle, Abe Ritter, Louis Frantz, Judge Drew Henke, Justice Gordon McCloud, Jason Bragg, Justin Bingham

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

WSBA Staff: Bonnie Sterken

Guests: Sapida Barmaki, Sophia Byrd McSherry, Grace O'Connor, Jonathan Nomamiukor, Katrin Johnson, Gideon Newmark, Anita Khandelwal, Kevin Flannery, Leandra Craft, George Yeannakis, Maialisa Vanyo

Absent: Natalie Walton-Anderson, Eric Hsu, Brenda William, Jaime Hawk, Deborah Ahrens, Rebecca Stith, Matt Heintz, Nick Allen, Larry Jefferson, Judge Patricia Fassett, Eileen Farley

Minutes: The July minutes were approved without edits.

Meeting Schedule: The FY22 meeting schedule provided in the materials was approved. Travis discussed the possibility getting together in the future following WSBA's vaccine mandate.

Office of Public Defense Report: Sophia reported that the comment deadline for amendments to CrR 3.1 and CrR 7.8 September 30. Sophia thanked folks who have submitted comments and encouraged other to do so. OPD will have a supplemental budget request for the next legislative session. They are asking for additional funds for several areas, including translation services for the OPD office, statewide initiatives, contract attorneys, and social worker contracts. One substantial request includes Blake triage funding. OPD is also looking at legislative policy bills: recruitment and retention of public defenders in underserved areas using a loan forgiveness program, and increasing right to counsel in post-conviction matters.

Washington Defender Association Report: Christie shared that they have been approved for a grant to support post-conviction around juvenile resentencing and immigration issues. The project will start in January and expire in June 2023, with hopes that additional funding will carry the work forward. Gideon shared more about the workgroup that is looking at post-conviction matters. They have a draft bill and talking points to use. They have a number of Blake and DWLS town halls scheduled to gather information, are continuing to work through covid issues, will hold a remote CLE on ethics in December, and are focusing on trainings on trauma for clients and attorney mental health.

Committee Reports: Travis gave an overview of how the CPD accomplishes its work through the Committees as a primer for the new members.

Race Equity Committee Update: Travis encouraged folks to join this committee. Travis reported that the Committee had a productive committee meeting last month. Diana Singleton and her team joined the meeting to discuss their equity training work including possibilities for CPD and other WSBA councils. Diana will be providing us a more specific outline of what they can offer and how they can work with entities shortly and we will relay that to the council. We will also be scheduling our September/October meeting soon.

Standards Committee Update: Bob reported that the standards committee has been focused on concerns around the state on how to implement the caseload standard effectively. They are addressing what does fully supported mean and should there be an open case standard. The open case standard has become a larger issue during the pandemic. OPD is looking at open cases for dependencies as well as the Office of Civil Legal Aid. The Committee is waiting on OPD's information on open cases for dependencies. The Committee will do a survey with OPD with practitioners to address these questions. A survey will be put out followed by interviews with practitioners by January. The Council had a discussion.

Blake Discussion: Katrin Johnson presented what is happening in OPD regarding the Blake decision. The Council had a discussion and Katrin addressed questions.

Announcements: Justice Gordon McCloud asked the Council to remember that 50 years ago this week a group of prisoners took over the Attica State Prison, revealing many disparities in the justice system.

Travis shared that the Gender and Justice Commission issued a report on the incarceration of women and girls of color.

Travis encouraged members to attend the CPD orientation in October.

Travis reported that Elizabeth Turner asked if they can put the Standards and Guidelines in the WA practice manual. Travis will work with Elizabeth to make that happen.

Travis welcomed the incoming CPD members whose terms begin October 1.

The meeting adjourned 11:38am