



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
OCTOBER 18, 2024 - 9:30AM – 12:00PM
MINUTES

CPD Voting Members: Maia Vanyo (Chair), Chris Swaby (Vice-Chair), Victoria Blumhorst, Paul Holland, Maya Vanyo, Molly Gilbert, Karen Denise Wilson, Jonathan Quittner, David Montes, Jason Schwarz, Sheryl Gordon-McCloud, Maya Titova, Louis Frantz

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

WSBA Staff: Cate Shur, Bonnie Sterken

Guests: Travis Stearns, Lindsey Townsend, Laurel Brinson-Townsend, Grace O'Connor, Curtis Steinhauer, Molly Fraser, Sarah Hudson, Heather Carol, Gideon Newmark, Geoff Hulsey, Heather Carol, Matt Harget, Matt Jacob, Sophia Byrd McSherry, Matt Sanders, Michael Shumer, Sarah Hudson, Gasnick, Gregory Link, Katrin Johnson, Brett Ballew, Prachi Dave

Absent: Arian Noma, Leandra Craft, Judge Marla Polin, Abigail Pence, Larry Jefferson, Abraham Ritter, Anita Khandelwal, Judge Dee Sontag, Jonathan Nomamiukor

Introductions: Maia Vanyo introduced the newest members and announced we are still recruiting for a current or former public defender.

CPD History and Current Initiatives: Maia Vanyo provided a brief history of the CPD. She encouraged all members to read the CPD's charter and refamiliarize themselves with the tasks they are charged to perform. She summarized the current initiatives, including the ongoing standards work. She noted they will be building some committees soon, including one to look at making voting and membership more equitable and transparent in the charter and one to continue the work of the race equity committee to address diversity in the profession. Regarding the race equity committee's report, the CPD needs to conduct a deep dive discussion and to formulate next steps. The current plan is to work with the DEI Council of WSBA and/or bring in a facilitator to support those efforts.

Hunter Parnell Presentation: Maya Vanyo introduced Hunter Parnell, host of the Public Defenseless Podcast. Hunter discussed the need for better coverage of the criminal legal system from a systemic lens. He is trying to bring more attention to systemic issues through his

podcast to help the public hear from system actors. He's focusing on getting younger people, under 35, interested in the law and to help the practitioners stay informed about what's happening in the profession, and advocate for policy work. Hunter addressed questions.

Minutes: The September minutes were approved without edits.

Office of Public Defense Budget Request and Updates: Maia Vanyo noted that there was a letter in the materials supporting OPD's budget request with additional comments to propose requesting a higher level of funding. Sophia Byrd McSherry reported that the budget requests will be posted to the Court's website today to be submitted to the legislature. Sophia provided more context on how the budgeting process works. The Judicial branch submits its budget directly to the legislature and does not need approval from the Governor. There is about \$140mil in new requests, almost double the existing biennial budget. This request includes new items as they don't have to request funding they already have. This includes the \$40mil pass through to cities and counties. Sophia noted there are individual offices saying they need more in addition to the CPD's potential position. Sophia addressed questions. She shared about a bill they are supporting regarding loan repayment in exchange for working as a public defender in an underrepresented area.

Maia facilitated a conversation about the draft CPD letter in the materials in response to the OPD request. There was a robust conversation about the numbers and how they are calculated and what the ask strategy should be. They took each number one at a time and discussed what made sense. Katrin Johnson also provided additional details about the numbers and how the funding will be administered. There will be some small tweaks to the letter based on the clarifications in this meeting. Some numbers will be double checked before the next meeting. The updated letter will be on the November 1 CPD meeting agenda for action.

Mandated Reporting Obligation: Paul Holland summarized the issue that the mandatory reporting obligation that is required at universities conflicts with an RPC requirement for attorney/client confidentiality. This conflict was not intended when the mandatory rule was made for all higher education. Paul is asking the CPD to submit a letter to the legislature in support of revising the obligation to exclude legal representation matters. This item will be moved to the November 1 CPD meeting for action.

Standards Implementation: Jason Schwarz summarized the need for the CPD to have conversations with other stakeholders about alternate implementation timelines. There was a draft alternate timeline proposal in the materials to spark conversation, but more discussion is needed. He summarized the various implication ideas that have been discussed. Cate Shur reported that the Court has asked groups that provided testimony in September to propose alternative plans. There was a robust conversation about how the CPD should approach the

conversation. There was a strong consensus that there is urgency now with others noting that some collaboration and discussion with other stakeholders is still needed. The Court has specifically requested written submission of implementation plans and rebuttals to the comments originally made in September. The CPD will continue to discussing any new developments at the November 1 meeting, including any written submittals to the Court made by October 21.

The meeting adjourned at 12:00pm