



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
DECEMBER 8, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Jason Schwarz (Chair), Maia Vanyo (Vice-Chair), Arian Noma, Rachel Cortez, Christie Hedman, Maya Titova, Paul Holland, Molly Gilbert, Kathleen Kyle, Abigail Pence, Erika Rutter, Judge Sonntag, Christopher Swaby, Kevin Flannery, Leandra Craft, Jonathan Nomamiukor, Louis Frantz, Abraham Ritter

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

WSBA Board of Governors Liaison: Francis Adewale

WSBA Staff: Bonnie Sterken

Guests: George Yeannakis, Geoff Hulse, Nick Antush, Lei Young, Bridget Volk, Katrin Johnson, Patrick O'Connor, Gideon Newmark, Grace O'Connor, Shoshana Kehoe-Ehlers, Mary Kay High, Liz Mustin

Absent: Anthony Powers, Larry Jefferson, Anita Khandelwal, Justice Sheryl Gordan McCloud, Judge Marla Polin

Minutes: The November minutes were approved with one correction to the list of attendance.

WSBA Community: Jason Schwarz shared that CPD will join the pilot project, and the Chairs and staff will take the lead on exploring the platform.

Lived Experience Proposal: Jason Schwarz asked all members and guests to complete the survey regarding providing stipends for lived experience.

Office of Public Defense Legislative Updates: Katrin Johnson thanked the CPD for its letter in support of the OPD budget request. She also announced the launch of a program allowing OPD to provide counsel to individuals seeking personal restraint petitions. Additionally, Katrin shared insights into the Blake fix bill and highlighted that the legislature had allocated funding to OPD for cases involving gross dissemination of drug offenses. This resulted in the initiation of a new representation program, beginning with grant funds for specific small cities and counties. The upcoming legislative session was discussed, with a focus on three bills related to public defense: 5780, aiming to provide OPD with more authority and funding for training academies; 5781, centered around establishing a rural program for interns with funding; and 5782, seeking funding for an evaluation from the 6th amendment center, noting the center's current unavailability in Washington due to pending litigation. Another bill was mentioned, addressing narrow expectations for the limit on OPD providing counsel. Christie Hedman from the Washington Defender Association (WDA) expressed support for OPD's legislation, emphasizing a focus on securing more pass-through funding for cities and counties. The announcement was made that WDA would be celebrating its 40th anniversary the following Friday.

Standards Update: Jason Schwarz provided an update on the standards discussion during the meeting. The CPD will discuss all Standards except for Standard 3 and vote in January, followed by a discussion on caseloads in Standard 3 in January for a vote in February. However, Chief Justice Gonzalez expressed wanting to see the materials quickly, which may result in submitting them in draft form before final action is taken. More discussions are needed to confirm. Christie Hedman shared that the WDA Board is concerned about the substance of the of the revisions, prompting a call for more official meetings and feedback gathering.

Bob Boruchowitz walked through the changes in the meeting. Budgetary implications were discussed, and potential ways to mitigate issues during implementation were explored. Substantive discussions on key elements of the draft took place, with Bob Boruchowitz collected notes and items for further review. Committee members were requested to send suggestions or comments on the draft for consideration. The need for enforcement once the Standards are adopted was discussed, with plans for a significant discussion on implementation, recognizing that rule changes will take time. Emphasis was placed on gathering more input from practitioners, noting their low attendance at listening sessions, and encouraging them to provide feedback. The subcommittee continues to meet actively to discuss and incorporate feedback. The CPD was informed that comments on the draft should be submitted by the 18th, with a vote scheduled for January and a discussion on Standard 3.

Announcements: Abe Ritter announced the final Race Equity Forum, scheduled for January 10, 2024, which will also include participation from law students, presenting a report to the CPD in 2024.

The meeting adjourned at 12:00pm