



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
JUNE 16, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Rachel Cortez, Kevin Flannery, Larry Jefferson, Kathleen Kyle, Jason Schwarz, Maia Vanyo, Taylor Herring, Louis Frantz, Paul Holland, Judge Drew Henke, Leandra Craft, Christopher Swaby, Christie Hedman

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

WSBA Staff: Bonnie Sterken

Guests: Sophia Byrd McSherry, Geoff Hulsey, Lindsey Townsend, Amber Burrell, Sarah Hudson, Erik Kaeding, Grace O'Connor, Shoshana Kehoe-Ehlers, Jonathan Patnode, Molly Sullivan

Absent: Judge Patricia Fassett, Anthony Powers, Jason Bragg, Mohammad Hamoudi, Erika Rutter, Justice Sheryl Gordon McCloud, Eileen Farley, Arian Noma, Abraham Ritter, Anita Khandelwal, Jonathan Nomamiukor

Public Defense Challenges in Recruitment and Retention: Jason Schwarz shared that member of the CPD recently presented at the Board of Judicial Administration about the public defense shortage, particularly in rural areas. It's not clear yet what role the CPD can play in finding solutions, but Jason noted that the members would like to continue with the conversations to find solutions. Larry Jefferson shared that OPD is putting together a decision package to play a role in recruitment and creating a pipeline to public defense. Maia Vanyo also shared that we are planning an in-person meeting at the University of Washington in October to hold a longer meeting and meet with students. There was a note that encouraging folks from rural areas to go to law school should be part of the solution. It was also noted that rural public defense offices need to be well led and funded to both support attorneys and address systemic oppression within the local community.

Minutes: The April minutes were approved without edits with two abstentions.

Recruitment and Retention Strategies: Geoff Hulsey presented on research from the Office of Public Defense. He noted that the issues of retention and recruitment has turned into a crisis in some jurisdictions. They are viewing the pipeline in three main categories: new attorneys, becoming felony qualified, and experienced defenders. OPD issued a statewide survey of current and former defenders in response to Chief Justice Gonzalez's decision to make this a priority for the Court. Some of the conclusions of the survey include the following: 1) Public defense is seen as a calling/mission, 2) public defenders think there is systemic disrespect for their roles, 3) recruitment and retention cannot be solved with money alone (but is a significant factor). There were multiple issues that affect retention but pay and caseloads remain at the top. Amber Burrell discussed steps that judges could take to improve public defense retention. The top three issues were: 1) judges should be more neutral between public defense and prosecution, including addressing negative bias towards clients, 2) judges should be more respectful to public defense attorneys and clients, and 3) judges do not understand the work and caseloads. Some of the

main issues that have contributed becoming pessimistic are extremely large caseloads, lack of institutional support, and frustration with the system. The Council had a discussion. Jason shared that he and others are discussing ways to influence legislation with a coordinated effort.

Office of Public Defense Update: Larry Jefferson shared they are excited about the Brackeen case and makes a difference with the parents work they do. They were successful with the budget request this year, some of which is for vendor rate increases, expand pre-filing work, Blake funding. They have hired a Blake outreach specialist, Kimonti Carter. They have some post-conviction work starting and will be developing a program for gross misdemeanor cases, creating a pathway to do more in public defense. They are planning a public defense day on July 14 to discuss about recent projects and a short program (official invitation to come).

Washington Defender Association Update: Christie Hedman reported on legislative updates. WDA received continuation funding for the redemption project of WA for the next two years. They have projects around Blake to try to streamline processes. They have many trainings this year, including a successful Defender Conference. They are trying to support reform efforts in various counties. One idea they are exploring is a creation of a public defense ombudsman in the state and are drafting language. Christie is also talking with prosecutors about ways to collaborate together on supporting recruitment and retention.

Standards Update: Bob Boruchowitz shared that the national workloads standard is expected within the next month. The NAPD workload committee is meeting July 13 and will have a webinar on the national report in August, sessions at the NAPD leadership institute in November, other opportunities for people to meet online to discuss workloads, and a conference on workloads sometime next year. The CPD standards committee is doing a full-scale revision of the entire WSBA Standards. They are meeting every few weeks and will soon be discussing Standard 14 on qualifications. They plan to have something for the full CPD to review in September. The standards Committee plans to have a listening session so that line attorneys can share their experiences over the summer.

Race Equity Committee: Jason Schwarz shared that the committee is planning their second forum on June 28.

The meeting adjourned at 11:03am