



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
OCTOBER 21, 2022, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Jason Schwarz (Chair), Erika Rutter, Rachel Cortez, Larry Jefferson, Judge Drew Henke, Christopher Swaby, Paul Holland, Christie Hedman, Jonathan Nomamiukor, Maialisa Vanyo (Vice-Chair), Justice Sheryl Gordon McCloud, Kathleen Kyle, Louis Frantz, Kevin Flannery, Leandra Craft

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

WSBA Staff: Bonnie Sterken

Guests: Twyla Carter, Leanne Stogsdill, Sarah Hudson, Liz Mustin, Shoshana Kehoe-Ehlers, Katrin Johnson, Jonathan Patnode, Kari Reardon

Absent: Renee Ambacher, Judge Patricia Fassett, Jason Bragg, Arian Noma, Abe Ritter, Anita Khandelwal, Mohammad Hamoudi, Anthony Powers

Minutes: The September minutes were approved with a few typo corrections.

Guest Speaker Twyla Carter: Twyla Carter is the director of The Legal Aid Society in New York. She presented on the issues they are seeing in New York. The attrition rate combined with hybrid work have created complications. Salaries and resource parity impact the attrition rate and she is exploring what can be done. She shared about public policy issues that have hindered how they can bring on contract attorneys and provide adequate resources. Overall cost of living in New York is an obstacle. Twyla is exploring strategies to bring pay and resource parity and address attrition. The Council discussed attrition in Washington and solutions folks are trying. Christie Hedman shared about things WDA is doing to support paid internships and support school pipelines. Twyla shared about recruitment strategies when speaking with law school graduates, addressing culture changes with the hybrid work environment, and supporting folks to try working in rural areas. Larry Jefferson brought up the need for public defense to focus more on restorative justice.

Standard 14.1 Statement: Travis Stearns reported that several people on the Council have received questions on Standard 14 regarding what it means to qualify for Class B and Class felonies. There had been a misinterpretation circulating in some public defense offices. The statement in the materials provides further clarification to address those questions. If the statement is approved, it will be posted to the website and WDA, WACDL, and OPD will distribute it to applicable list servs. The Council had a discussion. Revisions were added to the statement in the meeting for clarity. Christie Hedman moved to adopt the statement and request the BOG publish it with the modifications discussed in the meeting, Kevin Flannery seconded, and all approved. Justice Sheryl Gordon McCloud asked the Council for feedback on whether to extend the emergency order that revised the standard temporarily. The Council had a discussion.

Proposed GR9 Revisions: Jason Schwarz summarized the issue. The SCJA and DMCJA drafted a proposed rule change to GR9 and requested the WSBA BOG's support. The BOG has voted to support the changes. Francis Adewale has asked that the Council to submit a comment to the BOG expressing their concerns with the proposed rule. The drafted memo asks the BOG to reconsider their support of the proposed rule. The Council had a discussion. Louis Frantz moved to submit the memo, Christie Hedman seconded, and all approved with two abstentions.

Office of Public Defense Report: Larry Jefferson reported that OPD's focus right now is the budget. The three major items are vendor rate increases, support to expand the clinic in dependency cases, and innovative grants for cities and counties. The budget request on vendor rate increases is similar with the Office of Civil Legal Aid. They are aiming to increase vendor rates each year for the next four years. However, Larry noted that the increase process may not be enough for many people. He encouraged folks to submit comments and information that he could share with his advisory committee when making budget decisions. Sophia Byrd McSherry shared more on the political environment and noted that individuals can lobby their legislators to highlight the need for vendor rate increases. Larry continued to share about programs aiming to reduce the number of kids going to foster care and keeping families together. He shared about efforts to learn more about restorative justice practitioners and find other ways to support for folks. He shared that Blake funds allowed OPD to give funds to counties and hire attorneys directly. He hopes to do the same with the innovative grants. He also shared about trainings in the parents' representation program and the trial improvement academy. Larry addressed questions.

Washington Defender Association Report: Christie Hedman reported they are continuing with their CLE work. They publicized the redemption project further in prisons and have received over 600 requests just in the last few weeks. It's clear a lot of folks need those services.

Race Equity Committee Update: Jason Schwarz reported that there is a meeting next Wednesday at noon.

Who We Are Viewing Update: Jason Schwarz shared that the film viewing and discussion was well attended and was a valuable conversation. The Council had a discussion about the film.

Charter Updates: Maia Vanyo reported on the proposed revisions to the Charter that was included in the meeting materials. This item will be on the next meeting for discussion and a vote.

Conflict Counsel Committee: Travis Stearns reported that this committee will begin meeting in November/December.

Gideon at 60: Jason Schwarz requested a volunteer to draft a memo or statement to distribute during public defense week in March 2023. Bob Boruchowitz volunteered to draft the statement.

Announcements: Bob Boruchowitz shared that the standards committee is meeting often and will have items to share soon. Kari Reardon will share more at a future meeting about issues happening in Clark County using outdated standards.

The meeting adjourned at 11:40am