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Washington State Bar Association

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COUNCIL ON PUBLIC DEFENSE  
JULY 7, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE  
MINUTES

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**CPD voting members:** Jason Schwarz (Chair), Maia Vanyo (Vice-Chair), Rachel Cortez, Justice Sheryl Gordon McCloud, Kathleen Kyle, Larry Jefferson, Abraham Ritter, Christie Hedman, Judge Drew Henke, Paul Holland,

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

**WSBA Staff:** Bonnie Sterken

**Guests:** Jennifer Bartlett, Jonathan Patnode, Katrin Johnson, Sophia Byrd McSherry, Lindsey Townsend, Molly Sullivan, Geoff Hulsey, Shoshana Kehoe-Ehlers

**Absent:** Judge Patricia Fassett, Anthony Powers, Jason Bragg, Mohammad Hamoudi, Erika Rutter, Eileen Farley, Arian Noma, Anita Khandelwal, Jonathan Nomamiukor, Kevin Flannery, Taylor Herring, Louis Frantz, Leandra Craft, Christopher Swaby

**Office of Public Defense Updates:** Larry Jefferson shared they are having a Public Defense Day on July 14 at the OPD Office. The OPD Advisory Committee is saying goodbye to Representative Amy Walen, who has been a valuable member. Roger Goodman will replace her position. There have been recent partnerships with the Office of Civil Legal Aid, including a recent joint blood drive with the two offices. Larry also shared about a recent trip to Heritage University to share with the students about getting into law school and learn from legal professionals. There are new programs at OPD, including Not Guilty by Reason of Insanity. They've also been working on getting the Post Conviction program up and running. Larry also shared he is trying to get out into community as much as possible to speak with students and currently incarcerated individuals. They have also hired more individuals with lived experience to work with OPD.

**Washington Defender Association:** Christie Hedman reported that their Board met at the end of June and is still concerned about the funding structure, recruitment, and retention. They are having a retreat at the end of the month to discuss tangible things to accomplish over the next year. As a part of the Redemption Project the resentencing portion has not been as well funded for the immigrant population. They are planning to request OCLA grants that address collateral consequences and another grant with the Legal Foundation of Washington.

**The Future of Public Defense:** Jason Schwarz framed the conversation about the future of public defense. He summarized the presentations that the CPD has received over the past year. For the discussion today Jason and Maia solicited survey responses asking what are the top three concerns today, what are the top three concerns in five year, and what can the CPD do to plan for the future now? Concerns included independence, proper administrative structures, salary, caseloads, morale, recruitment, retention, respect, attorney shortages, mentor shortages, expert shortages, not fully supported, and diversity. The concerns for the next five years were very similar, including a culture of trainings and implementation and enforcement of the Standards. The ideas for how

to address these issues included an alternate public defense delivery systems, including state oversight of some or all local trial court defense, intentional and consistent training, additional state financial investment, strategic planning about PD needs, plans for primary and secondary school engagement (mock trials, constitution day, etc.), plans to recruit diverse next generation of PDs, including BIPOC and rural social justice warriors, PD Law School Clinics with Certifications, PD Fellowships for work in rural areas, salary parity to recruit qualified lawyers, advocate for local funding, and additional cultural competency training.

The Council discussed these items and how best to address them. Ideas included:

- Broader community and public engagement
- Workgroup looking at legislative proposals for structure
- Ask why are we still asking the same questions over 50 years (systemic issues with providing clients with less than they need to navigate the system). Reframe this from the future of public defense and talk about how clients are treated
- Enforcement of the Standards
- Burnout and retention
- Stronger training and supportive mentors/supervisors (including caring for attorney well-being)
- Leadership for support at a local level to seek funding and resources
- Ombudsman office that helps clients unhappy with representation and ensuring that the Standards are being followed and certifications are documented correctly (there are issues with OPD, WDA, and WSBA leading these investigations)

The Council discussed the Standards and challenges with enforcement, including identifying where the responsibility lies. They discussed forming a joint workgroup between OPD, WDA, and CPD to address this issue. They also suggested including people with lived experience. Jason and Maia will follow up with next steps.

**Standards Committee Updates:** Bob Boruchowitz shared that by September they will have a revised set of Standards, not including final numbers. The national report is coming out next month.

**Race Equity Committee Updates:** Abe Ritter shared about the committee's focus on recruitment and retention of BIPOC attorneys. They held their second Race Equity Forum at the end of June. They had about a dozen individuals sharing their stories about their interaction with the courts. The third forum will be September 27. Their plan is to compile a report at the end of the year after the fourth forum.

**October Meeting:** Jason Schwarz shared that the meeting will be October 13 at the University of Washington Law School. Remote participation will also be provided. The meeting will include more discussions about the future of public defense, a possible training on their tribal courts, and a panel dedicated to law school students.

There will not be a meeting in August.

The meeting adjourned at 11:25am