



Washington State Bar Association
COUNCIL ON PUBLIC DEFENSE

JULY 12, 2013 | 12:00 TO 2:30

WA State Bar Association
1325 Fourth Avenue, 15th Floor Conference Room
Seattle, WA 98101

DRAFT MINUTES

In Attendance: Jackie McMurtrie – Chair; Dan Fessler; Bob Boruchowitz; Ann Christian; Mary Jane Ferguson; Christie Hedman; David Hocraffer; Don Franks; Sophia Byrd McSherry (OPD); George Yeannakis

On The Phone: Brooks Holland – Vice Chair; Judge Beth Andrus; Ann Christian; Richard Fitterer; Denis Tracy; Louis Franz; Justice Susan Owens

Not in Attendance:

Interested Parties in Attendance:

1. Approval of May Minutes

May minutes were distributed and those in attendance were asked to send corrections to Megan via email. The May minutes need to be approved at the September meeting.

2. Chair Report (Jackie McMurtrie)

Chair McMurtrie reported: She attended the May 31 BOG meeting at which the BOG approved proposed juvenile shackling rule, which will now be sent to the Court (George will keep CPD updated about when these are published for comment). The public records file retention issue has been resolved successfully for now (Christie noted that files have been sent to her office and she will report back).

August meeting is canceled. CPD will reconvene in September and will review appointments to the Council at that time. The BOG Committee on Committees reviewed the Council's annual report and is supportive, and WSBA will continue to provide support. A staff support person will be in place for the new year.

3. OPD Report (Sophia Byrd McSherry)

The state budget was signed with no further cuts to OPD. A Parents Representation Program expansion was passed by the Legislature and signed by the Governor. State OPD will now be able to implement its program in Whatcom, King, Whitman, Garfield, Asotin, and Columbia counties starting July 1, 2014. In addition, the Washington Defender Association immigration consequences program was funded at \$100,000, which is less than the requested amount but will at least keep the program going during FY 2013. (Summarized from email dated 7/8/13).

4. Federal Public Defender Sequestration (Brooks Holland)

Brooks referred Council members to materials in the meeting packet and discussed cuts to federal public defense as a result of sequestration. The impact on indigent clients in the eastern district will be high, and the spill-over effect into the state system is of particular concern. Those present discussed potential roles for the Council and for WSBA in advocating to the judiciary and the congressional delegation against cuts targeted at public defense. The Council decided to craft a resolution in general terms, and then to allow Brooks and Jackie to finalize it and work with Megan to get it to the BOG. The proposed resolution:

Whereas the federal public defense system is facing a financial crisis due to sequestration, we, the Board of Governors of the Washington State Bar Association, (to advocate in every forum) (call for the immediate restoration of adequate funding for the federal public defense system.

Bob Boruchowitz moved to approve the resolution, David Hocraffer seconded, and everyone in room and on phone voted in favor.

5. Certification Form (Dan Fessler)

As discussed in his memo dated July 9, 2013, Dan raised several concerns with the Attorney Certification for the Standards adopted by the Supreme Court, specifically Standard 14.2, scheduled to go into effect October 1, 2013. Justice Owens said that if the issues were matters of minor housekeeping, the Council should just send the requested changes directly to her and this should not need to go through the court rules process. The Council discussed, agreed these are housekeeping items that need to be cleaned up, and unanimously voted to endorse the proposed edits in Dan's memo.

6. Cy Pres award announcement (Jackie McMurtrie)

The King County Superior Court has approved a settlement in *Judd v. AT&T* (a class action alleging defendants failed to provide proper disclosures for collect calls from Washington prisons.) A residual fund of \$20 million or more is anticipated to be available for *cy pres* distributions, including awards to entities that assist prisoners and former prisoners, family members of prisoners, and legal aid organizations. Because Judge

Andrus presided over the case, she recused herself from discussion and left the call. Many of the organizations represented by Council members intend to request funds. The Council discussed whether WSBA should seek funds for support of the Council generally or for a specific project, and discussed several ideas for projects. Megan and Jackie will next discuss these with Paula Littlewood.

The meeting was adjourned at 2:30.