



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE

OCTOBER 18, 2019, 12:00PM TO 2:30PM AT THE WASHINGTON STATE BAR ASSOCIATION, SEATTLE, WA
MINUTES

CPD members in person: Travis Stearns (Vice-Chair), Louis Frantz, Justin Bingham, Judge Drew Henke, Debra Ahrens, Christie Hedman, Justice Sheryl Gordon McCloud

CPD voting members on the phone: Colin Fieman, Eric Hsu, Judge Patricia Fassett, Abraham Ritter, Rachel Cortez, Daryl Rodrigues, Kathy Kyle, Jaime Hawk

CPD non-voting members: Ann Christian

WSBA Staff: Diana Singleton, Bonnie Sterken, Lisa Amatangel, Szilvia Szilagyi

Guests: Matt Anderson, Bailey Russel, George Yeannakis

Absent: Commissioner Randy Johnson, Nick Allen, Kim Ambrose, Jason Bragg, Eileen Farley, Joanne Moore, Rebecca Stith, Natalie Walton-Anderson, Bob Boruchowitz

1) History of the Council on Public Defense

The meeting began with an orientation to the CPD for new members. Christie Hedman summarized the history of the CPD, including its formation and major accomplishments.

2) Recent Accomplishments and Committee Projects

As part of the orientation, Travis and various Committee members shared about the recent work of the CPD and the roles of the committees: Pre-Trial Reform, LFO, Mental Health, Independence, and Standards. Justin summarized the work of the Pre-Trial Reform Committee, noting that the BOG is reviewing Defender Resource Packet and the Committee is looking at the use of risk tools and their potential impact. Judge Henke shared about the LFO Committee, which is currently identifying new projects to tackle, and recently developed a bench card to work in conjunction with the LFO calculator. Judge Henke also shared about the LFO reconsideration day in Pierce County. Ann Christian shared about the Mental Health Committee and noted that the Court is reviewing the civil commitment performance guidelines. Travis shared about the Independence Committee, which is close to presenting a proposed court rule and amendments to Standards 18 and 19. Christie shared about the work of the Standards committee, which is currently looking at persistent offender cases. Travis also shared about the pending Appellate Guidelines, the Snohomish County discussions regarding Cr 3.3, and wrapping up work with OPD on their audit of the Standards.

3) WSBA Policies

Lisa Amatangel and Szilvia Szilagyi with the WSBA Office of General Counsel joined the meeting to share about pertinent WSBA policies. Lisa explained GR 12.2 and how it applies to the CPD. Lisa also summarized the OPMA guidelines and explained that the CPD is now subject to the OPMA. Szilvia explained WSBA's public records procedures and GR 12.4. Lisa and Szilvia addressed questions.

4) CPD Member Roundtable

Each person in attendance shared about their work as it relates to the CPD and what they would like to accomplish by working with or serving on the CPD.

5) Minutes

The September minutes were approved without edits.

5) Office of Public Defense Standards Audit

Travis reported that OPD reviewed the comments from the CPD regarding the Standards audit, and OPD's response was included in the meeting materials. Travis summarized OPD's recommendations and CPD's response. Justice Gordon McCloud asked the group to look through the recommendations and determine who is responsible for implementing which recommendations, (i.e. updating standards). The Standards committee will review the recommendations and follow up with appropriate proposals.

Bonnie will include the full audit report in the next meeting packet for new members to review.

6) Washington Defender Association Update

Christie reported on three areas that the WDA board is working on: 1) coordinating with the counties and cities on possible funding proposals; 2) looking at the ITA commitments and costs; and 3) issues that arise when there is a long delay between someone passing the bar exam and when they can serve in court. Diana agreed to put Christie in touch with someone at WSBA regarding the bar exam. Christie also reported that WDA is following the Spokane County Commissioners' potential decision to move to a nonprofit model. WDA is not taking a position on the model, but they are planning to reiterate that the Standards are applicable under any office model. Council members shared about individual conversations they have had with the Commissioners and others in Spokane. Christie asked if the CPD would be interested in also writing a letter reiterating the role of the Standards and offering their expertise. This will be on the agenda for November for potential action.

7) Pre-Trial Reform Committee

Jaime reported that she presented the Defender Resource Packet at the last BOG meeting. Although there was interest in approving the Packet, she also received feedback from two BOG members. The Packet was moved to the BOG's November agenda for action. Jaime is reaching out to Tom McBride for his feedback and will bring it back to the CPD for consideration. Potential edits will be on the CPD agenda in November for action, if needed.

The meeting adjourned at 2:31pm