



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
OCTOBER 22, 2021, 9:30AM TO 12:00AM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Travis Stearns (Chair), Jason Schwarz (Vice-Chair), Chris Swaby, Rachel Cortez, Kathy Kyle, Larry Jefferson, Paul Holland, Abe Ritter, Leandra Craft, Jonathan Nomamiukor, Christie Hedman, Matt Heintz, Matt Anderson, Arian Noma, Louis Frantz, Anita Khandelwal, Justice Sheryl Gordon-McCloud

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

WSBA Staff: Bonnie Sterken

Guests: Sophia Byrd McSherry, Katrin Johnson, Shoshana Kehoe, Kevin Flannery, Maialisa Vanyo, Jaime Hawk, Katie Hardiman, Brett Purtzer (BOG Liaison)

Absent: Brenda Williams, Rebecca Stith, Judge Patricia Fassett, Judge Drew Henke, Jason Bragg, Mohammad Hamoudi

Return to In-Person Meetings: Travis brought up the question about potential in person meetings. Some folks indicated they would not be able to attend in person and a remote option would be helpful. Travis noted that the Council has a budget for travel, but if we don't need it all for travel it can be repurposed for other projects.

Minutes: The September minutes were approved without edits.

Introductions: Everyone introduced themselves, including their backgrounds with public defense.

Current Issues in Public Defense: Travis gave a brief overview of the important work of the Council, emphasizing that much more work needs to be done a structural level and that the Council needs to focus on racial equity.

Katrin shared about particular issues in public defense across the state. She shared about the structure and data collected from the counties, including barriers to recruiting public defenders, pay parity, staffing ratios, COVID-19 impacts, and major challenges with resources. Katrin addressed questions and the Council had a discussion.

Supporting the Office of Public Defense Budget Request: Travis provided a background on the OPD budget request support letter. Christie moved to submit a letter from the Council to the legislature in support of the OPD budget request. Abe seconded. Justice Gordon McCloud abstained from the votes. The CPD took the vote on the GR 12 analysis and approved sending the letter with a supermajority in compliance with the WSBA Court Rule and Legislative Comment Policy.

Proposed New GR 41 and Amendments to CR 39: Travis provided an overview of the rules proposals and explained that a workgroup of the Council met to draft comments on behalf of the CPD. The draft comments were distributed to the Council prior to the meeting. Justice Gordon McCloud provided additional insights on the rules from the Court. She recommended clarifying the start of letter with the specific recommendations from the

Council. The Council had a discussion clarifying the purposes of the rules. Council members and guests gave feedback on the draft and a few corrections. Travis will make the proposed changes for the CPD to review.

Larry moved to submit the draft comments along with the revisions noted in the meeting. Jason seconded. The Council voted on the issue of the GR12 analysis and voted to submit the comments with a supermajority in compliance with the WSBA Court Rule and Legislative Comment Policy. Justice Gordon McCloud abstained on the vote regarding the substance of the rule comments.

Vision of Public Defense: Larry Jefferson, Justice Gordon McCloud and Christie Hedman discussed the importance of public defense, the need for systemic change including a focus on eliminating structural racism, and the role of the Council.

Goal Setting: Travis led the Council in a discussion for goal setting over the next year.

- Justice Gordon McCloud recommended sending a CPD member as a representative to the Gender and Justice Commission (or all of the Court Commissions)
- Next meeting Travis is inviting someone to present on the Gender and Justice Commission's report
- Take an approach on structure of public defense
- Look at recruitment and retention of attorneys, particularly in rural areas
- Lawyers at first appearance issues
- Public defender pay and parity
- Caseload standards
- Potentially host a symposium
- Technological competence and responsibilities
- Defining fully supported
- Supporting BIPOC, LGBTQ, and female public defenders harassed by clients
- Continued work on the CPD's Race Equity Committee
- Look at the goals from last year to evaluate progress

The meeting adjourned 12:00pm