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Washington State Bar Association

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COUNCIL ON PUBLIC DEFENSE  
MAY 7, 2021, 9:30AM TO 12:00AM VIRTUAL/VIDEOCONFERENCE  
MINUTES

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**CPD voting members:** Travis Stearns (Chair), Jason Schwartz (Vice-Chair), Larry Jefferson, Rachel Cortez, Louis Frantz, Justin Bingham, Christie Hedman, Jaime Hawk, Kathy Kyle, Abe Ritter, Deborah Ahrens, Chris Swaby, Rebecca Stith, Judge Patricia Fassett, Judge Drew Henke, Justice Gordon McCloud

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

**WSBA Staff:** Bonnie Sterken

**Guests:** Adam Plotkin, Kelly Thompson, Maialisa Vanyo, Kevin Flannery, Katrin Johnson, George Yeannakis, Sophia Byrd McSherry

**Absent:** Natalie Walton-Anderson, Eric Hsu, Brenda William, Matt Heintz, Matt Anderson, Nick Allen, Jason Bragg

**Minutes:** The April minutes were approved without edits.

**Exploring Alternative Delivery Systems (Wisconsin Public Defense):** Travis gave a preview to the issues in Asotin County as an example of the need for a strong structure in public defense. The Council is having conversations about structures we need in place. Kelly Thompson and Adam Plotkin joined to share what they are doing in Wisconsin to create a public defense structure. They addressed questions.

**Office of Public Defense Update:** Larry shared that he is still transitioning into the Director position. Larry shared in regards to Blake that he has done a lot of digging into cases. He shared situations that he was concerned about in his years at Thurston County. He's identifying a need in counties that don't have public defense offices that can look at the issues more broadly. Katrin shared about funds that came from FY21 to be spent by June 30<sup>th</sup>. They are using the funds to help jumpstart counties that don't have public defense office or they have small offices that only take a small number of felony cases to help create an infrastructure to work on the Blake cases. Additional funds will be needed. Those offers are going out this afternoon and will have certain requirements attached to establish the structure.

**CPD Recruitment:** Travis gave an update on the recruitment process. The application deadline was extended to today. We are still looking to increase diversity on the Council and have had a successful recruitment. Travis asked Council members to encourage colleagues they know to apply and learn more about the Council.

**Legislative Updates:**

Sophia shared the following:

- OPD budget has had a successful year. Funded for a new pilot project for prefilling representation. RFP coming out for \$250k a year to cover legal representation and expert services.

- HB1140 establishes a new program to be administered by OPD for limited short term consultation for juveniles when police want to question them
- SB 6163 doesn't directly effect OPD but will have impacts on the program. Requires DSHS to find alternative for folks approved for community supervision.
- HB1194 strengthens parent child representation in dependency
- HB 1219 expands representation of children (administered by OCLA)
- 2227 overall reform of dependency office
- Other juvenile bills and multiple police reform bills and a number of reentry bills

Jaime shared the following

- Voting rights restoration bill passed. This provides a clear bright line rule that the day someone is released from prison they automatically have the right to vote restored. Goes into effect Jan 1 of 2022. Next steps to look at voting rights for people in prison. Jaime shared more about voting access work.
- SB 5164 relating to robbery in the second degree passed and will be applied retroactivity.
- Jaime shared bills that did not make it through relating to sentencing, solitary confinement, and LFOs.

Christie shared the following

- HB 1044 passed, creating prison to postsecondary education pathways.
- Bill outlawing private detention facilities passed
- Dependency related issues included other small bills to improve lives of foster youth
- DWLS3 – many group shave asked that the bill be vetoed. Waiting to see governor's action.
- SB 5455 passed. The joint legislative audit and review committee are now required to perform race equity analyses.
- Firearm bills passed
- Law enforcement bills passed (not as far as we would have liked)
- Mental health bills on transition and sentencing alternatives

The Council discussed the intersection of civil legal and having fully supported systems. HB 1219 and eviction right to counsel are being implemented through OCLA. OCLA and OPD are talking about their helpful points of connection. OCLA will also be doing work to facilitate payment of LFOs.

**Blake Update:** Christie shared that there are a number of groups looking at how to administer Blake (SCJA, OPD, WDA, WACDL). Each county is a different situation. Katrin shared concerns with appointment of counsel. They are trying to look at statewide lens and an equity lens, with appointment of counsel as an important feature. There is a need to make sure under resourced counties have what they need to implement Blake. OPD is also working with DOC and educating them on the needs. The Council had a discussion about what the system needs for Blake to work.

**Standards Committee Update:** Bob shared that the Standards Committee met with defenders from around the state. They learned the need to define a fully supported system and whether there should be an open caseload maximum. Cases are taking longer due to issues brought on by the pandemic. While the committee continues to discuss the bigger issues, they would like to have a statement that would outline the problem and recommend local government sit down with public defenders and determine current solutions. The memo that was sent on Wednesday night is the proposal from the committee. Bob asked the CPD to approve the memo to forward to the Board of Governors. The Council had a discussion about the draft and gave feedback. Louis moved to adopt the memo with modifications consistent with the comments made during this meeting. The final version will be sent to the listserv for final view. Christie seconded. Judge Henke abstained. Justice Gordon McCloud abstained. Judge Fassett abstained. Motioned passed.

**Announcements:** Rebecca shared about the upcoming equity committee meeting. Jaime asked if others had information about vaccination access in jails.

The meeting adjourned at 11:57am