



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
JUNE 24, 2022, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE
MINUTES

CPD voting members: Travis Stearns (Chair), Jason Schwarz (Vice-Chair), Paul Holland, Abraham Ritter, Arian Noma, Christie Hedman, Jonathan Nomamiukor, Judge Drew Henke, Mohammad Hamoudi, Rachel Cortez, Rebecca Stith, Christopher Swaby, Anita Khandwelwal

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

WSBA Staff: Bonnie Sterken

Guests: Sophia Byrd McSherry, Erin Campbell, Christine Olson, Grace O'Connor, Katrin Johnson, Leanne Stogsdill, Nat Jacob, Kevin Flannery, Lindy Frolich, Kayla Wolfe

Absent: Kathy Kyle, Brenda Williams, Judge Patricia Fassett, Jason Bragg, Matt Anderson, Louis Frantz, Justice Sheryl Gordon McCloud, Larry Jefferson, Leandra Craft

Minutes: The April minutes were approved with an edit to the OPD report.

Training and supervision model for the Colorado Office of Alternative Defense Counsel: Erin Campbell and Nat Jacobs from Colorado joined to share about their supervision model. The Colorado model provides uniformity within their system. Colorado model could be considered with regards to uniformity within Washington State.

Erin Campbell gave a presentation on Colorado's Office of Alternative Defense Counsel. They have almost 1,000 independent contract attorneys. Colorado provides approved lists of their contractors to provide services in their jurisdictions. There is an oversight that provides training as to who is given an ADC contract. They started with 2 ½ full time employees and \$4 million in budget, now have 16 full time employees and approximately \$50 million in budget. The agency has stressed the importance of juvenile law, has defense specific contractors, and has been very active in municipal courts. ADC is able to evaluate its contractors, training, etc. They work with multidisciplinary teams to ensure the client is met with the best outcomes in their legal endeavors. They also have up to 60 independent contractors for social work, have started contracting resource advocates, and are creating re-entry plans for formerly incarcerated individuals. The Council had a discussion about the model and asked questions about funding, structure, the role of the legislature, and how the support staff are integrated. The Council discussed ways in which Washington can learn from the Colorado model. This portion of the meeting was recorded for later viewing.

Office of Public Defense: Sophia Byrd McSherry reported that the Court adopted the proposed new GR 42 regarding the Independence of Public Defense. It will be implemented in January 2023. OPD folks are talking about training opportunities for attorneys and local governments that will be impacted by the rule and need to adopt best practices. OPD is starting to develop legislation and budget proposals. They will have more information on that in the early fall. On the legislation side there was a bill last year that related to post-conviction access to counsel that did not pass. However, the sponsor (Saldana) is looking at trying the bill again. Sophia is helping to do some initial legwork on exploring that bill and talking with other stakeholders. Sophia hopes that the CPD can provide some input on an advisory basis. Anything formal will need to go through the BOG.

Washington Defender Association: Christie Hedman reported that they are continuing to build out their Redemption Project with the Seattle Clemency Project and state OPD. They are hiring a community outreach specialist who is formerly incarcerated to help improve communication through the post-conviction process. They are also hiring a felony resource attorney. They are planning a large conference on January 6 looking at post-conviction issues and may ask the CPD to participate in sponsorship. They also have several CLEs coming up on the calendar.

Race Equity Committee Update: Rebecca Stith reported that they are hosting a virtual equity training on July 22 with Barbara Harris from OPD. The training will be 2 hours including a presentation customized to the CPD, breakout group discussions, and a large group discussion. CPD members will help facilitate the breakout rooms.

Standards Committee: Bob Boruchowitz reported that the committee is looking at the national document on caseload limits. Justice Gordon McCloud is keeping the Court apprised and will advise the Court to request that the CPD make changes to the standards, specifically looking at caseload limits.

The Standards Committee has discussed the need for more staff capacity at WSBA. Bob spoke with Terra Nevitt and she was receptive to that conversation and suggested that the CPD draft a letter outlining exactly what is requested. He believes that this includes public outreach, communications, rules drafting, etc. Bob will draft that request.

Bob shared a draft statement on the listserv prior to the meeting and asked the Council to approve the statement. Bob summarized the content of the statement. The Council had a discussion.

There was an ask about how to make these statements more prominent on the WSBA website. OPD can also partner with other groups to get the word out broadly.

The Standards Committee brought the motion that the CPD send the statement to the BOG for approval. Rachel Cortez seconded. All approved.

Goal Setting: Travis Stearns shared that the CPD will be working on a process to set goals for the next year. Jason Schwarz asked the Council members what they think the CPD should focus on the next year. Some areas include the Standards, trainings, racial justice, compensation, etc. Jason and Travis will send out a brief survey in preparation for the September meeting to continue this discussion.

The Council discussed the misuse of the Standards in some areas and discussed ways to monitor these situations to ensure that qualified attorneys are assigned to cases.

Recruitment: Travis Stearns provided an update on who has been nominated to serve starting the next fiscal year. He asked members to spread the word that we are still seeking a current or former prosecutor.

Announcements: Travis shared that Ann Christian is receiving a lifetime achievement award in Oregon!

Rebecca shared that she is on the WSBA Equity and Disparity Workgroup. They are now looking at revisions to GR 12.2 (i.e., activities not authorized language). They are proposing revisions to that language and will be reaching out to the CPD for feedback.

The meeting adjourned at 12:00pm