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Washington State Bar Association

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COUNCIL ON PUBLIC DEFENSE  
NOVEMBER 3, 10:00AM – 12:00PM VIRTUAL/VIDEOCONFERENCE  
MINUTES

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**CPD voting members:** Jason Schwarz (Chair), Maia Vanyo (Vice-Chair), Christopher Swaby, Justice Sheryl Gordon McCloud, Kevin Flannery, Paul Holland, Judge Sonntag, Arian Noma, Christie Hedman, Louis Frantz, Larry Jefferson, Anthony Powers, Erika Rutter, Rachel Cortez, Leandra Craft

**CPD Emeritus members (non-voting members):** Bob Boruchowitz, Travis Stearns, Ann Christian

**WSBA Board of Governors Liaison:**

**WSBA Staff:** Bonnie Sterken,

**Guests:** Sophia Byrd McSherry, George Yeannakis, Jennifer Bartless, Lei Young, Molly Gilbert, Molly Sullivan, Sarah Hudson, Paris Eriksen, Katrin Johnson

**Absent:** Eileen Farley, Kathy Kyle, Abe Ritter, Jonathan Nomamiukor, Anita Khandelwal, Judge Marla Polin

**September and October Minutes:** Both sets of minutes were passed without edits and one abstention.

**Response Letter to the Court:** The draft letter from the CPD in response to the Court's request for input on the national workload standards was in the materials. Jason Schwarz shared a few redlined edits that were offered before the meeting and others provided edits in the meeting. They also clarified the ask to the Court at the close of the letter to focus on an extension for a substantive response and to support OPD's budget requests. The Council had a lively discussion about what timeline to propose to the Court. They noted the need to balance being thoughtful and the urgency of the issue. There was also a discussion about providing an interim response that allows for further discussion of a longer-term solution. Louis Frantz moved to adopt the letter included edits provided before and at the meeting, Maia Vanyo seconded, and all approved with two abstentions.

**Standards Discussion:** Bob Boruchowitz led a discussion on how to calculate billable hours by case type for the purpose of updating the Standards. The Council discussed how the hours are tracked and how they would be implemented. They discussed having a phased process to provide tools to administrators to track and monitor updated timekeeping. They noted there will need to be time to build in buy in to the changes. The Council also discussed the emergency crisis many counties are facing due to high caseloads and limited attorneys. There was a consensus that the CPD is in favor of the case types and numbers that the Committee is proposing. However, there was a note that the CPD is an insular group and additional outreach is needed with practitioners and administrators to verify. The Committee will have the non-workload related Standards available to vote on by the December CPD meeting. The Standards Committee continues to meet regularly.

**Office of Public Defense Budget Request Letter:** Jason Schwarz shared the draft letter in support of the OPD budget request. OPD also provided a chart of the packages. Sophia Byrd McSherry shared the summary document

in the materials and noted the detailed packages will be posted to the OPD website soon. This is a supplemental budget request, so it does not reflect new programs but rather focuses on continuation of funding. An additional sentence was added during the meeting to support making emergency requests to support local governments to address the crisis in attorney recruitment and retention. Maia Vanyo moved to approve the letter with the edit, Kevin Flannery seconded, and all approved with a supermajority with one abstention. Jason Schwarz also asked for a vote on whether the issue is allowed within GR 12 and all approved that it is.

The meeting adjourned at 11:59am