

Charter: WSBA Council on Public Defense

(Revised May, 2015)

Purpose and Mission

A WSBA Committee on Public Defense ("CPD") was established in 2004 to implement recommendations of the WSBA's Blue Ribbon Panel on Criminal Defense. Original membership was appointed by the President and confirmed by the Board of Governors. The CPD's recommendations were acted upon by the Board of Governors during FY 2007. One of these recommendations was that the CPD be extended through December, 2008 to study, focus and follow-up on unfinished public criminal defense, dependency and civil commitment issues.

While the extended CPD made significant progress on the issues identified in its charter, it has become apparent that maintaining and improving constitutionally effective public defense services in Washington requires an ongoing committee with a mandate that is broad enough to address both new and recurring public defense issues. Having found that the CPD provides a unique and valuable forum for bringing together representatives of the bar, prosecutors, private and public criminal defense counsel, the bench, elected officials and the public, the WSBA Board of Governors hereby establishes the Council on Public Defense as an advisory committee of the WSBA.

The Council on Public Defense is charged with the following tasks:

1. Recommend mechanisms to assure compliance with "Standards for Public Defense Services" endorsed by the WSBA.
2. Promulgate "Right to Counsel" educational materials and programs for the public, bench and bar concerning the constitutional right to counsel.
3. Develop "Best Practices" guidelines for public defense services contracts.
4. Address current issues relating to the provision of constitutional public defense services in Washington, including supporting efforts to ensure adequate funding is available.
5. Seek, review and recommend possible improvements in the criminal justice system which might impact public defense or the ability to provide public defense services.
6. Examine experience with Washington Office of Public Defense pilot projects and other programs and public defense systems to improve the delivery of defense services in Washington.
7. Develop recommendations concerning the most effective and appropriate statewide structure for the delivery and accountability for defense services.
8. Continue to study and develop system improvement recommendations for the civil commitments process.
9. Develop further recommendations for indigent juvenile public defense.

10. Evaluate and make recommendations regarding the implementation of the death penalty in Washington.

11. Develop performance standards for attorneys providing public defense services in criminal, juvenile offender, dependency, civil commitment, Becca and other cases to which counsel may be appointed.

MEMBERSHIP:

The Council on Public Defense is comprised of 23 voting members and up to 5 non-voting members. Nominations are made by the entities listed below, with all appointments confirmed by the WSBA's Board of Governors. These members do not serve as official representatives of these entities, but rather are appointed based on their knowledge, expertise and a commitment to providing constitutional public defense services in Washington.

The Chair and Vice-Chair shall be appointed by the WSBA President. Each shall serve a two-year term, with the Vice-Chair becoming Chair at the end of the second year and a new Vice-Chair appointed. Except as noted, the members of the committee shall be appointed for two year terms but with the ability to renew their membership on the CPD for up to four years. The Chair may nominate up to five former CPD members whose eligibility for voting membership has expired to serve as non-voting members for one year terms up to a maximum of three years. The voting membership is as follows:

Core Members

- The Director of the State Office of Public Defense (a core member)
- The Director of the Washington Defenders Association (a core member)

Nominated by Outside Parties

- One Washington Supreme Court justice or Court of Appeals judge, recommended by the Chief Justice
- One Superior Court judge, recommended by the Superior Court Judges Association
- One District or Municipal Court judge, recommended by the District and Municipal Court Judges Association
- Three public defenders, recommended by the Washington Defender Association
- One representative from each of the three Washington law schools, recommended by the Dean of the school
- One representative from civil legal services, recommended by the Access to Justice Board

Considered Through WSBA Application Process

- Three current or former prosecutors/city attorneys, recommended by the by the CPD chair, vice chair and BOG Liaisons

- Six at-large member, at least one of which has a contract for or provides public defense services and at least one of which is a public member, recommended by the CPD chair, vice chair and BOG Liaisons
- Two representatives from local government or public defense administrators, recommended by the CPD Chair, Vice-Chair and BOG Liaisons