

# WASHINGTON STATE BAR ASSOCIATION

July 11, 2019

Chief Justice Mary Fairhurst  
WSBA Bar Structure Workgroup  
Via Email Only – to [structureworkgroup@wsba.org](mailto:structureworkgroup@wsba.org)

Dear Chief Justice Fairhurst and Members of the Bar Structure Workgroup:

Thank you for soliciting comments and input on the structure of the WSBA and regulation of the practice of law in our state. I write as the chair of the WSBA Council on Public Defense (CPD) to express our collective voice in stating that we wish the Council on Public Defense to remain a subordinate part of the mandatory bar.

The WSBA Council on Public Defense was born following the constitution of the “Blue Ribbon Panel on Criminal Defense” in 2004 and is the only standing “advisory council” within the WSBA. The CPD has broad membership including: Prosecutors, Private and Public Indigent Criminal Defenders, academic representatives from all three Washington Law Schools, Members of the Supreme, Superior and District Court benches, County Commissioners, Interpreters and liaisons from the Access to Justice Board, Minority and Justice Commission and the WSBA Board of Governors.

By charter the CPD is charged with maintenance and improvement of constitutionally effective public defense services in Washington State and in the course of its existence has significant accomplishments which have served its charge including;

- Adoption of Standards for the provision of Indigent Defense Services
- Proposed for adoption the Court’s “first in the nation” indigent defense caseload caps. Promulgated Practice standards and advisories; and
- Provided comment on numerous court rules, policies and legislative changes relating to the improvement or enhanced access to justice for all those who come before our courts.

Significant work currently on the CPD’s workplan includes:

- Promulgation of standards for representation in persistent offender cases
- Promulgation of standards for representation in indigent appellate practice
- Reevaluation of the misdemeanor caseload caps in the advent of widespread body worn camera usage by regional law enforcement agencies
- And perhaps most significantly, because appropriate funding is a foundational issue for indigent defense, creation of a caseload model which will define the necessary resources, staffing and infrastructure for effective assistance of counsel in indigent defense cases – to provide guidance to jurisdictions funding such services.



The provision of Public Defense in Washington, despite funding challenges, is better for the participation and contributions of the CPD which has developed adult indigent defense standards, juvenile indigent defense standards and is poised to submit performance guidelines for the provision of indigent criminal appellate services within the next 60 days. In the past decade and a half the indigent defense system in Washington has taken enormous strides under the direction of the Washington State Supreme Court which was informed by the work, research, debate and recommendations of the CPD.

I believe the CPD is highly respected by both the WSBA and the court. There exists in Washington no other entity that can take its place. The CPD members span the full spectrum of criminal justice stakeholders. It is critical that the work of the CPD continue under the umbrella of the mandatory bar association.

This letter was approved by a 11-0 vote of members present at the May 31, 2019 WSBA CPD meeting.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Rodrigues". The signature is written in a cursive style and is enclosed within a light blue oval outline.

Daryl A. Rodrigues, MA, JD, MBA  
WSBA – Council on Public Defense, Chair