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Washington State Bar Association

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COUNCIL ON PUBLIC DEFENSE  
JULY 26, 2024 - 9:30AM – 12:00PM  
MINUTES

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**CPD voting members:** Jason Schwarz (Chair), Maia Vanyo (Vice-Chair), Christie Hedman, Rachel Cortez, Kathleen Kyle, Paul Holland, Kevin Flannery, Jonathan Nomamiukor, Louis Frantz, Anita Khandelwal, Larry Jefferson, Justice Sheryl Gordon McCloud, Molly Gilbert

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

**WSBA Staff:** Diana Singleton, Catherine Schur

**Guests:** Tara Urs, Jonathan Quittner, Brett Ballew, Jeff Adams, Laura Hughes, Colleen Shea-Brown, Greg Link, Kate Benward

**Absent:** Sophia Byrd-McSherry, Erica Rutter, Arian Noma, Abe Ritter, Leandra Craft, Judge Marla Polin, Anthony Powers, Abigail Pence Judge Dee Sonntag, Christopher Swaby, Maya Titova

**June Meeting Minutes:** Ann Christian asked to make an edit to the fourth sentence in the second section “Court Order Regarding the Standard.” The sentence should replace “that” with “and” which is shown here with the highlight: “In addition, some individuals asked the Court to suspend their qualification standards ~~that~~ and allow the WSBA qualifications standards to be the enforced standard until the entire Standards review is complete. Maia Vanyo made a motion to pass the minutes with Ann’s suggested edit. Christie Hedman seconded. All were in favor. Motion passed.

**Court Order Regarding the Standards and CrR/CrRLJ 3.1:** Jason Schwarz reported that the Standards have been published for comment for consideration as a Court rule. There will be two public comment periods. Bonnie sent this information to CPD earlier.

**CPD Charter Proposed Revisions:** Jason Schwarz summarized that the Charter amendments, explaining that they are trying to accomplish a few things, such as streamlining the work, being more inclusive, and streamlining the leadership process. For example, the revisions propose modifying the length of the Chair commitment from 4 years to 3 years to be more sustainable for individuals. They have also opted to change the representation to simplify the membership, create liaison roles, expand representation in the discussions, and streamline voting. The proposed revisions included input from CPD from the last meeting. Christie made a motion to approve the proposed charter revisions. Kevin seconded. All were in favor. Motion passed.

**Family Defense Standards:** Tara Urs shared the background of the work to improve the quality of family defense. Brett Ballew from OPD’s Parent Rep Program shared his experience in family defense and explained how practitioners are drowning even with a small decrease of high caseloads from COVID. These newly proposed standards will help with retention and recruitment. CPD members asked about the social workers inclusion. They shared they’re following best practices and also recognize the newly proposed standards do not address all the

issues. Jeff Adams from OCLA expressed his support for the new standards. He pointed to the most recent study and how it supports a unified standard and a unified theory. Laura Hughes from Parents Defense Counsel shared they are the largest eastside firm doing parent defense. She shared her perspective and the potential impacts of the newly proposed standards and how it would put families first. Colleen Shea-Brown from LCYC shared that they've represented youth and parents and agree with the standard of 35 max caseload which is based on their own analysis of their data. Molly Gilbert asked about the language about the social workers and offered to share suggested edits. Tara shared that all contracts are with the state and not counties and that OPD put a lot of thought into the language of the proposed standards. Molly offered to share suggested edits later. There was some discussion about whether there were enough members to vote and Cate and Diana confirmed that there were enough members to vote on approving the standards. Christie asked if we could vote on the standards pending potential edits. There was brief discussion about whether this was possible, wait on voting or voting today. Anita Khandelwal made a motion to pass the proposed standards and Maia Vanyo seconded. Larry Jefferson and Justice Gordon McCloud abstained. All were in favor. Motion passed.

**Appellate Standards:** Greg Link from WA Appellate Project shared some background about the committee who worked on the standards and the reasons for their recommendations. The committee included both public and private appellate attorneys, law school faculty and judges. Greg shared background on their recommendations, noting that the proposed 25-case limit was conservative and interim pending a study. Greg shared that OPD has communicated they can fund the study and asked for the WSBA to administer the study. Larry confirmed that OPD does have funding to fund the study. Bob recommends CPD adopt this as we need a study and a lower case number. Kate Benward shared that the 25-case-limit was the most conservative number recognizing it's still high. Kevin Flannery asked about RALJ appeals. Greg said they took their direction from the appeals out of superior court and agree to do a separate analysis or agree that standards also apply to RALJ. He noted that this would increase the number jurisdictions and cases significantly. Another person asked if we should also loop in PRP in the study? We would expect that study to include everything OPD contractors are doing. Larry said OPD is tasked to doing a report to the legislative so PRP should be separate. Travis noted that 25 was too high years ago and appreciate that this number is conservative. Christie made a motion to approve the proposed amendments and study. Rachel seconded. Larry Jefferson and Justice Gordon McCloud abstained. All were in favor. Motion passed.

**October 2024-September 2025 Meeting Schedule:** Jason reminded everyone that Bonnie sent out an email with a proposed schedule and asked everyone to follow up with her if there are any major concerns. Jason also pointed out that the October meeting will take place in-person at Seattle University School of Law so CPD can also meet with law students who are interested in criminal defense.

**Pathways to the Profession Summit:** Jason Schwarz reminded CPD about the upcoming Pathways summit on September 12th and encouraged people to look at the links.

The meeting adjourned at 11:26 am