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Washington State Bar Association

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COUNCIL ON PUBLIC DEFENSE  
JUNE 21, 9:30AM – 12:00PM VIRTUAL/VIDEOCONFERENCE  
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, Maya Titova, Judge Dee Sontag, Jonathan Nomamiukor, Abbie Pence, Louis Frantz, Christopher Swaby, Anita Khandelwal, Larry Jefferson, Justice Sheryl Gordon McCloud, Molly Gilbert

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

**WSBA Board of Governors Liaison:** Francis Adewale

**WSBA Staff:** Bonnie Sterken, Catherine Schur

**Guests:** Juliana Roe, Joe McKittrick, Sophia Byrd McSherry, Geoff Hulse, Lei Young, Curtis Steinhauer, Liz Mustin, Tara Urs, Shoshana Kehoe-Ehlers

**Absent:** Erica Rutter, Arian Noma, Molly Gilbert, Abe Ritter, Leandra Craft, Judge Marla Polin, Anthony Powers, Eileen Farley

**April Meeting Minutes:** The minutes were approved without edits.

**Office of Public Defense Standards:** Sophia Byrd McSherry reported that the OPD Advisory Committee recently met and discussed an overview of potential budget requests. One of the open questions is whether OPD will ask for 10101 grants. They also received the Court's notice on the new Standards and will be looking at that internally to coordinate on comments. Jason Schwarz added that Senator Torres is convening a group to talk about potential legislation like the legislation that impacted OPD in the previous year, such as regarding trainings, loan repayment assistance, etc. Rep. Goodman is also planning to promote public defense issues and funding. The Council discussed issues to consider, such as promoting bipartisan support, developing consensus of where funds should be allocated, a large turnover in the legislature in the next year, and the capital gains tax issue on the ballot. There will need to be more discussion about the data gathering to determine the funding asks. Juliana Roe with WSAC shared that they have discussed their funding priorities, which will include public defense, and their current strategy. The Council had a discussion and strategized funding ideas.

**Court Order Regarding the Standard:** Jason Schwarz reported about the Court Order, which was in the meeting materials. The Standards will be published for comment for consideration as a Court rule. There will be two public comment periods. In addition, some individuals asked the Court to suspend their qualification standards and allow the WSBA qualifications standards to be the enforced standard until the entire Standards review is complete. Justice Gordon McCloud addressed questions about the Court's process. Washington Defender Association will be sharing the notice on their listservs and the Office of Public Defense will post the new forms.

**Charter Amendments:** Jason Schwarz shared that proposed Charter revisions were included in the materials. He summarized that the Charter amendments 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 Council had a discussion and provided input on the proposed revisions. The Council agreed to continue discussing at the next meeting.

**Subcommittee Updates:** There are three subcommittees working on Standards related activities:

Family Defense Related Standards: Tara Urs reported that there are two state agencies that provide contracts for family defense, Office of Public Defense, and the Office of Civil Legal Aid. There are three different sets of rules that impact this work: the WSBA standards, Court standards, and OCLA standards. This committee is working on addressing family defense standards, particularly caseloads, training and qualifications, and some other issues. The caseload for representing parents and children is different and created challenges. They looked at different states' workload studies and compared to Washington numbers, which was found to be higher. They are looking closely at work done in Oregon where research may be applicable to Washington. They are going to convene a panel of experts to adjust the Oregon numbers and make them specific to Washington. That work is in process. They are also looking at experience and training requirements. Right now, the qualifications are low, which poses issues. They are thinking about how to address those issues. Tara addressed questions.

Standards Enforcement: Paul Holland reported that the committee is defining their agenda and work. They have been working on assessing capacity within the profession to provide attorneys. They are conducting research to address that question. They also did a focus group with contract attorneys to learn their perspective about the Standards, and identified challenges around how the Standards are being perceived. They are also discussing how enforcement may work. They are also talking with AOC and other external partners. Paul addressed questions.

Appellate Standards: Bob Boruchowitz gave an update. There is a need for a DELPHI study and Larry Jefferson noted that the Office of Public Defense can help fund a study. He is waiting for the recommendation from the Committee.

Recruitment: Jason Schwarz reported that the CPD has collected applications and is interviewing individuals. He also shared that Christopher Swaby plans to be the next Vice-Chair of the CPD.

**Pathways to the Profession Summit:** Jason Schwarz reported that the CPD has funds to help send CPD members to the summit. Christopher Swaby encouraged people to attend.

**Announcements:** Larry Jefferson shared about a Public Defense Day on July 19.

The meeting adjourned at 11:26am