

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE ADVISORY COMMITTEE MEETING

June 22, 2023
10:00 AM to 12:00 PM
--
Zoom Meeting (Details Below)

AGENDA

CONTENT	Pg#	PRESENTER	START TIME	Dur.
1. Call to Order	n/a	Chair Lee	10:02 AM	2 min.
2. Chair's Report	n/a	Chair Lee	10:04 AM	10 min.
3. Adoption of Meeting Minutes from March 2023	1-4	Committee Members	10:14 AM	2 min.
4. Director's Report	5-6	Dir. Jefferson	10:16 AM	10 min.
5. 2023-2025 Appropriations Review and Time for Questions	7-13	Deputy Dir. Byrd McSherry	10:26 AM	10 min
6. 2024 Supplemental Budget Request Review and Discussion	14-25	Deputy Dir. Byrd McSherry	10:36 AM	20 min
7. Public Comments	n/a		10:56 AM	

Zoom Information:

<https://us06web.zoom.us/j/89004590683?pwd=R3JrdE9UYjU1UVhFYzZBWElJVTZ4UT09>

Meeting ID: 890 0459 0683

Passcode: OPD23!

Dial-In Information:

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WASHINGTON STATE OFFICE OF PUBLIC DEFENSE
ADVISORY COMMITTEE MEETING

THURSDAY, MARCH 23, 2023
10:00 AM

DRAFT

**QUARTERLY REGULAR
MEETING MINUTES**

MEMBER PARTICIPATION

Annie Lee, Chair
Ann Christian
Luis Moscoso

Judge Rich Melnick, ret.
Robert Flenbaugh, II

OPD Staff Participation

Larry Jefferson, Director
Sophia Byrd McSherry, Deputy Director
Tracy Sims, Office & HR Manager
Molly Sullivan, Legislative Coordinator
Debbie Coplen, IT Manager
Barbara Harris, Coordinator
Geoffrey Hulsey, Staff Attorney
Brett Ballew, Supervisor
Jacob D'Annunzio, Managing Attorney
Lisa Dabalos-McMahon, Managing Attorney
Marci Comeau, Managing Attorney

Ryan Siu, Paralegal
Christopher Grande, Assistant
Jason Aguero, Assistant
Shoshana Kehoe-Ehlers, Managing Attorney
Lindsey Townsend, Assistant
Katrin Johnson, Supervisor
George Yeannakis, Special Counsel
Grace O'Connor, Managing Attorney
Nicole Dodge, Paralegal
Nat Jacob, Managing Attorney
Jonathan Patnode, Paralegal

Guests Participation

Mo Hamoudi, Adjunct Professor, Seattle University School of Law
Ali Hohman, Director of Legal Services, Washington Defender Association
Christie Hedman, Executive Director, Washington Defender Association
Travis Stearns, Washington Appellate Project

Chair Lee called the meeting to order at 10:06 AM. The meeting was held via Zoom Video Conference.

PRESENTATION: PUBLIC DEFENSE REPORT AND RECOMMENDATIONS

The Chair directed the committee's attention to presenters Mohammad Hamoudi, Adjunct Professor for Seattle University's School of Law, and Ali Hohman, Director of Legal Services for the Washington Defender Association.

Mohammad Hamoudi introduced himself, and Ali Hohman, then offered an overview of the Task Force 2.0's 2021 Report to the Washington State Supreme Court on Race and Washington's Criminal Justice System. Mr. Hamoudi then directed the committee's attention to Ms. Hohman, who offered an overview of the Task Force 2.0's 2022 Recommendations to the Washington State Supreme Court on Race and Washington's Criminal Justice System, in response to the report that Mr. Hamoudi highlighted. The Chair called for attendees to raise any questions or concerns. Mr. Flennaugh recognized the significance of this report and recommendations, and the need for public defenders to follow them. Ms. Byrd McSherry recognized Ann Christian's contributions to a sub-committee of the Council on Public Defense, which resulted in the creation of GR 42.

Committee members asked questions. Judge Melnick made a motion to pay the bill as submitted. Seconded by Ms. Christian. No further discussion. Motion passed with 5 members voting in favor and 2 opposed. Mr. Chuang and Chair Jarmon opposed. Mr. Jefferson and Ms. Sims will let Fiscal know so the bill can be paid.

CHAIR'S REPORT

This is Chair Lee's first meeting as Advisory Committee Chair. The Chair welcomed OPD Staff, advisory committee members, and members of the public who were in attendance. She then requested a note of individuals in attendance be added to the minutes by Ms. Sullivan. The Chair alerted the Committee Members to the National Consortium on Racial and Ethnic Fairness in the Courts Conference, in May, in Seattle, by the Minority and Justice Commission. She remarked that this could be an opportunity for Committee Members to participate in a national-level conversation about racial issues in the courts and asked Ms. Sullivan to make the information available after the meeting to all Committee Members.

APPROVAL OF MEETING MINUTES

Mr. Moscoso moved to accept the minutes for the December 8, 2022 Advisory Committee meeting. Mr. Flennaugh seconded. No discussion. Chair Lee abstained as she was not in attendance. All others voted in favor.

DIRECTOR'S REPORT

Director Jefferson shared about the top issues facing public defense at the moment: the shortage of attorneys across the state being the largest concern, and high caseloads being the second largest concern. He overviewed his recent speaking engagements and presentations across the state about the future of law, historic inequities and racism in the legal system, and changing our systems to support individuals who have been harmed and need healing. Director Jefferson highlights the new ABA Standards report that is expected this fall and OPD staff's involvement in testifying on legislation at the Capitol.

Director Jefferson invited Deputy Director Byrd McSherry to go into more depth on OPD's legislative priorities. Deputy Director Byrd McSherry overviewed various pieces of legislation that OPD is interested in and tracking, including:

- SB 5415 regarding representation for individuals committed as “Not Guilty by Reason of Insanity” to state hospitals (NGRI)
- SB 5046 regarding post-conviction representation for individuals in certain cases

Director Jefferson then reviewed OPD’s joint activities and budget items with OCLA, internal staff activities and celebrations, and external public service activities that staff was involved in.

PUBLIC COMMENTS

Mr. Jacob provided public comment on the day-to-day operations of OPD. He highlighted the presentation slides that were shown throughout Director Jefferson’s report and his appreciation for the Director and Deputy Director’s leadership. He remarked that he and other staff members feel blessed to work at OPD, and the photos in the presentation are an illustration of the kind of place OPD is to work.

Shoshana Kehoe-Ehlers and Jacob D’Annunzio both added in the Zoom chat that they second Nat’s sentiments.

UPDATE – ADVISORY COMMITTEE WORK PLAN AND GOALS

Chair Lee provided a preliminary take on the upcoming year’s work plan and goals. She noted a few items that were in progress prior to her arrival that would be primary goals to complete in 2023, and included brief status reports of each, which included:

- Finalizing Committee Operating Rules & Procedures
 - A good draft is close to completion and a final review by committee members is needed
- Review OPD Director’s Performance
 - Small workgroup will be formed to create a process for the evaluation
- Development of OPD Budget, Including Advisory Committee Support Letter in Future Years
- Member Engagement and Involvement in Learning About Public Defense Issues and Attending OPD Events

Chair Lee paused to recognize Director Jefferson for additional information. Director Jefferson noted that OPD is requesting funding from the legislature to re-vamp the public website and that OPD could use the Committee’s participation in the survey to inform the web developers of how the site should be laid out. He also noted that public testimony on the budget will be taking place on March 24th, and any members of the Committee who are willing and able to testify should feel free to do so, to help the agency.

Director Jefferson turned the meeting back over to Chair Lee. Chair Lee inquired whether the Committee is allowed to make an official statement on legislation, or whether there are prohibitions on such a statement. Director Jefferson clarifies that it is his understanding that the Committee, or individual members, may make an official statement. He paused to recognize Deputy Director Byrd McSherry, who confirmed that she is not aware of any issue with an official statement of support by the Committee, or its individual members. She further details that typically the Chair or a designated Committee member testifies on behalf of the Committee

in support of the budget, and the Committee typically issues an official letter in support of OPD's budget request to the Operating Budget Members of the Legislature.

Chair Lee notes that she is unavailable to testify, but opens the floor for any other members who are available to do so on behalf of the Committee. Mr. Moscoso volunteers to testify on the Committee's behalf.

Chair Lee invites comments and/or questions about the work plan and goals for the Committee. No comments or questions arise.

Chair Lee entertains the idea of an in-person meeting later in the year to hopefully allow for Committee and OPD Staff members to have a more personal setting to get to know each other better.

Chair Lee highlights Women's History Month for the Month of March, and shares an article by TeenVogue, written by a former public defender. She notes that the article is an incredibly powerful reminder of all the individuals who have worked to make public defense a reality, and reads a particularly impactful quote to the Committee:

"When people are facing such complex, lasting, and grievous harm, there is only one person in the whole legal system who is ethically bound to protect them, keep their secrets, and try to help them walk away with both their life and future intact: their public defender."

MEETING ADJOURNMENT

Chair Lee entertains a motion to adjourn the meeting. Director Jefferson moves to adjourn the meeting. Mr. Flennaugh seconds the motion to adjourn. The Chair adjourns the meeting at 11:09 a.m.

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Bloodmobile – 711 Capitol Way S, Olympia

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6
PUBLIC DEFENSE
DAY
2023

Join us for a celebration of legal successes!

Friday, July 14th, 2023
12-2 PM

711 Capitol Way S
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RSVP to molly.sullivan@opd.wa.gov



**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**
Larry Jefferson, Director

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2023-2025 Summary of Appropriations

OPD thanks the Legislature for the following appropriations in the Operating Budget SB 5187

Amounts are biennial

Client Services & Agency Operations: 45.9M

- Vendor rate adjustment to recruit & retain qualified contract attorneys -- **\$10.2M**
- Pre-filing parent representation to avoid dependency & family separation -- **\$2M**
- Legal consultations for voluntary placements -- **\$2M**
- Implement SB 5046 – postconviction counsel in certain circumstances -- **\$1.78M**
- Implement SB 5415 – counsel for persons committed as NGRI -- **\$13.46M**
- Implement SB 5536 – counsel for misdemeanor drug possession -- **\$9M**
- Access to Superior Court document systems for staff & contractors -- **\$254,000**
- Add 6 FTE contracts for Parent Representation social workers -- **\$872,000**
- Continue existing funding for OPD *Blake* defense/triage service -- **\$6M**
- Add capacity to meet demand for YAC hotline, RCW 13.40.740 - **\$334,000**

Office Systems & Worksite Security: 1.18 M

- Implement modern security controls for OPD worksite in Olympia -- **\$113,000**
- Update end-of-life IT & onboard WaTech small agency services -- **\$861,000**
- Redesign OPD website to meet accessibility & security standards -- **\$202,000**

Pass-through funding for nonprofit Washington Defender Association: .99M

- Sustain the Redemption Project to assist with second-look resentencing -- **\$990,000**

Pass-through funding to Children's Home Society 1M

- Additional funding for the Parents for Parents peer mentoring services -- **\$1M**

OPD Bill Tracking for 2023 Legislative Session

Category	Bill #	Description	Sponsor	Status <i>as of 5/18/23</i>	Effective Date
OPD Administration /Operations					
	HB 1533	Exempts from public disclosure personally identifying information of agency employees and their dependents who are survivors of DV, sexual assault, harassment, or stalking if certain conditions are met.	Mena	C 458 L 23	5/15/23
	HB 1823	Allows assistance for graduate students enrolled in specific fields of study with a workforce shortage or high demand, as determined by the Washington Student Achievement Council. (Doesn't specifically identify legal studies, but could be approved by WSAC.)	Timmons	C 389 L 23	7/23/23
	SB 5046	Authorizes OPD to provide postconviction counsel for certain persons for a first, timely personal restraint petition; when the Legislature creates an ability to petition the sentencing court; or when a final decision of an appellate court creates the ability to challenge a conviction or sentence. Requires a report to the Legislature.(Funded in the operating budget.)	Saldaña	C 261 L 23	1/1/24
	SB 5415	Requires OPD to provide defense counsel for civilly committed persons acquitted as not guilty by reason of insanity (NGRI). (Funded in the operating budget.)	Trudeau	C 120 L 23	4/20/23
	SB 5536	Treatment and penalties for possession of controlled substance. Includes funding for OPD to support PCS misdemeanor defense in counties under 500,000 population and cities under 200,000.	Robinson	C 1 L 23 1 st special session	Most sections effective 8/15/23

	SB 5187	Biennial operating budget. OPD is at Section 115. (OPD appropriations are summarized in a separate document.)	Rolfes	C 475 L 23	7/1/23
Parents Representation / Child Welfare					
	HB 1204	Makes permanent the DCYF–Amara “Family Connection Program” that facilitates interaction between a parent of a dependent child in out-of-home care and the person with whom the child is placed.	Callan	C 138 L 23	6/20/2023
	HB 1580	Requires the Care Coordinator, in coordination with DCYF, DSHS, HCA, and OFM, implement a Rapid Care Team for the purpose of supporting services and living arrangements for a child in crisis, and that child's family, if appropriate. Allows access to flexible funds to support the safe discharge of children in crisis from hospitals.	Callan	C 423 L 23	7/23/23
	SB 5124	Provides for state-funded guardianship subsidies, and for parental preference for placement under a Voluntary Placement Agreements.	Trudeau	C 221 L 23	7/23/23
	SB 5225	Expands eligibility for Working Connections Child Care, including to parents involved in therapeutic or specialty court procedures.	Wilson, C	C 222 L 23	7/23/23
	SB 5256	Makes permanent the Child Welfare Housing Assistance Program, which, since 2019, has operated as a pilot program to provide families with housing vouchers, rental assistance, and other services.	Saldaña	C 321 L 23	6/30/23

	SB 5316	Requires DCYF to pay background check fees for foster care and child care applicants and providers. Extends background check clearance to five years.	Wilson, C	C 437 L 23	7/23/23
	SB 5683	Allows DCYF to issue a child-specific foster care license to an Indian child's family or extended family member in certain circumstances.	Kauffman	C 127 L 23	7/23/23
Juvenile					
	HB 1324	Prior juvenile dispositions may not be included in offender score calculations for any subsequent adult convictions, except for adjudications of guilt for Murder 1, Murder 2, and class A felony sex offenses. (Not retroactive.)	Hackney	C 415 L 23	7/23/23
	HB 1394	Limits the circumstances under which a youth is required to register as a sex offender and reduces the time period a person adjudicated in juvenile court must register as a sex offender to 2 or 3 years	Senn	C 150 L 23	7/23/23
	HB 1600	Allows for the sharing of sealed juvenile records with non-Washington criminal justice agencies solely for firearms-related background check purposes, and prohibits further dissemination of such records	Goodman	C 180 L 23	7/23/23
Civil Commitment					
	HB 1265	Tax incentives for community-based housing.	Ramos	C 69 L 23	7/23/23
	SB 5415	Requires OPD to provide defense counsel for civilly committed persons acquitted as not guilty by reason of insanity (NGRI). (Funded in the operating budget.)	Trudeau	C 120 L 23	4/20/23

Court Operations					
	HB 1312	A person who is 80 years or older may be excused from jury service based on an attestation that the person is unable to serve due to health reasons.	Rude	C 205 L 23	7/23/23
	SB 5003	Increases the number of statutorily authorized district court judges in Snohomish County from eight to nine		C 5 L 23	7/23/23
	SB 5128	AOC must provide courts with a method to collect jury demographic data, and must create a work group to examine options for child care assistance for persons reporting for jury duty. Eligible persons may opt in to receive jury summons via email.	Trudeau	C 316 L 23	7/23/23
	SB 5155	Removes COA administrative burdens and allows for transfers of judges between divisions without a written order. Harmonizes the statute with court rules.	Wagoner	C 184 L 23	7/23/23
Criminal					
	HB 1114	Adds 5 members to the state Sentencing Guidelines Commission, including the chair of the Minority and Justice Commission, a person representing tribes, a behavioral health professional, a person with expertise in academic research in criminology or sociology, and an additional public member.	Mosbrucker	C 241 L 23	7/23/23
	HB 1169	Eliminates imposition of certain penalties and fees, and establishes alternative funding to support crime victim/witness programs and the DNA database.	Simmons	C 449 L 23	7/1/23
	SB 5046	Authorizes OPD to provide postconviction counsel for certain persons for a first, timely personal restraint petition; when the Legislature creates an	Saldaña	C 261 L 23	1/1/24

		ability to petition the sentencing court; or when a final decision of an appellate court creates the ability to challenge a conviction or sentence. Requires a report to the Legislature.(Funded in the operating budget.)			
	SB 5087	Repeals or amends various statutes previously held to be unconstitutional by the Washington Supreme Court, including capital punishment.	Pedersen	C 102 L 23	7/23/23
	SB 5347	Courts may not charge fees for driving abstracts for indigent persons. Probation officers/courts may provide driving abstracts to treatment agencies.	Wagoner	C 118 L 23	7/23/23
	SB 5440	Competency evaluation and restoration services.	Dhingra	C 453 L 23	7/23/23
	SB 5536	Treatment and penalties for possession of controlled substance. Includes funding for OPD to support PCS misdemeanor defense in counties under 500,000 population and cities under 200,000.	Robinson	C 1 L 23 1 st special session	Most sections effective 8/15/23
Corrections & Re-entry					
	HB 1345	Eliminates the fee for extended family visitation with an incarcerated person.	Farivar	C 177 L 23	7/23/23
	SB 5101	Amends criteria for DOC Emergency Medical Placements.	Saldaña	C 358 L 23	7/23/23
	SB 5134	Ensures no less than \$40 gate money and a 90-day supply of prescribed medications. Governor vetoed section related to discharge planning due to inadequate funding.	Wilson, C.	C 467 L 23 Partial veto	7/23/23

Not Passed in 2023					
	HB 1108	Resentencing for eligible persons serving exceptional sentences that were based on plea agreements to avoid life sentences under the "three strikes" law.	Hackney	Died House Rules	
	HB 1189	Expands membership on the Clemency and Pardons Board and amends CPB procedures	Hackney	Died Senate Ways & Means	
	HB 1295	Requires OPD to provide consultation and legal representation for parents who are offered Voluntary Placement Agreements prior to the filing of a dependency case. (Partially implemented in operating budget.)	Ortiz-Self	Died House Appropriations	
	HB 1383	Allows people convicted of a crime committed before age 18 to petition the Indeterminate Sentencing Review Board for early release.	Hackney	Died without hearing	
	HB 1607 SB 5463	Limiting legal consultations for youth being detained/questioned by police.	Hackney / Lovick	Died without hearing	
	HB 1734 SB 5544	Providing community notice of LRA facilities.	Couture / MacEwan	Died without hearing	
	SB 5773	State funding for local public defense services. (Introduced during May Special Session.)	Torres	Not referred	

Washington State Office of Public Defense

Supplemental Budget Request Development Preliminary “Concept Paper” Stage

Concept Paper #	Subject	Estimated Request
1.	<i>Blake Resentencing/Vacating – one-time</i> (6 FTEs) Maintains OPD staffing to continue programs that help vacate convictions and provide counsel to persons eligible for resentencing under <i>State v. Blake</i> .	\$2.8M (FY '25)
2.	<i>NGRI Vendor Rate – ongoing</i> Aligns the new SB 5415 NGRI contract attorneys with the ongoing vendor rate adjustment approved in the biennial budget for other OPD contract attorneys.	\$366,160 (FY '25)
3.	<i>Recruitment Specialist Teamt – ongoing</i> (3 FTEs) Provides statewide consulting and technical assistance to help local governments recruit and retain qualified public defense professionals. Includes working with law schools and colleges to establish “pipeline programs,” including internships, externships, mentorships, etc.	\$625,475 (FY '25)
4.	<i>HRMS Payroll Specialist – ongoing</i> (1 FTE) Gives OPD the ability to independently and timely manage employee data in the state payroll and HR systems. (OPD currently relies on AOC to act in an intermediary capacity to manage OPD payroll.)	\$34,507 (FY '24) \$121,570 (FY '25)
5.	<i>Dedicated Training Funds – ongoing</i> Provides a predictable, stable training budget for OPD contractors and staff, who require ongoing and updated training every year.	\$75,000 (FY '24) \$300,000 (FY '25)
6.	<i>Emergency Funds for Parent Clients – ongoing</i> Provides funds that OPD Parent Representation Managers may use to assist Parent clients with immediate safety issues or urgent needs that could impact their dependency case.	\$10,000 (FY '24) \$40,000 (FY '25)

7.	<i>Reclassification of Support Staff -- ongoing</i> Reclassifies the salary schedule designation for OPD Program Assistants and Administrative Assistants to align better with other state and local agencies in the South Puget Sound area.	\$61,000 (FY '24) \$104,000 (FY '25)
	TOTALS	\$ 180,507 (FY '24) \$ 4,436,625 (FY '25)



**WASHINGTON STATE
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June 9, 2023

TO: Larry Jefferson, OPD Director

FROM: Katrin Johnson, Supervising Managing Attorney – Trial Level Program

SUBJECT: *Blake* Resentence/Vacature Funding for FY 2025

Problem:

The 2023 Legislature appropriated \$6 million for the 2023-2025 biennium for OPD to continue assisting with resentencing and vacating convictions of persons eligible under the *State v. Blake* decision. The appropriation was substantially less than for the '21-'23 biennium and less than OPD requested for the '23-'25 biennium. Although the funds were appropriated into the biennial Judicial Stabilization Trust Account, which allows for flexible spending across both fiscal years, additional funds will be required to sustain activities in FY '25.

Despite significant progress, considerable work remains to triage and provide counsel for *Blake* resentencing hearings and for vacating convictions for simple drug possession. It is estimated that 150,000 individuals are still waiting to vacate convictions and seek reimbursement of LFOs, and several thousand individuals incarcerated in DOC and serving DOC community custody still must be resentenced in light of *Blake's* impact on criminal history scoring.

Case law developments also are expanding the scope of convictions eligible for relief, such as drug possession predicate offenses. The ongoing workload requires continuation of OPD's *Blake* program through at least FY 2025.

Proposed Solution:

- Continue funding to sustain the OPD *Blake* program through the biennium.
- Continue direct OPD contracts as well as pass-through funds to counties to ensure timely counsel in *Blake* cases.

Estimated Staff:

Continuation of current *Blake* staffing levels, total of 6 FTEs:

- 2 FTE Managing Attorneys
- 2 FTE Paralegals
- 1 FTE Community Outreach Specialist
- .5 FTE Administrative Assistant
- .5 FTE Data Analyst

Estimated Cost: \$2,879,420 for FY '25. One-time funding.

Is there any IT component to this request (excluding typical office equipment)? No.



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May 29, 2023

TO: Larry Jefferson, OPD Director

FROM: Sophia Byrd McSherry & Shoshana Kehoe-Ehlers

SUBJECT: Extend attorney vendor rate adjustment to new NGRI Program

Problem:

A newly authorized group of OPD-contracted attorneys is not included in a vendor rate adjustment scheduled to be implemented for other OPD contract attorneys.

The 2023 Legislature passed SB 5415, directing OPD to contract with up to 20 FTE qualified attorneys to represent persons acquitted as not guilty by reason of insanity (NGRI) and civilly committed under Chapter 10.77 RCW. Funding provided to implement the bill is based on the vendor rate currently in place for similar OPD client services contracts.

The Legislature separately approved a biennial operating budget that includes a general vendor rate adjustment for contract attorneys in other OPD client services programs. The approved vendor rate adjustment for FY 2025 does not include the newly authorized NGRI Program.

Proposed Solution:

Align the newly established NGRI Program with the attorney vendor rate adjustment approved by the Legislature for other OPD client services contracts.

Pursuant to SB 5415, OPD will execute client services contracts with up to 20 FTE attorneys. The FY 2024 annual contract fee will be \$187,392 per FTE. OPD requests funds to increase the FY 2025 NGRI contract fee to \$205,700 per FTE contractor, consistent with the vendor rate adjustment already approved for other similar OPD client services contracts.

Estimated Agency FTEs: None

Estimated Cost: \$366,160 for FY 2025. Ongoing funding.

Is there any IT component to this request (excluding typical office equipment)? No.



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June 15, 2023

TO: Larry Jefferson, OPD Director

FROM: Katrin Johnson, Supervising Attorney – Trial Level Program

SUBJECT: Recruitment Specialist Team

Problem:

State, county, and city public defense programs are experiencing unprecedented difficulties recruiting and retaining qualified public defense attorneys. Fewer law school graduates are seeking careers in public defense, and many experienced attorneys are retiring or leaving early from the practice. Modern, creative approaches to building and sustaining the profession are necessary because current practices are insufficient.

Cities and counties of all sizes in Washington are facing this challenge, and most jurisdictions lack the staff, time and resources to actively recruit new and aspiring law school graduates to foster a pipeline into the public defense field. Rural areas are particularly impacted by the lack of attorneys and the lack of local expertise to recruit attorneys.

- ["Very Troubling": Dozens in Whatcom County Waiting for a Public Defender to be Named;](#) Bellingham Herald, May 15, 2023.
- [Tri-Cities Officials Race to Fix Lawyer Shortage before Criminal Cases are Dropped;](#) TriCity Herald, May 7, 2023.
- [Attorney Shortage, Caseloads Leading to Shortage of Court-Appointed Attorneys;](#) Yakima Herald-Republic, Oct. 7, 2022.
- [The Need for More Black Lawyers,](#) Mondaq (2021).
- [Class action lawsuit filed against state by criminal defendants over lack of public defenders,](#) The Oregonian, May 16, 2022.
- [President's Corner > The Rural Attorney Shortage is Turning Into a Crisis in Washington State - Washington State Bar News \(wabarnews.org\)](#)

Proposed Solution:

The current recruitment and retention crisis is shared by jurisdictions statewide, yet currently no local public defense agency has the time, resources, and specialization to fully address it. A coordinated, statewide effort is essential to achieve lasting solutions. OPD seeks funding to create a new Public Defense Recruitment Specialist Team and Grant Program to address this need. The Team's objectives are to:

- (1) Build a reliable and more diverse pipeline of current and aspiring law students into the public defense community statewide.
- (2) Support and resource cities and counties to administer successful internship and Rule 9 programs, including allocation of grant funds to provide compensation and housing stipends prioritized for counties with greatest need.
- (3) Advocate for policy and deliver trainings on strategies to effectively retain public defense attorneys and staff.

The Recruitment Team will build and sustain partnerships with local law schools – bringing public defense speakers to classes and clubs, conducting on-campus interviews on behalf of multiple cities and counties who lack capacity to attend, and collaborating with faculty and staff to promote interest in public defense. They will also become subject-matter experts on available state and federal loan forgiveness programs to help young public defenders navigate available options. Additionally, the Recruitment Team will conduct outreach with faculty and students in law-related undergraduate programs, promoting interest in public defense.

The Recruitment Team will collaborate closely with city and public defense systems to build and sustain a reliable workforce. They will guide local public defense administrators on establishing effective Rule 9 and internship programs, and administer grant funds to compensate interns and provide housing stipends. They will also bring best-practice solutions for promoting job satisfaction and employee retention.

Estimated Agency FTEs:

- 2 FTE Managing Attorneys – 1 focused on Western Washington and 1 focused on Eastern Washington
- 1 FTE Program Analyst

Estimated Cost: \$625,475 for FY 2025. Ongoing funding.

Is there any IT component to this request (excluding typical office equipment)? No.



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May 15, 2023

TO: Larry Jefferson, OPD Director

FROM: Tracy Sims/HR & Michele Young/Budget

SUBJECT: HRMS Payroll Specialist

Problem:

The Administrative Office of the Courts (AOC) has provided the payroll function for the Office of Public Defense (OPD) since OPD was established. This arrangement is no longer efficient for either OPD or AOC.

Proposed Solution:

OPD is nearing 50 FTE employees, and the number of FTEs likely will grow as OPD takes on new duties recently assigned by the Legislature. Agency employees reasonably expect their employer to be able to directly manage their personnel information and payroll within the state systems. But right now, OPD does not have access to critical state systems and must rely on AOC to set up payroll for new employees and adjust tax withholding and discretionary deductions for established employees. An in-house payroll specialist would allow OPD to ensure timely and secure payroll services for agency staff.

Bringing the payroll function into OPD will allow the agency to independently enter and securely maintain employee information in state payroll and HR systems. A payroll specialist will be able to work closely with the OPD fiscal team in developing reports and projections with regard to the total compensation of OPD employees. A payroll specialist will act in accordance with generally accepted accounting principles and will be able to support HR and the fiscal team and make recommendations for process improvements and enhancement.

In addition, bringing the payroll function within OPD will eliminate payment to AOC for that service, which will offset the cost of the requested FTE.

Estimated Agency FTEs: 1 FTE

Estimated Cost: FY24 \$34,507 (April – June & Start up); FY25 \$121,570. Ongoing.

Is there any IT component to this request (excluding typical office equipment)? No.



**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**
Larry Jefferson, Director

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(360) 586-3164
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June 2, 2023

TO: Larry Jefferson, OPD Director

FROM: Brett Ballew and Amelia Watson, Co-Supervising Attorneys, and Michael Heard, Supervising Social Services Manager

SUBJECT: Training for Parent Representation Contractors

Problem:

OPD contracts with approximate 300 Parent Representation attorneys and social workers. Training for contractors is a critical part of OPD's technical assistance and oversight duties, as required by RCW 2.70.020(4). Necessary training includes the OPD-administered annual statewide Parent Representation conference, the statewide Children's Justice Conference (CJC), as well as national trainings from the American Bar Association (ABA) and the National Association for Public Defense (NAPD).

OPD is a national leader in parent defense and is the agency exclusively responsible for providing effective parent defense in Washington State. OPD must provide regular training to ensure that the agency can take on new contractors and retrain established contractors based various changes to the law.

Both the number of counties experiencing parent representation attorney turnover and the overall average turnover rate increased in FY '22 and FY '23 compared to FY '18 and FY '19 at a time when it has become harder to identify new contractors, especially new contractors with past experience in dependency or termination representation. OPD needs to ensure training to continue to diversify the parent defense workforce, and to prepare for the pending retirement or replacement of contractors that have practiced parent defense work for the last 17-20 years. OPD needs to ensure continued competence as the workforce continues to age

Additionally, the Legislature has made extensive changes to the dependency and termination statutes that have impacted training and are anticipated to necessitate ongoing training in the near future. These include HB 1227 (changes to removal and shelter care requirements and creation of provisional license for relatives), HB 1194 (changes to visitation), HB 1747 (prioritizing relative placement and guardianship in lieu of termination), SB 5151 (child specific foster care licensing) and HB 1219 (creating a statewide child representation program). Finally, the Washington Supreme Court has issued numerous decisions that have had impactful changes to the interpretation of ICWA/WICWA, reasonable efforts, relative placement, parental disability and evidentiary and procedural issues in dependency fact findings and

termination of parental rights proceedings. These also have resulted in pressure to provide additional training.

Proposed Solution:

The Parent Representation Program requests specific funding to ensure ongoing training opportunities for Parent Representation contractors.

Estimated Agency FTEs: None

Estimated Cost: \$75,000 in FY 2024, and \$300,000 in FY 2025. Ongoing funding.

Is there any IT component to this request (excluding typical office equipment)? No.



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June 1, 2023

TO: Larry Jefferson, OPD Director

FROM: Michael Heard, Supervising Social Services Manager

SUBJECT: Parent Emergency Funds Request

Problem:

Parent Representation Program clients occasionally experience immediate safety issues or other life emergencies, and they need limited but quick funding assistance. The Department of Children, Youth and Families (DCYF) is often unwilling and/or very slow to fund for various reasons. These safety and urgent needs can create significant barriers to successful family reunification. Examples include immediate and urgent needs for the safety of victims of domestic violence, moving services, utility bills, transportation and food assistance.

Currently, many Parents Representation Program attorneys and social workers provide emergency funding for clients out of their own personal funds. These emergency funding needs often create unnecessary tension and stress for parents, as well as for OPD's contractors. Parents Representation Program attorneys and social workers cite stress as a primary reason they decline to accept and choose to leave public defense positions.

Proposed Solution:

The Parents Representation Program is asking for OPD to request \$50,000 in the supplemental operating budget for the purpose of providing emergency funds for dependency-involved parents in need. OPD is not currently allotted any funds from the legislature to cover parent emergency needs requests.

Emergency funds for parents can provide urgent safety and supportive needs, that are often a significant determining factor for families to be reunited. Concrete service funds been shown to support parents overcome barriers to reunification. Facilitating opportunities to provide emergency relief funding will provide for safety for parents and families, de-escalate tension, and provide comfort in difficult situations.

Estimated Agency FTEs: None

Estimated Cost: \$10,000 for FY 2024 and \$40,000 for FY 2025. Ongoing funding.

Is there any IT component to this request (excluding typical office equipment)? No.



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May 15, 2023

TO: Larry Jefferson, OPD Director

FROM: Tracy Sims/HR & Michele Young/Budget

SUBJECT: Support Staff Reclassification on State Salary Schedule

Problem:

For the last several support staff job openings OPD had extremely low and unqualified applicant pools from which to draw. This led to reopening job announcements several times and limited numbers of candidates who applied for jobs.

The Administrative Office of the Courts (AOC) recently reclassified certain segments of its program support staff due to the same recruitment and staffing issue.

Proposed Solution:

OPD requests funding to reclassify Program Assistants and Administrative Assistants from Range 50 Step A & C on the state salary schedule to Range 50 Step E. Range 50A-C currently pays \$49,404-\$51,888. The FY '24 salary for Range 50E will be \$56,672.

In comparing salary ranges for program assistants at state and local government agencies in and around Thurston County, current salaries for OPD program assistants are not competitive.

Thurston County has a non-union Administrative Assistant II classification with the salary range of \$54,384 to \$72,336 per year. Pierce County has an Administrative Assistant classification with the salary range of \$61,610 to \$76,752. Administrative and Program Assistants at OPD do the work of an administrative assistant with regard to agency-wide policies, procedures and function, as well as provide specialized support to the program they are assigned to.

Estimated Agency FTEs: No new FTEs. The proposed reclassification would impact eight existing OPD staff.

Estimated Cost: \$61,000 in FY 2024 and \$104,000 in FY 2025. Ongoing funding.

Is there any IT component to this request (excluding typical office equipment)? No.