	Case 2:14-cv-01178-MJP Document 6	9 Filed 10/07/14 Page 1 of 4
1		The Honorable Marsha J. Pechman
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4		
5	UNITED STATES DISTRICT COURT	
6	WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
7	A.B., by and through her next friend Cassie Cordell Trueblood; D.D., by and through his	No. 14-cv-01178-MJP
8 9	next friend Andrea Crumpler; K.R. by and through his next friend Marilyn Roberts; Q.M. by and through his next friend Kathryn	
10	McCormick; all others similarly situated; and Disability Rights Washington;	
11	Plaintiffs,	DECLARATION OF DAVID LORD
12	vs.	
13	Washington State Department of Social and	
14	Health Services; Kevin Quigley, in his official capacity as Secretary of the Department of	
15	Social and Health Services; Western State Hospital; Ron Adler in his official capacity as Chief Executive Officer of Western State	
16	Hospital; Eastern State Hospital; and Dorothy Sawyer in her official capacity as Chief	
17	Executive Officer of Eastern State Hospital,	
18	Defendants.	
19	I, David Lord, declare as follows:	
20	1. I am over the age of eighteen, have personal knowledge of the matters stated	
21	herein, and am competent to testify thereto.	
22	2. I am a licensed attorney admitted to the Washington State Bar Association in	
23	October 1979.	
	DECLARATION OF DAVID LORD 14-cv-01178-MJP - PAGE 1	CARNEY GILLESPIE ISITT 315 5th AVENUE SOUTH, SUITE 860 SEATTLE, WA 98104 PHONE 206•445•0220 FAX 206•260•2486

Case 2:14-cv-01178-MJP Document 69 Filed 10/07/14 Page 2 of 4

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3. I have worked for Disability Rights Washington since 1994. Since 2008, I have been employed as the Public Policy Director at Disability Rights Washington.

4. As Director of Public Policy for Disability Rights Washington, I closely monitor bills and budget matters affecting the rights of people with disabilities that are considered by the Washington State Legislature throughout each legislative session and in the interim between sessions. I have been a registered lobbyist since 2002, and an active participant in all subsequent legislative sessions.

5. The budget decision package submitted by the Department of Social and Health Services Behavioral Health and Service Integration Administration (Dkt. No. 61-1) represents a request for funding, and does not in any way guarantee that an appropriation of any amount will be made. The submission of a decision package comes near the beginning of the budget process. Typically, the Governor presents a proposed budget to the Legislature shortly before the legislative session begins in January. Not every decision package is included in the Governor's proposed budget. Even if it makes it in the Governor's budget, the funding request in the decision package may or may not be incorporated in subsequent draft budgets by the House and Senate, after an extensive hearing process, and may or may not be adopted in the final budget that passes the Legislature. The biennial budget process is completed by June 30.

6. During the 2013 legislative session, Senator Steve Conway introduced SB 5551, a bill that provided a mechanism for counties to address the delays in competency evaluations of defendants incarcerated in their jails. The bill allows counties to hire their own evaluator, where the state has not completed evaluations on a timely basis.

7. I was an active participant in the discussions relating to this bill, and provided testimony in support of the bill.

DECLARATION OF DAVID LORD 14-cv-01178-MJP - PAGE 2

Case 2:14-cv-01178-MJP Document 69 Filed 10/07/14 Page 3 of 4

8. The Department of Social and Health Services, as represented by Jane Beyer,
objected to the potential cost of allowing counties to hire evaluators. In order to meet the
concerns expressed by the Department of Social and Health Services, the bill was amended, and
in the final wording adopted by the Legislature provides: "A qualified expert or professional
person appointed by a court under this section must be compensated for competency evaluations
in an amount that will encourage in-depth evaluation reports. Subject to the availability of
amounts appropriated for this specific purpose, the department shall reimburse the county in an
amount determined by the department to be fair and reasonable with the county paying any
excess costs. The amount of reimbursement established by the department must at least meet the
equivalent amount for evaluations conducted by the department." Engrossed Substitute Senate
Bill 5551, Section 1 (4).

9. In discussions with stakeholders regarding this bill and in testimony, it was the position of the Department of Social and Health Services that the reimbursement by the state must be "subject to the availability of amounts appropriated for this specific purpose".

I declare under penalty of perjury under 28 U.S.C. § 1746, that the forgoing is true and accurate.

DATED this 7th day of October, 2014, at Seattle, Washington.

David Lord, WSBA #9584

1	CERTIFICATE OF SERVICE		
2	I hereby certify that on October 7, 2014, I electronically filed the foregoing with the Clerk		
3	of the Court using the CM/ECF system, which will send notification of such filing to the following:		
4	• John K McIlhenny (<u>JohnM5@atg.wa.gov</u>)		
5	Nicholas A Williamson (<u>NicholasW1@atg.wa.gov</u>)		
6	• Sarah Jane Coats (<u>sarahc@atg.wa.gov</u>)		
7	• Amber Lea Leaders (<u>amberl1@atg.wa.gov</u>)		
8			
9	DATED: October 7, 2014, at Seattle, Washington.		
10			
11	/s/Mona Rennie		
12	Legal Assistant Disability Rights Washington		
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CERTIFICATE OF SERVICE