



King County

Public Defense Advisory Board Meeting

**Thursday, December 2, 2021
9:30am – 12:00pm**

ZOOM MEETING ONLY

1. Welcome

Attending via Zoom: Lou Frantz, Chris Carney, Adam Chromy, Angélica Cházaro, Judge Ron Whitener (ret), Shoshana Kehoe, Nyema Clark

Not present: Safia Ahmed, Shrounda Selivanoff, John Strait, Judge Michael Trickey (ret)

Introduction of Shoshana Kehoe, a new member of PDAB.

2. Approval of Minutes from Meeting on October 7, 2021

Lou moves. Angélica seconds. Minutes approved.

3. Remarks from SEIU Representatives (Elizabeth Angous)

First issue of concern is that of attrition. A lot of people are leaving DPD, and not all of the movement is with retirees. We're losing employees from every classification. Second, morale of staff: People say they are not feeling very appreciated after having been through this pandemic. And finally, thank you that we have an EAP counselor in the office twice a week.

4. Remarks from Teamsters Representatives (Rachael Schultz)

The Teamsters' main concern is getting some small table dates on the books. We want to finish small table dates and get everything completed. (Small tables are labor meetings within individual departments, as opposed to large tables, which involve all the departments across the county.)

5. Department of Public Defense Director's Report

Filings, caseloads, and other stats (Gordon and Stev)

- Felony filings for November are the exact same number as October, an unusual occurrence. What's noteworthy is that the numbers generally have remained steady – high 300s, low 400s. But if you look at total felony assignments, for the first time since last spring, were above the FTE trigger.

- Seattle and Kent differences: Kent is still higher than Seattle. But the two divisions are evening out a bit.
- Assigned counsel capacity and conflict: In November, we've had very few cases go out for capacity or conflict. Cases are mostly staying in house.
- Number of open felony cases: We've had some closures, which has helped, and the number of open cases seems to be leveling off. We currently have 700 open cases in felonies. However, if you look at this for Class A cases only, the number of open cases has not dropped much. We continue to take in new Class A felonies without getting out from under the Class A felonies already filed. This is a troubling trend.
- Attrition data: In response to a request from SEIU, we compiled our attrition data. If you look at the last four years, you see that the attrition numbers are fairly steady over the years. However, we are seeing people leaving after being here a fewer number of years (especially non-attorney staff). Also, you can see that more people left due to retirement in previous years than we've seen this year.

Intern hiring (Tara and Anita)

Close to 200 law students applied for our 2022 summer internship program – a huge number. We conducted 70 interviews and hired 20 interns, eight of whom identify as BIPOC. They're from a variety of law schools – Virginia, Yale, Berkeley, UW, SU, and more. This is a spectacular group of interns, and they pointed to our policy work – to our effort at system change – for their reason for wanting to come here.

We also just hired 3Ls. We conducted 64 interviews and hired 20 people, nine of whom identify as BIPOC. All the people we hired have a demonstrated interest in public defense. Some concentration of applicants/hires from University of Michigan, NYU, and Berkeley. We'll also be able to bring them on earlier, which is good.

Victim Compensation Fund and other policy work (Katie)

We worked with Angélica and the Seattle Solidarity Budget on the City of Seattle budget. One significant development: The establishment of a Victim Compensation Fund – a first for the city. DPD worked with partners to develop a proposal for a fund in Seattle; this will pay for restitution. Research shows that the LFOs in Seattle disproportionately harm BIPOC individuals. We've gotten rid of non-restitution LFOs but have had a harder time getting rid of restitution; found some alignment with the CAO, which wants victims compensated. It builds on work we're doing in the county with Restorative Community Pathways. We led on this in the county – and the city followed. We believe these funds are firsts for the country.

Delphi study (Anita and Gordon)

We're interested in a Delphi study in Washington and to have it directed toward King County, but it turned out it could only be done statewide. We've been discussing how to do this when we learned that the ABA will be issuing a nationwide Delphi study in April or May.

It seems to make sense to wait for that to come out. Additionally, we want to use our data to try to figure out an open caseload standard – which is different from a Delphi study.

6. PDAB Chair's Report

Vice chair: Shoshana has agreed to be the board's vice-chair. Chris calls for a motion nominating her. Lou moves. Adam seconds. ***Shoshana is selected as the new vice chair.***

Board's annual report: Chris says he has a couple of concerns about the process up to now: We're heavy on institutional partners and light on community and client participation. Chris would like to find ways to speak more assertively to the council and the public about the social justice goals, pulling in the voices of community members/partners and clients. How can we do that? And how can we challenge the institutional partners on equity and social justice issues?

The board, Anita, and Gordon discuss this. Some issues: Anita is concerned about retraumatizing clients by asking them to talk about their experiences – prosecution is likely one of the worst things that has happened to them. There's also the possibility of selection bias. The board agrees to work with Gordon on a closing letter that is sent out to clients at the end of their case to see if they might be willing to talk to the board.

Chris and Shoshana will begin working on the planning process for the report. One easy next step: Start scheduling interviews with institutional partners and to follow-up on leads with potential community partners. Lou and Shoshana agree to begin interviewing institutional partners.

Timeline: The report should be done by April or so.

7. Executive Session

The board goes into executive session at 10:45 a.m.

8. Adjourn

Meeting adjourned at 11:05 a.m.