



King County

Public Defense Advisory Board Meeting

Thursday, August 3, 2023
9:30am – 12:00pm

Teams Meeting and Conference Room 245

AGENDA

1. **Welcome**

Attending virtually: Lou Frantz, Chris Carney, Oloth Insyxiengmay, La Rond Baker, Nyema Clark

Attending in Person: John Strait

Not present: Shoshana Kehoe-Ehlers (chair), Shrounda Selivanoff, Sara Rankin, Andres Muñoz

2. **Approval of Minutes from Meeting on June 1, 2023**

Motion made by John Strait, seconded by Lou Frantz. None opposed, motion passed.

3. **Public Comment**

None.

4. **2023 Annual Report to King County**

Chris deferred to Christina's recollection of what Shoshana intended to have discussed here, Christina reminded folks about need for someone to volunteer to attend with Shoshana for an interview with SEIU, which will be the last interview scheduled.

5. **Remarks from SEIU Representatives**

Molly Gilbert's remarks regarding bargaining with County:

- Implementation of SCORE contract has been contentious. Didn't add anything to agreement with SCORE regarding access for SEIU staff.
- Second issue is the effects of SCORE implementation. County is refusing to bargain and is excluding DPD management. Labor attorneys say the exclusion of management from sessions is unprecedented, and the Union has to alert Gordon and Anita to these sessions.
- Statements from County Labor Relations: it's fine that you have to drive to SCORE, but please give the County some grace while they work out implementation issues. Proposed van pool as alternative to paid parking. They want the DPD budget to pay for parking stalls when these decisions were made by DAJD.

- This comes at the same time as the County report on the pandemic backlog, which identified serious issues with retention for Class A felony attorneys, and any attrition to those ranks would seriously impact attempts to move through the backlog. Molly believes this is inconsistent with the opposition to attempts to bargain over workplace changes, and possibly due to retaliation against the Union for making news about the staff's concerns regarding jail conditions.

6. Remarks from Teamsters Representatives

Rachael Schultz said the Union doesn't have much, aside from consistent concerns about staffing levels and caseloads being handled appropriately.

7. Department of Public Defense Director's Report

Caseloads - Gordon

Felony court assignments by month show a trend of increasing all year. Seattle felony units have been hit pretty hard this year due to trouble recruiting and retaining Class A qualified attorneys. Seattle/Kent balance continues to oscillate and makes the assignment of resources challenging.

Rate of Class A assignments remains relatively steady, but recruitment challenges make the caseload per attorney a significant concern. Lengthier time to resolution for these cases also contributes to this effect. Court's determination to get through backlog has reduced time off between trials for attorneys, leading to increased concern around burnout.

Largest group of felony cases seem to be nonviolent thefts and burglaries as emphasis on shoplifting downtown in Seattle has increased charging decisions to felony levels, possibly to circumvent misdemeanor booking restrictions. Superior court filings increased in July after a small dip in June. ITA filings dipped in June and July.

Juvenile assignments have continued increasing, presenting an issue due to reassignment of staff to deal with felony backlog. Second problem is a conflict of interest concern, given the lack of available conflict counsel. Katie Hurley clarified that there's not a clear connection between a focus on gun violence and the uptick in filings, though limited data for 2023 so far presents a challenge to confirming that conclusion.

Capacity / Conflict Cases: Quarterly nature of contracts for these attorneys means the variation between months are fairly typical, as new assignments become possible at the beginning of each quarter.

Divergence between Seattle and Kent felony assignments continues, though the cause of this trend is still not well understood. Cases per attorney is still at 74, though the mix contains more violent Class B and Class A felonies that take a much greater toll on our staff.

Conflict Counsel rates – Scott

Performance, Strategy, and Budget (PSB) did a study of rates for conflict counsel that shows we're not paying competitive rates to attract quality counsel willing to take cases, as nearby counties are paying more than we are despite King County's higher costs of living. They did not recommend increasing these rates. Data collected shows number of attorneys on panel is declining and number of attorneys declining cases is at a historic high. Even Snohomish County is paying more than King County. The study did not answer, however, how the decline rates impact our ability to contract out for conflict issues. Due to budget constraints, the report concluded that increasing the rates was not "financially feasible." Nyema requested a copy of the study; Scott will share it with the board.

8. PDAB Chair's Report

Chris defers to Shoshana to make a report at the next meeting.

9. Executive Session

None.

10. Adjourn

10:19 a.m.