



King County

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Public Defense Advisory Board Meeting

Thursday, February 1, 2024
9:30am – 12:00pm

Teams Meeting and Conference Room 245

AGENDA

1. **Welcome**

Attending virtually: Lou Frantz, Andres Muñoz, Chris Carney, Oloth Insyxiengmay, Kevin Hollinz, Sara Rankin, John Strait

Attending in Person:

Not present: Shrounda Selivanoff, Shoshana Kehoe-Ehlers (chair), Nyema Clark, La Rond Baker

2. **Approval of Minutes from Meetings on October 5, 2023 and December 7, 2023**

No quorum present.

3. **Public Comment**

None.

4. **Remarks from SEIU Representatives**

Molly Gilbert remarks:

- SEIU has quadrupled number of union stewards, will continue to serve as union president after January elections.
- Struggling to get County engagement on caseload standards, but did get County ratification of agreement for retention bonus for Class A qualifications.
- Union will be conducting its own exit interviews, anecdotal trend in the few they've conducted is leaving attorneys are moving to civil or private practice.
- Conducted poll for office equipment that may provide easy method for morale improvement, will share results with management soon.
- Sara inquired about meeting request from Tamara Gaffney, wants to clarify whether the request is for a separate meeting or time to speak at board meeting.
 - Lou expects Shoshana to schedule a meeting with SEIU, Chris confirmed procedure.

5. **Remarks from Teamsters Representatives**

Rachael Schultz unable to attend, email to the board advised no comments (voiced by Chris Carney).

6. Department of Public Defense Director's Report

Caseloads – Gordon and Anita

Gordon addressed SEIU comment regarding attrition, pointing out that DPD is down to only 12 FTE vacancies. He clarified that the bulk of new hires are attorneys fresh out of law school, who cannot immediately step into felony practice and require time to become qualified and trained. Gordon elaborated that the trend of experienced attorneys leaving public defense, as Molly stated, is happening across Washington and the country as a whole. He emphasized that the divisions are doing exceptional work to support attorneys in taking cases to trial and reaching needed qualifications for Class A and strike cases. That doesn't mean current Class A attorneys are feeling relief, but the solution to the current crunch takes time.

Stev walked through the data on caseloads, filings, assignments through the end of 2023. December continued a dip seen in Q4 felony court assignments, but these jumped back up in January. Scott explained the challenges of tapping out the market of capacity counsel who can handle Class A cases, as attorneys signing these cases prioritize caseloads and additional funding would create an inverse incentive for these attorneys to take additional cases. Stev explained one month of data isn't enough to determine a trend, but there may be a shift in filings down to Kent from Seattle.

Sara Rankin asked a question about DUI charges making up a larger percentage of filings in KCDC and whether any initiative is underway to manage the spike in relative filings for misdemeanor attorneys. Gordon deferred to Katie to discuss a DUI diversion program in development for Seattle Municipal Court. Katie advised the board that DPD has been pushing for a diversion-focused approach to first-time DUIs, as research shows these first-time offenses rarely lead to a public safety threat. Engagement from prosecutors at the city and county level has been minimal. CAO has countered with a proposal for a first-time DUI court for clients, but DPD is still evaluating data from 2023 closed DUI cases to determine if the thresholds proposed by CAO would actually encompass a significant number of cases. If this is successful, it would be a model to take to KCDC for replication following implementation in Seattle Municipal Court.

Stev moved on to felony filing data, which is down from Sept-Jan. He confirmed we are receiving accurate data from KCPAO, and reported their data analyst suggested that filings will spike in the near term. Stev answered a question about the discrepancy between filings and assignments from Tamara Gaffney.

In reviewing ITA assignments, Stev pointed out that DPD has crossed the 400/month threshold in assignments that the department has staffing to accommodate. For juvenile assignments, Stev noted that November was one of the highest months in our data and assignments last month have also been high.

Anita presented an overview of advocacy efforts to get implementation and adoption of the recent RAND/ABA caseload standards. There are two challenges for adopting these standards: budget implications and recruiting difficulties. Office of Labor Relations and Executive's Office raised objections to a prior motion to create a task force on these issues, so DPD has pivoted to a strategy of working with CM Jorge Baron on a different path forward.

Anita emphasized to the Exec's office that one path could be for the criminal legal system could be forced to scale down to accommodate the caseloads our existing staff can handle, and warning them that there's an exponential risk of DPD not being able to take new assignments due to escalating attrition without action in the near term. Anita

has been advocating for a 3 year implementation plan both at the County and the Council on Public Defense, which will make recommendations to the bar. If implementation at the state level is delayed, Anita has made it clear to County officials that waiting for state action is not an acceptable solution to our attrition crisis that's happening presently. Anita clarified that the preferred solution, in response from a question from Lou, that the immediate path forward would require a reduction in filings from the prosecutor's office. Gordon added that he and Anita have had frank conversations with OLR and PSB laying out that they cannot claim to SEIU that caseloads are not subject to bargaining while simultaneously protesting to Council that legislation on the issue infringes on bargaining with the public defender's union.

Anita requested that board members make their support of these proposals known to the Executive's office and Councilmembers and that the issue is critical and urgent for the sustainability of public defense.

7. PDAB Chair's Report

Lou substituted for Shoshana and encouraged members who are present to relieve Shoshana when her term expires in June, as she has served twice the length of a typical chairperson.

8. Executive Session

None.

9. Adjourn

10:38 a.m.