

The King County

# DEPARTMENT OF PUBLIC DEFENSE



4/1/2017

## 2016 ANNUAL DIRECTOR'S REPORT



**Department of  
PUBLIC DEFENSE**

*Upholding the Constitution,  
one client at a time.*

# Table of Contents

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**A note from Lorinda Youngcourt, DPD's director | 1**

**An overview of DPD: Who we are, who we serve, and what we do | 4**

Our values: Client-centered and independent | 5

Structure: Five divisions | 6

A trained, committed staff | 7

The Public Defense Advisory Board | 8

Assigned Counsel | 9

**Criminal justice reform: Systemic change that helps clients | 10**

Pretrial release | 10

Video hearings in ITA Court | 11

Juvenile justice reform | 12

**Budgets, caseloads, staffing: Resources are key to good defense | 16**

Facilities: Downtown Seattle staff consolidation | 18

Financial screening for clients | 20

Equity and Social Justice | 21

**Training: Helping staff at all levels of the organization thrive | 23**

DPD's internship program | 25

**DPD in the greater community: An impact beyond our offices | 27**

Working with the Kent School District | 27

Supporting the MLK luncheon | 28

Food Frenzy | 29

Other volunteer activities | 29

**DPD and the ABA's 10 principles for quality public defense | 32**

This report was prepared by:  
The King County Department of Public Defense  
710 Second Avenue, Suite 1000  
Seattle, WA 98104  
206-296-7662

[www.kingcounty.gov/publicdefense](http://www.kingcounty.gov/publicdefense)

# A note from Lorinda Youngcourt, DPD's director

In 2016, we developed our first tagline, crafted by an employee in a Department-wide contest: "Upholding the Constitution, one client at a time." It resonated with me and many others at the Department of Public Defense because it captures our essence in just a few simple words. Every day, DPD staff members are working with individual clients to ensure their Constitutional rights are honored and respected – rights guaranteed to every person regardless of skin color, country of birth, gender identity, or economic status. In the criminal, juvenile, and family courts of Seattle and King County, DPD lawyers advocate for justice on behalf of each and every client. In city and county government and the community, DPD leadership advocates for equity and social justice on behalf of all its current clients and potential future clients.

DPD is diligent in keeping its clients at the center of all it does. Every decision we make – whether by the Leadership Team or by an individual attorney, mitigation specialist, paralegal, investigator, or legal assistant – is seen through a client-centered lens. How will this decision affect our client and her stated interests and goals?



DPD is a young Department, established not yet four years ago. We continue to grow and mature. Here are a few highlights from the past year.

**Our budget:** For a public defense agency to be effective, our employees must have the resources to do their jobs: adequate space for client meetings, technology, experts, and training, to name just a few. Staff workload must be manageable. Thanks to advocacy by the Public Defense Advisory Board, skilled work by members of DPD's Leadership Team, County Council support, and support from the Executive, DPD fared well in what was a challenging budget for the County as a whole. We were given the authority to create a pool of third-year law students

as potential hires a year in advance – much-needed flexibility for a public defense agency. We were able to maintain support staff, keep the dependency caseload at an acceptable level, and hire a few more attorneys to cover those who go out on family or medical leave.

**Training:** Excellent representation requires continuous training and staff development. We got off to a strong start in 2016, with our first full-day, department-wide training program and our first week-long Litigation Academy for lawyers. That excellent start was followed by many smaller, focused seminars and workshops. And I'm proud to note that training is not something we provide only to our attorneys; everyone at DPD – from mitigation specialists to administrative staff – have had training opportunities.

**Assigned Counsel:** We established new panels for all our practice areas, ensuring that those who provide representation when our own attorneys can't are among the best and most committed attorneys in the region's defense bar.

**The move to Dexter Horton:** A long-standing goal for DPD has been consolidation into one building in downtown Seattle, and that got under way this year when the Director's Office and the Associated Counsel for the Accused Division moved into the historic

Dexter Horton Building, one block from the King County Courthouse. With strong support from King County's Facility and Maintenance (FMD) and Performance, Strategy and Budget (PSB) Departments, the other three divisions will join us over the next 12 months.

There were many other milestones in 2016: We established policies and procedures governing how we manage expert service requests, perform financial screening of clients, recruit interns, and many other operational issues. Collective bargaining agreements, resulting in pay increases for many employees, went into effect. We launched our first blog, "For The Defense".

As a young department, we continue to experience many "firsts," and it's an exciting time for public defense in King County. But it's also a challenging time. While better resourced than many public defense systems around the country, our staff still shoulders workloads that require significantly more than 40 hours per week; our staff working in the Involuntary Treatment Court lack sufficient office space; we represent clients in great need of housing and other services, and the County continues to face budget challenges due to limits on its taxing authority. The changing national landscape brought on by a new administration is also of great concern, and the impact proposed new laws and policies could have on our clients – the region's poorest and most marginalized

people – is potentially devastating to them.

As we move forward into another year of “firsts,” another year of both opportunity and challenge, I take heart in the quality and dedication of our staff, the support of our greater community, and the constitutional guarantees at the heart of our work. “Upholding the

Constitution, one client at a time.” Such a mission has never felt more important.



*Lorinda Meier Youngcourt, Director,  
King County Department of Public Defense*



*Lorinda addresses DPD's summer interns in 2016.*





## An overview of DPD: Who we are, who we serve, and what we do

**T**he Department of Public Defense provides zealous advocacy to people charged with a crime in King County who cannot afford an attorney. Our attorneys represent people charged with felonies and misdemeanors in King County Superior and District Courts, youth who are charged with crimes in juvenile court, and people facing misdemeanor charges in Seattle Municipal Court.

DPD's attorneys also do civil work. Anyone who stands to lose their liberties due to a King County court-ordered involuntary commitment to a psychiatric hospital are among our clients, as are parents facing dependency petitions

from the state or contempt of court for failure to pay child support. We represent youth in non-criminal proceedings – including dependency, children in need of services and at-risk youth proceedings. We also represent sexual offenders facing civil commitment.

When one of our attorneys is appointed to represent an indigent client, that client gets the support of an entire team – a mitigation specialist (or social worker), an investigator, a paralegal, and more.

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*Above, some of the many people who work at DPD, including attorneys, paralegals, investigators, mitigation specialists, and administrative staff.*

Last year, DPD's 200 public defenders represented nearly 20,000 people, making DPD the largest criminal defense firm in the Pacific Northwest.

Size, however, is not a point of pride for us. The fact is, we want to see fewer people come into the system, fewer people charged with crimes, fewer people facing loss of liberties. We want to see more alternatives to incarceration. And we want to see a greater emphasis on addressing the issues that bring people into the criminal justice system – so that they never need to seek our services. That's why criminal justice reform is also an important part of our work.

DPD was formed in July 2013, when a County ordinance and a voter-approved charter amendment brought what were then four nonprofit public defense firms into one County-funded public defense agency. As a result, the Department is still in a phase of growth and development, a maturation reflected in our evolving training program, the ongoing development of a suite of criminal justice reform policies, staffing developments, and operational developments.

## Our values: Client-centered and independent

DPD embraces **client-centered defense** – meaning each case is handled individually, according to the client's expressed requests for representation.

As a result, we take hundreds of cases to trial each year, often securing “not guilty” verdicts. When an incarcerated defendant is assigned to DPD, our policy is to have an attorney assigned and at the jail meeting with the client within 24 hours.

DPD does not have the social work staff to provide case management to every client, but when possible, our mitigation specialists make referrals for clients, working with them to secure much-needed services. This is particularly true in the County's therapeutic courts – a drug diversion court, a regional mental health court, family court, and a regional veterans court. Our mitigation specialists also provide pre-adjudication mitigation that can influence both charging decisions and sentencing outcomes.

**Independence** is also a hallmark of public defense in King County. When the Department was established, the charter amendment voters approved made that clear: It outlines the duties of the Department, including advocacy for justice system improvements and an adequate budget and adds, “Elected officials shall not interfere with the exercise of these duties by the Department.” Since then, there have been several opportunities for DPD to exercise its independence on behalf of clients; we've taken independent stances on juvenile justice issues, video

hearings, capital punishment, and more.

## Structure: Five divisions

DPD's attorneys represent clients in Seattle at the King County Courthouse (KCCH) and in Kent at the Maleng Regional Justice Center (MRJC). We also represent clients at the Involuntary Treatment Act (ITA) Court at 9th and Jefferson, in District Courts throughout King County, and at Seattle Municipal Court.

Four divisions – operating in many ways as individual law firms – provide direct legal services and representation to the clients. Retaining their names from the days when they were nonprofit law firms, the four divisions are: the Associated Counsel for the Accused Division (ACAD), the Northwest Defenders Division (NDD), Society of Counsel Representing Accused Persons Division (SCRAPD), and The Defenders Association Division (TDAD). A fifth division – the Director's Office (DO) – supports the four legal divisions with financial oversight, indigent screening services, training, and other administrative support.

**Lorinda Youngcourt**, the Department's director, provides vision, direction, and leadership to the Department, working to ensure DPD employees have the resources, support, training, and guidance they need to provide high-quality legal services to DPD's many

## DPD'S LEADERSHIP TEAM

Jeanette Brinster, Managing Attorney, NDD

Twyla Carter, Misdemeanor Practice Director

Gwen Clemens, Chief of Operations

Laura Federighi, Chief Financial Officer

Louis Frantz, Felony Practice Director

Tom Griffiths, Managing Attorney, SCRAPD

Anita Khandelwal, Policy Director

La Mer Kyle-Griffiths, Training Director

Rick Lichtenstadter, Managing Attorney, TDAD

Mary Louis, Human Resources

Floris Mikkelsen, Deputy Director

Burns Petersen, Assigned Counsel Director

Josh Saunders, Managing Attorney, ACAD

Lorinda Youngcourt, Director

clients. She oversees DPD's fiscal accountability, represents the Department at high-level external meetings, and regularly meets with the King County Executive, the county prosecutor, County Councilmembers, Seattle City Councilmembers, judges, and other stakeholders to discuss issues,





*Felicia Wartnik, a dependency attorney, talks to her client during a court proceeding.*

advance a public defense agenda, and provide a public defense perspective. Many of her duties are delineated in [King County Ordinance 17678](#), passed by the King County Council on October 28, 2013.

A Leadership Team supports Lorinda's direction of the Department. (See box, previous page.) The team meets regularly to discuss DPD policies, budgetary issues, training needs, staffing needs, criminal justice reform, bench/bar issues, communications, and human resources. Each team member is committed to zealous public defense, collaboration, transparency, and excellence at all levels of the organization. Members of the Leadership Team also provide focused support of DPD's major case areas – felonies, misdemeanors, dependencies, juvenile work, civil commitment, and therapeutic courts.

## A trained, committed staff

Each of the four legal divisions is overseen by a managing attorney, who works to ensure clients represented by the attorneys in his or her respective division receive zealous and skilled advocacy. This means the managing attorneys provide supervision to the lawyers in their divisions, ensure client confidentiality is protected, ensure attorney caseload standards are maintained, recommend to the Public Defender any individuals who should be promoted within the division, and help staff determine litigation strategy.

Within the four legal divisions are paralegals, who provide legal research and support to the attorneys; investigators, who locate and interview witnesses, review discovery, photograph crime scenes, and handle other investigative tasks; and mitigation specialists, who provide a range of support services – from preparing mitigation packages on behalf of clients to helping them secure needed mental health support and drug and alcohol treatment. Docket clerks and other administrative staff provide case management and support.

In the Director's Office, interviewers screen clients for indigency; case coordinators assign cases to the four legal divisions; practice area directors

support the divisions' felony and misdemeanor practices, and administrators manage expert services requests, monitor the Department's budget, oversee facilities and IT resources, and provide human resources and other personnel support.

DPD strives to ensure its employees are well-supported and well-trained (see "Training: Helping staff at all levels of the organization thrive") and works to recruit a diverse, committed, and talented staff.

## The Public Defense Advisory Board

The Public Defense Advisory Board (PDAB) was established by [King County Ordinance 17678](#). Its mission is to review DPD's activities and plans, advocate for high-quality public defense, play a significant role in the selection of the Public Defender when the office is vacant, and advise the Executive and County Council on matters of equity and social justice related to public

## PUBLIC DEFENSE ADVISORY BOARD

Marc Boman, Chair

John Strait, Vice Chair

Matt Adams

Safia Ahmed

Kim Ambrose

Hon. Sharon Armstrong (ret.)

Tom Hillier

Paul Holland

Sophia Byrd McSherry

Jeffery Robinson

defense. The board issues two written reports annually – one reviewing the Executive's proposed budget for public defense and the other on the state of public defense in King County. The board meets several times a year.

PDAB is currently chaired by Marc Boman, a Perkins Coie attorney who



*The Public Defense Advisory Board meets with Lorinda Youngcourt and other members of her leadership team.*

has played a leadership role in public defense reform; he was given the President's Award by the Washington Defender Association in 2009 for his commitment to improving public defense services in the state. The vice-chair is John Strait, an associate professor of law at Seattle University School of Law and a leader in judicial and legal ethics and professional responsibility. Another eight members serve on the board; one position is currently vacant. (See box, above.)

## Assigned Counsel

The Department uses assigned counsel when none of our divisions can represent a client due to conflicts. We have also turned to the panel when we lacked the staff capacity to take a case. The Department, however, made a decision in 2016 to try to limit that practice, requiring DPD to ensure adequate staffing so as to have the capacity for all non-conflict cases. As a result of this decision, year-over-year savings for assigned counsel expenses were reduced by approximately \$500,000 in 2016. And the number of cases sent to assigned counsel fell to 9 percent, the lowest rate of out-of-department assignment over the past several years.

At the same time, a quality assigned counsel panel remains very important to DPD, and to that end, Lorinda appointed Burns Petersen, a seasoned

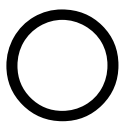
and skilled attorney and member of the Leadership Team, to oversee the panel. Under Burns' leadership and in an effort to ensure all of our panels were staffed by skilled practitioners, DPD in 2016 required every attorney who wanted to be on the panel to submit an application. Burns established selection committees in each practice area for a comprehensive review of applicants and the selection of new panel members. As a result, the Department now has skilled attorneys staffing all of its outside panels – felony, misdemeanor, juvenile, dependencies, contempt of court, and civil commitment.

The Department plans to continue to provide oversight and support to the panels, recruit new attorneys, as needed, and offer training. We see assigned counsel as an important extension of the high-quality legal representation DPD is committed to providing.





# Criminal justice reform: Systemic change that helps clients



Our legal advocacy extends beyond the courtroom. The Department, under the guidance of Policy Director Anita Khandelwal, is working on several fronts to promote policies and practices that will help clients achieve better outcomes, address racial disproportionality in the courtroom, protect defendants' rights, and promote a more equitable system of

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*Above, DPD felony attorney Anna Samuel confers with a client during an arraignment in a high-profile case. Standing on the other side of the client is DPD attorney Brian Beattie.*

justice. Here are a few key issues we continue to address.

## Pretrial Release

The practice of using financial bail to ensure a person shows up for court has harmed countless clients in Seattle and King County. Already living close to the edge, they see what few support systems they have unravel while they're incarcerated — accused but not convicted of a crime. And some — desperate to get out for fear of losing jobs, homes, even children — plead guilty, opting for a criminal record rather



than the consequences of incarceration.

The Department is seeking reforms to the current practices in Seattle and King County. On June 13, 2016, a commentary by DPD Director Lorinda Youngcourt ran in The Seattle Times, where she argued that wealth-based detention was not only wrong but unnecessary. A recent study in Colorado found that pretrial defendants let out of jail on a secured bond — where one has to pay money upfront to be released — were no more likely to show up for court than those released on an unsecured bond, where a defendant signs a contract agreeing to appear before the court. Shortly after her commentary was published, the Seattle Weekly wrote a piece about the

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*“Leaders in both Seattle and King County take pride in their commitment to social justice. Yet even here, in one of the most politically progressive corners of the country, those of us who work in public defense bear witness to a system that sometimes puts people behind bars simply because they are poor.”*

Lorinda Youngcourt,  
“Pleading guilty for lack of money,”  
Seattle Times, June 13, 2016

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issue, called “When Bail is Set, the Rich Walk and the Poor Go to Jail.”

In 2017, DPD plans to advocate for the use of unsecured, rather than secured bonds for misdemeanors. Since unsecured bonds do not require an individual to post any money in order to be released, this policy change would ensure that more of our clients are released pending trial.

## Video Hearings in ITA Court

In April 2015, King County Superior Court began using video hearings for hospitalized defendants facing involuntary civil commitments, a move DPD has strongly opposed.

DPD has taken issue with the process in County Council hearings, in conversations with court officials, and in discussions with King County staff. DPD sees the video hearings as a violation of the state's involuntary treatment statute, which requires that a defendant be “present” during a hearing. We also believe video hearings are unconstitutional, violating both the due process and equal protection clauses in the Constitution. Two DPD clients who were denied the opportunity to appear at their own hearings in person are mounting a legal challenge to the video-hearing policy.

## Supervisors worked with partners to limit youth detention

*DPD's three attorneys who supervised juvenile units worked collaboratively with other partners in the juvenile system in 2016 to expand what are called Tier 2 warrants, so that fewer youth will be booked into detention on warrants for failing to appear.*

*In the adult system, the majority of people picked up on a bench warrant are detained until their next court hearing unless they're able to post bond. But in the juvenile system, the judge can designate a warrant as a Tier 1 or Tier 2. Under a Tier 1, as in the adult system, a young person picked up on a warrant gets held for judicial review. A Tier 2 warrant requires the police to give the youth a new court date and release him or her on personal recognizance.*

*DPD's juvenile supervisors, Katherine Hurley, Elinor Cromwell and Martha Walton (who has since retired), successfully convinced their partners in the criminal justice system to expand the criteria for those Tier 2 warrants. As a result, Tier 2 warrants can now be used for all Failures to Appear at arraignment regardless of the charge and for warrants at case-setting for the majority of misdemeanors and an expanded list of felonies. It was the first Tier 2 expansion since 2011.*

*The expansion not only means fewer youth are detained but also addresses racial disproportionality in youth detention, since research shows minority youth are more likely to fail to appear for a court hearing. The expansion also garnered press attention, with stories by the Seattle Times, KPLU and KING5.*

Civil commitment attorneys at TDAD are working on the case, appealing to the state Court of Appeals from an adverse trial court ruling. The ACLU of Washington has filed an amicus brief supporting DPD's position. The appeals will be closely watched as they will have a dramatic impact on the future of civil commitment court at Harborview Medical Center and ITA courts around the state.

## Juvenile Justice Reform

The Department is deeply concerned about racial disproportionality in the County's juvenile justice system, a disproportionality that has grown more pronounced as juvenile detention rates as a whole have dropped. Members of DPD's Leadership Team have been actively engaged in high-level, county-wide discussions about this trend. Twyla Carter, the Department's misdemeanor practice director, is a member of the Juvenile Justice Equity Steering Committee, empaneled by County Executive Dow Constantine, where she has played a leadership role in developing a new pilot project that would divert youth apprehended for shoplifting at the Westfield Mall in Tukwila into programs that provide mentoring and other services. The new project was launched in March 2017.

DPD is currently focused on two practices in the juvenile justice system that we believe are harmful to youth and fail to consider what we know

about youth development and youth needs. One is the County's current practice of allowing police officers to enter the detention facility at the Youth Services Center and interrogate a youth without an attorney present. Such a practice can result in false confessions and criminal charges. And because 70 percent of the children in detention are youth of color, this policy affects minority youth disproportionately. In 2016, Lorinda and members of her Leadership Team met with both County and City Councilmembers to discuss the issue and advocate for an end to the practice.

Another practice harming youth in King County is that of putting those whom the prosecutor has decided to charge

as an adult into the adult jail. Youth in an adult facility do not receive the educational resources, mental health services, risk assessments, or other services provided in the juvenile detention center. Further, the County wisely separates youth from the adult population in the county jail – but as a result, for girls (few in number in the county jail) that separation often amounts to solitary confinement.

DPD will continue to push for these important policy reforms in 2017.



*DPD Supervising Attorney Elinor Cromwell with a client in Juvenile Court.*

## Replacing abstinence with harm reduction model

Several DPD attorneys are working to end the practice of requiring abstinence of clients with alcohol or drug addictions and to instead embrace harm reduction as a model and best practice.

Abstinence rarely works for chronic users, especially those who are homeless and, as a result, it often sets them up for failure. Under the abstinence or strict compliance model, a client who has a positive drug test – even one who has made considerable progress – can be sent to jail. Experts in the field of chemical dependency say there's little evidence that a punitive, one-size-fits-all approach works.

Mark Middaugh, an attorney at the Northwest Defenders Division, stated “The types of changes that a chronic user who is homeless would have to make to their lives to completely abstain from alcohol and drugs are not realistic, not useful, and often impossible”.

Harm reduction, on the other hand, helps a person reduce the negative consequences of drug- or alcohol-use while recognizing that use will likely continue. A harm reduction approach incorporates a range of strategies – from safer use, to managed use, to abstinence – while also trying to address the conditions that lead to use.

Twyla Carter, DPD's misdemeanor practice director, calls harm reduction “the recognition of incremental progress in a positive direction.”

“Ordering someone to stop using, even if you're wearing a black robe and speaking with authority, rarely works,” she said. “But there's considerable evidence that using harm reduction can help clients move in the right direction.”

Twyla recently held a training for DPD's misdemeanor attorneys where Dr. Susan Collins, an associate professor at the University of Washington - Harborview Medical Center and an expert in harm reduction, discussed what harm reduction is and isn't, how to make the case for it, and clinical applications of harm reduction. Such discussions are helping DPD's attorneys to become more comfortable with the approach, and some are now taking the case for harm reduction into the courtroom.

Mark, who works in Seattle Municipal Court, is one attorney who's begun pressing for it, stating “Harm reduction is the model we're trying to get the court to consider more seriously”.



## A troubling lack of diversity in jury pools

Public defenders have grown increasingly concerned over the lack of racial diversity not simply on juries in Seattle and King County but also in the pools the County convenes for jury selection. As a result, three of DPD's public defenders have begun to analyze the issue in the hope of convincing the courts to change how they summon potential jurors.

The attorneys – Ben Goldsmith and Paul Vernon, both at TDAD, and Policy Director Anita Khandelwal – knew they needed data, not anecdotal information, to advance this issue. So they convinced the Superior Court to administer a “jury representation survey” to all potential jurors between January and April of 2015 to get a better sense of the demographics of an average King County jury pool. After hundreds of potential jurors filled out questionnaires, Katherine Beckett, a sociology professor at the University of Washington, analyzed the data.

Katherine found that those who identified as African American, Asian, American Indian, Pacific Islander or multiracial were underrepresented in the jury venire in the County as compared to their numbers in the jury-eligible population. King County, for instance, is about 5.6 percent African American, but only 2 to 2.5 percent of those in jury pool during that four-month period in 2015 identified as African American – a disparity, she said, of 59 percent.

Ben, Paul, and Anita also found some trends that helped to explain this underrepresentation. The County uses voter



registration rolls to send jury summonses, doing so by zip codes. Overall, response rates to summonses are low in the County. But Ben, Paul, and Anita found that responses from those zip codes with a higher number of African-American residents were particularly low. The County could respond by over-sampling those zip codes with low response rates. But just the opposite is happening, according to a motion by Ben and Paul; the court instead ends up over-sampling those zip codes with higher response rates – neighborhoods with more white residents.

The issue is hardly academic, Ben notes. According to a 2012 study by Duke University, all-white juries are 16 percent more likely to convict a black defendant.

There are some easy fixes, such as over-sampling zip codes with the highest percentages of residents of color. Meanwhile, public defenders will continue to push the issue, filing motions calling into question jury composition. Anita says she and others at DPD will work on this issue at a policy level, as well. “When people stand to lose years of their lives in prison, the system has to be fair.”

(Above, Ben, Paul and Anita discuss jury pool diversity at a statewide training.)



## Budgets, caseloads, and staffing: Resources are key to good defense

**D**PD's attorneys and support staff can provide quality indigent public defense only if they have the resources they need to do their jobs well. In 2016, the budget approved by the Metropolitan King County Council enabled DPD to take steps in that direction.

The centerpiece of DPD's budget continues to be caseload limits by practice area – established by the State Supreme Court and affirmed by the County Executive and County Council in the 2017-2018 budget process – which help to ensure clients get effective representation. Under this system, a misdemeanor lawyer is not to be assigned more than 400 cases a year, a felony attorney no more than 150, an attorney in the juvenile unit no more than 250. DPD considers these standards critically important and has staffing levels in place that enable us to

meet them. The State Supreme Court standard for Involuntary Treatment Court cases is 250 new case assignments per year. This maximum is vital in King County because our lawyers spend significant periods of time driving between various hospitals to represent their clients. Prior to DPD's creation, public defenders were assigned as many as 410 cases per year. In the 2017-18 budget, DPD was provided authority for sufficient staffing to meet the 250-case standard and expects to be meeting that standard by the second quarter of 2017.

During 2017-18 budget development, PSB and DPD created a staffing model which forecasts the number

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*Above, Supervising Attorney Chris Jackson argues a RALJ appeal before Superior Court Judge Lori K. Smith.*

of staff necessary to meet the state caseload standards. The model is based on case filing averages and trends as well as timekeeping data. The model strengthens the caseload standards by taking into consideration through timekeeping the realities of a

## Bringing greater fairness to juvenile clients

*Under a new state law, youth offenders' records are automatically sealed without judicial review if they meet certain statutory requirements. The new law, upheld by the state Supreme Court in 2015, recognizes the moral imperative to give youth a chance at a fresh start.*

*But young people who have unpaid restitution don't qualify for this automatic sealing, putting the promise of a fresh start out of reach to our poorest citizens. DPD's public defenders have tried to address this when they could, seeking judicial relief for those who can't make restitution. But it has been an ad hoc practice, not one built into the workload.*

*After an analysis of DPD's capacity, Department leadership realized DPD had the capacity to provide case credits to attorneys who go to court to get a young person's restitution forgiven. This means it will become a standard part of an attorney's practice. It also means our most vulnerable young people – including homeless youth and youth of color – will be treated a bit more fairly.*

complex law practice in King County. In other parts of the state, for instance, the felony caseload standard of 150 cases per year means exactly that – 150 cases. In King County, we're able to assign supplemental credits based on the case's complexity (and thus the amount of time it takes to complete), so that a felony caseload might not be as high as 150 cases. The same holds true for dependency, where DPD has again been able to adjust numbers to take into account the reality of these complex cases in a large county such as ours.

The model acknowledges the fact that attorneys cannot continuously maintain a maximum-level caseload; that attorneys new to a practice area cannot instantly take on a full caseload; that backfills are needed for attorneys who go on extended family and medical leave, and that DPD's 24/7 on-call legal service places time demands on attorneys.

The staffing model also enables DPD to engage in strategic, forward-looking hiring by allowing the Department to create a small pool of qualified third-year law students, prospects for jobs once they pass their bar exams and a position becomes available – a practice DPD calls the “law school-to courtroom pipeline.” The pipeline allows DPD to compete for the most talented future attorneys, as other public defender





*Receptionist Shirley Johnson in DPD's new offices at the Dexter Horton Building.*

offices and many private law firms do, and work to build a diverse and committed workforce.

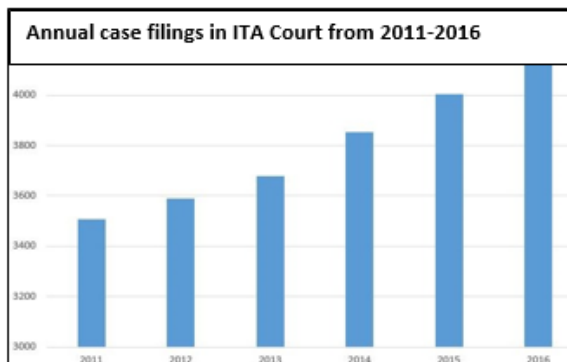
### **Facilities: Downtown Seattle staff consolidation**

Since the Department's creation, County and DPD leaders have highlighted the importance of consolidating Seattle-based staff into one building close to the King County Courthouse and Seattle Municipal

Court. Consolidation is needed in part to address the disjunct geography of DPD's divisions – the five divisions are far from one another and one is nearly a mile from the two courthouses. By bringing the Department's Seattle-based divisions into one building, DPD could also begin to experience some of the benefits of a unified Department – shared resources, greater collaboration, and a higher profile in the criminal justice community.



In 2016, DPD saw the beginning of the realization of this vision when the County leased office space at the historic Dexter Horton Building, one block from the King County Courthouse and two blocks from Seattle Municipal Court. Two divisions – the Director’s Office and the Associated Counsel for the Accused Division – moved into two floors of the building in December. It was a significant undertaking, made challenging because of the pace of the move: ACAD, well-ensconced at its previous downtown site, the Prefontaine Building, had to move by the end of 2016, when its lease expired, giving DPD and the County’s Facilities Management Division (FMD) only a few months to secure the lease, make several tenant improvements, and move the two divisions. But the project was also a success, thanks to the leadership of Gwen Clemens, chief of operations, ACAD leadership and staff, and the hard work and support of people in several parts of the County, including FMD, King County Information Technology (KCIT), and Performance, Strategy and Budget (PSB).



Source: King County Superior Court

The DO and ACAD’s moves were the first phase, and the next divisional moves – slated to take place later this year – will also be challenging. DPD leadership plans to continue to work closely with FMD and KCIT, as well as PSB and DPD staff, to make the move into the Dexter Horton Building a success.

### Other facility issues

**Kent expansion:** DPD has increased its staffing in Kent due to a recent growth in the number of felony cases filed in South King County. In February 2016, the Northwest Defenders Division opened a felony unit in Kent; all four of DPD’s divisions now have Kent-based units. As a result of this growth – and because employees were already crowded in the Meeker Street Law Building, where all of DPD’s Kent divisions are based – FMD continues to plan for additional space in Kent. The new space, which we believe will be ready for staff by the end of 2017, will house DPD employees and provide much-needed meeting space for Kent-based staff.

**ITA Court:** The ITA (Involuntary Treatment Act) Court is one of the fastest growing courts in the County. Case filings increased dramatically between 2011 and 2016. (See box at left.) As a result, DPD increased its staffing, adding a new ITA unit in 2015. The attorneys, social workers, and support staff who work there have been crowded into small, inadequate office space. Adding to the

complexity has been the implementation of video hearings for people facing potential involuntary commitments who are in hospitals throughout the County. Some of those hospitals have established office space for public defenders, but not all have – and in many cases, the office space is small or lacks privacy.

DPD is expanding space at the Walter Scott Brown Building at 9<sup>th</sup> and Jefferson, where one of the ITA units is based, and FMD is modifying the Ninth & Jefferson Building, where another ITA unit lives, resulting in a slight increase in space. Department leadership has also been working to get the hospitals to provide additional space and has issued mobile phones for all of its attorneys in this practice area – a recognition of the travel demands they face.

Even with these incremental changes, however, space for ITA staff remains inadequate.

## Financial screening for clients

For years, clients who were not in jail and who needed to screen to see if they were eligible for a public defender had to do so in person in King County, coming to an office in one of the two county courthouses (Seattle and Kent) or a few other locations during certain hours to meet with a financial screener.

Criminal defendants, however, often delayed screening until the day of a court hearing to avoid an extra trip to the courthouse, sometimes leading to continuances of the case. Many found it difficult to make the trip to the courthouse for screening. As a result, DPD began laying the groundwork in 2016 for a new telephone-based screening system, which went into effect in January 2017.

DPD met with the presiding judges and other judicial staff to discuss concerns and make the transition as smoothly as possible. DPD developed a plan to maintain in-person screenings two days a week at the two courthouses (determining through an analysis of visits and other data which days were busiest at those two locations) and to bring DPD's screeners into the Dexter Horton Building to also provide telephone screening during business hours five days a week. DPD developed a communications plan – which included posters, half-page fliers in English and Spanish, and other tools – to ensure clients understood the new system. The Department also placed a telephone outside the screening offices in the KCCH and the MRJC that rings directly to the screeners for those days when the court-based screening office is closed.

The Department's six screeners came in-house in early January, when the new program was implemented. DPD will continue to monitor the program and

tweak it as necessary to ensure clients are getting their needs met.

## Equity and Social Justice

Principles of equity and social justice (ESJ) are woven into the work of public defense. In King County and Seattle – as in the rest of the country – the criminal justice system is racially disproportionate, meaning that people of color are over represented by nearly every measure. DPD’s clients are also among the region’s most marginalized: They’re poor; they’re often homeless; many struggle with mental illness and substance abuse. By zealously representing our clients, DPD is doing the work of equity and social justice every day.

At the same time, DPD recognizes that our commitment to ESJ needs to extend beyond the courtroom and that we need to play a community-based role in helping to create a fairer and more just society. Many of our criminal justice reform efforts directly address issues of disproportionality – particularly as we press for changes in the juvenile justice system. (See “Criminal Justice Reform: Making a difference for clients,” pages 10-15.)

The Department has also embraced the County’s ESJ strategic plan in an effort to bring the principles of equity and social justice into our workplace. For instance, the question of how well an employee demonstrates a commitment to ESJ issues is now a part of the Department’s developmental review

process for all of its job classifications. Training Director La Mer Kyle-Griffiths has brought ESJ issues to the staff, as well, with training sessions on multiple facets of implicit bias.

A commitment to ESJ is reflected in other parts of the Department’s work. DPD is in the process, for instance, of



Attorneys Jonathan Newcomb and Karen Murray staff DPD's table at the 2016 ESJ fair.

developing a language line, which would give staff on-demand interpretation services that are currently lacking. We hope to have that in place by mid-2017. In 2016, we produced a “Know Your Rights” brochure in both English and Spanish and got significant portions of the Department’s website

translated into Spanish. Finally, DPD has participated in the countywide ESJ Fairs. In 2016, our booth – which included a quiz for participants about the disproportionality of the criminal justice system – was staffed by employees from throughout the Department.



“I’m in a way better place than I was a year ago, and I’m proud of myself for accomplishing so much.”

ROYAL participant

## Raising Our Youth as Leaders: A program with ESJ principles at heart

*Raising Our Youth as Leaders (ROYAL) was developed by Society of Counsel Representing Accused Persons (SCRAP) several years ago, when SCRAP was a nonprofit agency. Under DPD, some administrative changes have taken place but the essence of ROYAL remains: helping high-risk, justice-involved youth stay out of the system by reducing risk factors and increasing protective factors in a young person’s life.*

*DPD contracts with Therapeutic Health Services (THS) to provide client services. Three case strategists work with youth, providing intensive case management, leadership development, service learning, and family support. Community involvement is also a key part of the program.*

*THS is a new service provider for the ROYAL program; the Seattle-based nonprofit signed a contract with the County in 2016. Over the course of the year, THS brought new energy and focus to the program, and by the end of 2016, case strategists had 71 clients, most of them new to ROYAL. In 2017, THS plans to add an MSW intern to the program, who will provide additional capacity and direction.*

*“I’m impressed by the way THS is strengthening this program while staying true to the principles that have guided ROYAL since its inception,” said Gwen Clemens, DPD’s chief of operations. “ROYAL provides critical services to kids who greatly need them. It’s exciting to see the program flourish.”*





## Training: Helping staff at all levels of the organization thrive

**D**PD's training program, overseen by Training Director La Mer Kyle-Griffiths, is guided by several philosophies. One is a recognition of the importance of continuous training and education at all levels of the organization and for employees in all job classifications. Another is a belief that a comprehensive training program for those attorneys new to the Department is important to ensure they have a solid foundation and can provide high-quality representation. Finally, the training program incorporates the latest

research on the criminal justice system's disproportionate impact on people who are poor, people of color, and people with addictions or mental illness.

Those themes infused DPD's training efforts in 2016. One of the highlights was **Creating Harmony**, an all-day training program at the Washington Convention Center in February – and a first for the organization. More than 30 break-out

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*Above, La Mer Kyle-Griffiths listens as Joanna Chau, a DPD fiscal specialist, makes a point during a training for administrative staff*

sessions provided training opportunities for all members of DPD's staff, including workshops on bail, appeals, customer service, eyewitness identification, complex discovery, media relations, multiple generations in the workplace, and therapeutic courts. Jeffery Robinson, a member of the Public Defense Advisory Board and director of the ACLU's Trone Center for Justice and Equality in New York City, provided the keynote address, a moving look at the changing nature of public defense, race, and the criminal justice system.

This year, the all-staff conference will take place over two days – with one day focused mostly on attorneys, paralegals, investigators, and mitigation specialists and a second day where all of the Department's employees will have educational opportunities. This year's conference will also include DPD's assigned counsel.

Another centerpiece of the comprehensive program is DPD's biannual **Litigation Talent Academy**, an intensive, five-day workshop taught and facilitated by both regional and national leaders that helps lawyers develop their skills for effective trial, hearing, and motion advocacy. Last year,

30 public defenders attended the course, and in February 2017, another 30 attended. Participants at the academy work in small and large groups on a range of topics, including story-telling, opening statements, cross- and direct-examination, witness preparation, and impeachment.

**Working with partners.** DPD teams up with other organizations and partners to put on training programs open to DPD staff, other members of the County's defense bar and public defenders from other jurisdictions. A highlight in 2016 was a three-day training at the University of Washington on how to defend clients in homicide and death penalty cases. DPD sponsored the training in partnership with the Washington Defender Association and Innocence Project Northwest; about 50 DPD employees attended, including attorneys, investigators, and paralegals,



*Josie Wiggs-Martin, a felony attorney at DPD, demonstrates a closing argument at DPD's Litigation Talent Academy in February 2017.*

as well as many others from outside of the Department.

The Department has also facilitated trainings by practice area, as well as ones focused on substantive areas of law. In October, for instance, DPD's dependency attorneys and support staff attended an all-day conference on dependency law, called *Civil Discovery: Sword and Shield*, where six presenters explored strategies and case law developments in civil discovery and dependency proceedings. More than 30 people attended.

## DPD's internship program

In 2016, DPD hosted 40 interns – law students, social work students, and undergraduates who worked in all parts of the Department. Interns are recruited locally – from Washington's three law

schools – as well as nationally. Our legal interns in 2016 came from American University, Berkeley, Notre Dame, New York University, Seattle University, University of Pennsylvania, and elsewhere. Their training was intensive and had many components – including how to work with clients, drafting a theory of one's case, trial skills, and more. There were also training sessions on substantive areas of law, taught by some of DPD's best practitioners, and a mock trial, with teams of students coached by public defenders.

DPD is working to increase the diversity of its pool of interns this year and is looking at how to address issues of economic disparity – some cannot afford to travel or pay for housing in Seattle. The Department, for instance, is considering how it can provide housing and stipends for interns or create externship courses at local universities.



*La Mer Kyle-Griffiths leads an intern training program in 2016.*





## Simulation provides a window into poverty

*In an effort to highlight the impact of poverty on clients' lives, Training Director La Mer Kyle-Griffiths invited a Wisconsin team to facilitate the Community Action Poverty Simulation (CAPS) for DPD staff and partners in August 2016.*

*About 45 people – public defenders, other county employees, civil legal aid attorneys, and community partners – participated, each taking on an assigned role in a simulated exercise that placed them directly into the world of poverty.*

*Christopher Sanders, a DPD attorney who participated, said he was struck by “the overwhelming-ness of it all.”*

*“I felt it was directly relevant to my work in community court,” he added. “That court exists to fight against the problems our clients face, and one of the big ones is poverty.”*

CAPS was developed 10 years ago by the Missouri Community Action Network to help promote greater awareness of poverty. According to the organization, it's “an interactive immersion experience” that “sensitizes community participants to the realities of poverty.” The simulation is meant to represent one month in the lives of several poor people who live in the same neighborhood, with each 15 minutes representing one week. It's been used by more than 1,000 organizations around the world.

*La Mer was initially skeptical about play-acting something so serious. But as she watched the simulation unfold, she realized how fully people were embracing their roles. During the first 10 minutes, when people were in their “first week of poverty,” the room was full of laughter. “By the ‘second week,’ the atmosphere changed,” she said. “You could feel the stress in the room building.”*

*The Department has since purchased the kit and this year plans to introduce the simulation to a range of people who work in criminal justice – prosecutors, judges, public defenders, and community partners. La Mer is looking forward to expanding the program. “People felt it was an eye-opening experience,” she said.*

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*Above, Christopher Sanders stands in line at the “bank,” while Rhonda Berry, the County's deputy executive for operations, awaits her turn.*





## DPD in the greater community: An impact beyond our offices

**T**he Department, out of necessity, has been largely focused on its internal development and organizational maturation since its inception in 2013. At the same time, DPD increasingly has had a presence in the larger community, with staff serving on key regional committees, providing workshops and trainings at regional and national conferences, and playing an active role in the community. Here are a few of highlights from 2016.

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*Above, Twyla Carter preps students for their mock trial at Kent-Meridian High School.*

### Working with the Kent School District

Misdemeanor Practice Director Twyla Carter worked with the Kent School District throughout 2016 to establish a new one-day civics course on the criminal justice system for high school seniors. In January 2017, she and the district launched the program.

The all-day sessions took place at all five of Kent's high schools, including Kent-Meridian, considered the most diverse high school in the state. All told, about 600 students participated. The sessions

included lively discussions, panels staffed by offenders, professional panels staffed by police, prosecutors and defense attorneys, and student-led mock trials presided by sitting District and Superior Court judges. Students at all the sessions were engaged and intrigued, and civics teachers afterwards praised the daylong program. One student, in an email to Twyla after the event, said he now plans to go into criminal justice.

Twyla also serves on several boards in the community, including TeamChild, which provides legal support and advocacy to children in the criminal justice system. In addition, she's a member of the County's Juvenile Justice Equity Steering Committee, where she has played a leadership role advocating for reforms addressing racial disproportionality in the juvenile system.

## Supporting the MLK Luncheon

Karen Murray, a supervisor at the Associated Counsel for the Accused Division, has been co-chairing the annual King County Bar Association's annual Martin Luther King Luncheon for the past seven years. In 2016, she and co-chair U.S. District Judge Richard A. Jones brought Rev. C.T. Vivian to the event as the keynote speaker.

Rev. Vivian was a member of Dr. King's executive staff and one of his closest

colleagues and a fearless leader in his own right: He rode on the first Freedom Bus into Jackson, Miss.; stood up to Sheriff Jim Clark in a remarkable shout-down captured by television cameras in Selma on what would later become known as Bloody Sunday; and participated in a "wade-in" on a segregated beach in St. Augustine, Fla., in 1964, where he was nearly drowned by protesters.

Karen introduced Rev. Vivian to the nearly 700 people gathered at the event, calling "a man of many dimensions" who has spent a lifetime standing up to injustice.

In 2016, Karen also received the Loren Miller Bar Association's (LMBA) Lifetime Achievement Award at the organization's annual scholarship dinner. LMBA is a statewide bar association that addresses issues of race and socioeconomic disparities that



*Emiliya Makaryan staffs a bake sale for DPD's Food Frenzy campaign in 2016.*



affect the African-American community. It was named after Loren Miller, the famed civil rights attorney who successfully argued *Shelley v. Kramer*.

## Food Frenzy

DPD employees pulled out all the stops for the 2016 Food Frenzy, a two-week competition by Food Lifeline to raise money to address summertime hunger among children in Western Washington. DPD's team hosted ice cream socials, bake sales, a silent auction, a cute pet contest, and ticket drawings for prizes, raising more than \$11,000 for the organization.

All the divisions participated. The Department more than doubled the

amount of money it raised in the competition in 2015.

## Other volunteer activities

Several years ago, Pam Pasion, an attorney at ACAD, began recruiting colleagues to provide a crew to periodically staff **Operation Nightwatch**, an organization that connects people in need with meals and shelter. The effort took off, and now she and others at DPD frequently volunteer for an evening, cooking and serving a meal to people in need. Pam continues to be the lead organizer, sometimes pulling people in from other divisions, sometimes turning to colleagues at ACAD, and other times calling on family



A group of DPD employees serve food for Operation Rescue.

members to help pull off a meal. In December, she said, her crew served Ivar's clam chowder, rolls, and salad to 143 people, "the hugest hit ever. They couldn't believe we served the real thing!"

"It's an amazing program that I love doing," she added.

DPD staff also volunteer at the **Juvenile Record Sealing Project**, held at SCRAP's offices one evening per month. Volunteer lawyers, paralegals, law students, and others help adults navigate a complex legal process, enabling them to get their juvenile records sealed. The sealing project was started in 2004 by George Yeannakis, now special counsel to TeamChild, and Kim Ambrose, a UW law professor and a member of DPD's Public Defense Advisory Board. Matt Pang, an attorney at SCRAP, has been a long-time

volunteer. "The sealing clinic for me is important because we deal with our clients' cases every day, but once our case is over, we don't see the direct impact it can have on people getting work, finding housing, etc.," Matt said. "The sealing clinic makes that much more real. We have clients of various ages who have said their mistakes as children are still greatly affecting their lives."



*DPD staff also finds time to have fun together. In 2016, we went to a Mariners' game; we even got a welcome announcement on the scoreboard.*



## Capital punishment remains a concern, despite progress

*DPD continues to push for an end to the death penalty, a deeply flawed and arbitrary form of punishment that is both costly and disproportionate in its impact. State leaders – from the governor to the attorney general – are also advocating for its abolishment and in 2017 sought legislation to end capital punishment.*

*As in previous years, the bill got stalled in committee, despite this year's high-level advocacy. At the same time, concern about this most extreme form of punishment continues to grow, and DPD remains hopeful that Washington will eventually join the other 19 states that have abolished the death penalty.*

*One highlight in 2016 was the recognition DPD's attorneys received for their work on capital cases. Eight current and former DPD attorneys received the Washington State Bar Association's "Courageous Award" at its annual dinner on Sept. 29,*

*2016. The attorneys were the team that represented Christopher Monfort – Stacey MacDonald, Carl Luer, and Todd Gruenhagen; the team that represented Joseph McEnroe – Bill Prestia, Katie Ross, and Leo Hamaji; and the team that represented Michele Anderson – Colleen O'Connor and David Sorenson. (Carl, Todd and Leo have since retired.)*

*"The enormous stress of representing someone facing the death penalty is unfathomable," WSBA Governor Ann Danieli noted. "No matter what side of the death penalty controversy you are on, these attorneys deserve our admiration and recognition."*

*Another significant development in 2016 was the prosecutor's decision to not seek a death sentence for Ali Muhammad Brown. The prosecutor had previously indicated he would seek death.*

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*Below, from left, Bill Prestia, David Sorenson, Leo Hamaji, Katie Ross, Colleen O'Connor, Carl Luer, Stacey MacDonald, and Todd Gruenhagen.*



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# DPD AND THE ABA'S 10 PRINCIPLES FOR QUALITY PUBLIC DEFENSE

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**T**he Implementing Ordinance that created the King County Department of Public Defense calls for the Public Defender to ensure that the American Bar Association's 10 Principles of a Public Defense Delivery System guide the management and work of the Department and to report on the results of her efforts in that regard on April 1 of each year. Specifically, KCC 2.60.026 says the Department is to be headed by a Public Defender "whose duties include ... ensuring that the American Bar Association 10 Principles for a Public Defense Delivery System, as approved by the American Bar Association House of Delegates in February of 2002, guide the management of the department and development of department standards for legal defense representation, and filing with the clerk of the council by April 1 of each year a report on the results of the county public defender's efforts in that regard."

The preceding pages describe the Department's current status, challenges, successes, and milestones of the last

1. The public defense function, including the selection, funding, and payment of defense counsel, is independent.
2. Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.
3. Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for counsel.
4. Defense counsel is provided sufficient time and a confidential space within which to meet with the client.
5. Defense counsel's workload is controlled to permit the rendering of quality representation.
6. Defense counsel's ability, training, and experience match the complexity of the case.
7. The same attorney continuously represents the client until completion of the case.
8. There is parity between defense counsel and the prosecution with respect to resources, and defense counsel is included as an equal partner in the justice system.
9. Defense counsel is provided with and required to attend continuing legal education.
10. Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards

year. And to a large degree, they help to elucidate the ABA's principles: The Department of Public Defense, now in its fourth year, is better-resourced; its training program is growing stronger; screening services have been improved, and parity has nearly been achieved, thanks to a number of factors, including the completion of collective bargaining agreements with two unions representing employees.

Here is a brief summary of DPD's status as it relates to the 10 principles, with references to other sections of this report.

### **1. The public defense function, including the selection, funding, and payment of defense counsel, is independent.**

As described on pages 4-5 and 10-15, DPD acts independently on a wide range of policy matters – from jury pool diversity to juvenile justice issues. DPD is part of County government, and thus DPD's budget is not independent from the larger County budget process. At the same time, the Public Defense Advisory Board, comprised of leaders in the criminal justice community,



*Natasha Coleman asks a question during a recent training put on by the Washington Association of Criminal Defense Lawyers. Ensuring lawyers get their CLE credits is part of the 10 principles.*

continues to play a strong and active role in advocating for DPD's financial needs, bringing an independent voice to the process.

### **2. Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.**

See page 9 for a discussion on DPD's use of assigned counsel. DPD actively engages the private defense bar, when needed due to conflicts, while also striving to keep as many cases within the Department as possible. DPD is also working to ensure the quality of its assigned counsel panels is high and includes them in training and other programs, as appropriate.

### **3. Clients are screened for eligibility and defense counsel is**

**assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for client.**

See pages 20-21 for a discussion of screening, a service that has been enhanced by the provision of a new telephone-based screening process. Last year, DPD also initiated a new policy requiring DPD attorneys to see clients within 24 hours of receiving a case assignment.

**4. Defense counsel is provided sufficient time and a confidential space within which to meet the client.**

See pages 18-20 for a discussion of DPD's facility issues. As made clear there, DPD is working to provide adequate space for its attorneys, though challenges remain in both Kent and for those who work at the ITA Court.

**5. Defense counsel's workload is controlled to permit the rendering of quality representation.**

As discussed on pages 16-18, DPD works to ensure its attorneys fall at or below the State Supreme Court-mandated caseload standards. The Department has been able to achieve slightly better caseloads in some case areas, reflecting the realities of a public defense firm in King County: Cases in a large urban area such as ours are often

more complex and challenging. One area where caseloads are still too high, however, is in the ITA Court. DPD hopes to address that issue in early 2017.

**6. Defense counsel's ability, training, and experience match the complexity of the case.**

A robust training program is a key part of DPD, with training provided at all levels of the organization. See pages 20-23.

DPD's four managing attorneys also require attorneys to have demonstrated levels of experience before they take on increasingly complex cases. In misdemeanors, for instance, only attorneys with training and some degree of misdemeanor experience are given DUI cases, which are among the most complex and have the most serious consequences in this case area. In dependencies, new attorneys are not given cases where the termination of parental rights is at stake. In felonies, attorneys start with Class C cases, add on non-strike Class B cases, and ultimately work their way up to Class A felonies.

**7. The same attorney continuously represents the client until the completion of the case.**

Vertical representation is largely observed by DPD except that initial appearances, e.g., arraignment calendars in adult criminal courts, are



typically handled by a “calendar lawyer” who does not represent clients after that stage of the case. This has been the practice in King County for decades. DPD, as part of its ongoing re-organization, continues to examine this issue to see if true vertical representation can be achieved.

### **8. There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.**

Two collective bargaining agreements – covering nearly all of DPD's staff – went into effect Feb. 14, 2016. Parity was a significant goal in the bargaining process and as a result, these two CBAs come close to establishing parity in wages, leave, and benefits – or total compensation – between DPD staff and staff in the county's Prosecuting Attorney's Office.

Assigned counsel rates remain low in King County. Those rates have not changed since 2005, despite a fast-growing increase in the cost of living in the region. DPD plans to continue to advocate for better compensation for assigned counsel.

An issue that has frustrated public defenders in the past has been disparity in the audio-visual and other technical equipment between the prosecutor's office and public defense. DPD now has

a new AV cart that attorneys can use that helps to address that issue.

### **9. Defense counsel is provided with and required to attend continuing legal education.**

Again, see pages 23-25 for a description of DPD's training program. Most of the workshops DPD offers provide CLE credit.

### **10. Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.**

A milestone in 2016 was the implementation of a comprehensive developmental review process for most employees. Clear expectations for different job classifications have been drafted. And supervisors have received training in how to provide meaningful and substantive review, guidance, and support to those who they supervise. DPD continues to provide quarterly training to its supervisors.

DPD's collective bargaining agreements mandate a 10-to-1 ratio for supervisors. While some DPD supervisors have more than 10 direct reports, most are within that ratio.