



## King County

### Public Defense Advisory Board Meeting

Thursday, April 5, 2018  
9:30 am – noon

Dexter Horton Building, 2<sup>nd</sup> Floor  
Conference Room 238

#### MINUTES – Prepared by Jonathan Rudd

- a. **Welcome** – Attending in person – Chair Paul Holland, John Strait, Jennifer Giambattista, Tom Hillier, Adam Chromy, Matt Adams, Marc Boman, Sharon Armstrong, Sophia Byrd McSherry

Attending remotely – Jeffrey Robinson, Vice Chair Kim Ambrose

- b. Meeting called to order at 9:32 am.

2. **Approval of February 1, 2018 Meeting Minutes** – Minutes unanimously approved.

3. **Chair's Report** – Chair reports board members are engaged in ongoing discussion with Anita Khandelwal, union members, and Norm Lefstein (author of the ABA's 10 principles), regarding the definition of "parity." Chair and Vice Chair are preparing a report on these discussions for future presentation. Khandelwal makes a comment that parity should not be seen as mirroring, as that allows resources to be dictated by outside forces. Chair reinforces these comments, speaking that the focus is on effectiveness.

Chair further reports that he and Hillier met with Gail Stone (present) regarding reappointment of the Director. Chair asks Stone to speak to the reappointment process. Stone reports the Executive will use employee engagement reports, PDAB annual reports, and have conversations with the Director and key stakeholders from the court system. He will make a decision by June 15.

4. **Department of Public Defense Director's Report** – Director speaks to the board regarding DPD's Public Defense Week celebrations marking the 55<sup>th</sup> anniversary of *Gideon v. Wainwright*, celebrating the department's history from the founding of the non-profit agencies to today.

Anita Khandelwal introduces Tara Urs and Gordon Hill, the two recently hired members of the special litigation unit, giving a brief CV of each attorney and describing the functions of the Special Litigation Unit.

Laura Federighi speaks to the budget. A supplemental budget request is being put forth, consisting of five items via an omnibus request. A continuous shortfall in assigned counsel and expert services has led to a request of 1.8 million dollars. Collective bargaining agreement implementation adds \$741,000. Additional requests for funds to pay interns and Voluntary Separation Program payments are included in the request. DPD is challenging KCIT central rates in an effort to force transparency.

Chair asks why the expert services shortfall is so substantial. Federighi reports that Performance Strategy & Budget (PSB) reduced the line item when Council added two FTE's to DPD to help with FMLA usage. It does not reflect increased usage. Data shows that expert services consistently runs about \$16 million. PSB funded that line item at \$14 million in the 2017-18 budget. A member questions whether salary savings can offset the \$2 million. Federighi reports DPD has invested salary savings into information technology and software to increase productivity as well as temporary employees for public records work and support for administration and operations. Giambattista confirms the budgeting is a two-part process, with the Executive proposing a budget, and departments requesting funds as needed.

A member expresses concern that DPD is noncompliant with ABA parity principle in rates paid to Assigned Counsel. Member feels strongly that DPD must request increase in the supplemental budget request. Director reports on efforts made to increase rates including DPD using all state grant money to supplemental County Council approved rates. DPD's annual report addressed the issue. The Washington Defender Association and the Office of Public Defense are lobbying the state legislature for increased funding.

Federighi distributes initial thoughts for the 2019-2020 budget. A member asks whether funding for an FTE to concentrate on ESJ issues is realistic. Federighi reports that ESJ programs are an Executive priority. Caseload standards drive DPD's staffing and do not provide for time to participate in county initiatives. DPD needs additional staffing to carry out the Executive's priority. Another member asks about the request for an attorney FTE to address collateral civil consequences. How will the requested FTE fit with Seattle City Council pilot funding? The Managing Attorneys and Director speak to the necessity of collateral civil consequences attorneys and explain that three FTE's are paid for through the Seattle pilot. PSB passes those FTE's through without much scrutiny. The additional FTE will provide the same representation in SCRAP Division, which does not practice in Seattle Municipal Court.

Kyle-Griffiths reports on the process used to create the original development review tool and the recent review, update and improve process used in the first quarter. Improved process provides for two formal performance review meetings per year instead of three. All reviews will be due in either April or October, as opposed to a previous floating year that varied by staff member, making it easier for HR to internally track review dates. The forms have also been updated and now have accompanying rubrics. A member asks how the review moves through the supervisory chain to the director's office. Kyle-Griffiths explains that all comments on the form come from the employee's direct supervisor. The employee's Managing Attorney reads and edits the review for tone and consistency within the division. The Director reads and signs all reviews as they are placed in the HR files. The supervisor has a conversation with the reviewee, culminating in the "received" section of the form, as well as a 45-day appeals process.

Weidlich speaks to data summarized in the annual report, and the current staffing model, listening tour responses, engagement plan, and case assignment data (now incorporating SMC cases). A member asks how leadership collected employee responses. Weidlich explains the communication specialist recorded all oral answers on large white paper at the meetings. Weidlich compiled all oral and e-mail responses and sorted them according to subject. Weidlich defines the terms and designations used in parsing out the data. Weidlich reports clear trends across all divisions and the director's office, resulting in the implementation of a communications action plan to hold leadership accountable. A member comments that the qualitative data is of little weight, as Weidlich has not provided the number of responses, number of attendees at meetings or any way of quantifying how many people provided answers.

Director shares first cut of video taken during Public Defense celebration. Members provide feedback and suggestions for improvements. A member comments that someone determine the audience and intent of the video. The current visuals wrong. Needs more courtroom video & photos as opposed to footage of department staff enjoying themselves.

Director and Weidlich provide brief update on working on next steps in the strategic plan, with more to come next meeting.

Managing attorneys Josh Saunders (ACA), Dave Roberson (SCRAP), and Daryl Rodriguez (NDD) speak to positive feelings resulting from facilities improvements in Seattle and the dire need for expansion in Kent. Clemens reports KC Facilities and Management Division is targeting a DPD move in Kent by the end of year. Managing attorney Rick Lichtenstadter speaks to preparations for TDA Division move to Dexter Horton in June of this year.

Roberson shares positive feelings from SCRAP Division staff towards the Director and KC Employee Assistance Program following the death in their Kent office.

Director briefs the board on 2018 Graduate Hiring Program and 2018 Summer Intern Program.

Director provides union contract update. Master Labor Agreement, as well as small table agreements (specific to departments) were submitted to council on March 22. Council Committee hearings are scheduled for May. Council vote to occur at the end of May, with projected implementation in June or July of this year.

Director reports that Executive's Inquest Committee issued its report on March 30. Committee recommending DPD provide representation to the families. All inquests are currently stayed. Executive is creating a new process based on the report. No deadline.

A member asks about DPD plans to manage body cam issues. Director identifies that supplemental crediting provides attorneys the necessary time to handle video. The biggest issue is the inadequate number of support staff to upload and view the video. The King County Office of Public Defense and the non-profit agencies agreed many

years ago not to count “calendar attorneys” in the support staff calculations as a way of saving money. The Director finds no support for this agreement in the Washington Standards. DPD will request appropriate staffing in 2019-20 budget. If granted, increase in support staff will provide interim relief while time data is collected on the actual impact.

Giambattista reports Director and Khandelwal will present ideas for the reduction of racial disproportionality in the adult criminal justice system to KC Law and Justice Committee on April 24.

PDAB meets again June 7.

5. **Executive Session** – entered at 11:05 am.
6. **Adjourn** – 12:25pm