

Public Defense Advisory Board Meeting

Thursday, Oct. 1, 2020

9:30am – 12:00pm

SKYPE MEETING ONLY

1. Welcome

Attending via Skype: Lou Frantz (chair), Chris Carney, Adam Chromy, Sophia Byrd McSherry, John Strait, Safia Ahmed, Nyema Clark, Judge Ron Whitener, Judge Mike Trickey, Shrounda Selivanoff, Angélica Cházaro

Meeting held via Skype because of COVID-19 and the shelter-in-place order.

Meeting called to order by Lou at 9:35 a.m. He welcomed and introduced the new members to PDAB: Angélica Cházaro, Nyema Clark, Shrounda Selivanoff, Judge Trickey, and Judge Whitener.

2. Approval of Minutes from Meeting on Aug. 6 and Sept. 9

Minutes from Aug. 6, 2020, and from special meeting (to review the proposed PDAB ordinance) on Sept. 9, 2020 approved.

3. Remarks from Hong Tran

Hong Tran, a felony attorney in Kent, talked about the crushing workload she's experiencing, the number of serious cases she is juggling, and her frustrations with the DO for not discussing this issue of felony workloads with staff or working aggressively to address the problem.

4. Remarks from SEIU Representatives

Molly Gilbert, an investigator at ACAD and an SEIU rep, discussed the budget impact on DPD. She noted that DPD was the only department that gave early notices to employees (five, altogether) who have been impacted by the county's budget crisis and that the DO was working with the union to try to find other positions for these employees. She also discussed a number of efforts by the DO to lessen attorneys' workload, such as hiring more paralegals.

5. Remarks from Teamsters Representatives

None.

6. Department of Public Defense Director's Report

Budget: Anita discussed the county's two-year budget proposal, pending before the County Council. There's some good news in this budget. The Executive is not seeking layoffs at DPD in 2021 beyond the five already announced (due to the elimination of two job classes and not going into effect for another 15 months). The budget also reflects recognition by the Executive that DPD is on the receiving end of filings by the PAO and that an annualized

staffing model fails to accommodate the uneven flow of cases over the course of a year. The proposed budget addresses this by developing an “FTE trigger” – a mechanism that gives DPD the flexibility to address spikes in filings – a significant development for DPD.

Juvenile-related issues: Katie Hurley told the board that both the Seattle City Council and the King County Council unanimously approved a new Youth Rights Ordinance, named after MiChance Dunlap-Gittens, a 17-year-old who was killed by the police in Des Moines in 2017. The new law attempts to protect vulnerable youth and address racial injustice by requiring law enforcement to connect a youth to a public defender after the youth has been Mirandized but before the youth waives their constitutional right to remain silent or talk to an attorney. Law enforcement must also connect a youth to a public defender when asking them to allow their person, car, home, or any other property to be searched. The passage of this law by both councils was a huge accomplishment. She also discussed Restorative Community Pathways, which is part of the Executive’s budget pending before the County Council. RCP is a community-based and community-led program that divests funds from the current juvenile legal system and reinvests this money into programs that support youth and community. Another significant development!

Training / Interns: Tara Urs discussed DPD’s first-ever virtual open house for interns, which was held on Sept. 15; about 200 people, mostly 2Ls and 3Ls, attended, and by all accounts, it was well-received. She also discussed the work DPD is doing with the Freedom Project around client communication, which is focusing on the experiences of formerly incarcerated people and the difficulties that can arise for public defenders whose lawyer-client communication often must consider issues of race, power, privilege, gender, and more. Finally, she mentioned David Montes’ weekly caselaw roundtables, a new element in the training program that is going well.

Caseloads: Gordon Hill discussed the latest in caseload filings, and Stev Weidlich displayed several charts and graphs, including a graph that shows that felony filings are rising again into the “normal” range after a COVID-related drop; Kent, Stev noted, is higher than expected. Misdemeanor filings are also back into a pre-COVID range. Gordon and Stev also displayed DPD’s tachometer, a new tool that looks a bit like a speedometer and enables us to see when “the needle” (or filing numbers) are getting close to the red zone, or over-capacity. Finally, Gordon and Stev discussed Assigned Counsel numbers, which have gone down the past few months.

7. PDAB Chair’s Report

Lou again welcomed the new members to the board. He talked about the annual report, including who the board needs to meet with in order to draft it and what they should ask them. Lou discussed talking to judges. He shared a list of those who board members met with in the past – all based on their role in the court (e.g., the criminal presiding judge in Kent and in Seattle, the presiding juvenile court judge, etc.) Molly Gilbert suggested the board also meet with some employee panels, which the board agreed to. The board also agreed that they should talk to community partners, which they’ve not done in the past.

No executive session.

Meeting adjourned at 11:20 a.m.