



King County

Public Defense Advisory Board Meeting

Thursday, October 5, 2017
9:30 am - noon

Dexter Horton Building, 2nd Floor
Conference Room 238

Minutes

1. **Welcome** – Board Members Present: Matt Adams, Kim Ambrose (Vice Chair), Sharon Armstrong, Marc Boman, Sophia Byrd McSherry [via phone], Paul Holland (Chair), John Strait. King County Council Staff present: Jennifer Giambattista. Meeting called to order at 9:40 am.
2. **Approval of August 3, 2017 Meeting Minutes** – unanimously approved.
3. **Chair's Report** –
 - Chair is invited to present Annual Report on 10/24/17 to the Law and Justice committee of the King County Council, seeks input for presentation and other attendees.
 - Chair reports Gail Stone is exploring options with Executive Constantine regarding the empty board chair for someone representing veterans interests.
 - Chair states a budget report is also required by ordinance. Boman states that Assigned Counsel rates should be addressed by this report.
4. **Department of Public Defense Director's Report** –
 - Director introduces Victoria Gonzalez-Minter, communications specialist new to DPD.
 - Director reports Jeanette Brinster (NDD Managing Attorney) is assuming Lou Frantz's vacated position. Jeanette's immediate focus will be standardizing legal files reports and performance reviews to create a consistent supervision model.
 - Director reports that Daryl Rodrigues was selected by DPD's hiring committee to be NDD's new Managing Attorney. He will start on 10/23/17. Strait speaks to Daryl's competency from past experience in dealing with him as the Thurston County Public Defender.
 - Director reports David Roberson was appointed SCRAP Managing Attorney. SCRAP employees requested Dave's interim status be permanent. Morale concerning this decision high.
 - Director will provide PDAB members an updated Organizational Chart.

- Director provides information about Athena Group Consultant Jennifer Haury who will be facilitating the creation of DPD's Strategic Plan.
 - Haury will interview all DPD leadership team member this week and next.
 - First facilitated group session to be held on 10/16/17 (Daryl Rodrigues will attend)
 - Board requests to meet with Director and Haury on 11/9/2017 for presentation and solicitation of input.
 - Target date for final written plan is 12/31/17
 - Team re-visioning targeted for Jan/Feb 2018 to be facilitated by Athena Group Consultant Paul Horton.
 - Armstrong advises Director to include front line staff in planning.
 - Discussion of KC Employee Engagement Survey playing a role in strategic planning. Director reports that participation in this year's survey is higher than at this point in past survey years. DPD is encouraging and reminding employees through regular e-mail communications and individual conversations between supervisors and their direct reports. At Director's request Chair will re-send its Annual Report with a link to the survey and let staff know that their input is desired.
- Stev Weidlich (Research & Data Analyst) demonstrates the "FLORIS Boards" which compiles data from Homer, PeopleSoft, and other databases to report on current staffing by division, classification, and case area as well as case assignments. FLORIS Boards run on Power BI, which requires a software subscription. Future goal is to get this data accessible on internal websites for staff and PDAB to view.
- Director reports all the 2017 Graduate hires passed the bar and DPD hosted a swearing in ceremony performed by Judge Lori Smith, and after work celebration. Seven of the Graduate hires have already started.
 - Weidlich presents demographic data concerning 2018 Graduate applicants. Process is going well, new technology in DPD's new space has been very helpful.
- Andre Vitale (Assistant Training Director) reports on 2017 and 2018 summer intern classes:
 - In person exit interviews were done with all 25 interns in the 2017 cohort (7 1Ls, 18 Rule 9 interns).
 - Interns reported positive feelings about contact with department between hiring and start date.
 - Scattered complaints about the length of time between interview and offer.
 - Interns were very positive about the training they received on trial skills, research and writing.
 - Interns reported positive experiences working in the divisions to which they were assigned. All Rule 9's, but one (case continued until November) appeared on behalf of a client in a trial this year.
 - Hiring plan for 2018 summer interns is for 20 Rule 9's and 5 1L's. 15 Rule 9's have accepted positions. Current diversity rate 33%.
 - Interviews of 28 law students (to fill final 5 Rule 9 positions) in Washington D.C. at the Equal Justice Works hiring fair will be conducted in late October.

- American Bar Association rules prevent interviewing/hiring 1L's until they have completed first semester final exams.
- Armstrong inquires as to the value of 1L's. Of the seven 1L's DPD brought in this past summer, 5 applied, and 4 are returning to the 2018 summer intern class. Strait advises that 1L's have great word of mouth value when they return to their law schools. The Director is a fan of teaching 1L's the administrative processes of a public defender's office. Chair Holland speaks to the value of having impacted the 1Ls whether they return to us or not, they are still aware of the public defense experience no matter where they end up.
- Boman inquires as DPD's relationship with clinical directors at law schools around the country. Vitale reports good contacts with NYU, Columbia, Georgetown, Loyola, Vanderbilt, Harvard, and other law schools forged through his faculty position in the Gideon's Promise Program. Training Director Kyle-Griffiths is adjunct trials skills faculty at Seattle University Law School.
- Boman suggests including in PDAB Budget Report need for funding to pay summer interns as KCPAO pays their interns.
- Vitale presents on one week new attorney training. Group will be in training for at least a day each month for the next 18 months. They will attend the Poverty Simulation in September, five days of litigation skills training November 3-9, jury selection training in December.
- Strait reports Seattle Municipal Court judges suggesting training on sentencing advocacy
- Armstrong advises that judges have reacted negatively to DPD "shutting down court" for trainings. Vitale reports that advanced notice of dates and DPD planning for coverage should mitigate this issue.
- Director informs Board concerning various items including:
 - DPD now reports to Mike Fong, the Chief Operating Officer for Executive Dow Constantine.
 - DPD is reviewing its 24/7 on-call attorney program. Considering a proposal accept only law enforcement calls outside of 8a-5p business hours.
 - Seattle Municipal Court contract has been approved by the King County and Seattle City Councils.
 - Dolan lawsuit attorney's fees letters have been received by employees. DPD is working with DRS to host a Q&A for affected employees.
 - At DPD's urging, the KC Sheriff's Office has adopted a juvenile Miranda warning policy.
 - In ITA Court, a DPD client was successful on appeal. Court of Appeals held that for 90/180 day hearings, "present" = present in person (no video hearing). ITA Presiding Judge Bender has workgroups planning for operational changes to include DPD clients being transported by ambulance, strapped to a gurney. DPD and the KC Department of Community and Human Services have proposed a hub system where patients' hearings are held at the hospitals requiring the judge and counsel to travel.
- Burns Petersen (Director of Assigned Counsel) addresses assigned counsel rates.
 - No rate increase since 2004.
 - 2017-2018 Budget request was denied.
 - Supplemental funding comes from state OPD grant.

- Last quarter of this year, existing OPD grant funds have been used to further supplement rates
 - Byrd McSherry confirms there is nothing wrong with using state money to supplement existing funds that are paid.
 - Petersen confirms the panel is losing good applicants and experiencing existing panel members who are unwilling to accept cases because the rate is so low.
 - Boman asks Burns to send the panel the annual report. Burns will do so.
- Holland moves to set next meeting to involve the Athena consultant.

5. Executive Session - Executive session entered at **11:33**

6. Adjourn - Adjourned at noon

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