

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 2/3/2015 1:00 PM | *Location* Canyon County Administration Building, 1st Floor Public Conference Room,
111 North 11th Avenue, Caldwell, ID

Meeting Commission Meeting

Commission members present

Molly Huskey, Chair, District Judge | Darrell Bolz, Vice Chair, Juvenile Justice Comm. | Kimber Ricks, Madison Co. Comm. | William Wellman, Defense Attorney

Ian Thomson, Exec. Dir. | Nichole Devaney, Admin. Asst.

Commission members absent

Jason Monks, Representative | Sara Thomas, SAPD | Chuck Winder, Senator

Others present

Marilyn Paul, Twin Falls Public Defender

Kathy Griesmyer, Idaho ACLU

Item	Responsible
1. Welcome and call to order: Meeting was called to order at 1:14pm	Huskey
2. Call for additional items	
3. Approval of Meeting Minutes (1/6/2015): Mr. Wellman moved to adopt, Mr. Bolz seconded, and the motion unanimously passed.	
4. Proposed Bylaws: It was noted that Section 9 has a typographical error in the section heading that needs correction. It was pointed out that all meetings need to be convened as an open meeting and then moved to an Executive Session when appropriate. Discussion and approval of the bylaws was tabled until everyone can review them and more Commissioners are in attendance. ED Thomson to make corrections and forward to all members for final review.	Bolz
5. Executive Director Report	Thomson
a. Review of Report to Legislature. The members present agreed the report and presentation was adequate.	
b. Meetings with legislators (members of House and Senate Jud&Rules): ED Thomson's goal is to have individual meetings with each one of the members to help educate them on the deficiencies of the public defense system in Idaho.	

c. JFAC Presentation 2/10/15 at 10:50 am:

The commission will have ten minutes to present, followed by questions. If any of the members could attend that would be helpful. ED Thomson will be presenting the 2016 budget that was submitted back in September 2014. It is a very minimal budget duplicating the current year with only a three percent change in employee compensation (CEC) recommended in the Governor's budget. The members suggested that ED Thomson attend the final budget meeting as well to help answer any questions.

d. IAC presentation-Tuesday (earlier today):

Comm. Ricks thought the presentation went well. There were two or three good questions that were asked and answered. Comm. Ricks requested a 3x5 card with some Commission highlight points that he could have available should he be asked questions about the commission. The County Commissioners would like to have the PDC make a presentation to the entire commission body at their June meeting and have added it to their agenda. Rep. Bolz suggested that in addition ED Thomson forward each of the County Commissioners a copy of the power point presented to the Criminal Justice Commission; Chair Huskey agreed. Comm. Ricks stated that there is a lot of uncertainty about how the PDC interacts and affects the counties, as opposed to the State, and the Commission still needs to work to clarify those relationships. He recommended continuing these types of presentations to educate the County Commissioners. Chair Huskey agreed and added that it will take time and be a slow process.

e. Attorney General representation:

The PDC has received a memo of understanding with the Attorney General for legal consultation. The PDC will be charged \$88 per hour, if the need for outside legal consultation arises.

f. Proposed summer extern through Univ. of Idaho Law School:

ED Thomson proposed having a law school extern work for the PDC this summer and conduct a longitudinal case-outcome study in some of the smaller, nearby counties (from Payette and Gem to Gooding and Jerome). Mr. Wellman and Chair Huskey expressed concerns about the validity with the type of information this kind of study would provide, suggesting that having an intern provide some Commission promotion and education to the County Commissioners may be more useful. ED Thomson explained that a public advocacy project like that would not qualify under the credit criteria set forth by Prof. Ramalingam. ED Thomson shared with the members that he was uncomfortable waiting for Odyssey to begin data collection when the Interim Committee and Legislature seemed to be expecting data collection sooner rather than later. Chair Huskey stated that the Commission had largely decided to wait for the full implementation of Odyssey to provide the most accurate data collection regarding case tracking and outcomes. In the interim the Commission should be working with Supreme Court staff to implement Odyssey and get a clear understanding of what data can be collected and what additional information the Commission would need to obtain through a separate process. Mr. Wellman suggested the Commission table the extern discussion and how best to use that potential resource in the future. ED Thomson agreed to pull the summer extern position posting at the law school.

g. Meeting with IACDL re: criminal justice efforts at the Capitol

Item	Responsible
<p>ED Thomson offered to provide a resource to the IACDL by disseminating information gathered at the legislative hearings he attends and sharing it with them. The shared information would consist of notifying them of proposed legislation when it appears on the committee's agendas and they are sent to print. This would at least alert the IACDL to upcoming legislation. Chair Huskey expressed concern that this is not a function of the Commission and that the IACDL needs to undertake these efforts.</p>	
<p>6. Discussion on Rule 44.3:</p> <p>Chair Huskey suggested tabling the discussion until other projects the Commission is currently working on are completed.</p>	Huskey/Thomas
<p>7. Discussion re: PDC misunderstood by County Commissioners, legislators, public defenders:</p> <p>This issue is being addressed by the Commission and is a work in progress.</p>	Ricks
<p>a. Proposed IAC presentation to IAC on June 10th and 11th :</p> <p>The contents of the presentation will be put on the April agenda for discussion. Mr. Bolz asked if County Clerks would be in attendance. Comm. Ricks shared his opinion that it would be of value to them as well to hear the presentation. He also suggested conducting some regional training where additional county personnel could attend.</p>	Huskey
<p>8. Should the PDC encourage Contract Counties to use a Board for hiring? (In reference to Judge Stegner's comments at the ICJC presentation):</p> <p>Judge Stegner asked if the Commission could review and advise the counties when selecting potential contract attorneys. The Commission decided that the answer should be to suggest a screening committee as provided in I.C. §19-860(2). It was suggested that further discussion on the hiring of an additional PDC staff member to provide a service such as this could be held in the summer, along with reviewing contracts and advising the counties. Those recommendations being taken to the legislature next year.</p>	
<p>9. Discussion regarding the purview of the statute, specifically with respect to proposed rules and model contract terms:</p> <p>ED Thomson would like some clarification regarding the interplay between the model contract terms and the promulgation of rules as set forth in the statute. Is it the intent of the Commission to offer the model contract terms to the counties before the adoption of rules, as the statute seems to indicate? He explained that the statute permits the PDC to develop rules through IDAPA process, and adoption by the legislature. Those rules include training requirements and data reporting requirements only. Mr. Bolz shared that negotiated rule making is more favored by the legislature, because it allows you to bring people in who will be effected by the legislation.</p> <p>The statute then indicates that the PDC can bring recommendations to the Legislature regarding several issues, including core contract terms or requirements. Chair Huskey expressed that model contracts should be presented to the counties in June with the options to use them or not, then they would be presented to the legislature. There was general agreement from the rest of the Commission as to this approach. Other recommendations concerning enforcement and funding will first need to be presented to the legislature.</p>	Thomson

Item	Responsible
<p>It was suggested that meeting with Senator Lodge and Representative Wills may be helpful in determining how they would like the model contracts presented. ED Thomson agreed to schedule those meetings.</p> <p>Chair Huskey asked ED Thomson to keep a list of all other issues the Commission has hit on for later discussion so that once the mandatory issues are resolved these other issues could be added to future agendas.</p>	
10. Commission Education—ABA Standards on the Defense Function:	Thomson
<p>ED Thomson suggested adding a Commission education portion to the meeting agenda. It would be one item per meeting to help educate the members on public defense and the Commission's role. After some discussion on what would be of greatest benefit to the members it was suggested that if this were something the Commission would like to do maybe information could be forwarded in advance for everyone to review ahead of time then provide a question and answer period at the meetings.</p>	
11. Next meeting: March 3, 2015, 1 – 5pm. Check with SAPD for possible location.	Devaney
a. Agenda items for next meeting.	
<ol style="list-style-type: none"> 1) Odyssey representative – In advance ED Thomson will send out the reporting requirements that have been presented previously. 2) Strategic Plan 3) Report on IACDL 4) Follow up on IAC meeting 5) Finalize Bylaws 	Thomson
12. Adjournment	Huskey

Attachments:

- 1) 1/6/2015 Minutes
- 2) Proposed PDC Bylaws
- 3) ICR Rule 44.3
- 4) IC 19-850, PDC Statute
- 5) ABA Standards for the Defense Function