

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 6/18/2015 10:00 PM | *Location* Nampa Public Library, 1st Floor Multipurpose Rm B.,
215 12th Ave. South, Nampa, ID 83651

Meeting Commission Meeting

Commission members present

Molly Huskey, Chair, District Judge | Darrell Bolz, Vice Chair, Juvenile Justice Comm. | Christy Perry, Representative | Sara Thomas, SAPD | William Wellman, Defense Attorney | Chuck Winder, Senator
Ian Thomson, Exec. Dir. | Nichole Devaney, Admin. Asst.

Commission members absent

Kimber Ricks, Madison Co. Comm.

Others present

David DeRan, ACLU; Courtney LaFranchi, ACLU; Kathy Griesmyer, ACLU; Cally Younger, Governor's Office (10:45am-12:00pm); Colleen Zahn, Attorney General's Office (10:45am-12:00pm); Steve Olsen (10:45am-12:00pm).

Item	Responsible
1. Welcome and Call to Order (10:05am)	Huskey
2. Approval of Meeting Minutes (6/2/15; 6/3/15) Ms. Thomas moved to adopt the previous meetings' minutes, Mr. Bolz seconded the motion, and the vote to approve was unanimous.	
3. Commissioners to sign bylaws The bylaws were passed around for signature. [Commissioner Ricks was absent and Representative Perry had not yet joined the meeting therefore their signatures were not available.]	Thomson
4a. Discussion of Strategic Plan: Three documents had been sent to Commissioners in advance of the meeting, <Strategic Plan Terms.doc>, <Strategic Plan Goals for Commission Consideration.doc>, and <Strategic Plan Draft.doc>. The Strategic Plan Terms served as a backdrop and framework for the discussion. The Strategic Plan Goals for Commission Consideration represented a selection made by Chair Huskey after a submission of various goals made by ED Thomson. The Strategic Plan Draft acted as the rough draft document that the commissioners would use through today's discussion in crafting a Strategic Plan. The Strategic Plan Draft was edited contemporaneously by ED Thomson as the discussion progressed and suggestions were made by the Commission. The resulting document, section-by-section, is represented in <Strategic Plan (FY 2016-2019).doc> (see attached document.)	

Senator Winder recommended adding verbiage to provide communication with the county commissioners. Judge Huskey asked that he hold that thought until the end of the discussion as it could be a new goal that the commission would like to add.

Ms. Thomas inquired about the attorney position the Commission had discussed at prior meetings. Judge Huskey stated that the role of that position had been changed to focus on training rather than contract advice. Adding that Dan Chadwick with the IAC already has an attorney available to provide that service. If the Commission were to provide this service it may appear as if it were partial to the Counties.

Strategic Plan Discussion:

Judge Huskey asked what ED Thomson would need to draft and submit the final plan. He responded that clear priorities should be set in order to direct the efforts and limited resources of the Commission, and provide a benchmark by which the Commission could evaluate its effectiveness. Each goal, as presented in the rough draft, includes multiple identified objectives, along with strategies, benchmarks and performance measures. Of the six goals proposed, three were selected. Ms. Thomas moved that the Commission adopt proposed goals 1, 5, and 6 (from the rough draft) as the framework of the strategic plan. Sen. Winder seconded the motion and the motion was unanimously approved.

Through the course of discussion, the Commission members decided on two goals for the four-year plan. Goal 1: The Public Defense Commission will strive to Maintain or Improve the Performance of Individual Defending Attorneys; and Goal 2: The Public Defense Commission will seek or explore systemic recommendations for the provision of indigent defense.

Regarding Goal 1, the Commission established three objectives, each with identified strategies and performance measures. Judge Huskey suggested that everything we have already done be set as a FY 2016 priority. Goal 1, objective 3, strategy 1 (the PDC conducts CLE trainings with the use of Trustee-Benefit payment funds) would need to be completed every year. In addition, the promulgation of all rules should be prepared (both the data collection and training/CLE) by the end of FY2016, for recommendation to the legislature in January, 2017.

5. After discussion of Goal 2, Objective 4, Steven Olsen and Colleen Zahn, from the Attorney General's Office, and Calli Younger, from the Governor's Office, entered the room. This prompted Ms. Thomas to make a motion to move into an Executive Session as authorized by subsection 67-2345(1(f)), and in light of the ACLU filing a lawsuit the day prior. The purpose of the executive session would be to discuss the now-pending litigation. The executive session would be attended by the commissioners only, along with counsel from the Attorney General's Office and Governor's Office. Sen. Winder seconded the vote. A roll call vote was taken with all present members (6) unanimously agreeing. The public session was adjourned at approximately 10:50am and reconvened promptly at 12:00pm.
- 4b. Upon returning from the executive session, discussion resumed as to Goal 2, The Public Defense Commission will seek to explore systemic recommendations for the provision of indigent defense. The Commission broke the goal down into four identified objectives, along with strategies, benchmarks and performance measures. Goal 2, Objective 1 is to be completed by end of FY2016. Goal 2, Objective 3, regarding workload standards should be accomplished by FY2019.

Rep. Perry shared with the Commission that she would be meeting with Senator Lakey. In preparation for that meeting she had compiled a list of questions for the interim committee and she asked for input on those items. Those questions included (1) what should be the priorities of the Interim Committee?, (2) How are counties to be held accountable?, (3) How is the question of funding to be resolved, should the cap be raised?, (4) What are the commission's enforcement capabilities?, (5) Should the commission be responsible for more than making recommendations?

Judge Huskey suggested that having ED Thomson provide an update to the Interim Committee would be a good idea. It was noted that staffing for an additional person at the Commission would possibly require removal of the language in the statute limiting staffing. The evaluation of PA's and PD's are not something the commission would need to undertake, as that can be accomplished through other means. Mr. Bolz asked that the Interim Committee should define what it sees the commission doing, and what function it will serve. Ms. Thomas suggested that the Interim Committee consider mechanisms by which the state can participate in data collection, is this something the State wants to do, and are there other sources where the State already has good data which is not being utilized. Exploring those areas would allow the PDC to capitalize on efforts already being made by other state agencies. Judge Huskey would like the Interim Committee to deal with the funding issue, as that is not something the Commission is empowered to solve. Mr. Bolz would like to know more information regarding the allocation of Revenue Sharing at the county level, including how much is going into the justice fund or how much is directed at the District Court Fund. That would answer how much the State may already be contributing to indigent defense at the county level.

6. Next Meeting: Judge Huskey suggested not conducting a meeting until August. Possible dates will be forwarded for a decision.

Suggested Agenda Items for Next Meeting:

- (a) Suggested Contract Term Feedback
- (b) Rules for Trustee/Benefit Payment disbursement (along with a report on meetings with Idaho Fed. Defender, King County PD, and IACDL)
- (c) National workload/caseload summaries
- (d) Idaho Courts presentation on High Quality Representation in Child Welfare Cases

7. Next Meeting Location: To be determined.
8. Adjournment – Mr. Wellman made a motion to adjourn at 1:01pm. Mr. Bolz seconded the motion and the vote to adjourn was unanimous.

Attachments:

- Strategic Plan Terms
- Strategic Plan Goals for Commission Consideration
- Strategic Plan Draft
- Strategic Plan (FY 2016-2019)