

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 8/17/2017 2:00 PM | *Location* Telephone or PDC Office, 816 W. Bannock Street, Suite 201, Boise, ID 83702

Meeting: Proposed Rules Approval Conference Call

Commission Members

Darrell Bolz, Chair, Juvenile Justice Comm. | Eric Fredericksen, Vice Chair, SAPD | Christy Perry, Representative | Shellee Daniels, IAC Representative | Linda Copple Trout, Representative of the Courts | Paige Nolta, Defense Attorney (Left at 3:06) | Chuck Winder, Senator

Kimberly Simmons, Executive Director | Kelly Jennings, Deputy Director
Nichole Devaney, Admin. Asst.

Item	Responsible
2:00pm Welcome and Call to Order: Chair Bolz called the meeting to order at 2:00pm. ROLL CALL: Darrell Bolz, Chair Yes Christy Perry, Member Absent Eric Fredericksen, Member Yes Linda Trout, Member Yes Chuck Winder, Member Present Paige Nolta, Member Yes Shellee Daniels, Member Absent	Bolz
2:05pm FY2019 Budget Request: Other than the four line items indicated in the worksheet the FY2019 budget is the same. The request for additional IDG funding is based on increases to local shares. Additional training funds are being requested to cover costs and funding is being requested to accommodate travel costs for the proposed additional commission members. Fourth item is funding for required software upgrades and equipment. Trout moved to approve the FY2019 Budget Request, Nolta and Fredericksen seconded the motion. The members voted as follows: VOTE: Eric Fredericksen, Member Yes Linda Trout, Member Yes Chuck Winder, Member Yes Paige Nolta, Member Yes Darrell Bolz, Chair Yes Christy Perry, Member Absent Shellee Daniels, Member Absent	Simmons
2:10pm Drafts of Proposed Rules: Standards Documents: ED Simmons shared that the Commission may be required to add the definitions back in as dates may have been missed with respect to rule submission. Trout moved to approve the rule as amended to include the definitions if needed. Winder and Nolta seconded and all members voted as follows: VOTE:	Simmons

Eric Fredericksen, Member	Yes
Linda Trout, Member	Yes
Chuck Winder, Member	Yes
Paige Nolta, Member	Yes
Darrell Bolz, Chair	Yes
Christy Perry, Member	Absent
Shellee Daniels, Member	Absent

- a. Investigation: Included within Standards document.
- b. Capital Counsel Qualifications: ED Simmons shared a concern with having co-counsel having to meet the same requirements as post-conviction appeal counsel. Bolz expressed concerns on page 6, qualifications: He asked what the definition of "completion" is especially with regard to mistrials and/or plea-bargaining. ED Simmons commented that the Supreme Court uses "completion" to take those circumstances in to account. There was some discussion on the matter, Nolta offered adding a definition for Completion. ED Simmons suggested furthering the definition by adding a list of things that would qualify. In the end, the members decided to leave it at verdict and 10 felony jury trials and allow for negotiation within the rules process. The discussion also asked the question as to whether 10 trials was too many. ED Simmons made the suggestion to add back that counsel needs to be familiar with and abide by the ABA Guidelines. Trout agreed that it ought to be there. Fredericksen provided a few grammar corrections on page 3 (additional language was added), Access – Nolta suggested "unfettered and equal access" the members decided to leave it at "equal" and see if any comments were made. b3a- there was discussion on types of crimes. "A death notice could be filed" is the change that was decided on. Fredericksen commented that the 10-year requirement for co-counsel was a little much. He suggested changing it to five. There was discussion on the team that is required to be assembled in a death penalty case. Alternate procedures for qualifying: Fredericksen suggested language changes to section bii) The members agreed to the suggested language. Monitoring and Removal: Term of Eligibility #3- Fredericksen suggested language after some discussion, the suggested language was agreed upon.

ED Simmons shared that the staff would assemble webinars to go over the rule changes to help educate stakeholders then hold the public meetings. Fredericksen moved that the standards be approved as amended, Trout seconded and the members voted as follows:

VOTE:

Eric Fredericksen, Member	Yes
Linda Trout, Member	Yes
Chuck Winder, Member	Yes
Darrell Bolz, Chair	Yes
Christy Perry, Member	Absent
Paige Nolta, Member	Absent
Shellee Daniels, Member	Absent

Item**Responsible**

- c. Oversight/Enforcement: ED Simmons shared Daniels' comments. She is in favor of the rule after some explanation was provided about the intent. Trout asked if the only change was the removal of the black letter comment. DD Jennings responded it was. Trout moved to approve the rule, Nolta second and the members voted as follows:

VOTE:

Eric Fredericksen, Member	Yes
Linda Trout, Member	Yes
Chuck Winder, Member	Yes
Paige Nolta, Member	Yes
Darrell Bolz, Chair	Yes
Christy Perry, Member	Absent
Shellee Daniels, Member	Absent

2:55pm Future Meetings -

Commission

- a. Next Meeting: September 13, 2017 @ 1:00pm
- b. Next Meeting Location: PDC Office - 816 W. Bannock Street, Suite 201, Boise, ID 83702

3:00pm Adjournment: Chair Bolz adjourned the meeting at 3:10pm.

Bolz

Attachments: FY219 Request Summary

Massoth Comments RE080717 Web Call

RULE Oversight Enforcement Creation Modification DRAFT2

RULE Standards for Defending Attorneys DRAFT2

Standards for Defending Attorneys DRAFT2