

# MEETING MINUTES

## STATE PUBLIC DEFENSE COMMISSION

*Date | time* 10/6/2015 1:00 PM | *Location* Nampa Public Library, 3rd Floor Board Room,  
215 12<sup>th</sup> Ave. South, Nampa, ID 83651

*Meeting* October Commission Meeting

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### Commission members present

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Molly Huskey, Chair, District Judge | Darrell Bolz, Vice Chair, Juvenile Justice Comm. | Sara Thomas, SAPD |  
Chuck Winder, Senator | William Wellman, Defense Attorney | Christy Perry, Representative

Nichole Devaney, Admin. Asst.

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### Commission members absent

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Kimber Ricks, Madison Co. Comm.

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### Others present

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Kathy Griesmyer, ACLU

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Item	Responsible
1. <b>Welcome and Call to Order:</b> The meeting was called to order at 1:15pm.	Huskey
2. <b>Approval of prior Meeting Minutes (8/19/15 &amp; 9/15/15):</b> Bolz motioned to approve the 8/19/15 minutes, Winder seconded, and the vote to approve was unanimous. Wellman requested a correction on page one of the 9/16/15 minutes (Patterson was misspelled). Bolz moved to approve with the correction, Wellman seconded, and the vote to approve was unanimous.	
3. <b>Executive Session</b> – Bolz moved for an executive session under section 74-206 for the purpose of discussing personnel matters, Thomas seconded. The executive session would be attended by the commissioners and administrative assistant. A roll call vote was taken with all present members (6) unanimously agreeing. The public session was adjourned at approximately 1:50pm.	Huskey
a. Personnel Matters –Executive Director Applicants Update – The members decided to suspend the search for a new Director until the roll of the Commission was decided by the Interim Committee. Devaney to draft a letter to inform the applicants. Wellman moved to come out of the executive session, Winder seconded all members unanimously agreed. Public session resumed at 2:27pm.	Devaney
4. <b>Discuss section VII.J.1b of the Suggested Contract Terms, finalize for submission to IAC:</b> Thomas proposed that ABA applet standards be used in this section of the terms, the NLADA standards are not specific to applet work. She suggested the term language read:	Thomas

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“Be familiar with ABA Standards for Criminal Justice: Prosecution & Defense Function, Standard 4-8.2 through 4-8.6.” Thomas motioned to add the passage, Winder seconded and the vote to approve was unanimous.

5. **Discuss temporary rules for Public Defender Training and Scholarship Qualification:** Thomas

Thomas asked if the commission’s preference was to have the rules remain temporary or go through the negotiated rule process. Perry stated that if they were not needed to conduct the planned trainings her preference would be to complete the negotiated rule process. Winder asked if the date had passed for submission in this session. Thomas indicated it had. Winder added that the legislature looks upon temporary rules with a jaundice eye. He further expressed that if the rules were necessary to award scholarships throughout the year until the rule process could be completed then he felt temporary rules may be needed until that process was completed. Judge Husky suggested that due to the lack of an executive director, the process to award scholarships was probably not something any of the members could take on at this point. Therefore it may be best to hold off on awarding scholarships. Perry moved that the negotiated rule process be completed for the training and scholarship rules, Thomas seconded and all members agreed. Perry agreed to head submission of the rules, she was advised to contact Adam Jarvis as he was already involved in the process.

6. **Interim Committee Recap:** Judge Huskey offered to provide a recap of the Interim Committee presentation. She began the presentation by explaining to the committee members that the Commission’s statutory requirements have been filled at this point. Indicating that without enforcement power there is nothing more the Commission can do. Perry commented that the committee members seem to have heard that point and that their next steps would be to figure out how to best go about it. Judge Huskey continued, explaining to the committee that the Commission would not be willing to take on any additional responsibility until some sort of state oversight system was in place. Bolz asked how the committee members responded to the suggestion of a state wide system. Thomas commented that while there didn’t appear to be any interest in a state run system, they did seem open to the possibility of a regional system. The next committee meeting will be on October 16<sup>th</sup> and Perry indicated that she anticipates the committee will look to the Commission for recommendations on legislation. Thomas asked if the standards referenced in the contract terms should be implemented as rules or statutes. She offered that completing the rule making process would likely be the best route as it would be much easier to make changes to rules than to have to change statutes. Adding, that as the Commission learns more about public defense there will be a need for changes to the standards. Perry shared that the committee members do feel now is time to make changes to the system. The real questions the committee faces at this point are down to funding and application.

7. **Future Meeting Schedule:** November 3, 2015 - Change meeting to November 5<sup>th</sup> at 1pm. An additional meeting needs to be scheduled for November 20<sup>th</sup> at 10am – Canyon County public meeting room was selected as the location if available.

December 1, 2015

January 5, 2016

8. **Agenda Items for Next Meeting:** Follow up discussion on Interim Committee Meeting

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Item	Responsible
9. <b>Next Meeting Location:</b> Conference Room B-09, Len B. Jordan Building, 650 W. State Street, Boise, ID 83702	
10. <b>Adjournment:</b> The meeting adjourned at 2:50pm.	Huskey

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Attachments:

- Suggested Contract Terms
- Public Defender Training and Scholarship Qualification
- ABA Standards for Criminal Justice: Prosecution & Defense Function, Standard 4-8.2 through 4-8.6