

# MEETING MINUTES

## STATE PUBLIC DEFENSE COMMISSION

*Date | time* 3/3/2015 1:00 PM | *Location* Office of the State Appellate Public Defender,  
3050 N. Lake Harbor, Suite 100, Boise, ID 83703

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*Meeting* Regular 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. | Kimber Ricks, Madison Co. Comm. | Sara Thomas, SAPD | William Wellman, Defense Attorney

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

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### Commission members absent

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Christy Perry, Representative arrived at 3:30 | Chuck Winder, Senator

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### Others present

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Marilyn Paul, Twin Falls Public Defender

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	<b>Item</b>	<b>Responsible</b>
1.	Welcome and call to order Called to order at 1:02pm	Huskey
2.	Approval of Meeting Minutes (1/28/2015; 2/3/2015): Mr. Bolz moved to adopt the minutes as presented, Mr. Wellman seconded, and the motion unanimously passed.	
3.	Proposed Bylaws: Mr. Wellman moved to adopt the bylaws as presented, Ms. Thomas seconded, and the motion unanimously passed.	Bolz
4.	Quarterly Budget Report: ED Thomson presented the Commission with a quarterly financial report. The Commission is also on schedule to utilize the allocated Trustee Benefits with the planned upcoming trainings.  Chair Huskey would like to see separate figures for the operating portion of the budget to include the total amount anticipated to be reverted. The Commission should look for ways to spend this money or it may be lost. ED Thomson suggested that given the current excess the Commission might consider sending some public defender leaders to a leadership seminar conducted by the NAPD. He suggested that invitations might possibly be extended to department heads within the institutional public defense offices. Chair Huskey responded that these opportunities should not only be extended to department	Devaney

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Item	Responsible
heads but also to younger staff whose leadership potential might be developed. Chair Huskey asked that ED Thomson send out some information about the trainings.	Thomson
5. Executive Director Report	Thomson
a. New Commissioner Appointment:	
Judge Huskey announced the appointment of Rep. Perry to the Commission. Rep. Perry is a sitting member of the Interim Committee as well as House Judiciary Committee.	
b. Ongoing confirmations of gubernatorial appointments:	
Mr. Wellman has been re-appointed he received his confirmation today. Mr. Bolz and Mr. Ricks have both had their hearings, and their votes are forthcoming.	
c. Budget Setting (JFAC, Thursday 3/5/15):	
The Commission's setting is scheduled for Thursday, ED Thomson will be present to answer any questions.	
d. Proposed renewal of Joint Interim Committee:	
Sen. Lakey proposed the continuance of the committee and there did not appear to be opposition. Afterward, ED Thomson spoke briefly with Sen. Lakey and suggested that they meet to discuss his understanding of the role of the Commission in conjunction with the standing Interim Committee. Sen. Lakey commented that he understood that where the PDC's statute required a report to the legislature, he understood the Interim Committee to be the appropriate body. Ms. Thomas expressed serious concern that the Commission needs to define their role to the Committee rather than allowing the Committee to do so. The Commission is a part of the Executive Branch and its role should be defined by the Commission itself, under the guidance of the Governor's office. Chair Huskey stated the Commission is still too new to bring legislation forward at this point. She suggested the Commission tie up some loose ends in order to establish a unified message as to what the Commission is about, so that when asked by the legislature ED Thomson can provide a clear, coherent message that represents the Commission's position. Comm. Ricks inquired about what the Governor's perception of the Commission was: Ms. Thomas stated that he is in support of Public Defense and would like to see the Commission succeed in making the public defense system better for the state.	
e. June IAC Meeting:	
ED Thomson said that the Commission is on the agenda, however, what specific day and time had not been set. Comm. Ricks stated that the Commission needed to decide what information it wanted relayed and that would dictate who would best make the presentation. Ms. Thomas suggested that the Commission take this opportunity to present the model contract terms and reinforce the message that the Commission is a resource for Commissioners. Chair Huskey suggested asking Dan Chadwick what he would like to see presented. ED Thomson said he would talk to Dan and bring that information to the next meeting. Comm. Ricks suggested that this opportunity allow the Commissioners to walk out with a complete understanding of what the Commission is all about. He further stated that county commissioners have repeatedly been warned that a lawsuit from the ACLU is likely on the horizon and this is of great concern. It would be valuable if the Commission could offer advice or insight regarding potential litigation. Comm. Ricks also	Thomson

recommended that the county commissioners be informed of what training the PDC is providing to public defenders. Chair Huskey suggested that in addition to the IAC meeting, the Commission should consider providing training for Commissioners down the road. Ms. Thomas suggested the PDC could develop a form for evaluating PD's that could be used by county commissioners. It was suggested that training topics be collected and possibly presented at the September IAC meeting.

ED Thomson confirmed that the 11<sup>th</sup> is the best date for the Commission, Judge Huskey stated she would need to know ASAP to clear her schedule.

6. Odyssey and Commission Reporting Requirements (Kevin Iwersen and Janica Bisharat, Idaho Supreme Court)—2 pm:

The Supreme Court representatives gave an overview of Odyssey and its implementation throughout Idaho over the next couple of years.

They anticipate that the specific data the PDC is looking for will all be available through Odyssey, or can be fairly easily collected by creating custom reports. Some of the data may require a development of specific codes for conflict attorneys, but they did not view it as insurmountable.

Odyssey is within months of beginning operation in Twin Falls County and there are some questions that need to be answered such as what is the process of assigning public defenders, how are conflict public defenders assigned, etc. Currently across the state there is a great variation in the process and that would need to be streamlined. Judge Huskey stated that she would prefer the request for changes to the process come from the Court Administrative Office to enable them to determine what process works best and that could become the standard. This would allow the courts to use consistent and uniform orders and processes.

Re: Additional Data. It would be ideal if requests for funding could be incorporated, including how often and whether those requests are granted or denied. Chair Huskey asked if it was possible to query off an event. The Odyssey team stated they would investigate that options to allow this type of data to be available to select users. Also addressed was what effect it would have if this specific information was available through Odyssey by an attorney or whether the annual reports would be the only vehicle where those custom reports would be available. Ms. Thomas suggested that if the reports were only available to select uses, the Commission might be able to run certain annual reports and distribute them to the affected Attorneys. ED Thomson stated that if Commission members have additional data that they would like included in the request being made of the Supreme Court, it would be helpful to have that information within three weeks from today.

7. Report on IACDL Board Meeting/Presentation

Wellman/  
Thomson

ED Thomson and Mr. Wellman spoke to the IACDL Board; a committee was established to work with the PDC on future trainings. It consists of several local attorneys and public defenders from across the state. ED Thomson also had the opportunity to present to the entire body the next day, compiling some of the presentations he had already made elsewhere. Questions asked by the attendees included: why should they be held accountable to anyone if the prosecutors are not? And what effect would qualification standards have on young attorneys who are already doing this work but might not qualify

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Item	Responsible
<p>under new standards. He hopes his message was that the Commission was there to help and that improving the system would be a combined effort that would take some time. Marilyn Paul praised the overall presentation and thought it was generally well-received by the public defender community.</p>	
<p>8. Discussion on Commission Training Hopes for FY 2016—in house or scholarship for outside trainings:</p>	
<p>a. Need to schedule and plan months in advance:</p>	
<p>ED Thomson suggested selecting October as the PDC’s individual training month. He would propose a trial college for new attorneys as part of that training. Judge Huskey agreed that training should occur in conjunction with prosecutor training to benefit the court. She also suggested combining with the State Bar. The item was tabled at this time for discussion at a future meeting.</p>	
<p>b. Desire to coordinate with IPAA on dates; IACDL, NJDC:</p>	
<p>ED Thomson distributed a yearly calendar, highlighting the dates for conferences of various other organizations. Part of the newly formed IACDL Committee will address how to work with them on future trainings. Training does need to be planned well in advance and there are some dates where partnering could occur when courts are already being shut down.</p>	
<p>9. Discussion of Caseload and Workload Studies: Judge Huskey suggested tabling this issue for the next meeting due to time constraints. Ms. Devaney will send copies of studies electronically to each of the members to read if they choose. ED Thomson will attempt a further reduction of the materials to include a side by side comparison.</p>	<p>Devaney Thomson</p>
<p>10. DOJ-Natl. Institute of Justice, “No Counsel Courts” inquiry:</p>	<p>Thomson</p>
<p>After the webinar ED Thomson attended today there is no possible way to be prepared by the April 15 due date for an original grant submission. Chair Huskey explained that she believed the grant proposed by David Carroll was simply seeking a site-endorsement for an already existing grant that he was submitting. ED Thomson would like to follow up with David Carroll to confirm. The members asked ED Thomson to verify the grant does not require any committed resources by the Commission. If it does not the Commission would likely support.</p>	
<p>11. Next meeting: April 7, 2015, 1 – 5pm.: JH suggested taking the entire day to draft the model contract terms. Members can come and go as they needed but the task could be completed in a day. The meeting will begin at 8:30AM.</p>	
<p>a. Agenda items for next meeting:</p>	
<p>At the beginning of the next meeting the Commission will briefly address the IAC meeting agenda. Items for future meetings: (1) strategic plan, (2) caseload/workload studies, (3) funding for experts/investigation in extraordinary cases, (4) North Carolina Study on how to evaluate public defender performance</p>	
<p>b. Next meeting location</p>	
<p>SAPD Office</p>	

12. Adjournment: Comm. Ricks made a motion to adjourn, Ms. Thomas seconded the motion, and the motion passed unanimously. The meeting was adjourned at 4:45 pm.
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Attachments:

-Bylaws

-Quarterly Budget Report

-List of desired data to be collected

-2015-2016 Training Calendar

-Caseload-Workload Study Summary