

# MEETING MINUTES

## STATE PUBLIC DEFENSE COMMISSION

*Date | time* 9/15/2015 1:00 PM | *Location* Len B. Jordan Building, Conference Room B-09,  
650 W. State Street, Boise, ID 83702

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*Meeting* September Commission Meeting

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### Commission members present

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Molly Huskey, Chair, District Judge | Kimber Ricks, Madison Co. Comm. | Chuck Winder, Senator arrived at 1:25pm | William Wellman, Defense Attorney | Christy Perry, Representative

Nichole Devaney, Admin. Asst.

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### Commission members absent

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Darrell Bolz, Vice Chair, Juvenile Justice Comm. | Sara Thomas, SAPD

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### Others present

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Kathy Griesmyer, ACLU | Eric Fredericksen, SAPD

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Item	Responsible
1. <b>Welcome and Call to Order:</b> Judge Huskey called the meeting to order at 1:00pm.	Huskey
2. <b>Approval of Prior Meeting Minutes (8/19/15):</b> Approval of the minutes was postponed until the next meeting to allow those members who were present an opportunity to review the minutes.	
3. <b>Executive Session:</b> Judge Huskey made a motion to move into an Executive Session as authorized by subsection 74-206F for the purpose of discussing personnel matters and an update on the pending litigation. The executive session would be attended by the commissioners only, with the exception that the administrative assistant could remain for the personnel discussion. A roll call vote was taken with all present members (4) unanimously agreeing. The public session was adjourned at approximately 1:05pm.	Huskey
a. <b>Personnel Matters – Review of Executive Director Applicants:</b> Mr. Folgerson application package would need removed from consideration as it was incomplete at the time of submission. In Mr. Wellman’s opinion the only viable applicants were Mr. James and Mr. Patterson. He is familiar with both candidates and offered his opinion on both. Comm. Ricks asked the members what they could learn from the previous director that would prevent similar issues. Judge Huskey offered that she would like to involve Dan Chadwick in the interview and selection process. The Commission will need someone who works well with the counties and Mr. Chadwick would be the best person to	

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provide that insight. Additionally she stated that the new director would need to be able to take direction well initially. The commission members have many years of experience with the legislature, the new director should be open to direction in that regard. Mr. Wellman shared that this person would also need the ability to delicately approach issues given the pending law suit and hurdles that face the commission at this time. Judge Huskey shared that she would like to see the commission reopen the position posting. Rep. Perry commented that she felt the position requires a great deal of administration she was not sure that an attorney after having practiced many years would be happy in an administrative role such as this. Judge Huskey and Mr. Wellman explained that some attorneys are more interested in the administrative side, these are the individuals that are comfortable working on policy, research and the like. The commission would need to find an individual such as this. Judge Huskey offered that in her opinion the current applicants have not shown interest in this type of work therefore they may not be the best fit. At this point the administrative assistant was excused and only the members remained for the litigation update.

**b. Update on Litigation from Judge Huskey:**

The public session promptly reconvened at 1:30pm at which time Rep. Perry motioned that the Executive Director position posting be reopened, Mr. Wellman seconded, and the motion passed unanimously. Reposting should be effective immediately, closing on October 5, 2015. The members would expect an update at the next meeting with the understanding that the posting had just closed. Judge Huskey requested that Ms. Devaney contact the current applicants and make them aware that the position would be reposted however they need not apply again. Their application packages would be considered along with any new packages received through reposting.

**4. Discuss section VII.J.1b of the Suggested Contract Terms, finalize for submission to Thomas IAC:**

Ms. Thomas was not present therefore the discussion was postponed until the next meeting.

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

The discussion was postponed until the next meeting due to Ms. Thomas absence.

**6. Joint IACDL Sun Valley Conference Update:** Ms. Devaney summarized that IACDL Devaney has agreed to partner with the Commission on the Sun Valley Conference to be held March 4 and 5, 2016. The commission will be responsible for paying IACDL \$15,525 regardless of the number of attendees up to 104. Any additional attendees over 104 will be at a cost of \$150.00 per registrant. The PDC would cover the cost of registration and two night's hotel for all attendees who register through the PDC. Participants traveling a distance of 200 – 300 miles would also receive a travel allocation of \$150.00

those traveling a distance greater than 300 miles would receive \$300. IACDL holds a dinner on Friday evening, this is typically included in the price of registration however, for PDC registrants it would be at an additional discounted cost. Rep. Perry asked if the conference is in line with training topics the commission has previously provided. Mr. Wellman assured her it was a very well done conference and would be valuable to all PD's.

7. **Addition to Agenda:** Judge Huskey asked if the Commission could discuss the Interim Committee Meeting scheduled for Friday, September 18<sup>th</sup>. She shared that she had been asked to provide an update on the Commission that should include requests for additional services/assistance the Committee could provide to help the Commission to be successful in its charge. After much discussion the following topics were suggested:

- Statutory modification to address training funding and the ability of the Commission to conduct training programs.
- Provide the Commission enforcement capabilities – contract terms, standards and qualification requirements will not be effective if counties are able to opt out. The addition of enforcement to the Commission's charge will require additional staff and resources.
- Provide information on a state funding mechanisms. The following three models would be suggested: a) state administered funding from one location/agency, b) a regional funding program administered at the district level or c) leaving funding at a county level subjecting it to a cap.

Sen. Winder moved that Judge Huskey present on the three points suggested, Mr. Wellman seconded, the motion passed unanimously.

Judge Huskey voiced her concerns about the length of time it may take to find an Executive Director. She felt the Committee will need to be aware of the constraints the Commission maybe under due to the lack of staff as they relate to the Commissions goals for the year.

8. **Set Future Meeting Schedule:** The meeting schedule has been set through December. Jan. 5, 2016 was the only additional date added to the schedule.

9. **Agenda Items for Next Meeting**

- a. Executive Session: Personnel Issues – Applicant update
- b. High Quality Representation in Child Welfare Case (Debra Alsaker-Burke): Judge Huskey requested that Ms. Devaney contact Debra Alsaker-Burke to invite her to present at the 10/5 meeting.

Devaney

10. **Next Meeting Location:** Nampa Public Library

The members then decided that the next meetings should be held as follows: The November meeting in Boise at the LBJ Building & December's in Nampa at the Public Library.

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Item	Responsible
11. <b>Adjournment:</b> Mr. Wellman motioned to adjourn, Judge Huskey seconded the motion passed unanimously. The meeting adjourned at 3:10pm.	Huskey

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Attachments:

- Suggested Contract Terms
- Public Defender Training and Scholarship Qualification
- Memo of Understanding with IACDL