

# **The Virginia Indigent Defense Commission**

Commission Meeting  
1604 Santa Rosa Road, Suite 200  
Richmond VA 23229  
December 8, 2016

Judge Alan Rosenblatt called the meeting to order at 11:05 am. Other Commission members in attendance were Steve Benjamin, Karl Hade, Judge Edward Hanson, Jim Hingeley, Guy Horsley, Kristen Howard, Professor Henry (Hank) Chambers, and Professor John Douglass. Members not present were Senator Richard Stuart, Delegate Chris Collins, Carolyn Grady, David Walker, and Carmen Williams. Administrative staff in attendance included Executive Director, David Johnson; Deputy Director, Maria Jankowski; Human Resources Director, Cindy Bullock; and Administrative Assistant, Diane Pearson.

Quorum requirements have been met.

The first order of business is approval of the agenda and minutes.

Mr. Benjamin made a motion approving the agenda and minutes. Ms. Howard seconded the motion. The motion carried.

The next order of business is election of officers.

Judge Hanson reported that the Executive Committee met earlier to consider officers.

Mr. Benjamin moved that Judge Rosenblatt remain as Chairman and Professor Douglass remain as Vice Chairman. Mr. Hade seconded the motion. The motion carried, with Judge Rosenblatt abstaining.

The next item on the agenda is the budget update.

Ms. Jankowski said the first chart is the entire agency. The second chart is listed by service area and we have four service areas. The first is Criminal Indigent (the Public Defender offices), the second is Capital Indigent (the Capital Defender offices), the third is Legal Defense Regulatory Services (Standards of Practice and Certification), and the fourth is Administration.

We are on track and where we need to be as far as meeting our biggest budget items which are the personnel costs. This report is about a month behind as we do not have all of November numbers. The first big section is the 1100 series and is everything that relates to personnel costs; our people, salaries, benefits, and retirement. This represents nine pay periods to date.

Our second biggest budget item is rents. We do not budget for an entire twelve months because we prepaid rents at the end of our last budget and only budgeted for six months this year. It may appear there is more money spent in rents the beginning of the year, however, if we cannot get them all paid in June we catch up on a few of them in July.

Mr. Johnson added that we have thirty three separate leases.

The other big item to note is a new telephone system. We were given an appropriation for this and it has been purchased and is reflected in the budget.

There was discussion regarding the state budget.

The next item on the agenda is the Personnel Committee report/recommendations.

Mr. Johnson said the Newport News public defender office has three investigator positions and one of those positions has been vacant for a while.

The Leesburg office has a satellite office in Warrenton. Although the two offices are only forty miles apart the commute between them can be over an hour drive because of traffic. They have five attorneys, an investigator, and two secretaries, but what they do not have is a sentencing advocate.

Our proposal to the Personnel Committee was to take that unused investigator position in Newport News and move it to Warrenton as a sentencing advocate position. There is a difference in salary of not even two thousand dollars. The Personnel Committee voted to recommend this to the full Commission.

Judge Hanson made a motion to move the investigator position in Newport News to the Warrenton office as a sentencing advocate position. Mr. Horsley seconded the motion. The motion carried.

The next order of business is closed session.

Judge Hanson moved that the Virginia Indigent Defense Commission convene in closed session to discuss personnel issues pursuant to the personnel exemption contained in §2.2-3711(A) (1) of the Code of Virginia.

This meeting will be attended only by members of the Commission, however, pursuant to §2.2-3712 (F) of the Code of Virginia, the Commission also requests the attendance of the Executive Director, the Deputy Director, and the Human Resources Director because it is reasonable to believe that their presence will aid the Commission in its consideration of the matters that are the subject of the closed session. Mr. Benjamin seconded the motion. The motion carried.

After reconvening in open session, Judge Hanson called for a roll-call vote asking that each Commission member certify that, to the best of his or her knowledge, during closed session the Commission heard, discussed, or considered only public business matters that were lawfully exempted from open meeting requirements under the Freedom of Information Act.

Each member so certified.

The next item on the agenda is the training update.

Mr. Johnson said twelve senior trial attorney positions were reclassified last year. These positions were previously APD II positions. The selected attorney's biographies are in the meeting materials along with a summary chart of their accomplishments the first year. They are increasing their expertise, some are conducting trainings, and a couple of them are working on state-wide panels. It has been very successful. We are very pleased. The Commission had authorized us to reclassify upwards of another twelve positions this year. We are holding on to see what happens with the budget because this does have a fiscal impact.

Mr. Johnson said we are trying to have the offices look at the way they are currently doing things. Gideon's Promise is a phenomenal training program based in Atlanta. It is more than

a training program; it is about how to get people to stay as public defenders, to make it their career. The core program is three years, Gideon's Promise pays for two-thirds, we pay a third. It is two weeks of training for about forty young public defenders from around the country.

We sent some of the seniors to leadership training. Mr. Johnson's goal is to have all the chief public defenders exposed to this.

Another training we held was Shark A.T.A.C. This is a more advanced training. It is three days of advanced skills training that is a reward for attorneys who have been with us a few years.

NAPD (National Association for Public Defense) has great webinars. Examples of their offerings are expert interviewing techniques and storytelling in jury trials.

We are redrafting our mission statement and inviting the field offices to participate. We will hopefully have some suggestions that will reflect our core value by the March Commission meeting.

Our standards of practice is still evolving, the certification training is going live and will be held several times a year. The new attorney boot camp is going on right now, this week. We have twenty lawyers who were hired recently here for that. Mr. Johnson had the opportunity to meet some of them and talk with them about being an assistant public defender.

With the Commission's support we initiated the appellate coordinator positions through Catherine French Zagurskie who has lifted the bar for appellate work to the point where it does not even resemble what it once was.

Our new resource attorney, Ashley Shapiro, is fantastic. She has been to almost all of the offices now doing training on immigration consequences of criminal convictions.

Ms. Jankowski said in the meeting materials is the VIDC 2016 Re-entry report that was compiled for the Governor's office and is part of a larger re-entry report public safety does. We make up a quarter of the report. This is feedback from each public defender office on what each office is doing for re-entry. A lot of this is well above just representing someone a day in court.

Mr. Johnson added that the sentencing advocates are the folks who are driving most of this. What we want to do is to help our clients to not return. A lot of it is re-entry work and holistic defense.

There was no further business.

Judge Hanson made a motion to adjourn. Ms. Howard seconded the motion. The motion carried.

The meeting adjourned at 1:25 pm.

Respectfully Submitted:

Approved By:

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Diane Z. Pearson, Administrative Assistant

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David J. Johnson, Executive Director