

The Virginia Indigent Defense Commission

Commission Meeting
1604 Santa Rosa Road, Suite 200
Richmond VA 23229
September 14, 2017

Judge Alan Rosenblatt (ret.) called the meeting to order at 11:10 am. Other Commission members in attendance were Karl Hade, Judge Edward Hanson (ret.), Kristen Howard, Professor Henry Chambers, Professor John Douglass, Delegate Chris Collins, Jim Hingeley and David Walker. Members not in attendance were Steve Benjamin, Carrie Grady, Guy Horsley, Senator Richard Stuart, and Carmen Williams. Administrative staff included Executive Director, David Johnson; Deputy Director, Maria Jankowski; and Office Manager, Diane Zubke.

Quorum requirements have been met.

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

Judge Hanson made a motion approving today's agenda and the June 8th meeting minutes. Delegate Collins seconded the motion. The motion carried.

The next order of business is public defender recognition.

Mr. Johnson said Melinda Douglas celebrated her 30th anniversary July 1st. Melinda opened that office. There is a nice article in the meeting materials from the Alexandria Gazette about Melinda and the office. We will be acknowledging Melinda and the office at the annual conference in October.

Tim Coyne, our Winchester Public Defender has been selected as one of the leaders in law by Lawyers Weekly this year. Tim in addition to being great at his job as the public defender, he has also been involved in a state-wide effort to combat heroin.

In the meeting materials is a copy of the Virginia Champion Newsletter for the Virginia Association of Criminal Defense Lawyers because Vikram Kapil our Deputy Public Defender in Martinsville has been elected President of the association for the coming year.

Mr. Johnson said he has been volunteered to be co-chair for the Virginia Criminal Justice Conference for the next two years. Starting in the fall he will be taking over those duties.

Also, in June you approved our new mission statement that has been well received in the public defender offices. Our Fredericksburg office had a sign made and has it in the waiting area of their office.

In the meeting materials is a document called "Take This Book" and is now in the waiting area in the Richmond Public Defender Office. It is a resource for clients and families with a lot of helpful information.

Tracy Paner the Public Defender in Richmond accompanied Mr. Johnson to the National Association of Public Defenders Leadership Conference and this was one of the ideas received there.

The next order of business is scheduling meeting dates for 2018.

Ms. Jankowski said the meetings have always been on Thursday. The days being proposed are Tuesdays. The reason for the change is because Mr. Johnson serves on the board for DCJS, he is the only defense representative and their meetings have been coinciding with ours for the last two years.

The proposed dates for 2018 are as follows:

March 20th
June 19th
September 25th
December 11th

Mr. Hingeley made a motion approving the proposed dates for 2018. Ms. Howard seconded the motion. The motion carried.

The next order of business is the annual report.

Ms. Jankowski reported that a significant portion of the annual report is dictated by statute. The area where we have the most ability to update what we have been doing is in the beginning. There is an update on the public defenders. Also an update on training and we use that opportunity to mention our accomplishments. We have been taking huge steps to get more training to the private bar and that is reported here.

The most onerous part of this is Appendix B the state comparison chart. This is a comparison of public defense compensation across all fifty states.

There was discussion regarding the annual report and the comparison chart.

Discussion continued with a few minor corrections to the annual report.

Mr. Hingeley made a motion approving the annual report subject to the corrections being made. Mr. Walker seconded the motion. The motion carried.

The next order of business is the budget update.

Ms. Jankowski said the September meeting does not have a lot to discuss on the budget because we are only two and a half months into the fiscal year.

Last fiscal year we ended with \$108,690 and have already received that money back from the state.

The entire budget is in the meeting materials. There is an agency total and is then divided out among the service areas. This is last year's budget and how we ended the fiscal year.

A few things we would like to do going forward. The first relates to our Roanoke office. We are bringing this to the Commission's attention because the cost exceeds Mr. Johnson's authority. The carpet in the Roanoke office is nineteen years old. We will have to bid it out but anticipate it will cost between \$25,000 and \$30,000.

Judge Hanson made a motion approving the expenditure for new carpet in the Roanoke office. Delegate Collins seconded the motion. The motion carried.

Judge Hanson moved to increase Mr. Johnson's spending authority to \$25,000. Mr. Walker seconded the motion. The motion carried.

Ms. Jankowski said we are requesting the General Assembly to consider appropriating money to purchase new computers this year. Our computers have not been replaced for five years and are starting to fail. They have a defect where the fan is not cooling, hinges are breaking. We had a thirty day period this summer where nine hard drives failed.

Mr. Johnson added we have consulted DPB (Department of Planning and Budget) on this. We are past the point where they expect state agencies to not refresh their computers.

There was discussion regarding the computer issues and replacement.

The next order of business is the training update.

Mr. Johnson said our training calendar in the meeting materials shows our training schedule for the year.

Sprout Video is a platform for court appointed attorneys to access recorded CLE's we host. This allows attorneys across the state to do some of their CLE training at their desktop at no cost to them. This is something we do to help the court appointed bar who cannot get here for our trainings.

We host late day lectures Friday afternoons most months and we get a full crowd of lawyers but they are mostly local. We are recording the lectures and now have the platform to get these trainings out to those who cannot attend.

Shark A.T.A.C was here the last three days. This is our advanced trial skills program. It is for attorneys who have been with us for three to five years. This is run completely by our deputies. We had ten faculty members and twenty students. It is a pretty intensive training and a good program.

The appellate conference is held mainly for the private bar. It is unique because it is set in a workshop setting with appellate judges. We have done this several times and will continue.

A couple years ago the capital qualifications changed and required some certification training. We are at the two year mark and just repeated that training. We also had to do capital habeas certification training.

The annual conference is in October; the agenda is in the meeting materials. Everyone is invited. Philip Hirschkop is our lead off speaker.

If anyone is interested in attending please let Maria know.

There was discussion regarding training and further discussion on problems with juvenile representation.

Ms. Jankowski said the problems are not new to us. The court was kind enough to push out a survey to juvenile judges to give us some feedback on where the deficiencies were to help us. We take this very seriously. Two of the senior trial attorneys the Commission gave us specialize in juvenile law. Last year they developed a great training free for the court appointed attorneys in the Tidewater area.

Mr. Johnson added for juvenile CLE four hours of training are required. To get certified initially six hours of criminal training is required and four of juvenile. Every two years an attorney has to certify he/she has taken the requirement. We accept a broad range of training but we do not accept guardian ad litem training.

Since our immigration resource attorney started in April 2016 she has consulted on 538 cases in our system and has been a huge success. In addition to that she has physically gone to twenty two of the twenty five offices and conducted half day trainings in each of those offices. She has presented at the annual public defender conference and will again this year. She has also presented at late day lectures.

Cair Coalition is the resource for attorneys other than public defenders.

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 and Deputy 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. Delegate Collins 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.

Mr. Walker made a motion to authorize the executive director to recruit and hire a policy analyst. Ms. Howard seconded the motion. The motion carried.

There was no further business.

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

The meeting adjourned at 1:00 pm.

Respectfully Submitted:

Approved By:

Diane D. Zubke, Office Manager

David J. Johnson, Executive Director