

## **The Virginia Indigent Defense Commission**

Budget Committee Meeting  
1604 Santa Rosa Road, Suite 200  
Richmond, Virginia  
May 09, 2017

Judge Edward Hanson (ret.) called the meeting to order at 10:58 am. Other Commission members in attendance were Kristen Howard and Judge Alan Rosenblatt (ret.). Committee members not present were Steve Benjamin and Senator Richard Stuart. Administrative staff included Executive Director, David Johnson; Deputy Director, Maria Jankowski; and Administrative Assistant, Diane Zubke.

Quorum requirements have been met.

The first order of business is to approve the meeting minutes.

Judge Rosenblatt made a motion approving the May 11, 2016 meeting minutes. Ms. Howard seconded the motion. The motion carried.

The next item on the agenda is the FY17 budget update.

Ms. Jankowski said in the meeting materials is a spreadsheet titled FY17 expenditure forecast. The first column is what was budgeted this year including the DPB (Department of Planning and Budget) adjustment to reflect changes in health care costs, retirement, and other costs beyond our control.

The next column is what we have actually spent to date. The next column is the April to June forecast. The final column is what is expected to be expended in this fiscal year.

We have enough money to pay our bills. We are going to ask your permission to prepay rent. Eleven months is what is budgeted in this forecast. As a reminder Mr. Johnson said every year we prepaid rent.

There was discussion regarding annual leave and payout.

This forecast only reflects through March. We will be able to give you the full forecast at the June Commission meeting and will include April and might have the first pay period of May. This forecast has nineteen pay periods with five more forthcoming.

We will need to purchase a backup router and it requires permission for Mr. Johnson as the cost is more than his expense limit.

Judge Rosenblatt made a motion to approve the purchase of a backup router and the components that accompany it. Ms. Howard seconded the motion. The motion carried.

Judge Rosenblatt moved to authorize Mr. Johnson to prepay up to eleven months rent. Ms. Howard seconded the motion. The motion carried.

The next item on the agenda is FY18 budget.

The FY18 budget is presented in two formats. One is by account and is the entire agency collectively but gives a historical perspective. It reflects FY14, 15, 16 actuals and FY17 actuals through March.

The other format is the service areas and is how the General Assembly and DPB present our budget.

We have four service areas.

32701 Public Defender Offices

32702 Capital Defender Offices

32703 Regulatory – Standards of Practice Enforcement and Certification

32722 Administrative

Ms. Jankowski said the only possible material difference that may occur between now and the June meeting is that when this budget was prepared for next year the three percent increase was worked in to it. The caveat is we have not actually received what that amount is yet. We think this budget is a very accurate estimate on what our new salary line item will be. This might have to be adjusted once we get the figures from DPB.

Ms. Jankowski then outlined adjustments that are encompassed in the proposed budget.

One thing we would like to ask the full Commission is we would like two fellowships. We feel very confident that we have the money and is reflected in the line item Wages, General.

By way of examples Mr. Johnson noted that some law schools offer fellowships that allow for after a person takes the bar they can work in a public service organization and get paid a stipend for four months. The hope is that the organization will be able to hire them at the end of the fellowship. Annually, we have approximately five or six fellows being placed in public defender offices. The law schools like using us because we tend to give the fellows jobs afterward if they do a good job. The problem the fellowships hope to address is the difficulty in recruiting top candidates when we cannot offer a position until they are admitted or until a position becomes vacant.

We actually have a tentative candidate lined up for September for the Norfolk office pending Commission approval.

The idea is to do two of these at \$16,000 each.

There was discussion regarding position availability for a fellow.

Judge Rosenblatt made a motion to authorize the Executive Director to create the fellowship program and hire up to four fellows. Ms. Howard seconded the motion. The motion carried.

There was discussion regarding the allocation of funds in different areas.

Mr. Johnson explained this spreadsheet is capturing every category that had expenditures the last four years. We are trying to move expenses to better account numbers and combine expenses that are related.

Ms. Jankowski continued. In the category "Employee Training/Workshop/Conferences" we are asking to budget a greater amount of money. Part of that is because we really want to heavily invest in training. A portion of this money is to pay for four folks to go to a Gideon's Promise Core Training program this summer. Three of these people already work for us. One is a Gideon's Promise one year fellow awarded to the Portsmouth office. That attorney is awarded to us for a year at no cost. We have to pay to send that lawyer to the core training program and then back every six months. This is still a savings over the cost of salary.

There was a huge applicant pool and people are coming to us through Gideon's Promise from around the country. To qualify to host a fellow in your office you are required to be a partner office. That means the public defender needs to have gone through the training as well as an assistant through CORE. This is why we are sending these people because we want more offices qualified and can get more fellows.

There was discussion regarding the advantages of hiring fellows.

Mr. Johnson attended a Gideon's Promise leadership program and they had a graduation. The graduation is three years after the class had gone through the CORE program. There were sixty students, the biggest class ever. After three years fifty eight were still in their public defender office and one had been killed in a car accident. So they lost one person out of the sixty. This is who we want coming into the system, people who really want to do this and will stay with us. Hiring people who will stay saves training costs long term.

Ms. Jankowski said the fellow in Portsmouth is graduating from GW. The way they do their fellowship works really well with how our agency runs. They are willing to work with us with the finances in a way with how the state works. They are a good partner.

Ms. Jankowski continued with the budget.

Travel training bumped up a bit for these same reasons.

Another example is office supplies line item is now combined with stationery. Skilled services line item is bumped up because we need to cover three general items. The first is when the IT director was replaced, this line item is to contract out for our IT security audit piece. This alone is about \$30,000 but covered by the salary difference. Also, as we deploy the voice over IP system across the state we will be contracting with some people locally to help with the regional installs. Finally we will be spending some money with Google to migrate our email system. This will bring everybody under the same domain and will require some man power work.

The last item is worked into the salary line item. We continue to budget for the senior trial attorneys that the Commission approved the last two years. These are not new additional positions simply reclassifications from APD II positions. We continue to budget for twenty four although we only have fourteen of those positions presently filled. We will only fill if there is a truly deserving candidate and need.

The line item telecom services (VITA). This is cost related to the new phone system. Some of the old system costs go down substantially.

These are the material differences we wanted to bring to your attention.

There was discussion regarding rents.

Ms. Jankowski added this budget is cautious and reflects paying six months' rent even though our hope is to have prepaid.

Mr. Johnson said that after this year we will need to start planning for a computer refresh along with copiers.

This is the proposed FY18 budget. In addition to the material changes we would like to discuss staffing changes in a couple offices.

Fairfax has two secretary I positions but need one secretary II. Martinsville is in need of a secretary I. This was an opportunity to help both offices. The difference between a secretary I and a secretary II is almost identical to a secretary I in northern Virginia and a secretary outside of northern Virginia. We would like to take a position and move it to Martinsville and take a I position in Fairfax and make it a II. The differences in salaries are approximate based on the starting salaries. A secretary I in northern Virginia makes the same as a secretary II everywhere else. There is no cost to this request.

The second staffing request is, when we added a sentencing advocate to every office Bedford with only four lawyers under filled their position at our request. They have one part time sentencing advocate. Fredericksburg needed a sentencing advocate in juvenile court. We are not able to give them a full time position but we are able to give them the other half of the position in Bedford. There is no cost differential just meeting the needs of these two offices.

There are twenty lawyers and two investigators in Fredericksburg. One is a II which is great because our investigator II's can work as many hours as required, they are exempt. The investigator I can only work forty hours, he is non-exempt. The request is to change the I to a II. There is a bit of money involved but it is a client representation issue.

In doing our analysis we found there is the same situation in Virginia Beach. We do not want to have an investigator I assigned to a huge number of lawyers.

An investigator makes \$39,125, an investigator II makes \$47,476. It will not be that much because one investigator already makes \$41,999 and the other makes \$42,000.

We do not have any part time investigators.

Ms. Jankowski said Virginia Beach has twenty five lawyers and handles about 9000 cases a year with only two investigators. Richmond has twenty nine lawyers with 10,000 cases with four investigators.

Mr. Johnson explained when he was first executive director it was up to the public defender to request additional positions and the public defender at that time never requested any additional.

Fredericksburg has twenty attorneys with two investigators and carries between 6000 and 7000 cases a year. Fairfax has about the same case load with twenty one attorneys and three investigators.

The end of the fiscal year is when we ask the public defenders what they might need and is when we look at the caseloads to report them to the General Assembly, the Commission, and several others. This is included in the annual report. Those are statutory mandates. This works well because we look at the budget at the same time we are looking at the caseloads.

We are looking at big trends like four to five years of data. If there is a steady decline in caseloads we suggest when there is an attorney opening not to fill it and we freeze that position. We then figure out what to do.

These are the only staffing changes.

Ms. Howard made a motion to recommend the following staffing changes to the full Commission: Move a secretary I position from Fairfax to Martinsville, move a secretary I to II in Fairfax, move a part time sentencing advocate position from Bedford to Fredericksburg and an investigator I to II in both Fredericksburg and Virginia Beach. Judge Rosenblatt seconded the motion. The motion carried.

There was discussion regarding health care cost adjustments.

Mr. Johnson said he believes the purchase of receptionist phones has already been approved.

Ms. Howard moved to approve procuring \$25,000 for receptionist telephones. Judge Rosenblatt seconded the motion. The motion carried.

There was discussion regarding library storage of files.

There was no further business.

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

The meeting adjourned at 12:20 pm.

Respectfully Submitted:

Approved By:

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Diane D, Zubke Administrative Assistant

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David J. Johnson, Executive Director