

## **The Virginia Indigent Defense Commission**

Commission Meeting  
1604 Santa Rosa Road, Suite 200  
Richmond VA 23229  
December 7, 2017

Judge Alan Rosenblatt (ret.) called the meeting to order at 11:10 am. Other Commission members in attendance were Judge Edward Hanson (ret.), Kristen Howard, Professor Henry Chambers, Professor John Douglass, Delegate Chris Collins, Jim Hingeley, Steve Benjamin, Carrie Grady, Guy Horsley, and Carmen Williams. Members not in attendance were Karl Hade, Senator Richard Stuart, and David Walker. Administrative staff included Executive Director, David Johnson; Deputy Director, Maria Jankowski; Budget and Finance Director, Denise Sandlin; 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 September 14<sup>th</sup> meeting minutes. Ms. Howard seconded the motion. The motion carried.

Mr. Johnson introduced Denise Sandlin our new Budget and Finance Director.

The next order of business is the budget update.

Ms. Jankowski said in the meeting materials the first document in the budget tab is the 2018 budget by account and this represents the entire agency line by line. The salaries line item is our biggest expense and everything above is the attenuated costs of our employees. This represents less than half of our pay periods through two pay periods in November.

We are where we need to be with the budget.

The second set of documents is the FY2018 budget by service area. This is the same information just in a different format. As a reminder the service areas are: Public Defenders, Capital Defenders, Legal Defense Regulatory Services, and Administration. Legal Defense Regulatory Services is the standards of practice enforcement and investigation. This is just a different way of reporting the exact same information.

In the last meeting we asked the Commission to approve an expenditure for new carpet in the Roanoke office because we thought it would exceed Mr. Johnson's spending authority and the cost turned out to be about half of what we expected.

There was discussion regarding health care costs and appropriations.

The next item on the agenda is the Personnel Committee Report.

Professor Douglass said the Personnel Committee would like to recommend to the full Commission to move a part time secretary I position to the Staunton Public Defender office.

Mr. Johnson added that several years ago the Commission asked us to track caseloads in the offices and when we can, reallocate positions from an office whose caseload has perhaps gone down. We have an opportunity in the Staunton office to do that.

Ms. Jankowski said that a secretarial position in Fairfax had remained unfilled and we determined it was not needed. The Commission approved moving the position to Martinsville with the understanding that it would be under filled as a part time position giving us the freedom to move the remaining half of that position to another office that needed it.

Delegate Collins made a motion to move a part time secretarial position from the Martinsville Public Defender Office to the Staunton Public Defender Office. Judge Hanson seconded the motion. The motion carried.

The next item on the agenda is the training update.

Mr. Johnson said the first document in the training materials is a listing of CLE trainings for court appointed counsel and covers a period of about eighteen months. The history of this is when we started certification the push back was we required the CLE hours and attorneys wanted help getting those hours. We have tried to make more training available to the private bar. During this period we have had 1508 members of the private bar do some type of training that we have either done ourselves or cosponsored. Part of our mandate was to help attorneys get CLE hours. This list includes 334 separate CLE hours and 12.5 ethics hours.

We are trying to expand training all the time.

We have obtained the Sprout Video subscription which is growing slowly. We have been recording our late day lectures and now have them on Sprout Video. Sprout Video is an online replay library available to all certified court appointed attorneys and public defenders. We are up to 73 unique user accounts and have fourteen offerings they can choose. This can be done in their offices. There is a window of time they can view the videos. It is free to the attorneys and low cost to us. Since July there have been 273 viewings.

Ms. Jankowski added the reason we went with this platform is it is very inexpensive, it is password protected, and has the ability for us to be able to tell whether the person did in fact play the video which is what the bar required from us.

There was discussion regarding CLE's and related costs.

Mr. Johnson continued. Live certification training is a big deal. It had been a mind numbing experience of a day and a half. Every other year we would have to re-record it.

Three times a year now we do live certification trainings. We held one last week with seventy attorneys. We have a recorded version but we are going to continue to have the live trainings. It is very labor intensive but one of the things we like about it is the vast majority of it is taught by our people. We have found when it is our folks we have a lot more luck in getting the materials from them and getting them to practice. It also highlights the talent we have within our system and is also good for the lawyers to be invited to do it.

Several folks in the administrative office have gotten very involved in giving some of the trainings. For the week leading up to the training they are here practicing.

Ms. Jankowski added the attorneys who do this are from all of our offices not just Richmond.

We had our office manager conference recently, which is really a big deal because they are very important to us.

We had our investigator conference shortly after that and two of the late day lectures.

We did all of these conferences including the annual public defender conference without our lead training attorney. We are very proud of everybody here and kudos to those who stepped up and helped out.

We hired Alison Powers as our new Training and Enforcement Attorney, she starts January 3<sup>rd</sup>.

The next item in the meeting materials is the senior trial attorneys.

A couple years ago we asked permission to reclassify twelve trial attorney positions to senior. This allowed us to move these attorneys up to senior positions but require them to develop an area of specialization or concentration. We have been keeping tabs on this and asked them to send us a report of their activities in the last year.

Ms. Jankowski added that Annette Miller in Virginia Beach was asked on behalf of the transition team to be involved on policy workgroup for mental health. She is the go-to person in the tidewater area.

Mr. Johnson said she is the type of person we are trying to keep in our system and also helps us direct them to trainings.

Most of the trainings we do are populated with our senior trial attorneys. They have become our trainers. We just designated three more senior trial attorney positions and that brings us to fifteen. The Commission authorized us to have up to twenty four.

Next week is our new attorney trial skills boot camp; we have really worked hard to improve this. It is very labor intensive and is small group work. We would like to have four permanent faculty members to help with the training. These people are getting trained to train. Having the same faculty every six months is going to make a big difference.

Ms. Jankowski said both Kim Stover and Ryan Ramstad are trainers and the new one is Brad Lindsey.

Ryan actually went through the Gideon's Promise training.

Mr. Johnson said Tim Coyne, our public defender in Winchester had been named a leader in law by Lawyers Weekly but he has been named The Leader of the year. This is a first for our system.

Ms. Jankowski said in the meeting materials is a copy of the VIDC 2017 Re-Entry Report. Every year we are required to do a re-entry report. There are many state agencies that are required to do this report. We are the biggest chunk of the report. This is a report on what all twenty five public defender offices are doing in their community to support re-entry. It is very impressive what these folks are doing. They go well beyond representing someone in court.

The entire governor's report is available on the governor's website.

There was discussion regarding re-entry.

The next item on the agenda is closed session.

Professor Douglass 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. Ms. Williams seconded the motion. The motion carried.

After reconvening in open session, Professor Douglass 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.

There was no further business.

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

The meeting adjourned at 12:30 pm.

Respectfully Submitted:

Approved By:

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Diane D. Zubke, Office Manager

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David J. Johnson, Executive Director