

The Virginia Indigent Defense Commission

Commission Meeting
1604 Santa Rosa Road, Suite 200
Richmond VA 23229
March 19, 2019

Judge Alan Rosenblatt (ret.) called the meeting to order at 11:05 am. Other Commission members in attendance were Steve Benjamin, Professor John Douglass, Carolyn Grady, Kristen Howard, Jim Hingeley, Karl Hade, Carmen Williams, and Judge Edward Hanson. Members not in attendance were Professor Henry Chambers, Senator Richard Stuart, Delegate Chris Collins, Guy Horsley, and David Walker. 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.

Mr. Benjamin made a motion approving the agenda and previous meeting minutes. Ms. Williams seconded the motion. The motion carried.

The next order of business is the budget update.

Ms. Jankowski said the budget is presented in a couple different formats, all of the same data just in different formats. The data reflects seventeen pay periods with seven remaining in the fiscal year. This is the biggest bulk of our budget.

We have a couple items in the budget that require the Commission's approval.

The first is approval for expenditure for Microsoft license.

Judge Hanson made a motion approving the expenditure for Microsoft licenses. Ms. Howard seconded the motion. The motion carried.

Ms. Jankowski said in the past the Commission has delegated to the Budget Committee the authority to approve end of year expenditures. We do not know if we will need this but would like to be prepared in case we do.

Mr. Benjamin made a motion granting authority for the Budget Committee to approve any end of year expenditures exceeding Mr. Johnson's authority. Judge Hanson seconded the motion. The motion carried.

Ms. Jankowski said there is a raise for state employees in the budget that the Governor should sign next week. There is a second tier for people who have been with the agency three years or longer that is being called merit. Because we are not executive branch we have to go to our Commission and the Commission has to recognize that our people qualify for the raise.

Judge Hanson moved that the Commission certify to the Department of Human Resources Management (DHRM) that all eligible employees of the Virginia Indigent Defense Commission are performing at the level of at least meets expectations. This rating is comparable to contributor. Mr. Benjamin seconded the motion. The motion carried.

Ms. Grady made a motion to give authority to the Budget Committee to make a decision regarding how we can give Mr. Johnson a raise and to what degree beyond the across the board 2.75 percent. Mr. Hingeley seconded the motion. The motion carried.

The next item on the agenda is the Policy Committee recommendations.

Ms. Jankowski said the Policy Committee met and reviewed the proposed procurement policy that is before you. We do not have to follow the state's procurement manual but we do have to follow the procurement act. We have researched and developed our own policy. We have always operated under these spending limits and have just incorporated those into this policy. As for Mr. Johnson's spending limit, the Commission sets those numbers and then we set the numbers for the public and capital defenders and the directors.

There was discussion regarding the procurement policy.

Mr. Hingeley moved to adopt the proposed procurement policy with one amendment as discussed adding executive to director in the purchase authority section. Judge Hanson seconded the motion. The motion carried.

The next item on the agenda is training.

Mr. Johnson said on April 1st and 2nd is our renamed leadership conference. Previously it was our management conference something we started years ago with the chief public defenders. We now include the deputies and supervising attorneys. This is year three of the attorney surveys and one of the patterns we saw in offices that seemed to be the healthiest was a real sense that they viewed their leadership very positively. In the offices that were not quite as healthy did not give us that sense.

Jonathan Rapping who is the President/Founder of Gideon's Promise will be speaking the first day. He is very inspirational and a great speaker.

Commission members are welcome to come to the conference.

We just hosted our Shark A.T.A.C (Advanced Trial Advocacy College) training in February and was a big success. This is staffed by our senior trial attorneys.

We had our live certification training here last Thursday and Friday and are already planning for our annual conference in the fall.

This is national public defense week. Last year we joined in with state employee recognition week and gave each office a small amount of money to do something for their employees. This year we decided to honor national public defense week instead.

There is an article in the meeting materials about Cristal Sowder, office manager in the Charlottesville office who was recognized by Lawyer's Weekly as an unsung legal hero.

We are in the midst of interviewing for the Hampton Public Defender. We have a really strong applicant pool and next Wednesday we will conduct the final round. Rebecca Robinson has been the public defender for two years and is leaving to become a judge.

We have been negotiating with VACDL (Virginia Criminal Defense Lawyers) for group membership. This is a good way for our folks to connect with the private bar. They also have good trainings and are resourceful.

There was discussion regarding the NACDL and VACDL.

Ms. Jankowski said the mid-Atlantic Juvenile Defenders Center received a grant to do a study. The study is based on surveys that we sent to attorneys on the court appointed list who are juvenile certified. Each member is being provided a copy of the final report.

There was no further business.

Judge Hanson moved to adjourn. Mr. Benjamin seconded the motion. The motion carried.

The meeting adjourned at 11:55 am.

Respectfully Submitted:

Approved By:

Diane D. Zubke, Office Manager

David J. Johnson, Executive Director