

The Virginia Indigent Defense Commission  
Commission Meeting  
1604 Santa Rosa Road, Suite 200  
Richmond VA 23229  
June 18, 2019

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

Quorum requirements have been met.

The first two orders of business are approval of agenda and minutes.

**Judge Hanson moved to approve the agenda and minutes. Mr. Benjamin seconded the motion. The motion carried.**

The next order of business is election of officers.

Judge Rosenblatt said the Executive committee met this morning to consider the chair and vice chair for next fiscal year.

Mr. Johnson said Judge Rosenblatt has decided to step down as chair but will remain on the Commission. The Executive committee nominated Ms. Grady to serve as chair and Professor Chambers to serve as vice chair.

**Mr. Benjamin moved for the Commission to elect Ms. Grady to serve as chair and Professor Chambers to serve as vice chair. Mr. Walker seconded the motion. The motion carried.**

The next order of business is the budget update.

Ms. Jankowski said in the meeting materials the first spread sheet is end of FY2019 projections. The Budget committee met last month and approved a few expenditures. We have more information now because we are closer to the end of the fiscal year

The next page is the FY2019 prepaids. These expenditures were prior approved by the Budget committee last month. The biggest portion of this is the prepayment of rent.

All of these expenditures have been approved by the Budget committee and have been taken care of or are in the process of being taken care of.

We are seeking additional approval from the Commission to prepay postage, an additional month of rent, and our Lexis Nexis bill for next year. We have over 330 attorneys and they all have Lexis Nexis licenses.

There was discussion regarding carryforward and prepay items.

**Judge Hanson made a motion to prepay postage, additional month rent, and Lexis Nexis for next year. Mr. Hingley seconded the motion. The motion carried.**

Ms. Jankowski said the next spreadsheet is FY2020 budget. It is presented in a format in what we have done in actuals in previous fiscal years. The vast majority (about 90%) of our budget is related to rent and people. The most significant difference between FY2019 and FY2020. This is taking into account the merit and the 2.75% raises provided by the state.

This proposed budget was reviewed by the Budget committee. With the exception of tweaking a few stylistic things this is the same budget the Budget committee reviewed last month. It is also benchmarked to what we have been given by the Governor and General Assembly.

There is a spreadsheet in the meeting materials that highlights different spending from previous years. This spreadsheet is more detailed for anything that is materially different. We were also able to get twenty paralegal positions starting the middle of FY2020 and is reflected in the budget. We have some offices that need to move and the cost for that has been worked into the budget.

Ms. Jankowski added that state bar dues went up \$30 per attorney.

There was discussion regarding paralegals, body worn cameras, and the importance of body worn cameras.

Mr. Johnson said we have been very consistent in stating how important body worn cameras are. There are several studies being done. There has been a lot of discussion on both sides. They listened to us to the extent we were given twenty paralegal positions in January.

Discussion continued regarding the benefits of body worn cameras.

There was discussion regarding budget adjustments and prepays.

**Mr. Walker made a motion approving the FY2020 budget. Mr. Horsley seconded the motion. The motion carried.**

The next item on the agenda is the Executive Director update.

Mr. Johnson said Richard Davis passed away. He was vice chair of the Commission from 1999-2002 and chairman from 2002-2004.

There is a letter from a satisfied client in the meeting materials regarding Mackenzie Roberts who is in the Alexandria office.

Training Update.

Briefly, we held our leadership conference April 1<sup>st</sup> and 2<sup>nd</sup> for our chief public defenders and supervising attorneys in Charlottesville. Our theme this year was inspirational leadership and how to provide it. Jonathan Rapping, who is founder of Gideon's Promise, spoke on criminal justice reform and leadership.

Last week we had our initial capital certification training. A few years ago we revamped the capital qualifications, with a specific requirement for more training. After four years the requirement is to requalify. To do this an attorney needs to take the training or show they are active in capital work.

On July 26<sup>th</sup> we will be doing the capital habeas certification training here in the administrative office. There are only about a half dozen people in the state certified to do capital habeas because it is so specialized.

A few years ago, we started partnering with the Court of Appeals on doing some training. We had ramped up our appellate work within the public defender system. We hired Catherine French Zagurskie, who is our chief appellate counsel. We put an appellate supervisor in every office. We were asked to bring it to the private bar. Catherine has been doing training around the state a couple times a year with the Court of Appeals judges. The registrations continue to be full. There is another training July 19<sup>th</sup>. Judge Decker, Judge Atlee, and Judge Russell have volunteered their time to be instructors along with some of our folks.

Along those same lines, new bar counsel, Renu Brennan contacted Mr. Johnson and was concerned about the number of defaults with the private bar. Catherine conducted a training on ethical responsibilities for counsel in representing criminal defendants on appeal. She also co-authored an article that was in the April Bar magazine. On June 28<sup>th</sup> in Charlottesville there will be a training on this and will be taped for all attorneys who are doing appellate work.

Mr. Johnson believes this speaks well of the people working in our appellate system.

This is our annual performance evaluation cycle. We send out self-evaluation forms to all of our employees. We try to do very meaningful performance evaluations.

We meet with many of the public defenders at the annual conference in October. It is not possible to meet with all of them so Mr. Johnson will be traveling to nineteen offices.

We asked the public defenders to include justification for the pay increase for employees in their evaluations.

The National Center on Poverty Law has a racial justice institute with a limited number of folks from every state for fellows each year and Maria is a fellow this year along with Ashley Shapiro.

Mr. Johnson said in the meeting materials is a Deficit Provision Acknowledgment Form. We are required to provide you with this.

Ms. Jankowski said in the meeting materials is the legislative update. This is provided for your information. This goes out to all court appointed attorneys and public defenders. Highlighted are some bills we were either watching very closely or noteworthy. We also compile on a monthly basis and working toward a bimonthly basis a help summary to all court appointed attorneys and public defenders.

There was no further business.

**Ms. Grady moved to adjourn. Mr. Horsley seconded the motion. The motion carried.**

The meeting adjourned at 11:55 am.

Respectfully Submitted:

Approved By:

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Diane D. Zubke, Office Manager

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David J. Johnson, Executive Director