

The Virginia Indigent Defense Commission
Commission Meeting
1604 Santa Rosa Road, Suite 200
Richmond VA 23229
September 17, 2019

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

Quorum requirements have been met.

Mr. Johnson introduced new member, Ms. Adeola Ogunkeyede. Ms. Ogunkeyede is the Legal Director of the Legal Aid Justice Center Civil Rights and Racial Justice Program. Previously she served as Director of Staff Development with the Bronx Defenders.

Professor Chambers introduced Ms. Fallon Speaker who is an assistant clinical professor of law and director of the Jeanette Lipman Family Law Clinic at the University of Richmond where she is building a clinic.

The first order of business is approval of the agenda.

Judge Hanson moved to approve the agenda. Mr. Horsley seconded the motion. The motion carried.

Mr. Walker arrived.

The next item on the agenda is approval of the June 18th meeting minutes.

Mr. Benjamin made a motion approving the minutes. Senator Deeds seconded the motion. The motion carried.

The next item on the agenda is new, it is the Mission Moment.

Mr. Grandfield who is the Chief Public Defender in Suffolk spoke briefly about his office and his background. There are seven attorneys, three support staff, an investigator, a mitigation specialist, and in January, a new paralegal in his office.

The second item in the Mission Moment is recognizing Ms. Melinda Douglas who is retiring from the Alexandria Public Defender office. Ms. Douglas has been the Chief Public Defender for thirty-two years.

Mr. Johnson read Ms. Douglas's certificate of recognition.

Ms. Douglas thanked everyone and said it is a noble thing to be a public defender.

The next item on the agenda is the 2020 meeting schedule.

The proposed 2020 meeting dates are:

March 10

June 9

September 15

December 15

Mr. Walker made a motion approving the proposed 2020 meeting dates. Ms. Williams seconded the motion. The motion carried.

The next order of business is the budget update.

Ms. Jankowski said in the meeting materials is the FY2019 end of year budget update. We finished up strong with only a small amount of carry forward money. Our first payment for our new computers that we could not get completed in the last fiscal year has carried over to the new fiscal year.

The next item in the meeting materials is a draft request we are making of you and the Governor. This has been submitted to the Department of Planning and Budget (DPB) as a request to be included in the Governor's budget. In the meantime, we are asking you to approve it.

This request is for a position in the administrative office and is modeled after the Governor's Director of Diversity Equity and Inclusion.

There was discussion regarding this position.

There was discussion regarding diversity recruitment expertise in HR. Ms. Donna Moore, the HR Director, said there are certifications for many areas of expertise. A new one has just been launched on equity and diversity. This is all very new.

Discussion continued regarding this position.

Mr. Johnson said he thinks this is something that will be very much welcome by our chief public defenders.

Senator Deeds made a motion approving an Administrative Equity Diversity and Inclusion position (EDI Attorney). Mr. Walker seconded the motion. The motion carried.

Mr. Johnson said we submitted a decision package last week. Part of this is tied in with workload issues that everyone is recognizing as coming from body worn camera footage and discovery. We have not had any additional attorney positions in over a decade. We met with the Department of Planning and Budget (DPB) and with their guidance, in our decision package, we asked the governor for funding to include fifty-nine new attorney positions. Of those, thirty-two would be very specifically assigned to offices that need APD II positions. This is to include twenty-seven APD I positions. Included with that is a funding piece to increase the entry level salary of the APD I positions.

The next item on the agenda is the Annual Report.

Ms. Jankowski said there is a copy of the 2019 Annual Report in the meeting materials. We are required to report on public defender caseloads, on court appointed attorney certification numbers, and our training and standards of practice. This has to be filed with the General Assembly and the Governor by October 1st.

One item that is not included in the printed materials but was sent electronically, and is required to be reported, is how Virginia compares nationally for court appointed attorney fees. To come up with a true fifty state ranking is difficult because each state is different in how they fund, some are at a local level, some are at a state level. We just report on what every state does.

There was discussion regarding the number of certified attorneys.

Judge Hanson made a motion adopting the Annual Report as presented. Mr. Horsley seconded the motion. The motion carried.

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

Mr. Johnson said we are in the middle of our annual performance evaluation process. Our chief public defenders spent a good amount of time doing formal performance evaluations for their staff. The evaluations include their observations throughout the year, feed back from their supervisors, self-evaluations, and any other information.

All evaluations went out September 1st.

Mr. Johnson will be visiting offices and meeting with the chief public defenders.

We will then schedule a Personnel committee meeting in November to go over all twenty-nine performance evaluations.

Last week Mr. Johnson made a presentation at the Secretary of Public Safety workgroup on body worn cameras. Brian Moran asked Mr. Johnson to give a report on the surveys we did on

our attorneys. That report came from the Virginia criminal justice conference. This is a group of about twenty-five defense attorneys, twenty-five prosecutors, judges, and legislators. We have six representatives from our system.

Mr. Johnson said there is a nice letter in the meeting materials from a long-time practitioner in the Virginia Beach area regarding Annette Miller who is our senior supervising attorney in the Virginia Beach office. She has carved out a specialty in mental health.

Also, Ryan Ruzic, a supervising attorney in our Warrenton office has been named one of the up and coming lawyers in the state by Lawyers Weekly.

In the meeting materials is a public defender office usage chart for immigration. Our immigration resource attorney has consulted on over 120 cases.

Doug Ramseur our central capital defender is leaving us to go into private practice.

Ms. Jankowski said we will need to schedule a Personnel Committee meeting and will reach out to Professor Douglass to schedule that. As a reminder all committee meetings are open to all Commission members.

There was no further business.

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

The meeting adjourned at 12:30 pm.

Respectfully Submitted:

Approved By:

Diane D. Zubke, Office Manager

David J. Johnson, Executive Director