

The Virginia Indigent Defense Commission
Commission Meeting
1604 Santa Rosa Road, Suite 200
Richmond VA 23229
December 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, Karl Hade, Judge Edward Hanson (ret.), Guy Horsley, Kristen Howard, Adeola Ogunkeyede, Judge Alan Rosenblatt (ret.), and Carmen Williams. Members not in attendance were Delegate Chris Collins and David Walker.

Quorum requirements have been met.

Ms. Jankowski said our esteemed chair, Ms. Carolyn Grady, was awarded the Metro Richmond Women's Bar Association women of achievement award last week.

The first order of business is approval of the agenda.

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

The next item on the agenda is approval of the September 17th meeting minutes.

Judge Hanson made a motion approving the minutes. Mr. Benjamin seconded the motion. The motion carried.

Mr. Johnson introduced Tomeka Smith who is our Budget and Finance Director.

Liz Murtagh is our public defender in Charlottesville and in her thirtieth year in the system. She is here today as part of our mission moment.

Ms. Murtagh spoke briefly about the Charlottesville office and accomplishments. There are seven full time attorneys and one part time attorney in the Charlottesville office.

Mr. Johnson introduced Amari Harris who is our Equity, Diversity, and Inclusion attorney.

The next item on the agenda is the budget update.

Ms. Jankowski said in the meeting materials is the budget as of the end of November and includes the November 30th pay period. The vast majority of our expenditures are related to our personnel costs. The chart is broken down by quarters and where we are today. We are where

we should be and in a good space. We have had more leave pay out than is typical because we have had some long-term employees retire. Where we are now includes carryforward that was returned to us and a central appropriation adjustment for the raises for the new positions we received.

There was discussion regarding annual leave payout.

Ms. Jankowski said the next chart in the meeting materials is a comparison of where we are this year versus where we were last year.

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

Judge Hanson 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 the 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.

After reconvening into open session, Judge Hanson moved for a roll call vote asking that each 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 and that were identified in the motion by which the closed session was convened.

Each member so certified.

Judge Rosenblatt said that was a very impressive report submitted by Mr. Johnson and Ms. Jankowski of how things are and where this office is going. When he looks at this report he remembers how things were over the years. In reading the report this year, everyone is doing better. There has been an across the board improvement everywhere but particularly in offices where there have been issues in the past. He is commending the report without naming names. This is not just a reflection on what is happening in the offices but the general leadership that Mr. Johnson and Ms. Jankowski are providing.

Ms. Grady said the Commission would like Ms. Jankowski and Mr. Johnson to survey other state agencies for what policies, if any, for a mandatory retirement age and report back to the Policy committee.

The next item on the agenda is the General Assembly update.

Ms. Jankowski said in the last meeting we were asked how we could have a greater presence in the General Assembly. We have had sixteen public defenders sign up, two per week with the exception of the first week. We have one person signed up for the first week. The intent is for them not to be in Richmond for the whole week.

There was discussion regarding the practicality of the bills and the reality of the impact.

Ms. Jankowski said she is looking for guidance from the Commission.

There was discussion regarding the presence of public defenders at the General Assembly and the Commission fully supported the presence of Public Defenders at the General Assembly.

An announcement was made that fifty-nine new public defender positions and a public defender office in Prince William County were included in the Governor's budget.

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

Mr. Johnson said in the meeting materials is an article from Lawyers Weekly on Ryan Ruzic who is named a leader in law. Ryan is a deputy PD in our Warrenton PD office.

Also, in the meeting materials is a schedule of our 2019 and 2020 training schedule along with the agenda for our Shark A.T.A.C. (Advanced Trial Advocacy College) to be held here in February. This is an amazing amount of work and is staffed completely by the senior lawyers in our offices.

Ms. Jankowski said that the practice of law does not look anything like it looked over a decade ago with the huge influx in electronic evidence including body worn cameras.

We have heard over and over again from the offices about what was driving their workload. One of the top five being the volume of mentally ill clients. Every office is seeing the strain from the amount of extra work.

Our public defenders are outnumbered two, sometimes three to one by the Commonwealth attorneys is another.

There was discussion regarding staffing and holistic representation.

Ms. Jankowski said there are thirty-two APD II's and twenty-seven APD I positions included in the Governor's budget.

The next item on the agenda is other business.

We will need to schedule a Policy Committee meeting and the next Commission meeting is March 10th.

Ms. Jankowski said the chair of the Policy Committee is not here today so she will reach out to him to schedule the policy meeting.

There was no further business.

Mr. Benjamin moved to adjourn. Ms. Williams seconded the motion. The motion carried.

The meeting adjourned at 12:25 pm.

Respectfully Submitted:

Approved By:

Diane D. Zubke, Office Manager

David J. Johnson, Executive Director