

The Virginia Indigent Defense Commission
Commission Meeting
1604 Santa Rosa Road, Suite 200
Richmond VA 23229
June 9, 2020

Ms. Carolyn Grady called the meeting to order at 11:00 am. Other Commission members in attendance were Professor Hank Chambers, Senator Creigh Deeds, Professor John Douglass, Karl Hade, Judge Edward Hanson (ret.), Guy Horsley, Kristen Howard, Judge Alan Rosenblatt (ret.), David Walker, and Carmen Williams. Members not in attendance were Steve Benjamin and Delegate Chris Collins. Administrative staff included Executive Director, David Johnson; Deputy Director, Maria Jankowski; and Office Manager, Diane Zubke.

Quorum requirements have been met.

The first item on the agenda is approval of the agenda.

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

The next item on the agenda is approval of the March 10th meeting minutes.

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

Roll call was taken after each of the above motions.

Mr. Johnson said this will be Judge Hanson's last meeting. He has been on the Commission since it was the Public Defender Commission decades ago. His support is very much appreciated and we value his dedication. We have a plaque for Judge Hanson that states our appreciation of his service.

The next item on the agenda is election of Chair and Vice Chair.

Mr. Johnson said by statute the Commission is required to elect a Chair and Vice Chair annually. Our current Chair, Ms. Carrie Grady, and our current Vice Chair, Professor Hank Chambers have indicated their willingness to serve in those capacities again. We normally do this in the Executive Committee meeting but because of the electronic Zoom format, we are doing this as part of the business meeting.

Senator Deeds made a motion to re-elect Ms. Grady as Chair and Professor Chambers as Vice Chair of the Commission. Ms. Williams seconded the motion. The motion carried.

Roll call was taken after this motion.

The next item on the agenda is the budget update.

Ms. Jankowski said before we get started on next fiscal year, we have some end of year items to wrap up. In the meeting materials is a document titled FY2020 Budget by Account – General Fund as of May 31, 2020. This is our end of year balance/projection for the current fiscal year. This fiscal year ends the end of this month.

The next document in the meeting materials is Virginia Indigent Defense Commission Budget Projection as of May 31, 2020. This is the original budget, adjusted budget, projected expenditures, and the projected end of year balance. That projected end of year balance is our carryforward but that is if you will be willing to approve the proposed FY2020 prepaids. These are expenses we have to pay. This includes bar dues, copier maintenance for a year; VITA which includes phones, computers, and internet; Lexus Nexus, our legal resource tool for our attorneys; Accurint, for our investigators; and Pitney Bowes, our postage. The funds are available.

There was discussion regarding the budget projection.

Mr. Horsley moved to approve the proposed FY2020 pre-paid mandatory known expenses in the amount of \$683,370.72. Mr. Walker seconded the motion. The motion carried.

Roll call was taken after this motion.

Ms. Jankowski said the next document is the Proposed FY2021 Budget by Account. The data is contained in two different spreadsheets. The first is by account which represents the entire agency, the other is divided up by service areas. These are Public Defender, Capital Defender, Regulatory, and Administrative. This is what we received in the final budget from the General Assembly. Over ninety percent of our budget is nondiscretionary which is salaries and the attenuated costs of personnel and the costs in running our buildings.

What is presented here today was presented to the Budget Committee last month.

To highlight some of the expenses that are in this budget. We have some office moves and costs associated with that. Represented in the meeting materials is the new Prince William office. All of the costs associated with Prince William have been worked into this budget.

Initially when we received the paralegal positions a year ago that had to be annualized, when we first received them it was for the balance of the fiscal year.

We anticipate we will have increased costs related to a number of our other offices. Our leases typically go up every year. We have some specific areas that we know will go up. Our Budget and Finance Director, Tomeka Smith, has highlighted areas we anticipate savings next year. The freezing of training travel, the cancelling of our annual conference, and converting the entire CLE platform to Zoom.

Budget and Finance has been working closely with IT to go through expenses related to our phone bill and internet to come up with \$70,000 in savings.

Year after year our budget does not change much.

Ms. Smith has provided a trend in the budget from FY2017 through FY2021. Every area will go up next year because we are adding an office. Those were the areas we thought worth highlighting.

Judge Hanson made a motion approving the proposed FY2021 budget. Professor Douglass seconded the motion. The motion carried.

Roll call was taken after this motion.

Ms. Jankowski said under the CARES act every agency was asked to report what if any expenses were incurred as a result of the Corona virus pandemic. Ms. Smith kept a very detailed list of all of our expenses.

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

Mr. Johnson said our big news is the Prince William office. We are getting an office for the first time in fifteen years in a place no one thought would ever have a public defender office. Opening not only with public support but opening with fifteen percent salary supplements from the localities. We have hired Tracey Lenox as the chief public defender. A special thanks to Professor Chambers, Ms. Grady, and Ms. Williams who sat on the final interview panel. We initially interviewed eleven candidates and we had a really strong final four. Ms. Lenox has been practicing law in Prince William for almost twenty-seven years and is the current president of the bar association. She has a good appreciation for the challenge in front of her. She has already been involved.

We are negotiating and locking down office space. The plan is for her to be taking cases the end of summer and building through the fall full staff.

We have done the recruitment for the deputy and senior positions. Prince William has gotten a lot of interest.

At this point we are transitioning from remote working, bringing people back into the offices slowly and as safely as we can.

The next item on the agenda is other business.

Ms. Jankowski said she will email a deficit provision form to the Commission members. This is a state form that indicates we are not in debt.

She will also email the legislative update from the General Assembly session that is pertinent to our mission to any Commission member who would like it. It does not

include the last two substantive bills the governor signed more recently, that being one of the decriminalization bills.

Senator Deeds gave an update on the marijuana bill.

There was discussion regarding the new attorney positions that were lost.

Mr. Johnson said we have not gotten new attorney positions in over a decade. We would have gotten thirty-two APD II positions and twenty-seven APD I positions over a two-year period and spread across the offices based on workloads. The bad news is these positions were unallotted. The good news is the Prince William office survived.

There was no further business.

A motion was made and seconded to adjourn. The motion carried.

Roll call was taken after this motion.

The meeting adjourned at 11:45 am.

Respectfully Submitted:

Approved By:

Diane D. Zubke, Office Manager

David J. Johnson, Executive Director