

The Virginia Indigent Defense Commission

Commission Meeting
1604 Santa Rosa Road, Suite 200
Richmond VA 23229
June 15, 2016

Professor John Douglass called the meeting to order at 12:10 pm. Other Commission members in attendance were Steve Benjamin, Carolyn Grady, Karl Hade, Judge Edward Hanson, Guy Horsley, Kristen Howard, and David Walker. Members not present were Judge Alan Rosenblatt, Senator Richard Stuart, Delegate Chris Collins, Tom Chaffe, Carmen Williams, and Kristi Wooten. Administrative staff in attendance included Executive Director, David Johnson; Deputy Director, Maria Jankowski; and Administrative Assistant, Diane Pearson.

Quorum requirements have been met.

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

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

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

Judge Hanson made a motion to approve the minutes. Mr. Hade seconded the motion. The motion carried.

Judge Hanson gave a brief report on Judge Rosenblatt who is doing well.

Mr. Johnson said in the meeting materials is a letter on behalf of Aaron Boone who is a senior public defender in the Lynchburg office who has gone the extra mile for a family with a son with mental health issues. Mr. Johnson noted this is a usual part of the meeting highlighting certain public defenders whose work has been brought to our attention.

Tracy Paner has been named chief public defender in the Richmond office. Dawn Butorac will become chief public defender in the Fairfax office July 1st. Professor Douglass has signed a letter on behalf of the Commission recognizing Todd Petit for his service as public defender in Fairfax for ten years, eighteen years all together.

Jim Hingeley, chief public defender in Charlottesville will be retiring the end of summer.

Commission members Tom Chaffe and Kristi Wooten terms expire the end of this month.

Ms. Jankowski said there is a Deficit Provision Acknowledgment form in the meeting materials we are required to provide to you. It basically acknowledges that the agency carries no debt.

The next item on the agenda is the budget update.

The first spreadsheet in the budget materials is FY16. This is reporting to you how we are ending the fiscal year, with salaries being our biggest line item. The final carryforward amount is \$52,169. We will end the year with a sufficient amount of money, we did not over spend.

The Budget Committee met last month and everything we have before you today has been reviewed by them. The only difference is that we have more recent data.

The next spreadsheet is the FY17 proposed budget in two formats. The first is with trends for the past four years to give you a perspective of change from year to year. The second is the budget based on the service areas and those are:

- Public Defenders
- Capital Defenders
- Regulatory - Certification
- Administration

Last year we implemented a program whereas we could promote a senior attorney without that senior being a supervising senior with the title of Senior Trial Attorney, so there could be a trial track and a supervisor track. This allows us to keep and retain good people and have that ability of advancement. We started this in January. We have worked this into next year's fiscal budget. These are not new positions but reclassified positions. We have worked into this year's budget an additional twelve that would not be effective until January so we have only budgeted for a six month period. This is pending to see how it goes this first year, but if we work it into the budget we know we have the money and are prepared if we decide to move forward. That is the only material difference.

Our CFO moved some items to different areas that made more sense.

This budget is reflective of the budget bill that just passed and does not include any potential three percent raise that was also approved by the General Assembly but is contingent on certain revenues. If the revenues are what everyone hopes they will be, state employees will receive a three percent raise effective November 1st. The money for the salary increase will be added to our budget.

There was discussion regarding the number of employees in the agency. This number is, and has been 540 but as of September 1st we will be adding six new positions. There are a few wage employees but our basic number will be 546.

There was discussion regarding the FY17 budget.

Mr. Johnson explained that the General Assembly added about \$500,000 (one time) to our budget for a new phone system and an IT position.

There was discussion regarding building rentals and what that encompasses.

Ms. Jankowski said we pay rent for twenty five public defender offices, three satellite offices, four capital offices, and the administrative office. The amount in this line item is for six months, we only budgeted for six months because we prepay eight months.

Mr. Johnson added that in some instances there are other costs associated with the rentals, like janitorial. All of our rentals are through DGS (Department of General Services) because they need to review each lease.

Ms. Jankowski said there are two big increases, one is \$113,388, and another amount of \$356,836 this is the new phone system. This is the money we received from the General Assembly and is a one-time item, not ongoing.

Our cost for the Library of Virginia was \$71,000 this past year. We need to get this under control before our costs reach \$100,000. In addition to this, the Cardinal System, the accounting system for the state is \$15,000 a year. The performance budget system that we are required to use is thousands of dollars.

We are required to use DGS to help with our leases and then we have to pay them. We also pay the state police to do our background checks.

We tried to move items to this line item so we could highlight the amount of money that we are required to pay to other state agencies.

There was discussion regarding the difference in salary from an APD II to a Senior APD.

Ms. Jankowski said the cost difference is about \$10,000 per person. We only budgeted for six months this year. This is covered through turnover and vacancy savings.

There was discussion regarding part time attorneys.

Ms. Jankowski said line item 1277, computer operating services (not VITA), is typically a line item that we spend no money in and now we have spent \$158,023. This is another instance where we moved this from a different line item. This is our Lexis Nexis, Accurint, and what we pay Virginia Interactive that hosts our website, our servers, CMS (Case Management System). This is money we have always been spending.

Mr. Walker moved to approve the FY17 budget. Ms. Grady seconded the motion. The motion carried.

Mr. Johnson explained that the artwork on the walls was done by kids at the DJJ (Department of Juvenile Justice). It was at the General Assembly for a while on display to be sold. Ms. Jankowski purchased all of the artwork, we had it framed, and DJJ gave us the certificate to explain what all of the artwork is. He thanked Maria and Katie who is our training coordinator who mounted and framed everything.

The next item on the agenda is the training update.

Mr. Johnson said we recently hosted our 2016 Appellate Conference for the public defender offices. The court is heavily involved. This was a really good program. Since 2012 we have defaulted a little less than one percent of our appellate case load. The overall rate is seven percent in criminal cases. In civil cases apparently it is even higher.

In the meeting materials is the agenda for the upcoming Indigent Defense Appellate Conference July 26th. This is a training we have designed for the private bar. We held it here last year as a trial run. This is a unique training because it is done in workshops with judges. This training is going to be in Abingdon. There is a waiting list with 65 people attending. We will keep on doing this as long as there is a need. There is an advanced Appellate Conference August 9th for the private bar at the University of Richmond.

Every office has a designated appellate coordinator. Everything that goes out of the offices is reviewed for quality.

There was discussion regarding the former appellate defender office and where we are today with appeals.

Mr. Johnson said the NACDL is doing a conference on suppression issues in October in Washington DC. We are going to send about twenty folks. The National Institute for Trial Advocacy has a great training coming up in Chapel Hill. This is a five day conference building trial skills. The cost is \$2700. Two lawyers in the Richmond office applied for a scholarship and received \$2500 off.

We just had twelve attorneys return from a Gideon's Promise Program, Train the Trainer. The first three lawyers are going to the core program in August. It was a competitive application process. The Core Program is a three year program that starts with a two week training then every six months for a weekend. In one of their graduations recently, 48 new public defenders went through their core training and three years later 47 graduated.

There was discussion regarding other conferences that are available.

There was no further business.

Ms. Grady made a motion to adjourn. Mr. Benjamin seconded the motion. The motion carried.

The meeting adjourned at 1:05 pm.

Respectfully Submitted:

Approved By:

Diane Z. Pearson, Administrative Assistant

David J. Johnson, Executive Director