

The Virginia Indigent Defense Commission
Commission Meeting
1604 Santa Rosa Road, Suite 200
Richmond VA 23229
December 11, 2014

Judge Alan Rosenblatt (ret.) called the meeting to order at 11:05 am. Other Commission members present were Steve Benjamin, Tom Chaffe, Professor Douglass, David Lett, Judge Hanson, David Walker, and Kristen Howard. Members not present were Kristi Wooten, Carmen Williams, Karl Hade, Senator McEachin, and Delegate Minchew. Administrative staff included Executive Director, David Johnson; Deputy Director, Maria Jankowski; and Administrative Assistant, Diane Pearson.

Quorum requirements have been met.

Judge Rosenblatt welcomed everyone.

The first order of business is to approve the agenda and minutes.

Mr. Walker made a motion approving today's agenda and the September 18th meeting minutes. Mr. Lett seconded the motion. The motion carried.

Mr. Johnson said two of our attorneys, Dawn Butorac a Deputy Public Defender in Fairfax and Doug Ramseur the Capital Defender in Tidewater were named leaders in law by Lawyers Weekly.

Kent Smith who is a former Commission member had been diagnosed with stage-four lung cancer that metastasized to his brain. He recently got married and moved to Atlanta. There is a newspaper article in the meeting materials regarding his remarkable positive attitude and courageous battle.

Jewell Hudson our Budget and Finance Director will be retiring the end of this month. Jewell has been with the state for thirty one years. She is leaving us with a more professional and efficient finance department and we are very grateful for that.

Ms. Hudson said it has been an honor and a pleasure to work with the VIDC the past two and a half years. She thanked the Commission members for their support.

Mr. Johnson said we are continuing our search for a central capital defender. We will conduct interviews in January. Hopefully we will have someone in place by the March Commission meeting. If anyone here is interested in being on the interview panel, please let us know.

Charles Payne, our Systems Engineer has resigned. You might remember that Charles was in a very bad motorcycle accident a couple years ago. He has since recovered. Charles was with the agency fifteen years.

We are working on three office moves and Charles was integral in getting the IT equipment set up and functioning in these moves.

The next item on the agenda is the budget update.

Ms. Jankowski said there is a quarterly budget status report in the meeting materials. The data is reflected through November. The report is broken down by service areas. We are on track as budgeted for this point in the fiscal year.

There was discussion regarding salaries being higher in July than June. This is because there is only one pay period in June.

Ms. Jankowski said that the last page of the budget materials is the same information just in a different format. It is agency-wide and is not broken down by service area. This might look different than what you are used to because of a new accounting system we are now using called Cardinal. The state is moving to a new system and this is how they pull their reports.

There was discussion regarding the new accounting system.

Mr. Johnson said that fiscal year beginning July 1st, 2015 will be a very difficult year according to the money committees with all the same shortfalls as this year without the \$750 million to plug in from the rainy day fund. We are all waiting to see how they adjust that and we are preparing. We are not alone; all agencies are in the same position.

Virginia has gone from one of the best economies in the country and is now forty seventh, almost overnight.

The next item on the agenda is the training update.

Mr. Johnson said the office manager training was last month, November 12th and 13th. This is an annual training. Usually we have someone from each department updating the office managers on new procedures. This year we did that but we added speakers from outside the agency. We had DGS (Department of General Services) talk about eVA, our procurement system. Debbie Rigdon from DHRM (Department of Human Resource Management) gave an overview of the new time and attendance system. Karen Michael did a presentation on management performance. Of all the trainings we do, this is the most appreciative group.

Right now our semi-annual Boot Camp training is in progress. We have twenty six attorneys who were hired since our last Boot Camp in May. We had the twenty six attorneys, eight faculty members, plus our folks in this room. This training is four days and heavy on small individual workshops. It is going very well. This year it was all done in-house to save money.

Our presenters and faculty this time are: Kathy Ortiz, the Chesapeake Public Defender; Tim Coyne, the Winchester Public Defender; Dawn Butorac, the Fairfax Deputy Public Defender; Keith Orgera, a Senior Public Defender from Lynchburg; Po Chau, a Senior Public Defender from Richmond; Shaun Huband, a Public Defender from Petersburg; Bonnie Hoffman, the Deputy Public Defender from Leesburg; and Jill Schmidtke, the Public Defender from Hampton. It is a huge commitment for the Faculty, they are here all week. There is a lot of interaction.

The Investigators Conference will be here in January. We alternate the investigators with the sentencing advocates every other year. We ask a group of investigators what they would like to focus on for their training. Steve Benjamin is kind enough to be a presenter this year.

Some judges from the Court of Appeals said they are happy with our work product but have concerns about some of the appellate work from the private bar. This led to our first Indigent Defense Appellate Conference we are coordinating with the Court of Appeals. It will be held here January 30th. The registration for this filled within one hour. This is going to be unique because it will be a combination of lecture and breakout and the judges are working with our senior appellate coordinators. If successful the judges have indicated they would be happy to take it on the road and do this regionally.

Our management conference will be March 9th and 10th. A couple years ago we included the senior public defenders and deputies. That has been a really good move for us as we are able to focus on management and supervisor training beyond the public defenders.

May 12th through 15th will be the new attorney boot camp here again as a cost saving measure.

June 18th-19th is the Initial Capital Certification training. The Commission voted to approve the recommendations of the report to change the qualifications for appointment in capital cases. Registration opens January 5, 2015. UVA has offered the law school at no charge. We have a group working on developing the details of the curriculum. The curriculum is pretty much set as it tracks the ABA standards. The ABA also requires continuing legal education to stay on the list. The capital workshop will satisfy those CLE's.

The report also requires six hours of training to qualify to do habeas in capital cases. It is so specialized. We do not expect to have a huge attendance for this. Next week we will start planning for it. The training will be in either July or August.

Bonnie Hoffman, the Deputy Public Defender in Leesburg, suggested developing an advanced trial skills training. We would send some of our really good seniors. Bonnie is going to take the lead. She has some good connections. We are working on ways to develop this at little or no cost.

We are holding Late Day Lectures. These lectures are mainly for the private bar. We announce them on a list serve and there is always a huge response; this room is packed. We record these trainings. In September we had a speaker on immigration law. In October the lecture was on representing the ethical challenges of serving mentally ill clients in criminal cases. In February Judge Bushnell will do a lecture on trying delinquency cases. Judge Humphries from the Court of Appeals will do a lecture on appeals. Julie McConnell, from the law school will do a lecture in June on elder abuse. These lectures are good in that the topics are specialized, free CLE's, we offer the recordings to the public defender offices for their libraries and some private bar associations. It is great that we are able to provide this training at no cost to the participants or the Commission.

All of these trainings are listed on our website. We will have more, but this is what is firmed up right now. We try to do about eight of these a year.

Judge Hanson said that former Capital Defender from Tidewater, Joe Migliozi, will be sworn in tomorrow in Norfolk Circuit Court. He has been appointed as a Circuit Court Judge. He had been on district court about four years.

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.

Mr. Walker seconded the motion. The motion carried.

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.

Each member so certified.

To save money and address critical needs in the field, Professor Douglass made a motion to reallocate an Alexandria APD I to Fredericksburg, to reallocate a Norfolk Secretarial position to Fredericksburg, to reclassify a Newport News Sentencing Advocate I position to a Sentencing Advocate II, to reallocate the Newport News part time Sentencing Advocate II position to Staunton as a part time Sentencing Advocate I, to create a part time Sentencing Advocate in Martinsville and finally to reclassify the Lease Administrator to General Counsel. Mr. Walker seconded the motion. The motion carried.

This was all possible due to cost cutting measures at the administrative level.

Judge Hanson will be retiring the end of this month. He will continue to be a member of the Commission.

There was no further business.

Mr. Benjamin made a motion to adjourn. Judge Hanson seconded the motion. The motion carried.

The meeting adjourned at 12:20pm.

Respectfully Submitted:

Approved By:

Diane Z. Pearson, Administrative Assistant

David J. Johnson, Executive Director