

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

Minutes of Regular Meeting

January 22, 2010

Official Transcript Available for Review at Central Office

The regular meeting of the Georgia Public Defender Standards Council was held on January 22, 2010 at the Georgia Public Defender Standards Council Central Office, 104 Marietta Street, Suite 200, Atlanta, Georgia. Council members present were Mike Berg (Chairman), Stephen Tillman (Vice-Chairman), Don Oliver (Secretary), Tony Thaw, Melvin Davis, Judge Arch McGarity, Wyc Orr, Michael Edwards, Jeff Rothman, David Meadows, Lee Morris and Bill Rumer. (Ron Cross joined the meeting telephonically at 12:05 p.m., but was not present for votes on motions.)

CALL TO ORDER

After a roll call of the Council members in attendance, Chairman Mike Berg declared a quorum and called the meeting to order at 10:00 a.m.

APPROVAL OF MINUTES

Motion was made by Lee Morris and seconded by Jeff Rothman to approve the minutes of the November 19, 2009 regular Council meeting. The minutes were approved unanimously.

APPROVAL OF THE AGENDA

Tony Thaw moved to approve the agenda for the current meeting. After a second by Bill Rumer, Secretary Don Oliver moved that the agenda be amended to add certain items. Stephen Tillman seconded the motion to amend. Secretary Oliver then specified the items he wanted added to the agenda as follows: unpaid conflict bills; budget cuts from the counties; discussion of the announced audits; report on the LOC meeting; discussion of the new bar advisory opinion; pending litigation; status of budget talks; Senate Bill 42 and other potential legislation; and establish policy as to how items will be placed on the agenda under *Robert's Rules of Order*. After a vote by a show of hands, there were six "ayes" and six "nays." With a tie vote, Chairman Berg announced there would not be a change to the agenda. Then the original motion to approve the agenda was voted upon, resulting in a vote of seven "ayes," and the agenda was thus approved.

DIRECTOR'S REPORT

After a presentation by Executive Director Mack Crawford regarding the issues surrounding the status of state employees versus county employees and the agency's liabilities for the county employees, Vice-Chairman Stephen Tillman made a motion to look into clarifying this situation. His two-part motion was that GPDSC first obtain a determination as to the relationship between county-paid employees and then obtain a determination as to what entity is liable for those employees' benefits, accrued leave and the like. Wyc Orr seconded the motion, which then passed unanimously.

FINANCIAL REPORT

In regard to the special project funds that were not previously allocated for capital cases, Tony Thaw made a motion that GPDSC ask the legislature again for monies to pay the unpaid capital bills from past years. Melvin Davis seconded, and the motion passed unanimously.

During a discussion of the Georgia Senate's having requested a zero-based budget, Mr. Orr moved that the staff and Director send to the LOC the agency's best effort at a zero-based budget that will show them what for fiscal year 2011 represents the true cost of the system as required by the statute that created the Council and statewide system and by the Constitutions of the United States of America and of the State of Georgia. Vice-Chairman Tillman seconded for discussion purposes. The motion passed unanimously.

OLD BUSINESS

Under old business, Chairman Berg brought up the Council's consideration of the proposed conflict report form. Chairman Berg called upon Conflicts Director Jim Stokes, who led a discussion of the form, entitled Notice of Declaration of Conflict and Request for Appointment of Counsel, which was devised by the Conflicts Division. Vice-Chairman Stephen Tillman made a motion that the Council adopt the proposed form as presented with the following modifications: that the conflict declaration approval by the CPD be placed above the last dotted line that goes all the way across the bottom above the name of recommended attorney; that the "recommended attorney" designation be stricken and replaced by "assigned attorney"; that the CPD or conflicts approved or disapproved line would be below the name of the assigned attorney; and that the language referring to public policy be stricken. Don Oliver seconded the motion, and it passed unanimously.

NEXT COUNCIL MEETINGS

Chairman Berg did not formally announce the next meeting date.

There being no further business, the meeting was adjourned without an executive session.

These minutes are respectfully submitted this _____, 2010 and adopted this _____ day of _____, 2010.

Don Oliver, Secretary