

Georgia Public Defender Standards Council
Meeting Minutes
July 23, 2004

Regular Meeting was called to order at 10:00 AM.

Six Council members were present. Wilson DuBose presided as Chairman. Judge Hancock participated by phone. One ex-officio member was present. Chairman Bondurant, Wycliffe Orr, Michele Henderson, Evelyn Turner-Pugh, Russell Gabriel and Terry Everett were unable to attend.

Motion was made to approve the minutes from June 25, 2004. Motion seconded, approved.

New Business

Recognition of Appreciation to the Law Firm of Fisher & Phillips for their service to the council.

FY 2005 – 2006 Budget Request:

Sarah Haskin reported the 2005 Supplemental Budget Request and the 2005 – 2006 Budget Request. Motion to approve budget request. Motion seconded, approved.

Policy and Procedures:

a) Grievance Procedure – Motion moved to approve procedure, seconded, approved.

b) Employee Political Activity Policy – Suggestion to amend 3A. A Circuit Public Defenders cannot be a candidate for a primary or non-partisan election but can be considered for a judicial appointment (i.e. on the short list). Change will be made. Policy moved to approve with amendment. Motion seconded, approved.

c) Termination Procedure – Proposed amendment to By-laws. All employees of Circuit Public Defender Office serve at the pleasure of Circuit Public Defender. Amendment proposed to appoint a Special Master to act on behalf of the Council for any hearings that may arise as a result of the termination procedure. Director must make a recommendation to the Council to terminate a Circuit Public Defender. Staff will make suggested changes. Motion to table Termination Procedure with direction as follows: a) Procedure dealing with Circuit Public Defenders is separate from procedure dealing with single county circuits; b) Provision concerning opt out is separate from this procedure; c) All 3 procedures to be triggered by recommendation by Director. Council will approve the amended procedure at the next meeting. Motion seconded, approved. The procedures with amendments will be circulated prior to the next Council meeting.

Public Comment: South Carolina's Commission of Indigent Defense thanked us for allowing them to come and for the helpful materials in support of South Carolina's efforts to reform Indigent Defense.

Director's Report:

- a) Technology Contract with Canyon Solutions – Contract proceeding. First payment is approaching. Modifications are in progress. Will be complete as soon as timelines are worked out.
- b) Spangenburg/Georgia State Conflict Case Study – will occur from July to October.

3 Ways of Handling Conflict:

- i) Stand alone or regional office
 - ii) Panel of attorneys designated as conflict defenders
 - iii) Contract conflict attorneys paid on an hourly basis
- Suggestion given to negotiate contract amount with Spangenberg to lower it to around \$50,000. A quote from Georgia State is also needed. This will be addressed at the next meeting for approval.
- c) Swearing In Ceremony – Mike Mears reported about ceremony.

Draft Juvenile Performance Standards :

Jerry Word passed out drafts of Juvenile Performance Standards. Trish McCann and Aimee Howell worked with him on the redraft.

Legislation:

Three issues besides Budget:

- 1) Standards
- 2) Legislation allowing us to utilize all funds collected under HB 1EX.
- 3) Salary increases for the Circuit Public Defenders.

Send budget and other legislation to ACL for September meeting. We need to decide what other standards need approval by Council before the ACL meeting.

Judge Lockette would like resolution for supplements equivalent to District Attorneys.

Announcements:

- 1) Supreme Court Commission will hold final meeting August 11th at 9:30 a.m. in the Supreme Court Conference Room. Report from Clarke Cunningham.
- 2) State Bar has won ABA Harrison Tweed Award.

Public meeting closed. Council adjourned to Executive session to discuss Augusta lawsuit. Mike Mears and Sarah Haskin will meet with Sam Sibley and county staff in circuit on August 17th. A report will be given at the next Council meeting.

Meeting was adjourned.

Future Meetings:

August 27, 2004 at 10:00 a.m.

GPDSC meeting, July 23, 2004 Attendee List

Cindy Wang, GPDSC
Amy Howell, Southern Juvenile Defender Center
Gary Parker, GPDSC
Sarah Haskin, GPDSC
Sara Totonchi, Southern Center for Human Rights
Meredith Hobbs, Fulton County Daily Report
Jason Fernandez, Senate Budget Office
Aharon Junkins, Fisher & Phillips
Brian Herman, Fisher & Phillips
Roger Quillen, Fisher & Phillips
Jennifer Shealy, South Carolina Office of Indigent Defense Commission
Tyre D. Lee, South Carolina Office of Indigent Defense Commission
Gruber Sires, South Carolina Office of Indigent Defense Commission
Harry Dest, South Carolina Office of Indigent Defense Commission
Elizabeth Waldrep, South Carolina Office of Indigent Defense Commission
Sam Sibley, Circuit Public Defender, Augusta Judicial Circuit
Courtney Glasker, Intern, Federal Defender
Mike Mears, GPDSC
Hannah Allerdice, GPDSC