

Georgia Public Defender Standards Council
Meeting Minutes
November 21, 2003

Meeting was called to order at 10:00 AM. Quorum was declared.

Eight Council members were present. Two ex-officio members were present. Michelle Henderson, and Russell Gabriel could not attend. Evelyn Pugh and Wyc Orr participated by phone.

Motion was made to approve the minutes from the October 24, 2003 meeting, approved.

New Business:

Association of County Commissioners Indigent Defense Committee

The ACCG's Indigent Defense Committee met on Tuesday, December 18th in Macon. Emmet Bondurant attended the meeting and addressed the committee regarding timelines for appointment of the circuit public defenders, funding, and the qualifications for the circuit public defenders. He also let them know that the caseload standards, determination of indigency, and definition of a case should be set at the next council meeting. This committee is working to make a recommendation to the General Government Committee on what ACCG's policy statement should be as to the new indigent defense system. It was decided at this meeting that the committee would recommend that the state fund its full share of House Bill 770. Other recommendations will be developed before the end of the year.

County/City Manuals

The staff distributed the draft of the manuals that will be given to city and county officials to assist them by giving important information on the new indigent defense legislation, standards, and defining what the responsibilities of local circuits and states will be. Council members were asked to review the manuals and come back with comments at the next council meeting on December 12th.

Committee Reports

Indigency Standards – Jerry Word (reported for Michelle Henderson)

Jerry Word presented a recommendation from the committee on the definition of indigency. The report recommended 150% of federal poverty guidelines for misdemeanors, 200% of the poverty guidelines for felonies. The report also has a clause that allows for reconsideration based on extenuating circumstances of a case. The recommendation was adopted by the council in principle. The language will be refined and ratified at the next meeting. *Motion was made to approve items 2(a) – (e) in principle, seconded, approved.*

Performance Standards – Jerry Word

Jerry Word reported that a redline draft of the proposed standards has been circulating among the committee members. They will report at the next meeting.

Caseload Standards / Definition of a Case – Judge Lockette

Judge Lockette presented the committees recommendations on caseload. Based on the fact that we do not have any validated data regarding the caseloads throughout the state, the committee recommended that we stick with the current guidelines that GIDC currently uses. These guidelines, recommended by the American Bar Association and approved by the Supreme Court, would be adopted as minimum standards for the new system. The caseload survey that was circulated a few weeks before will be analyzed and once valid data is collected the committee plans to reevaluate the caseload standards.

Motion was made to approve, seconded, approved.

Judge Lockette also presented the committee’s recommendations on definition of a case. The definition recommended is the current definition that GIDC uses in principle, but the language will be refined to clarify related incidents. *Motion was made to approve in principle, seconded, approved.*

Other Business

Materials

- Revised Caseload Survey
- Resolution from Chatham County Board of Commissioners
- Report on findings from beneficiary program audit reports
- Financial history on Georgia Bar Foundation (IOLTA) fund and Clerks & Sheriffs
- Interest Fund accounts.

Future Meetings:

Friday, December 12, 2003 at 10:00 a.m.

Meeting was adjourned.