

# GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

## Minutes of Regular Meeting

November 30, 2007

The regular meeting of the Georgia Public Defender Standards Council was held on Friday, November 30, 2007, at the office of the Standards Council, 104 Marietta Street, Suite 200, Atlanta, GA 30303

Council members present were Wilson DuBose (Chairman), Stephen Tillman (Vice Chairman), David Dunn (Secretary), Judge Willie Lockette (by teleconference), Lee Morris, Donald Oliver, Wyc Orr, Bill Rumer, Judge Mark Scott, and Jerry Word.

### CALL TO ORDER

Chairman DuBose declared a quorum and called the meeting to order at 10:00 AM.

### APPROVAL OF MINUTES

A motion was made by Lee Morris to approve the minutes from the last Standards Council meeting held on August 24, 2007. The motion was seconded by Jerry Word and adopted unanimously.

### SWEARING IN OF NEW CIRCUIT PUBLIC DEFENDER & COUNCIL MEMBER

David Williams was sworn in as the newly appointed Circuit Public Defender for the Middle Judicial Circuit.

Donald F. Oliver was sworn in as the new member of the Georgia Public Defender Standards Council appointed by the Speaker of the House to represent the 7<sup>th</sup> Judicial District.

### PUBLIC COMMENT

There were no public comments.

### ACTION ITEMS:

Council member David Dunn presented the **Standards and Policies & Procedures** in the council materials for action and notice:

#### **Standards for action:**

- Standards and procedures for appointment of counsel for conflict of interest cases**  
While discussing this Standard a question arose concerning uniformity when identifying conflict cases. The Council made minor changes to the proposed Standard. Stephen Tillman made the motion to approve the Standard as amended. Jerry Word seconded the motion, motion was approved unanimously.

2. **Standards for providing and compensating experts, investigators and other persons who provide services necessary for effective representation.**  
Director Mack Crawford suggested that this Standard be amended to read “subject to available funds”. Other significant changes were made requiring the Standard to be redrafted and re-noticed the next meeting.
3. **Standards for compensation of attorneys appointed to represent indigent persons.**  
This Standard, after council review, needed to be redrafted with significant changes. The standard will be revised by staff and re-noticed at the next Council meeting.

**Standard for notice:**

4. **The Standard Definition of a Case** – this Standard was presented to the council for notice. After discussion, Steve Tillman made a motion to notice the standard and Bill Rumer seconded, motion passed unanimously..

David Dunn then presented Policies & Procedures presented to the council for action and notice:

**Policies & Procedure for action:**

1. **46-07 Policy on Teleworking** – Lee Morris made a motion to approve, Jerry Word seconded, motion was approved unanimously.
2. **47-07 Policy on appointed Counsel Source Document** – Jerry Word made the motion to approve the policy, Lee Morris seconded, motion was approved unanimously.

**Policies & Procedures presented for notice:**

1. **39-07 Policy on State Property Control Policy** – Steve Tillman mad a motion to post the motion for notice, Jerry Word seconded, motion was approved unanimously.
2. **42-07 Policy on Employee Separation and Return of State Property** – The council approved the policy for notice but requested that the Attorney General’s office review it before the council votes to approve the policy at the next council meeting.

**CONTRACTS**

Sarah Haskin requested that the council renew the contract with an attorney working in the Brunswick Judicial Circuit Drug Court. Motion to approve was made by Wyc Orr, was seconded, motion was approved unanimously.

Sarah Haskin also requested that the council authorize the staff to negotiate contracts with attorneys representing clients in death penalty conflict cases. Haskin requested, due to open records issues, that the council authorize the staff to contract with the attorneys handling the current 21 death penalty conflict cases in an amount not to exceed \$2.7 million dollars, with

the caveat that all contracts are subject to availability of funds. David Dunn made the motion to approve, with stipulation that contracts are subject to funding availability, Bill Rumer seconded, motion was approved unanimously.

## **BUDGET MATTERS**

Sarah Haskin distributed a memorandum to the council outlining the state of the council's annual budget. Haskin stated that the council had overspent in the capital defender and conflict system and outlined options that the council had to make it through the end of the legislative session with the present budget. The options were discussed at length. The council decided to opt to continue to operate the conflict and capital defender offices and request the needed funds totaling \$4.5 million in the 2008 Amended Budget. If needed funds aren't received, all state paid staff in the agency will be furloughed during the month of June. Motion was made to approve this option by Stephen Tillman, motion was seconded by Bill Rumer and approved 7 to 2. Jerry Word and Wyc Orr dissented.

## **OPT OUT REVIEWS**

Nolan Martin presented the opt out circuit reviews and reported that all 6 of the opt out circuits were performing their systems adequately. Staff recommendation was to renew all 6 opt out circuits and request that Memorandums of Understanding between the council and the circuits be signed. Jerry Word made the motion to accept, David Dunn seconded the motion, motion was approved unanimously.

## **OTHER REPORTS**

Compliance, Conflict Case Management, Training, Appeals & IT Report – presented by Nolan Martin, written report provided.

Georgia Capital Defender Report – presented by Jerry Word, written report provided.

Financial Reports – presented by Sarah Haskin, written report provided.

## **DIRECTOR'S REPORT**

Director Mack Crawford reported that he has been meeting with Judges all over the state. The financial problems of the council are of great concern to most of the Judges and they want to be informed on the continuing effort to resolve problems in their Courtrooms.

## **EXECUTIVE SESSION**

Council member David Dunn moved that the Council go into Executive Session to discuss pending litigation and personnel issues, Stephen Tillman seconded, motion to go into executive session was approved unanimously.

The Council reconvened in regular session and adjourned at 4:10 PM.

The date for next meeting is Friday, January 4, 2008 @ 10:00 a.m.

These minutes are respectfully submitted this 30<sup>th</sup> day of November, 2007, and adopted this \_\_\_\_\_ day of November, 2007

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David Dunn, Secretary

Guests and Staff

Sara Totonchi, SCHR

Bill Rankin, AJC

Sabrina Rhinehart, OMHA

Greg Land, FCDR

Shannon McCaffrey, AP

Lee Robinson, CPD

Michael Edwards, CPD

Bob Wadkins, CPD

Holly Laberge, HBO

David Walker, CPD

Anthony Carter, CPD

Jan Hankins, GPDSC

Rhonda Cook, AJC

Leigh Schrope, GPDSC

Carl Greenberg, Metro Conflict

Gary Bowman, CPD

Cindy Wang, GPDSC

Jill Travis, Legislative Counsel

Jennifer Carter, GACDL

Christian Lamar, GCD

Deb Czuba, GCD