

# **GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL**

## **Minutes of a Regular Meeting**

**March 10, 2006**

**10:00 AM**

The regular meeting of the Georgia Public Defender Standards Council (Standards Council), an independent state agency within the judicial branch, was held on Friday, March 10, 2006, at the office of the Standards Council, 104 Marietta Street, Suite 200, Atlanta, GA 30303.

Council members present were Emmet Bondurant (Chairperson), Wilson DuBose (Co-chair), Gerald Word, David Dunn (Secretary), Hon. Willie Lockette, Wyc Orr, Ed Hine (arrived later), and Paul Kurtz (arrived later).

Staff members present were Michael Mears (Director), Nolan Martin (Deputy Director), Susan Teaster (Acting Chief Legal Officer), Sabrina Rhinehart (Mental Advocate), Jon Rapping, Cindy Wang, Helen Tate, Christie Crane, Robin Fisher, Becky Chase, Susan Myrick, and Chandra Carswell.

Circuit public defenders present were Lee Robinson (Macon), Michael Edwards (Eastern), and Vernon Pitts (Atlanta) (arrived later).

Guests included Kelly Prejean (Atlanta Judicial Circuit Public Defender Office), D'Andre Berry (Atlanta Judicial Circuit Public Defender Office), and Sara Totonchi (Southern Center for Human Rights).

### **I. CALL TO ORDER**

Chairman Bondurant called the meeting to order at 10:05 AM after a quorum was declared.

### **II. APPROVAL OF MINUTES**

A motion was made by Co-chair Wilson DuBose to approve the minutes from the last Standards Council meeting held on February 3, 2006. The motion was seconded and adopted unanimously (7-0).

### **III. PUBLIC COMMENTS**

There were no public comments.

### **IV. COMPLIANCE REPORT**

#### **Report on the Atlanta Judicial Circuit Public Defender Office**

Deputy Director Nolan Martin gave a report on the Atlanta Judicial Circuit Public Defender Office. He stated that the office has been very cooperative in its efforts to improve the management of the office. The performance indicators are up. Compliance with the 72 hour rule is above state average. The partnership between the office and the central office staff is working well. Atlanta Judicial

Circuit Public Defender, Vernon Pitts, also talked about working together with Deputy Director Martin.

**V. ACTION ITEMS**

**Approval of the Internal Operating Policy on Training Attendance**

Training Director Jon Rapping reported that he has been working with Secretary David Dunn to achieve everyone's objectives on the Internal Operating Policy on Training Attendance (IOP 31-06). Secretary Dunn moved for approval. The motion was seconded and adopted unanimously (8-0).

**VI. PRESENTATIONS**

**A. Standards Council's 2005 Annual Report**

Director Michael Mears presented to the council the 2005 Annual Report. He informed the council that the report has been distributed.

**B. New Staff Member**

Director of Operations Helen Tate introduced the new receptionist, Chandra Carswell, to the council.

**VII. CONTRACTS/BUDGET MODIFICATIONS**

**Report on Contract Negotiations with Dawson County**

Deputy Director Martin gave a report on the contract negotiations. He had to clear up some misunderstanding. There was a difference of about \$20,000 on the budget proposals. The conflict case management division will handle all conflict cases and remaining pipeline cases. The Northeastern Circuit Public Defender Brad Morris will refer these cases to Steve Nevels' office. Council member Wyc Orr commended the staff.

**VIII. OTHER REPORTS**

**a. Mental Health Advocate Report**

Mental Health Advocate Sabrina Rhinehart informed the council that the Hon. Winston Bethel is the recipient of this year's Debra J. Blum Mental Health Advocate of the Year award.

**b. Financial Reports**

Legislative Affairs Coordinator Christie Crane informed the council the recent collection of the Indigent Defense Fund. It is projected to collect at least \$35.7 million. The capital expenditures have increased because of travel reimbursements and the Nichols case. The application fee collection rate is still low. Director Mears explained the budgetary process and the tie to the actual collection of the Indigent Defense Fund.

**c. Legislative Report**

Deputy Chief Legal Officer Cindy Wang informed the council that the General Assembly has appropriated \$27.8 million to the council. She explained where the council's bills were in the legislative process.

Council member Willie Lockette suggested an amendment to SB 503 to expressly give the court discretion to appoint counsel.

**d. Conflict Case Report**

Conflict Case Manager Robin Fisher discussed the creation of the Athens Regional Conflict Defender Office and introduced Ryan Swingle as the Chief Assistant Conflict Defender for that office. The conflict defender offices do not process fee claims. The central office process the fee claims. The fee claim forms are submitted from the 5 conflict administrative offices. The conflict division has 10 offices total – 5 defender and 5 administrative.

Director Mears gave a report on the cost of court transcripts issue. Rob Remar has prepared a memo on county vs. state responsibility on who pays for the transcripts. A hearing will be held in April on this matter.

**IX. DIRECTOR'S REPORT**

**Amendment to the Clayton County MOU**

Director Mears informed the council that the Memorandum of Understanding with Clayton County has been amended to provide an additional juvenile public defender to the Clayton Judicial Circuit Public Defender Office. Council member Lockette moved to adopt the amendment. The motion was seconded and adopted unanimously (8-0).

**X. OTHER BUSINESS**

**A. Handling of Bar Grievances**

Eastern Judicial Circuit Public Defender, Michael Edwards, mentioned that he has been working on the issue. Director Mears stated that the issue is ongoing.

**B. Mercer Law Clinic**

Macon Judicial Circuit Public Defender, Lee Robinson, gave an update on the Criminal Defense Clinic collaboration with the Mercer School of Law.

**XI. EXECUTIVE SESSION**

Council member Wyc Orr moved to go into executive session to discuss personnel matters. The motion was seconded and adopted unanimously [8-0].

**XII. FUTURE MEETINGS**

The next Council meeting will be Friday, April 21, 2006 at 10:00 AM.

**XIII. ADJOURNMENT**

The meeting was adjourned at 4:00 PM.

These minutes are respectfully submitted this 14th day of April, 2006, and adopted this 21st day of April, 2006.

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David Dunn, Secretary