

Georgia Public Defender Standards Council
Meeting Minutes
March 19, 2004

Executive Session:

Vote to go into Executive Session passed 6-0.

Issues discussed in Executive Session:

The Cordele Judicial Circuit received an order holding everything in abeyance due to the setting up of the Public Defender system. Discussion was held due to possibility of pending litigation.

Motion made by Paul Kurtz to ratify actions of the Executive Committee.

Executive Session was adjourned.

Regular Meeting was called to order at 10:50 AM.

Six Council members were present. Two ex-officio members were present. Emmett Bondurant, Wycliffe Orr, Michele Henderson, Natasha Perdew Silas, Evelyn Turner-Pugh and Russell Gabriel were unable to attend.

Motion was made to approve the minutes from February 27, 2004. Motion seconded, approved.

New Business

Cobb County Opt-Out Request:

Chief Judge Mary Staley from Cobb Judicial Circuit presented Cobb's desire to opt-out. Cobb Judicial Circuit asked for favorable review of their application and to continue using its panel system of public defense.

Highlights of Cobb Opt-Out Request:

- 1) Attorney's hourly fee rates are as follows:
Misdemeanors: \$45 out of court/ \$60 in court
Felonies: \$50 out of court/ \$60 in court
High Profile Cases: \$80 out of court/ \$90 in court
- 2) No maximum fee rates for counsel are set, although the published rate for a death penalty case is set at \$75/ hour. There is no distinction of pay rate between the first chair counsel and the second.
- 3) Agreement to comply with Council's requests regarding the compliance of standards and the maintenance of records.
- 4) Suggestion was made regarding the compliance to caseload guidelines. To ensure compliance for State Court, a weekly early intervention calendar at the jail could be implemented.

GPDSC By-Laws:

Motion was made to adopt By-Laws. Motion seconded. Motion was made to amend 1.4, insisting on placing **zealous** in front of **adequate**. Amendment approved. Motion to adopt By-Laws as amended. Motion seconded, approved, 6-0.

Public Comment

The Chair paused the meeting to ask for any public comments from attendees. No public comments were made.

Director's Report:

a) Cordele – William Noland has been hired as the Circuit Public Defender. He was a Public Defender in Houston Judicial Circuit, worked as a judge's law clerk, and is currently practicing law in Macon. Michael Mears has hired as Chief Assistant Public Defender, Sheryl Milton. She is a professor at Fort Valley State University. An order holding the pending suit in abeyance until Public Defender office is completed has been issued by Judge McWhorter. The office, located in Fitzgerald, is scheduled to open on April 9th. All conflict cases will be handled by two attorneys. Trish McCann will do a juvenile assessment. The method of how to handle deprivation cases will be dealt with.

b) Augusta Circuit – Meeting went well. Sam Sibley has been appointed as the Circuit Public Defender.

c) Spalding County – Gary Parker represented GPDSC.

d) Dublin Circuit – Mike met with circuit offices, meeting went well.

Legislative Report:

Sarah Haskin gave a brief update of what is going on at the legislative session. Written report was provided in materials.

Performance Standards:

Jerry Word reported that the committee adjourned for a day-long session. There are still some comments that are being discussed. They will vote to notice the standard on April 16, 2004.

Miscellaneous:

Judge Lockette distributed an E.E.O.C policy document. Move to adopt and to distribute to selection panels. Motion seconded. Motion made to defer until legal counsel reviews implications. Motion to approve was withdrawn. Executive committee will convene and pass the policy within two weeks.

Ed Hine suggests that Michael Mears is given authorization to have a discretionary account to use for gift-giving purposes. Motion made to approve account, motion seconded and approved 6-0.

Meeting was adjourned.

Future Meetings:

April 16, 2004. at 10:00 a.m.

May 7, 2004 at 10:00 a.m.

GPDSC meeting, March 19, 2004

Attendee List

Justice Carol Hunstein, Georgia Supreme Court

Helen Scholes, AOC

Lance Stewart, SCHR

Casey Jackson, AOC

Ed Wilson, Gwinnett County Bar

Philippa Maister, AOC

Judge Melodie Clayton, Council of State Court Judges

Michael Cuccaro, Council of Superior Court Judges

Amy Howell, Southern Juvenile Defender Center

Chiquita Johnson, ACCG

Michael Marr, Attorney

Gary Pairan, Cobb County Circuit Defender Administrator

Chief Judge Mary Staley, Cobb County Superior Court

Sarah Haskin, GPDSC

Mike Mears, GPDSC

Becky Chase, GPDSC

Chris Adams, MPD