

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

Minutes of a Regular Meeting

April 21, 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, April 21, 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) [arrived later], Gerald Word, David Dunn (Secretary), Hon. Willie Lockette [via teleconference], Wyc Orr, and Paul Kurtz.

Staff members present were Michael Mears (Director), Paul Kehir (Deputy Director), Nolan Martin (Deputy Director), Susan Teaster (Acting Chief Legal Officer), Chris Adams (Capital Defender), Cindy Wang, Christie Crane, Marques Smith, Marla Kosier.

Other individuals present included D'Andre Berry (Atlanta Judicial Circuit Public Defender Office), Kem Kimbrough (Association County Commissioners of Georgia), Larry Love (West Georgia Regional Conflict Administrator), and Steve Nevels (North Georgia Conflict Case Manager).

I. CALL TO ORDER

Chairman Bondurant called the meeting to order at 10:04 AM after a quorum was declared.

II. APPROVAL OF MINUTES

A motion was made by Council member Wyc Orr to approve the minutes from the last Standards Council meeting held on March 10, 2006. The motion was seconded and adopted unanimously (6-0).

III. PUBLIC COMMENTS

There were no public comments.

IV. ACTION ITEMS

a. Approval of revised Internal Operating Procedure for Collecting \$50.00 Indigent Application Fee

Director Mike Mears informed the council that the Internal Operating Procedure on the collection of the \$50 application fee [IOP 13-05] had to be modified to be consistent with the recently passed SB 503. Council member Paul Kurtz moved to adopt the revised IOP 13-05 with the addition of the language "in which the money was collected" as proposed by Chairperson Emmet Bondurant. The motion was seconded and adopted unanimously (6-0).

Council Secretary David Dunn asked for clarification of the new language of SB 203 in regards to the entity collecting the application fee.

b. Approval of contract with CBeyond. (internet services for Metro Conflict Defender Office)

Director Mears explained to the Council that since the aggregate amount for the CBeyond contract is \$12,000, the staff needed Council's approval before executing the contract. CBeyond would provide internet services for the Metro Conflict Defender Office. Information Technology Manager Marla Kosier discussed the details of the contract. Council member Kurtz moved for the approval of the contract. The motion was seconded and adopted unanimously (6-0).

c. Approval of amendments to FY 2006 Budget

Budget Analyst Marques Smith informed the Council that the FY06 Budget had to be amended because of the \$5 million reduction in funds that the General Assembly took out. Council member Kurtz moved for the adoption of the changes. The motion was seconded and adopted unanimously.

V. OTHER REPORTS

a. Financial Reports

Budget Analyst Smith explained the 4% cost of living adjustment (COLA) raise to the employees beginning January 1, 2007. In order to receive the COLA raise, the employee must have a "meets or exceeds" performance evaluation in his or her file. If the employee does not satisfy that requirement, then he or she will not receive a COLA raise. The Council adopted this decision by unanimous consent. Budget Analyst Smith then gave the monthly budget summary. The Indigent Defense Fund is projected to collect approximately \$37 to \$38 million. The Council is currently under budget.

b. Legislative Report

Deputy Chief Legal Officer Cindy Wang informed the Council that SB 503 (substantive and technical changes to the Georgia Indigent Defense Act of 2003), SR 793 (Removal of a CPD for cause), SR 954 (Performance Standard), and SR 955 (Juvenile Performance Standard) have all passed the General Assembly and are awaiting the Governor's approval. Although specific language for the appeals process in case of a denial of representation is not in the bill, Rep. David Ralston did explain during the presentation of the bill that the defendant can appeal to the court. Council Secretary Dunn suggested that there should be a clear policy directive on defining income and there should be stock briefs available on issues that may arise.

[Co-Chairperson Wilson Dubose arrived.]

c. Conflict Case Report

Deputy Director Paul Kehir informed the Council that the Conflict Management Office in Athens is open. Steve Nevels is the administrator for the office. Deputy Director Kehir also informed the Council that in the new few weeks, he would like to present some new initiatives to the Council for approval.

A list of certified experts available in a particular region will be available on the website.

d. Transcripts Cost Hearing

Acting Chief Legal Officer Susan Teaster informed the Council of the hearing in Decatur County regarding who pays for court transcripts. The court is to issue an order.

e. Compliance Report

Deputy Director Nolan Martin first informed the Council that the Data Exchange Project will be expanded to Henry County. A survey will be developed for the court clerks.

Deputy Director Martin also gave an update on the Atlanta Judicial Circuit Public Defender Office. The compliance rate for the "72 hour rule" is at 98%. There are now 100 unassigned cases. Their performance indicators are about to lead the State. The Council commended Atlanta Judicial Circuit Public Defender, Vernon Pitts, and staff. The Council asked that a letter of appreciation be sent to Mr. Pitts and his staff.

VI. DIRECTOR'S REPORT

Director Mears informed the Council that his report contains confidential personnel and litigation matters.

VII. EXECUTIVE SESSION

Council member Gerald Word moved to go into Executive Session to discuss personnel and litigation matters. The motion was seconded and adopted unanimously (7-0).

VIII. FUTURE MEETINGS

The next Council meeting will be Friday, May 19, 2006 at 10:00 AM.

IX. ADJOURNMENT

The meeting was adjourned at 1:52 PM.

These minutes are respectfully submitted this ____ day of May, 2006, and adopted this 19th day of May, 2006.

David Dunn, Secretary