

Georgia Public Defender Standards Council
Meeting Minutes
October 3, 2003

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

Eleven Council members were present. Wyc Orr was unable to attend. All three ex-officio members were present

Motion was made to approve the minutes from the September 12, 2003 meeting, approved.

New Business:

Introduction of Guest Speaker – Wilson DuBose introduced Professor Clark Cunningham from Georgia State University. In an effort to provide information to the Chief Justice’s Commission on Indigent Defense, Professor Cunningham took on some pro bono work in conjunction with the Georgia Justice Project. He is assisting the Georgia Justice Project with redesigning their data collection system. This system includes determining how many people are spending more than 48 hours in jail for traffic violations. He has also taken some pro bono cases in the City of Atlanta Traffic Court.

Professor Cunningham suggested that the Council form a coalition with judges, prosecutors, and court administrators to set up a pilot project in smaller jurisdictions to find out what would happen if enough resources were in place to let the system operate effectively. He said that adequate resources to provide effective representation at the front end (especially in the lower courts) will save money in the end. It costs a county more to incarcerate than to provide adequate representation. He suggested that the Council work with the National Legal Aid & Defenders Association to seek grant funds for this pilot program.

Update on Chief Justice’s Indigent Defense Commission meeting on September 24, 2003 – Paul Kurtz

Written report was included with materials. Paul Kurtz gave an update from the September 24, 2003 meeting of the Chief Justice’s Indigent Defense Commission. This was the last scheduled meeting of the commission and was for the purpose of holding the second of two hearing on the impact of Alabama versus Shelton. Decriminalization of minor traffic offenses was a major topic of discussion at this meeting. The Commission heard from the Richard Warren, the Director of the National Center for State Courts. Judge Warren discussed more effective case management as a way to get a handle on Shelton. They also heard from Judge Melodie Clayton who gave the State Court Judges views on the impacts of Shelton. She agreed that case management was a good way to handle it. Jack Long, the Chair of the Augusta Tripartite Committee also came and discussed the lawsuit that was filed by the TPC against the Augusta Judicial Circuit. They are seeking resources to comply with Shelton. Lastly, Chief Justice Fletcher urged the Commission and other present to be restrained in trying to broaden the scope of the

indigent defense legislation at this time. He felt like it could put the reform process in jeopardy. The Indigent Defense Commission is going to write a supplemental report that will be a summary of the latest Spangenberg report relating to the impact of Alabama versus Shelton.

Committee Reports

Update of Executive Director Search – Paul Kurtz

Paul Kurtz reported that 6 applications were received to date. The questionnaire was complete but being run through the Attorney General's Office to ensure compliance with all personnel regulations. The last day to submit applications is November 10, 2003.

Legislative Review Committee – Ed Hine

Ed Hine first requested that his committee meetings be posted so that anyone interested in participating could do so. He then reported that the Legislative Review committee met and recommended that no changes be made to House Bill 770. The committee also recommended endorsing legislation to decriminalize minor traffic offenses, but do not think that legislation should be initiated by the Council. The committee felt that the lobbyists' time was better spent watching other bills that may impact HB770. The committee did create a list of technical amendments (without fiscal impact) that we could attach to another bill if feasible. *Motion made to approve, seconded, approved.*

Qualifications for Personnel – Jerry Word

Jerry Word presented the re-draft of the qualifications for the circuit public defenders. Chairman Bondurant asked that it be gender neutral. Motion was made to approve draft with Chairman Bondurant's suggestion. *Motion was seconded, and approved.*

Caseload Standards / Definition of a Case – Judge Lockette

Judge Lockette reported and first thanked Jerry Word for doing a fantastic job of outlining a proposed framework as a weighted caseload model. The committee is trying to determine whether to adopt Supreme Court Guideline 6.1, Caseload Standards as the standards for the GPDSC and then wait and re-evaluate after we have more data. The majority of the committee supported this concept. There was a discussion held and the issue was tabled. This committee will report again at the next meeting.

Compensation for Appointed Counsel – Ed Hine

Ed Hine reported that the committee met and discussed using the same rate as is currently set in the Supreme Court Guidelines that GIDC currently uses. That rate is \$45 per hour out of court, and \$60 per hour in court. Hine also said the committee had discussed setting the death penalty hourly rate at \$90 per hour in and out of court which is in line with the federal defender's office. There was a discussion on whether there should be different hourly rates for rural versus urban areas. Hine said he wanted to do more research and that the committee would come back and report at the next meeting.

Report on Conflict of Interest Cases – Michael Mears

Michael Mears prepared two reports for the Council for use in their research on conflict of interest cases. He explained both reports in some detail. The first was on Conflicts of Interest and Public Defender Offices and the second was a report on Attorney's fees in Death Penalty Cases in Georgia by Circuits or Count. Mears reported that they have data from the circuits with hourly rates that are currently being paid. Jerry Word requested that Mr. Mears assist his committee since they must set guidelines for identification of conflicts. Written reports were distributed.

Other

Chairman Bondurant reported that he is preparing a letter and forms to send to appointing authorities for the public defender selection committees. The Qualifications for Public Defenders will also be included. He will report on the progress at the next meeting.

Materials

Pleadings from Augusta Judicial Circuit Lawsuit
Revised Committee List

Future Meetings:

Future Meeting Date: Friday, October 24, 2003 at 10:00 a.m.
Friday, November 21, 2003 at 10:00 a.m.

Meeting was adjourned.

Other Attendees:

Justice Carol Huntstein, Supreme Court
Clark Cunningham, GSU
Rachel Ramos, Fulton County Daily Report
Judge Melodie Clayton, Cobb County State Court
Johnathon Poole, Georgia Indigent Defense Council
Stephen Bright, SCHR
Judge Henry Newkirk, Fulton County State Court
Pamela Leonard, Multi-County Public Defender
Trea Pipkin, Georgia Indigent Defense Council
Jim Bonner, Georgia Indigent Defense Council
Susan Teaster, Georgia Indigent Defense Council
Sarah Haskin, Georgia Indigent Defense Council
Cindy Wang, Georgia Indigent Defense Council
Becky Chase, Georgia Indigent Defense Council
Tracey Anderson, Multi-County Public Defender
Susan Myrick, Georgia Indigent Defense Council
Wagner Dantas, Multi-County Public Defender
Sue Nails, Georgia Indigent Defense Council
Helen Tate, Georgia Indigent Defense Council
Kim Murphy, Georgia Indigent Defense Council
Helen Sholes, Administrative Office of the Courts
Bill Rankin, Atlanta Journal Constitution
Drew Powell, Mountain Judicial Circuit
Helen Tate, Georgia Indigent Defense Council
Sue Nails, Georgia Indigent Defense Council
Susan Myrick, Georgia Indigent Defense Council
Eric John, Council of Juvenile Court Judges
Rick Waller, Houston County Public Defender's Office
Julianne Lynn, Coweta County Public Defender
Chiquita Johnson, Association of County Commissioners
Jan Willy, Fulton County Conflict Defender
Paul Kehir, Fulton County Conflict Defender
Gwin Copeland, GMA
Douglas Ashworth, Council of Superior Court Judges
Molly Perry, Council of Superior Court Judges
Judge Winston Bethel, DeKalb County Magistrate Court
Sabrina Rhinehart, Georgia Indigent Defense Council
David Slemons
David Lipscomb, GACDL
Debra Blum, Georgia Indigent Defense Council
Donna Seagraves, Jackson County Public Defender
Judge Henry Baker, Council of Probate Court Judges