

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

Minutes of Regular Meeting

October 18, 2007

The regular meeting of the Georgia Public Defender Standards Council (Standards Council), an independent State agency within the Executive branch, was held on Friday, October 18, 2007, at the office of the Standards Council, 104 Marietta Street, Suite 200, Atlanta, GA 30303

Council members present were Wilson DuBose (Chairman), David Dunn (Secretary), Gerald Word, Judge Willie Lockette, Lee Morris, Ed Hine, and William Rumer.

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

A motion was made by council member Rumer to approve the minutes from the last Standards Council meeting held on August 24, 2007. The motion was seconded by Judge Lockette and adopted unanimously.

III. PUBLIC COMMENT

There were no public comments.

IV. EXECUTIVE SESSION

Council member Hine moved to go into executive session to discuss personnel matters and pending litigation. The motion was seconded by council member Word and adopted unanimously. In executive session, the council voted to approve the response prepared by staff to Judge Hilton Fuller's motion. The council was instructed by the court to send the response to Judge Fuller's chambers to be filed under seal.

V. RECONVENE REGULAR SESSION

Chairman DuBose reconvened the regular council meeting at 11:30 AM for presentations in regular session.

Council member David Dunn made the following motion:

Because the Council cannot pay the funds set forth in the court's sealed order of October 11, 2007 and meet it's constitutional duty to the other pending Capital cases and the other 150,000 plus pending indigent criminal cases, I move that we declare the Council is unable to pay the funds set forth in the Court's order and that appropriate pleadings be filed under seal to this effect. The motion passed unanimously.

VI. ACTION ITEMS

Council member David Dunn presented plans for reviewing and perfecting standards for council consideration. There were three standards and two policies that the council was acting on as follows:

- i. Standards and procedures for appointment of counsel for conflict of interest cases;
- ii. Standards for providing and compensating experts, investigators and other persons who provide services necessary for effective representation;
- iii. Standards for compensation of attorneys appointed to represent indigent persons
- iv. 46-07 Policy on Teleworking
- v. 47-07 Policy on Appointed Counsel Source Document

A motion was made to notice all proposed standards and policies for the 30 day time requirement and Sarah Haskin was appointed by the Council to gather any comments received. Council member Dunn moved to notice standards and policies, motion was seconded by Council member Morris, motion passed.

The next action item was the Staff Recommended Budgets for pending Capital Defender conflict of interest cases. This item was withdrawn by staff and was deferred to the next council meeting.

VII. DISCUSSION ITEMS

Deputy Director Sarah Haskin updated the information regarding programs and actions for the current fiscal year. She also presented a report to the Council that staff had prepared for the Governor.

VIII. DIRECTOR'S REPORT

Director Mack Crawford informed the council that Murphy Miller, Chief Public Defender of the Enotah Judicial Circuit was resigning effective December 31st, 2007 due to being appointed to a superior court judgeship by Governor Sonny Perdue. Council member David Dunn moved that the Council formally congratulate Judge (to be) Miller at the November Circuit Public Defender meeting in Macon.

The Director then informed the Council that he had reviewed the Standards Council's use of State Purchasing Cards. He explained that The Department of Audits and Accounts had ruled that the cards could not be legally used for purchases reimbursed by the local counties. Based on this, Director Crawford requested that all CPD State Purchasing Cards be suspended and only four cards be kept active. The four remaining cards would be held by Deputy Director Sarah Haskin, Deputy Director Nolan Martin, Jerry Word, Interim Capital Defender and Steve Nevels, Conflict Administrator. Director Crawford reported that he is continuing to meet with judges, public defenders, legislators and other officials that have an interest in the work of the Standards Council.

VII. OTHER REPORTS

1. Compliance, Conflict Case Management, Training, Appeals & IT Report

Deputy Director Nolan Martin reported on the management of Conflict cases, the growing age of the cases pending and the increasing caseload. He also reported that he was working on contracting a large part the Standards Council's training with the Georgia Association of Criminal Defense Lawyers. He further reported that the Appellate division continues to work on methods to better communicate with all offices handling appellate cases. He stated that the IT-GCIC project is moving forward.

2. Georgia Capital Defender Report

Director of Capital Defense, Jerry Word presented a report "Conflict Reduction and Cost Containment" that explained and answered many questions that had been raised about the operation and cost of the Capital Defenders office.

He also reported that the Capital Defender Satellite Offices in Macon and Atlanta were open and plans are being made to open a third office in office in Hinesville, Georgia in the near future. There are plans being made to use federal grant funds to hold a training available to all public defenders that would qualify them to sit first or second chair on capital cases. Word stated that the immediate objective of the Georgia Capital Defender was to formulate a plan to take as many capital cases "in-house" as possible.

3. Financial Reports

Deputy Director Sarah Haskin presented the year to date income and expense reports to the Council.

The date for next meeting is Friday, November 30, 2007 @ 10:00 a.m.

The meeting was adjourned at 12:45 PM

GUESTS

Sara Totonchi
Bill Rankin

These minutes are respectfully submitted this 30th day of November, 2007, and adopted this 30th day of November, 2007

David Dunn, Secretary