

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

Minutes of Regular Meeting

(Meeting held by Conference Call)

December 5, 2008

***Official Transcript Available for Review at Central Office*

The regular meeting of the Georgia Public Defender Standards Council was held by telephone conference call on December 5, 2008.

Council members present by telephone were Wilson DuBose (Chairman), Stephen Tillman (Vice-chairman), David Dunn (Secretary), Mike Berg, Paul Kurtz, Judge Willie Lockette, Donald Oliver, Wyc Orr, Bill Rumer, Tony Thaw, Jerry Word and Melvin Davis.

CALL TO ORDER

Council Chairman C. Wilson DuBose declared a quorum and called the meeting to order at 10:00 a.m.

APPROVAL OF MINUTES

Motion was made by Mike Berg to approve the minutes of the October 29, 2008 regular Council meeting in Macon. Melvin Davis seconded and the minutes were approved.

PUBLIC COMMENT

No public comment was offered.

ACTION ITEMS

The only action on the agenda concerned a timetable for approval of the indigency verification applications. Chairman DuBose identified for the Council the members of the committee thus far and mentioned that the list was subject to some additions from the Superior Court judges. Those listed were Kevin Little and Clinton from ACCG, Donna Seagraves, Gary Bowman and Sam Sibley from the CPDs, Ted Baggett from the Georgia Municipal Association and Ron Cross from the Council. He also asked Donald Oliver if he would serve on the committee, to which Mr. Oliver agreed. Chairman DuBose then called upon Mary McCall Cash to expound on the statutory provisions concerning indigency verification. Ms. Cash called attention to Section 41, Article 2 of House Bill 1245, noting that change to the law would enable counties or other municipalities to retain a portion of the funds that are collected from fines and fees if those entities have an approved indigency verification plan in place. Ms. Cash further noted that this provision is codified at O.C.G.A. § 17-12-80. A general discussion concerning the charge of this committee then ensued. DeBrae Kennedy from the Office of the Attorney General, who is counsel for GPDSC, clarified that the statute requires that recommendations on rules and regulations be made to the Council before approval of plans. The Council came to a general consensus that the committee be charged with making a recommendation as to the methodology for approval of individual proposals. At this point, Jennifer Carter of Georgia Association of Criminal Defense Lawyers (GACDL) asked that her association be represented on the committee, and Chairman DuBose assented. Paul Kurtz then moved that a target be set for a February timetable for considering recommendations from the committee. David Dunn seconded and the motion passed unanimously.

DIRECTOR'S REPORT

Before beginning his report on budget allotment reductions, Director Mack Crawford noted that Mike Berg also wanted to discuss the opt-out circuits. Mr. Crawford began with the background information that each of the 43 Circuit Public Defenders had determined how to accomplish budget reductions within their own circuits. He noted that four assistant public defenders had become vacant, along with several administrative positions. In order to fill these positions, three Circuit Public Defenders have been appointed to review all vacant positions and rank them by priority; this group will meet at six- to eight-week intervals. Mr. Crawford added that four requests for waivers to fill these positions have been made and all four were granted. When asked about the waiver procedure, Mr. Crawford explained that the agency must go to the state personnel office first. That office, which is known as "SPA," then works with the Office of Planning and Budget (OPB) to obtain approval of the positions. Christie Crane added that there have been seven requests for waivers, and the committee ranked the top four.

The discussion then moved on to Mr. Berg's concerns about the opt-out counties. Mr. Crawford explained that it might appear that the opt-out counties had received a higher percentage cut than the rest of the program. However, he clarified that when the program was initially set up, these counties were allocated positions at a higher salary amount than specified by statute in O.C.G.A. § 17-12-36(h). Then when the percentage budget cuts were applied to the opt-out counties, they were applied to the lesser salary amount required by statute. After a short discussion, the general consensus seemed to be that the procedure for budget cuts to opt-out counties was acceptable.

Chairman DuBose moved on to an inquiry concerning what GPDSC is doing to comply with the OPB's mandated budget reductions and to prepare for the further percentage reductions anticipated. Mr. Crawford explained about the efforts to hold year-to-date expenditures down as much as possible, as well as efforts to get a clear picture of liabilities on conflict cases. The Council went on to point out the need for more funding currently, citing some anecdotal examples of the way the defense of individual cases had been unduly affected by lack of funds.

OTHER REPORTS

Georgia Capital Defender Report

Jerry Word set forth for the Council his proposal to restructure the Georgia Capital Defender office and asked that the Council approve this plan. He described in detail the trial team model that he would like to put into place, noting that it involved eliminating one position in the mitigation section—deputy director. At the same time, the plan anticipates hiring one additional entry-level mitigation position. Mr. Word added that the team concept would result in a long-run cost savings of \$30,000. (The details of the plan are available in the official transcript.) Mr. Word noted that his program is running out of funds due to the large outlays for death penalty cases at present. Mr. Word made a motion that the Council approve the trial team plan and direct Mr. Crawford and staff to make the position waiver requests necessary to effectuate the trial teams. David Dunn seconded the motion and it passed unanimously.

Financial Reports

Marques Smith noted that the financial reports were already covered in Mr. Crawford's report. He added that as a whole the agency is under budget for the six percent level, although some circuits are running out of funds for conflicts, experts and travel. Because of those shortfalls,

Mr. Smith said that the agency is looking for ways to increase those individual line items. He also reported that the annual audit has been going on over the last month and a half; he expects a report from the audit team in the first quarter of 2009

The date for next regular meeting was not announced.

These minutes are respectfully submitted and adopted this January 22, 2009.

David Dunn, Secretary