

MEETING MINUTES – Draft

Committee	UTAH INDIGENT DEFENSE COMMISSION
Date	Thursday, May 23, 2019
Time	1:00 – 4:45 p.m.
Location	Indigent Defense Commission, 370 E South Temple, Suite 500
Members Present	Michael Zimmerman, Kim Cordova, Nicole Cottle, Rep. Joel Ferry, Aimee Winder Newton, Rich Mauro, Mary Corporon, Ryan Loose, Sam Alba, Wally Bugden, Pam Vickrey, Michael Drechsel, Shawn Milne (excused for part of meeting), Margaret Lindsay, and Sen. Todd Weiler (in person for first half of meeting, by phone for second half).
Members Excused	N/A
Guests	Lana Taylor (AG's office, representing IDC), Ashley Moritz (citizen), Adam Trupp
Staff	Joanna Landau, Jojo Liu, Darien Hickey, Greg Bates, and Emily Nuwan (summer law clerk).
Agenda Item	Welcome
Notes	Chair Michael Zimmerman welcomed all present and asked for introductions.
Agenda Item	Approval of Minutes from February 21, 2019 Meeting
Notes	Motion: Sen. Weiler moved to approve the minutes from February 21, 2019. The motion was seconded by Mary Corporon and passed unanimously by those voting members then present (Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn Milne, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Todd Weiler, and Michael Drechsel). Absent: Rep. Joel Ferry, Pam Vickrey
Agenda Item	Legislative Session Summar.
Notes	Senator Weiler updated the Commission on the legislative session, including SB32's passage and IDC funding, and noted the pass through funding available for grants is \$4.3 million.
Agenda Item	Indigent Defense Developments
Notes	<p><u>Rep. Joel Ferry</u> Representative Ferry joined the meeting as the newest member of the commission, introducing himself and talking about his interest in serving on the commission. He noted he wants to ensure people are receiving needed services while recognizing the state does not have unlimited funds. He noted the challenge in determining state's vs. local govt obligations.</p> <p><u>Overview of Funding Decisions</u> Joanna previewed the task before the commission, and the challenge that the IDC has received requests for funding that far exceed available appropriations. 60% of counties are now requesting funding and additional cities (not quite 5%, but increasing). The commission</p>

	<p>must decide limits and priorities. The grant requests lack sufficient information to make final decisions, but staff needs the commission to give guidelines on narrowing grant requests. Greg Bates, grant manager for the IDC, previewed initial ways to narrow grant requests, by timelines and getting every grant on the same fiscal year</p> <p>The commissioners discussed this idea, and spoke about hiring challenges with 1 year grants, and benefits of gaining legislative support from entities concerned about continued funding. Sen. Weiler explained that much of the one-time funding would hopefully be moved back to ongoing after the special legislative session, so this is “one-time funding with an asterisk.”</p>
Agenda Item	Setting aside \$20,000 for Lexis Research Licenses to be provided by IDC
Notes	<p>Joanna noted many systems have asked for help with legal research software. IDC has Lexis through the state government contract, and Lexis has agreed to allow IDC to extend the state rate to county contractors. The proposal will set aside \$20,000 from the \$4.3 million available to pay for Lexis access for system-attorneys. Each license is \$95/month, \$1140/year, so the initial \$20K will fund 17 new licenses.</p> <p>Motion: Sen. Weiler moved to approve the \$20,000 for Lexis account licenses. The motion was seconded by Sam Alba and passed unanimously by the voting members present: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn Milne, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Todd Weiler, Joel Ferry, Pam Vickrey, and Michael Drechsel.</p>
Agenda Item	CLE Training for Appointed Attorneys
Notes	<p>Joanna noted that there are \$184,330 in requests for CLE training. CLEs are critical for public defenders to stay current. But the IDC has granted \$45,000 for CLE training over the two years, and only \$7,000 (13%) has been used. Joanna proposed creating a statewide training program, by hiring a training coordinator for IDC to create a free/statewide CLE training program for public defenders. Existing staff budget would pay for this position, and it would remove the entire amount requested from counties for CLE training out of the grant applications and put \$184,330 back into the available amount of money.</p> <p>Motion: Aimee Winder Newton moved that IDC be allowed to hire a grant training coordinator. The motion was seconded by Sam Alba and passed unanimously by those voting members present: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn Milne, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Todd Weiler, Joel Ferry, Pam Vickrey, and Michael Drechsel.</p> <p>Motion to amend: Pam Vickrey then moved add a friendly amendment requiring that grant funding be contingent upon meeting specified training requirements in the area of practice they are contracted to provide public defense representation. The motion was seconded by Aimee Winder Newton and passed unanimously by those voting members present: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn</p>

	Milne, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Todd Weiler, Joel Ferry, Pam Vickrey, and Michael Drechsel.
Agenda Item	Utah Appeals – After the Supreme Court’s Appellate Roste.
Notes	<p>Chair Zimmerman spoke about the persistent quality problems and inconsistencies in Utah appeals, noting the Utah Supreme Court’s recent rule amendment creating an appellate roster. Joanna noted that rule has altered the appellate representation landscape. And Chair Zimmerman discussed the fact that appeals are uniquely centralizable. The lawyer does not have to be in the county where the trial was held. And that appellate work requires expertise – attorney needs to be a “repeat player” in order to be effective.</p> <p>Joanna proposed a potential IDC solution: to centralize appeals in the Utah County Public Defender’s office--where there is supervision/training/resources/ and hiring attorneys within that office to provide appellate representation for cases from rural counties. A formula would be developed to split IDC and county funding for this work. Roster attorneys will still have work because they are not being undermined – counties will still be able to contract with them if they wish. Appellate training would be one part of IDC’s training program.</p> <p>Motion: Sam Alba moved to set aside \$300,000 of IDC funding to use to create a formula to assist counties with appellate representation. The motion was seconded by Shawn Milne and passed unanimously by those voting members present: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn Milne, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Todd Weiler, Joel Ferry, Pam Vickrey, and Michael Drechsel.</p>
Agenda Item	Title IV-E and JAG funding for interdisciplinary defense projects
Notes	<p>Assistant Director Jojo Liu talked about additional avenues of funding beyond state money. The IDC received five applications asking to introduce/expand social workers into indigent defense systems. Federal funding – specifically Title IV-E and JAG-BYRNE, is now available to support such models of parental defense representation. Jojo explained that Title IV-E operates as a match – about 14% of the total amount spent for state and local spending on parental representation in child welfare matters. IDC would be the administering agency to use Title IV-E funds for parental defense social workers. Commissioners asked questions about the details of this program.</p> <p>Motion: Nicole Cottle moved to approve the proposals for Title IV-E funding for Davis and Utah County’s grants. The motion was seconded by Sam Alba and passed by majority vote by the following voting members: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn Milne, Ryan Loose, Richard Mauro, Aimee Winder Newton, Joel Ferry, and Michael Drechsel. Voting nay: Pam Vickrey. Abstained: Margaret Lindsay. (Todd Weiler had left.)</p>

*15-minute break	
Agenda Item	Grant Requests with merit but concerns
Notes	<p>Joanna praised commissioners for their hard work reviewing grant applications, and wanted to make sure the grant requests with significant commissioner concern were addressed.</p> <p>Request for \$500,000 from the Aggravated Murder Defense Trust Fund. Joanna explained the trust operates as insurance for counties on capital cases– counties pay in based on an annual assessment and receive defense representation. The trust is administered by the Dept. of Finance and a Board. As commissioners reviewing the grant noted, the IDC does not have authority to fund the trust, as per the legal opinion provided by the IDC’s counsel from the AG’s office. All members present agreed the funding was a good idea, but not appropriate for IDC funding.</p> <p>Motion: Kim Cordova moved to deny the application. The motion was seconded by Sam Alba and Wally Bugden and passed unanimously by those voting members present. Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Joel Ferry, Pam Vickrey, and Michael Drechsel. (Shawn Milne left the meeting during the break.) Absent: Todd Weiler</p>
Notes	<p>Salt Lake County Request for \$150,126 for a Conflict Administrator. This request was applauded by commissioners while many identified problems with implementing it now. SLCO indicated this request is the lowest priority of their five requests for new funding.</p> <p>Motion: Wally Bugden moved to deny the request. The motion was seconded by Sam Alba and passed by majority vote by the following voting members: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Margaret Lindsay, Joel Ferry, and Michael Drechsel, Ryan Loose.</p> <p>Richard Mauro, Aimee Winder Newton, and Pam Vickrey all abstained due to conflict of interest. (Shawn Milne was not present in the room during this discussion and vote.) Absent: Todd Weiler</p>
Notes	<p>Request for \$25,000 from Heber City. Commissioners noted several issues in Heber City’s grant application and suggested the IDC deny the funding request but provide technical assistance to queue them up for future funding.</p> <p>Motion: Kim Cordova moved to deny the request, but offer assistance to improve future grant proposal. The motion was seconded by Sam Alba and passed unanimously by those voting members present. Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Joel Ferry, Pam Vickrey, and Michael Drechsel. Absent: Shawn Milne and Todd Weiler</p>
Notes	<p>Kane County Request for \$20,000. Commissioners noted the issues with the application and talked about using the appellate formula as a possible solution.</p>

	<p>Motion: Sam Alba moved to give Kane County time to flesh out the details. The motion was seconded and then amended by Michael Drechsel, with a friendly substitution motion, to deny the grant application in its current iteration, but encourage staff to reach out to Kane to offer participation in the centralized appellate representation formula. The amendment was seconded by Sam Alba. The amended motion was unanimously approved by those voting members present. Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Joel Ferry, Pam Vickrey, and Michael Drechsel. Absent: Shawn Milne and Todd Weiler</p>
<p>Notes</p>	<p>Iron County Request. Commissioners noted the challenges identified by Iron County’s grant request, insufficient compensation and large caseloads, but that the request does not address the underlying problem. Commissioners discussed issues and solutions.</p> <p>Motion: Ryan Loose moved to table Iron County’s application more details could be worked out. The motion was seconded by Aimee Winder Newton and passed unanimously by those voting members present. Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Joel Ferry, Pam Vickrey, and Michael Drechsel.</p> <p>Wally Bugden then proposed a substitute motion, to have IDC tell Iron County what they must do to receive funds.</p> <p>Substitute Motion: Wally moved to approve Iron County’s request for funds, requiring that Iron County hire another attorney and address IDC principles, and the appellate solution. The motion was seconded by Mary Corporon and Sam Alba and passed by majority vote of the following voting members present: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Richard Mauro, Aimee Winder Newton, Joel Ferry, Pam Vickrey, and Michael Drechsel. Margaret Lindsay abstained due to conflict of interest. Voting nay: Ryan Loose. Absent: Shawn Milne and Todd Weiler</p>
<p>Notes</p>	<p>Summit County Request for \$50,000. Commissioners noted the request to increase the hourly rate for parent representation to \$175/hour was out of step with other counties.</p> <p>Motion: Kim Cordova moved to deny the request. The motion was seconded by Wally Bugden and passed by majority vote by the following voting members present: Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Joel Ferry, and Michael Drechsel. Abstained due to a conflict of interest: Pam Vickrey. Absent: Shawn Milne and Todd Weiler</p>
<p>Agenda Item</p>	<p>Remaining Funding Priorities / Core Principles</p>
<p>Notes</p>	<p>Joanna asked the commission to--rather than go through the remaining grant applications individually, commissioners should give staff policy guidance as they finalize the grants for IDC approval in June. Commissioners discussed issues with the grants and current funding structure of the IDC, and the tension between state and local responsibilities.</p>

	<p>Motion: Aimee Winder Newton moved to authorize IDC staff to use discussion and official votes to finalize project plans with grantees for June IDC approval. The motion was seconded by Pam Vickrey and Richard Mauro and passed unanimously by the voting members then present. Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn Milne, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Todd Weiler (via phone), Pam Vickrey, and Michael Drechsel. Absent: Rep. Joel Ferry</p>
	<p>Adjournment</p>
<p>Notes</p>	<p>Motion: Sam Alba moved to adjourn the meeting. The motion was seconded by Aimee Winder Newton and passed unanimously by the voting members present. Michael Zimmerman, Sam Alba, Wally Bugden, Mary Corporon, Nicole Cottle, Kim Cordova, Shawn Milne, Margaret Lindsay, Ryan Loose, Richard Mauro, Aimee Winder Newton, Todd Weiler (via phone), Pam Vickrey, and Michael Drechsel. Absent: Rep. Joel Ferry</p>
<p>Next Meeting</p>	<p>Thursday, June 27th, 2-4p.</p>