

**PUBLIC DEFENDER COMMISSION MINUTES**

**May 15, 2006**

**Office of State Public Defender**

**44 W. Park St.**

**Butte, MT 59701**

Call to Order:

The Public Defender commission meeting was called to order at 8:45 a.m. by Chairman Jim Taylor.

Commissioners Present:

Betty Bischel, Edgar; Daniel Donovan, Great Falls; Stephen Nardi, Kalispell; James Park Taylor, Pablo; Mike Sherwood, Missoula; Caroline Fleming, Miles City, Tara Veazey, Helena and Jennifer Hensley, Butte.

Commissioners Absent:

Theda New Breast, Babb; Doug Kaercher, Havre; Wendy Holton, Helena.

Other Interested Parties:

Beth Brenneman, Montana Advocacy Program; Scott Crichton, ACLU; Pat Gervais of the Legislative Fiscal Division; and Brent Doig, Budget Analyst for the Governor's Office,

Correction of April Minutes:

On Page 10, paragraph 3, "America" should be "American".

On Page 1, under Other Interested Parties, Robin Rowe is from AFSCME, not AISME.

Addition to Minutes of April, 2006:

The length of time the Commission spent going over the standards.

Approval of Minutes:

Commissioner Veazey moved to accept the corrected minutes; Commissioner Donovan seconded the motion and the motion carried unanimously.

### Chief Hood's Report:

Chief Hood reported that she and Harry Freebourn met with Greg Petesch, Director of Legal Services for the Legislative Services Branch, about how to develop administrative rules for the Office of the State Public Defender. In his opinion there should be a rule on payment of compensation to contract attorneys and a rule on indigent eligibility. He told Chief Hood that it usually takes six months but because these rules are simple it may take less time

Chairman Taylor asked about the amount or process and what needs to be in the rules if a defendant wants his own attorney rather than a state public defender.

Chief Hood stated that the statute says if a defendant wants his own attorney but qualifies for the public defender then we need to pay the attorney the public defender rate.

Chief Hood said that she will have the proposed rules for review by the Commission at the next meeting. Chief Hood talked about efforts to identify contract attorneys. We will have the courts' of limited jurisdiction assistance. She said that it won't be as difficult in the district courts. She said that we will put indigency questionnaires in the jails and courthouses. The Regional Public Defenders have been told to see the judges and clerks in the courts of limited jurisdiction and verify the procedure with each court in writing. She further stated that a card will be attached to the questionnaire showing who the public defender is. On May 31<sup>st</sup> she'll meet with the Regional public defenders and bring the information to them.

Commissioner Bichsel asked if someone will read the questionnaire to those people who are illiterate.

Chief Hood told her that when they come to court they will be asked to make sure they can understand it and that this will have to be done case by case.

Commissioner Fleming asked if the regional public defenders are keeping track of their time.

Chief Hood told her that by June the Regional Public defenders will be working at least half time and that their time will be recorded in our payroll system.

Chief Hood told the Commission about the people who had recently been hired as follows: John Putikka has been hired as the Regional Deputy Public Defender for Kalispell and he will start on June 1<sup>st</sup>. Sherrie Staedler has been hired as the Regional Deputy Public Defender for Region 5. In the central office, Sandra Law has been hired as the Financial Manager, Larry Murphy as the Contract Manager, Diane Powers and Theron Wilson as Information Technology Analysts and Barb Kain as the Human Resource Director.

Chief Hood talked about the progress in setting up offices and said that in Kalispell we have temporary space right now but will have permanent space by November 1<sup>st</sup> and also that she may fill two attorney positions. She informed the Commission that the regional and public defender offices will be combined into one facility in Kalispell. Some attorneys in Kalispell have contacted John Putikka and said they want to continue contracts. The Court Administrator in Kalispell sent letters to the contract attorneys asking them for the status of their cases. If they don't provide the information then the judge will order them to do so.

Chief Hood informed the Commission that job postings for attorneys went out ten days ago and that we already have at least thirty attorney applications.

Chief Hood said that in Region 2, Missoula, the office space is almost ready. She said that the current Chief Public Defender in Missoula has now agreed to allow the office to close for a few hours so that the employees can be signed up with the state for benefits and pay. She also said that the County Commissioners' Administrator wants copies of any correspondence she has with employees but that she is not going to completely comply with that request. She also reported that we have space in Hamilton and that things have calmed down there.

Chief Hood said that in Region 3, Great Falls, the County Commissioners are saying the public defenders office can stay where it is and that additional space would be available in a building that houses the county attorney. They have also offered us a five year lease with no guarantee that we would stay where we are as the county could shuffle the office anywhere at anytime. She said that space is also available in the U.S. Bank building. She also said that the county wants \$7.00 per foot for storage. Chief Hood told the Commission that it's better to move out of the courthouse because then the regional office and public defender office could be together.

Chief Hood stated that in Region 4 located in Helena, she's identified two locations for the regional office that will work.

Chief Hood said that in Region 5, Butte, Harry Freebourn is speaking with the current landlord to gain access to the rest of the central office building and find additional space in another building near the courthouse for public defenders. She also noted that currently, the proposed space for public defenders is the second most expensive rent in the state.

In Region 6, Chief Hood said that Dan Boucher has a building that we can use if we just pay the utilities.

Chief Hood said that Bozeman is ready to go as soon as the I.T. staff has completed their work. She said that the office space in Billings includes both offices with expansions to the public defender office and that in Miles City we have found space.

Chief Hood told the Commission that she will start interviewing next week.

Chief Hood told the Commission that the Native American Court Worker grant has arrived and a preliminary budget and a job announcement are being prepared. Chief Hood said that she will be talking to the judges and advising them of the program.

Commissioner Bichsel asked who was working on it and Chief Hood told her Jim Mason.

Chief Hood referred to the conflict manager standard that Eric Olson drew up on page 17 of the standards.

Mr. Olson talked about dealing with attorneys handling conflicts and the need for a more formal outline for the flow of dollars, etc. He also said that there is some confusion as to whether contract attorneys would handle conflicts. He talked about the conflicts coordinator position and separating it from the Office of State Public Defender. He said the only contact between the system and the individual would be at the time of need for counsel. If it is identified as a conflict case then it would be given to the conflicts coordinator. The Commission would have supervisory authority over this function but not the State Public Defender's Office.

Chairman Taylor asked about the budget for the conflicts coordinator.

Mr. Freebourn stated that the budget would need to be carved out of the current budget for contract work embedded in the OPD's budget. Mr. Freebourn assumed that bills from the Conflict Coordinator would be treated like contracted services.

Commissioner Nardi said that it seems to him that this person wouldn't be that busy.

Mr. Olson agrees with Commissioner Nardi. He said that there would be enough safeguards in place where it would only be shuffling of paperwork because of that structure they would file financial reports but there would be complete separation.

Commissioner Donovan asked if the conflicts coordinator determines if there's a conflict or just controversy.

Mr. Olson said that hopefully we'll represent the first client and everything else is a conflict. He said the safest thing is to assume it is a conflict.

Chief Hood stated that the conflict will be determined by the Regional people.

Commissioner Donovan asked if the conflicts coordinator assigns the case to a conflict lawyer.

Mr. Olson said that it would be more efficient to have the Regional Deputy Public Defenders do it.

Commissioner Nardi said that it makes sense because the Regional Deputy knows the lawyers in his region.

Chief Hood said that in rural areas there aren't a lot of attorneys so there is not enough manpower to assign attorneys just to do conflicts.

Chairman Taylor said that the changes should be that financial reports are done on a monthly basis and as requested by the Commission.

Mr. Olson said that he believes the conflicts coordinator should not be active in the practice of criminal law because that would open up more conflicts if they were handling cases.

Commissioner Sherwood asked why they didn't think he would be busy.

Mr. Olson stated only half time because of the broad basis of the area he wouldn't have to be a full time employee of the state.

Commissioner Sherwood asked if he would be paid hourly.

Mr. Olson stated that it would be a flat rate and that we would look at what the demands are.

Chairman Taylor asked if there was a reason why it had to be an attorney.

Mr. Olson stated no, that anyone with that background could understand how to perform the function.

Chief Hood stated that in her opinion a non-attorney would have a tough time signing off on costs related to this function.

Commissioner Sherwood said that maybe we could get a \$20 per hour employee.

Chairman Taylor said there are two functions, bookkeeping and quality control and that we may need one to do each function.

Commissioner Sherwood asked if we were going to spend \$30,000 per year or \$150,000 per year.

Commissioner Fleming talked about getting a former clerk who knows the system.

Chairman Taylor said part of the function also is making sure the attorneys are complying with the standards.

Commissioner Nardi said that we can easily do that in the contract.

Commissioner Hensley said that they could consider a non-attorney who is uniquely qualified.

Commissioner Sherwood said that if it doesn't sound like a fully time job then maybe there is someone to contract with. He said maybe the State Bar could find someone for us.

Chief Hood asked Mr. Olson to talk about the training conference.

Mr. Olson said that there were twenty-six slots for participants which included the Regional Public Defenders, managing attorneys and five people from the central office. He said they would be discussing things they need to understand such as personnel and finances. He talked about them getting to know each other and building a network. Mr. Olson also talked about the meeting he had with the Regional Deputy Public Defenders and that he informed them they could come on early.

Chairman Taylor asked Mr. Olson to post his power point presentation to the website.

10:00 – Conference Call with Ali Bovingdon:

Ms. Bovingdon talked about Wadsworth v. Montana, a case from 1996 involving an employee from the Department of Revenue and a conflict of interest whereby the employee was working outside of his state job doing similar work. She said that the Supreme Court agreed with Wadsworth that it was ok to work outside of his state job. She said that the best option is to fall back on conflict standards.

Commissioner Nardi asked if there is any way upon employing an individual that we tell them up front that they can only do public defender work.

Commissioner Sherwood asked how prosecutors do it.

Chief Hood talked about the lawyer from the Attorney General's Office also doing work as a private lawyer. She said he was fired because he was using state resources to do his private cases.

Chairman Taylor asked if this policy would be acceptable if they don't take on conflicts and if they would still have to be available over forty hours.

Ms. Bovingdon said they would have to be more specific, use the rules of professional conduct.

Chairman Taylor said that in terms of conflict we could use the Rules of Professional Conduct.

Ms. Bovingdon said that the Rules could certainly be used to control outside work.

Commissioner Donovan said that the Attorney General has a policy restricting outside work by its attorneys.

Chairman Taylor asked what other state agencies do about pro bono work.

Ms. Bovingdon said that Chris Tweeten could tell us. She said in the Attorney General's office if they take on pro bono work there is a support structure and they can, within reason, use the support staff.

Commissioner Donovan asked what policy the Attorney General has for overtime or comp time for lawyers.

Chief Hood stated that after forty hours it's comp time.

Chairman Taylor thanked Ms. Bovingdon for her time and the conference call ended.

Chief Hood stated that we do have a comp time policy for professional people. They receive hour for hour comp time and lose it if they go over one hundred twenty hours.

Chairman Taylor said we should use the language suggested by Ms. Bovingdon, that an attorney cannot take on outside work that violates the Rules of Professional Conduct and make sure that the attorneys understand that it could be more than forty hours.

Chief Hood stated that we will train management to watch for it and have them review the Rules of Professional Conduct.

Chairman Taylor stated that the law is what it is.

Commissioner Nardi, views public defender work as a full time job.

Chairman Taylor said if it affects performance we need to deal with it.

Commissioner Sherwood talked about going over the statutes.

Commissioner Donovan asked if our system is paying the attorneys' bar dues.

Chief Hood told him yes, on FTE (Full Time Employees).

Commissioner Donovan asked about the Regional director in Havre being half time but limited to civil work outside.

Commissioner Nardi said that they would put out the general attitude that they'll take a dim view on it.

Mr. Olson suggested having someone write language on it because the question will be asked.

Commissioner Donovan asked if we were getting applications from out of state.

Chief Hood said that most of the applications are from in state but a few are from out of state.

Mr. Olson talked about the status of the training sessions and said that by the end of the week he would have a brochure for the July conference ready. He said that July 12 – 14 is the orientation conference at Montana State University and that he will put the names of the speakers on the website. Steve Bright is the main speaker. He also said that attendance is mandatory for all salaried employees. He said that he met with Commissioner Bichsel on cultural competencies and understanding and he also met with the Montana Advocacy Program (MAP).

Mr. Olson said that he met with someone about Vision Net and having it here in the Butte office because it would help with the training.

Chairman Taylor said that he wants to see a blog on the website about the Montana Supreme Court opinions. He would like to have sections for all the areas we are interested in.

Commissioner Sherwood said that we now have the ability to draw from the Montana Association of Criminal Defense Lawyers (MTCDL) for speakers at no cost. He also talked about getting other people from within the state to speak at training conferences.

11:10 a.m. Public Comment:

Beth Brenneman of the Montana Advocacy Program (MAP) said that it was important to note that Commissioner Nardi is right about his comments as she said there was a practice in Kalispell of seeing if clients could pay retainers. She talked about putting together training on this and she also said that she has looked at the Attorney General's pro bono policy.

Scott Crichton of the American Civil Liberties Union (ACLU) said that it is important for training that people are aware early on of a client's immigration status. He suggested talking to Deborah Smith about ways of contracting with her office on immigration status.

Chairman Taylor stated that it is in the standards and that there will be training on that issue.

Larry Murphy's Report:

Contract Manager Larry Murphy told the Commission that he went to the Courts of Limited Jurisdiction meeting in April. He said he wanted to find out who is providing services and that he received a lot of information from the judges. He said that he went over Senate Bill 146 with Harry Freebourn. He said that the statute says we have to contract through a competitive process. He talked to Chris Manos about the ad in the Montana Lawyer for contract attorneys and that it will come out in the May issue. He also stated that he will advertise in various sections of the Bar. He is also going to put an advertisement on the public defender website with a survey.

Commissioner Hensley asked if the survey was easy or if it provided references.

Mr. Murphy told her that it was very in-depth.

Mr. Murphy stated that we would not be able to get all of the contracted people on by July 1<sup>st</sup>. He asked the regional public defenders to let people in their regions know about the survey and that they have to fill out the survey if they want a contract.

Commissioner Fleming asked Mr. Murphy if he was going to do a press release.

Mr. Murphy said that we need to get the word out to everyone and that he could do a press release. He said that he wants to develop a pool of prospective conflict contract attorneys. He also said that he has created a Memorandum of Understanding (MOU). He said he will contact them and give them an MOU and which says that we will contract with them on an interim basis at what they are getting now. He said that most district courts are paying \$60 per hour and some justice courts are paying \$60 per hour. He said that the MOU tells them where they will work and how they will be paid (refer to Exhibit 1).

Chairman Taylor said that this will skew the numbers we give to the Legislature if different systems.

Mr. Freebourn stated the he and Mr. Murphy have gone over some of the information that Mr. Murphy was collecting and noted that there are a lot of different agreements with a lot of different rates.

Commissioner Sherwood noted that some are paid \$140 as a flat fee per case.

Mr. Murphy said that we will not contract on a per case basis. He is going to get up some guidelines for the Regional Public Defenders on how long a case will take.

Chief Hood said we should look at regions where we have nothing but contracts. We need to contact people to keep things going until it can be finalized.

Mr. Freebourn recommended that the Commission allow the office to pay outside attorneys at the rate that they are currently getting so that they could collect information about what is currently happening in the state. Then if the Commission decides to adopt a certain rate for all attorneys for all work then the office would be able to calculate a fiscal impact of their decision and communicate this to all stakeholders.

Chairman Taylor disagreed with this viewpoint and advocated for paying a floor of \$60.00 per hour for all cases.

Commissioner Sherwood said we should start at \$80.00 per hour.

Mr. Murphy said that he will draft a standard that says not less than \$60 per hour.

Chairman Taylor suggested that there be no per diem for contract attorneys but that we provide free training.

Commissioner Nardi said that if we have mandatory training then we may have to pay the \$60 per hour rate for the attendance.

Mr. Freebourn said that the current policy adopted by the District Court Counsel for district court public defender work is “up to \$60.00 per hour” and that attorneys also are reimbursed for travel policy when they are in a state defined travel status, and that they get reimbursed for some office costs, like copies, and phone calls. He did not know what was happening in the lower courts.

Chairman Taylor suggested giving Mr. Murphy room to negotiate in the rural counties.

Commissioner Donovan talked about a death penalty case in Chinook and recommended a contract instead of an MOU.

Chief Hood agreed and said she thinks it is the only death penalty case right now and that we should keep the same attorney on the case.

Mr. Murphy stated with that need a policy to work with.

#### 12:30 p.m. Harry Freebourn's Report:

Gant Chart (refer to Exhibit 2). Mr. Freebourn handed out an updated GANT Chart to the Commission and said that he and his staff would be available to answer questions. He commented that the chart now contains an estimated time line for the design, development, and installation of a case management system for FY 2007.

Commissioner Veazey asked about the case management system.

Teri Heiland, IT Manager, stated that they will be keeping the current office case management systems in place right for now and install JustWare in places that have no current system.

Mr. Freebourn handed out Exhibit 3 – and gave a presentation on the financial plan section of the strategic plan that has been updated to reflect the changes that the Commission voted to include at the April 21 meeting. The estimated cost overrun for FY 2006 is \$66,000 mostly due to increased payroll for bringing on regional deputy public defenders one month early. The estimated cost overrun for FY 2007 is \$3.3 million and 192.75 FTE (at the end of the year) which reflects the Commission approved strategy of moving more case work to state-hired FTE from contract attorneys. About 1/3 of the overrun is due to new and existing office hookups for communications and computer equipment, about 1/3 is due to the need to keep private attorneys in place to work cases until the new state FTE get up and running, and the remaining variance is due to the fact that state employed FTE's need office space (leases and utilities), autos, etc.

Mr. Freebourn also noted that the new budget items requested by the Commission on page 3 of the presentation have been turned into the Governor's Budget Office.

Chief Hood stated we also need to get costs on cases where the death penalty was taken off the table.

Mr. Freebourn state that we did not need for approval or additions or changes to the financial plan because these were approved at the last meeting.

Chairman Taylor talked about FY 08 and FY 09 on the Native American Case Worker.

Mr. Freebourn (Exhibit 4) - gave a presentation to the Commission on the "Cost per public defender." The estimated cost is \$71.48 per hour based on the assumptions noted at the bottom of the presentation.

Sandra Law, financial manager, handed (refer to Exhibit 5) – gave a presentation to the Commission on financial reporting in accordance with Senate Bill 146. She told the Commission that intake is critical to output and referred to SB 146. She explained the timesheet that attorneys will fill out to the Commission and said that we would utilize the court's case number to expand our own fifteen digit number. There would be an open and close date, show which court the case was in, which region and the type of case.

Chairman Taylor asked how a petition to revoke would be coded and said that it should be separate case.

Commissioner Donovan asked if an appeal would be input as a separate case.

Ms. Law talked about the organizational (ORG) codes and said that each region has an identifier. She envisions that the court will call the regional office to give them

the facts for the intake. The first thing to capture is the court and the second is the case number.

Chairman Taylor asked if there are five different charges how that would be captured.

Ms. Law stated that the office manager will have access to SABHRS (State's Accounting and Budgeting Human Resource System) just to open and close cases.

Ms. Law talked about the types of costs captured. She said that the timesheets would be biweekly and concurrent with payroll and that we would take payroll and fully allocate to the cases.

Chairman Taylor asked if the case number is and internally issued number.

Ms. Law said that it is the cause number. The people who have access to SABHRS would be the regional office managers, the central office and the legislative offices. She also said that for the last four digits we could use it to count the number of felonies and the number of misdemeanors.

Commissioner Sherwood said that there are three categories he would like to know about: dispositions (plea, reduction, etc.) and age, race, gender.

Chairman Taylor said that he would like to add one digit for conflicts.

Mr. Freebourn stated that conflict cases would have an account code.

#### IT manager Report:

Ms. Heiland told the Commission that ITSD (Information Technology Services Division) has practices that we are required to follow in setting up and purchasing information technology.

Chairman Taylor asked about our standards for personal computers.

Ms. Heiland told him that the systems may be different but relational. That there is a four year recycle on computers replacements.

Chairman Taylor asked about having VisionNet in the offices.

Ms. Heiland told him that it is being offered through ITSD.

Chairman Taylor asked what the long-term plan is for VisionNet being placed in the regional offices.

Ms. Heiland told him that the cost is \$15,000 per site and then \$6000 per site per year for maintenance.

Commissioner Nardi said that it would be a great way to hook the regional public defenders into the central office.

Ms. Heiland introduced Derek Scoble and Amy Palmer of ITSD to the Commission.

Derek Scoble gave the commission a copy of Exhibit 6. He explained that ITSD has decided to do a pilot program within the Helena OPD, not a full program for Citrix. It will have a limited number of users to test to see if it meets our requirements. He said that there should be an agreement by the end of the month and will proceed once we have the desktop applications.

Chairman Taylor asked if we were required to do it or if it was negotiable.

Ms. Heiland said that we'll be bringing on a lot of hardware that is usable from the other offices. The concern is that as the new offices come on we don't want to drop new technology on them. We want to try Citrix on the new offices and see how it works. She proposed that we hook up the bigger offices with servers but try Citrix in the smaller offices. She also noted that e-mail and timekeeping are web based so we don't need Citrix for that.

Mr. Scoble told the Commission that there is a support issue because the State doesn't use Word Perfect.

Ms. Hood stated that the attorneys can't work on a system where the whole state can go down at once.

Commissioner Veazey asked about the benefits of Citrix.

Ms. Heiland told her that it is centralized.

Diane Powers (OPD) said that Citrix is not only web based but it is stand alone too.

Ms. Palmer said it's a bigger risk having one office go down because when Citrix goes down, it can be serviced in a central location and can be up in running again in a very short time.

Chairman Taylor stated that there is a difference between shutting one office down and the whole state.

Ms. Palmer said that recovering the server in Helena would be quicker than if it went down in Billings.

Mr. Scoble said that this is the model FedEx uses and it is not untried.

Chief Hood told the Commission that the decision has been made that Ms. Heiland's plan would work the best.

Chairman Taylor asked if we could make Word Perfect available for anyone who wants to use it.

Chairman Taylor made a proposal to wait until July or August to vote on the standards as he wants public comment on the standards.

Commissioner Sherwood asked if when we hire attorneys if they are going to be told to live up to the standards even though they have not been formally adopted yet.

Chief Hood said that is not a problem if the standards are adopted by December because of the six month probationary period.

Chairman Taylor said he would be much happier if they have a chance to comment on the standards.

Commissioner Sherwood said he is concerned about getting the standards adopted by July 1<sup>st</sup> because we can't hold them to standards that aren't adopted.

Commissioner Donovan suggested we could adopt the standards in the interim by July 1 and amend them if needed.

Commissioner Nardi said that it seems like every meeting the standards are change and that at some point they need to be finalized.

Chairman Taylor proposed that we schedule a vote on the standards for the August meeting.

Commissioner Sherwood expressed concern about accountability and said that before they become FTE there should be a binding effect of the standards or there wouldn't be a basis for termination.

Commissioner Veazey stated that we should adopt as much as we can before July 1 because it is unfair not to adopt them and continue to ask people to work under standards that have not been adopted.

Commissioner Nardi stated that it is not unreasonable to ask an employee to read 100 pages as a condition of their employment.

Commissioner Bichsel said that it shows more credibility of the Commission if the standards are adopted.

Commissioner Fleming agreed saying that we need to adopt as many standards as possible before July 1.

2:30 p.m. Standards:

Commissioner Sherwood said that joint defense agreements shouldn't be in writing.

Chairman Taylor said it's fine not to have it in writing if you trust the people you are dealing with.

Commissioner Sherwood said he doesn't agree but it can be adopted.

Mr. Murphy said that we'll have to think about how we're going to advertise the conflicts coordinator position.

Commissioner Veazey thinks the point person should be someone who does criminal defense.

Chairman Taylor said that Commissioner Nardi volunteered to be the point person.

Commissioner Veazey said that we should add Ali Bovington's language about doing outside work. She added that she would like to hear from Randi.

Chief Hood stated that managers should be trained appropriately that if they are asked, they are told, but don't plant the idea.

Commissioner Veazey said that the question is do we say anything in the standards or not.

Chairman Taylor asked for a show of hands as to who wants the language in the standards. Commissioners Sherwood and Donovan raised their hands.

Chairman Taylor asked as to page 20, #4, who wanted it removed. Commissioners Nardi, Bichsel, Veazey, Taylor and Fleming all agreed.

Chairman Taylor, page 33 (i)(4) said that it should have some mention of the relationship with the client, disqualifying or substitution.

Chairman Taylor said that Chief Hood will add language about detention and that Chief Hood and Beth Brenneman will work together before the next meeting to come up with youth standards.

Chairman Taylor talked about the Representation of a Ward standard and Beth Brenneman told the Commission she doesn't think we need a separate standard on Wards because Ward was incorporated into the Involuntary Commitment Standard.

Commissioner Nardi said that per statute there needs to be.

Ms. Brenneman said that if it needs to be specific then there should be Ward for Developmentally Disabled, Alcoholism and Involuntary Commitment.

Commissioner Nardi said that language should be added as to an equivalent of hours of training.

Chairman Taylor asked the Commission if they wanted to address pro bono work in the standards.

Commissioner Veazey said that she would get a copy of the pro bono policy from the Attorney General's office.

#### 4:20 p.m. Public Comment

Pat Gervais of the Legislative Fiscal Division told the Commission that she is working on a report on the Office of the State Public Defender for the Legislative Finance Committee. She talked to the Commission about the having a bidding process when hiring contract attorneys. She also talked about the supplemental appropriation request and that it is not automatic as it goes to the next legislative session. She will review the statute regarding an agency living within their budget. She also talked about the policy on eligibility and countable income. She advised the Commission that June 8<sup>th</sup> and 9<sup>th</sup> is the next Legislative Finance Committee meeting at which her report on the Public Defender would be presented.

Chief Hood asked Ms. Gervais if we have to put out a bid for contracts if we can put a ceiling on it.

Ms. Gervais said that she would look into it.

Scott Crichton of the ACLU talked about the legislative process and the appropriations being inadequate. He also talked about the legislature deciding to expand the system.

Commissioner Sherwood said he had questions about lobbying.

Chief Hood said that she would bring the lobby rules next time.

### Old Business:

Chief Hood commented on our requests for legislation and said that the legislative package has been submitted regarding the interrogation bill and the split role of the attorney and Guardian Ad Litem.

Mr. Freebourn said that the legislative request package went to the Governor's office and to the Law and Justice Interim Committee.

Chief Hood talked about the next meeting with the Law and Justice Committee on June 29<sup>th</sup>.

Chairman Taylor asked if we could have VisionNet set up for the June 29<sup>th</sup> meeting so that we could vote on the standards.

Mr. Freebourn would check on this.

Commissioner Hensley asked if we would be doing press releases on the standards.

Chairman Taylor said he would like to send the standards to all seven tribal governments and have them posted to the website by June 1<sup>st</sup>.

Commissioner Bichsel asked about the number of hours of training on the cultural standards.

Chairman Taylor said that Chief Hood will write to the tribal governments.

### New Business:

Chairman Taylor said that Mr. Murphy will revise his policy on contact rates for attorneys.

Commissioner Hensley said she thinks they need an opinion from the Department of Administration as to if we can put a floor or a ceiling on the competitive bidding.

Chairman Taylor said that we need a revised policy from Mr. Murphy and then have a special meeting by phone. He also said we need to get information about competitive bidding.

Mr. Crichton asked about the dates for the July and August meetings.

Chairman Taylor said that we don't have dates yet but that the July meeting will probably be the third week of July.

### 5:00 Meeting Adjourned