

Minutes of Meeting
Public Defense Commission
July 19, 2019
11:00 a.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda items. Also present were Public Defender Anne C. Taylor and Deputy Clerk Tina Ginorio. Also present were State Public Defense Commission Executive Director Kathleen Elliot and Region I Coordinator (Judicial Districts I & II) Aaron Freudenthal.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 11:06 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

General Update of the Public Defense Commission (Action)

State of Idaho Public Defense Commission Region I Coordinator (Judicial Districts I & II) Aaron Freudenthal reminded the Commissioners that there would be a meeting at the Coeur d'Alene Public Library today at 4:00 p.m. that day and invited them to attend. He said the meeting's purpose was to gain community input on potential new rules and informed the Board he would return in October to review the rules with them. He explained that the meeting would deal primarily with public defender resource equity with prosecuting attorneys' and with freedom from undue political influence.

Grant Funding (Action)

Mr. Freudenthal reported that the Public Defense Commission (PDC) had completed the 15% Grants, which were also referred to as Formula Grants. He said that formal letters would be sent to the Counties soon. He noted that the PDC's next focus would be assuring that county funding was appropriate to the new attorney workload standards. He stressed that they wanted to be certain that funding to each county was sustainable.

State of Idaho Public Defense Commission Executive Director Kathleen Elliot indicated that the Tucker v State of Idaho lawsuit would influence all their future processes. She predicted that if any deficiency in a public defender's office were perceived, another lawsuit would probably be filed very quickly. Ms. Elliot remarked that she thought the Kootenai County Public Defender's Office was doing a very good job already.

Ms. Elliot reported that the Idaho Association of Counties had assembled a group of County Clerks from around the state to offer guidance to the PDC.

Ms. Elliot confirmed that the Formula Grants had been awarded to all forty-four Idaho Counties. She remarked that one small county had refused the grant, on the grounds that they didn't need the money. She explained that vertical representation was an issue of concern for the PDC; in vertical representation, individuals retain the same

public defender throughout their cases. She said that there had been some issues with this in Kootenai County, but the PDC recognized that Kootenai County was working in good faith to improve.

Commissioner Leslie Duncan expressed her concern that a blanket ruling on public defense attorney caseloads would not take into account individual capabilities, qualifications or other responsibilities. Ms. Elliot assured the Board that the rule would take these aspects into account and allow for some variation.

Commissioner Duncan reminded those assembled that pre-trial procedures had been a recent focus of the PDC. She said she felt that Kootenai County's pre-trial system was working well and that she hoped they would not be compelled to make changes based on other counties' systems if those were not applicable. Ms. Elliot said this would not be the case.

Public Defender Anne C. Taylor inquired whether, the County's now-balanced Budget would be upset if her department received more than expected in grants for FY20. She expressed her concern that her department might be penalized financially if this happened. The Commissioners agreed that such increases in grant funding would not cause a change in the overall County Budget. Chairman Fillios noted that problems only arise when the money flow goes in the reverse direction.

All present agreed it was important for Legislators to be informed about the impact the laws they pass have on Counties.

D. Public Comment (Discussion): This section is reserved for citizens wishing to address the Board regarding a County-related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There was no public comment.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 12:00 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
