

**Minutes of Meeting  
State Public Defense Commission Update  
September 4, 2018  
11:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Marc Eberlein, Commissioner Chris Fillios and Commissioner Bob Bingham met to discuss the following agenda items. Also present was Public Defense Commission Representative Aaron Freudenthal and Deputy Clerk Tina Ginorio.

- A. Call to Order:** Chairman Marc Eberlein called the meeting to order at 11:02 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

**Public Defense Standards and Indigent Defense Grant Update (Action)**

Public Defense Commission Representative Aaron Freudenthal told the Board that this would be his official update for this quarter and he would return in late October or early November for the next one. He reported that Kootenai County's Indigent Defense Grant paperwork had been submitted and was awaiting approval.

Mr. Freudenthal said one of the Public Defense Commission's projects for this year was to produce a workload standard for use in measuring whether a county has sufficient defense attorneys. He added that Kootenai County's current grant request would cover the addition of two more attorneys; according to the current proposed workload standards, this would be an adequate number.

Commissioner Bob Bingham asked how the proposed state standards would relate to the national standards as shown in the report titled "Evaluation of Trial-Level Indigent Defense Systems in Idaho," by the NLADA (National Legal Aid & Defender Association). He pointed out that if they went by the national standards, Kootenai County's felony load exceeded the recommended amount by 152% to 217% and the misdemeanor and juvenile loads exceeded by 163% to 213%. Mr. Freudenthal assured the Board that those numbers were not going to be used as the state standards.

Chairman Eberlein requested a short recess due to technical difficulties with the Boardroom recording device at 11:09 a.m.

Chairman Eberlein called the meeting back into session at 11:11 a.m.

Mr. Freudenthal said that the Public Defense Standards Commission would also be working with the counties on a format for reporting case numbers. He stated this would help them break down data in different ways to better balance and track workloads.

Commissioner Bingham expressed his concern about how different types of cases would be counted in the calculation of caseloads. He pointed out that capital cases were much

more labor intensive, for example, and should count more heavily. Mr. Freudenthal said that the Commission had been working on a point system for different types of cases for just this purpose but it was not finished.

Mr. Freudenthal said a third thing the Commission would be working on in the coming year is standardizing contracts for conflict attorneys. He commented that Kootenai County already did an excellent job with these. He suggested that once a sample contract has been developed Kootenai County could just modify and use it.

Commissioner Bingham expressed his concern that, in the case of conflict attorneys, the Board really has no say in managing the process. He also said that the information Mr. Freudenthal had provided to the Board did not include legal definitions of "conflict" or "conflict attorney." Mr. Freudenthal agreed that those terms should be defined and said he would see they were included.

Commissioner Bingham also expressed his observation that requests the counties make do not seem to get included in the state's regulations. He said this is one reason he is in favor of the State of Idaho taking over the Public Defender responsibilities. He asked if Mr. Freudenthal could find out what has been incorporated from previous meetings. Mr. Freudenthal said he would research this and get the information back to the Board. He explained he passes the things he is told at the County level up the chain but has no control over what is used or set aside.

Mr. Freudenthal told the Commissioners there were two meetings coming up he thought they should attend. He said one would be sometime in September and would be for going over the new proposed standards in depth. He stated the other one would be on October 23, 2018 from 4:00 p.m. to 6:00 p.m. He added he would see they got additional information on them as soon as it was available.

**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.

Chairman Eberlein adjourned the meeting at 11:58 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

MARC EBERLEIN, CHAIRMAN

BY: \_\_\_\_\_  
Tina Ginorio, Deputy Clerk

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