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# MINUTES

Idaho State Public Defense Commission Meeting

Attendance via Zoom meeting was encouraged

Masks and social distancing were encouraged at meeting site

Public Defense Commission Conference Room

816 W. Bannock Street, Boise, Idaho 83702

October 19, 2023 at 10:00 am

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*Commission Members Present (via Zoom):* Darrell Bolz, Chair, Ben Andersen, Angie Barkell, Dan Dinning, Erik Lehtinen, Linda Trout

*Commission Members Absent:* David Cannon, Melissa Wintrow

*PDC Staff Members Present at Meeting Site:* Kathleen Elliott, Jennifer Cichocki

*PDC Staff Members Present (via Zoom):* Jared Ricks, Jennifer Roark, Mark LaSalle

*SPD Staff Members Present (via Zoom):* Eric Fredericksen

*Members of the Public Present at Meeting Site:* None

*Members of the Public Present (via Zoom):* Special Deputy Attorney General Joe Aldridge, Scanlan Griffiths & Aldridge

*Welcome and Call to Order – Chair Bolz*

The meeting was called to order 10:04 am

## *Consent Agenda*

*(Items on the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless a Commissioner so requests, in which case the item will be removed from the Consent Agenda and placed on the regular agenda.)*

FY2024 Actual and Budget Report September

Approval of September 21, 2023 Meeting Minutes

Commissioner Trout moved to approve the Consent Agenda. Commissioner Dinning seconded.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Erik Lehtinen, Member	Yes
Linda Trout, Member	Yes
Melissa Wintrow, Member	Absent
Darrell Bolz, Chair	Yes

The motion carried.

#### *Executive Director Report:*

Kathleen Elliott shared that Defending Attorney Annual Reports are due on November 1 and as of October 18, the following percentages of Defending Attorney Annual Reports were received:

Section I – Firm/Office Report - 9.4%

Section II – Attorney Report - 14.6%

Combo – Solo Attorney Office - 16.1%

The Indigent Defense Financial Assistance Report was amended to include a \$2 upward adjustment in the one-time FA and the Total FA award columns. The change was due to a rounding error.

At the November PDC meeting, the staff will work with Chair Bolz to brief the Commission on issues related to counties contracting their institutional employees to work out of county when the attorney and/or attorneys in their offices are over caseload and/or workload.

There are two employee changes at the PDC: Tammy Zokan returned to the private market and Brady Ward King will join the Team with 75% of her time as PDC Policy Compliance Counsel and 25% with the SPD.

#### *Joint Regional Coordinator Report:*

Ms. Roark said she did not have additional information to add to the Regional Coordinators' written report.

#### *Appointment to Commission:*

Chair Bolz noted the Governor's office has made appointments to the Commission to include: Erik Lehtinen, Angie Barkell and Darryl Bolz and Dan Dinning will remain on the Commission.

Chair Bolz spoke with the Governor's office about how Commissioners will go through the appointment process with the Legislature. For now, appointees will wait and see.

*Election of Vice Chairperson:*

Chair Bolz stated that a new Vice Chair needs to be nominated now that former Vice Chair Fredericksen has been appointed State Public Defender.

Commissioner Lehtinen moved to approve the election of Commissioner Trout as Vice Chair. Commissioner Trout declined.

Commissioner Trout moved to approve Commissioner Lehtinen for the position of Vice Chair. Commissioner Dinning seconded the motion.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Erik Lehtinen, Member	Yes
Linda Copple Trout, Member	Yes
Melissa Wintrow, Member	Absent
Darrell Bolz, Chair	Yes

The motion carried.

*Capital Counsel Review & Recommendation Committee New Member:*

Executive Director Elliott noted the need for the appointment of a new Capital Counsel Review and Recommendation Committee member now that Mr. Fredericksen has left the Commission to be the State Public Defender.

Commissioner Trout moved to approve Vice Chair Erik Lehtinen to the Capital Counsel Review and Recommendation Committee. Commissioner Dinning seconded.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Linda Trout, Member	Yes
Melissa Wintrow, Member	Absent
Erik Lehtinen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

### *State Public Defender Report:*

Mr. Fredericksen reported his first day was 9/25. On day 2, he began discussing benefits and working on temporary space. He now has a 25% employee and is excited for Brady Ward King to start. He has hired an administrative assistant who starts 11/1. The new hires will take a lot of stress out of his job.

Mr. Fredericksen spent last week in North Idaho. In Boundary County he met with Commissioner Dinning. He also visited with Bonner, Kootenai, Latah, and Nez Perce counties. The main concerns he heard were about funding and staffing.

Boundary County is fully staffed. Concerns included keeping their jobs, becoming the “State of Ada”, and how benefits will work. Mr. Fredericksen assured everyone the SPD is here to support them.

Bonner County is in good shape.

The Kootenai County meeting went really well. Mr. Fredericksen met with Anne Taylor for 1.5 - 2 hours and with staff for 1.5 hours. The same questions from Boundary County were asked, specifically about benefits and compensation. Kootenai County is down 10 attorneys. Everyone is nervous, but excited.

In Nez Perce County, Mr. Fredericksen met with all contract attorneys. Attorneys were excited and considering establishing an institutional office. Attorneys asked who they will negotiate with for contracts. Mr. Fredericksen reassured attorneys that the SPD wants the best and wants attorneys to stay.

A big question is the topic of benefits, specifically how they will transfer from county to the state system. For example, if someone has accrued 300 hours of vacation, will that be paid out and will they start out with no vacation. If people have been working with their county for a long time and currently accrue more vacation than state policy, what will happen. Mr. Fredericksen is working to figure that out and notes it might be a legislative fix.

Mr. Fredericksen has had meetings with legislators already and is submitting his revised budget this afternoon.

### *Executive Session:*

Commissioner Trout moved to convene in executive session under Idaho Code 74-206(1)(d) to discuss records exempt from disclosure under Idaho Code 74-105(18)(a), and under Idaho Code 74-206(1)(f) to communicate with legal counsel about pending litigation. Commissioner Dinning seconded.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Linda Trout, Member	Yes
Melissa Wintrow, Member	Absent

Erik Lehtinen, Vice Chair	Yes
Chair Bolz, Chair	Yes

The motion carried.

The Commission went into executive session at 10:24 am.

Special Deputy Attorney General Joe Aldridge, Scanlan Griffiths & Aldridge was present.

*Chair Bolz called the meeting back to order at 10:50 am.*

*Final Action or Decision on Items Considered During Executive Session:*

Commissioner Trout moved to approve candidate #52 for Continuing Eligibility as Trial Co-Counsel.  
Commissioner Dinning seconded.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Linda Trout, Member	Yes
Melissa Wintrow, Member	Absent
Erik Lehtinen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Commissioner Trout moved to approve Candidate #54 for Continuing Eligibility as Trial Lead Counsel.  
Commissioner Dinning seconded.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Linda Trout, Member	Yes
Melissa Wintrow, Member	Absent
Erik Lehtinen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Commissioner Trout moved to deny Candidate #55 inclusion on the roster as Trial Lead Counsel under the Alternate Requirement and approve for inclusion as Trial Co-Counsel. Commissioner Trout added denial was because of lack of capital experience, lack of recent trial experience and lack of mitigation experience. Commissioner Dinning seconded.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Linda Trout, Member	Yes
Melissa Wintrow, Member	Absent
Erik Lehtinen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Commissioner Trout moved to approve Candidate #56 for Continuing Eligibility as Trial Lead Counsel. Commissioner Dinning seconded.

And the roll call vote to do so was as follows:

Ben Andersen, Member	Yes
Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Yes
Linda Trout, Member	Yes
Melissa Wintrow, Member	Absent
Erik Lehtinen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.


#### *Future Meeting Dates:*

November 16, 2023 at 10:00 am MT

December 14, 2023 at 10:00 am MT

Chair Bolz adjourned the meeting at 10:57 am

Minutes approved by the Commission on November 16, 2023



Kathleen J. Elliott, Executive Director