
MINUTES

Capital Counsel Review and Recommendation Committee of the Idaho State Public Defense Commission Meeting

Attendance via Zoom meeting was encouraged

Masks and social distancing were encouraged at meeting site

Idaho Public Defense Commission Office Conference Room

816 W. Bannock St., Ste 201

Boise, Idaho 83702

November 28, 2023 at 3:00 pm

Committee Members Present (via Zoom):

Commissioner Linda Trout, Erik Lehtinen, Bruce Livingston

Committee Members Absent: Andrew Parnes, James Siebe

PDC Staff Members Present (via Zoom):

Kathleen Elliott (at meeting site) and Jennifer Cichocki, Brady King (via Zoom)

Members of the Public Present (via Zoom): None

Welcome and Call to Order:

Commissioner Trout called the meeting to order at 3:01 pm

Commissioner Trout welcomed new committee member Erik Lehtinen to the committee. Commissioner Trout also welcomed new PDC Policy and Compliance Counsel Brady King and congratulated her on her role with the commission.

Approval of October 10, 2023 Meeting Minutes:

Committee member Livingston moved to approve the October 10, 2023 minutes. Commissioner Trout seconded. All in favor. The motion carried.

Executive Session:

Committee member Livingston moved that pursuant to Idaho Code 74-206, the Committee convene in executive session under Idaho Code 74-206(1)(d) to discuss records exempt from disclosure under Idaho Code 74-105(18)(a). Committee member Lehtinen seconded.

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

Linda Trout, Member	Yes
Bruce Livingston, Member	Yes

Andrew Parnes, Member	Absent
James Siebe, Member	Absent
Erik Lehtinen, Member	Yes

The Committee went into executive session at 3:05 pm.

Executive session ended at 3:21 pm.

Commissioner Trout called the meeting back to order at 3:22 pm.

Final Action or Decision on Items Considered During Executive Session:

Committee member Livingston moved to recommend the Commission approve applicant 60 for continuing eligibility as co-counsel for capital trials. Committee member Lehtinen seconded. All in favor. The motion carried.

Committee member Lehtinen moved to recommend the Commission approve applicant 58's application as lead counsel for capital trials under the alternate requirements. Committee member Livingston seconded. All in favor. The motion carried.

Committee member Livingston moved to recommend the Commission approve applicant 53 as lead counsel for appeals and post-conviction conditioned on the applicant becoming a member of the Idaho State Bar or obtaining pro hac vice admission to the Idaho State Bar. Committee member Lehtinen seconded. All in favor. The motion carried.


Committee member Lehtinen moved to recommend the Commission approve applicant 57 as co-counsel for capital trials but deny applicant 57 as lead counsel for capital trials under the alternate basis. Committee member Livingston seconded. All in favor. The motion carried.

Committee member Livingston moved to recommend the Commission approve applicant 59 as co-counsel for capital trials. Committee member Lehtinen seconded. All in favor. The motion carried.

Adjournment:

Commissioner Trout adjourned the meeting at 3:31 pm.

Minutes approved by the Committee on February 9, 2024.


Kathleen J. Elliott, Executive Director