

**Minutes of Meeting**  
**Public Defense Commission**  
**March 18, 2021**  
**1:00 p.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, Client Services/Investigations Administrator Jennifer Jenquine, Finance Director Dena Darrow, BOCC Communications Manager Nancy Jones, BOCC Administrative Secretary Chandra Newberry and Deputy Clerk Tina Ginorio. Also present were Public Defense Commission Regional Coordinator Jennifer Roark and Attorney Scott Nass. Ms. Roark was present via Zoom.

- A. **Call to Order:** Chairman Chris Fillios called the meeting to order at 1:02 p.m.
- B. **Changes to the Agenda (Action):** There were no changes to the agenda.
- C. **Business (Action):**

**Idaho State Public Defense Commission Annual Review with Regional Coordinator Jennifer Roark**

Idaho State Public Defense Commission Regional Coordinator Jennifer Roark introduced herself and listed the districts for which she was responsible. She explained that most of the questions she intended to ask had been developed under the Commission's current standards. She stated she intended to have her investigation completed by April 1, 2021 so that she could begin working on the report with her findings.

Ms. Roark began by asking whether there were any changes planned for FY2021 or FY2022 for how Public Defense was delivered.

Public Defender Anne C. Taylor replied that she intended that her department would continue to deliver the same high quality service they had in the past. She added that she planned to fill their currently vacant positions.

Commissioner Leslie Duncan remarked that the Public Defenders might be relocated to a new space, because they had run out of space at their current location. She said that it would not happen soon, but was being worked on.

Ms. Roark continued on, asking detailed questions about the policies and procedures in the Public Defender's Office. Ms. Taylor and Attorney Scott Nass provided her with the requested data. This covered the operations of the Public Defender's Office in depth. These included:

**How defending attorneys were selected, appointed, hired, promoted, retained and/or terminated:**

- What is the process and who is involved?

- How does the County identify defending attorneys who are competent to represent an indigent person?
- What changes have been made related to public defense in FY2021?
- What are the County's plans and/or goals for public defense in FY2022?

#### The independence of defending attorneys in your County

- What is the court's involvement with the County's public defense system?
- What resources are offered to maintain independence for the public defenders and limit influence of opposing counsel?
- What processes are in place to protect defending attorneys from political influence?
- Are there any problems protecting the independence of defending attorneys and limiting interference from political and/or judicial influence?
- Are there ways the PDC can help?

#### The systems in place to protect client confidentiality

- Are there private meeting spaces used to meet with clients?
- Are there confidential storage systems for client communications and information (hardcopy and electronic formats)?
- If there is a change in representation, what process is in place to protect client information?
- Are there issues with protecting confidential client information?
- Are there ways the PDC can help?

#### Attorney workloads

- How is each attorney's caseload/workload tracked?
- How are cases assigned?
- Is there a county process for reporting and/or reducing caseloads/workloads nearing or exceeding limits?
- Are there barriers to keeping workloads below limits?

#### Attorney skill sets and training

- What information does the County review when making these determinations?
- What County-based training resources and policies are there? i.e. Does the County budget funding for attorney training?
- Are there difficulties hiring or finding defending attorneys with the necessary skill sets?
- Are there ways the PDC can help?

#### Attorney representation at hearings

- When is a case first assigned to a defending attorney?
- Is the County providing representation at all first appearance hearings?
- Does one attorney represent a client throughout the case (vertical representation)?
- Are there hurdles to providing attorneys at first appearance and/or vertical representation?
- Are there ways the PDC can help?

#### Resources for public defense in each county

- How do you determine the public defense and prosecution budgets?
- How do defending attorneys request resources?

- Are there difficulties fully funding public defense?
- Are there ways the PDC can help?

Attorney contracts in each county:

- What is the process for contracting with defense attorneys?
- How are the terms of the written contract established?
- What is the fee structure? i.e. hourly, fixed payment, etc.
- Have there been issues getting executed contracts with every defending attorney?
- Are there ways the PDC can help?

COVID-19

- Did cases increase/decrease?
- Did public defense costs increase/decrease?
- How are defending attorneys communicating with clients during pandemic?
- What virtual options are available and how have those worked out?
- What do you anticipate happening in FY2021 and FY2022?
- Are there ways the PDC can help?

Public defense budgets and financial assistance

- We would like to discuss the FY2020 expenditure report and how your county used PDC financial assistance last fiscal year.
- We would like to discuss the FY2021 expenditures thus far and if there are any expected surplus or shortfalls for this fiscal year.
- We would like to discuss the FY2022 budget and upcoming financial assistance process for PDC financial assistance for next fiscal year.
- We would like to discuss the ideas you have for using PDC financial assistance to improve public defense in your county.

Other questions

- Are there areas we did not discuss that are important to public defense in your county system?
- Are there resources, other than those of the PDC, that could help maximize your public defense system?

Chairman Fillios exited the meeting at 2:13 and designated Commissioner Duncan as the Chair Pro Tem.

Commissioner Bill Brooks exited the meeting at 2:20 p.m.

Chair Pro Tem Duncan stated she had to depart for another commitment at 2:35 p.m.

- D. Public Comment:** 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 were no public comments.

**E. Adjournment (Action):** Chair Pro Tem Duncan adjourned the meeting at 2:35 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

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

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