

Committee	UTAH INDIGENT DEFENSE COMMISSION
Date, Time	Thursday, June 6, 2024, 2 PM – 4 PM
Location	370 E South Temple, Suite 500, Salt Lake City, UT 84111. Also, virtually via Zoom.
Commissioners Present	Chair Lorene Miner Kamalu, Aaron McKnight, Tyler Clancey, Wally Bugden, Richard Mauro, Casey Hopes, Michael Drechsel, Pam Vickrey, Michael Zimmerman, Todd Weiler, Mary Corporon
Commissioners Excused	Tom Ross, Margaret Lindsay, Ryan Loose, John Kwarm
Staff Present	Matthew Barraza, executive director; Adam Trupp, assistant director; Leslie Howitt, research & data analyst; Katriina Adair, grant manager.
Guests	N/A
Agenda Item	Welcome & Introductions
	Chair Lorene Miner Kamalu welcomed everyone. The attendees all introduced themselves.
Agenda Item	Approval of Minutes
	Chair Kamalu introduced the motion to approve minutes for the meeting in March of 2024, which was seconded by Commissioner Bugden. The motion was passed unanimously. Chair Kamalu introduced the motion to approve minutes for the meetings in April of 2024, which was seconded by Commissioner Hopes. The motion was passed unanimously.
Agenda Item	FY25 Grant Applications Review
	<p>Matthew Barraza started his presentation on the FY2025 IDC Grant Applications Review with a summary of local funding highlights, namely compensation increases in Cache, Salt Lake, Weber, Washington, and Davis counties. He continued with a brief review of the IDC's grant request ranking tiers, the previous year's grant award amounts, and FY2025's total request amounts by tiers. Matthew Barraza concluded his introduction with the IDC staff's recommendation of funding the Tier 1 and Tier 2 grant requests.</p> <p>Matthew Barraza reviewed the Iron/Beaver/Kane regionalization project's grant requests and stated that their only non-renewal request was for compensation increases; he continued that for the last few years the IDC has</p>

not awarded any compensation increases and that the recommendation would not change this year due to limited funding.

Matthew Barraza continued to the Box Elder/Cache regionalization project's grant requests, which were all renewals. He noted that the newer grants awarded in FY2024 would be renewed with non-lapsing funding and that the IDC would keep track of those going forward.

Matthew Barraza reviewed the Carbon/Price regionalization project's grant requests, which was also all renewals.

Matthew Barraza discussed Davis County's grant requests; he stated the IDC staff had a spirited discussion regarding the requests but did not come to a consensus and wanted to ask the Commission for their input. Matthew Barraza stated that Davis County received an award for a Complex Cases specialty contract two years prior billed hourly for a contract maximum of \$150,000.00. He continued that Davis County had not reached the upper spending limit since the contract was awarded and that the county requested that some of the \$150,000.00 contract award be reallocated as compensation increases for other contractors. Matthew Barraza stated that as previously mentioned the IDC had not awarded compensation increases for the last several years but that the Davis County reallocation was more complex as the grant request amount was already awarded to the system.

Commissioner Bugden noted that the IDC allocated the funds for a specific purpose and that any remaining funds at the end of a Fiscal Year should remain in the IDC's budget. He stated that traditionally using funds for a purpose other than why they were requested would constitute fraud. Commissioner Bugden finished by stating the contractors in question are not full-time public defenders and have their own private practices and are not entirely reliant on County contracts for compensation and thus said he would not approve the fund reallocation. Commissioner Zimmerman stated that he agreed with Commissioner Bugden. Chair Kamalu stated she would be recusing herself from the discussion as the Davis County Commissioner but said that she thought Commissioner Bugden's view on the reallocation was logical and fair.

Commissioner Vickrey stated that the IDC wants people to be compensated fairly but that if the Commission doesn't award compensation increases to other systems it would be unfair to allow Davis County's fund allocation for compensation increases. Commissioner Mauro stated that he agreed with Commissioner Bugden; he continued that he understood the benefit of a complicated case compensation plan but that within the structure of a public

defender agency he would hope the expertise for these kinds of cases could be developed within the system itself. Commissioner Drechsel said that had the compensation increases been requested in a vacuum they would not have been awarded the funds and thus it doesn't make sense that the dynamic would change post-allocation.

Matthew Barraza stated Todd Utzinger was grateful to have the complex case specialty contract because if an attorney has a demanding caseload and a mandatory minimum is added that case would take up a lot of time and having a "release valve" for those complex cases was appreciated. Commissioner Mauro stated the American Bar Association issued a workload report; he asked what the responsibility of the IDC is when public defender workloads exceed set standards.

Matthew Barraza continued to the Juab/Nephi/Wasatch regionalization project, which was all renewals outside of one grant request for an additional District/Justice Court contract in Juab County that was not recommended by the staff in the collaborative meeting.

Matthew Barraza reviewed the Millard County grant request; like with the previous system, the request was all renewals outside of one grant request for an additional District Court contract, which was not recommended by staff.

Matthew Barraza discussed Wasatch County's grant request, which was similar to Davis County's request; the County requested that funds from a part-time public defender contract that had not been filled be reallocated as compensation increases for existing contract holders. Commissioner Clancey asked Matthew Barraza if the ABA guidelines include caseload standards for drug courts; Matthew Barraza responded "no" due to the high variability of drug court cases.

Matthew Barraza continued to Salt Lake County's grant request. He noted that there were many renewals, but that the County also requested a grant for an extension of a Parental Defense Contract due to the pre-existing funding expiring at the beginning of 2025 in addition to requests asking for five additional contract attorneys.

Matthew Barraza reviewed the Sevier/Wayne/Sanpete regionalization project's grant requests, which were mostly renewals. He detailed a request for a social worker for parental defense in Sevier and Sanpete that was not recommended due to budget constraints. In addition, he noted all the

requests for additional contract attorneys in the system were not recommended due to budget constraints.

Matthew Barraza continued to Tooele and Uintah counties' grant requests, which were all renewals.

Matthew Barraza discussed Utah County's grant request, which was mostly renewals besides a request for two new attorneys to staff the court of a new juvenile court judge in the county; he stated that unfortunately those awards were not recommended by the staff due to budget constraints.

Matthew Barraza continued to Washington County's grant request. He stated that besides renewals, the county requested a new social worker and a district court attorney, which were not recommended by the staff due to budget constraints. Chair Kamalu stated that after talking with managing defenders, she had been told that social workers were proving to be a valuable resource for attorneys and clients due to skill sets and training that attorneys don't have that greatly benefit clients.

Matthew Barraza discussed Weber County's grant request, which was all renewals.

Finally, Matthew Barraza discussed Grand and Summit counties' grant requests. Grand County had a Tier 2 request for funding Kris Rogers as the managing defender of the county. He continued that Kris Rogers was able to get better contracts in place for better representation and has done a good job mentoring younger attorneys in addition to improving administration of the system. Matthew Barraza stated that the IDC staff recommended the grant request to continue her contract. He also stated that Summit County applied for additional funding for a district court attorney to take on some managing defender responsibility in addition to a request for an administrative assistant to support attorneys, both of which were recommended by the IDC staff.

Commissioner Bugden asked what the IDC staff's recommendation was regarding the possibility of all staffing increases being approved, to which Matthew Barraza stated that he would be uncomfortable doing so due to the significant decrease in non-lapsing funds were those staff increases to be approved. Commissioner Mauro asked if Summit County had made any effort to regionalize their use of a managing defender; Matthew Barraza responded that regionalization was not a requirement for counties coming on to the grant program, and that he was unaware of any efforts Summit County had made to regionalize.

	<p>Commissioner Vickrey said she struggled to justify capacity increases for managing defenders while the IDC still had work to do to ensure managing defenders were being adequately utilized or are sufficiently managing public defenders per the Gault Report, which was a Utah-specific assessment. Commissioner Drechsel stated the IDC had 3 initiatives that funding had been provided for, one of which was what benefit managing defenders were bringing to the system and whether that benefit was worth the funding allocated towards it. He continued that it seemed like there were some reports that managing defenders were providing material benefit but that it wasn't clear if the initiative was yielding the best possible results with that funding. Commissioner Hopes stated the Carbon County managing defender had been incredibly helpful in managing caseloads and defenders and that he had worked with the managing defender to manage the output of one of their public defenders. Matthew Barraza mentioned that in the last year, the IDC staff had begun performing site visits at participating counties to meet with managing defenders and contracted attorneys to talk with them and assess the performance of and needs of the managing defenders.</p> <p>Commissioner Zimmerman put forward a motion to accept the IDC staff recommendations of funding Tier 1 and Tier 2 requests without funding reallocations; Commissioner Drechsel stated he seconded the motion due to a high degree of confidence in the IDC staff's work on reviewing the grant requests. Commissioner Mauro abstained from voting on Salt Lake and Weber counties due to involvement with both counties' indigent defense systems. Chair Kamalu abstained from voting on Davis County due to being a Davis County commissioner. Commissioner Hopes abstained from voting on Carbon County due to being a Carbon County commissioner. Commissioner Vickrey abstained from voting on Salt Lake, Washington, and Carbon counties due to being involved in those counties' indigent defense systems. The motion was passed unanimously.</p> <p>Commissioner Weiler suggested that the IDC staff draft a memo of what the Commission wanted to fund but was unable to due to budget constraints to share with the legislature.</p>
Agenda Item	Aggravated Murder Defense Fund Update
	<p>Chair Kamalu passed the floor to Matthew Barraza to update the Commission on the Aggravated Murder Defense Fund.</p> <p>Matthew Barraza started by saying that the statute transferring administration of the fund to the IDC was in effect and that the IDC was almost done with the process of contracting Rule 8 qualified attorneys. He said that the IDC had received its first application from Utah County, who's</p>

	<p>County Commission passed a resolution to join and pay into the fund; he continued that their new county attorney has been filing more capital cases which might become a strain on the fund in the future. Commissioner Bugden asked which attorneys had been approved for the Aggravated Murder contracts, which Matthew Barraza was unable to answer as the answer was not yet public knowledge and couldn't be shared.</p> <p>Commissioner Hopes stated it would be helpful to know what counties were participating in the fund, how much was left in the fund, and the average annual amount paid out from the fund. Matthew Barraza shared a list of the participating counties and their annual assessments. Katriina Adair stated that there should be about \$2.7 Million in the fund.</p> <p>Chair Kamalu asked if Utah County automatically got to join the fund; Matthew Barraza said it was up to the Commission on whether Utah County was allowed to join.</p> <p>Commissioner Hopes asked what the average cost of defense in a Capital Murder case was, to which Matthew Barraza stated there was a large amount of variance in cost between cases but that the pre-existing contracts had a cap of around \$300,000.00 per case. Commissioner Mauro asked if Utah County would only be eligible for the fund going forward or if they would be eligible for appointment on a case that's been heard already; Matthew Barraza responded the statute was not that specific regarding timing and that policies around that would need to be put in place. Commissioner Zimmerman asked if the formula used to calculate annual assessments was from statute or determined by the IDC, which Matthew Barraza answered that it was dictated by statute.</p> <p>Chair Kamalu stated that the Commission wouldn't decide on Utah County yet due to needing more discussion. Matthew Barraza stated he would gather more information and ask Utah County more questions regarding their request to join the fund.</p>
Agenda Item	Other Business/Public Comment
	No other business or public comment.
Adjourn	Meeting adjourned.
Next Meeting	July 18, 2024,