

MEETING MINUTES - Approved	
Committee	UTAH INDIGENT DEFENSE COMMISSION
Date, Time	Thursday, Mar. 17, 2022, 2 PM – 4 PM
Location	370 E South Temple, Suite 500, Salt Lake City, UT 84111. Also, virtually via Zoom.
Members Present	Chair Lorene Miner Kamalu, Heather Schriever, Margaret Lindsey, Mary Corporon, Michael Drechsel, Michael Zimmerman, Pam Vickrey, Richard Mauro, Ryan Loose, Shawn Milne, Tom Ross, Wally Bugden.
Members Excused	Sam Alba, Sen. Todd Weiler, and Rep. Steven Lund.
Staff	Matthew Barraza, executive director; Adam Trupp, assistant director; Leslie Howitt, research & data analyst; Ben Miller, deputy chief appellate attorney; Debra Nelson, chief appellate officer; Greg Bates, grant manager; Katriina Adair, financial analyst; Gennie Bird, training coordinator.
Agenda Item	Welcome
	Chair Lorene Miner Kamalu welcomed everyone, and commissioners introduced themselves.
Agenda Item	Legislative Recap
	<p>Adam Trupp gave an overview of the 2022 General Session, explaining the bills that were initiated by the IDC and bills that relate directly to the representation of indigent individuals, including:</p> <p><u>S.B. 108 – Indigent Defense Amendments – Sen. Weiler, T.</u> This bill modifies the definition of defense resources and expands on what the IDC can define as defense resources. Section 7(c) includes an “Indigent defense service provider” includes an attorney who is directly employed with an indigent defense system.</p> <p><u>S.B. 161 – Child Welfare Appeals Amendments – Sen. Harper, W.</u> This bill removes provisions requiring a parent who is a party to a termination-of-parental-rights appeal to keep the adverse parties aware of their “whereabouts.” It removes the requirement that a claim of ineffective assistance of counsel be made in the initial petition on appeal. It also removes the requirement that trial counsel represent the parent throughout the appeal and any subsequent proceedings. This allows parents the protections they are provided for by court rules relating to the qualifications of appellate counsel.</p> <p><u>S.B. 181 – Parental Representation Amendments – Sen. Harper, W.</u> This bill directs the IDC to create a pilot program for interdisciplinary legal teams that will include a social worker. This program is specifically for child welfare cases and will build on what is already in place in a number of defense systems around the state. The</p>

bill appropriated \$170,000 for the implementation of the program. That money is intended to be used to hire social workers for the teams. The bill includes reporting requirements that are to be provided to the HHS interim committee.

Funding for these positions will be provided through a competitive grant process.

S.B. 210 – Post Conviction Representation Amendments – Sen. Weiler, T.

This bill was initiated by the IDC after collaboration with the courts and other stakeholders. It will allow a court to appoint the Indigent Appellate Defense Division in an action or appeal for post-conviction relief for non-aggravated murder cases, in all counties. The IADD appointment will replace the current structure of seeking attorneys to handle cases that are determined to have merit, which has been difficult for everyone involved.

Matt Barraza spoke about S.B. 210.

These types of appeals are only allowed if someone has either exhausted their appellate remedies or if they have missed their deadline for an appeal but are still raising constitutional claims as a basis for the appeal. These claims are often related to ineffective assistance of counsel claims.

Michael Drechsel explained the importance of this bill and how the courts have struggled with having adequate representation for individuals who are pursuing post-conviction relief.

Adam Trupp expressed appreciation for the support the IDC received on the defense side, specifically from Pam Vickrey and Rich Mauro who have put in many hours working on these bills.

Adam Trupp continued the Legislative recap by detailing H.B. 171, S.B. 120, and S.B. 231.

H.B. 171 This bill addresses in-custody interrogation of minors. The concept of this bill is that police officers should not be allowed to lie to minors in custody during interrogation about the facts of the case, or to promise them leniency if they cooperate.

S.B. 120 This bill was intended to eliminate the imposition of fines and fees on juveniles through the court process and the diversion process. This bill was defeated because of the concern to eliminate fines and fees entirely, as this money is used to fund some of the court's programs that benefit juveniles.

S.B. 231 This bill involves preliminary hearing amendments. The purpose was to modify the preliminary hearing process to make it a hearing process. This was presented in committee but was not voted on or discussed in the committee because it was late in the process.

	<p>Rich Mauro added that there are a couple of bills that will affect indigent defenders: H.B. 148 and H.B. 196.</p> <p><u>H.B. 148</u>, elevates a second DUI charge from a class B misdemeanor to a class A misdemeanor. This will change the court in which the charges are filed, causing potential scheduling issues for defenders. The second offense, a class A misdemeanor, will now be filed in the district court instead of the justice court.</p> <p><u>H.B. 196</u>, involves domestic violence assault cases and allows either party to automatically remove a case from justice court to district court after a trial date has been scheduled in the justice court. There are concerns related to justice court defenders having to litigate cases in the district courts, requiring a shift in resources.</p> <p>Michael Drechsel commented that the Administrative Office of the Courts is talking to legislative leaders about concerns and issues that result from shifting cases from justice courts to district courts, including district court calendars getting busier, which may cause delays and potentially affect individuals' right to a speedy trial.</p>
Agenda Item	Grant Process Update
	<p>Greg Bates updated the Commission on the FY23 Grant Process. The IDC finished the Managing Defender calls, which included 17 calls with managing defenders or system representatives across the state. The calls covered the grant process and timeline, feedback from service providers, and discussed managing defender duties.</p> <p>The IDC is now moving into the Collaborate Grant Planning meetings where the IDC will present the System Needs Evaluation results, Caseload Survey responses, staffing estimates by specialty area, areas for potential improvement, and potential grant funding items. Following the presentation, a discussion on the potential grant funding items and what to expect on each application.</p> <p>The next steps for the FY23 Grant Process are as follows:</p> <ol style="list-style-type: none"> 1. Collaborative meetings: March 16 – April 6 2. Application distributed: April 8 3. Applications due: May 6 4. Staff review and clarification: May 9 – May 20 5. Review materials sent to commissioners: May 25 6. IDC funding decisions: June 2 <p>Greg Bates invited the Commissioners to participate in the upcoming meetings.</p>
Agenda Item	Managing Defender Duties

Matt Barraza informed the Commission that he will be working on a project that involves defining manager defender duties. As part of the grant process, the IDC met with managing defenders to see how things were going and to check in on their duties as managing defenders. Last year, staff compiled "Managing Defender Manual," a comprehensive description of what managing defender duties should include. This was initially an aspirational list for managers; however, the IDC will be reviewing this in hopes to elevate the management of defenders.

The IDC will be starting a Managing Defender Roundtable each month, beginning in April. The first topic will be performance evaluations.

Matt Barraza invited the Commission to be involved in the Managing Defender Roundtable meetings and to review the "Managing Defender Manual." He asked the Commissioners to share any performance evaluation materials they have, for distribution to the managing defenders.

Wally Bugden believed that performance evaluations may be difficult to achieve and asked for input and clarification of the performance review process from Rich Mauro, Pam Vickrey, or Matt Barraza.

Matt Barraza explained that his previous experience conducting performance evaluations was a positive experience that included discussing successes and goals.

Tom Ross was also supportive of the concept of performance evaluations. He explained different ways of evaluating people. In his opinion, this is a positive step in moving forward and making sure things are being done. He thought that it should be a simple process and a way to get input from the attorneys as well as for Matt Barraza and Adam Trupp to give the attorneys direction in a positive way.

Rich Mauro encouraged ongoing communication with the leadership team and addressing problems early on. He said he leans on his leadership team for attorney development. His process also asks attorneys to critique him.

Pam Vickrey stated that her office conducts an annual evaluation, which includes a self-evaluation form asking the attorneys to identify their strengths and weaknesses. The supervisors then discuss issues and use Defenderdata to track hours spent in each category of work. They also incorporate court observation. This is a process to help the attorneys feel supported in the process of setting goals.

Chair Kamalu liked the idea of the roundtables and believed it will help managing defenders.

Agenda Item	Other Business

	No other business.
Agenda Item	Public Comment
	No public comment.
Agenda Item	Approval of Minutes
	MOTION: Shawn Milne moved to approve the minutes of the Feb. 8, 2021, meeting; Tom Ross seconded. Approved by all present: Chair Lorene Miner Kamalu, Heather Schriever, Margaret Lindsey, Michael Drechsel, Michael Zimmerman, Pam Vickrey, Richard Mauro, Ryan Loose, Wally Bugden.
Adjourn	Tom Ross moved to adjourn; Michael Zimmerman seconded the motion. Approved by all present: Chair Lorene Miner Kamalu, Heather Schriever, Margaret Lindsey, Michael Drechsel, Shawn Milne, Pam Vickrey, Richard Mauro, Ryan Loose, Wally Bugden. Meeting adjourned at 3:15 PM.
Next Meeting	April 21, 2022, at 2 PM