

# COMMISSION ON INDIGENT DEFENSE

## Minutes for Commission Meeting February 26, 2016

Location: Conference Room, SC Commission on Indigent Defense, 1330 Lady Street, Columbia, SC

Attending Members: Harry Dest, Doug Strickler, Ashley Pennington, Hon. Edward Cottingham, Jack Howle, John Nichols; Ashlin Potterfield.

Attending Staff: Patton Adams, Hugh Ryan, Lawrence Brown, Bob Dudek

There being a quorum, the Chair called the meeting to order.

Minutes of September 25, 2015 and December 11, 2015 Meetings: A motion was made to approve the minutes of the previous meetings of September 25 and December 11, 2015. That motion was seconded and passed.

Future Meeting Dates: The next meeting was tentatively scheduled for May 20, 2016.

Commission Appointments: Mr. Dest informed the members that Judge Edward Cottingham has been reappointed to the Commission by Chief Justice Pleicones, and the members congratulated Judge Cottingham on his reappointment.

Executive Session (Legal Matters): A motion was made to go to executive session to discuss personnel and legal matters. The motion was seconded and passed unanimously, and the Commission went into executive session. Upon return from Executive Session, the Chair reported no motions were made and no business was conducted in Executive Session.

Budget Update: The Commission was informed that the House Ways and Means Committee has recommended to the full legislature an increase in per capita funding of \$6,261,498.00 for the Commission on Indigent Defense, which is 80% of the amount of increase that they have recommended for the Prosecution Commission. In addition, the Committee has recommended an increase in Rule 608 Appointment funds of \$2,055,374.00. Those funds are necessary due to a substantial increase in DSS filings that will require the appointment of contract attorneys.

The Commission was provided with a breakdown of how much of the \$6.2 would go to each circuit. Using a starting salary figured at \$50,000.00 salary/\$25,000.00 benefits, the money will provide funding for 83 new attorneys statewide.

Statements of Economic Interest: The Commission was reminded that annual statements of economic interest are required to be filed by March 30, 2016.

Juvenile Life without Parole (Byars Cases) – Appointment of Counsel: Judges have been inquiring as to the Commission's position on which lawyers should be appointed to these cases – Contract attorney's or 608 appointment-list attorneys. Mr. Ryan suggested the possibility of a contract system separate from the current contract system for appointed counsel but raised concerns as to how quickly that could be

implemented with the filing deadline of July, 2016. It was then discussed and agreed that the public defender's office would handle the case as usual unless there is a conflict. It was further discussed and circuit defenders believed they could identify qualified contract counsel. After discussion, a motion was made that if appointment of an attorney is necessary in these cases because of a public defender conflict, then the Circuit Defender would attempt to identify a qualified contract attorney located in the Circuit where the petition would be filed. The Public Defender would then forward to the Commission the name of the attorney identified for that Circuit and representation would be in accordance with the contract terms. That motion was seconded and approved by unanimous vote. There was also discussion of providing some education/training for attorneys handling these cases.

Public Defense 102/103 Update: Mr. Brown informed the Commission that PD102 is scheduled for March 7, 8 and 9 in Columbia, and that PD 103 is scheduled for May 2, 3 and 4 in Aiken. Director Adams also informed the members that the Commission's technological capabilities are being upgraded to include the ability to provide distance learning seminars for shorter topics with the ability to archive those seminars for later review.

Circuit Public Defender Nominations: The Commission considered nominations for Circuit Public Defenders for the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 12<sup>th</sup> Circuits.

**First Circuit:** The Commission was informed that the First Circuit Public Defender Selection Panel had nominated Mark Leiendecker to serve another four-year term. A motion was made to accept the nomination. The motion was seconded and approved by unanimous vote.

**Fourth Circuit:** The Commission was informed that the Fourth Circuit Public Defender Selection Panel had nominated Matt Rivers to serve as the new Circuit Public Defender for a four-year term to begin March 2, 2016. A motion was made to accept the nomination. The motion was seconded and approved by unanimous vote.

**Fifth Circuit:** The Commission was informed that the Fifth Circuit Public Defender Selection Panel had nominated Doug Strickler to serve another four-year term. A motion was made to accept the nomination. The motion was seconded and approved by unanimous vote. Mr. Strickler recused himself from any participation in that matter.

**Twelfth Circuit:** The Commission was informed that the Twelfth Circuit Public Defender Selection Panel had nominated Scott Floyd to serve another four-year term. A motion was made to accept the nomination. The motion was seconded and approved by unanimous vote.

Resolutions Honoring Lisa Campbell and Michael Stephens:

The Commission approved by unanimous vote the presentation of an engraved bowl to Lisa Campbell upon her retirement as Assistant Director for the Commission honoring her for twenty-two years of dedicated service.

The Commission approved by unanimous vote the presentation of a plaque to Michael Stephens upon his retirement as Circuit Public Defender for the Fourth Circuit.

There being no further business, a motion to adjourn was made, seconded and passed.

Respectfully submitted,

Lawrence Brown  
Interim Assistant Director