

MINUTES
STATE PUBLIC DEFENDER BOARD MEETING
Friday, June 24, 2011 - 9:00 a.m.
Best Western Park Oasis Inn, W5641 State Road 82 East, Mauston
Conference Room (2nd floor, next to restaurant)

MEMBERS PRESENT:

Dan Berkos
Jim Brennan
John Hogan
Ellen Thorn
Nancy Wettersten
Bill Drengler (by phone)

OTHERS PRESENT:

Kelli Thompson, State Public Defender
Mike Tobin, Deputy State Public Defender
Arlene Banoul, Administrative Services Director
Jennifer Bias, Deputy Trial Division Director
Megan Christiansen, Budget Director
Randy Kraft, Communications Director
Adam Plotkin, Legislative Liaison
Deb Smith, Assigned Counsel Division Director
Marla Stephens, Appellate Division Director
Gail Zaucha, Information Technology Director
Heidi Walters, Board Liaison

Call to Order

Chair Dan Berkos called the meeting to order. John Hogan moved to approve the Board Minutes from the April 1, 2011 meeting, seconded by Ellen Thorn. Motion carried by voice vote.

At Nancy Wettersten's suggestion the Board spent a moment of silence to mark the passing of Board Member Joe Morales. Morales, Public Defender Board Vice-Chair, passed away unexpectedly on June 13, 2011. Chair Berkos suggested creating a Board Resolution in Joe's honor to be approved at the next meeting. Ellen Thorn also suggested presenting a token of appreciation to Joe's wife at the SPD Conference for his contributions to the State Public Defender.

Chair Berkos noted the various articles included in the Board Packet. He commented the proposed State Budget passed the Legislature and is presently awaiting the Governor's signature. Budget Director Megan Christiansen advised that the Joint Finance Committee only made one change to the SPD Budget removing the indexing portion to federal poverty guidelines under Act 164. No additional changes are expected.

Executive Session

There were no issues to be discussed. The Board did not enter Executive Session.

New Hires and Promotions

Jennifer Bias, Deputy Trial Division Director, reported on the handouts included in the Board Packet detailing the SPD's hiring of new staff for Act 164. Recruitment opened on January 21st and closed April 1st. Forty new staff have been hired. In addition, there were internal staff transfers. The handouts displayed the diversity of new staff, including those with foreign language skills and backgrounds in immigration. Bias added that over half of the staff recently hired had been interns in various SPD offices. There are additional open positions as well due to staff resignations and retirements which have yet to be filled.

Private Bar Committee

Nancy Wettersten reported on handouts provided in the Board Packet regarding private bar misdemeanor contracts. Deb Smith added that private bar Milwaukee mental health contracts were extended for one year.

Chair Berkos congratulated Jim Brennan on his recent swearing in as State Bar President. Brennan noted he will continue to support and advocate for the progress of the State Public Defender and the private bar attorneys for the benefit of the clients.

Rules Committee

Legislative Liaison Adam Plotkin advised certain Rules on the Act 164 eligibility standards will need to be revised to account for the indexing portion change to the Budget.

Budget Committee

Megan Christensen reported there was a 3.5 million dollar shortfall in the private bar appropriation for the current fiscal year as expected. Because the full funding to make up the structural deficit was not provided in the 2011-13 Budget, another shortfall is anticipated in two years. She added the appropriation for transcripts, interpreters and discovery is also short, yet intermittent payments have been made to court reporters due to excess salary dollars available that the Department of Administration allowed to be transferred.

Adam Plotkin discussed individual Budget provisions added by either Joint Finance or the Assembly that affect clients or are of interest to staff, as well as the SPD's veto requests. These were outlined in Plotkin's Legislation Status Report. The pay progression provision in the Budget and the exclusion of public defender staff were discussed at length. Adam Plotkin commended SPD staff for the tremendous amount of interest shown and involvement put forth regarding all Budget provisions and issues.

Information Technology Committee

Information Technology Director Gail Zaucha reported on IT changes as a result of Act 164, including the electronic version of the new client eligibility form and the installation of computers in regional offices. The IT Department was able to purchase new computers for one half of the agency. However, due to lack of funding appropriated in the Budget, the agency may need additional equipment donated by the Department of Justice or other businesses as we have received in the past.

Zaucha noted that the State CIO is awaiting final approval from the Department of Administration management to allow the implementation of Google Apps. Zaucha discussed the various benefits of Google Apps including the savings it will bring to the agency. Nancy Wettersten noted the UW Law School is already using Google Apps and Zaucha advised that UW-Madison also uses components of Google Apps. Zaucha commented that staff cannot currently use their own hardware due to security of the network and virus protection issues.

Outreach Committee

Communication Director Randy Kraft reported on the SPD's new website. It is more user-friendly for clients and the general public, as well as more functional for the private bar.

Crimes and Penalties Committee

Deputy State Public Defender Mike Tobin reported on a few bills pending that would affect SPD clients. In addition, he noted the Wisconsin Traffic Stop Data Collection program was repealed. Tobin further noted that on the county level, there has been continued interest and activity around treatment courts and that there has been tremendous SPD staff involvement.

Appellate Division Report

Dan Berkos thanked Appellate Division Director Marla Stephens for her valiant effort and run for Supreme Court Justice.

Stephens reported that she has been discussing the benefits of changing from paper to electronic transcripts with court reporters in Milwaukee County, and investigating whether it would result in cost savings. It was noted Google Apps may help make storage and use of electronic transcripts a more feasible option.

Stephens also discussed a provision in the budget bill amending WI Stat. s. 885.60: video conferencing to limit the litigation events for which clients must be brought into court. She noted that Attorney Shelley Fite of the Madison Appellate office currently has a case pending in the Supreme Court involving the failure to bring a client to court for a plea hearing. Stephens discussed some additional pending litigation, including a sanctions case that is being litigated by First Assistant Joe Ehmann. Staff and private attorneys have been fined recently, without any notice or opportunity to be heard, for appellate rule violations by the court of appeals. The State Bar Appellate Practice Section and the Wisconsin Association of Criminal Defense Lawyers filed amicus briefs supporting our position.

Marla Stephens commended the Act 164 hiring process and all staff involved in hiring. She opined that the new hires are bright and motivated. She is looking forward to their contributions to the agency.

Assigned Counsel Division Report

Assigned Counsel Division Director Deb Smith reported on her health condition and that she has returned to work. She commended her staff who took responsibility of her duties in her absence. She noted that members of her staff who were on maternity leave have returned as well though one staff member, with the agency for 27 years, has since resigned.

Smith noted that as soon as the new fiscal year begins, the Assigned Counsel Division will be able to issue payments to private bar attorneys.

Board Liaison Report

Heidi Walters, Board Liaison, reported on new additions to the agency newsletter. She advised she is adding personnel spotlights as a way for all state staff to get to know each other better, as well as entertaining articles for staff to read.

Legislative Liaison Report

Adam Plotkin noted he plans to continuously assemble legislation status reports for the Board and these will be available for staff on the agency's intranet site. Plotkin discussed other current legislation activity including the recently passed Carrying Concealed Weapons legislation, Senate

Bill 56/Assembly Bill 100 which limits defense access for viewing and obtaining recorded evidence in child sex offense cases, and legislation regarding judge substitutions.

Administrative Services Report

Administrative Services Director Arlene Banoul reported that the Client Accounts and Verification Unit recently hired a native Spanish-speaker. This is critical due to our many non-English speaking clients. Banoul noted collections from clients are low this year, likely due to the economy. Banoul further commended Budget and Policy Analyst Kathy Smith for her work equipping all of the SPD offices with phones and additional space for the Act 164 hires.

Training Division Report

Randy Kraft reported in the absence of Gina Pruski. Pruski, the agency's Training Division Director, was presently conducting the new-employee training seminars for the Act 164 hires. Kraft reported that the Training Division's on-demand program is now available and it has been well received by both staff and private bar attorneys. Kraft further advised that Pruski was recently recognized with a "2011 Women in the Law" award by the *WI Law Journal* and that Katie Holtz, an attorney in the Milwaukee Juvenile office, will also be receiving a "2011 Up and Coming Attorney" award. Kraft also noted that State Public Defender Kelli Thompson was recently interviewed by *Wisconsin Lawyer*.

State Public Defender Report

Kelli Thompson reported on the WI State Bar's *Legal Stakeholders on Funding the Criminal Justice System* collaborative committee which will work to educate the legislature about the importance of all areas of the criminal justice system. The committee includes district attorneys, private bar attorneys, judges, law enforcement, our agency, etc. She noted approximately ten to twelve meetings have been scheduled for this summer.

She reported local offices have been keeping records of Act 164 client eligibility changes and analyzing the data in order to demonstrate the savings we are providing to the counties. Thompson also reported on a new intern program that is being funded by a grant the agency recently received from the Office of Justice Assistance. It was noted Bill Drenkler's son is one of the interns working for the agency.

Mike Tobin was congratulated on his appointment as Deputy State Public Defender.

Kelli Thompson also noted we received condolences from Governors Doyle and Walker regarding the passing of Joe Morales.

Chair Berkos advised that he and Kelli Thompson have discussed finding a position within the agency for Randall Keys, the other finalist who had interviewed for the position of State Public Defender. The Board was impressed by his qualifications and credentials and the consensus was he would be a tremendous asset to the SPD.

Old Business

None.

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New Business

The SPD Conference is scheduled for November 3rd and 4th at the Hyatt in Milwaukee. The next Board Meeting is a teleconference scheduled for August 26th which will be held if necessary.

Nancy Wettersten moved to adjourn and Ellen Thorn seconded the motion. Motion carried by voice vote. Meeting adjourned.