

2022.04.08 MEETING MINUTES

Commission on Indigent Defense Services

Quarterly Meeting – April 8, 2022

Location: Whitted Building, Hillsborough

Commissioner Attendees: Dorothy Hairston Mitchell (Chair), William “Gus” Anthony, Art Beeler (Vice Chair), Brian Cromwell (virtual), Joseph Crosswhite, Caitlin Fenhagen, Staples Hughes (virtual), Brian Jones, Jan Pritchett (virtual), Stacey Rubain (virtual).

Staff Attendees: Chad Boykin (Financial Services Staff Attorney), Susan Brooks (Defender Administrator), D. Tucker Charns (Chief Regional Defender), Kristen DeSimone (Legal Assistant) (virtual), Whitney Fairbanks (Deputy Director), Aaron Gallagher (Financial Officer), Angela Henderson (Juvenile Contracts Administrator) (virtual), Susan Perry (Legal Assistant), Mary S. Pollard (Executive Director).

Local and State Public Defender Program Attendees: Woodrena Baker-Harrel (District 15B), Dawn Baxton (District 14), Glenn Gerding (Appellate Defender), John Neiman (District 18), Burcu Hensley (Assistant Juvenile Defender), Willia G. Mills (Assistant Special Counsel), Laura Powell (District 29A) (virtual), Wendy C. Sotolongo (Parent Defender), Deonte Thomas (District 10), Dolly Whiteside (Chief Special Counsel), Eric Zogry (Juvenile Defender).

The meeting was called to order by Dorothy Hairston Mitchell, who then proceeded with the welcome and conducted a roll call of members participating in person and virtually.

Approval of January 28, 2022 Quarterly Commission Meeting Minutes

Hairston Mitchell opened the floor for members to discuss the minutes from the immediate last Quarterly Commission Meeting.

The minutes were approved by unanimous vote.

State Government Ethics Act Reminder

Hairston Mitchell reminded the Commissioners of their responsibilities under the State Government Ethics Act.

Remarks from the Chair

Hairston Mitchell welcomed Aaron Gallagher, IDS’s new Chief Financial Officer.

Director’s Report on IDS Business

Executive Director Mary Pollard took a few minutes to update the Commission on the various projects the staff was currently working on including the wind-down of the unit-based contract system and the planning for its replacement.

Updates from the Field

NC Parent Defender Wendy C. Sotolongo updated the Commission on the work of the Office of the Parent Defender, including appellate appointments to private assigned counsel and Assistant Parent Defenders. She highlighted the Staff and roster's ability to pivot to remote oral arguments and trainings during the height of the pandemic. Sotolongo also advised the Commission that IDS had received two reimbursements for federal funding through its Memorandum of Agreement with NC Department of Health and Human Services but cautioned that the reimbursement workflow was still a work in progress. Sotolongo finished by highlighting the improvement projects OPD would be able support through the reimbursements.

Public Business

James Williams, Chair, NC Commission on Racial and Ethnic Disparities ("NC CRED"), provided the commission with an informational update on its work to include mandatory diversity training in North Carolina's annual continuing legal education requirements and its Campaign to Remove Confederate Monuments.

Williams informed the Commission that after NC CRED's successful advocacy, the State Bar Council unanimously voted to approve for publication and comment a new mandatory CLE requirement regarding bias, inclusion, and diversity. The issue was now with the NC Supreme Court for consideration.

Regarding the Campaign to Remove Confederate Monuments, NC CRED was actively advocating for the removal of all Confederate monuments from courthouse grounds in the state of North Carolina. William asked the Commission to consider adopting a statement in support of campaign, noting that the NC Bar Association, NC Advocates for Justice, and NC Public Defender Association already had done so.

Commissioner Fenhagen thanked Williams and NC Cred for their work and asked that the Commission's Diversity Committee take up the request.

Commission Business

Financial Services Staff Attorney Chad Boykin provided the Commission with an update on the work of the Budget Committee. Specifically, Boykin advised the Commission that the Committee had recommended the IDS Executive Director continue to grant requests for relief from judgments for attorneys' fees subject to a memorialized policy. All Commissioners present voted in favor of the Committee's recommendation, which included relief when the underlying principal was met or when the requester made a showing of manifest hardship.

Boykin presented the request for waiver of fee application deadline submitted by attorney Shelby Chase for the Commission's consideration. All Commissioners present voted in favor of the Executive Director's recommendation to approve the deadline waiver.

Deputy Director Whitney Fairbanks reminded the Commission that the NC Association of Women Attorneys (“NCAWA”) seat on the Commission needed to be filled. The Commissioners asked Staff to schedule a meeting for the Appointment Committee to consider possible recommendations for the seat and to relay any recommendations it had to the full Commission and the NCAWA before the July 15, 2022, meeting.

Executive Session

On motion of Commissioner Jones, the Commission went into Executive Session at 11:45AM to discuss personnel matters; litigation; and the nominees for the Professor John Rubin Excellence in Training Award.

The minutes of the Executive Session are being withheld from public inspection pursuant to G.S. 143-318.11(a)(6); G.S. 143-318.11(a)(3); and G.S. 143-318.11(a)(2).

Commission Business

All Commissioners present voted to award the 2022 the Professor John Rubin Excellence in Training Award to former Chief Public Defender Susan Seahorn.

Vice-Chair Beeler made a motion to appoint J. Chadwick Perry to serve as Chief Special Counsel for a term to begin immediately and expire on June 30, 2026 and at the pleasure of the Commission. Commissioner Jones seconded. Commissioners Hairston Mitchell, Fenhagen, Crosswhite, Anthony, Pritchett, and Rubain voted in favor of the motion. Commissioners Hughes and Garren abstained from the vote.

Hairston Mitchell ended the meeting at 3:15PM.