

MINUTES OF THE MEETING OF THE DEFENDER COUNCIL

DATE: June 16, 2016

TIME: 10:00 a.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/86408908164?pwd=M050alg4K3RBZi8yVUdRMGJxdVZFdz09>

Meeting ID: 864 0890 8164

Passcode: 378150

MEMBERS PRESENT: Craig De Costa (virtual)
Stanton Oshiro (virtual)
Crystal Glendon (in person)
Gina Gormley (virtual)
David Hayakawa (virtual)

ALSO PRESENT: Randall Nishiyama, Deputy Attorney General (virtual)
James Tabe, Public Defender (virtual)
Lee Hayakawa, Assistant Public Defender (in person)

Virtual meeting called to order at 10:04 a.m. by Chair De Costa.

Approval of Agenda

Member Oshiro moved that the agenda be approved by the members. Member Glendon seconded the motion. Motion was approved unanimously.

Public Testimony:

At 10:06 a.m., Chair De Costa solicited public testimony

No public testimony received.

Approval of Minutes of Meeting held on April 28, 2023:

Chair De Costa proposed the following corrections to the minutes of April 28, 2023 meeting:

1. The heading to be amended from “Approval of Minutes of Meeting held on January 27, 2022” to “Approval of Minutes of Meeting held on January 27, 2023.”
2. The language, “At 10:10 a.m. the meeting minutes from January 27, 2023 was approved by council members Oshiro and Glendon” be amended to “At 10:10 a.m. the motion to approve the meeting minutes from January 27, 2023 was made by Member Oshiro and the motion was seconded by Member Glendon. Motion was unanimously approved.”

Report by Public Defender James Tabe:

1. The Office of the Public Defender held its annual seminar last month. The seminar was held virtually; there were no glitches.

The attorneys participating in the seminar took the trial exercises very seriously.

The deputy public defenders and local private attorneys were acknowledged for leading the exercise groups and the presentation of lectures. Also acknowledged were the attorneys covering court while seminar was in session.

Attendance at seminar satisfies MCLE credits, included ethics requirement.

Darcia Forester who is in charge of seminar has scheduled a seminar committee meeting later this month to discuss the seminar and to start planning next year’s seminar.

2. The office’s request to upgrade the internet for Oahu, Hilo, Kona and Maui has been approved. Although the office is spending \$23,000 to increase the bandwidth, the office should see saving of \$1000 per month with the new service. Office will be saving \$1000/month

Member Hayakawa asked an update on personnel. Public Defender Tabe reported the following: Kona has two vacant attorney positions; with the resignation of Keith Shigetomi, Hilo has four vacant attorney positions; Hilo’s new supervisor is Kenji Akamu; with the resignation of Alan Komagome, Steven Nichols is temporarily assigned to the felony supervisor position.

Executive session:

Chair De Costa entertained a motion to enter into executive session.

Member Oshiro moved to enter into executive session. Member Gormley seconded the motion. No discussion. Motion was unanimously approved. Council went into executive session at 10:16 a.m.

Open session reconvened:

Open session reconvened at 11:32 a.m.

Chair de Costa invited a motion to amend agenda to add the following discussion: selection process to appoint and hire Public Defender position, as the current term expires in January 2024. Member Hayakawa moved to amend agenda; Member Oshiro seconded the motion; the motion was approved unanimously.

Selection process to appoint Public Defender:

Member Hayakawa moved that the following selection process to appoint the Public Defender be implemented:

On or about June 23, a public announcement regarding the Public Defender position will be made. Applications for the position will be due July 31, 2023. The Defender Council will meet on August 4, 2023. The Council will conduct interviews of the applicants during the month of August 2023. During the executive session of the Defender Council meeting on September 1, 2023, the Council will select a list of candidates. On September 5, 2023, the Council will announce the candidates on the list and invite the public to submit confidential comments on the candidates. The deadline for public comments will be September 19, 2023. The Council will conduct a second round of interviews. The Council will vote on the selection of the Public Defender in open session during the meeting to be scheduled in November 2023.

Working group comprised of Members Glendon and Gormley is established for the purpose of the advertisement of the Public Defender.

Member Glendon seconded the motion. Motion was approved unanimously, and selection process adopted.

Working group to address legislative matters:

Defender Council previously created a working group to address legislative matters, including pay increases. The working group is comprised of Members Gormley and Glendon.

In case that there was no previous motion to create the working group, Chair De Costa asked if there was any opposition to the working group. Being no objection, the working group, the motion to create a working group to address legislative matters is adopted.

Election of Defender Council officers:

It was noted that Chair de Costa's second term expires on June 30, 2023; Chair de Costa has no intention to be a holdover. Member Oshiro's second term expires on June 30, 2023; Member Oshiro agreed to be a holdover member if there is no replacement.

Member Oshiro moved to nominate Member Glendon as Chair and Member Gormley as Vice-Chair. Member Hayakawa seconded the motion. There were no other nominations. The motion was approved unanimously.

Next meeting:

Next meeting is scheduled for Friday, August 4, 2023, at 10:00 a.m. in person and via Zoom.

Member Gormley moved to adjourn the meeting. Member Oshiro seconded the motion. No discussion. Motion unanimously approved.

Other business:

Public Defender reminded Member Gormley's term expires June 30, 2023. Member Gormley has applied for a second term.

Adjournment:

Member Gormley moved to adjourn the meeting. Member Oshiro seconded the motion. Motion unanimously approved.

Meeting was adjourned at 11:42 a.m.