

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, January 18, 2021

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Ricks, Senators Lodge, Lee, Anthon, Thayn, Zito, Burgoyne, and Wintrow

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Lakey** called the Senate Judiciary and Rules Committee (Committee) to order at 1:45 p.m.

**PAGE INTRODUCTION:** **Chairman Lakey** introduced Sophia Lind to the Committee. She said she is a senior at Rocky Mountain High School in Meridian, Idaho, and the senior representative for the National Honor Society. **Ms. Lind** commented that she has wanted to serve as a Senate page since she heard about the program in her freshman year. She is planning to serve a Mission for her church and attend Brigham Young University - Idaho after she returns home. The Committee members all introduced themselves to Ms. Lind.

**GUBERNATORIAL APPOINTMENT HEARING:** **Sean Walsh**, having been appointed to the State Public Defense Commission, was introduced to the Committee. **Mr. Walsh** shared that he is a family man and wants to give back to his community through public service. A discussion followed with **Senator Burgoyne** inquiring if Mr. Walsh had been lead council in a capital murder case. The conversation evolved into a discussion of Mr. Walsh's views on issues that may be controversial and have a potential for bias or conflict of interest. **Mr. Walsh** said his goal was to help maintain standards so that the clients were taken care of and provide top-notch counsel. His vision is a conservative one and he expressed that Idaho needs to have Idaho policy answers for Idaho problems.

**Chairman Lakey** asked Mr. Walsh how he viewed the overlapping relationships with the Legislature and the Commission. **Mr. Walsh** responded that he hoped to see everyone work for a common goal, stay faithful to the laws, and take all ideas into consideration when making decisions. **Senator Burgoyne** questioned Mr. Walsh's interpretation of "legislative intent" and "strict construction." That discussion led to Mr. Walsh assuring Senator Burgoyne that he has recused himself from cases when necessary, and he can be relied upon to use honesty and integrity in fulfilling the responsibilities of his appointment.

**PASSED THE GAVEL:** Chairman Lakey passed the gavel to Vice Chairman Ricks.

**DOCKET NO.  
61-0101-2001**

**Rules Governing Training Requirements for Defending Attorneys and the Administration of Training Funds.** **Kathleen J. Elliott**, Executive Director of the State Public Defense Commission (PDC) stated the PDC is tasked with standards, oversight, resources, and training, which are geared to ensure that persons receive constitutional representation. **Ms. Elliott** outlined the reasoning behind the changes and explained they were being made to provide more clarity. She added they were a result of stakeholders stating they could not understand some of the current rules, and to comply with the cleanup required by the Red Tape Reduction Act. She pointed out the rules being discussed in these dockets are largely old content in a new location.

**Ms. Elliott** provided a PDC Current and Pending Rules Page Index and a Comments and Overview document (see Attachment 1) to add clarity and explain definitions. The PDC adhered as close as possible to the statutes in defining what the legislative intent was. The concepts in red are existing but found in new locations. The italicized portions are changes the Commission made after getting public feedback. There were multiple examples given to emphasize that there was confusion in the way the current rules were written. **Ms. Elliott** reiterated that the PDC has tried very hard to use the new rules to clarify and remain true to the statutes and the existing rules.

**PASSED THE  
GAVEL:**

Vice Chairman Ricks passed the gavel to Chairman Lakey.

**ADJOURNED:**

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 3:05 p.m.

---

Senator Lakey  
Chair

---

Sharon Pennington  
Secretary