

# GOVERNING BODY OF S.C. COMMISSION ON INDIGENT DEFENSE

The agency provided the information below in the Program Evaluation Report it submitted in March 2018.<sup>1</sup>

Pursuant to Section 17-3-310, S.C. Code of Laws 1976, as amended, the Agency's governing body is the Commission on Indigent Defense.

The Commission consists of thirteen (13) members. Nine (9) are appointed. Two (2) serve as a function of their legislative office. Members are appointed in the manner and for the terms set forth below:

Number	Requirements	Who Appoints	Manner	Term
4 (1 from each judicial region of State)	Must be public defender	Governor	Recommended by Public Defender Association	4 years and until successor appointed and qualifies
1	Member of SC Bar whose principal practice is family law	Governor	Recommended by SC Bar Membership	2 years (may be reappointed)
2	Member of SC Bar whose principal practice is criminal defense law	Governor	Recommended by SC Bar Membership	2 years (may be reappointed)
2	Member of SC Bar whose principal practice is neither criminal defense nor family law	Governor	Recommended by SC Bar Membership	2 years (may be reappointed)
2	1 must be retired circuit court judge 1 must be either retired family court judge or retired appellate court judge	Chief Justice of the SC Supreme Court	NA	4 years and until successor appointed and qualifies
2	Chairmen of the Senate and House Judiciary Committees or their legislative designees	NA	NA	For the terms for which they were elected

There is no limitation on the total number of terms or the number of consecutive terms that an individual can serve.

The Chairman of the Commission is elected by the Commission from its membership. The Chairman serves for a term of two (2) years. The Chairman may be re-elected.

The current members of the Commission are:

Position	Position Title	Current Members	Appointed By	Term Begins	Expiration Date	On Comm. Since*
Chair of House Judiciary Committee	Designee	Smith, G. Murrell Jr.	House Judiciary	NA	NA	NA
Chair of Senate Judiciary Committee	Designee	Gerald Malloy	Senate Judiciary	NA	NA	NA
Judicial Region 1, Public Defender	Member (Chairman)	Dest, Harry A.	Governor Nikki R. Haley	07/01/2015	6/30/2019	2007
Judicial Region 2, Public Defender	Member	Strickler, Douglas S. **	Governor Nikki R. Haley	07/01/2013	6/30/2017	2007
Judicial Region 3, Public Defender	Member	Howle, Jack D. Jr.	Governor Nikki R. Haley	07/01/2015	7/1/2017	2009
Judicial Region 4, Public Defender	Member	Pennington, D. Ashley	Governor Nikki R. Haley	07/01/2015	7/1/2019	2009
Practices criminal defense law	Member	Murray-Boyles, Yvonne R.	Governor Henry McMaster	07/01/2017	7/1/2019	2011
Practices criminal defense law	Member	Epps, William N. Jr.	Governor Henry McMaster	07/01/2017	7/1/2019	2017
Practices family law	Member	Potterfield, Ashlin B.	Governor Henry McMaster	07/01/2017	7/1/2019	2007
Practices neither family or defense law	Member	Nichols, John S.	Governor Henry McMaster	07/01/2017	7/1/2019	2012
Practices neither family or defense law	Member	Willcox, Walker H.	Governor Henry McMaster	07/01/2017	7/1/2019	2011
Retired Circuit Court Judge	Member	Cottingham, Edward B.	Supreme Court	2/26/2016	2/26/2020	2007
Retired Family or Appellate Judge	Member	Costa Pleicones	Supreme Court	7/28/2017	7/28/2021	2017

\*Beginning with Current Commission structure established in 2007

\*\*Douglas Strickler is retiring as Circuit Public Defender effective May 1, 2018. The Public Defender Association has been notified regarding nomination of a replacement member for the Commission.

**Agency Head:**

The agency head is the Executive Director, who is appointed by and answers to the Commission.  
§ 17-3-320 S.C. Code of Laws 1976, as amended.

**Duties of the Governing Body:**

- **SECTION 17-3-310.** Powers and Duties.
  - Establish divisions within the office to administer necessary services and programs
  - Develop rules, policies, procedures, regulations, and standards necessary to comply with state law or regulations and the rules of the Supreme Court including:
    - Nature and scope of services to be provided
    - The clientele to be served
    - Establishment of criteria to be used in the determination of indigency
    - Qualifications for services for indigent legal representation
  - Cooperate and consult with state agencies, professional associations, and other groups concerning
    - The causes of criminal conduct,
    - The rehabilitation and correction of persons charged with and convicted of crimes,
    - The administration of criminal justice, and
    - The improvement and expansion of defender services;
  - Assist the public defenders throughout the State in their efforts to provide adequate legal defense to the indigent.
  - Collect, maintain, review, and publish records and statistics for the purpose of evaluating the delivery of indigent defense representation in the State; and
  - Have the authority to negotiate and enter into contracts, as appropriate, with independent counsel for the provision of indigent defense services in cases in which a conflict of interest exists in a public defender office and in other cases in which indigent representation by independent counsel is necessary or advisable.
  - Establish and administer the rules and procedures for selection of members to serve on the Circuit Public Defender Selection Panels
  - Establish the rules and procedures under which the selection panels shall operate.

HISTORY: 1993 Act No. 164, Part II, Section 45C; 2005 Act No. 103, Section 2, eff July 1, 2005; 2007 Act No. 108, Section 7, eff June 21, 2007.

- **SECTION 17-3-340.** Duties of Commission.
  - Act in the best interest of indigent defendants who are receiving legal representation.
  - Meet at least quarterly and at other times and places as it deems necessary or convenient for the performance of its duties.
  - Elect such officers, other than the chairperson, from the members of the commission as it deems necessary.
  - Adopt rules for the transaction of its business as it desires.

- Approve the development and improvement of programs which provide legal representation to indigent persons and juveniles accused of violations of criminal law.
- Approve and implement programs, services, rules, policies, procedures, regulations, and standards for delivery of indigent services. This includes, but is not limited to, standards for:
  - maintaining and operating circuit public defender offices;
  - prescribing minimum experience, training, and other qualifications for appointed counsel where a conflict of interest arises between the public defender and an indigent person;
  - public defender and appointed counsel caseloads;
  - the qualifications, employment, and compensation of public defenders and other circuit public defender office personnel;
  - the performance of public defenders and appointed counsel representing indigent persons;
  - procedures for prescribing qualifications and performance of independent counsel representing indigent persons in both trial and appellate courts, whether by contract or court appointment;
  - providing and compensating experts, investigators, and other persons who provide services necessary for the effective representation of indigent persons;
  - determining indigence and for assessing and collecting the costs of legal representation and related services;
  - compensation of attorneys appointed to represent indigent persons pursuant to this chapter;
  - removing a circuit public defender for cause;
  - a uniform definition of a “case” for purposes of determining caseload statistics; and
  - accepting contractual indigent defense representation.

HISTORY: 2005 Act No. 103, Section 2, eff July 1, 2005; 2007 Act No. 108, Section 7, eff June 21, 2007.

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<sup>1</sup> The agency was asked, “Please provide information about the body that governs the agency, if any, and to whom the agency head reports. Explain what the agency’s enabling statute outlines about the agency’s governing body (e.g., board, commission, etc.), including, but not limited to: total number of individuals in the body; whether the individuals are elected or appointed; who elects or appoints the individuals; the length of term for each individual; whether there are any limitations on the total number of terms an individual can serve; whether there are any limitations on the number of consecutive terms an individual can serve; the names of the individuals currently on the governing body, date elected/appointed, and term number; and any other requirements or nuisances about the body which the agency believes is relevant to understanding how it and the agency operate. If the governing body operates differently than outlined in statute, please describe the differences.”