

**INDIANA PUBLIC DEFENDER COUNCIL  
BOARD OF DIRECTORS MEETING**

**West Baden Springs  
French Lick, IN**

**September 27, 2014  
9:00 a.m.**

**Minutes**

**I. CALL TO ORDER**

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 9 a.m. on September 27, 2014, in the Dolly Ballard conference room of West Baden Springs Hotel French Lick, IN by Board Vice Chairperson Lorinda Youngcourt.

Board members present were: Lorinda Youngcourt (Vice Chairperson), Neil Weisman (Secretary), Laura Paul, Luther Garcia, David Hennessy, Robert Hill, Gojko Kasich, Michael McDaniel, Steve Owens, Ann Sutton, and Joel Wieneke.

IPDC Staff present were: Larry Landis, Paula Sites, Don Murphy, Toni Schaney and Teresa Campbell.

**II. APPROVAL OF MINUTES FROM LAST MEETING**

1. The minutes of the Board meeting on March 13, 2014 were reviewed. Luther Garcia moved to approve the minutes and Laura Paul seconded the motion. The minutes were approved.
2. The minutes of the Board meeting on June 13, 2014 were reviewed. The minutes were approved.
3. The minutes of the Board meeting via conference call on June 19, 2014 were reviewed. Neil Weisman moved to amend the minutes to include the appointment of a by-laws committee consisting of Gojko Kasich, chair, Laura Paul, Neil Weisman, Bob Hill and David Hennessy, and to show that Steve Owens was present. David Hennessy seconded the motion. The minutes were approved as amended.

**III. REVIEW AND APPROVE AGENDA**

Luther Garcia moved to approve the agenda and Laura Paul seconded the motion. The agenda was approved.

### **C. STRATEGIC DIRECTION**

1. Larry Landis presented the strategic goals for the Council for the next 3 years. These include work toward establishing a statewide indigent defense system, improvements to county delivery systems, improvements to the criminal justice policy and improvements to member performance.
2. Larry reviewed the goal of achieving 100% state funding for the chief public defender and additional funding for the implementation of Criminal Rule 25.
3. Don Murphy reported that he has completed a draft of the quality assessment system. Lorinda Youngcourt reported that she is currently conducting a pilot project on the Council's quality assessment system. In response to a request from David Hennessy, Don Murphy agreed to send the draft to board members.
4. David Hennessy moved that the priorities for strategic directions be in the following order: training, PDIS, quality assessments, funding for indigent defense services, and criminal justice policy. Michael McDaniel seconded the motion. A vote was taken and the motion did not carry.

### **D. CRIMINAL JUSTICE POLICY REPORT**

1. Larry reported that the Indiana Supreme Court's Committee to Study Pretrial Release has met 4 times. No action has been no action taken, but he anticipates that the committee will produce a proposed court rule that will provide that all persons arrested would be released without bail (cash or surety) unless they pose a risk of flight or are a danger to themselves or others. Several committee members visited the pre-trial release system in Washington, D.C. to study their pretrial release program. Another trip is planned to Kentucky which abolished surety bail over 20 years ago.
2. Larry reported that Criminal Rule 25, which requires the appointment of counsel in juvenile delinquency cases, will be effective Jan. 1, 2015. He is planning to meet with Chief Justice Rush to discuss the implementation of CR 25 and the need for additional funding for the Public Defender Commission to reimburse counties.
3. The Evidence Based Decision Making Committee has been meeting to plan for an NIC grant that would fund an additional 6 counties for the pilot projects for evidence based practices for probation and community corrections.
4. The Commission on Improving the Status of Children is working towards making joint recommendations re: addictions, prenatal care and health issues with the Department of Children Services.
5. The Interim Study Committee on Corrections and Criminal Law has had 2 meetings on the topics of mental health and juveniles. There has been excellent testimony from sheriffs and several public defenders. The next meeting of the Committee on October 6 will involve committee discussion about recommendations to the legislature.

committee. A consensus of the Board favored specificity in the procedure for filling a vacancy, including what would cause a disqualification of a board member.

### **C. ELECTION PROCEDURES**

1. On-line voting process - Joel Wieneke presented several examples of online voting procedures for the election of the Council's Board. Neil Weisman recommended that the Board election process should be done on-line and if there was agreement in concept they could decide the particular system later. Gojko Kasich moved that no changes be made to the current voting procedure of absentee ballot and paper ballot at the Annual Meeting. Bob Hill seconded the motion. The motion carried by a vote of 6-4.
2. Nominating Committee – After a discussion of past practices it was decided that there was no need for a nominating committee at this time but one could be appointed if needed.
3. At-large v. Districts - Neil Weisman moved that board members be elected by districts and that the procedure for selection should be referred to a committee. The motion did not receive a second.

### **D. POSTING BOARD MINUTES**

1. Laura Paul moved that all board minutes be posted on the IPDC website. Gojko Kasich seconded the motion. The motion was passed unanimously.

### **E. FUTURE EXECUTIVE DIRECTOR EVALUATIONS**

1. Steve Owens reported on the executive director evaluation, and asked how often it should be done in the future.
2. Larry Landis recommended that an evaluation of the Executive Director should be done annually, and that the Board should hire a consultant to assist in designing a process for an annual evaluation based on the achievement of organizational goals so the Board would have a better idea of what they needed when he retired.
3. Steve Owens moved that evaluations of the Executive Director should be done annually. The motion was seconded by David Hennessy and passed.
4. David Hennessy moved that Larry Landis identify consultants that could do what he recommended and present that information and costs to the Board. Mike McDaniel seconded the motion, which was passed.

### **F. AUTHORITY OF EXECUTIVE DIRECTOR AND BOARD**

1. This topic was passed over.

2. David Hennessy moved to request the Sixth Amendment Center to do an evaluation of indigent defense services in Indiana. Bob Hill seconded the motion, which was passed.

### **C. NEXT STEPS VIA LEGISLATION AND/OR STANDARDS**

1. Larry Landis asked that the Board take a position in favor of a State-funded system to provide indigent defense services. The Board agreed by acclamation to support state funding.
2. Larry Landis recommended that the Board support legislation to create a state office to provide defense services in TPR and CHINS cases. Joel Wieneke expressed his opinion that TPR and CHINS cases often get short-changed by county public defenders because they are so time-consuming. Joel Wieneke moved that the Council support legislation to create a statewide office to provide representation in TPR/CHINS and juvenile delinquency cases. Laura Paul seconded the motion. The motion passed.

## **VII. PUBLIC DEFENDER INFORMATION SYSTEM (PDIS) REPORT**

### **A. DEMONSTRATION**

1. Ann Sutton provided a demonstration of PDIS as it is currently installed in Marion County. Lorinda asked Ann how valuable PDIS was to the Marion County Public Defender Agency. Ann stated that it has saved a great deal of time, especially when assigning and tracking cases. Ann said with the additional enhancements they will be able to generate and add documents. Bob Hill reported that Marion County gave his office \$350,000 for installation and upgrades. He does not anticipate additional funding after they exhaust the \$350,000.

## **VIII. PUBLICATIONS, RESEARCH, TECHNICAL ASSISTANCE, WEBPAGE, etc.**

### **A. PAULA SITES REPORT**

1. Paula Sites provided an update on research and publications being done by staff. The Council receives approximately 2200 requests in the past year. In an attempt to reduce the time demand for research, the staff has put in place some measures that will screen out calls about private cases and point callers toward using the website and other resources as a first step before calling for assistance. She stated that the Council is looking into getting part-time help for preliminary research.
2. Ann Sutton asked Paula whether she ever tried to use law students in an externship. Ann suggested that they have had good luck with law student externships.
3. Paula said that some manuals, like Motions and Jury Instructions, will probably not be reprinted. Instead, updates will be provided on the website and on a CD.

they thought it was a valuable learning experience. Several Board members raised concerns about whether the participants learned what they needed to learn. Don also interviewed the regular faculty who were not lead faculty. The majority preferred to return to the traditional teaching methods with an emphasis on themes and theories.

4. It was agreed that the design of next year's TPI will be referred to the Training Committee, along with the issue of reducing the number of faculty and raising the fee.

## B. COSTS OF SEMINARS

### 1. Cost reduction options

Larry Landis directed the Board to Section 7-2 of the binder that contains the profit and loss figures for seminars presented by the Council. Costs for the seminars have increased dramatically over the past 4 years and there has not been a corresponding increase in fees or a reduction in costs.

Larry said that future programs will not have the same amount of food and Board members would probably hear from members that they miss the afternoon snacks that they have become accustomed to receiving.

### 2. Fee Structure

After a discussion of the registration fees for seminars and training events, David Hennessy moved to increase registration fees as provided in the following table beginning Jan. 1, 2015. Laura Paul seconded the motion. The motion passed unanimously.

IPDC Seminar Registration Fees						
1 Day (6 hours)	Early Registration		2 Weeks Before Event		At the Door	
	Previous Rate	New Rate	Previous Rate	New Rate	Previous Rate	New Rate
Public Defender	90	110	115	135	140	160
Non-Member Criminal Defense	175	200	200	225	225	250
Non-Attorney	65	80	90	105	115	130
New Attorney (less than 2 years)	45	55	70	80	90	100
County Public Defender (paid by County office)	75	95	90	110	115	135
<b>¼ Day (3 hours)</b>						
Public Defender	65	65	80	80	90	90
Non-Member	100	100	115	115	125	125
<b>Trial Practice Institute</b>						
Public Defender	150	200				
Non-Member	250	500				
<b>Death Penalty (12 hours)</b>						
Criminal Defense Attorney	200	250	225	275	250	300
Non-Attorney Team Member	100	150	125	175	150	200

**XIII. NEXT MEETING AND ADJOURNMENT**

The next meeting was set for Thurs., 12/11/14.

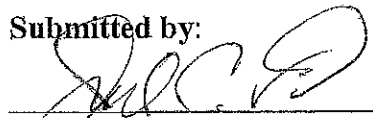
David Hennessy moved to adjourn the meeting. Gojko Kasich seconded the motion which prevailed. The meeting was adjourned at: 4:00 pm, EST.

**Follow-up Items**

1. Don Murphy to provide draft of quality assessment system to Board members.
2. Board members should tell Lorinda what committees they want to be on.
3. By-laws Committee to review by-laws and Policy and Procedure Manual and make recommendations to Board.
4. Larry Landis to research the process, cost, and possible consultants to assist Board in designing and conducting an evaluation of the executive director, and present said findings to the Board.
5. Don Murphy to compile suggestions for what Council can do to improve indigent defense services in non-commission counties for next Board meeting.
6. Lorinda Youngcourt to appoint Board members to the various committees -- indigent defense services, training, outreach (Ann, Laura and Gojko), by-laws (Gojko, Bob, David, Neil, Laura), technology, publications.

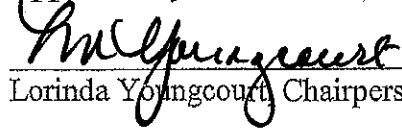
Minutes prepared by Toni Schaney and Larry Landis.

**Submitted by:**

  
\_\_\_\_\_  
Joel Weineke, Secretary

9/26/15  
\_\_\_\_\_  
Date

**Approved by:**

  
\_\_\_\_\_  
Lorinda Youngcourt, Chairperson

9/26/15  
\_\_\_\_\_  
Date