

**INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS MEETING
Indianapolis Marriott East
Indianapolis, IN**

**December 11, 2014
7 p.m.**

Minutes

CALL TO ORDER

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 7:10 p.m. on December 11, 2014, in the Patriot conference room of the Indianapolis Marriott East, Indianapolis, IN by Board Chairperson Lorinda Youngcourt.

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

I. APPROVAL OF MINUTES FROM LAST MEETING

1. The minutes of the Board meeting on September 27, 2014 were reviewed. Luther Garcia moved to approve the minutes. Neil Weisman seconded the motion, which was approved.

II. REVIEW AND APPROVE AGENDA/BOARD COMMITTEES

David Hennessy moved to approve the agenda. Luther Garcia seconded that motion, which was approved.

Discussion

It was noted that the Juvenile Legislation (ad hoc) committee was not listed in the agenda.

Neil Weisman suggested that we e-mail the membership to tell them about the standing committees and inform them that if they are interested in participating they should contact the appropriate Committee Chair. The Board approved this action by acclamation.

David Hennessy suggested that members of committees should actively participate in the committee. It was also decided that Larry Landis should be copied on e-mails to committee members.

Ann Sutton was asked by Lorinda Youngcourt to replace her on the Indigent Defense Delivery Systems Committee due to Lorinda's pending resignation from the Board. Laura

Paul was asked to replace Lorinda on the Probation Sanctions and Incentives Committee. Both accepted.

It was noted that activities for these committees would be picking up over the next months.

III. EXECUTIVE DIRECTOR'S REPORT

A. ADMINISTRATION/BUDGET

1. Larry Landis reported that there has been no communication from the State Budget Agency about IPDC's budget request for FY 2016-17. Larry said he does not expect to hear anything until the first week of January.
2. Larry reported that in the current budget there is not enough money to hire a full-time training director and continue the development, maintenance, and additional roll-out of PDIS. The Council requested additional funding in FY 2016-17 for both PDIS and a full-time training director. Larry reviewed the following scenarios:
 - a. Legislature approves both PDIS and training director funding – best outcome, not likely.
 - b. Legislature approves PDIS funding and not for a training director – likely outcome. If so, the contract money currently used for PDIS would be used for a training director position. Legislature approves only training director funds – not likely. If it does happen a training director will be hired.
 - c. Legislature approves no new funds – not likely, but possible. If so, the Board will have to decide what services to reduce or terminate to free up funds for a training director position.
3. Larry reported that no new state contract funds were spent or committed since the Board Retreat on September 27, 2014. Larry requested that the Board rescind the action taken on September 27 to limit spending any contract funds beyond hiring a training director. He indicated that he intended to spend additional contract monies to have Scott DeVries provide services on Title 9 legislation (approximately \$5000), Kaarin Lueck to plan CHNS/TPR and Juvenile Delinquency training programs (approximately \$5000), and possibly to obtain assistance for the upcoming legislative session.

Neil Weisman moved to discuss this issue. Steve Owens seconded the motion. The following discussion was held:

- Ann Sutton and Laura Paul suggested that the Council hire a part-time training director with some of \$50,000 in contract funds available.
- David Hennessy recommended that the Council find \$100,000 to fund a full-time training director and that a part-time training director would not work. He suggested that if only enough money was available for a part-time training director, that money could instead be used for help with legislative lobbying because a part-time training director is not desired.

- Mike McDaniel stated that we do need a lobbying presence to help prioritize new legislation for programs like expungement. Mike requested that the board be informed as to what was going to be addressed in our lobbying efforts.
- Laura Paul inquired as to how much contract money would be left after paying Scott DeVries, Kaarin Luek, and someone to help with the legislature. Larry was unable to answer this question.

Neil Weisman moved that the Executive Director be given spending authority to contract for additional services. Steve Owens seconded, which passed by a vote of 5-3.

Laura Paul moved that any decision regarding authorization to spend contract funds be suspended for 30 days. Ann Sutton seconded the motion. The motion was determined by the Chair to be out of order.

David Hennessy moved to have the Executive director provide a document showing how much money was spent for each contractor in journal form by 5/30/2015. Gojko seconded the motion which passed unanimously.

B. GRANTS

1. Larry reported that the Council and the Marion County Public Defender Agency (MCPDA) submitted grant requests for CY 2015 to the ICJI. The MCPDA grant is for a coordinator for problem solving courts. The IPDC grant is to devise best practices for defense attorneys in problem solving courts and to conduct a state wide training program on best practices. Both grant proposals were approved for funding. We have not yet hired anyone to perform these duties.

C. ADMINISTRATIVE

1. Larry reported that the Public Defender Commission has been reimbursing county public defender program at the rate of \$5M per quarter and he estimated that it will continue at that pace for the foreseeable future.
2. David Hennessy moved that an auditor be hired to get an accounting of all of the Council expenditures. Luther Garcia seconded that motion, but it did not carry.
3. Lorinda Youngcourt stated that there has been a great deal of in-fighting on the Board for at least the last four years. She further stated that if folks didn't like Larry as the executive director then they should move to replace him. David moved to post the executive director job and solicit candidates. There was no second..

IV. COMMITTEE REPORTS

A. MEMBER OUTREACH COMMITTEE

1. Laura Paula reported that her committee has divided the state into 11 regions, with each Board member assigned several counties. The plan is that the Board members will send out letters explaining the project and determine if members are interested in outreach. The Board member will then be expected to find at least 1 person in the

region to have lunch with to present the proposed agenda and to talk about what county public defenders may need help with. Laura asked for feedback from the Board on the proposed plan by the next Board meeting. Mike McDaniel moved that Laura start working on her committees proposal. Neil Weisman seconded the motion which passed. David Hennessy moved that counties be assigned to Board members. Mike McDaniel seconded the motion, which passed.

2. The following issues were discussed with no action taken:
 - a. A suggestion was made about the need to get the word out about what the Board does.
 - b. Board meeting minutes should be sent out within 30 of a meeting.
 - c. IPDC series should be customized for counties to consider urban vs rural perspectives.
 - d. It was suggested that the Chief Public Defender Association be asked to assign a person to attend IPDC Board meetings as a non-voting representative.

B. BY-LAW COMMITTEE

1. Lorinda Youngcort thanked Gojko Kasich for his hard work as Chair of the By-laws Committee.
2. Gojko stated that there was a newer version of the changes than the one in the meeting materials and that his presentation would be based on the newer version.
3. David Hennessy stated that Articles 1 and 2 needed full re-writes and that "membership" needed to be redefined, particularly with respect to category 3 – "regularly appointed." A discussion was held about whether the by-laws should define membership or whether staff needed to be given better guidance as to how to determine if someone is a member. Luther Garcia suggested one appointment per year would be sufficient. No formal motion was made.
4. Laura Paula stated that she was wrong in her previous opinion that IPDC did not need by-laws.
5. The question was raised whether the entire membership needed to approve the by-laws. No action was taken.
6. David Hennessy asked whether a Board member must be a member of the Council? It was decided that this issue did not need to be addressed in the by-laws.
7. The issue was discussed whether a Board member needed to sign a document saying that if they became a Prosecuting Attorney, Judge, etc. they would resign. No action was taken.
8. Proposed Article 2, Section 4 was approved. It was decided to move it to Article 4, section 6.
9. Proposed Article 3, Section 1 was approved.
10. A discussion was held about addressing the resignation and replacement of Board members in the by-laws. It was suggested that vacancies be filled within 60 days, or 10 days prior to the next board meeting, whichever comes first. It was also suggested that if a vacancy occurs within 180 days of the last board election, the candidate with the highest number of votes, but not elected would be appointed. No final decisions were made.

V. STAFF REPORTS

A. DON MURPHY

1. Don Murphy presented 5 tools for quality assessment that have been used elsewhere and indicated these are the basis for planning a program here.
2. Don also described the recent client satisfaction survey that was done in Lawrence County. Lorinda Youngcourt discussed the findings of the survey.
3. David Hennessy suggested that the Council needs to move on quality initiatives and that perhaps the Board could use this survey tool as a part of the outreach activities. A discussion was held about whether the chief public defenders want to do this, and if not the Public Defender Commission would need to push to get it going. It was suggested that this be put on the agenda for discussion at the next meeting and everyone needs to look at the survey before that meeting. Ann Sutton suggested that if it will be rolled out that the counties are made aware of how simple it is.

VI. LEGISLATION AND POLICY

A. LEGISLATION UPDATE

1. Larry Landis provided an update on the legislative current agenda, noting that items 1-3 under the Public Defender Commission heading are priorities in the upcoming session. Under the "Other Legislation" heading, Larry noted that in conjunction with item 6, the council would also be pursuing making the second offense of possession of paraphernalia a misdemeanor rather than a D felony.
2. Larry is going to request an increase in the hourly rate for reimbursement counties from \$70 to \$80. He will make this request at the conclusion of the legislative session.

VII. TRAINING

1. A discussion was held about the New Lawyer Seminar planned for February. The consensus of the Board was that it should include sentencing and ethics. David Hennessy asked to see the proposed topics.
2. David Hennessy asked if the TPI program should be under the Training Committee. The consensus was that it should be.
3. Larry Landis reported that Jodie English has informed him that she will not be available to provide an evidence-based training program.
4. It was also reported that Joel Schumm will help on felony-murder training.

VIII. OLD BUSINESS

None

IX. NEW BUSINESS

A. JIM ABBS LETTER

1. There will not be a response to the letter send by Jim Abbs to the chief public defenders.

B. OTHER

1. David Hennessy moved to adopt a resolution thanking Lorinda Youngcourt for her invaluable contributions to the Board and indigent defense services in Indiana. Mike McDaniels seconded the motion, which passed unanimously.
2. Lorinda Youngcourt tendered her resignation as Chairman of the Board due to accepting the position as chief public defender in Seattle WA.
3. Lorinda nominated Steve Owens for the position of Chairman. Joel Wieneke seconded the motion, which was approved unanimously.
4. David Hennessy requested that a new list of Council staff be provided to the Board.

X. NEXT MEETING AND ADJOURNMENT

Next meeting was set for February 19, 2015 at Ft. Harrison State Park.

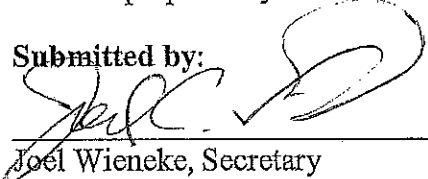
Gojko Kasich moved to adjourn the meeting. The meeting was adjourned at: 10:10 pm, EST.

Follow-up Items

1. Toni to send list of current employees to Board.

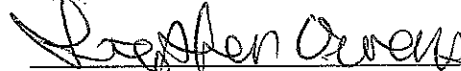
Minutes prepared by Toni Schaney and Larry Landis.

Submitted by:


Joel Wieneke, Secretary

9/26/15
Date

Approved by:


Steve Owens, Chairperson

9/26/15
Date