

INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS MEETING
IPDC Conference Room
309 W. Washington St., Ste. 401
Indianapolis, IN

July 19, 2019

1:00 pm

Minutes

I. Call to Order and Approval of Minutes from last meeting

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 1:05 pm EST on July 19, 2019 in IPDC conference room at 309 W. Washington St., Ste. 401, Indianapolis, IN by Chair David Shircliff.

Board Members present were: David Shircliff (chair), David Hennessy (secretary), Jennifer Sturges, Deana Martin, and Steve Owens. Council Staff present were: Bernice Corley, P. Michael Wilson, Diane Black, Joel Weineke, and Juli Byrne. Also present was Derrick Mason from PD Comm. Present via webex were: Chris Shema, Robert Hill, Gojko Kasich, Ashley Spolarich, and Ruth Johnson.

Approval of the minutes from the June 6, 2019 meeting made by Jennifer Sturges seconded by Ashley Spolarich, Motion passed unanimously.

Steve Owens made motion to approve agenda, seconded by Jennifer Sturges. Passed unanimously.

II. Amicus Brief – Joel Weineke (6:04)

Discussed amicus brief from last year that was filed for Larry Newton who pled guilty to LWOP as a juvenile in exchange for taking the death penalty off the table before the death penalty was made cruel and unusual punishment. The sentencing hearing was found to be enough of a Miller hearing to determine whether or not he was the rare individual who deserved LWOP as a juvenile. His petition for sursha ari is still on hold at the Supreme Court and has been there for a long time and we believe that it is being held until Lee Boyd Malvo's case is decided, which is another case that is a juvenile that acted with the DC Sniper. He has multiple LWOP sentences but never had a Miller hearing. Some of his sentences he pled guilty to, like Newton, so the same issues are going to be decided. If that is the case the Juvenile Law Center, and some other groups, are going to act together to file an amicus brief. The intention right now is to sign off on their amicus brief leaving the door open for us to file an amicus brief of our own, if we would like to, which is what we are seeking approval for.

David Shircliff wanted clarification about the request. Joel Weineke clarified that he wanted approval to either sign onto the amicus brief drafted by the Juvenile Law Center (or whoever), or submit our own amicus brief in support of Lee Boyd Malfo. Steve Owens asked, it was in the United States Supreme Court, and we have to get permission just like we do here to file? Joel Weineke responded that the parties have agreed, to permission across the board so whoever can file an amicus brief on their behalf, they want to limit the participation because they don't want to open up additional issues that haven't been granted cert on.

David Hennessy asked Joel Weineke if he wanted to be pre-approved to do a separate brief if he believed it to be necessary. Joel Weineke stated that is what he was hoping to leave that option on the table due to an important issue about your ability to waive your rights to be free from cruel and unusual punishment. He would like to talk to them and see if they would include that in their brief and if they won't include that in their brief then maybe have a discussion with Bernice Corley or Mike Moore and see if it was something that we would be interested in submitting a short amicus brief on. David Hennessy also wanted clarification about our amicus brief in regards to Larry Newton. David Shircliff stated that we did file an amicus brief last year for him.

David Hennessy made a motion to sign onto the anticipated amicus brief, and that if our specific concerns can't be included in someone else's brief that we do our own. Seconded by Jennifer Sturges. Passes unanimously.

III. Executive Director's Report - Bernice Corley

Bernice Corley gave a staff update. Amy Karozos will be transitioning from working at the Counsel. She is currently a contract employee and the grant has run out that pays for her. Her transitioning out is wrapping up all the grant reporting work. The earliest it will wrap up is the end of August, potentially around mid September will be the latest. Bernice Corley stated that Amy Karozos will still be willing to help if needed.

Bernice Corley wanted to know what the board thought about honoring Amy. Bernice Corley wanted to know if the board would be open to an award or a plaque that we could develop for her to honor her work. David Hennessy stated that we expect excellence and feels that we are getting a bit award heavy. He also felt that it was a neglected area and she did a great job. Jennifer Sturges suggested that we could, during one of the IPDC JTIP trainings, do some sort of recognition or maybe a little reception before or after. Robert Hill suggested that in the past IPDC would give out certificates of appreciation for people that showed great commitment and agrees that we have become award heavy. Robert Hill suggested that Bernice Corley write out a proposed letter/certificate, circulate it to the board and they will take it up at the board retreat. Deana Martin agreed with Jennifer Sturges that it should be presented at a Juvenile training where the people that she had the most impact on are able to personally come up and thank her. Bernice Corley stated that November 15th would be a time to do that.

Robert Hill made a motion to give her either a letter of appreciation endorsed by the board or a certificate endorsed by the board and signed by the Executive Director stating that we appreciate her outstanding service. Seconded by Jennifer Sturges, passed unanimously.

Bernice Corley brought up Kim Tandy wanting to know if the board would want to take the same action for her as well. Robert Hill stated that he was not as enthusiastic about Kim Tandy. David Hennessy commented that the grant wouldn't have happened without Kim Tandy however once the grant was received she didn't have the same effect as Amy Karozos had. He stated that we should distinguish between the two in the letter/certificate, making Kim Tandy's primarily in seeking and obtaining the grant, he doesn't see their contributions as equal. Deana Martin agreed with David Hennessy's assessment. Bernice Corley made comments that Kim Tandy has many connections in the DOJ and that she was pivotal in securing the grant and that it would not have been funded without her which is why she wanted to honor Kim Tandy as well.

Jennifer Sturges made a motion that we send Kim Tandy, from the Executive Director, endorsed by the board, and acknowledgement letter of appreciation for her tremendous contribution in helping securing the funding for the Juvenile project, and invite her to attend the reception that we are having to recognize the hard work for the project. David Hennessy wants the language to distinguish the differences between the contributions between Amy Karozos and Kim Tandy and to let Bernice Corley decide whether to send a letter of appreciation or a certificate. Jennifer agreed to the amendment. Seconded by Steve Owens, motion passed unanimously.

Bernice Corley moving forward with the Executive Director's report she stated that Joel Weineke will be the one moving forward with the project full time and we will still have a Marion Co. contract as well. Bernice wants to stop calling it the project and normalize the work as it goes forward make it just like the other parts of IPDC such as training, etc. Bernice also stated that Liz Houdak will no longer be an intermittent employee and will now be considered as a part-time employee, this will not affect us money wise and is not eligible for benefits. This is just a classification issue. David Hennessy wanted to know how many staff attorneys IPDC currently has, Bernice Corley stated that we actually have 3 ½ attorneys. David Hennessy inquired about the starting salary for Joel Weineke, Bernice Corley stated that he was brought in at \$83,000 which is what Ruth Johnson started at. Joel Weineke is going to be full time however Bernice Corley stated that she has made it very clear to Joel that this position exists as long as the Supreme Court is helping us. David Hennessy wants Joel Weineke to make periodic reports to the Supreme Court, Bernice Corley stated that was in Joel's job description. She also stated that the reports that he generates that the board will be receiving them as well.

Bernice Corley brought bring up, wanting to know if it should be assigned to a committee. Larry Landis sent a parting letter giving suggestions/ideas to IPDC. She wanted to know if it should be assigned to policy or strategy committee to look at and offer report back to the

board of proposed action, or what we should do. David Shircliff stated that he is going to assign that to the strategic planning committee.

IV. Approval of Executive Director's salary increase

David Hennessy made a motion to increase the Executive Director's salary to be in parity with IPAC's Executive Director. This is for this one time and it will be resolved at the board retreat. Seconded by Deana Martin. David Shircliff wanted to know if that was tied to anything, Bernice Corley stated that it was tied to a full time prosecutor's salary, motion pass unanimously for the amount of: \$151,137.00.

V. Publications Committee - Approval of an IPDC App. - Michael Wilson

Trial objections rule – trial objections outline converted into a mobile app (see handout to see what it could look like). The development side isn't difficult because it is basic information and he estimated about 20 hours to develop this app. It will be written in a web based format then packaged into a mobile application using some of the adobe software. Other costs associated with it is distribution requires a developer license to post stuff and make the applications available on IOS devices. The license is about \$99.00 a year. State of Indiana has one through Indiana interactive however it might be better to have our own pending on if this is going to be available for a charge or for free. It will be fully functioning off line so there is no need for an internet connection. The second app is just as simple and is a credit time calculator converted over exactly what is on the website now but converted over to an offline version that you can use on your phone. Between the two to get them developed and tested should be about 40 hours.

Jennifer Sturges stated that if a committee is making a motion then there is no need for a second to this motion. Hill, Kasich, Martin, Owens, Shema, Spolarich, Sturges, and Shircliff all approved motion to create apps. Hennessy abstained. Motion passed.

VI. Training Committee - Approval of a member survey - Deana Martin

Deana Martin explained that the reason behind this survey is that not everyone completely fills out their evaluation form and tells us about what additional training they would like to see, and if you are not going to training you are not getting evaluation to be able to say what types of trainings you would want to go to. The committee would like to send out a questionnaire to the membership about what types of training you would want IPDC to put on and that you would be interested in going to. Deana Martin wants the Training Director to format this questionnaire and what to ask by installing that authority in her. Chris Shema brought up about people wanting the DUI track every year vs. having another track, perhaps on CHINS and have those two rotate. Didn't know if we ever came to a resolution. Deana Martin confirmed that that is what they were planning on doing this year. Bernice Corley stated that during the annual we received a lot of comments about our seminar and we would like to add to the evaluation a question about what the members would like us to add to the

annual seminar format. We received a lot of suggestions about making certain things longer and getting rid of other things. Deana Martin felt that would be a good idea. David Hennessy wants the member's feedback on systems questions such as regional appellate offices. He wants to get the systems committee to add some questions about stuff that we see coming down the road such as regional PD offices/regional appellate offices/statewide appellate office. Gojko Kasich's concern is people wanting to know how this is going to work and we don't have any structure to give them detailed explanations on how the regional offices are going to work. David Hennessy stated that the questions should maybe more of a hypothetical on how they want the offices to run to be able to see it work. Gojko Kasich wants to be sure that there is only going to be one survey. Robert Hill wants this survey submitted to the board for review.

Deana Martin's motions for the training committee is: She wants a questionnaire (member's survey) developed by the Training Director based on her experience and questionnaires that she has looked at. There is to be only one survey, it is them to be submitted to the board for review and approval. Seconded by Gojko Kasich. Motion passed.

VII. Approval of document explaining the 3 Defense Agencies – Bernice Corley

Bernice Corley presented the document that David Hennessy drafted (in packet). We are wanting to do a two-step on this. What is attached will be loaded on our website (if approved) who are we kind of thing? Lawmakers do not understand. The second step is a document that can be created during the retreat explaining why the 3 agencies should remain separate. David Hennessy is willing to work on this for the board and should be able to get it done before the board retreat.

Deana Martin made a motion to adopt the document to put on the website, seconded by Steve Owens. Motion passed unanimously.

VIII. Motion to Adjourn 02:05 pm

Motion made by Steve Owens, seconded by David Hennessy, approve by acclamation.