

INDIANA PUBLIC DEFENDER COUNCIL  
BOARD OF DIRECTORS MEETING  
Oakwood Resort  
Syracuse, IN

October 27, 2018  
9:00 am

Minutes

**I. Call to Order – David Shircliff**

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 08:53 am EST on October 27, 2018, in Conference Room 1 of the Oakwood Resort Syracuse, IN by Board Vice Chairperson David Shircliff.

Board members present were: David Shircliff (Vice Chairperson), Mark Nicholson (Secretary), Bob Hill, Chris Shema, David Hennessy, Gojko Kasich, Jennifer Sturges, Steve Owens, Ashley Spolarich, Deana Martin and Jennifer Culotta. Also in attendance were Council staff: Bernice Corley, Michael Moore, Diane Black, Mark Carnell, Suzan Ristich and Juli Byrne. Ruth Johnson arrived later.

**II. Approval of Minutes from Last Two Meetings**

The minutes of the Board Meeting on September 5, 2018, were reviewed. Chris Shema has an amendment to the minutes. He wants his reason for opposing the amicus brief listed in minutes. His opposition was due to he did not feel that a juvenile should be able to force his attorney to demand waiver. Motion to approve the minutes, with the amendment added, by Jennifer Sturges seconded by Jennifer Culotta. Passed unanimously.

The minutes of the Board Meeting on October 10, 2018, were also reviewed. Motion to approve by Ashley Spolarich, seconded by David Hennessy. Motion passed with Gojko Kasich abstaining due to not being in attendance.

**III. Review and Approve Agenda**

Motion to approve agenda made by David Hennessy, seconded by Mark Nicholson. Passed unanimously.

**IV. Executive Director Report – Bernice Corley**

Bernice Corley introduces the new employees and explains their duties with the Council.

**A. Financial – General Fund**

- Presented by Suzan Ristich. Gives brief overview of how the state works using the state fund, the training fund and the publication fund. The state fund receives an appropriation of \$1.3 million which is the same as received 2 years ago. The state fund is a reverting fund; which means that we have to give back anything that we do not use, we have not had to give any back. Sometimes shifting extra funds to the training fund. Training fund receives its revenue from the seminars and the county training. Publications receives its revenue from the Lexis subscriptions and manuals.

- In the state fund more than \$1 million goes to personnel with the rest going to other expenses, ie: contracts, subscriptions, law books, etc. Chris Shema brought up a question about raising revenue using other sources, grants, selling items. Mike Moore responded that we have two revenue funds these funds are based on what we are allowed to do. Selling t-shirts, for example, is not something that we are allowed to do. We do have federal grants however those come with a lot of restrictions meaning that we can only use the federal funds for what they were allocated for.
- Financials are based on fiscal year, so at this point we only have 3 months of actual information. The contracts are less this year partially due to Kim Tandy no longer working with the task force, she is still working with Amy under the grant. David Hennessy was inquiring about the mentoring that Chris Lambo did, Bernice stated that we are still waiting on the invoice and the results of the mentoring. The mentoring was a program set up by Don Murphy and it was only for a couple of months.
- Quarterly PD meetings and expenses being paid out of the state fund. David Hennessy does not want us to pay anything on the Chief PD's. Bob Hill stated that we should not pay for lodging or per diem for any Chief to come to a meeting. Diane Black notes that we are not paying for lodging, we are paying for food. Suzan Ristich states that we are budgeted for lodging however we have not paid any thus far. Motion made to not pay for lodging or food for the chiefs by David Hennessy. Ashley Spolarich inquired about if they have to follow the same rules as the state, as per David Hennessy they do not follow the same rules. David Hennessy amends his motion to not pay for lodging and food. Motion made by Bob Hill to remove (not pay any) lodging as a budget item for the chief PDs meetings, seconded by David Hennessy. Passed unanimously.
- David Hennessy asked about the 5<sup>th</sup> floor lease reimbursement from the Juvenile Grant and the PD Commission. Suzan responded that these entities are currently broken out by us paying the entire bill however the Grant reimburses us and so does the Commission, so we are paying just the PDC's portion of the training room. It is currently \$4,800 for each floor and out of the \$4,800 there is \$1,900 for the Commission and about \$1,600 for the Grant.
- Expenses that we pay IOT for our computers, phones, any services, wiring is all paid to IOT.

#### **B. Financials – Training Fund**

- Revenue received for the training fund is due to seminars and now regional trainings (individual county trainings), these trainings are at the rate of \$35 per hour per attorney, including private attorneys. This number was determined at the December, 2017 board meeting.
- County trainings revenue is listed in the provided spreadsheets.
- Dates on spreadsheets were incorrect Diane Black discovered error and corrections are to be made to the spreadsheets showing the fiscal year 2019.
- David Hennessy was inquiring about the TPI money received and the spreadsheets show only \$2,600 revenue, this was explained by Diane Black stating that not everyone has paid for the TPI training due to counties being invoiced after the training and money has not been received yet. All revenue and expenses are explained on the attached

spreadsheets. As per Diane Black TPI has a projected loss of around \$2,390, she feels that the loss could be less. TPI revenue usually takes about 1 month to come in to the office.

- The JD Annual registrations are low (as per Diane Black), she thinks that part of that is due to the amount of regionals that have been done. She wants to discuss with Bernice, Mike and Amy about doing the JD Annual every other year since they are doing so many regionals. December attendance may be higher due to attorneys needing the hours to complete the year. Chris Shema wants to know if we are charging the same for the Juvenile seminars that we are charging for the other seminars. As per Diane, the regionals are free and the annual is the same as any IPDC seminar. Chris Shema feels that this may be the reason for the loss of revenue in the juvenile seminar.
- Gojko Kasich is inquiring about the attendance at the Voir Dire seminar. Diane Black will get this number for Gojko. Inquiry was made about the TPI seminar and there were 27 in attendance, she also feels that was down due to last minute changes.
- David Hennessey brought up the expense of Tina Mahern and he is concerned that her fees are surpassing what they were paying a full time PDC employee. This is shown in the provided financial spreadsheets. Request made by David Hennessey to put together how much money we spend on Tina Mahern. Gojko Kasich would like to be provided with what Tina Mahern does for each seminar. Diane Black and Michael Moore are going to address that and get the information to the board. Bob Hill stated that it was beneficial to have a staff person do the seminars.

### **C. Liaison Report**

- Bernice Corley Interstate compact and electronic monitoring. Ohio will not supervisor anyone for longer than 120 days on electronic monitoring. Kentucky will not provide electronic monitoring for anybody that is not from Kentucky. Florida will not provide any electronic monitoring for anybody that is from out of state either.
- Commission - Larry Landis has been elected Vice Chair of the Commission and his primary duty is to oversee their legislative staff and help them to get their legislative agenda passed. The Council and the Commission are meeting weekly to craft a joint message around our fiscal priorities to help keep down the confusion. Bernice stated that there has been 3 meetings thus far and there has been no discussion in regards to joining the Commission and the Council. Bob Hill is concerned about the Commission not staying in their lane. Bernice wants to show that we can all stand together but still be mindful of what the Commission is up to. David Hennessey feels that our members need a separate voice.

On the Legislative side of the Commission be aware that they have 2 working groups, the Appellate state office work group and a Regional office work group. The regional has not met yet however the appellate has met this week (4<sup>th</sup> week of October). Bernice Corley stated that our staff is there as well other practitioners. The regional group will meet 11.02.18 in the afternoon. Steve Owens was at the appellate meeting to make sure that we are separate from everything. The group centered around that state having a state appellate public defender, and that person should be responsible for quality and if there needs to be guided litigation if things are not happening the way they should in a certain county they have provided guided action in smaller counties

that are not seeing much in the way of appeals. How do you elect this person? The suggestion was made that the council provide a list of people and the commission will pick from the list of nominees. Another suggestion was to have the AGs office make a determination, the council is strongly opposed to anyone being chosen by the Attorney General's Office. Council staff will be drafting a legislative draft to the appellate group maintaining that position. Once the draft is created it will be circulated to the board.

Ashley Spolarich wants to know what happens if we disagree with the stance that the Commission presents? Response from Bernice is that we would then have to go our own way. David Shircliff stated that if that happens then it will be a nightmare. That is always a possibility however that reason is why we are working together to avoid that. David Hennessy wants to see the draft, he feels that he needs to get the council on board.

Bob Hill states that the 3 biggest problems to a statewide appellate is:

1. No accurate cost figures
2. Details need to be worked out
3. Real consensuses of what it should look like

Bob Hills feels that we would be better off taking a more measured approach and come out with a suggestion on what it should look like and ask the legislature to study it at the summer study next summer. He doesn't feel that they are going to get behind this.

- Starting 01.01.19 a rule requiring chief public defenders who have on their staff attorneys who are .75 or above and have private practices to disclose all cases for which they have an appearance. David Shircliff wants to know if the council should take some action on this. David Hennessy make a motion that the Executive Director (Bernice Corley) write Rutherford to postpone the implementation rule until they have comments from the persons effected by it. We want a voice and PDs have a voice. No threat of litigation. Seconded by Mark Nicholson. Bob Hill wants to make sure that we (board) can legally do this before we proceed. Chis Shema wants added to the letter that we are offended by the rule passing without consulting the people that it affects. David Shircliff requested that Bernice Corley find out when and why this rule passed, if it was passed in secret and let the board know. Jennifer Culotta wants to know how many counties are at .75? Passed unanimously

#### **D. Governor's Commission to Combat Drug Abuse**

- DMHA (FSSA) is applying for a twenty-first century cures grant for over \$17 million to be spend over 2 years. Unfortunately is focuses entirely on opioids. The money is to be spent on encouraging MAT (medically assisted treatment) to be used at the trial level (see attached handouts).

#### **E. Interim Study – Correctional Criminal Code**

- Steve Holmes the commander of the ISP lab has reached out to Bernice to give us a tour of the lab which will be a great opportunity to have a discussion around on how the weight came to be. The Council is on to try to work out something.
- Sheriff's Association asked for and did receive a recommendation to increase their daily per diem from \$35 to \$55.

- No recommendation on human trafficking.
- There is a recommendation that law enforcement agencies in Indiana would track bias crimes and report those to ISP then ISP would report that to the FBI. David Hennessy wants a definition of bias crimes.

#### **F. Judiciary Interim Study**

- Findings/Recommendations in attached hand-out and bolded.
- Recommendations to expand foster care from ending at 18 to being able to go all the way to 21, care and services.

#### **G. Commission on the status of Children**

- Will be entertaining as recommendation to change the status from a delinquency matter to a CHINS matter.

#### **H. Evidence Based Decision Making/CR 26**

- Still have the original 11 that are still engaged (in handout).
- Currently IU is looking at a year of data (IRAS). Nothing is conclusive, but at this point they think that IRAS is very accurate in terms of risk assessment (more detail in handout from Executive Director, age at 1<sup>st</sup> arrest).
- Chris Shema has suggested some training on the human trial tool. Bernice feels that we need a training and discussion on human trial tool as well.
- Monroe Co. has a great collection process.
- Bernice has tried to reach out to Porter Co. and will continue to do so.
- Gojko Kasich is wanting the data from the 11 county pilot program. Waiting on IU to release the data. IU will be doing all the 11 counties are not done yet. Monroe Co. is the one that they started with. Chris Shema would like some of our attorneys involved because he is not convinced that this IRAS is totally objective and without subjectivity. He feels that we need people advocating for pretrial release when they are brought into jail. Gujko Kasich feels that we need to have some way to get the prosecutors to give us the NCIC right away. Ashley Spolarich states that federal law prohibits law enforcement officers to hand out the NCIC. Mark Nicholson did the legal research by talking to the FBI and ISP there is no memorandum stating this and that they can actually release them to the defense attorneys even though they are not considered law enforcement officers. Clients can even request their own NCIC reports. Mark has the policy. Diane Black has the policy and will share it with the board members. Gojko Kasich is wondering who is over this pilot, to which Bernice Corley stated that it is court services. Gojko makes a motion for Bernice Corley to send a letter to whoever is in charge of this program to give us an update and maybe share these numbers with us. Seconded by Ashely Spolarich. Passed unanimously

#### **V. Assistant Executive Director's Report – Mike Moore**

##### **A. Training Highlights**

- One of our goals is to hit every county with our regional trainings. Gojko wants to know if we have a record of every public defender in every county. Mike Moore stated that this is something that we are currently gathering data to get this information. We currently have a list of all the commissioned counties and Juli Byrne is creating a data base of all the non-commissioned counties. We are wanting to do get all this information so that we can touch base with the public defenders that we were not aware of and hopefully get them to join the council.
- We are working to update our databases and get all our data into one searchable database. We are currently working with salesforce to try to make this happen. This new database should save money by no longer using our contractor to maintain the current databases. With the new database we will have the ability to keep up with our members, change their information, their rolls, etc. David Shircliff is wanting to know if we will be able to get a demographic of the public defenders, age, how many new people are coming into public defense, etc. Mike Moore stated that we will probably need to do a survey on this, but it is possible.

#### **B. Goals for 2019**

- Develop an appellate nuts and bolts seminar. Looking to revamp appellate seminar training.
- Working to develop more with the juvenile training as well.
- Provided a list of training and the counties of where they took place (board received this via a hand out).
- Jennifer Sturges wants to add into the map that Michael provided where the Juvenile trainings are being done. She also stated that the juvenile trainings are well attended.
- Diane Black stated that she does have approval for a year's worth of case reviews since they do just pop up. Mike Moore explains that case reviews are done by bringing at least 2 to 3 people to the public defender and we brainstorm the issues. The public defender can also come to use as well. David Hennessy doesn't feel that is would be cost effective to us. He feels that the other public defenders in the same counties should get together to have their own resources to brainstorm together. Mike Moore stated that was effectively our plan. Once our membership list is done then we will be able to find out what attorneys would be willing to do that. Bob Hill stated that Kentucky has case study training. He feels that Kentucky's case study training is essentially braining-storming with a very structured format. It is designed to identify what hasn't been done and what needs to be done, what has been accomplished. Diane Black stated that she is currently using Kentucky's format. Deana Martin feels that getting attorneys together to brainstorm is very valuable to our members. David Hennessy has a concern on the financial aspect of the case reviews. He feels that you half to do them twice, a follow-up. David Shircliff wants to know if we have a plan for when we have a lot of case reviews, do we have other attorneys to help with these case reviews. Mike Moore stated that that is something else that we can put in our database when we get it done. When we send out this survey, David Hennessy wants something put on it about

working with difficult clients. David Shircliff wants to know if we have a plan. Michael Moore stated once the database is complete hopefully by next spring. Then we can start working on the survey. Chris Shema is concerned that the case review demand will out-weigh the supply, Diane Black stated that we are not to that point yet. Diane Black will send up-dates of case reviews of the board. Has already offered to the Chief PD's. Jennifer Cullotta stated that the prosecutor's offices are currently doing this as well.

- Our records indicate that we have trained 2062 people to date.
- Mike Moore stated that we are always open to training topics.

### **C. Publications**

- Mike Moore wants to make the manuals a live document once we get the database up and running.
- David Hennessy inquired about printing manuals, Mike Moore stated that we print on demand now to keep the cost down. David Hennessy and Chris Shema want their free books that they can hold. Ashley Spolarich stated that the old books that have been printed she can take them to the PD agencies versus throwing away. David Shircliff wants to have training on the updated way that publications are going to be available to public defenders who rely on the hard copies of stuff and are not as well versed with electronic copies. Chris Shema voiced concern that he is unable to read via the computer screen because it gives him a headache.
- Mike Moore shows on the hand out provided the updated publications as well as the case assistance phone calls answered. We have gone to a virtual phone call system where as people that are to be answering research calls can still do so even if they are not on site.

### **D. ICJI Forensic Treatment Grant Program**

- IPDC received a grant from the ICJI in the amount of \$188,914. Initially, IPDC contracted directly with Recovery Works case managers to provide services in multiple counties. Toward the later quarters of the grant period, IPDC focused the grant services in 4 counties. Grant ended on 06-30-18. Since we received the money late we asked for an extension and we were denied. See handouts under Asst. Executive Director's report for details.

### **E. Training**

- Mike Moore wants all contracts to be uniform.
- Mark Nicholson is concerned about trainers sharing their training materials. He feels that if the trainer will not provide their training materials then they should receive less money for their training.
- David Hennessy has concerns in regards to training topics. He is also concerned about the regional trainings wants to know if we are going to have any of the larger central training seminars. Diane Black states that we are doing new lawyer seminars but when we do it all at once we only reach 50 people she feels that the regionals will make us better able to reach more people. Mike Moore

states that the regionals are much more cost effective. David Hennessy is concerned that there is no way to gage the consistency with the regionals vs one central seminar. He wants more topical seminars. Mike Moore would like the board to provide a list of topics that they want trained on. Gojko Kasich feels that larger seminars and bringing in speakers builds Camaraderie and statewide seminars create relationships for life. Jennifer Spolarich feels that regionals help people that don't want to drive the distance, pay for parking, etc. and therefore cuts down on the attorney's cost for the training.

- Deana Martin suggests that we do not provide lunch for the longer trainings to help save money. She stated that she has been to training in other states and they don't provide food. David Shircliff stated that we provide food for the interaction if food is not provided then everyone is going to go to lunch with their own people. Deana Martin stated that most people sit with who they know anyways. Diane Black comments that the long one day seminars people interact with who they know and they don't tend to ask questions. Smaller seminars she feels invites more interaction, she stated that she will do both. David Shircliff thinks that we need to decide what kind of seminars are most effective for our clients, if we follow up 6 months later, 1 year later are they using the ideas? Jennifer Culotta stated that in the southern counties the members get excited when we go to them. She had several people come up to her and thank her for coming down there because they usually feel left out. She feels that we should be able to do both.
- Jennifer Culotta was inquiring is there is a way to offer scholarships to the TPI training? Diane Black would love to be able to do that however we are unable at this time. Bernice Corley feels that scholarships would be amazing. If we cut out food that would enable us to send people to national training via a scholarship. Jennifer Sturges feels that TPI is an invaluable training course, it gave her the opportunity to meet people that can help with cases. She feels that this is where regionals work so well. Chris Shema does not want to kill TPI, he feels that maybe shorten it and only provide meals on the first or last day and not the entire time would help with costs. He doesn't want it to go away or be diminished to the point where it loses all its integrity either. Mark Nichols believes that there can be a balance it doesn't have to be either/or. He feels that we can do it at a state facility for a much lower cost, or even finding local speakers to help with the cost. He sees value in keeping people local for teaching these concepts. Bernice Corley feels that the lunches are valuable. She feels that meals need to be provided. Jennifer Culotta makes a motion to table Training/Topics/Location/Food discussion put on the agenda for the next board meeting. Diane Black would like to go ahead on finding a facility for New Lawyer training she believes that she can find a facility between now and March but she needs that right away. Jennifer Culotta withdraws motion.
- Chris Shema makes a motion that the new lawyer training be at a central location and be a one day seminar. Bob Hill seconds motion. Jennifer Culotta suggests that we do 3 one in the north, central, and south. 8 in favor, 3 opposed, Jennifer Sturges, Jennifer Culotta and Ashley Spolarich. Motion passes to be in a central location for 6 hours. Mark Nicholson bring up the topic that



maybe the new lawyer training be a rotating location and TPI be the same location each year. Diane will look for a centralized location venue for New Lawyer Training.

- Jennifer Culotta makes a motion to table the balance of this discussion for training, Ashley Spolarich seconded. Chris Shema wants to know if Diane Black can circulate a training proposal. David Hennessy would like a list of trainings that we have done for the last 3 years. Diane Black informs board that in the profit and loss provided it has all the trainings listed, she also requested that if they have any ideas about training please send the ideas to her and she will put them in the proposal. Motion carried unanimously.
- Ashley Spolarich makes a motion to have a mobile set location throughout the state, Jennifer Culotta seconded motion. Carried unanimously.

## **VI. Board Protocol/Procedures**

### **A. Meeting Times**

- Chris Shema would like to schedule the board meeting around the Judicial Conference. Bernice Corley states that meeting in January after the 10<sup>th</sup> is possible. Chris Shema agrees. Ashley Spolarich suggested January 24, 2019. Bernice Corley suggests the next meeting date to be in April to give the board the opportunity to discuss the nominations for the awards for the annual. We will send out the requests for the nominations on 04-01-19 and the board can vote on it then. Jennifer Culotta and Ashley Spolarich will not be able to be there, however Ashley would be able to webex in. Board meeting will on 04-25-2019. Jennifer Culotta makes motion to accept board dates. Motion amended to only accept the first two meeting dates of: 01-24-2019 & 04-25-2019, seconded by Chris Shema. Motion passed 10 to 1 with Mark Nicholson abstaining.
- Bernice suggests meeting during the business day to be able to have presentations. Mark Nicholson doesn't feel that is possible. Jennifer Sturges makes a motion to start meeting at 6:00 pm vs 7:00 pm, seconded by Ashley Spolarich. Motion passes with Mark Nicholson opposed.
- Bernice Corley brought up tabling the committees for now and either lengthening the meetings or keeps them at two hours. Out-reach, training, policy & legislation, taskforce committee and two committees were combined: technology & publications. Mark Nicholson makes a motion to have the meetings at 6:00 pm but making the first hour dealing with committee business, seconded by Ashley Spolarich. Carried unanimously.

### **B. Board Awards**

- Should there be just one Gideon award or do we want to add an appellate award? Deana Martin feels that we need to just have one award for the person that is the best at contributing to indigent defense, she feels that it is more prestigious that way. Gojko doesn't understand the criteria for the awards, wants a more detailed criteria. Chris Shema suggests that we change the time from when the applications needs to be submitted to the board in time to

discuss the applications. He doesn't want it to be a popularity contest. David Hennessy moves to have an appellate award, seconded by Goijko Kasich. Six opposed motion does not pass.

- David Shircliff wants to know if we have a process for making the determination of the winner of the Gideon award. Mark Nicholson does not feel that the board has the time to interview the nominees. Goijko Kasich suggests that we have a standard 5 or 6 questions for the nominating person to get more information. Jennifer Spolarich stated that maybe we could put these 5 or 6 questions on the application. Application process needs to be started at the end of March so that the board received the nominations at least 2 weeks before the April meeting. Jennifer Culotta feels that we need a standardized form to help compare nominees. Bob Hill feels that we don't ask enough questions about client focus and what they are doing for the community along with the quality of their work. Mark Nicholson adds, what has the attorney done in the last 2 to 5 years? Ashley Spolarich moves to submit questions for the award application to Mike Moore or Bernice Corley by 01/24/2019 so that the board can have a final discussion during the January 24<sup>th</sup> board meeting to make the final determination of the questions on the application and the application is published starting March 1, 2019. Nominations will be accepted from 03/01/2019 to 03/31/2019 and then the board can review the applications during the April 2019 board meeting. Seconded by Bob Hill. Passed unanimously.

#### **C. Location of Board Retreat**

- Bob Hill suggests that the retreat be somewhere near Indianapolis to save on hotel rooms for 4 board members and staff. It will be more cost effective. David Hennessy suggests that the chairman make the determination of where the next retreat is located. Mark Nicholson suggested that it be in Brown County or around Brown County for cost savings as well. Ashley Spolarich suggested that we have it at a state park. Bob Hill makes a motion to have the retreat be located in Indianapolis or continuous counties, and the chairman picks the location within that area. Seconded by Goijko Kasich. 5 agreed and 5 opposed, Shircliff agrees, motion passed.

#### **VII. Policy & Development – Bernice Corley**

- Bernice Corley wants to look at the enabling statute, what our duties are and what we can do. Are there places that we can stretch and do some things that we used to do, don't do anymore, or haven't tried before. She would like to zone in on – see attachment section 5 number 4. Chris Shema wants to know if there is someone on staff that can write a grant to get an analysis done of the programs, specific to Vigo Co., if we cannot get Vigo Co. then maybe we can get more generalized data.
- David Shircliff feels that having someone that is able to gather big stats and put those stats in order would be a great asset. The Commission has offered to let us use their statistician, for a fee. David Shircliff wants to know how we can take the stats question and put it into dollars for legislation. IPAC and DOC can generate the numbers for charging information. Bernice is wanting to get the

boards sense of if the board thinks that this is something that we need to push in terms of our limited staff resources. Council staff cannot do this work and we would have to reach out and engage commission staff and see if we can use their statistician, and have this board decide where we want to start. Jennifer Culotta clarifies: If we have the study and we have the paper that hasn't been presented to the Supreme Court that we add to it a component of statistical analysis, if we can get the statistician from the commission to do it?

- Section 1 – Duties. Bernice Corley is interested in getting the board opinion on second chairing opportunities. Sitting with a new attorney during a jury trial by partnering them, mentoring them and maybe even model some things live. To show the person how something is done live. Does not want the second person to become part of the litigation team and is not exposed to any liability issues through training. Maybe even tie it to TPI. Jennifer Sturges brought up actually flipping that theory by having someone sit with an experienced attorney pro bono would be another way to train. She is willing to put out her trail schedule. Chris Shema and Mark Nicholson actually agree that the new attorneys should sit with an experienced attorney. Jennifer Culotta always has a second chair during her trials and she usually pulls a baby lawyer. She doesn't mind having them sit second chair with her however she will not sit second chair with a new attorney, Mark Nicholson agrees with her. She also feels that the new attorney learns more by sitting second chair with an experienced attorney. Mark Nicholson feels that in the new lawyer training that could be something that can be an option. David Shircliff is concerned about getting involved in other attorney's cases. Chris Shema brought up about providing a list on our website of attorneys that would be willing to have someone sit second chair with them. Deana Martin wants some kind of quality control with the list. Bernice Corley wants to be able to count the second chair in a way that shows the Legislature that what we do has serious material value to the improvement of public service in Indiana and how other agencies can't. She feels that the second chair relationship with our members not only in training but to show that we actually have our hands in things in a manner that other agencies cannot.
- Ashley Spolarich brought up the idea of having centralized mentoring groups to come together to assist and brainstorm. Gojko Kasich brought up putting a list together of attorneys that are experienced and willing to brainstorm & mentor and post it on our website to get notice out to everyone.

#### **VIII. Legislative and Policy – Mark Carnell**

- Overview – General Legislative information. General assembly right now is 100 members in the house and 50 in the senate, mostly republican, which has been that way since 2012. Many members are retiring. November 20<sup>th</sup> is when the session officially starts, organization date. Senators can file bills 30 days after that. House members can file bills on organization day. December 10<sup>th</sup> is the bill request deadline for LSA (Legislative Services Agency). All bills have to go before LSA first. Senators can file an unlimited number of bills between now and January 7. January 8<sup>th</sup> and 9<sup>th</sup> they can file two per day, and on the 10<sup>th</sup> they are done at 4:00 pm. House members are limited to 10 bills by house rule.

- See attached power point presentation.
- Bernice Corley is asking for priorities in current staff recommendations for the council staff to pursue the below recommendations:
  1. IPDC appointment to Commission statute
  2. Traffic – including metabolite
  3. Juvenile
  4. Mental Health
  5. Legislation issues of 2018

David Hennessy moves to adopt staff recommendations for legislative priorities subject to additional research or support to prioritize the IPDCs appointment to conviction, traffic then Juvenile, then the mental health then the 2018 list that is not included, including the metabolite law (9-30-5-1). Mark Nicholson seconded. Deana Martin amends motion to switch juvenile and traffic to keep juveniles out of adult court, David Hennessy agrees to amendment. Motion passes, Ashley Spolarich opposed.
- Mark Nicholson moves to support medical marijuana (withdrawn), Jennifer Culotta seconded. David Hennessy wants to wait until we see the bill due to the probable cause to search. Chris Shema when a bill is proposed legalizing medical marijuana that we support the bill, Mark Nicholson denied, no one seconded to the motion. Lacking a second on the motion the motion dies.

**IX. Old Business – David Shircliff**

- David Hennessy historically the board used to do annual reviews on staff and salaries and determine what raises. The board has a 3 person committee to determine the executive director’s salary. He would like to go back to that. David Hennessy makes motion to update the IPDC personnel & policy manual last updated on September 14, 2016, Jennifer Spolarich seconded, passes unanimously. Bernice Corley to update manual including job descriptions and make recommendations for salaries.
- Taskforce is handled by the Commission which is going to be handled by Larry Landis. What roll do we play now? Bernice Corley we are joining with them in the work group 11-19-18 reviewing draft of legislation. Bernice will get back to the board once we know.

**X. New Business – David Shircliff**

- Allen County and conflict of interest with a DCS attorney being selected for the public defender board. Chris Shema wants to know what our response should be to this situation. Ashley Spolarich makes a motion that the board recommend that there be some kind of sanction or accountability for Allen Co. based upon their choosing of a DCS attorney being in direct conflict with indigent defense, until they comply with 33-40-7-3. Jennifer Culotta seconded. Motion passed.

- Mark Nicholson makes a motion that the updated policy include sexual harassment policy and training for IPDC. Jennifer Culotta seconded, motion passed unanimously. David Hennessy missed the vote.

**XI. Election of Officers – David Shircliff**

- Bob Hill makes motion that David Shircliff be Chair, Mark Nicholson be Vice Chair and that David Hennessy be secretary. Ashely Spolarich seconded. Motion passed.

Motion to adjourn: 04:36 pm Jennifer Culotta, seconded by Jennifer Sturges. Meeting adjourned.