

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

**Westin Hotel
Indianapolis, IN**

**June 11, 2015
6 p.m.**

Minutes

CALL TO ORDER

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 6:08 p.m. EST on June 11, 2015, in the Board Room of the Westin Hotel, Indianapolis, IN by Board Chairperson Steve Owens.

Board members present were: Steve Owens (Chairperson), Joel Wieneke (Secretary), Michael McDaniel, Laura Paul, Bob Hill, Neil Weisman (Vice Chair), Gojko Kasich and Ann Sutton. Also in attendance were Bruce Andis and Chris Shema, council members at large.

I. APPROVAL OF MINUTES FROM LAST MEETING

The minutes of the Board meeting on February 19, 2015, were reviewed. Bob Hill suggested that the minutes should be amended to include the suggestion that David Hennessy made in an email dated March 27, 2015, regarding filling the board vacancy created by Lorinda Youngcourt's resignation. Bob's motion was that the minutes be changed as follows:

“... Luther Garcia moved that ~~the~~ Board ~~revise the procedure for filling the Board vacancy and~~ allow the vacancy to be filled by the election at the Annual Meeting in June.”

Neil Weisman seconded the motion, which was approved unanimously. Neil then moved to approve the minutes as amended. Ann Sutton seconded the motion, which passed unanimously.

II. REVIEW AND APPROVE AGENDA

Joel Wieneke moved to change the agenda to consider Larry's salary increase in the regular meeting rather than Executive Session. Neil seconded the motion which was approved unanimously with no discussion.

III. EXECUTIVE DIRECTOR'S REPORT

A. Budget and Finances

Larry Landis provided a detailed accounting of the expenditures of the Council for the current fiscal year and the projected expenses for the remainder of the year, as requested

at the last Board meeting. Discussion included the fact that there are a number of expenses over the past year that will not be repeated in the coming years (e.g., Crowe Horwath for PDIS work, Payments to IOT and JTAC for PDIS hosting, and various providers for seminar expenses that will be paid out of the seminar account in the future). This will free up money so that the Council and Board can start discussions about hiring a Training Director.

It was noted that the Publications and Training funds are in good shape. The Training fund has benefited from the increase in attendance fees and better attention to/control over the costs.

Several members noted that the level of detail provided in the spreadsheets was very much appreciated.

B. PDIS

Beginning with the new fiscal year on July 1 the Supreme Court allocated \$250,000 to bring PDIS in-house. JTAC, whose new name is Court Technology, will take over responsibility for the system processing, development/maintenance and training. This will free up over \$100,000 in the budget. The Council still needs to negotiate the details such as the Council maintaining oversight and control of the system. Further, the Council desires to maintain its current programmer.

Joel Wieneke would like for someone to look into letting individual attorneys use PDIS, rather than limiting it just to PD offices. Don Murphy will help with looking into that. Talks are ongoing about bringing Fountain County on and St. Joseph and Johnson counties have just recently come on board.

C. Succession Planning

Larry Landis announced that his current plan is to retire in July of 2017. He stated that he is open to considering being a part-time contractor to do liaison work with the legislature and organizations. A discussion followed which included having the replacement overlap with Larry if funding is adequate. The issue of a succession plan will be on the agenda for the Board Retreat in September.

D. Webinars and InReach

Paula Sites provided background information about the InReach contract as a follow-up to the February discussion on this topic. The current arrangement may not be the most efficient, but it was the only thing available at the time that ICLEF changed their process and our previous arrangement whereby they hosted our programs and gave us half of the proceeds. Paula also provided usage and income data for the past 12 months and projections for the next year. If the demand remains similar to last year, the program may be in the black going forward. Paula reported that she is looking into services provided by Peach New Media to see if they have a similar program at a lower cost. The Council has a contract with InReach until next summer.

Paula also reported that the CHINS/TPR video training on a CD will be put on our website and available for free for those members who need this training to qualify under the Public Defender Commission standards. Bob Hill said he would like to re-do the

training segment done by a former employee. Don Murphy said he would like to re-do the whole thing. Bob volunteered his staff. Ann Sutton suggested that Channel 16 would videotape the sessions for free. Bob said he would follow-up with Don re: creating a 6 hours of video training for CHINS/TPR and Appellate.

Neil Weisman recommended video replays. He recently organized a video replay in south Bend for surrounding counties. They had approximately 30 attendees. They did not charge but could charge a small charge for viewing in the future.

Larry Landis suggested that the Marion County Public Defender Agency seminar on Ethics in November be taped. Larry said the issue was raised at the last meeting as to whether the Council should continue to tape the seminars and make them available on-line or on a CD. He said the plan was to continue to build the video library and charge enough to pay for the cost of recording and making the seminars available on-line.

E. Other Activities

Larry summarized some of the other activities of Council staff and asked Don Murphy to review his handout on his activities over the last 12 months. Also presented was a list of activities completed by the Council over the last year. It was determined that the Marion County Public Defender Agency seminar in November should be added to the Council's Seminar schedule. Don reported that Doug Long in Madison County has begun presenting one training per month and it seems to be going well.

Don also reported on the grant for the development of a best practices guideline for defense lawyers in problem-solving courts which should be completed by the end of 2015. Bob Hill suggested using the State Court Administrators guideline booklet as a guide.

Bruce Andis commented on the problem solving court in Lawrence County. Chris Schema discussed the problem solving courts in Vigo County.

Don also reported on the following activities:

- preparation of an OJJDP grant application with the National Juvenile Law Center for a planning grant to review the juvenile justice system in Indiana;
- work with the Washington County Public Defender Board; and
- a document describing the duties and responsibilities of a chief public defender

IV. COMMITTEE REPORTS

A. Member Outreach Committee

Laura Paul reported that she has visited 7 of the 9 counties assigned to her and contacted members in the other two. She found it invaluable and got great feedback about training, online offerings, the need for a greater legislative presence and additional topics for shorter, more focused TPIs. She did find that there seems to be a reluctance/concern about changing how county offices do business.

Steve Owens has completed contacts in 4 counties (Rush, Dearborn, Decatur, and Brown). Dearborn seems to have the most complaints. He also found that folks do not want a statewide program/way of doing business.

Neil Weisman has talked with people in 5 counties (Marshall, Elkhart, Allen, DeKalb, and Noble). Most seem satisfied with the current system, but would like more video replays for training. The Elkhart County deputy chief will start becoming involved with the Chief PD meetings.

Laura Paul requested that each board member prepare a summary paragraph for each county visit by the retreat and sent it to her.

Larry asked Board members to let him know if any follow-up with counties was needed. Chris Schema suggested that we create a video about how to use the Council's resources. Joel Wieneke agreed.

B. By-Law Committee

Gojko Kasich stated that he has not had a lot of time to focus on this topic so there has not been any action taken since the last meeting. He hopes to get back with this in a couple of months.

Laura Paul moved that the by-laws include a procedure to filling a board vacancy near an election. Gojko said it is already included.

C. Training Committee

1. Steve Owens reported that David Hennessy could not be in attendance and asked him to read the following report:

“The training committee has discussed planning of seminars with Stacy Uliana who seems to be the ersatz training director. We have pledged to have someone from the committee attend every seminar and report on positives and negatives. We need to do better at that.

We need to get with Don Murphy to discuss other training possibilities away from Indianapolis.”

2. Mike McDaniel stated that he has received positive feedback re: Don. Murphy's regional training would like to see more of this kind of training.
3. Bob Hill moved that the Council use the funding previously used for PDIS to hire a full-time training director. Mike McDaniel seconded the motion. A discussion included the following:
 - Is money needed for an overlap period when a new Executive Director is hired?
 - Does the training director need to be a full-time position?
 - Can the Training Director also fill the position of Executive Director when Larry retires?
 - How long will the hiring process take?

The motion was unanimously passed.

Bob Hill moved that a three member board committee be created to work with the Executive Director to create a strategy for hiring a training director position. Mike McDaniel seconded the motion. It was agreed by consensus that a timetable would be decided at the Board Retreat in September. The motion was unanimously approved.

Steve Owens appointed Bob Hill, Laura Paul, and Mike McDaniel. Bob Hill will be chairperson of the committee.

D. Policy and Liaison Committee

1. Larry Landis suggested that it was time to start working on a legislative agenda for the 2016 session which will begin with the interim study committees in the fall. He stated that we have a position on juvenile reverse waiver but need specific language to recommend for legislation.
2. Neil Weisman raised the issue of the increase in CHINS and TPR cases which is making it difficult for counties to comply with the caseload standards. Interim committees are scheduled to be set up and begin meeting in August. Bob Hill moved that the Council take a position recommending legislation providing for 100% state reimbursed for CHINS and TPR cases through the Commission or the creation of a new State agency responsible for providing representation in CHINS and TPR cases. Neil Weisman seconded the motion and it was accepted unanimously.
3. Neil Weisman moved that the Council request that the PD Commission to create a grace period for compliance with the CHINS and TPR caseload standards. A discussion followed about whether this would reduce to pressure on counties to increase funding to maintain compliance, and whether adopting a formal position accepting non-compliance for case load standards was in the interest in the Council Board. Neil withdrew the motion.
4. Larry Landis informed the Board that the issue of the increase in CHINS and TPR cases and the impact on indigent defense services will be on the agenda for the next DCS Oversight Commission meeting and encouraged members with issues to attend.

E. Executive Director Evaluation Committee

Steve Owens reported that he, Joel Wieneke and David Hennessy met with Larry Landis to conduct the executive director evaluation. The review included Larry's assessment of his success at meeting his goals, legislative successes and disappointments, PDIS, and the lack of enthusiasm among chief public defenders for developing a quality assessment system. Steve said the evaluation went well.

F. Executive Director Salary Increase

Steve Owens summarized the 2.2% COLA salary adjustment approved by the Indiana Supreme Court. Joel Wieneke moved that the executive director's salary be increased by 2.2% retroactive to January 4, 2015. Neil Weisman seconded the motion which was unanimously approved.

V. NEW BUSINESS

None

VI. OLD BUSINESS

None.

VII. BOARD MEETINGS

A. Retreat

The Boar Retreat is scheduled for the weekend of 9/26/15 at the Blue Chip Casino in Michigan City. Larry Landis recommended that suggested agenda items be sent to him or Steve Owens.

B. After Election Meeting

There will be a short meeting after the Annual Update Seminar on 6/12/15 at approximately 4:45 pm to introduce the newly elected Board members.

VIII. ADJOURNMENT

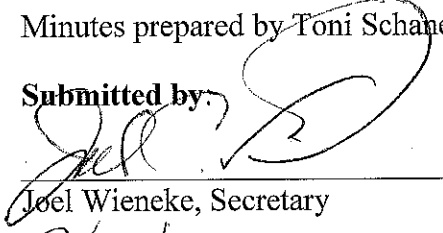
Mike McDaniel made a motion for adjournment. Steve Owens seconded. The meeting was adjourned at 8:10 pm, EST.

Follow-up Items

There are no follow up items.

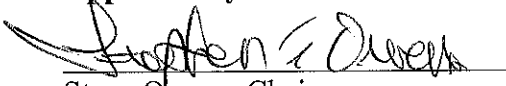
Minutes prepared by Toni Schaney and Larry Landis.

Submitted by:


Joel Wieneke, Secretary

9/25/15
Date

Approved by:


Steve Owens, Chairperson

9/26/15
Date