INDIANA PUBLIC DEFENDER COUNCIL

Board of Directors Meeting
Board Retreat
West Baden Springs Hotel
West Baden, Indiana 47469-7726

October 1, 2011

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by Chairperson David Cook at 9:15 a.m., October 1, 2011, in the conference room of the West Baden Springs Hotel, West Baden, Indiana.

Board members present were: Zaki Ali, David Cook, Robert Hill, Michelle Kraus, Steve Owens, Sonya Scott, Neil Weisman, and Lorinda Youngcourt. Board members absent were: David Hennessy, Michael McDaniel, and Jeff Lockwood. IPDC staff members present were: Larry Landis, Paula Sites, Don Murphy, and Teresa Campbell.

II. APPROVAL OF MINUTES/AGENDA

A motion to approve the minutes from the June 23, 2011, meeting was made by Lorinda Youngcourt. Neil Weisman seconded the motion. The minutes were approved.

A motion was made by Robert Hill to amend the agenda to include a discussion of a Training Director position. Michelle Kraus seconded the motion. The agenda was approved as amended.

III. EXECUTIVE DIRECTOR'S REPORT

A. FINANCIAL REPORT

Larry Landis distributed detailed IPDC financial reports for the board's consideration and comment. He reported that the appropriation for salaried personnel was reduced by $93,000, and the same amount was transferred at the recommendation of the State Budget Agency to the contracts budget. He also reported that 15% of the Council's budget was reverted in the previous fiscal year as requested by the Governor's Office.

B. ADMINISTRATION

Larry distributed an updated IPDC Personnel Manual with a listing of current IPDC staff, contractors, and updated organization chart.

C. PUBLIC DEFENDER INFORMATION SYSTEM (PDIS)

Larry Landis reported that he believed that the PDIS was our number one priority because of the need to assess the quality of indigent defense services which can not be objectively assessed without good data. Larry said PDIS will create a uniform and standardized system that will enable public defender managers to assess the quality of attorney performance and enable the Public Defender Commission to adopt standards and measurements for assessing the quality of services provided.

Questions were raised about why Allen County has implemented the Odyssey System but has not implemented the PDIS System. Don Murphy explained that PDIS was offered to the Allen County Public Defender Office but they preferred to maintain their standalone system at this time.

Bob Hill asked what the PDIS System is projected to look like in the future. Don explained that PDIS is designed to be a standalone system with an interface with Odyssey through the INcite portal as a way to connect and download court information from Odyssey. Once PDIS is completed, we will then build bridges to allow PDIS to interface with the other court systems used in Indiana, e.g., CSI, Courtview, etc. Don also explained the problems with the current implementation of PDIS.

Don estimated the Council has spent approximately $1 million on the development of PDIS and we will need to spend an additional $450,000 to complete the project. Larry reported that we will be using $126,000 in our current contracts budget and will be applying for a grant of approximately $300,000 for 2012. He said if our grant request is granted, the amount received is likely to be much less than requested because the Congressional appropriation for the JAG/Bryne grant program reduced Indiana's allocation by 20%. Thus, we will likely need to use money from our contracts budget in FY 2012-13 to complete the PDIS System.

Lorinda Youngcourt said she believes the PDIS system will be the standard in approximately five years in all Odyssey counties.

Bob Hill questioned how the Help Desk position (currently held by Eric Hess) will be funded when that position turns into a full-time responsibility. Larry Landis said they had not yet decided what to do with this position since it was so new. The position was created as a part-time contractual position in response to the request from our users for more training and support than was being provided by JTAC. There was discussion about merging the Help Desk Position and the Network Administrator Position. Larry indicated that the two individuals currently holding those positions do not necessarily have the skills for the other position. Larry also pointed out that the Network Administrator's responsibilities have recently been increased to include website maintenance and it was too soon to determine what the scope of work would be for the Help Desk Position once PDIS was completed and additional counties were added.

IV. PUBLICATIONS, RESEARCH, TECHNICAL ASSISTANCE, WEBPAGE, etc.

A. PUBLICATIONS

Paula Sites presented a report on the current status of publications, research, technical assistance, and the website.

Paula reported on the following:

- Toni Schaney, contractor, has been formatting the publications since the retirement of Loretta Jackson, and has reduced the delays in uploading the publication updates to the website.
- Dawn Nolan has assumed responsibility as website administrator.
- Approximately 100 printed copies of the Defender are mailed each month to members who subscribe to the printed version.

Lorinda Youngcourt suggested a new column in the Defender, focusing on Technology. There was a request that the Performance Guidelines be updated and published, and the Performance Guidelines Checklist be finished. Paula agreed that these would be publication priorities.

Paula reported that she has been working on a guide to the website. Lorinda Youngcourt suggested creating a web homepage that members could use as their homepage.

There was discussion of the Google Search engine and the need to improve the length of time to re-boot of the program when necessary.

B. RESEARCH

A brief discussion was held about research calls to staff attorneys. While it was generally agreed that IPDC's primary goal is to be a resource for public defenders, it was also agreed there was a need to monitor some attorney's over-use of the ability to call the research attorneys for assistance. A discussion was held about the need for the research attorneys to be available for telephone questions but also have ample time to devote to their other responsibilities, including research and publication production.

V. TRAINING

A. SEMINARS REMAINING IN 2011

Larry distributed a listing of the remaining seminars for 2011.

A general discussion was held about the Child Molest Seminar. Larry reported that Kim Hart will not likely be available to organize the Child Abuse/Molest seminar set for December 9th because she is in trial in North Carolina and likely will be tied up for several weeks.

B. SEMINARS /TRAINING FOR 2012

A general discussion was held about the seminar/training schedule for 2012. Lorinda Youngcourt moved that TPI be moved to the same week as the Judicial Conference. Michelle Krause seconded the motion. The motion carried.

Board members offered several suggestions for training topics for 2012.

- Steve Owens suggested training on toxicology.
- Lorinda Youngcourt suggested a beginner appellate track.
- Bob Hill suggested an appellate track at TPI, an Ethics boot camp like we did a few years ago at the law school, training on the National Academy of Science Report, and technology for lawyers.
- Michelle Kraus suggested forensic training on fingerprinting, firearms, and eyewitness identification.

C. REGISTRATION VOUCHERS FOR TRAINERS

Larry Landis recommended that the Council needed a clear policy on granting registration vouchers for attorneys that design and provide training for the IPDC. He suggested that any attorney who does a presentation at an IPDC seminar would receive a $90 voucher for admission to one of IPDC's one-day programs. If an attorney serves as faculty during all 4 days of the Trial Practice Institute (TPI), they will receive two $90 vouchers which could be used for two one-day programs or as registration for TPI. These vouchers could be used by the person who earned them or they could be given to another IPDC member. This policy would apply to board members, non-board members, and non-member attorneys. Bob Hill moved to approve the policy as suggested by Larry. Lorinda Youngcourt seconded the motion, which passed.

D. TRAINING DIRECTOR

Bob Hill indicated that he thinks IPDC should employ a full-time Training Director. He expressed concern about the reliance on IPDC Board Members to take the lead in organizing some seminars. Larry Landis responded by pointing out that adding statewide, one day seminars was not one of our strategic priorities and that we had shifted our focus to county based training and technical assistance. Nevertheless, Larry said that he would like to have a Training Director but that there is no salary position or money available at the moment and that all contractual money not otherwise committed needs to be allocated to the completion of the PDIS which will take at least another year. Larry suggested that in the meantime it would be helpful if the Training Committee would help think through what type of training was needed and desired and what the specific duties of the training person should be. Lorinda Youngcourt offered ideas and presented a written summary of possible requirements.

Bob Hill moved that a Training Director position be created as soon as economically feasible and that in the interim Larry would be the defacto training director. Neil Weisman seconded the motion which was unanimously passed.

E. TRAINING AND TECHNICAL ASSISTANCE IN COUNTY PUBLIC DEFENDER OFFICES

Don Murphy supplemented his written report covering the trainings and technical assistance for county public defender offices and the activities of the chief public defender association, which included:

- 7 CLE programs in county public defender offices
- 8 case reviews in county public defender offices
- one full day training for office administrators
- two meetings with the Chief Public Defender Association

VI. PUBLIC DEFENDER SYSTEMS

A. PUBLIC DEFENDER COMMISSION

Larry Landis reported that the Public Defender Commission has been sending letters to counties who are out of compliance informing them that if they do not get into compliance with the Commission's caseload standards, their eligibility for reimbursement will be terminated. Each of the counties that have personally appeared before the Commission has been successful in pleading their case for more time to achieve compliance. Larry also reported that he has had discussions with other Commission members about the need to adopt performance standards but he will wait until we have our revised standards and checklist to share the specifics with the Commission.

B. QUALITY ASSURANCE

Don Murphy reported that he has been developing a quality assurance system with the assistance of Purdue professor, Regina Becker. Lawrence County has agreed to be the pilot county for this program.

VI. LEGISLATION

A. INTERIM STUDY COMMITTEES

Larry Landis reported that the Criminal Code Evaluation Commission and the Criminal Law and Sentencing Policy Study Committee have been meeting regularly since mid-summer, but it is too soon to be able to predict what legislation will be endorsed by these committees.

B. OTHER

1. Juvenile Delinquency Waiver of Counsel

Larry Landis informed the Board that consistent with the prior Board position on the issue, he would be assisting the ISBA Civil Rights of Children Committee in making a presentation at the ISBA Board of Governors and House of Delegates at

the Annual Meeting in October and request their endorsement of the new proposed rule that would prohibit waiver of counsel in juvenile delinquency case unless the juvenile has had an opportunity for meaningful consultation with counsel.

2. **Expungement**

Larry Landis reported that several flaws in the expungement legislation passed in 2011 would likely be addressed in the 2012 session.

VII. ELECTON OF OFFICERS

A motion was made to elect the current officers to another one year term:

Chair: David Cook
Vice - Chair: Michelle Kraus
Secretary: Lorinda Youngcourt

The motion was seconded and unanimously passed.

IX. EXECUTIVE SESSION

Larry Landis recommended that the Board approve an increase in salary of $1000 for all salaried employees. The recommendation was approved by acclimation of the Board.

X. NEXT MEETING AND ADJOURNMENT

The next meeting was set for December 15, 2011, at 7:00 pm, at a place to be announced later. The meeting was adjourned at 3:15 pm.

The minutes were prepared by Andrew Cullen, Legislative Liaison.

Submitted by Lorinda Youngcourt, Secretary — Date 1/21/2012

Approved by David Cook, Chairman — Date 1-21-2012