

INDIANA COMMISSION ON COURT APPOINTED ATTORNEYS

January 15, 2025

12:00 PM

101 West Ohio, 18th Floor, Commission Conference Room

Indianapolis, Indiana 46204

Members in attendance:

Mark W. Rutherford, Chair (in person)
Mr. James J. Abbs (in person)
Ms. Bernice Corley (in person)
Ms. Samantha DeWester (in person)
Hon. Mary Ellen Diekhoff (remote)
Hon. Kelsey B. Hanlon (remote)
Mr. David J. Hensel (in person)

Audience members:

(More than sixty individuals joined the meeting in person and virtually, many of whom could not be identified.)

Members absent:

Rep. Ragen Hatcher
Sen. Eric Koch
Rep. Ryan Lauer
Sen. Gregory G. Taylor

Staff in attendance:

Derrick Mason (in person)
Andrew Cullen (in person)
Andrew Falk (remote)
Emily Hughey (remote)
Linda Hunter (remote)
Torrin Liddell (remote)
Jennifer Pinkston (remote)
Tristan Snell (remote)

At 12 p.m., Chair Mark Rutherford called the meeting to order. Introductions of Commission members were made.

1. House Bill 1006

The Chair noted that the meeting was an emergency meeting called due to the filing of House Bill 1006 (HB 1006). He asked Executive Director Derrick Mason to provide an overview of the bill. Mr. Mason explained that HB 1006 would essentially merge the Indiana Public Defender Council (PDC) into the Commission, along with multiple changes to the scope and authority of the Indiana Prosecuting Attorneys' Council (IPAC). The bill would increase reimbursement for the Commission to 50%. Mr. Mason outlined several staff recommendations and requested guidance from the Commission.

Mr. Abbs stated that he has extreme concerns about the bill, both regarding what it does with IPAC and with its elimination of the PDC. He was very concerned with the PDC's independence from the judiciary and argued that the bill raised serious constitutional issues.

Mr. Hensel asked for a clarification of the roles of the PDC versus the Commission. Mr. Abbs, Ms. Corley, and Mr. Mason explained and provided examples of the two agencies' roles.

Larry Landis, who helped start both the PDC and the Commission, was granted permission to speak and stated that he strongly opposed the proposed legislation and urged the Commission to strongly oppose it. He argued that the support role of the PDC is essential to public defenders and that the PDC's advocacy role could not function under the Commission. He said, "Merging the two agencies would be a terrible mistake."

Mr. Hensel asked what happens next. Andrew Cullen outlined the legislative process and explained that there would be multiple opportunities to amend the legislation so that it was more favorable to the PDC and the Commission.

Mr. Abbs moved to oppose the bill. Ms. Corley seconded the motion. Mr. Mason inquired whether Mr. Abbs' motion was to oppose HB 1006 in all respects, noting that the bill included some provisions such as a 50% reimbursement for felonies that the Commission had endorsed, or whether it was in keeping with the Commission's proposed role in the materials provided to the Commission members. After further discussion among the Commission members, it was confirmed that the Commission was directing Commission staff to oppose the merge language of the bill and that while opposing the merge language, Commission staff

would have the authority to raise the significant concerns that merger would have with elimination of the public defense voice or loss of independence of the Commission and work to preserve both of those functions if the bill were moving forward regardless of our opposition.

The Chair called the roll:

Mr. Abbs: yes

Ms. Corley: yes

Ms. DeWester: yes

Hon. Diekhoff: yes

Hon. Hanlon: yes

Mr. Hensel: yes

The Chair abstained. The motion carried.

2. Other Matters

There were no other comments or concerns. The meeting was adjourned at 1:06 p.m.