

JUDICIAL CONFERENCE OF INDIANA BOARD OF DIRECTORS

Minutes

Online vote in place of March 31, 2020 meeting

A Board of Directors meeting was scheduled for March 31, 2020 at Marriott East in Indianapolis. However, this meeting was canceled because of COVID-19. Two time-sensitive agenda items, the creation of the Pretrial Committee and changes to the Probation Standards, were emailed to the Board members on April 13, 2020 for a vote. Members had until noon on April 17, 2020 to respond.

- 1. Voting members:** Diane Boswell, Cale Bradford, Sam Cappas, Vicki Carmichael, Dean Colvin, MaryEllen Diekhoff, Sara Dungan, Paul Felix, Kurtis Fouts, Clayton Graham, Frances Gull, Elizabeth Hurley, Kristina Kantar, Dana Kenworthy, Robert Krieg, Jeryl Leach, Gretchen Lund, Sheryl Lynch, Sally McLaughlin, Gary Miller, Bradley Mohler, Lakshmi Reddy, Hunter Reece, David Riggins, Loretta Rush, Les Shively, Gregory Smith, Timothy Spahr, Tom Stefaniak, Mark Stoner, Charles Todd, Jeffrey Todd, AmyMarie Travis, Andrea Trevino, Joseph Weber, Heather Welch, Bob Witham
- 2. Members who abstained from voting:** Kelly Benjamin, John Broden, Marla Clark, Kurt Grimm, Kim Hall, Kenton Kiracofe, Larry Medlock, Jason Mount, Jennifer Newton
- 3. Creation of a Pretrial Committee:** In December 2019, the Board of Directors voted and unanimously adopted the Pretrial Services Rules (Rules) with an effective date of January 1, 2020. These Rules govern the establishment and implementation of pretrial services programs certified by the Indiana Office of Court Services. Since January 1, twenty counties have submitted letters of intent to become a certified pretrial services program in accordance with these Rules. Currently, pretrial activities are undertaken by a work group of Indiana's Evidence Based Decision Making Initiative. Judge Mark Spitzer, Chair of the Pretrial Work Group, and Mary Kay Hudson of IOCS, respectfully requested the Board establish a Judicial Conference Pretrial Committee. The purpose of the committee is to oversee the development and implementation of the Pretrial Services Rules and IOCS's pretrial service certification process. The Pretrial Committee will commence as a Judicial Conference Committee in July 2020. Thirty-one members of the Board voted to create the Pretrial Committee; six members voted to defer to the September meeting.
- 4. Probation Standards:** The Probation Committee sought Board approval of the following proposed amendments to the Indiana Probation Standards. The amendments are technical amendments that change Admin. Rule 9 references to the new Indiana Rules on Access to Court Records. On behalf of the Committee, Chair Lori Quillen requested the following amendments:
 - Probation Standard 1.4 Confidentiality of Records—replaces Administrative Rule 9 with Indiana Rules on Access to Court Records.
 - Probation Standard 1.9 Records Management—replaces Supreme Court Administrative Rules with Indiana Rules of Court; replaces Administrative Rule 9 with Indiana Rules on Access to Court Records.Thirty-five members of the Board voted to approve these amendments; two members voted to defer to the September meeting.
- 5. The remaining 2020 meetings are scheduled for September 15 and December 3**

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Via Zoom

September 15, 2020 – 4 pm

1. **Attendees:**

- a. **Members:** Cale Bradford, Sam Cappas, Marla Clark, MaryEllen Diekhoff, Sara Dungan, Paul Felix, Shatrese Flowers, Clayton Graham, Kurt Grimm, Fran Gull, Kim Hall, Elizabeth Hurley, Clay Kellerman, Dana Kenworthy, Steve Kitts, Jeryl Leach, Gretchen Lund, Sheryl Lynch, Sally McLaughlin, Kristen McVey, Larry Medlock, Bradley Mohler, James Muehlhausen, Jennifer Newton, Lakshmi Reddy, Matthew Rentschler, Loretta Rush, Leslie Shively, Greg Smith, Mark Spitzer, Rich Stalbrink, Mark Stoner, Jeff Todd, AmyMarie Travis, Andrea Trevino, Heather Welch
 - b. **Not in attendance:** John Broden, Stephanie Campbell, Vicki Carmichael, Dean Colvin (appointed Gretchen Lund as proxy), Robert Krieg, Gary Miller, Hunter Reece, Tom Stefaniak, Joseph Weber, Bob Witham (appointed Clay Kellerman as proxy)
 - c. **Guest:** Steve David, Chris Goff, Mark Massa (acting as chair for Chief Justice Rush)
 - d. **Staff:** Melissa Arvin, Jennifer Bauer, Vicki Davis, Mary DePrez, Kathryn Dolan, Justin Forkner, Michelle Goodman, Angie Hensley, Mary Kay Hudson, Jenny Kidwell, Bob Rath, Angela Reid-Brown, Brenda Rodeheffer, Jeff Wiese, Amanda Wishin
2. **Welcome and opening remarks.** Justice Massa, on behalf of Chief Justice Rush who was recently diagnosed with COVID-19, welcomed the Board.
3. **Approval of minutes.** A motion was made by Judge Fran Gull and seconded by Judge to Kurt Grimm to approve the minutes from the meeting held December 12, 2019 and the vote held in March 2020.
4. **Indiana Court of Appeals remarks:** Judge Cale Bradford reported that the newest Court of Appeals judge, Leanna Weissman, was sworn in yesterday. Judge Bradford expressed his appreciation for the work of the trial court judges.
5. **Indiana Judges Association report.** Judge Vicki Carmichael was unable to attend to provide a report.
6. **Indiana Council of Juvenile and Family Court Judges report.** Judge Dana Kenworthy reported they have met regularly between April and July to provide guidance in CHINS cases because of COVID. They expect a lot of juvenile legislation again this year, and will start meeting September 30th to review the juvenile code. The ICJFCJ Board is working on educational session on delinquency for the legislature.
7. **Probation Standards:** Judge Jim Muehlhausen, chair of the Probation Committee, requested that the Board vote on amendments to Probation Standards 3.4, 3.5, 4.4, 4.6, 4.12, and 4.25 requested by Department of Child Services. A motion to approve was

made by Judge Fran Gull, seconded by Judge Larry Medlock and approved unanimously.

8. **Strategic Plan White Paper:** Strategic Planning Committee Co-Chairs, Judge Rich Stalbrink and Judge Mark Spitzer, requested a vote on the Committee's strategic plan white paper. Judges expressed concern about the plan for non-partisan judicial selection. The Board voted to approve the full strategic plan white paper with a vote of 19-17.
9. **Office of Judicial Administration report.** Justin Forkner announced that Brenda Rodeheffer will retire October 2nd. He also stated that the Court has submitted its budget and it did not ask for anything additional because of upcoming fiscal conditions.
 - a. **Indiana Office of Court Service report** Mary Kay Hudson updated the Board that IOCS is working with Court Technology on the landlord tenant facilitation project. She also announced that grant applications will be released in early October. Ms. Hudson thanked the Education Division for all of their hard work planning the virtual September Conference; recorded sessions will be available later.
 - b. **Court Technology report.** Mary DePrez reported that Odyssey was deployed in Spencer and Jay Counties in August. There are 7 counties to deploy in 2021 and then Odyssey will be statewide in the trial and appellate courts. E-filings have been on the decline since early March, but have increased recently. In conjunction with distributing over 600 Zoom licenses to judicial officers, Court Tech launched a video streaming website at public.courts.in.gov site. To date, Court Tech has enabled 176 courts the ability to stream their hearings. One jury trial in Whitely County had over 1,000 people viewing the trial at one point in time. Also on the public courts site, as part of the Eviction Landlord Tenant task force, and working with the Indiana Office of Court Services, Court Tech developed the Fast Track Facilitation app. Eighteen cases have started the process on the app and there are 42 approved facilitators. Court Tech is also working on a scheduling app for DOC hearings, with a hopeful release of November 1st. She also announced an online dispute resolution pilot under the Innovation Initiative umbrella for small claims and family law.
10. **DOC backlog discussion.** Justice Chris Goff thanked the people who were involved in the discussion about the DOC backlog - Judge Mike Christofeno, Judge Sally McLaughlin, Judge Mark Stoner, representatives from DOC, and Steve Luce, Indiana Sheriff's Association. DOC can process 250 inmates per week and they have a backlog of about 800. They have an action plan to speed up the process, but still test and quarantine. If you have any issues, contact Justice Goff.
11. The last 2020 meeting is scheduled December 3rd via Zoom.