

Assistant Executive Director Board Report

IPDC Board of Director's Meeting—Annual Retreat

2020

I. Training Division

Training Highlights:

- From January until September 1, IPDC has provided 34 in-person and on-line webinars.
- 2,469 attorneys have been trained this year as compared to 546 this time last year.
- Trainings this year has included national speakers covering a broad range of topics.
- All webinars this year have been offered for free.
- IPDC has joined with IPAC, DCS, and ISBA in a request to the Supreme Court to reclassify live webinars as traditional CLE credit.
- Neuroscience of Addictions and Treatment: partnered with FSSA to bring Dr. Marlowe as speaker.
- Members continue to reach out sharing their positive experiences with IPDC trainings. We're sharing a number of emails below.

I want to thank you for the truly great programs you have been organizing for the IPDC members. The OVWI program was awesome. I learned so much. Also, I really enjoyed Joel's program last week as well.

During these strange times it can be difficult to even remember what it was like to travel to a live program. While I do miss seeing colleagues, I have come to appreciate the time savings of attending the programs online and having access to the materials on my computer. I now prefer to take the courses online.

Your prompt responses to questions and providing additional materials is much appreciated. I understand that it must take much effort to organize and arrange for all the technical aspects as well as the content. I want to thank you for all your efforts, Diane. Please keep up all your good work. It is appreciated and so are you

Thanks for your fantastic work, you and the crew are much appreciated. You help me in my continuing efforts to create a culture of excellence.

Best,

I have always enjoyed and learned much from the IPDC trainings/seminars. You are outdoing yourself.

Until the Dr. Marlowe training, I thought that there were no specific substance abuse/addiction therapies that are really the standard (MAT) or that certain therapies and "cold turkey" are really just malpractice. I have so much more to argue in my TPR/CHINS appeals—even better if the trial attorneys can get this through to judges. The training today with Prof. Schumm was great. All of this and so many others inform my work and make me a better attorney.

I am constantly raving about how wonderful these are to Andy, my husband and law partner. He said to tell you hello and that he has always admired your diligence. He did not go to Marion Co cts often, but he thinks almost every time he did you were there for another trial. Amazing—I told him that you and Ruth have presented trainings on how not to burn out. He said you are definitely the one to know – and from working with Ruth for many years while I was at COA, she is the same on the appellate side.

I know I have thanked you before, but I just wanted you to know that I very much appreciate all your hard work these days with these covid seminars, and I appreciate admittance to your training sessions. I also look forward to more to come. FYI, I successfully used some of the trauma information in a sentencing two days ago. It made a big difference for my client on a very hard fought case that had lingered for three years! And now for 4 deep breaths with equal parts retention and exhaling 😊. That latter part reminds me of my California cousin Susan. She is a true original hippie (now in her 80s) including being a groupie with Andy Whorhol's cult in NYC so long ago. She is always trying to steer me towards various forms of self-healing and awareness, etc. Your last lecture brought a smile to my face as I thought how much cousin Sue would be teasing me about all of the stress relieving exercises! Thanks again. Stay well.

Wanted to reach out and ask if you knew when the OWI CLE held on 8/26 & 8/27 were going to be able to be viewed online. I was interrupted during part of John Watkins and John Thompsons presentation and would greatly like to be able to review that again. Also, I can not stress enough how helpful these zoom CLEs have been. Being online has allowed me to be a part of so many more of these learning opportunities than my calendar would normally allow. I'd like to thank you very much for the work you've put in on these and to the speakers as well. I'm hopeful these learning opportunities continue, I definitely think I've learned a lot since these have become available.

Trainings Provided by IPDC

IPDC TRAINING 2020				
DATE	EVENT	LOCATION	HOURS	#
2/21	TPR/CHINS	IPDC	6 hrs 1 ethics	43
3/5	Partnering with Social Workers to Best Help Clients	IPDC & Distance	1.5 hrs	12
3/6	Justice in Action	IGCS	6 hrs 1 ethics	85
Total				140

REGIONALS		
DATE	EVENT	#
1/23	School Rules and JD Clients	16
1/24	Specialized Driving Privileges	35
1/28	Appeals on Wheels	8
2/14	Challenging Juvenile Statements	14
3/10-3/12	DCS MDT	12
Total		85
WEBINARS		
4/8	EFFECTIVELY MAINTAINING THE CLIENT RELATIONSHIP DURING COVID-19	82

4/14	CHINS & THE SUSPENSION OF CHILD VISITATION DURING COVID-19 STRATEGIES AND LITIGATION	62
4/15	5 Things Lawyers Should Know to Make Computers Work for You	70
4/23	I. C. 35-40-5-11.5: Effects on the Discovery Process for a Child Complaining Witnesses	106
4/24	How to Prepare for Oral Argument	34
4/27	Alcohol's Effects on the Body	98
4/28	SFST	99
4/30	Immigration	81
5/1	JTIP: Suppressing Statements	10
5/6	Suppression Litigation	118
5/8	Detention & COVID-19	38
5/18	Challenges to Identity Deception Statutes	55
5/21	Challenging Search Warrants	114
5/29	Family Preservation Services	30
6/3	Trauma & Delinquency	38
6/10	Trauma's Impact on Development	34
6/12	Annual Update	370
6/17	Coping Strategies & Trauma-Informed Defense	32
6/19	IDOC Transitional Health Team	35
6/24	Vicarious Trauma & Self-Care	50
7/15	Insanity: Raising & Litigating	81
7/17	Clients Charged with Offenses Who Are Also DV victims	40
7/22	Insanity: Ethical Considerations	73
7/24	SVF	66

7/31	Q & A with Larry Pozner	86
8/21	Science of Addictions	57
8/21	Evidence-Based Litigation	49
8/27	OVWI	122
8/28	OVWI	114
9/4	JD Series Session 1	
9/11	Constitutional Challenges to Enhancements	
9/16	JD Series Session 2	
9/18	Understanding & Litigating SOR	
9/30	Effective Client Relationships Howard County	
10/2	Effective Client Relationships Hancock County	
10/9	JD Series Session 3	
10/16	PCR Issues	
10/21	Impact on Delinquency Adjudications of Firearms Possession	
10/23	DMHA and Restoration Services	
10/28	JD Series Session 4	
11/13	JD Series Session 5	
11/20	Mental Illness and Mitigation 1.5	
12/2	JD Series Session 6	
12/4	Forensics Live	
12/4	Forensic Webinar Session 1	
12/4	Forensic Webinar Session 2	

Total Number of Attorneys who participated in Webinar trainings to date:	2,244
Number of attorneys trained through traditional and regional trainings	225
Total to date:	2469

2019 numbers in comparison

2019 Number of attorneys trained by regional trainings as of 9/2019:	546
2019 Number of attorneys trained by traditional trainings as of 9/2019:	1,250
Total as of 9/2020	1,796

CASE REVIEWS 2020					
DATE	COUNTY	DEFENDER	CASE	PREP	#
1/7	Jefferson	Christa West	Britton	TPR/CHINS	4
1/10	St. Joseph	Victoria Wolf	Brown	Dom. Battery/MA	4
1/21	St. Joseph	Victoria Wolf	Brown	Dom. Battery/MA	3
1/21	Marion	Cynthia Carter	Warren	Moot COA	4
2/3	Hendricks	Dirk Bentley	Walthers	Trial prep	4
2/5	St. Joseph	Victoria Wolf		Trial prep	3
2/17	Marion	Cynthia Carter	Bedolla	PCR prep	5
2/17	St. Joseph	John Kindly	Dorosko	Trial prep	5
2/18	Marion	Joel Schumm	Gammons	Moot SC OA	5
3/12	Clark	Leanna Weissmann	Watson	SC OA	5
3/16	Howard	Lehman	Battering	CR 4 Prep	4
3/19	Lake	David Payne	Rudisel		4
3/20	Madison	Paul Podlejski	Tate	LWOP Appeal	4

3/22	Marion	Howard-Chastain	Rosales	JD Murder	5
4/9	Vermillion	Taylor Powell	Fulk	Suppression	6
4/20	Lawrence	Nicole Slivensky	Robbins	Trial	5
4/21	Decatur	Angel Marks	Richey	Suppression	4
4/22	Allen	Mitch Gerber	Calabres	IOP	4
4/29	Washington	Amie Newlon	Shelton	Murder	5
5/5	Allen	Nick Adams	Paul	Murder	5
5/8	Clinton	Greg Lloyd	Gates	CR 4	4
5/11	Marion	Spenser Hanson	Raney	Suppression	4
5/12	Spencer	Andrew Foster	Bennett	Murder	6
5/14	Decatur	Zach Anderson	Steele	OVWI Suppression	6
5/18	Steuben	Leanna Weissmann	In re K.R.	Moot for Ind. Sct oral argument	6
5/20	Vigo	Blake Reed	Wilson	Child Molest	5
5/21	Pulaski	Mark Leeman	Battering	Moot for Ind. Sct oral argument	4
5/22	Washington	Mark Clark	Welch	Suppression	5
5/22	Ripley	Leanna Weissmann	Watson	Moot for Ind. Sct. oral argument	5
5/26	Spencer	Andrew Foster	Bennett	Depo prep/Murder	4
5/26	St. Joseph	Victoria Wolf	Dedic	Suppression	4
5/27	Marion	Joel Schumm	K.G.	brainstorm for Ind. SCT oral argument	5
5/29	Tippecanoe	Mark Nicholson	Barnett	MTD	6
6/3	Hendricks	Shannon Mears	Creasey	Search Warrant	5
6/4	Clinton	Greg Loyd	Gates	Search Warrant	5

6/9	Marion	Joel Schumm	K.G.	Moot for Ind. SCT oral argument	6
6/15	Madison	Paul Podlejski	Johnson	Brainstorm for Ind. SCT O/A	6
6/23	Madison	Paul Podlejski	Johnson	Moot for Ind. SCT O/A	6
6/25	Madison	Paul Podlejski	Johnson	Moot for Ind.Sct. O/A	5
6/26	Marion	Shannon O'Toole	Snider	JD Trial Prep	3
6/24	Marion	Joel Wieneke	Putnam	Moot for Ind.Sct. O/A	4
7/1	Spencer	Andrew Foster	Bennett	Trial prep	4
7/6	Washington	Jennifer Culotta	Saylor	Interloc	4
7/9	St. Joseph	Victoria Wolf	Ross	Trial prep	3
7/16	Jefferson	Lisa Glickfield	Bartlett	JD Sentencing	
7/21	Allen	Mitch Gerber	Clark	Trial evidence	4
7/24	Vigo	Blake Reed	Wilson	Trial prep	5
7/27	Gibson	Shaunda Lynch Sandra Hicks Joel	Wilson	LWOP prep	6
7/30	Jackson	Zach Miller	Father	TPR	4
7/31	Elkhart	Chelsey Sarason	Browne	Competency	4
8/5	Shelby	Denise Turner	Giden	Const. Challenge HD	4
8/7	Clay	Brock Dalton	Matthews	Murder prep	4
8/13	Shelby	Jaclyn Tweedy	Smothers	Insanity defense	4
8/17	St. Joseph	Victoria Wolf	Ross	Suppression	4
8/25	Spencer	Andrew Foster	Bennett	Murder trial	5
8/26	Delaware	Mark McKinney	Bond	Competency	5
8/27	Marion	Denise Turner	Madden	Double Jeopardy	4

8/31	Greene	Nicole Slivensky		Bail issues	5
9/1	Posey	Stacy Uliana	Loehrlein	Juror misconduct	5
9/2	Greene	Nicole Slivensky Katherine Hibbard		Bail issues	4
9/2	Spencer	Andrew Foster	Bennett	Murder trial	5
9/9	Sullivan	Jake Miller	Wilson	Murder	
					275

2019 Case Review numbers in comparison

2019 Case reviews as of 9/2019:

84

II. Publications

New or updated Publications

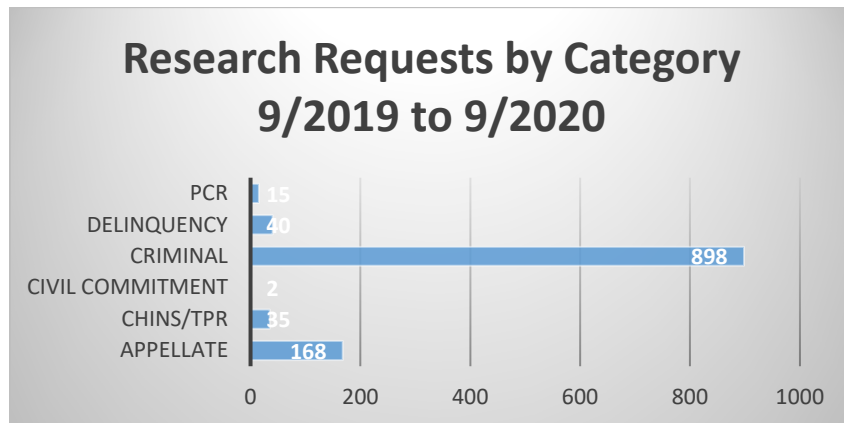
Title	Author(s)	Date of Publication
Evidence Manual	Kenney	8/20
Search and Seizure	Kenney	8/20
Speedy Trial Outline (new)	Kenney	7/20
Appellate Practice Manual	Schumm/Johnson	2/20
CHINS/TPR Manual	Kenney/Wilson	11/19
Defending Child Molest Cases (new)	Kenney	11/19
Traffic Law Manual	Wilson/Kenney	2/20
Involuntary Civil Commitment Outline (New)	Markisohn/Johnson	2/20
Performance Guidelines	Moore/Kenney	8/20
Post-Conviction Relief Outline (new)	State PD/Ausbrook	4/20
Expungement Guide	Wilson/Kenney	10/19

New or Updated Manuals in Progress

Title	Author(s)	Anticipated Publication Date
Table of Offenses (updated through 2019 session)		
Juvenile Delinquency Manual	Wieneke	
Forensic Resources	Black/Kenney	12/20 (draft in progress)
CHINS/TPR	Johnson	
Confessions	Kenney	11/20
Traffic Law Manual		2020/2021
Motions Update	Houdek/Research Staff	
Sentencing Manual		

Requests for assistance and Research Help

Category	Count of Request
Appellate	168
CHINS/TPR	35
Civil Commitment	2
Criminal	898
Delinquency	40
PCR	15
Total Requests	1158



III. ICJI Forensic Treatment Grant Program

a. Edward Byrne Memorial Justice Assistance Grant Program (JAG)

IPDC's Public Defender Forensic Treatment Program, funded through the Edward Byrne Memorial Justice Assistance Grant (JAG) offers social work and supportive services to clients represented by public defenders across Indiana. IPDC offers case consultation and technical assistance to public defenders representing adults in every county in Indiana. Direct supportive services are offered in Wabash, Kosciusko, Cass, Clark, Scott and Decatur counties. Direct services include case management, assessment of substance use and mental health disorders, treatment referrals and more.

In addition to the original grant work, the Council sought and received a separate JAG grant to provide social work support to attorneys at first appearance hearings. The grant is supporting specialists in Vigo, Lake and Cass counties. The work began shortly before COVID hit so the specialists have not be utilized fully but recent outreach by staff and the specialists have increased contacts between public defenders in those counties and our support specialists.

b. Title II - Juvenile Justice and Delinquency Prevention Act (Title II)

IPDC's Title II grant to offer social work support for juvenile public defenders programming has begun offering services for juveniles and public defenders across the state. IPDC offers technical assistance to juvenile public defenders in every rural county in Indiana. The Title II grant is used to contract with three support specialists in 2020. The grant amount was increased from last year. Last year, the grant was used to place support specialists in two regions covering, White, Kosciusko, Cass, Wabash, Decatur counties. This year, Wayne county was added and an additional specialist was contracted to provide support in Daviess, Martin and Dubois counties. Three Support Specialists are accepting cases and the Coordinator continues to work on technical assistance and training. So far, 2 CLE/CEU opportunities have been offered to attorneys and social workers.

IV. Eye Witness Identification Rule

At the 2018 Board Retreat, members inquired as to the status of a recommended change to the Court's rules related to eye witness identification made by the board in the past. Staff were able to determine that the proposed Eye Witness Identification Rule was submitted to the Rules Committee on July 7, 2016. The proposed rule was vetted by Judge Willis who declined to move the proposal forward.

Beginning in January, staff brought to the Board the original draft of the proposed rule and recommendations to modify the draft, including recommending a change to the Rules of Criminal Procedure rather than the Rules of Evidence. Through several meetings, Board

members made key edits to the proposed rules and finalized a draft. The draft rules were then brought to the Criminal Justice Section Meeting of the Indiana State Bar Association in order to obtain their support for the rule. The Section voted to recommend the adoption of the rule as finalized by the Board.

The Council submitted the proposed rule to the Rule Committee on August 26, 2019 and received confirmation that the rules have been received and are being processed through the Committee. To date, there has been no update on the progress of the rules. Staff reached out to the Rules Committee staff to determine if there is an update. Counsel with the rules committee has forwarded our request to the Rules Committee chair for a response.

V. Updates on technology

I. IPDC Listservs move to Chatter

Indiana's Office of Technology (IOT) announced that it intended to decommission all state listserv email services on September 15, 2020. At that time, IPDC hosted the following listserv email groups: (1) Defendnet; (2) PDC-Legislation; (3) Appealnet; (4) Jdlaw; (5) Tprlaw; (6) Dnadefense; (7) Jdlaw; (8) Lifeforce; (9) Icdca (Chief Public Defenders); and (10) Padmin.

At the July 1, 2020 Board meeting, staff brought two solutions to replace the existing listservs. Of the two, the Chatter function of Salesforce was chosen. Staff have worked with our vendor Brite Systems to build into our existing Salesforce license the various Chatter groups. As of September 8, 2020 all members have been migrated to new Chatter group corresponding to their old listserv group.

We are currently working to help individual members with transition issues. The primary issue has been that some email addresses that were migrated to Chatter from the various listservs are not current email address. Duplicates were created in the legacy system causing issues for some members. The majority of email addresses migrated are up to date. We're addressing any email issues as they come up.

II. Community Member Page on Salesforce

The Community Page for members will be ready around the end of September 2020. The development work has been completed. Staff are loading IPDC materials and placing them in the location that staff believes makes the most sense. Once we are satisfied with where materials will be stored, we will start the process of opening up the site to our members. We will create short tutorials for members to access when needed. The State is migrating our current internet sites this year so this is an opportune time to migrate to the new members' site.

The new site on Salesforce is easier for staff to modify and upload materials without the use of a paid contractor. Changes can be made in the moment and materials can be updated immediately. Members will be able to access all materials as well as IPDC's case bank through

drop down menus or a global search window. The Chatter function will also be available to members on their member page if they choose to access it. From the members page, members can modify how often they see posts made on chatter, chat directly with another member and access documents shared by other members.

