

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

**Inn of the Four Winds
Bloomington, IN**

**September 28, 2013
9:00 a.m.**

Minutes

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 9 a.m. on September 28, 2013, in the conference room of Inn of the Four Winds, Bloomington, IN by Board Chairperson Michelle Kraus.

Board members present were: Michelle Kraus (Chairperson), Lorinda Youngcourt (Vice-Chairperson), Neil Weisman (Secretary), David Cook, Luther Garcia, David Hennessy, Robert Hill, Gojko Kasich, Michael McDaniel, Steve Owens, and Joel Wieneke.

IPDC Staff present were: Larry Landis, Paula Sites, Don Murphy, and Teresa Campbell.

I. APPROVAL OF MINUTES FROM LAST MEETING

The minutes of the Board meetings on May 9, 2013, and June 6, 2013, were approved with abstentions by Michael McDaniel, Luther Garcia, and David Cook.

II. REVIEW AND APPROVE AGENDA

Neil Weisman moved to approve the agenda. Joel Wieneke seconded the motion. The motion was passed with the following three members voting against the motion: David Hennessy, Bob Hill, Gojko Kasich.

III. EXECUTIVE DIRECTOR'S REPORT

A. FINANCIAL REPORT

1. Larry Landis reviewed the financial reports contained in the binder distributed to Board members, which included the historical funding for the Council, the current budget, and the amount allocated to contracts. Larry reported that as of September 13, 2013, the balance in the Publications Account was \$125,441.09, and the balance in the Seminars Account was \$58,888.09.
2. A general discussion was held about the expense involved with the Trial Practice Institute (TPI). Joel Wieneke inquired about the number of non-IPDC members attending TPI.

B. PUBLIC DEFENDER INFORMATION SYSTEM (PDIS)

1. Larry Landis reported on the progress on developing PDIS, the grant from ICJI, and the contract budget. He also summarized two options facing the organization if additional grant funding is not approved.
2. Bob Hill asked about financing for PDIS through the current calendar year, and what would we lose if we do not get grant for PDIS in 2014. Larry reported that the current grant funding is through the end of 2013, and if we do not receive a grant we will have no money to continue to keep PDIS operational unless we spend contract money. Joel Wieneke asked what we could do with \$100,000 invested in PDIS. Larry responded that we could pay for a programmer to make changes to PDIS whenever Odyssey is changed to keep it working, and provide some training and support but we would not be able to continue to build functionality in the system.
3. Lorinda Youngcourt asked about the Judicial Technology Oversight Committee (JTOC). Larry said the state budget referred our budget request for PDIS to JTOC for an evaluation and recommendation, and that JTOC had meet once but did not include PDIS on their agenda.
4. Luther Garcia asked what is the real impact of not having PDIS? Larry said it depends on the county: some counties would experience no impact, but in some of the larger counties it would have a significant impact because the public defender office would lose current connectivity to the court management information system and only have public access.
5. Dave Cook asked whether the Marion County Public Defender Office would be in worse position than they are today. Larry said his opinion is that if Odyssey is installed without PDIS on July 1, 2014, they will have less access to court information than they do now with the JUSTIS system. If Odyssey is installed and PDIS is not available, the PD Office will only have what is available via public access.
6. Lorinda Youngcourt asked whether we started coding to do pivot tables. Don Murphy stated that at the last meeting of users we changed directions and are not going to do pivot tables. Instead we will continue to build the system with some reports that were identified as high priority. There will be no esoteric applications. Larry Landis estimated that it would take \$100,000 - \$150,000 to maintain PDIS as operational without building additional functionality.

C. ORGANIZATIONAL ISSUES

1. Larry Landis reviewed the informal memo from the Attorney General and reviewed the policies in the Personnel and Policy Manual. He said the memo was not final but the deputy attorney general overseeing its preparation did not think the opinions would change.

D. STRATEGIC DIRECTIONS

1. Larry Landis briefly reviewed the history of the changes in indigent defense services in Indiana and stated that he thought it was time for the board to re-engage in developing a plan and implementation strategies for a statewide indigent defense delivery system and state funding for all indigent defense services. He also expressed his opinion that the primary design flaw in the current system is the lack of quality control.
2. After a discussion of the pros and cons of a statewide system and the goals for FY 2015-17, Michael McDaniel moved that the top priority should be increasing funding for the chief and deputy chief public defender from 40% to 70%. Neil Weisman seconded the motion which was adopted with one "no" vote by David Hennessy.
3. Joel Wieneke asked whether multiple counties could join together and qualify for state reimbursement. Larry Landis said there was nothing in the statute or standards prohibiting a multi-county system and the PD Commission briefly discussed the issue a few years ago when Lorinda Youngcourt raised the issue about contracting with several counties surrounding Lawrence County and the PD Commission encouraged her to submit a plan. Joel volunteered to draft a letter to counties informing them of the multi-county option.
4. After additional discussion re: the Strategic Directions for 2013-16, the Board approved by acclamation a change to the proposed Strategic Directions to read as follows: "I.A. Develop a plan and implementation strategies to enhance the Public Defender Commission reimbursement system and increase state funding for all indigent defense services."

IV. PUBLICATIONS

- A. Paula Sites reported on the progress on publications, including the following:
 1. The Sentencing Manual update has been delayed until after the criminal code is final.
 2. Printed publications has been reduced due to everything being online.
 3. Work continues on revising the IPDC website with upgraded search features, searchable data bases, e.g., member data base and expert witness date base.
 4. We currently have 370 Lexis subscribers.
- B. Paula inquired who had Lexis Advance. No board member indicated that they used it. Larry Landis said passwords should be sent to the board.
- C. Paula also reported that she was working with Jessie Cook on two projects:
 1. Eyewitness reform; and
 2. Bail reform.
- D. Paula Sites conducted a demonstration of the new IPDC website.

- E. Paula explained that Dawn Nolan has been exploring the use of forums as an alternative to listserves and asked for feedback.
 - 1. Luther Garcia said he was familiar with forums and would prefer forums to listservs because forums do not clog the email inbox.
 - 2. Joel Wieneke asked if we could do both and Paula Sites indicated that we could.

V. TRAINING

- A. Don Murphy reported on his training activities, including the following:
 - 1. The county training programs completed and planned, including the upcoming 5 training programs to be conducted in the counties by Josh Karton.
 - 2. The follow-up contact with 9 participants at the 2012 TPI.
- B. Bob Hill raised the issue of whether IPDC should continue to do death penalty training as we have been doing with more emphasis on homicides and less emphasis on death cases because we only have a few death penalty cases filed each year. His opinion was that IPDC should not certify death penalty lawyers based on the tupe of death penalty training we have been providing. Bob suggested that we should pay the few people each year who need the training to go out-of-state to an intensive bring-your-own-case program. Larry Landis responded that he did not oppose the concept but that IPDC could not pay to train someone who was not providing services to IPDC. No action was taken on the issue.
- C. A discussion of publications produced a consensus that the following additional publications were needed:
 - 1. An update to the Search & Seizure Manual.
 - 2. Statutes and cases on probation revocation in a format like the pocket booklet for evidence.
 - 3. Problem Solving Courts.
 - 4. An update to the Performance Guidelines.
- D. The Board reviewed the 2014 training calendar and the proposal for battered person/domestic violence training by Kerry Bloomquist Hyatt. The Board approved by consent to do the program in the fall or winter.
- E. Bob Hill raised the issue of the planning for TPI and expressed his concerns that the faculty has not been consulted. Larry Landis said he would contact Zaki Ali and ask that he involve the faculty in planning the TPI program.
- F. Larry Landis reported that he has assigned staff to design and conduct the training programs approved by the Board and that his opinion is that the programs have been well attended and of good quality. Larry also reported that he has not hired a legislative liaison, primarily because he has not found the right person, but that he might hire an attorney or someone to assist with legislative analysis and research before the session.
- G. Larry Landis reported that if IPDC receives a grant for 2014 from ICJI for PDIS, he will have \$100,000 for a training director position. However, if IPDC does not receive a grant, the organization will have a major issue to face in December because we will

have no money to continue developing or supporting PDIS if we hire a training director.

- H. Bob Hill moved that The Executive Director not spend any money on a legislative liaison until the IPDC Board of Directors give prior approval. The motion was seconded by Luther Garcia and failed.
- I. David Hennessy moved that the Executive Director be authorized to spend up to \$10,000 on legislative assistance until the end of the year with notice to the Board. The motion was seconded by Gojko Kasich and passed.

VI. CRIMINAL JUSTICE POLICY

- A. Larry Landis reviewed the efforts of various groups involved in bail reform and court rule re: appointment of counsel in juvenile delinquency cases.
- B. Larry Landis reported on the request to file an amicus brief by Cara Wieneke in a felony-murder case. He recommended that the Board approve the request. David Hennessy moved to accept the case for amicus participation. Gojko Kasich seconded the motion which passed. Joel Wieneke abstained from voting.

VII. LEGISLATION

- A. Larry Landis reported on the developments in the Criminal Law and Sentencing Policy Study Committee and the proposed changes to HEA 1006.

VIII. BOARD ELECTION PROCEDURES

- A. Neil Weisman raised the issue about the need for geographical diversity on the board and suggested making board members elected by districts rather than all at large. A discussion was held which included a suggestion for a nomination committee. No action was taken.
- B. Gojko Kasich moved that all absentee ballots must be received at the IPDC office by 5 pm, two days before the Board election. Neil Weisman seconded the motion which was passed.

IX. BOARD ELECTION

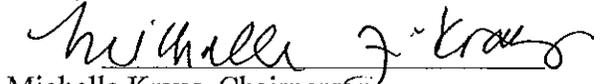
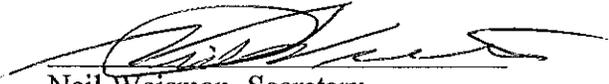
- A. Lorinda Youngcourt moved that the current officers be re-elected for an additional year. Neil Weisman seconded the motion. The motion was passed by a vote of 8 in favor and three against (David Hennessy, Bob Hill, and Luther Garcia).

The meeting was adjourned at: 4:00 pm, EST.

Minutes prepared by Teresa Campbell, Don Murphy, and Larry Landis.

Submitted by:

Approved by:



Neil Weisman, Secretary

Michelle Kraus, Chairperson

12-5-13
Date

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