

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

**Marriott Hotel, Texas Room
350 W. Maryland St., Indianapolis, IN**

**January 12, 2017
7 p.m.**

Minutes

I. Call to Order

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 7:08 p.m. EST on January 12, 2017, in the Texas Room of the Marriott Hotel, Indianapolis, IN by Board Chairperson Neil Weisman.

Board members present were: Neil Weisman (Chairperson), Laura Paul (Vice Chairperson), David Shircliff (Secretary), Jim Abbs, Gojko Kasich, Chris Shema, Mark Nicholson, Micki Kraus and Steve Owens. Bob Hill and David Hennessy were absent. Also in attendance were Council staff Kristin Casper, Toni Schaney, and Larry Landis.

II. Approval of Minutes from Last Meeting

The minutes of the Board meeting on 12/1/2016, were reviewed. Jim Abbs moved to accept the December minutes and Micki Kraus seconded. There was no discussion and the minutes were approved unanimously.

III. Review and Approve Agenda

Laura Paul moved to approve the agenda and Micki Kraus seconded. The agenda was approved unanimously.

IV. Executive Director's Report

A. Administrative

Neil Weisman interjected that we never thanked Steve Owens for his super, super job over 2 years of service as the chairman.

Larry Landis reported that Debbie Davis has resigned to take a paralegal position. He is in the process of finding and contracting with a certified event planner to take over seminar management now that we have a good idea of what we need. The Council will also contract with an organization that contracts for rooms at no cost to the Council.

B. Budget

HB1001, the budget bill, has been filed. It does not include the Council's requests for new funding for the juvenile defense unit or the assistant executive director. We will seek to add this funding as the bill moves through the process. Larry said he is in the process of setting up meetings with legislators to discuss the Council funding requests. The non-inclusion of our requests in the budget bill is not a surprise. Rarely do judicial branch requests get included in the Governor's budget bill as filed. Larry said we will have to make the case to the House Ways and Means Committee and the Senate Appropriations

Committee for additional funding for the Council and the Commission. He said any help or support would be appreciated.

C. OJJDP Juvenile Grant Report

Amy Karozos and Kim Brooks Tandy are interviewing to fill three project positions. They received 26 applications and interviewed 16 people for these contract positions. Joel Wieneke has been offered the post-disposition position; Jill Johnson has accepted the trial position and will work part time per arrangements with the Marion County Public Defender Agency and with the approval of county officials. Pirie Lyles has been hired for the paralegal position. These are two year contract positions. If State funding is approved the contract positions will be re-evaluated. The new staff will begin work at the end of January.

The office renovations on the 5th floor have finally begun.

The State Public Defender Office (Steve Owens) will accept appointments from courts to provide attorneys for juvenile post-conviction representation. The attorneys will be paid by the Council with the juvenile grant funds. The Council will provide support services, training and research, but not direct client representation.

Laura Paul congratulated the team on the progress so far.

V. Committee Reports

A. Executive Director Search Committee

Jim Abbs reported that they are ready to post the job and run it until 4/15/17. The thought is to run it in Council publications, NACDL, NLADA, NAPD, Res Gestae, indigent defense magazine and various law schools. Chris Shema asked if we could use a head hunter for this search. Larry Landis stated that they could, but we haven't discussed that. There was no further discussion on this topic. Jim stated that the schedule calls for interviews in May, with an expected start date no later than September 2017. It will also be made clear that this person will come in as an assistant executive director, but there is no guarantee that they would become the Executive Director at the end of the year. When asked about posting Larry stated that it could be done as early as next week.

David Shircliff moved to post the position and Chris Shema seconded. The motion passed unanimously.

B. Training Committee

Laura Paul reported that the committee met last month and discussed the need for seminars covering forensics, social media, cell phone and GPS pinging, electronic discovery, and junk science. Laura also suggested that we might want to look into the Casemap trial software that is available through Lexis for use by public defenders. Laura explained Casemap as a spreadsheet on steroids connected to supporting documents.

Diane Black has proposed a series of evidence bootcamps. A copy of the proposed training schedule for 2017 was included in the Board material and it was noted that the Annual Update will have 1 hour of ethics for CLE.

C. Publications/Technology Committee

Mark Nicholson reported that they had a meeting on 1/12/17. They discussed getting together with the outreach committee to find out what members want to see on the website and/or new publications needed.

D. Policy Committee

David Shircliff reported they had met and had reviewed two pieces of legislation. Another meeting will be scheduled before next board meeting.

E. Outreach Committee

Chris Shema reported that this committee is compiling a comprehensive survey for all members with an email asking what training and IPDC services are used. In the past Don Murphy had mentioned that members feel isolated and intimidated by the process so they can include questions about that, but the committee would like input on other questions to ask. Don had indicated that there has not been a survey on this topic since 1992. The committee would like to send out the survey in mid-February.

Neil Weisman suggested that it would be good to see more “newsy” information in the weekly Defender Newsletter, rather than just case reviews. He asked if there is some way to make this happen? Chris said this goes to the heart of the survey – how can we help you? Micki Kraus asked about readership of the Weekly Defender on line. Only about ¼ of the 1400+ members getting it are actually reading it. Suggestions were made to have a column from the Chairman and/or news from the counties. Neil suggested that at each seminar the Council should give a brief “state of the Council” presentation. If folks have information or news to include in the Defender, they may send it to Toni Schaney for inclusion. Chris suggested that we have a lot of resources, but people don’t know about them.

Larry Landis stated that he was pleased with how the committees were actively working.

VI. Legislation

Two bills proposed by the Council were distributed: (1) authorizing reimbursement for misdemeanors and increasing reimbursement from 40% to 50%; and (2) the same as (1) plus increasing the reimbursement to chief public defenders and TPR/CHINS cases to 75%. Neither bills are online yet. The first bill, HB 1405, has a \$13m fiscal impact. No fiscal impact statement has been prepared for the second bill.

Larry Landis stated that the legislature will probably move the House bill first with hearings in 2-3 weeks. Jim Abbs asked if bodies were needed for the hearings. Larry stated that anyone who can show up would be appreciated (Wednesdays from 1-3pm). Jim stated that he would participate – just give him notice. The Council will have an opportunity to speak at the committee hearings, but there is a State fiscal crisis because State revenues are projected to be \$300 million + short of the State budget approved in 2015.

Larry provided lists of the bills the Council plans to support, oppose and watch. The group discussed each list and made several.

- HB1058 – change from watch to support – Laura Paul moved and Jim Abbs seconded. The vote was unanimous in favor of supporting.
- SB178 – change from watch to oppose – Chris Shema moved and Laura seconded. The vote was unanimous in favor of opposing.
- SB255 – change from watch to support - Chris moved and Laura seconded. The vote was unanimous in favor of supporting.
- SB285 – change from watch to oppose – Laura moved and Mark Nicholson seconded. The vote was unanimous in favor of opposing.
- SB452 – change from watch to support – Mark moved and Micki Kraus seconded. The vote was unanimous in favor of supporting.
- SB454 – change from watch to support – Mark moved and Micki seconded. The vote was unanimous in favor of supporting.

VII. Old Business

A. Board Election Procedure

As requested, Paula Sites prepared a report on the Board voting process. Chris Shema moved and Jim Abbs seconded that the Council use electronic voting. A discussion included the following:

- Mark Nicholson felt this will restrict votes
- Micki Kraus agreed with Mark about restricting – too many members prefer a paper ballot. Neil Weisman agreed.
- Chris stated that Paula said electronic voting would be much easier on the staff
- Chris stated that this would eliminate the appearance of undue pressure
- Mark suggested that limiting voting to electronic voting would disenfranchise too many members
- Jim suggested that each paper ballot must be in a single sealed envelope
- Mark suggested that electronic voting would need to be advertised
- Neil suggested that this issue be tabled until the next meeting and that the Board members bring back suggestions to include everyone and that IPDC staff make recommendations.

After discussion, the motion was modified to amend the method of voting to use electronic voting or paper ballots if they are cast onsite or submitted absentee in sealed envelopes with no more than one ballot in one envelope. Groups of ballots delivered in bulk by agencies would be prohibited. Jim seconded the motion. A point of clarification was made – no faxed votes would be allowed.

Neil called the vote on the motion: 3 voted in favor and 5 were opposed. The motion did not pass. Neil asked that it be put on the agenda next time. Larry stated any changes must be made by April.

VIII. New Business

No new business.

IX. Next Meeting

The next Board meeting will held on 2/16/17 at 7 pm in Indianapolis. The place is to be determined, but it may be at the Council offices at 309 W. Washington St., Indianapolis.

ADJOURNMENT

The meeting was adjourned at 9:33 pm, EST.

Minutes prepared by Toni Schaney and Larry Landis.

Submitted by:

Approved by:

David Shircliff, Secretary

Neil Weisman, Chairperson

Date

Date