

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

Cambria Suites  
Plainfield, IN  
November 12, 2015  
6 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 6:08 p.m. EST on November 12, 2015, in the Board Room of the Cambria Suites Hotel, Plainfield, IN by Board Chairperson Steve Owens.

Board members present were: Steve Owens (Chairperson), Joel Wieneke, Jim Abbs, Laura Paul, Bob Hill, Neil Weisman, Gojko Kasich, Micki Kraus, Mike McDaniel, and Chris Shema. Also in attendance were Council staff Toni Schaney and Larry Landis.

**II. APPROVAL OF MINUTES FROM LAST MEETING**

The minutes of the Board meeting on September 26, 2015, were reviewed. Micki Kraus moved to accept the minutes as amended. Jim Abbs seconded the motion, which was passed unanimously.

**III. REVIEW AND APPROVE AGENDA**

Micki Kraus moved to accept the agenda as presented. Jim Abbs seconded the motion, which was passed unanimously.

**IV. EXECUTIVE DIRECTOR'S REPORT**

**A. Budget and Finances**

Larry Landis reviewed the expenditures of the Council for the current fiscal year and the projected expenses for the remainder of the year. He said the state budget for the remainder of the fiscal year is showing a healthy surplus.

**B. Grant Projects**

Larry also presented information about two new grants that the Council applied for and anticipates receiving:

**1. OJJDP Juvenile Planning Grant beginning 10/1/15**

This grant for \$205,000 is to develop a statewide strategic plan for improving Indiana's system of providing effective representation for all youth in the delinquency system, including post-conviction representation. The outcome will be an approved strategic plan submitted to OJJDP with a new grant application for a 3 year/\$1M grant to actually implement the strategic plan. Amy Karozos will be working on the

grant as project director with Kim Tandy, Children's Law Center, and Jordan Pauluhn. Amy starts work 11/16, Kim is already on board and Jordan will move to Indianapolis and join the project as soon as the budget is approved.

Laura Paul asked what the hiring process was for Amy and Jordan. Larry stated that do to the expedited time schedule of the grant he decided to talk to both Amy Karozos and Kaarin Lueck. Amy was just finishing up a project and was available. Kaarin is now a magistrate and was not interested. Jordan was selected based on Kim Brooke Tandy's recommendation. The grant award notification was received on September 24. The grant period began on October 1. The statewide strategic plan and the implementation grant application will be due in the summer of 2016.

## **2. Forensic Treatment Grant through the IN Criminal Justice Institute.**

The purpose of this grant request for \$143,000 is to hire two specialists in mental health and addiction to: (1) train public defenders re: mental health and addiction; and (2) assist public defenders in developing disposition and re-entry plans that include wrap around services, e.g., housing, employment, transportation, and treatment services. The plan during the initial year is to identify 12 counties for training and development as resource hubs for surrounding counties. Funding for mental health and addiction services will be provided through the Division of Mental Health and Addiction of FSSA.

## **V. OLD BUSINESS**

### **A. By-laws and Office Policy and Procedure Manual Amendments**

Bob Hill started the discussion regarding review of the by-laws, which was the main reason for calling this meeting. Topics and questions brought up included:

- Do we need by-laws? If so, what for?
- If we need by-laws, what if anything do we need to change?
- Did the Council's Policy and Procedures manual supersede the by-laws?
- Since the members voted to have by-laws, do we need to have the members vote to dissolve the by-laws?
- The Attorney General says that by-laws are not needed.
- Five old issues should be discussed: the board election process; who qualifies to be on the board; should the by-laws be changed to get more diversity on the board; should the board be elected by regions or districts, or continue to be all at-large member?
- Will it be more helpful to the new director to have by-laws or policy and procedure manual?

After a lengthy discussion, Bob Hill made a motion to not change the by-laws and continue to adopt the policy and procedures as long as they don't contradict the by-laws or enabling statute. Chris Shema seconded the motion. The motion passed by a vote of

5-3, with Joel Wieneke, Bob Hill, Laura Paul, Chris Shema, and Jim Abbs voting for and Micki Kraus, Neil Weisman, and Gojko Kasich voting against..

Larry Landis then recommended that the Board consider defining the membership category in IC 33-40-4-2: "other court appointed attorneys regularly appointed to represent indigent defendants." This definition also appear in Section 3.1 of the Council's Policy and Procedure manual. Larry explained that under the statutory definition it has always been difficult for members and staff to know whether an attorney who is appointed on a case by case basis is a member of the Council. Membership in the Council is important for determining who is eligible to vote and what fee they are required to pay for various services, e.g., seminars, publications, website access, law-on-disk, etc. Micki Kraus asked whether there should be a time frame associated with the frequency of appointment.

Laura Paul moved to amend Section 3.1 of the Policy and Procedures Manual as follows:

~~Under I.C. 33-40-4-2, membership of the Council consists of all salaried public defenders, contractual pauper counsel public defenders and all attorneys regularly appointed to represent indigent defendants. Members are identified through an annual survey sent to all courts with criminal and juvenile jurisdiction requesting that they identify attorneys who are salaried public defenders, have a contract with the court under I.C. 33-9-10 or are regularly appointed to represent indigent defendants. Membership in the Council may also be obtained by self-certification by an attorney that he/she is an eligible member under I.C. 33-40-4-2.~~

**For purposes of determining membership in the Indiana Public Defender Council, "other court appointed attorneys regularly appointed to represent indigent defendants" in IC 33-40-4-2 means any attorney who is appointed to represent indigent defendants pursuant to a uniform system of periodic appointments or is on the list maintained by the Public Defender Commission of attorneys qualified to be appointed in a capital case under Criminal Rule 24 and is willing to accept such an appointment.**

*(Strikeout is used to indicate deleted language; bold is used to indicate new language)*

Jim Abbs seconded. Bob Hill asked how big the problem was. Larry said the vagueness of the definition of this membership category does present a problem because approximately one third of the Council's membership is assigned counsel and it be helpful to know who is eligible to vote and how much to charge for seminars or services, especially now that there is a significant difference in fees for members and non-members. The motion passed by a vote of 6-2, with Joel Wieneke, Micki Kraus, Laura Paul, Gojko Kasich, Neil Weisman and Jim Abbs voting for and Bob Hill and Chris Shema voting against.

Bob Hill introduced a motion in order to better define who is a member, obtain information from chief public defenders, public defender boards, county judges, etc. Laura Paul seconded the motion. Discussion: Joel Wieneke stated that some counties will not be able to provide a list because they are not part of the system or the Judge

won't or can't help. Laura asked if we required potential members to show a copy of the court docket or an attestation. The motion was defeated with a vote of 1-7, with Bob being the only assenting voter.

Gojko Kasich moved to amend section 3.2 of the policy and procedure manual by striking the word "annually." Jim Abbs seconded the motion, which passed unanimously.

## **B. Luther Garcia Scholarship Fund**

Chris Shema reported that the NCDC offered to accept applications for this scholarship and then give the information to us to make the final award decision. It was suggested that a notice about the scholarship be put in the Defender. Chris will be the contact person for people wanting to apply for the scholarship and will prepare the notice for the Defender. When we receive applicant information from NCDC, the Board will have a conference call to decide who should receive the award.

## **VI. NEW BUSINESS**

Bob Hill suggested that more work was needed to attract minorities to the Board and as speakers at seminars. Joel Wieneke moved to create a board nominating committee to make recommendations to the Board. Bob Hill seconded the motion, which passed unanimously.

Chris Shema asked to address the issue of how probation revocations are counted under the Public Defender Commission standards. He said that public defenders in Vigo County do not receive credit (toward caseload maximums) for representing people in probation violations proceedings. It was suggested that he should talk to Jim Abbs, who can put it on the agenda for the next Chief Public Defender meeting.

Bob Hill asked whether it was appropriate to call a Deputy Chief something else so that they can pay a lower salary, and whether the Public Defender Commission should take a position on this issue? Bob suggested that this situation could be alleviated with 100% State funding.

## **VII. NEXT BOARD MEETING**

The next meeting is tentatively set for 1/16/16. Micki Kraus indicated that a Saturday meeting would be best for her. Steve Owens and Larry Landis will decide the final date.

## **VIII. ADJOURNMENT**

The meeting was adjourned at 7:51 pm, EST.

Minutes prepared by Toni Schaney and Larry Landis.

Submitted by:

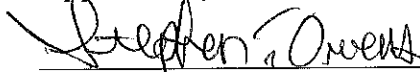


Gojko Kasich, Secretary

Date

5/5/16

Approved by:



Steve Owens, Chairperson

Date

5/5/16