

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

**French Lick Hotel  
French Lick, IN**

**May 5, 2016  
7 p.m.**

**Minutes**

**Call to Order**

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 7:03 p.m. EST on May 5, 2016, in the Kruetzing Room of the French Lick Hotel, French Lick, IN by Board Chairperson Steve Owens.

Board members present were: Steve Owens (Chairperson), Gojko Kasich (Secretary), Jim Abbs, Laura Paul, Bob Hill, Joel Wieneke (Vice Chair), David Hennessy, Neil Weisman, Chris Shema and Mark Nicholson. Micki Kraus was available on the phone. Also in attendance were Council staff Paula Sites, Toni Schaney, Larry Landis and Amy Karozos. Others in attendance were: Kim Brooks Tandy and Ruth Johnson.

**I. Approval of Minutes from Last Meeting**

The minutes of the Board conference call/meeting on January 27, 2016, were reviewed. Jim Abbs moved to accept the minutes as presented. Laura Paul seconded the motion, which was passed unanimously.

**II. Review and Approve Agenda**

David Hennessy moved to accept the agenda as presented. Joel Wieneke seconded the motion which was approved unanimously.

**III. 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. The discussion included the following:

- Most of the operating expenses are being paid out of the state fund since there is a substantial surplus (due to vacancies for Dawn Nolan and Teresa Campbell);
- David Hennessy had a number general questions about the purchase of publications, duties and contracts with Cassie Zeider, Debra Davis, Liz Houdek, and training in general;
- Larry reported that he approved increases to staff salaries of 3.1% raises consistent with the COLA increases approved for judicial branch agencies by Supreme Court. The increases were approved effective 1/31/16. Larry stated that the increase for judges and state paid prosecutors would be effective 7/1/16. He said he anticipated that the Public Defender Commission would require that the compensation of Chief and Deputy Chief Public Defenders would need to be

#### **D. Training**

- An interview with Andre Vitale for the Training Director position is scheduled for 5/23.
- There is a tentative schedule for training for the last half of the year. Recovery Works will be at both the Annual Update and a separate seminar in December that will also include sentencing advocacy. TPI will be at Oakwood Resort, Syracuse from 10/24-10/28/16.
- The following suggestions for training were made and discussed:
  - Evidence Bootcamp should be expanded or redone. Larry Landis said he would talk to Stacy about doing it again.
  - Chris Shema requested that the date for Annual Update be selected sooner to eliminate conflicts. Larry responded this year's date was selected a year in advance.
  - David Hennessy suggested the Council's website has a wealth of information and is underused. It was suggested that the Council do a seminar on how to access and use the Council's resources.
  - Chris Shema asked about replaying seminars in local offices. He mentioned that the Vigo County Bar Association offers video replays during the year and asked if the Council could do the same. Paula Sites said the Council has a video library that is available for replays. Larry suggested that Don Murphy is available to assist county offices in local training that can also be done for CLE credit.

#### **E. Miscellaneous**

- Discussion about Recovery Works: Don Murphy will be going on the road to promote and explain the program with George Brenner, an addictions specialist. The Division of Mental Health and Addiction (DMHA) is still in the process of rolling out the Recovery Works program. There is a shortage of service providers in many counties. Larry suggested that each county public defender office identify someone in the office to become a resource in their county for services for addictions and mental illness. Larry said Marion County has 14 social workers and will soon have on at the jail.
- Gojko Kasich asked if there was an update regarding getting more money for public defenders. Larry indicated that the Council will be recommending increasing state reimbursement from 40% to 50% for all cases, including misdemeanors, 100% for chief public defenders, and 100% state funding for CHINS and TPR cases. The PD Commission has not yet taken a position on any of these issues. One of the reasons we supported the legislation authorizing the PD Commission the hire their own staff was to separate the Commission from the Supreme Court so the Commission's budget would be presented independently of the Court's budget.
- After a discussion about the need to increase the minimum hourly rate for assigned counsel under the PD Commission standards, Bob Hill moved that the PD Commission be requested to allot 10 minutes on the agenda for the next meeting to a member or board member of the Council to give a presentation on increasing the hourly rate of compensation. Chris Shema seconded. The motion passed unanimously.

Larry reviewed the draft of proposed Criminal Rule 26, which, if adopted by the Indiana Supreme Court, would make PD Commission standards mandatory. This would create an incentive for all counties to join the reimbursement program. No action was taken on the proposed court rule.

#### **F. Proposed Rule on Eyewitness Identification**

Laura Paul and Paula Sites reported that they would like to propose a court rule addressing:

1. photo arrays and videotaping;
2. admissibility of expert testimony on fallibility; and
3. a jury instruction on other factors to consider in evaluating eyewitness testimony.

Larry suggested that this issue could be discussed on a conference call. Laura said she would work on the language of the proposed rule with Paula and send it to the board members.

#### **G. Juvenile Reinvestment Advisory Council (JRAC)**

Larry reported on the activities of JRAC and the \$60 million allocated for services to felons with mental illness or a substance addiction. One of the issues that will be presented in the next legislative session is to expand the eligibility for services to misdemeanor cases and persons in jail.

### **VI. Awards**

#### **Gideon and Gault**

The recipients of these awards will be determined during a conference call at noon on Thursday, May 12.

### **VII. Luther Garcia Scholarship**

Larry reported that Stacy Uliana is handling the details of this scholarship. He reported that there are two applicants, but one is not a public defender. Chris Shema said he talked to NCDC staff and they said they were waiting for us to choose someone before they make an offer of a scholarship from their money. Jim Comerford from Marion County was the only viable candidate. The board unanimously voted to award the scholarship to Jim Comerford.

### **V. Board Election**

#### **A. Procedure**

Larry Landis provided a copy of the procedures that have been used for the Board elections which was prepared by Paula Sites. Larry said he wanted to give the board members an idea of what Council does since there were some questions about it last year. Bob Hill asked if the Board had ever adopted the rules. Larry said they were not.

Chris Schema said he would like to see a change to secret ballots. A discussion included alternative methods, including sealed envelopes, on-line voting, and by mail. Paula said she would look into other methods of voting. No action was taken to make any changes for this year's election.