

**INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS MEETING
IPDC Office, 309 W. Washington St.
Indianapolis, IN**

**June 8, 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 7:11 p.m. EST on June 8, 2017, at the IPDC Offices, Indianapolis IN by Board Chairperson Neil Weisman.

Board members present were: Neil Weisman (Chairperson), David Shireliff (Vice Chairperson), Gojko Kasich, Chris Shema, Mark Nicholson (Secretary), Steve Owens, and Micki Kraus. David Hennessy, Bob Hill and Jim Abbs were not in attendance. 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 5/11/2017, were reviewed. David Shireliff moved to approve the February minutes and Steve Owens seconded. The minutes were approved unanimously.

III. Review and Approve Agenda

Micki Kraus moved to approve the agenda. David Shireliff seconded the motion which was approved unanimously.

IV. Executive Director Report

Larry Landis reported that:

- the Council now has full use of both the 4th and 5th floors
- the State fiscal year closeout deadline is 6/15/17
- the end of year budget fiscal report was provided for all accounts
- the publications & training accounts have healthy balances to carry over to next year
- the Council legal staff has identified a need for a new attorney for research and manuals and a new clerical person to provide support for the attorneys

Larry recommended there be a board meeting in August after the Assistant Executive Director is hired to discuss staffing needs and job descriptions.

Other miscellaneous topics included:

- Anyone wanting to attend the retirement dinner for Paula Sites on 6/30 should notify Stacy.
- The topics assigned to the legislative interim study committees include:
 - Reimbursement for expenditures in misdemeanor cases from the PD Commission
 - Increased state funding for CHINS/TPR cases.

- A requirement that any bill creating a new crime or enhancing a sentence must go to an interim study committee before being filed.
 - Exclusion of seriously mentally ill from eligibility for the death penalty
 - Amending the Recovery Works legislation to include misdemeanors.
 - Civil forfeiture
 - Amnesty for fines and fees for traffic offenses
- Chris Shema asked if Recovery Works would pay for ‘alcohol anklets.’ Larry said “No,” but the DOC through Community Corrections grants might pay.
 - Chris asked if the Council could prepare a sample pleading for forfeiture. Larry asked if anyone had any examples to speed up the process because no one on staff does that; Chris suggested asking Joe Etling.
 - The Public Defender Commission is forming a task force for study the systemic deficiencies in the structure and funding of indigent defense services.
 - Micki Kraus stated that an Allen County TV station recently aired a report of interviews with public defender clients at the misdemeanor court asking if they liked their public defender and showed part of an interview with Larry.

V. Committee Reports

A. Training Committee

David Shircliff reported that they have had two conference call meetings. During the calls, Gojko Kasich and Chris Shema made recommendations for additional training topics. In addition, it was decided that the OWI (the science) seminar would be a precursor for the OWI TPI training in October.

Diane Black has begun sending evaluation results to the Committee. Larry Landis said they would be sent to the full Board in the future. David said the feedback has been very positive. Larry asked the training committee to start having “post mortems” to evaluate what worked and what could be done better.

Chris asked for an update about NACDL coming to Indianapolis for training. Larry stated that they will likely be here in spring 2018 and that Diane is working with them on an agenda.

Chris stated that there is a need to have “best practices” related to specific cases. He further stated that there is good feedback on the county visits. Larry suggested that these best practices would be good subjects for webinars.

B. Publications Committee

Mark Nicholson reported that there were no meetings due to the election. A suggestion was made to include more multi-media on the website, e.g., videos and “you tube” presentations, seminar videos, how to navigate the website. Chris Shema stated that he has trouble navigating the website and maybe there should be a video about how to find materials. Larry suggested that the committee could/should provide suggestions to help re-design the website.

Larry Landis provided the proposed publication schedule and said he will have Jack, Stacy and Kent work with Mark regarding prioritizing revising publications. It was decided that the Motions CD would no longer be produced and sold. All of the information on the CD is on the website. The Council will continue to provide the Law on Disk CD to sheriffs and DOC facilities. Toni Schaney stated that the Council is in discussions with the DOC vendors to determine if this information can be made available via the new DOC tablets.

C. Policy and Liaison Committee – Amicus Request

The Board reviewed the request to file an amicus brief received shortly before the meeting. The case involves a juvenile commitment to the DOC. The Court of Appeals held that the issue was moot because the juvenile had been released from the DOC. Neil Weisman suggested that the Board needed a new set of guidelines for juvenile cases. Mark Nicholson asked if there were published guidelines for amicus request and suggested that they be sent to Board members with each Amicus request. Steve Owens stated that the turn-around time on this one was 30 days so there is not a long time to debate policy. Micki Kraus stated that the Board needs to look at the policy.

David Shircliff moved to not accept this Amicus request since it doesn't meet existing criteria. Micki Kraus seconded the motion which was passed unanimously.

David Shircliff moved that the Council develop Amicus policy and procedures that would amend the current policy and procedures to provide separate criteria for juvenile cases. Steve Owens seconded the motion which passed unanimously.

Larry Landis stated that he and Amy Karozos would look into whether there are other agencies that provide briefs for juvenile cases. The general consensus was that there is a need to develop a set of steps to be followed in order to decide if Amicus help will be provided and that time should be available for mooting. Neil suggested that ideas be sent to Micki Kraus, who will develop a draft outline. Neil also suggested that the IPDC amicus policy should be posted on the IPDC website so members would know how and when to request Amicus assistance.

D. Outreach Committee

Chris Shema asked how committed the Board is to doing away with the IPDC automated call routing system. Larry said that issue is on the agenda under New Business.

Chris also suggested that changes need to be made to the website.

VI. Assistant Executive Director Search

Larry Landis distributed a job description and some interview questions and requested the committee to finalize the list. He suggested that there should be a list of standardized questions for the candidates, different from what was asked during the first interview. Anyone with suggestions should send those to Jim Abbs. Steve Owens said he will send a list of questions that should not be asked in an employment interview.

Chris Shema brought up the discussion of nepotism and suggested that Stacy Uliana should be given the opportunity to state how she would handle it. Discussion included:

Mark Nicholson – there was discussion about setting up a wall so that Stacy would have no responsibility with regard to family members, but no mechanism was put forth; not sure what question she can be asked that will change the mechanism; reluctant to consider her a viable candidate unless there is a workable solution

Neil Wiesman – the Board could require that Jack resign

Chris Shema – Stacy should be allowed to respond; maybe interview her early; in her initial interview she stated the Board should make decisions regarding family members; suggested Stacy could be assistant to give time to develop a solution

Dave Shireliff – the Board has to be unanimous in the final decision and this will require an honest discussion to determine if they can even be unanimous

Steve Owens – the rules and guidelines have been on the books for a long time for a reason

Larry Landis – he has seen some instances where pre-interview questions were sent to candidates; there are considerations with perceptions and considerations of other staff

Micki Kraus – if questions are sent out, should it be the same questions to everyone or a specific question for each person

It was decided that the Board members would meet for a few minutes during the Annual seminar to consider setting a new date for the interviews and that Larry would announce who the final candidates for the position are.

VII. New Business

A. Automated Phone System

Chris Shema stated that this topic has come up in general conversation and on the member survey. Larry Landis indicated that only 3 people said something about it on the survey, but asked if there was a specific concern that could be addressed. One concern expressed is that staff don't answer their phone and sometimes don't return calls. Larry stated that the Council does not have adequate support staff to have someone be the telephone receptionist, which is why the automated system was installed. Gojko stated that if someone is calling for research they don't know who is in and who is not so there is a need to have several staff responsible for taking messages if no one is in. Another suggestion was to install an emergency hotline.

Currently, calls are routed to the person who is assigned to answer research calls that day. If they do not answer and the caller leaves a voice mail, it will be forwarded to email via computer text and will appear on the recipients cell phone.

An option that could be made clearer is the 0 option which send the call to Suzan Ristich or Toni Schaney.

Larry stated that he is also not satisfied with the current system, asked for suggestions as to how to improve the it, and said the staff will experiment with options to improve the response, especially the need to have some available for emergency research.

B. Seminar Fees

There was discussion about the suggestion made at a prior meeting about the need to lower some of the seminar fees for young private attorneys. After a discussion of the

registration fee structure, David Shircliff moved that the fee for private attorneys admitted within the past 2 years would start at \$80 for one-day seminars. Mark Nicholson seconded the motion which passed unanimously.

VIII. Next Meeting

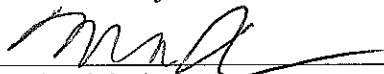
This meeting was not set.

ADJOURNMENT

Chris Shema moved to adjourn the meeting, David Shircliff seconded the motion. The meeting was adjourned at 9:08 pm, EST.

Minutes prepared by Toni Schaney and Larry Landis.

Submitted by:



Mark Nicholson, Secretary

9/30/17

Date

Approved by:



Neil Weisman, Chairperson

9/30/17

Date