

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

**Spring Hill Suites by Marriott
Carmel, IN**

**April 19, 2018
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 7:00 p.m. EST on April 19, 2018, in the Board Room of the Spring Hill Suites by Marriott Carmel, IN, by Board Chairperson Neil Weisman.

Board members present were: Neil Weisman (Chairperson), David Shircliff (Vice Chairperson), Mark Nicholson (Secretary), Chris Shema, David Hennessy, Gojko Kasich, Ashley Spolarich, Bob Hill, Steve Owens and Micki Kraus. Jennifer Sturges was not in attendance. Also in attendance were Council staff: Bernice Corley, Don Murphy, Diane Black, Amy Karozos, Larry Landis, and Toni Schaney.

II. Approval of Minutes from Last Meeting

The minutes of the Board meeting on January 25, 2018, were reviewed and unanimously approved on the motion of David Shircliff and second by Ashley Spolarich.

III. Review and Approve Agenda

The agenda was unanimously approved on the motion of David Hennessy and second by David Shircliff.

IV. Executive Director Report

Larry Landis shared current payroll information for Council staff; across the board staff were given 2.1%, but some folks were given larger raises for parity with IPAC. IPAC Director earns the same as judges. Chief public defenders and deputy chief public defenders must be paid the same as elected prosecutors by 1/1/19. Larry provided an overview of the budget showing the cost of salaries and operating expenses. As of this meeting, there is approximately \$60,000 still available to spend for 2018 FY. Bob Hill asked for budget information for IPAC. Larry said he would try to get this. David Hennessy stated he would like to see 5 years of Council salary history.

Larry stated that compensation would be a discussion item in the Task Force section of this meeting and that he would like feedback because the Council is attempting to team up with IPAC to request a state salary schedule. Larry is proposing a starting salary of 50% of the salary of judges and the elected prosecutor, which will be approximately \$73,000. There was discussion about determining fringe benefits and office overhead.

A report from Recovery Works, including statistics and analysis, was provided. Larry reported that it was anticipated that DMHA would request an additional \$20m/yr in the next biennium budget.

Larry recommended that public defenders work with county community corrections programs to participate in and receive a portion of the \$20m/yr in additional funding for counties available from the Department of Correction. The grant applications for FY 2019 will be due 1/1/19.

V. Assistant Executive Director Report

A. Juvenile Project Update

Bernice Corley presented her recommendations for new or additional funding in the FY 2019-20 biennium budget request. The Board discussion and decisions on the items are:

1. Juvenile Project

- Amy Karozos provided an update on the status of the Juvenile project. David Hennessy asked if there is a financial accounting that could be made available for the project. Amy explained the plan is to request a no-cost extension past the 9/30/18 grant end date. She stated that there will be money remaining from the \$748K grant and that there is another \$140K that the Supreme Court has pledged to keep the program solvent until 7/19 when the Council hopes to obtain an appropriation from the legislature. She said she could provide detailed expenditures if requested. David asked if there was an impediment to continuation per statute and Amy stated that the Council cannot do direct litigation so that will need to be worked out, but most of other activities can be done.
- Bernice and Steve Owens met with Loretta Rush who re-confirmed that there is money available from her office. She also stated that she was very impressed with what Amy has accomplished and the body of law that has been developed. Steve stated that it appeared that Justice Rush expected that the program would be continued. There was also discussion whether the program should stay under the Council or become its own agency. The plan calls for the juvenile work to remain under the Council.
- Bob Hill moved and Micki Kraus seconded a motion to support adding the juvenile program discussed above to the Council budget request. This passed unanimously. Neil Weisman stated that this is in line with the Council mission, as long as there is no direct litigation.

2. TPI

- TPI attendance is down the past few years. Bernice said she has received feedback from members about what their expectations from this training. Micki Kraus asked what the attendance trend has been. Diane Black said it has been down. Diane attributed this to the length of time commitment. Chris Shema asked if this is a marketing problem. Micki asked what the level of experience of the attendees was, which could be affecting attendance since the attorney population is getting older. Larry Landis stated this lower participation is in line with national trends. For example, ICLEF recently cancelled their Trial Skills program because there were not enough registrants. It was suggested that TPI should be offered only every other year.

- Larry explained that any new requests for funding has to be submitted in the budget request as new projects. David Hennessy would like to prioritize these requests at a later time.
 - David Shircliff moved and Ahsley Spolarich seconded a motion to support adding TPI funding to the Council budget request. Bob requested that the motion be amended to cover all training not just TPI. David Shircliff accepted the amendment. The motion passed unanimously. Bernice will determine what to call this item in the budget request.
3. Social Worker
- Bernice recommended adding a social worker to Council staff to assist individual members obtaining services for clients through Recovery Works. Micki questioned if this could be justified as a full time position. Bob suggested this work could include sentencing recommendations, assessing needs, and become part of a national movement to provide a holistic solution. Bernice suggested that this would evolve into a position similar to a research attorney. It was suggested that this be called a social work network rather than just 1 position. Micki Kraus moved and Bob Hill seconded a motion to support adding this to the Council budget request. This motion passed with David Hennessy opposed.
4. Coaching/Mentoring
- Bernice also recommended that funding be requested for coaching and mentoring. Most of the members felt that the past mentoring program was successful. David Hennessy felt that it was not cost effective, and thought it would be better to have brainstorming sessions and make newly trained persons mentors. Both David Hennessy and Ashley Spolarich felt this should be a low priority. David Shircliff asked if there would be a way to measure the value of coaching/mentoring over providing TPI. It was agreed to discuss this issue at a later date. It was also suggested that this be combined with the training request. Bob Hill moved and David Shircliff seconded a motion to support asking for funds to support a coaching/mentoring program. This motion passed with David Hennessy opposed.

VI. Committee Reports

A. Training

David Shircliff applauded Diane Black for her efforts with regard to training. Neil Weisman also commended her.

David reported that the committee attempted to have several discussions over the last months but only Gojko Kasich participated. As a result, there is no new activity for the committee.

Diane provided an update that included the success stories with the case review initiative. She also provided an update on custom training and initiatives for the year. Neil provided positive feedback that he has received for the training in South Bend.

David Hennessy and Bob Hill asked that a topic at the retreat be that the Council fully fund training rather than having it self-sustaining.

Larry Landis asked that David Shircliff frame issues to focus training for discussion at the retreat.

Don Murphy provided an update on Council's grant from ICJI to assist members in getting client services through Recovery Works. He reported there are now 5 caseworkers, each handling cases in 2 counties. They have been very successful with recent diversion activities.

Don also reported on the coaching program he initiated in Clark County and Vanderburgh County. Clark County involves using Frank Mungo at a cost of \$4000, which includes training a future coach. In Vanderburgh County, Chris Lenn is providing coaching/mentoring services pro bono focusing on specific skills for 3 inexperienced public defenders in 3-4 week cycles.

B. Publications

Mark Nicholson stated that he would like to see free forms and publications on the website (not in secure area), similar to on the Commission website. Larry Landis suggested that the committee work with Jack Kenney (staff) to define what to put out for free. A copy of the publication list and update schedule was provided.

C. Outreach

Chris Shema suggested that this committee be combined with publications. He stated that he is still wanting to do a member survey of some kind. One topic would be members' expectations about TPI. Neil Weisman suggested that he get with Mark and determine where there is overlap and what would make sense.

Chris stated that there is a need to encourage members to show up on the listening tour.

D. Policy

Micki Kraus reported that there was no activity this period.

VII. IPDC and PD Commission Task Forces

Larry Landis reported that the Commission task force meeting scheduled for 4/20/18 would be the first meeting after the completion of the listening tour. They have not made any firm recommendations or decisions to date. Based on those meetings, it appears that there is little support for statewide state funded system. There is support for a statewide office for appeals and one for CHINS/TPR cases. There are also some core issues that need to be discussed:

1. How to make compliance with state standards mandatory for all counties and how to enforce mandatory compliance?
2. What to do if a county appropriation is inadequate for the projected caseload?
3. How to make a single person responsible for the quality of representation in each county?
4. Whether a chief public defender or regional administrator should be a state employee and hired by the PD Commission?
5. Whether a chief public defender or regional administrator should be 100% state paid.

6. When should non-capital reimbursement include reimbursement for expenditures in misdemeanor cases?
7. Should reimbursement in non-capital cases be increased from 40% to 50%?

Larry provided handouts that show the county sizes that can be used to determine if it would be cost-effective to have a chief public defender in the county.

It was suggested that the IPDC Board recommend doing away with county boards.

Larry raised a question as to whether the chief public defender would be answerable to the county or the PD Commission.

Neil Weisman stated that the chief public defenders think that counties need to be in the loop re: what is happening with the public defender program, but that they are willing to have the Commission take over the system.

Chris Shema moved and Ashley Spolarich seconded a motion to make a recommendation to the Commission Task Force requiring that the composition of the 3 member county public defender board be 1 person appointed by judges, 1 person appointed by county commissioners, and 1 person appointed by the PD Commission, and that Marion and Lake Counties should be exempt from this requirement. This motion passed unanimously.

Neil suggested that the Council ask the Commission to draft a county board "how to" guideline. Chris Shema suggested that these boards should function more like county merit boards for protection.

Larry asked whether the Commission should be able to remove a non-performing chief public defender. It was determined that this is a problem because the chief public defender is a county employee, but the Commission must be able to have input. Bob Hill stated that the Commission has never established standards and it is unfair to judge against non-existent standards.

Bob Hill moved and Chris Shema seconded a motion to take a look at what the Commission has put together as standards for chiefs prior to taking a position on whether the Commission could remove a chief or take over the program. No vote was taken.

Bob moved that the PD Commission adopt standards for chief public defenders. Chris Shema seconded the motion which passed unanimously.

David Hennessy moved and Chris Shema seconded a motion that the county board must have the approval of the Commission prior to removing a chief public defender until standards are in place. The motion passed with Bob Hill and Micki Kraus voting no and Ashley Spolarich and Mark Nicholson abstaining.

Larry suggested that the Board should prepare a draft of the duties of a chief public defender for submission to the Commission.

Chris Shema expressed his belief that there needed to be some discussion about adjusting the caseload standards to include problem solving courts because when a problem solving court attorney takes over a case it does not count because it has already counted for the original attorney. Apparently, the method of counting cases varies.

VIII. New Business

Bob Hill stated that the 50% across the board reimbursement is more important than doing appeals, therefore, there should be no change on the emphasis that 50% is needed. This has been the Board position for years. This is not in line with the listening tours during which participants were unanimous in suggesting giving the State the appeals work and then 40% reimbursement would be acceptable, according to Larry Landis.

Larry Landis was asked if he would be staying on the boards he is currently on after retirement. Larry said he will remain on EBDM Pretrial Work Group and the Public Defender Commission and Bernice Corley will replace him on all other boards and commissions.

David Shircliff stated that he thought there needed to be a motion to affirm Bernice as the new Executive Director. Bob moved that Bernice be made the Executive Director beginning 7/3/18. Neil Weisman seconded which passed unanimously.

Mark Nicholson moved and Bob Hill seconded the motion that the Board member fees for CLE registration instituted at a previous Board meeting be discontinued. The motion passed with Gojko Kasich abstaining and David Hennessy voting no.

ADJOURNMENT

Ashley Spolarich moved for adjournment and Micki Kraus seconded. The meeting was adjourned at 9:55 pm, EST.

The next Board meeting was set for the evening of 6/7/18.

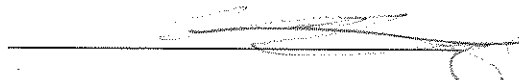
Minutes prepared by Toni Schaney and Larry Landis.

Submitted by:

Approved by:



Mark Nicholson, Secretary



Neil Weisman, Chairperson

6/7/18

Date

6/7/18

Date