TASK FORCE ON PUBLIC DEFENSE
LISTENING TOUR - FORT WAYNE

FEBRUARY 15, 2018

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ASSOCIATED REPORTING, INC.
251 EAST OHIO STREET, SUITE 940
INDIANAPOLIS, IN 46204
(317)631-0940
www.associated-reporting.com
APPEARANCES

TASK FORCE MEMBERS:
Judge John Daniel Tinder (via telephone)
Larry Landis
David Bottorff

TASK FORCE STAFF:
Kim Tandy
Kathleen Casey
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MR. LANDIS: Good evening. My name is Larry Landis. I'm the executive director of the Indiana Public Defender Council. With me this evening is?

MR. BOTTORFF: David Bottorff. I'm with the Association of Indiana Counties.

MR. LANDIS: Executive director, to be more precise. And also?

MS. TANDY: Kim Tandy, and I'm the technical advisor for the task force. We are going to have Judge John Tinder on the line.

Good evening, Judge Tinder. We are just getting started.

MR. LANDIS: So this was scheduled before we checked with the schedules of all the task force members. So that's why we have a skeleton crew here, with our chairman, John Tinder, on the line.

But also, for those of you who are not familiar with the task force, it was formed in response to the commission contacted the Sixth Amendment Center, and they did a report on Indiana. And when that was returned to the commission, they decided they needed to appoint a task force to study the issues identified and other issues
unidentified with indigent defense services of Indiana.

So on the task force is Judge John Tinder, retired federal circuit court judge, as chairman; Roderick Bohannan, who is director of the Indiana Legal Services; David Botorff, executive director of the Indiana Association of Counties; Senator Rod Bray; Judge Vicki Carmichael from Clark County; Judge Diekhoff from Monroe County; Monica Foster, chief public defender of the Federal Community Defenders program in Indianapolis; Supreme Court Justice Chris Goff; general counsel for the Governor, Joe Heerens; Jud McMillin, criminal defense lawyer, former state representative; Jeff Papa, who is a partner at Barnes & Thornburg, former chief of staff for the senate pro tem; Representative Greg porter; Professor Joel Schumm from IU McKinney Law School; Judge Mary Willis; Andrea Lyon, Dean of Valparaiso Law School; and Steve Luce, the executive director of the Sheriff's Association, and myself.

The purpose of this what we are calling a speaking tour is to get suggestions, feedback, opinions from people out in the counties who have some familiarity, knowledge, experience with the
indigent defense system in the State of Indiana. 
So we welcome any comments, observations about how 
to improve services, anything that you think that 
the public defender task force should know about 
the present system.

And so let's open the floor. I think we have 
a list of people who are signed up. That's not an 
exhaustive list. So if the moment strikes you, and 
you want to speak, even though you are not signed 
up, you will not be foreclosed. But we will try to 
manage time by, if you can try to confine or limit 
your remarks to no more than five minutes, that 
will make sure that we have an opportunity for 
everybody to speak.

Let's start with Bob Lowden. Is Bob here? 
Sorry. You didn't want to go first, I take it? 

MR. LOWDEN: I'm almost warmed up.

MR. LANDIS: Could I ask you to stand and 
speak into that microphone? That way it will be 
picked up on our taping system, and so also Judge 
John Tinder can hear.

Everything is being recorded, and it will be 
transcribed, and it will be communicated and made 
available to all of the other task force members. 
This is actually the third speaking tour. We have
the transcript from the first one that has been completed and is available. And other ones, they will all be transcribed and made available.

I think they will be put online. Is that right?

MS. TANDY: Eventually, yes.

MR. LANDIS: Eventually we'll put them online.

There is also a website for the Public Defender Commission, and if you go to the Indiana Public Defender Commission website, you'll see a link to the task force. And so all of the information, all of the materials that have been submitted to the task force, all of the meetings that they've had, the minutes of those meetings, and all of these transcripts will be on that website.

MS. CASEY: Everyone who signed up through Eventbrite will get an email after the event with the direct link to the website.

MS. TANDY: Sometimes we realize that people may not be comfortable speaking publicly for one of many reasons. If you have a story, or you want to give information and you are not comfortable speaking before the group here, please let me know or let Katie know, and we can make arrangements to talk to you privately.
MR. LANDIS: Now, did we make you nervous enough, Mr. Lowden?

MR. LOWDEN: We don't know yet. We'll find out. I appreciate the opportunity to appear before this task force, giving me the opportunity to give you some of my observations that I've seen.

My name is Bob Lowden from Fort Wayne, Indiana. I'm not a social worker. I'm not a psychologist. I'm not an attorney. I'm a concerned citizen, a grandfather that loves and protects his six grandchildren, a taxpayer who hates to see money wasted, and finally a person who desperately wants to believe our justice system is fair to the innocent and protects the weak from evildoers wishing them harm.

In our case we've always recognized the pressing need for the Department of Child Services to exist and the necessity for the service they provide. Unfortunately, the last three years have caused us to question their methods and get an immediate understanding of the need for legal representation. I'm not a victim of the Department of Child Services. Our family is.

I wouldn't have much to talk about today if in March of 2015 my oldest daughter, with two adopted
children and her second husband, hadn't stumbled or were pushed into the rabbit hole that leads to the Indiana DCS wonderland. Like Lewis Carroll's fictional Alice in Wonderland, Indiana's DCS organization is a land unto itself, a labyrinth more complex than Alice's dreamland, with rules and terminology making as much sense to new arrivals as Wonderland did to Alice.

The fear and trauma of being exposed to DCS negates seemingly rational thought. You read forms you don't comprehend due to the emotional confusion of the situation, putting you at a disadvantage. The parent, regardless of whether they jumped into the rabbit hole by their actions or stumbled into it, have been pushed into an abyss that's immediately ex-spouse or child, that didn't provide either a road map or guide to give them a fair chance.

The fact that information deadlines are intertwined into the documents of CPS or DCS really doesn't matter because the confusion and trauma that the person experiences going into that negates any advantage in seeing the words. Adding to the confusion is the meaning of words used by DCS.

A DCS supervisor stated that they only need to
speak to one parent to have investigated. An
ex-caseworker shared with me the caseworker's
phoning to advise parents of a court hearing date
may count that as an interview. They can
substantiate an individual with a 50.1 percent
chance that it happened, which is considered a
preponderance of evidence. Speculation through
their eyes or conjecture would appear to be the
more appropriate word. Unfortunately, people
outside the system assume these words have meanings
they were schooled to know.

   A poor level of investigation can be
compounded by a caseworker that may not like you,
and that affects their decisions. It's difficult
for any assessment not to be as much a subjective
one as an objective one.

   Tragically, misunderstanding meanings carries
over to the therapists, teachers, schools, and
others who wrongly respond to the accused by
accepting DCS determinations as correct without
fault or prejudice. Some wrongly take prejudiced
action against the accused innocent parent under
that assumption.

   I'm compelled to ask how a person can survive
alone through this maze and its consequences
without proper representation. It's imperative that people are helped through the trauma created by this process.

MR. LANDIS: Thank you. Do you have any suggestions for how public defenders can do a better job representing those people in your situation and your daughter's?

MR. LOWDEN: In our situation we had attorneys. But in seeing what the experience is, I have nothing but empathy for anyone that has to stand there, a young woman going through this with no help, no parents, no attorney, and reaching a point -- I think in the newsletter it said CHINS. Well, at the CHINS level you are already shafted.

And that happened with us even though we had attorneys. They made a couple of poor decisions, and one of them was they were led by a DCS attorney, and we were put into CHINS and never had the chance to do fact-finding. At this point I haven't seen my grandchildren in my home for over a thousand days.

MR. LANDIS: I'm sorry to hear that. Do you have any questions, David?

MR. BOTTORFF: No.

MR. LANDIS: Thank you, sir.
Deanna Szyndrowski.

MS. SZYNDROWSKI: I'm Deanna Szyndrowski, and I actually come from Lake County, Indiana. I recently moved here to lead SCAN, Stop Child Abuse and Neglect. That is an organization where we actually partner with the Department of Child and Family Services to provide services to those families that have been involved in the DCS system or are reunifying with their children and families.

I don't disagree with a lot of the comments that the gentleman before me had indicated. And being across a number of regions, I think it's difficult. As you start to see from a service provider's perspective, as well from a public defender's perspective, as well from a guardian ad litem's perspective, the time and the intensity it takes sometimes to meet the children, to meet the clients, to really do that, get to know the internal investigation of all the information that's given to them.

So as a therapist and as a supervisor and as now a leader of an organization, I think it is important to note that we might need to do something different about when we are assigning cases, putting some parameters in place on how many
times that somebody needs to meet with that family
or to meet with those children before we make
recommendations in court.

I get it, it's a timing issue, but sometimes
my clients have a court date, or we get a subpoena
24 hours before we're supposed to be in court.
Well, that's going to be really difficult for me to
get a staff member to that courtroom, if they have
other families that they need to be seeing. So I
think we need to maybe take a step back from the
crisis situation and put some very planful things
in place so that everyone involved gets the best
representation that they need to have from a
service provider's perspective, from a public
defender's perspective, and then certainly from the
GAL's.

We're making decisions on behalf of children,
and we want to make sure we are making the right
decisions. Even from a clinical perspective, if I
get a file about a client, it's my duty to look at
that file, but it's also my duty to speak with that
client before I make a recommendation to see if all
of that happened. And I think that from our
system, I think we can just do a better job of
that.
And so maybe, I don't know, I have had some amazing experiences with public defenders and GALs, and I've had some ugly experiences with them. And I think what made them amazing experiences is the time and intensity that they took to know the clients and understand the issues in front of them and help the client understand the positions that they are in, and then from a children's perspective, what's happening in their home.

So I think that, from my perspective I think that I appreciate the opportunity to be here, but to be thinking about what we can do to cap caseloads for public defenders or time frames or, you know, how many times do we need to meet with a family before we make a recommendation and get the understanding of what's really happening.

And time is of the essence, and I understand that, but not when we're dealing with the lives of children and families. We want to make sure we have a solid understanding of that.

MR. LANDIS: Do you have any recommendations about things like caseload standards or requirements, performance requirements?

MS. SZYNDROWSKI: Yes. I mean, I think from a clinical perspective, we can't have any more than
12 families on our caseloads in order to do a very solid work with them in terms of what are the needs from the Department of Child and Family Services in helping the family get through the trauma and understanding. So I think maybe somewhere in those 12 to 15 parameters.

MR. LANDIS: But are you talking about the caseload for you as a GAL or CASA or a public defender?

MS. SZYNDROWSKI: I'm thinking both. I think you have to have a coordinated entry. You have to have a coordinated service delivery. So when I sit in team meetings, and we're making decisions, and we're going to go into court and make that recommendation from a service provider, I'm sitting with a CASA, and I'm sitting with an attorney. So I think that the smaller the caseload, the better recommendation we're going to get for that child and that family.

MR. LANDIS: Thank you. Did you come here from Lake County for this purpose?

MS. SZYNDROWSKI: No. I actually just moved here.

MS. TANDY: Can I ask a couple of questions real quick before you go?
MS. SZYNDROWSKI: Sure.

MS. TANDY: Two questions, actually. One is in the counties in which you work, how often do you see parents that go unrepresented in CHINS or TPR cases? And, also, what are your thoughts about the need for lawyers to represent children in those cases?

MS. SZYNDROWSKI: I think I would say about 90 percent of our families do not have representation. One, because just as the gentleman --

UNIDENTIFIED PERSON: Would you clarify what county you are talking about, please.

MS. SZYNDROWSKI: Well, I would say predominantly Lake County. I didn't mean to be offensive by that.

UNIDENTIFIED PERSON: No offense taken.

MS. SZYNDROWSKI: I came from Lake County. I'm not really sure about Allen.

About 90 percent of them do not have representation. If they do -- well, one, they do don't necessarily understand how to get representation. And if they understand that that's a right, sometimes it becomes an adversarial relationship with their FCM or their family case
manager.

So our families are kind of in a tenuous situation. They want to get the representation. They are not quite sure how to go about that at some point. And then just like anything else, if someone is being represented, you know, then that becomes that tenuous issue for them as between the FCM and them and then the guardian ad litem. So I think they just feel a little bit more on the defensive aspect of that.

MS. TANDY: For children?

MS. SZYNDROWSKI: I think every child should have a guardian ad litem. I think I've seen them work amazing in cases. It's just an advocate for them. They are often torn between their parents, FCM, their foster parents. And so any representation where they have a very solid, safe place that can help them understand what they need would be the best for them.

MS. TANDY: Thank you.

MR. LANDIS: Should they have a right to counsel or just a guardian ad litem?

MS. SZYNDROWSKI: I think a guardian ad litem would be just as good as counsel. I truly believe that.
MR. LANDIS: Some attorneys here may disagree with you.

MS. SZYNDROWSKI: Absolutely. I'm sure they will. I think a child needs to have a voice that understands that child, understands what that child needs, and understands what that child wants. Whether it be an attorney or guardian ad litem, I think they need to be able to have that, I would say, separate entity for them.

MR. LANDIS: I just wanted to verify, in Lake County the CHINS cases are in the juvenile court system, aren't they?

MS. SZYNDROWSKI: Yes, they are.

MR. LANDIS: Is it now in Crown Point?

MS. SZYNDROWSKI: It is in Crown Point. Judge Stefaniak oversees them.

MR. LANDIS: Do you ever see or experience any conflicts of interest between the public defenders representing both the child in a delinquency case and the parents in a CHINS case, same family?

MS. SZYNDROWSKI: It has not been my experience. I think they do a very thorough job of that, as best they can based upon what they have. But I wouldn't probably be the best person you should ask that.
MS. TANDY: Thank you.

MR. LANDIS: Okay. Micky Kraus.

MS. KRAUS: I've never been accused of being soft spoken, so I don't know that I need this.

MR. LANDIS: For the record, I should have said this with the other speakers, when you go to the microphone could you say your name and spell your last name for the court reporter.

MS. KRAUS: My name is Micky Kraus, K-R-A-U-S. I am a public defender in Allen County. I do not do any CHINS cases, so I'm not here to discuss that. There are those who are here that have more experience.

I just want to, I guess, for the commission members who are not here, give an overview of the way the public defender system works in Allen County. And, again, I'm just talking the criminal side of it, not CHINS/TPR.

We have approximately 30 lawyers. We are considered part time. We get paid a flat salary. Roughly $45,000, roughly, is what we get paid. We also get our insurance benefits, which quite frankly is why the majority of us continue to be public defenders.

I believe that the Allen County Public
Defender's office has the most experienced attorneys in the county who are public defenders, and most of us are there I think because not necessarily for the love of the job, but because of the benefits. They are good.

So we are considered part time. We do all have private practices, or most of us do. So we split our time between private practice and public defender work.

We have divisions. We have a juvenile division. There are those here who -- I've never been out in juvenile court, so I don't know how many lawyers we have out there. They do things differently than we do.

We have Level 6 and drug cases are together in one division. And then we have what we call A, B and C felony are Level 5 above. And the Level 5 and above cases, there are six of us. Right, Tony?

MR. CHURCHWARD: Six, yes.

MS. KRAUS: Six public defenders. We've got two judges who handle the old A, B and C felony, Level 1 through 5. So we are divided with those two judges, three with Judge Gull and three with Judge Surbeck.

We do have a luxury that other public defender
offices do not. We do have a full-time public
defender staff, which includes investigators, I
don't know, eight or nine or ten investigators, who
are overworked. There's no question that the
amount of work that they have to do, we could use
more of them. But what that does is it allows us
public defenders, if I want to take a deposition, I
do a request to the PD's office. They prepare the
subpoena, they serve the subpoena on the witness.
Oftentimes, that means chasing down a witness, and
it takes multiple attempts to get a witness there.

If I have somebody at the jail who has an
alibi defense, I do a request to the public
defender investigator. That investigator then
investigates that alibi defense, finds those
witnesses, takes statements from those people, and
then provides me with that information so I can
follow up with, if it's appropriate, to file the
appropriate motions.

We do have, right now have one case manager,
who's come on full time, who is somebody who does
more social work for us, doing some sentencing
memorandums. Helping with mental health, we use
Recovery Works quite frequently, and so we're
fortunate to have Angie Grande.
And then we also have paralegals; although we do our own motion preparation and filing and things like that. But the paralegals over at the public defender's office do prepare subpoenas, both for depositions and trials, and get those served for us.

So I say that's a luxury because I'm not aware of, other than perhaps Marion County, that there are any other counties that have a full-time staff like that, that allows us to have, again, the luxury of having somebody do street work for us.

And so that's, that's the way that generally the Public Defender's Office works in Allen County.

MR. BOTTORFF: Are there minimum and maximum caseloads?

MS. KRAUS: We are within the commission guidelines, yes, so we do have those. And because we have full-time staff, it's my understanding that our numbers fall into whatever the numbers are within the commission standards because of the full-time staff that we have.

So, yes, we are in compliance except for misdemeanors. We are not in compliance -- well, there are no standards for misdemeanors right now. I'm sure the commission is aware that Allen County
has litigation pending because of the issues that have occurred in the misdemeanor division over in Allen County. Allen County, our commissioners just recently approved funding for six full-time part-time public defenders in misdemeanor court. None of those monies are being reimbursed by the Public Defender Commission because obviously that reimbursement is not there. But we just put six public defenders on staff.

I want to say their salary is roughly $30,000. They are getting benefits as well is my understanding, and that the number six is because they are attempting to be in compliance with perhaps the standard that the commission might adopt, and then hopefully reimbursement follows after that. So, yes, we are within the compliance for our numbers.

We do not have an appellate division. We do our own appeals. There are a limited number of us who have chosen to do appeals. We get paid a flat rate for that. Quite frankly, I think it's too little. It's $1800. It's been what we've been paid for the last 20 years that I've been a public defender, and that's regardless of whether or not you are doing an appeal on a sentencing issue, or
you have a multi-day murder case.

I personally have stopped taking appeals because I just don't feel the monies are justified for the amount of work that I'm putting into appeals. I think that's something that needs to be addressed within our office.

MR. LANDIS: Any suggestions for what would improve the quality of indigent defense services in Allen County?

MS. KRAUS: You know, in complete disclosure, I'm also on the Board of Directors for the Indiana Public Defender Council, and I was part of the working group that, with the Chief Public Defender Association, came up with recommendations that were given to the commission back in January.

I think that one of the things that Allen County could benefit from, and hopefully that the commission will adopt, as well, is some standardized performance guidelines. We're all good lawyers. We all do the best that we can. At least I hope that we do. But there's nothing, there are no standardized performance guidelines in place. And I think that that ought to across the state apply to us and apply to all the other counties because, you know, everybody is going to
be doing things differently. But if you have a standardized checklist about what you ought to be looking for, there ought to be some oversight from, you know, a supervisor or somebody.

We are very independent in Allen County. We don't have anybody supervising us except ourselves. And, you know, we make mistakes. And so I think we would benefit from having something a little bit more structured when it comes to performance standards.

MR. LANDIS: If there were performance standards, how do you see that being implemented in terms of supervision? Who would evaluate performance?

MS. KRAUS: Well, you know, in Allen County it seems like we'd have to restructure our office because, again, we're all comrades. We all get along. We all have each other's back. When we need to brainstorm a case, we are there to help each other out.

But there's nothing standardized in place, and so we would have to find a way to have a supervisor. We don't have a supervisor at this point in each of the divisions. But I think that it would be appropriate for us to have that.
Again, based upon conversations that I was privy to at the meeting in January, with the recommendations made by the Chief Association and the Public Defender Council, the Board of Directors, I walked away from that meeting feeling like if something is working, then the commission is going to leave us alone and let us do things the way that they are working.

For example, the appellate division in Marion County seems like it's got the best of both worlds. So in Allen County we would have to restructure to make that happen because we don't have anything like that in place right now. I think we can do that on our own, without being told by somebody, the commission, how to do that. But if we don't do it on our own, we will be told how to do that. And, you know, we're lawyers, and we're proud, and we don't want people to tell us what to do.

MR. LANDIS: One of the issues in many counties, not necessarily in Allen County, is lack of independence from the judges. In at least 30 counties our public defenders are at-will employees of the judge. And in the other 30 they might as well be because they have boards that really don't meet; and when they do meet, they hire whoever the
judge recommends.

How does that work in Allen County? If there is a vacancy, how is that vacancy filled?

MS. KRAUS: I am not privy to how a vacancy is filled. Randy Hammond is our chief public defender; so I don't know who takes those applications and those types of things.

I am of the opinion, my personal opinion is that the judges have very little, if any, say in that. I don't know if they are making recommendations on behalf of people. I feel, and again I'm one of the oldest with longevity in the public defender's office, I feel like we have independence from the judges when it comes to those types of things. You know, we'll butt heads with the judge as good as the next one. So I don't feel like Allen County has any sort of interference or problems with the judges interfering with our representation of people.

MR. LANDIS: How about surrounding counties? Because I know most of you practice outside of Allen County. Have you seen problems in other jurisdictions?

MS. KRAUS: Tony Churchward is in Whitley County. I think he'd be better. I don't know.
When I go to other counties, I'm there for a single case, and I butt heads with everybody. You know that, Larry. So I don't know how it's run in other counties.

Mark is here. So I would ask them that question. You have Mark Olivero from DeKalb County and Tony Churchward from Whitley County. That would be a good question for them.

MR. LANDIS: But they didn't sign up.

MS. KRAUS: Yes, but I'm volunteering them.

MR. LANDIS: Thank you.

David Frank.

MR. FRANK: My name is David Frank. Last name is spelled like the first name. I'm an attorney here in Fort Wayne.

I just wanted to say thank you to Larry and Kathleen for their work on this task force and also their work otherwise on the public defense issue. I think they've been instrumental in pushing forward a, in presenting the urgency that's needed in seeking the consensus around the need for an urgent and drastic solution to a public defender defense problem.

MR. LANDIS: Any suggestions for improving the system?
MR. FRANK: A statewide system yesterday, first of all.

MR. BOTTORFF: When you say a statewide system, you mean the public defenders would become state employees and paid by the state and insurance with the state?

MR. FRANK: Yes.

MR. LANDIS: What else? I know you don't just have some experience in Allen County, but you've seen other counties. Any suggestions, if there is not a statewide system, any suggestions for improving the current system other than a statewide system?

MR. FRANK: If you look at Michigan, they have an appellate system, but that means that they have a good appellate system. Particularly in the rural counties, if you look at Michigan or any other states that have an appellate system but not a trial division, the appellate defense is abysmal.

I can speak from personal experience. For instance, in St. Clair County you had a systematic problem of poor people being jailed simply because they were unable to pay court fines. That's obviously something that cannot be done. It's been ruled on for a long time by the Supreme Court. But
you had at least one judge routinely putting poor people in jail simply because they were unable to pay court costs and fines.

And that, it has nothing to do with the quality of attorneys. It has to do with oversight, both at a local and a state level, of the system. And I think that there is a hesitancy for the public, the public at large and public officials, to act because the people being disserviced are the poor, and their grievances are viewed as complacencies rather than legitimate grievances.

MR. LANDIS: The example, you mentioned about a judge jailing a person for not paying a fine. Was that in Indiana or Wisconsin?

MR. FRANK: I'm sorry. That was in Michigan, St. Clair County. You know, hopefully you'll have, you know, some agency like the ACLU sweep in and file, you know, active litigation over that. But that's not going to necessarily happen.

I think besides having a statewide public defense system yesterday, I think that there is something to be gained by combining both criminal and civil legal aid into one agency. I think you look at something like Bronx public defenders.

Obviously, people rightfully think about
access to counsel primarily in terms of a public
defender, and that's right. I have no reason to
disagree with that. But there's other essentials
of life when you are looking at issues like
housing, immigration, public benefits. Those
things are also extremely important. And,
obviously, when you are dealing with clients who
are in need of those services, a lot of those
issues that cause someone to need an attorney and
be in that situation are all wrapped up. And if
you had one agency who's examining those issues, I
think that would benefit everyone.

And, also, when you have kind of a broad-based
poverty law advocacy group, it's much easier to see
what are not only the issues in criminal law but
issues affecting poor people in general. And I
think that, you know, besides possibly combining
public defense and civil legal aid, having just an
outright public policy group within the agency
advocating. Because you could have the best
system, public defense system in the world; but if
you have oppressive criminal laws, whether it's the
number of offenses or the types of punishments in
place, it's hard to fight against that,
particularly with almost unlimited prosecutorial
discretion.

MR. LANDIS: Thank you. Any questions? Thank you. Katie, you're up.

MS. BYROM: I'm Katie Byrom, B-Y-R-O-M, as in Mickey Mouse. I am a full-time public defender in Noble County. The majority of my caseload is CHINS and TPR cases, so that's what I do all day every day most of the time.

I have a few recommendations I've jotted down. First on my list is caseload count. Near and dear to my heart, I think if we could pull it off, CHINS and TPR cases should be counted separately. They are totally different beasts. They have different issues, totally different discovery.

We're starting a brand new case. Clients are scared out of their minds when they see that TPR petition come in front of them, and so we're going on a whole new journey. I think those should certainly be counted separately.

I know in our office for a long time they were just one case. If I had the CHINS case, and a TPR was filed, it just continued to be one ongoing case for years and years.

We need to count the cases by the cause number, not whether you have mom or you have dad.
If I have mom, right now I have a mom with six kiddos and four different dads. So those cases get bifurcated. Sometimes I have hearings with mom and one of the dads on one day, and then I have a different dad on a different day. But right now that's just one case on my caseload, not six. And they have totally different lives for each one of those children, placement issues, all kinds of things. So that's another recommendation.

And count them as ongoing, not each new quarter we get a new caseload count. Because these cases, unfortunately, you know, 15 months is a very scary time period because that's when we get our TPR petitions, if the kids have been out of the home that whole time. But they can drag on years and years, if we can keep getting that TPR petition dismissed and keep working on getting the kids back in the home. They go on a long time. So if we're looking at them quarterly, our caseloads can grow and grow and grow.

Next, I would love to get into that courtroom as soon as possible. I would love to get in there at detention hearings. I think we could keep kids out of care. I think we could get them out of foster homes. In our county they get pickup
orders. They remove kids without the judge, without talking to the judge. They do emergency pickup orders all the time. So kids are in care without a judge ever hearing anything.

And then they go into a detention hearing. Still there is no attorney present to try and help them. If we could be there at a detention hearing, I think we could get kids home after just a couple of days, 48 hours, or get them into relative placement. A lot of times DCS will say, well, no, we can't put them with that relative. They don't have prior background check or meet our standards. Well, we can talk to the judge about that and get the judge to overrule what DCS is telling them, if we were there. But we're not there right now. So I think we could really help out a lot of families if we could be there at detention.

Training, I would love more training. We have one annual training statewide through the public defender system, and it's just kind of a catch-all. I've been doing this work for 13 years. So it's great that we have that training, but a lot of times it's kind of just one size fits all. So if we could have it more than once a year and maybe have something, a beginner track, been doing this
for a long time track. In the criminal world there
is training about once a month. But for the
CHINS/TPR folks, we don't have that. So that would
be awesome.

If we could get social workers, that would be
phenomenal. We hear about all the resources for
the criminal folks, investigators and things like
that. It would be great to be able to take my core
reports, the reports I get from the different
treatment providers and those by my own social
workers, and get ideas for how to argue different
recommendations and things like that, if I had
somebody kind of on our side.

So it's always them, their treatment team,
their recommended people with their contracts. I
understand they want to keep those contracts from
DCS; so if I could have somebody to bounce ideas
off of, that would be great.

In our county we're just appointed. The
public defender's office gets all the CHINS and TPR
cases assigned to us in the Noble County office.
So that's just how we work. It works really well.
We don't have any issues. The court tells, when
somebody asks for an attorney, they just appoint
the Noble County public defender's office. And
then notice gets sent over, and our staff then
appoints cases accordingly. And so far it's been
working really well. So that's how we handle CHINS
and TPR, just for your information.

MR. LANDIS: That's very helpful. Thank you.
I have a question about you said you wanted, would
like to see you get in the case sooner. So now the
appointment comes when within the process?

MS. BYROM: We get appointed at the detention
hearing.

MR. LANDIS: At. But you are not there
because you didn't get notice?

MS. BYROM: Correct. And the pretrial
conference is usually held about 30 days later; so
the kids have now been in care. Things are getting
entrenched in that 30 days, and it makes it easier
for the judge to say at the pretrial we'll leave
status quo for now.

MR. LANDIS: Do you have a suggestion for how
you could get in the case earlier? What would
trigger the appointment so you could be there at
the detention hearing?

MS. BYROM: When the clerk's office opens the
CHINS case, a notification gets sent to the public
defender's office that there is a detention hearing
set. Send an attorney over.

MR. LANDIS: That doesn't happen now?

MS. BYROM: No, it does not.

MS. TANDY: If you had all the things that you just mentioned, what would a caseload number look like for you that you think is manageable that would allow you to do all those things and have a social worker? What difference would that make in terms of how you approached cases?

MS. BYROM: Realistically, if we were counting by parent, I mean by cause numbers and not parents, probably maybe up to 80 actual kids. There is a lot of family team meetings that take a lot of time. That would mean I wouldn't take work home every night.

MR. LANDIS: You mean 80 at one time or 80 in a year?

MS. BYROM: Just 80 at a time. And then as cases close, new ones come on.

MS. TANDY: Thank you.

MR. LANDIS: If you would, since all the standards are set on how many appointments you could receive in a 12-month period, if you would, not today, but think about how to translate 80 open cases to a number of appointments in a year, that
would be helpful.

MS. BYROM: Thank you.

MR. LANDIS: That is all the people I had signed up. So now that you now are inspired, come forward and say something about how to improve indigent defense service. What do you need to do your job better?

MR. OLIVERO: Larry, can I go? Mark Olivero. I'm a public defender in DeKalb County, O-L-I-V-E-R-O.

We have eight attorneys besides myself. Three other attorneys and I do felonies. We have two CHINS attorneys, and we have one guy who does juvenile court, and we have two attorneys that do misdemeanor court.

We are similar to Allen County as far as the salaries, but we don't get benefits. I think the attorneys get, like the misdemeanor attorneys get 30,000, and the felony attorneys and everybody else gets like 44,000, I think it is.

We do not have an appellate division, but there's a couple of attorneys that are qualified to do appeals. We do not have an investigator. That would be helpful to us.

It was a big push to get DeKalb County into
the state program. Our caseload limits last year, we were topped out on the felony level. We actually had to do a little juggling around. The CHINS people had less cases last year for some reason; so they ended up having to take some felony cases, lower level felony cases.

As far as the misdemeanors, I was trying to figure out what the caseload limits were on that. We got, I think, under the guidelines, even though, as you know, it's not reimbursable, I think it's 400 for, Jim and I were just chatting about it, 400 if you were full time, 200 for part time, if that's what it is.

Our misdemeanor people are a little bit above that. I don't have the exact numbers because I wasn't prepared for that. But it's not like Allen County, where they had to go and get more people.

So it's a pretty good system. The judges, I think, are pretty decent. If someone needs to be hired or fired, that is in the comprehensive plan that I can do that. The judges are involved.

You know, as far as it would be nice if they had benefits. I mean, we lost a guy, a pretty competent attorney to another county because of the fact that the other counties had benefits. But the
way our plan was set up, it was because the prosecutor's office in our county does not give benefits to their part-time people, so then we were not allowed to get it.

And I used to be a public defender here in Fort Wayne. I used to be a public defender here and DeKalb. I gave up that public defender position here. And it was great, when Micky talked about the investigators, it was super great to be able to send requests and get that work done. Now it's kind of on us and our staff.

We do have two full-time staff. We have a paralegal and a receptionist, and the office runs pretty smooth. But as far as assistance, it would be nice, I'm going to try to see if I can talk to the council, commissioners, about getting an investigator. But just like anything, I'm sure benefits would help us, too. But I don't think I'm going to be able to get that, so.

MR. LANDIS: What impact would it have on your office if we could get reimbursement for misdemeanor cases, which would then mean the commission could enforce the caseload standards? Would that make a difference in your county?

MR. OLIVERO: It would make a big difference.
Actually, I didn't even mention we had another attorney who was very qualified, who was in our misdemeanor division when we switched. We had to separate the divisions. He was qualified, but because, you know, the caseloads that they have and the amount of money they are getting paid. I see it with the two misdemeanor people we've got now. We lost a very qualified attorney. I had to hire someone local that didn't have as much experience, but he's trying to do the best he can.

But, yes, that would help out tremendously, I think, for the misdemeanors because there are so many of them. I wish I knew the number. I know they are over the limits. I just can't recall right now.

MR. LANDIS: Who does the appeals in your county?

MR. OLIVERO: The judges, there is no appeals division, when a case comes up, like right now I had an arson case last year. I was going to do the appeal, but the client after the trial sent me a letter saying he wished maybe we did something different. So I felt maybe there was a conflict there. She might want to bring up ineffective or something, so I passed it on to the state public
defender's office.

Right now, when appeals are coming up in these other divisions, I have some people that are not appellate qualified, and I'm trying to get them appellate qualified by going to the course. So they are appointing attorneys who have the qualifications.

This just came up recently. Somebody did an appeal. They farmed it out to some attorney in Fort Wayne. He met the qualifications, but I've got to pass that down to the state. So, anyway, the judges pick a lawyer, basically.

MR. BOTTORFF: How many appeals do you think you have?

MR. OLIVERO: We don't do the trials like Allen County does. A year, are you talking about?

MR. BOTTORFF: Yes.

MR. OLIVERO: I'd say maybe four to six. It's not that many.

MR. BOTTORFF: Because the commission has discussed a more regional approach, either full-time employees for the state for the appellate side, or some kind of multicounty jurisdiction to select attorneys who specialize in those types of cases.
MR. OLIVERO: Well, I think we're going to be -- I've noticed, I've talked to some attorneys who do juvenile work here in Allen County. In our county I've noticed the juvenile, I had to work to get our office up and running, and I think our attorneys are pretty decent. Just like Allen County, I think they are pretty competent.

But the attorney that I have in the juvenile division, I'm working with him to make sure that the rights are given to the juvenile because he handled a case where the kid was given a sentence to the DOC. And then ultimately the kid went down to the DOC and mentioned he wanted an appeal. So I found out later that that wasn't really covered on the record.

And I know that, you know, we've got people talking to kids down at the DOC, making sure they know their rights and stuff. And so there was an appeal there recently, and there is another one. I think we are probably going to have more juvenile appeals because of this process. So, yes, our numbers may go up, but anyway.

MR. LANDIS: John Tinder would like to know why did DeKalb County join the public defender reimbursement system?
MR. OLIVERO: We joined it basically to have better representation, to have more attorneys. Actually, I've noticed once we joined the program, we used to have, it used to be just three attorneys, maybe four at some point before we joined. When we joined, now there's nine. So you have obviously for the caseload limits.

And I've noticed that attorneys are spending more time, we have more time to be effective for our clients. We still deal with the issue with the misdemeanors, of course. So, yes, it was basically to make sure that, you know, there was basically less caseload per attorney. And by doing the numbers, the only way I got DeKalb County to join was to let them know the CHINS numbers were increasing every year.

And so I had to sit down and say, hey, look, if we join the program with the reimbursement, the county is not going to pay more. Actually, I think it ended up saving the county a little bit of money; so then I was able to convince the commissioners that this was a good thing. The judges were on board for this. They actually had backing with me, and so it was approved.

We got more attorneys for the county, better
representation, and it's a good thing. Like I said, we're not quite there where Allen County is with the benefits and investigators, but overall it's a big improvement from where we were.

MR. LANDIS: For the record, if there's a vacancy, who does the hiring?

MR. OLIVERO: I do.

MR. LANDIS: Thank you.

MS. TANDY: If you have serious felony cases, I know you said you don't have an investigator on staff, but how would you access funds for an investigator or for needed experts?

MR. OLIVERO: Well, we do have a line for an investigator, basically a budget line, and we have delved into that. But like I said, most of the time we just have to do the stuff ourselves, have the girls, the two full-time paralegal and receptionist that we have, to handle most of the caseload on that.

MS. TANDY: What about accessing fees for experts?

MR. OLIVERO: Yes, we can go in and ask the court for that, and they've done that in the past. We'd be able to get that, and then we can request the reimbursement from the state.
MR. BOTTORFF: Do you think public defenders should become state employees, or do you like the system where they are more local employees of the local court versus being a state employee?

MR. OLIVERO: I haven't put a lot of thought into it, but I don't like the state employee idea. I like the local. I think it's working right now. Like I said, I see a big improvement since we joined, and so I'd prefer not to go state.

MR. LANDIS: Even if you got more money and fringe benefits?

MR. OLIVERO: Maybe. I don't know.

MR. BOTTORFF: Honest man.

MR. OLIVERO: Like I said, it's a tough call. I don't know. I just right now think it's a lot better than it used to be. And now we're talking about joining a state program. I don't know how that's going to work.

MR. LANDIS: If there was a state public defender for just appeals, how would that affect your county?

MR. OLIVERO: Probably not by much. We would be receptive to that, I think, because right now the judge has always got to get a hold of me, find out, making sure if they are going to get somebody,
that the person is qualified. I just went through this with two different courts up there to make sure they had appointed an appropriate attorney to do the appeal because my person was not qualified.

MR. LANDIS: What do you think about if there was a recommendation that CHINS and TPRs be passed off to the state also, and that be removed from the public defenders and a separate agency do CHINS and TPR with a hundred percent state funding?

MR. OLIVERO: Well, A hundred percent state funding would be great, I'm sure. The county would love that. I don't know how that would work for our employees. We have two attorneys doing that, like I said, three, sometimes four, depending on how many attorneys you need for a given case. I'm sure the county wouldn't want to take funds, you're taking funds from, I don't know, unless they use the same attorneys, you know, from the state. If they are going to end up using the same people, then it wouldn't really be a big issue. We'd be fine with that, I guess.

MR. LANDIS: Do you want to keep CHINS and TPRs, or would be you be fine giving up having to do CHINS and TPRs?

MR. OLIVERO: I haven't had a chance to talk
to my attorneys about that, what their position is, and I don't know what to say. I don't know how to answer that. I don't know whether we would want to give it up or not; so I'd be hesitant to answer that without knowing their position.

MR. LANDIS: Thank you. Any questions? I think you were next.

MR. ARNOLD: Thank you. My name is Bart Arnold, deputy public defender in Allen County on drug cases. I wasn't planning on saying anything, but I heard a few things that made me feel like I ought to.

First of all, I want to say I really agree with the investigators. I don't know what we would do. We have a great investigator staff. I don't know if I would feel like I could handle the state numbers that I get as a drug PD without the investigators. I mean, because I even have my staff do some of that work, which never seems to be figured into what we're paid, but I have my staff work on it, too. But without our investigator staff at the public defender office. I heard Micky say they are overworked. I don't doubt that. I don't know that either. But they are really good at what they do, and I'm grateful for that. I
can't imagine that we wouldn't want to have that for everybody.

What made me jump up was the idea of the state system. I think that's a horrible idea. I'm sure the gentleman who mentioned it, he and I probably agree on just about everything, but on that I don't agree. I don't like the idea. I don't know who would want that job, honestly. I'll be frank. I don't know who would want that job.

There may be people, and in a bigger city maybe that's a thing that could happen, but I doubt -- you said how much money. I can't imagine that the government is going to pay what I would want to do the job on a state level.

Now, that being said, this may not be popular, but I don't like to do appeals. I don't want to do them if I don't have to. I've told my bosses if they make me, I'll do them, but I really don't want to. And I don't really like the idea very much of a public defender doing their own appeal because of the things Mr. Olivero mentioned earlier.

So I like the idea, and I've had a couple of cases go to the state public defender, I like the idea of them calling me up and asking me about the case and letting a fresh set of eyes look at it,
including at me. And I like the idea of there
being a state appellate office where maybe there
would be a lawyer or two assigned to your district
so you could develop a relationship with that
appellate lawyer over time.

The PD seminars have covered sometimes what we
trial lawyers can do better to preserve records for
appeal. That would be like a little built-in
seminar, if you had a state guy assigned to your
district who could say, hey, next time you are
making a record on this issue, do a better job at
this. I would love that. And to have that
communication I think would benefit both sides of
it. But then, again, I don't have a dog in the
fight on getting paid on appeals.

$1800 to do an appeal is horrible. I don't
know anybody who does it. That's a lot of work to
research, to write, to follow the filing rules that
change way too often for me to keep track of to
want to do it.

And then the only other thing I wanted to add,
I don't know if it would be brought up by anybody
else, but I wish we had more ability to hold jails
accountable for access to our clients. I have a
hell of a time seeing my people. I want to see my
people more than I do, but I don't have the perhaps
two hours it might take to go wait to get to see
them and then find out they weren't brought down,
and I came down for nothing.

And to call and have the phone ring for an
hour. One time literally, you know how our phones
have those little timers on it, my staff were on
the phone 45 minutes, and the phone was ringing at
the jail. Now, I've learned some tricks to get
around that since then, and there are people that
you can call. I know that steps have been taken by
a lot of people in our county to fix this, but I
mean ultimately the sheriff decides what they are
going to do. And there are whole periods of the
day that we are not allowed to go see our clients.
We are not allowed to. I can't go between the
hours of eight and eleven, or something like that.

MS. KRAUS: No, you can't --

MR. ARNOLD: Or noon and three. There was a
period of time that it was eleven to three.

But I'm in court from eight to eleven. I
can't see my clients from eleven to three; so
basically I can see my clients from three to five a
day. That's it. And I can't always go three to
five. And, you know, you've got a bunch of people
you need to meet.

And I don't fault the public defenders for this. I don't fault the judges for this. There needs to be a way that we can hold jails accountable for letting us get to our clients. If we can't get to our clients, we can represent them well. We can get a good result, perhaps. But we can't give them that extra layer of communication that I think we all want to do, and I think everyone probably expects of us, if we can't get to our clients at the jail.

That's all I have. Thanks.

MR. LANDIS: How about entry level? When do you get in a case, and how do you get into the case?

MR. ARNOLD: In my particular cases?

MR. LANDIS: Yes.

MR. ARNOLD: The public defender's office investigators assign them to us because, as I understand it, and I'm not in the office, I'm just a deputy, but they keep our count. So they will, a drug case comes in, and there are two of us doing drug cases. They'll look at our numbers, and then will assign me or the other, I think it's Tony now, the other drug public defender. And then they'll
deliver a file to our office and tell us when the attorney status court date is, which is usually the next day, maybe two days later. And we go in, and we set a trial right away.

At that point our investigators have already talked with the person, and we have a good page long, two-page document indicating their background, whether they admit or deny the charges, what kind of outcome they are hoping for. And that's all done before we even get the file, which is great.

And we go in, and we set a trial date right away so that we don't get lost in Trial Rule 4 issues. So we literally have a court date set within three months, typically, unless they request a speedy, and my staff opens the file in our office, and off we go.

MR. LANDIS: How long after the initial hearing do you get notice of the case and then first contact with the client on average?

MR. ARNOLD: Honestly, I think it's within a few days. I think maybe a week at the most, because I've had to move a couple where they'll set it so quickly that I can't do it. Often I'll get, it's kind of hard to say because I'll get a file,
and then I have court the next day, but I maybe
don't know, like I can't think that I can remember
that I looked to see when the initial hearing was.
But I think it's generally a week from the initial
that we get it.

And then we're told if they requested a speedy
at the initial, we are told by the investigators
and the court, so that we know to address that
issue when it's time to set the trial so that extra
week can be taken into account.

MR. LANDIS: Who represents them at initial
hearing, the clients?

MR. ARNOLD: To my knowledge no one represents
them at the initial hearing.

MR. LANDIS: Is that when the conditions of
release are set, at the initial hearing?

MR. ARNOLD: Now, I'm going to get confused.
There is a pilot program I know we're doing where
there is a public defender assigned to people at
initial hearings regarding bond. That I know is
happening.

MR. LANDIS: In your cases, drug cases, as I
understand your bond schedule is $50,000 for drug
dealing.

MR. ARNOLD: There are bonds at 50,000, that's
correct. Now, I'm not probably the right person to
talk to about this project we are doing. I know a
lot more people are coming in OR now, and that's
probably because they are now having those hearings
over in misdemeanor court where they hold them, and
they are discussing the bond. I've done a few of
those hearings. But I don't know how many of those
people have gone through that process.

MR. LANDIS: I'm just talking about the drug
dealing cases. They are not going through that
initial hearing process; right?

MR. ARNOLD: I don't believe so.

MR. LANDIS: So how do you do bail review of
those when you've got a $50,000 bond on a small
amount of drug dealing? Can you get bail reviewed
and reduced, or does it stay at 50,000?

MR. ARNOLD: You can file a motion, and you
can have a hearing, but it will be promptly denied.
If you have a serious, I've had some success where
a guy maybe has a really bad health problem, and
the jail wants him out. Then I might be
successful. But the refrain is, "We follow the
bail schedule."

MS. KRAUS: There is an issue that's going on
in Allen County; so we've seen occasions where the
state has filed a petition for an elevated bond. It's a written order that gets filed sometimes prior to the initial hearing, sometimes at the initial hearing. And the court is addressing that petition for an elevated bond and granting that elevated bond all before a file ever hits our desk.

I happened to be in court one day a couple of weeks ago where one was filed during the course of an initial hearing, and there was a prosecutor there who was arguing for the elevated bond, and the magistrate, they were having a discussion. And I kind of walked up and said "Is this guy being represented right now?" And he wasn't. So the magistrate took the matter under advisement and set it out for a week. I don't know what happened to the bond. I stopped paying attention at that point.

But it appears to me in Allen County we don't have anybody representing people at the initial hearing. And there is this issue with elevated, this petition for elevated bond either because somebody made a phone call, you know, at the jail, and they are threatening witnesses, or they have a criminal record that supports the elevated bond. But those motions are being granted before the
person even has an initial hearing, much less being represented by somebody. So that's a problem in Allen. I'm not being critical -- I am being critical.

It seems to me that we need to have somebody available at the initial hearing who can stop those things from happening. In Allen County every felon who comes in for an initial hearing, an automatic plea of not guilty is entered on their behalf. They are not given an opportunity to plead guilty. So I think historically we felt like that was okay to not have somebody represent people at the initial hearing because we're not letting them say anything that's going to incriminate themselves. But the issue of bond is getting addressed without representation, and we ought to address that.

MR. MCALEXANDER: I'd like to jump up on this.

MR. LANDIS: Point, counterpoint, Mr. Prosecutor.

MR. MCALEXANDER: Mike McAlexander, chief deputy prosecutor. Part of that, I think, is when we say initial hearing, that first hearing is done on a warrantless arrest. It's more of a detention hearing at that stage or a probable cause review. So the initial hearing they get once their case,
the formal charges are filed in felony is a little bit different.

What we are talking about generally with the elevated bonds are the situations where there is a perception of usually flight or safety of the community. So we're asking for a higher bond on an individual, say, after a shooting or something like that where it may turn into a murder case or very serious voluntary manslaughter, something like that. That is usually what's going on. So it's generally part of a probable cause review, as well as a request for an elevated bond at that point.

MR. LANDIS: You are doing that without defense counsel being present?

MR. MCALEXANDER: Generally this is done, yes, it's ex parte. No different than asking for a warrant without defense counsel present. But this is, as I said, at the stage where they are going into a detention hearing or a probable cause review hearing that is done within the initial 24, 48 hours after the arrest is made. Once they are going into more of the formal, after the formal charges are done, counsel is appointed at that initial hearing.

UNIDENTIFIED PERSON: We are appointed, but
we're not there.

MR. MCALEXANDER: And then if they deem it appropriate to ask for a bond reduction or whatever, they'll file it as they would any other motion.

MR. LANDIS: I'm just asking about right to counsel in Indiana attaches upon arrest. So if there is an adversarial hearing, and it's a critical stage, because not only is bond being set, but it's being elevated, how can you do that without being a denial of right to counsel?

MR. MCALEXANDER: If counsel wants to start coming in at three o'clock in the morning with our staff, fine.

MR. LANDIS: Well, but as the prosecutor --

MR. MCALEXANDER: Well, I mean under that same theory, then bond schedules are unconstitutional as well.

UNIDENTIFIED PERSON: They are.

MR. LANDIS: That's another issue for another day.

MR. MCALEXANDER: Well, they haven't ruled that way yet.

MR. LANDIS: That is another issue for another day. That's not really the subject at issue here.
Mr. Prosecutor, thank you for coming today. I appreciate it. We did the taping today for the TV interview. So Judge Tinder wants to know what do you think of the public defender system in Allen County.

MR. MCALEXANDER: Well, as I said on the panel that we were on this afternoon, I think we have a very good system. I think there's some tweaking that can be done to improve it. I'm concerned about the sustainability. We have very veteran lawyers here.

I think we kind of have something of a unique system with people that are considered full-time public defenders, even though almost all of them, I think except maybe one, have private practices. I think as a result of that we get some very high quality litigators, and it becomes almost laughable when we hear people say "I want a real lawyer. I don't want a public defender," because the best trial lawyers in this county are public defenders. So I think we have a good system.

I think there are some things that should be done on their compensation that should be adjusted to reward those that are handling the more difficult high profile cases, the murder cases, the
child molesting cases, the drug dealing cases. I believe there should be, just as our office rewards the attorneys that are handling the more difficult cases, we pay them more. And I think the public defenders should not be paid across the board the same. I think there are levels of skill that should be rewarded.

And I know the reasons I think why we have done it that way. I think it goes back to a time when we only provided felony public defenders, and it was pretty much on a rotation basis. But now, when we have different specialties, and we've assigned deputy public defenders to different roles and different degrees of difficulty, we need to look at that and pay them accordingly.

I also think that some of the commission standards, when it gets to misdemeanors and some of the other cases, are probably artificial. And I say that on the basis that on staffing levels, when they just needed to add additional deputies, public defenders in misdemeanor, and holding them to 400 cases, when we filed 6,000 cases roughly last year, and we do it with a staff of one supervising attorney and three or four relatively young attorneys, usually with one or two years of
experience at most, and we're having to review all
the things, decide the charges, do plea agreements,
a lot of other work goes into that. So I think the
staffing issues are not really comparable with some
of the guidelines on the misdemeanors and some of
the lower level type offenses. But basically I
think Allen County has a really good system.

And when I talk about sustainability, I think
we need to do some things to maybe see if we can
get some younger folks coming in. Some of us are
getting a little bit older. We may not be here in
10, 15 years. And we don't have a real deep bench
for those public defenders.

MR. LANDIS: Thank you. I appreciate you
coming.

Is there someone who wants to speak?

MR. THOMA: Larry, my name is Mark Thoma. I'm
the chief deputy public defender in Allen County.
Thank you all for being here. Larry asked me at
the beginning of the program if I was going to
speak, and I said I was undecided.

I don't want to disappoint you, Larry. It
would probably be remiss of me not to speak as
well, so that you all know that we from the public
defender staff are here.
We're interested in what this task force is doing, and we care about indigent defense in Allen County and throughout the State of Indiana. It is why we do in part what we do. Obviously, there are others that are here that care.

Mike is here, Mr. McAlexander, from the prosecutor's office, and I want to echo what Mike has had to say about indigent defense here in Allen County, Indiana. I think we have one of the finest public defender staffs in the state. I'm biased. I'll admit that.

Frankly, I think if you want to look at improving indigent defense throughout the State of Indiana, one could look to Allen County as a model for improving those services.

We have a very robust integrated system here with some of the best trial lawyers, if not in Allen County, certainly in the state. And I think those lawyers do this -- Micky accuses us of doing it for the benefits. And, yes, the health insurance is nice and PERF. I guess we don't get PERF anymore, but retirement, those things are nice. But I think there is a sense of a pride in helping the defenseless and those who can't afford a "real lawyer."
And those lawyers who do indigent defense I believe do so also because it's a way to continue to hone their skills and maybe parlay that into a private case here and there. But I think those are the reasons why we do what we do on the public defender's staff.

I don't believe a statewide system would be good. Again, I'm biased. I believe it's important that localities maintain a degree of control over the services that they provide to their communities.

Indianapolis, so much has been centralized throughout government in Indianapolis. I would be afraid that we would lose enough control whereby it would not be in the best interests of our citizens. I think there needs to be more local control than centralized control. Not that there shouldn't be standards.

You know, I've heard from you, Larry, horror stories of some of our smaller counties where the judges are really ruling how criminal defense works, and it probably isn't fair there. Those things need to be changed for sure. But it ain't broke in Allen County.

The gentleman who spoke -- what's your name,
MR. THOMA: Bob, I'm going to give you my business card before you leave here. If there is any concern that you have about a public defender who may be involved in your family's case, I want to address that with you.

MR. LOWDEN: There wasn't.

MR. THOMA: All right. Well, maybe you need to see about getting a public defender.

MR. LOWDEN: You should have given me the card earlier.

MR. THOMA: Okay. Well, very good.

We have, in addition to the 33 public defenders that do misdemeanors and juvenile and felony work, we have an additional 20 lawyers who do Children in Need of Services work. And those lawyers are all very qualified and have decades, if not hundreds of years of experience in handling CHINS cases.

There has been an explosion throughout the state and in Allen County, also, of CHINS cases. We had 250, roughly, CHINS cases with PD appointments in 2015. We had close to 800 last year with roughly the same number of lawyers and
the same amount of funding to pay those lawyers. It's a system that's becoming overburdened, and we're having to take a look at that.

I know, Micky, I saw your email to Randy. He shared that with me. That's unacceptable that we don't have lawyers at initial hearings. And we're looking into it, figuring out a way of dealing with that. Due process requires that we have legal counsel throughout every stage of the process.

Criminal Rule 26 is going to help us change that. That's part of the pilot project that Allen County is involved in. Frankly, we're just getting our big toe in the water on that project. But it's simply we're going to have to jump all the way in.

Again, I'm very proud of our public defender staff. Mr. Gevers is one of our public defenders. In fact, he's just been appointed, along with Micky, to a death penalty case that we have here in Allen County. Bob is a former prosecutor here in Allen County, and we're very pleased to have him on our staff.

One word about appeals. I've been a public defender since 1993, and I've been involved in public defender work since about 1987. One of the things that helped me become a trial lawyer, I
thought, was doing appellate work, reading transcripts, learning from what I read the mistakes that were made. My wife would say "Why are you screaming?"

"It's because there was no objection lodged at this critical point in the proceedings."

So I'd like to see all the young lawyers continue to do appellate work, so that they can learn, and I think it will make them become better trial lawyers.

MR. BOTTORFF: If the state provided more resources --

MR. THOMA: That would be wonderful.

MR. BOTTORFF: I mean, if they included misdemeanors for those who participated in the state program and a higher reimbursement rate at 50 percent rather than the 40 that's up there now, how would your office use that additional revenue?

MR. THOMA: Well, that would be attractive to the politicians because it would help offset the cost of indigent defense. Right now misdemeanors are not included in reimbursement. You know, you are talking about a half a million dollars, roughly, for just indigent defense for misdemeanors. So 40 percent off of that, it would
allow perhaps for maybe an additional lawyer.

We right now meet commission standards with
the six lawyers that we have. It's still a big
caseload for any one of those particular public
defenders. Obviously, 50 percent would help.
Hopefully, we could parlay that into an additional
lawyer maybe here or there, an additional
investigator here or there.

Right now we really don't use investigators in
CHINS. Tony Churchward and I were just talking
about we never really think to do that because they
are all over here for the felonies. If we had our
own investigators in the CHINS arena, that would be
helpful.

MR. LANDIS: Thank you. I can see Jim Abbs.

MR. ABBS: If someone else wants to speak,
they surely can.

MR. HALLER: I signed up.

MR. LANDIS: Oh, I'm sorry. Jared had signed
up. I'm not going to forget you, Jim.

MR. HALLER: My name is Jared Haller. The
last name is spelled H-A-L-L-E-R. I'm a resident
of Fort Wayne. I am an attorney, licensed to
practice in the State of Indiana, and I'm a former
Marion County public defender.
There were three topics I wanted to talk about briefly. The first is I wanted to encourage the task force to speak to public defender clients. As I look around the room, I recognize about half the people in the room, and I dare say almost no one in this room has ever been the client of a public defender. So I would encourage you to make some effort to listen to our clients. I say "our." I'm no longer a public defender. But I would encourage you to listen to the clients of public defenders because I think you would get a different perspective than you do talking to a bunch of lawyers.

The second thing I wanted to talk to you about is to look beyond just caseloads and think about the number of people that go to trial unrepresented. So when I was a Marion County public defender, I almost never saw a pro se litigant. Judges in Marion County would try to talk them out of it. If they were a sovereign citizen, you didn't see a pro se litigant down there.

I walked into Allen County misdemeanor court, and I saw in three hours more pro se litigants than I saw in four years as a public defender in Marion
County. So I think when you look at the numbers, you need to add in all those pro se litigants because that's your true number of people per caseload per public defender in Allen County. There is just a ridiculous number of them.

When I was a Marion County public defender we were in court whenever court was in session. I was going to talk about initial hearings, but that's already been addressed. But as a public defender in Marion County, first and foremost we were there to represent our clients. But we also thought that we were there to protect the constitution. We performed a court watch function, and that's completely absent from what I've seen in Allen County.

I guess lastly I would just talk about the fact that I know many of the public defenders here. I count at least a few of them as good friends. And they are some of the best attorneys in the county, some of the most experienced trial lawyers. But they are at an inherent disadvantage because of the cottage industry kind of approach that Allen County has. They are all divided up, working for different practices.

Bart talked about the fact that he can't go
see his clients in jail. When I was in Marion County I was in court five days a week. I worked six days a week, nights. And when I went to see my clients was in the evenings. I saw my clients every night after dinner during the week and on Sundays.

Why do we get to do that? Because Marion County has an agency model where we had parity with the prosecutor. We had power. If there were four prosecutors in the courtroom, there were four public defenders. I got paid the same as every prosecutor in the courtroom that was with me. We had parity in pay. We had investigators. We had an appellate division. We had counselors that were there to talk to our clients. Certainly, we had interpreters, even people who spoke Burmese. You get all that just the same as you have an advantage when you are a big firm versus the little onesie-twosies. The same things happens. You can put in the best possible attorneys, but if they are divided, they are conquered.

That's all I want to say.

MR. LANDIS: Thank you. That's quite a bit.

MR. ARNOLD: I just want to make it clear on that jail thing because this is really important to
me. I'm not talking about public defenders being unwilling to go at night. I'm saying not having the ability to, which I think what you're saying, Jared --

MR. HALLER: I'm saying I had that ability.

MR. ARNOLD: Right. I will say in other counties I haven't had as much trouble with that. But to me that's something that should be addressed. I think public defenders are willing to go in at night like Jared did.

MR. HALLER: I think they're absolutely willing. I think in Marion County we were able to force that because we had a bigger agency. We had more power.

MR. LANDIS: I think that's a good point. But a sheriff giving jail access is probably something in my opinion beyond the scope of the public defender task force. We don't mind taking on judges, but asking us to take on 92 sheriffs. Good point.

MR. ABBS: Believe it or not, Larry, we are able to go in pretty much anytime we want to go in in Noble County. My name is Jim Abbs. I'm the chief public defender in Noble County, a position I've held now for seventeen years. I am also the
president of the Indiana Chief Public Defenders
Association, a position I've held for ten years.

I have had the opportunity to speak to the
committee before, but I do want to address some
issues. And I would tell this audience as a whole
the Chief's Association and the Public Defender
Council, which essentially represents all the
public defenders in this state, have taken
basically four positions.

No. 1, we want to remain in the reimbursement
program. We think it's the best way to provide
services in this state.

No. 2, there are only 57 counties right now
that are part of the reimbursement program. We
want it mandated statewide that all counties have
to comply with those standards.

The third thing is we agree there has got to
be an enforcement body, which we do have basically
in place with the Public Defender Commission.

And the fourth final position is very
important. We recognize this is a home state rule
state, and that the decisions of how public
defender services are presented in each county
needs to be made by the county itself. They know
what is unique, and every court system there is in
every county is different. I've had the unique experience, I handled criminal cases in four states and the federal courts of two different states. Every court operates differently. And I think the decision as to how public defender services are done should be left at the county level.

And the ongoing thing, my good friend, Larry Landis, we have a lot of things we've disagreed about over the years, and this is one of them, and I still take this position. I truly believe that there needs to be a chief public defender, or at least a supervising attorney in every county who is accountable for the services being done in the county.

We've talked about different counties and how they present services. Noble County is unique. We've been in complete compliance with all case standards, including misdemeanors, since 1997. We are fully staffed. We have three full-time attorneys, four part-time attorneys. We have line items for experts. We have everything to us.

A lot of that's been done because I have judges and a county council and county commissioners who are willing to work with us, and we've been able to do that. And I truly think that
that is the best way to do the services at the county level. And I think there has to be someone, whether it's a chief, or whether we name a supervising attorney, that needs to be ultimately responsible in each county.

The problem I see, there's been some discussions about regional public defenders within the state, and I'm concerned about the thing that we're going to create is just simply another bureaucratic level. You create somebody who is simply a public defender, having to serve a number of counties, and we've created this new person that is going to have to be paid. They are not going to handle cases. They are going to have to have staff. They are going to have to have a budget for expenses that is not providing services to our clients.

The fact of the matter is the reimbursement program we have is excellent because if we mandate countywide that it has to be followed, we will ensure this, we will ensure that every public defender in the state has an appropriate caseload, is paid an appropriate salary, and has the resources available to them to handle cases.

And that's why I get back to we want to make
sure that we get at the level where we're actually providing money for individuals who are being represented; that the client has an attorney who is and does have the resources available to them.

The second thing I want to take up, and maybe I misread this from our last meeting when I spoke, we had an initial meeting with the Chief Public Defenders and the Public Defender Council back at the end of January at which I spoke. And maybe I misread it, but I thought there were some questions concerning the competency of the representation throughout the State of Indiana. And I want to address that because I think, if you look in the 57 counties that are part of the reimbursement program, you are getting excellent representation, as we've heard and seen in Allen County here. But I'd also go so far as to say if you go in the surrounding counties, you will find the exact same thing.

Noble County, we assign attorneys to specific cases, such as misdemeanors, F6 felonies. You've heard from my CHINS attorney. But what we do is we all have cross caseloads also. So we're not handling just one specific area. We do handle multiple ones.
Myself and my other major trial attorney on Mondays are handling major felonies, but on Wednesdays we're handling juvenile cases because we can do that and not overrun our caseload limits from there.

We have, in my misdemeanor court I have my most experienced public defender handling cases in there. He's an excellent litigator. He prefers handling the misdemeanor cases because he likes to get his cases done. Now, he also handles some other felonies.

And I think if you go through the smaller counties that are part of the program, you will see highly experienced attorneys handling misdemeanors, handling F6 felonies, which you don't always see in our larger counties.

I think if we take the approach of allowing the counties to determine how they provide public defender services at the county level, we will get the best possible systems.

Now, if a number of counties want to go together for whatever reason and think that's the best way to do it, then I am fine with that. But I think that needs to be left to the counties.

I truly don't believe a statewide system is
good, my experience being I practiced in Minnesota. I grew up in Noble County, but before I moved back I practiced in Minnesota. They went to a statewide system. It worked for a few years. But immediately, when there is a shortcoming, when you only have one governmental entity providing you services, funds have got to be cut.

Under the reimbursement program, we have both the counties and the state both invested in it, and so we have a much greater chance of being fully funded rather than taking the chance of putting it all with one governmental body.

That is basically what I wanted to cover.

And, no, you cannot bribe me.

MR. LANDIS: Wouldn't even try.

MR. BOTTORFF: I do have a question for the counties who aren't participating in the reimbursement program. Why do you think they don't participate in it? Is it the judges? Is it the council, commissioners don't feel the reimbursement is going to be there? What do you think the reason is?

MR. ABBS: In my opinion the reason the counties aren't initially coming into the program is because most of the time it's going to require
them to put out more money than they are presently expending. Some of these attorneys are handling astronomical caseloads. If they have to come within the program, they are all of a sudden going to see an immediate increase in what the budget is.

Now, and I'll use Noble County as an example because I know that, I truly believe that if they got involved in the reimbursement program, that the savings that they will get will decrease what they're actually expending.

I'll give you an example. In Noble County, when we became part of the reimbursement program, up until that time it was taking approximately eight months from the start of a case to get an individual sentenced. When we went within our present system to three people full time and part time, we cut that time down to five months. That's 90 days each one of those clients were spending in jail that the county was footing the bill for. It turned out within the first couple of years, I haven't kept those numbers recently, we were saving the county over a hundred thousand dollars.

The same thing with detention hearings. We were able to immediately become involved in detention hearings. So rather than having
juveniles stay those extra two or three days, and it adds up over a long period of time, you see savings.

Over the long term, if you become involved in the reimbursement program, you will see other savings that will come. Sometimes it's not hard dollars, and sometimes it's hard when the counties don't see that it will actually decrease the cost. I truly believe if each county got involved in the reimbursement program, there would be savings.

There was a question I forgot to answer about involvement of judges. I think if you go into the outlying counties, our judges do not get involved in the public defender process. And I have had judges from other counties come and talk to me, most all of them in the surrounding area. They are not actively interfering with what we are doing.

MR. BOTTORFF: Do you think that's because you are in the state program?

MR. ABBS: Yes.

MR. BOTTORFF: And if you weren't in the state program, it might be different?

MR. ABBS: Yes, absolutely. And no doubt the horror stories we hear, sometimes there are some judges that do not want to give up that power.
That's why we, as Chief's Association, that's why the council truly believes that we need to mandate this statewide because that will address that issue very, very quickly.

MR. CHURCHWARD: I don't know if it's appropriate to ask a question, but is the money there if every county got into the commission?

MR. ABBS: That is the major problem that nobody has been able to answer yet from there.

MR. CHURCHWARD: Because if all of a sudden all 92 counties jump in, then there's --

MR. ABBS: What did we estimate? Larry may know. We have estimates of what those numbers are. Larry knows those numbers.

MR. LANDIS: If all counties were in the reimbursement system, it would be about 70 million in expenditures that we can trace, and then we would need a good $15 million more.

But if you look at how the reimbursement system started, it started back when the Public Defender Commission was created in '89. It started at $650,000, reimbursing only death penalty cases. So we've grown it to $26 million. And that's based on, as the number of counties have increased every two years, the commission goes back for state
funding. And then depending on what the demand has been, and how many counties have opted in, asks the legislature to increase that amount.

So probably it would be an incremental increase. I doubt that, unless legislation was passed mandating it, then the legislature would have to come up with roughly $20 million, I think, additional new money, and that would have to happen at the same time it was mandated.

MR. ABBS: And I can tell you that's going to be problematic, because right now the prognostication is state revenue is supposed to be down the next two years, if everyone has seen that. And so that's part of the problem for us.

We've got to obtain funding, and that becomes a major problem when we look at the CHINS cases from that standpoint. And that's been one of the things that's really hit hard all of the counties. And because of those increasing numbers, and I would say this, we attempted, the Chief's Association, the Public Defender Council attempted to address that issue for the past two, three years, going to the legislators and saying to them, if you're going to increase funding on one side, you've got to give us some funds, because we are
going to see an increase in cases. And that's what had happened. At the same time, they always fund that.

And, again, a concern that I have always expressed is, in dealing with this issue, when we talk about CHINS cases, and we all understand we're talking about children, it's a very sensitive issue. From a legislative standpoint it's a good issue to be dealing with children.

At the same time, we can't lose total focus that we've got to look at the entire public defender system and not get to where we just focus in on the CHINS. And I'm very concerned that could potentially happen. I'm not downplaying the CHINS issue. It's a big one. But we've got to ensure that we address all of the issues that we're trying to.

Thank you, Judge Tinder. You said you weren't going to be able to be here, but I greatly appreciate you doing it by telephone. Thank you.

JUDGE TINDER: Mr. Abbs, it's a delight.

MR. ABBS: I don't know where you're at, Judge Tinder, but hopefully it's a warm spot that you're calling me from.

JUDGE TINDER: There is no ice and snow here.
That's all I can say.

MR. ABBS: We're catching up with you. It's all melting up here.

MR. LANDIS: David Frank, is there any other observation? I know you filed a lawsuit against Allen County. Are there any observations that are important for you to share with the task force?

MR. FRANK: Yes. Thank you. David Frank.

Larry is correct that in December 2015 we filed a lawsuit, my firm, over issues of systematic denial of counsel in Allen County on misdemeanor cases. This case deals specifically with again systematic constructive denial of counsel.

This has nothing to do with the quality and competency of individual attorneys. No individual attorneys were named. That was on purpose as, again, very cognizant of sensitivity around these issues, and rightfully so.

But there seems to be a broad-based agreement that public defense can be handled at the county level with just a little bit of tweaking, a little bit of clapping one another on the back and assuring that good will be done. In over two years that we've investigated this issue, I see no evidence for that. There is no evidence for that
in Indiana. There is no evidence for that in any other state.

In 2003 the county wrote itself a contract saying that, setting up all sorts of mechanisms for ensuring quality of representation at the felony and at the misdemeanor level. There were checks and balances. There were certain actions that people should take if there was ever an alarming decline in resources that affect the quality of representation.

Again, nothing to do with the skills of the individual defenders. The county has never been in compliance with its own standards, both at the misdemeanor level and at the oversight and supervision at the felony level. This has been long known both by the county and supervisors of the public defender system.

So to the proposition that what counties really need to do is buckle down and lift themselves up by their own bootstraps, that hasn't worked in over 15 years in Allen County. And it's certainly nice to see that there has been a one-time distribution of funds to address outrageous deficiencies in the level of representation and the denial of people's
constitutional rights, but there's no reason to think that's sustainable. I think most people would share my skepticism about a county's willingness to set funding and services for poor people at a priority level. It's not going to happen.

Jared brought up the fact that public defender clients across the state need to be spoken with and talked to. I would myself not welcome anyone scrutinizing the opinions of my clients, particularly former clients. This is not about individual representation. But I would say that I think that many people, including appellate defender clients and families of poor people who have been charged with a crime, would be horrified to learn that the chief deputy public defender and the chief deputy prosecutor are in agreement that things are working fine. This is an adversarial system.

MR. LANDIS: I'm going to just comment on the state public defender system because I know that term gets used, and people have reactions to that. It means different things to different people, and we probably ought to stop using it because I don't know that anybody is really thinking that Indiana
is going to suddenly go to a statewide system like a Minnesota one.

When we talk statewide system, I think it means more like state oversight, more state funding, some state structure to the system. Now it's 92 different counties. There is no oversight at the state level, even though the state has an obligation to oversee the provision of the Sixth Amendment services. That's been just delegated to the counties. And we have some places where it is great public defender services, and we have places where it is horrible, and everything in between.

And the challenge, I think, that the task force is facing, and this is where we really need your help down the road, is how to design a system so that you can have high quality delivery, maintaining county autonomy, maintaining local control, but with enough state oversight that you can do intervention and correction if there is a problem, if the system has gone wrong.

Or the other problem is we have rural counties where there are so few attorneys, not only could you not afford to have a chief public defender, but you can't even find two or three attorneys, and you can't find two or three attorneys to be on the
public defender board. So there really aren't attorneys. And there already are probably a dozen counties where the attorneys providing indigent defender services live in other counties; that there is nobody local that does public defender work.

So we're not just here to say we are going to fix Allen County because, quite frankly, that's not one of the counties, or even Noble County. But there are a number of counties where we've got systems that need help. And all of us need to join together to try to figure out, you know how public defenders should be provided. You know what quality looks like. How do we design a system that's going to provide high quality representation in all 92 counties? That is the challenge the commission is looking at.

Not to say our system is horrible; we need to blow it up and start over again. I don't think anybody is advocating that. I know people get defensive when they hear the words, state public defender system. Get away from me.

But, really, I think we are more likely to be looking at how can we figure out what is working now and build on that, and then help the places
that are not working so well, and design a system
so that there is an ability to, through the
oversight, you can detect where systems are
failing, where they might need more resources,
where they need to be replaced, and do that
intervention.

If you don't have state oversight, I don't
know how else it's going to happen.

MR. ABBS: We don't object to state oversight
in the Chief's Association and the Public Defender
Council. The only thing I was saying, you were the
one who made the statement if the state paid you,
you got state benefits. That was your statement.

MR. LANDIS: I was just checking to see where
the money was.

MR. ABBS: I know what you were doing. But
you were the one that headed down that road, so I
went there with it from there.

The other thing I would say to you, Larry, is
most of the counties we are talking about aren't in
the state reimbursement program. And that's the
critical factor that we are really talking about.
If we can get all the counties involved in the
reimbursement program, I think we can address most
of these issues, because then you are going to
finally start paying attorneys the salaries that they deserve to be. No doubt the benefits are a great pull out in the smaller, especially in the smaller counties. I know with my attorneys, my part-time people who get full benefits, that is a very, very big draw for them.

MR. LANDIS: Let me just throw another thought out there. That if there was a legislature or the Supreme Court mandated compliance with state statutes, right now we have a carrot-and-stick system. Small carrot, no stick. So let's say it was a mandated compliance with state standards, and the county was habitually out of compliance. What is the enforcement mechanism that would compel that county to get up to speed on the standards and comply?

That's what we need to figure out is how do you do an intervention? How do you do a takeover? How do you do a correction? What do you do if a county says we are not complying? We're not going to comply. We can't afford to comply. What's the sanction? What's the intervention? And who has the authority to do something so that we have adequate competent representation in all 92 counties?
MR. ABBS: I think if we put in that it's mandated statewide, that no doubt the commission would have the right, if they find a county out of compliance, to go in and a potential takeover could take place.

The big question then becomes funding. But the state also sends a lot of tax dollars back to the counties, and the state could say you are not going to get all your money. I think we have that in place, and that can be done simply by that aspect.

If it's state mandated, if it is state mandated, then no doubt we have to understand that the commission is going to have authority to come in and make sure we are in compliance. And if there is failure of compliance, then no doubt state takeover has to be a possibility from there.

And the big question always comes what about funding and everything. And like I said, I think the state funds enough dollars and cents to each of the counties that they could withhold funding. And I think, I truly believe that that will get the county's attention.

MR. LANDIS: Other thoughts? Anybody want to speak who hasn't spoken yet? New voices from the
wilderness or otherwise?

David, do you have any comments?

MR. BOTTORFF: I just want to say I appreciate everybody coming out. I certainly appreciate the passion that I see in the public defenders and those who are from other agencies trying to protect children. This has been a great meeting for me. Again, it's a listening tour, so I try not to talk too much when I'm on a listening tour, but I do appreciate everybody's passion when it comes to this.

We represent all 92 counties, so we try to support local control as much as possible. We often talk to counties who are not in the program about why they are not in the program, and sometimes it's fiscal issues, and sometimes it's an issue beyond the council and commissioners' control, I think, sometimes. Anyway, I appreciate being a part of the commission and being at the meeting tonight.

JUDGE TINDER: Larry, I want to thank you and David for being there on site, and of course remind everyone that the transcripts will be available so that all task force members will have a chance to see them. And, of course, anyone who spoken that
wants to supplement or add to their remarks or say things in writing that they didn't want to say in person, they are certainly welcome to add those to our materials online or talk directly with staff folks to convey that information.

But thank you all for participating. It was a very helpful session. Have a great evening.

MR. LANDIS: Thank you, John. Thank you for agreeing to be chairman. We appreciate it.

That concludes our meeting. Thank you all very much.

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