

Minutes of the
INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS
Public Defender Council Office
309 W. Washington St., Ste. 401
Indianapolis, IN

December 17, 2020

5:00 pm

Minutes

I. Call to Order – Mark Nicholson

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 5:03 pm EST on December 17, 2020. The meeting was chaired by Mark Nicholson.

All Board Members appeared by Zoom: Mark Nicholson (Chair), David Hennessy (Vice Chair), Deana Martin (Secretary), Christopher Shema, Bob Hill, Ashley Spolarich, Amy Karozos, Joel Schumm, Kay Beehler, and Julia Stevens. Not present was Jennifer Sturges. IPDC employees present via Zoom were: Bernice Corley (Executive Director), Michael Moore (Asst. Executive Director), Jack Kenney, Michael Wilson, and Diane Black.

II. Approval of Agenda and Minutes – Mark Nicholson

A motion was made by David Hennessy to approve the agenda, seconded by Deana Martin. The motion passed unanimously.

David Hennessy moved to approve the minutes from the Board Retreat (9/18/2020 & 9/19/2020), seconded by Deana Martin. Chris Shema asked that the minutes from day one of the retreat be amended to reflect the discussion about the INCourt Application. Deana Martin moved to approve the Board Retreat minutes with the amendment requested by Chris Shema, seconded by Amy Karozos. David Hennessy abstained from the vote. Chris Shema voted to approve the minutes from day one of the retreat (as amended). He abstained from voting on the minutes for day two as he was not present. All others voted in support. Motion passed.

III. Reports of Officers and Committees

- No officer reports
- **Executive Director Evaluation Committee:** Bob Hill provided a report from the most recent meeting of the Committee and a report from meeting with the Council's Executive Director, Bernice Corley
 - Bob explained the process of the evaluation in the past.
 - Bob reported morale is at a higher place for both staff and board members and that communication with board members and Council members

is improved. Bernice is inclusive of all board members in the Council's work.

- Board civility has improved.
- Bernice set out her goals during the review: 1. Appointment of counsel at first appearance, 2. Systemic improvements to public defense; 3. Holistic defense; 4. Peer evaluation for IPDC training program; 5. improving lobbying efforts by tasking board members and chief public defenders as well as utilizing subject matter experts; 6. improving accuracy and timeliness of board minutes.
- The overall relationship between the Board and the Executive Director is positive and is an improvement from past relationships.
- David Hennessy added that Bernice did a self-evaluation. The Committee also sought feedback from other stakeholders. Of those who responded, the feedback was positive, and commenters found Bernice to be collaborative and a good communicator for the Council and its members.
- **5:26 Strategic Planning Committee.** David Hennessy reported that this committee met for an organizational meeting and brainstormed a list of goals for 5 and 10 years out. In furtherance of the Committee's work, additional people will be recruited such as Chief Public Defenders, the Public Defender Commission, the State Public Defender, and a representative from the Judiciary. If anyone wishes to be a part of this Committee, please join. This Committee would also like to include members from non-commission counties. Another meeting is planned for mid- to late-January.
- **5:27 Training and Publications.** Committee met and discussed the following:
 - 2021 proposed a list of training events:
 - The proposed events comprise a mixture of live zoom, in-person training, and an on-demand training video library.
 - Annual meeting to be live in June. Trial Practice Institute and Paula Sites Capital Defense Seminar are also planned to be live in Brown County.
 - Fees and costs of training.
 - There is a commitment to provide free training events, while a charge will need to be assessed for some due to costs associated with hosting.
 - The Committee would like to secure sponsors/donors to defray the costs of training events and provide scholarships for attending training events.
 - LWOP training will take place in the off years of the Paula Sites Capital Defense Seminar. Accordingly, the next LWOP training event will be in 2022. The Trial Practice Institute will have alternating juvenile delinquency and OVWI tracks.
 - It was discussed that there may be a mentoring opportunity by using the case review service as a method to connect more experienced attorneys with lesser experienced attorneys.
 - Brainstorm ways to identify people who may be interested in becoming mentors.
 - David Hennessy raised concern that the 2021 training schedule is being set at the committee level without getting full board approval. He would like the full 2021 training schedule brought to and approved by the full board.
 - 2021 training schedule will be added to the January 2021 Board meeting.

- Chris Shema asked about the number of case reviews being conducted by IPDC Diane shared that 100 case reviews have been conducted so far in 2020. Chris Shema suggested when possible we group case reviews of maybe two or more so that participants can learn from each other and ease demand on staff as we all anticipate more case reviews coming. Grouped by types of case or regions and when we develop mentors that local mentors be used in local case reviews.
- Publications. Chris Shema shared information regarding the INCourt application. The Forensic Manual is in the works. Deana, Diane, and Jack are working on the Forensic Resource. The update to the Performance Guidelines needs to be completed and uploaded.
- **5:59 Policy Committee.** Amy Karozos shared that she will be scheduling a meeting of the policy committee shortly.

IV. Report of the Executive Director:

- Bernice shared highlights from the budget forecast for the State of Indiana. The forecast predicts that Indiana will end the biennium with the nearly the same amount as it started.
- She shared that she has received questions from members about whether public defenders are considered essential workers for purposes of receiving COVID vaccine.
 - Phase II of vaccine roll-out includes jail and corrections workers who regularly have contact with those in-custody.
 - Bernice inquired with the Governor's office whether public defenders will be considered in Phase II and asked the Governor's office to include public defenders, as well as other criminal justice stakeholders, as essential workers to receive the vaccine at the earliest possible date.
 - Legislation. Currently nailing down authors, bill draft language, and working collaboratively with other stakeholders.
 - Chris Shema asked about the traffic amnesty bill. Can it be extended one additional year. Bernice shared that the original author, Rep. Robin Shackleford, intends to file the legislation and ask that it be deemed an emergency so that it would be effective once signed by the Governor.

- V. Report of the Assistant Executive Director:** Michael Moore shared that his report would be included in the Old Business section.

VI. Old Business

- a. INCourt App update
 - Michael Wilson made some updates to the application and shared them with the Board.
 - Bob Hill asked that Commission standards be added to the application.
 - Chris Shema moved to publish the INCourt application with the addition of Commission standards. Seconded by Bob Hill. Motion carried.
- b. Bylaws for the IPDC Board of Directors;
 - Michael Moore shared a draft of by-laws.
 - Board discussed the draft
 - The definition of 'member' was discussed

- The definition of 'member' is duplicated in the draft and one of the definitions needs to be removed.
 - Discussions were held on who would be able to vote for members, i.e. only members within a region to vote for a candidate within that region or all members?
 - Board engaged in a discussion about how to diversify Board membership, including practice area, geography, and other aspects. To achieve diversity, it may be necessary to create an advisory board. No decisions were made.
 - 6:58 Julia Stevens moved to establish a committee to propose to the Board how election to the IPDC board of directors will occur and on the following topics: election eligibility, geographic, practice area, race, and other diversity as well as term limit provision. Deana Martin seconded the motion. Motion passes. Julia will send an email at a later date to see which members are interested in serving on this committee.
- c. Transition from Chatter;
- Michael Moore shared that Amy Karozos' office, the Office of the State Public Defender, have servers available that could be used to house listservs in the same format as the previous listservs
 - Mike is working with staff at the PDO to mirror what the old listservs looked like
 - Timeline depends on state IOT helping staff copy the old listserv onto the PDO's servers
 - This is a short-term solution, possibly two years
 - We're waiting on IOT to help identify a contact person to help with moving the old listservs to PDO
 - David Hennessy asked that Michael Moore speak with Michael Ausbrook to get ideas to move the listservs to another server site, like IU McKinney
 - Michael asked for consent of the board to move forward with the idea of using PDO while simultaneously exploring other solutions by engaging with members, and to implement the PDO solution if it can be done. Chris Shema made a motion provide such consent and proceed with deliberate speed to get back as close to defendnet as possible. Seconded by Ashley Spolarich. Motion passed.
- d. Social events to engage members in 2021
- Chris Shema would like IPDC to host social events in order to bring members back into engaging with each other outside training.
 - Maybe night before large event, like Annual.
 - Could be incorporated as a fundraiser.

VII New Business:

- Amy discussed the issue with DCS and drug testing. There has been information regarding the falsification of information related to drug testing.
- Joel explained the process of emergency rulemaking.
- Joel made a motion that IPDC would file a petition for emergency rulemaking to the Supreme Court of Indiana to engage in rulemaking to address the issues related to false drug lab reports in CHINS/TPR matters. Seconded by Bob Hill. The motion passed unanimously.
- David Hennessy brought up the need to create a board primer. The primer would be a type of handbook to aid new board members. David asked which

committee should take this on. Kay liked the idea and suggested maybe a Board orientation. Amy suggested the Policy Committee. David agreed.

- Chris suggested making the pamphlet that David created that explains the various roles of the different state public defender agencies be assigned to the Training, Publications, and Technology Committee.

VII Adjourn: 7:58

- Motion to adjourn made by Chris Shema, Deana Martin seconded. Motion passes unanimously.