

INDIANA PUBLIC DEFENDER COUNCIL
BYLAWS

**Indiana Public Defender Council
309 W. Washington St., Suite 401
Indianapolis, IN 46204-2725**

Dated: _____

ARTICLE I
MISSION, ORIGIN, STATUTE

Section 1 Mission Statement. The mission of the Indiana Public Defender Council shall be to further the practice of criminal defense and child welfare law in the most efficient and professional manner and to operate for the mutual benefit of all public defenders, contractual pauper attorneys and other court-appointed attorneys regularly appointed to represent indigent adults and children.

Section 2 Services. The Council fulfills its mission by providing the following services:

- (a) Training;
- (b) Technical assistance
- (c) Publications;
- (d) Research;
- (e) Consultation on strategy and tactics;
- (f) Sentencing and mitigation support;
- (g) Technical assistance on office automation and information systems; and
- (h) Liaison contact with the General Assembly, study commissions, organizations and governmental entities.

ARTICLE II
MEMBERSHIP

Section 1. Eligibility. The membership of the Council consists of all public defenders, contractual pauper counsel, and other court appointed attorneys regularly appointed to represent indigent adults and children. For purposes of determining membership in the Council, “other court appointed attorneys regularly appointed to represent indigent individuals” means any attorney who is appointed to represent indigent individuals pursuant to a uniform system of periodic appointments where the right to counsel is established by law or is on the list maintained by the Public Defender Commission of attorneys qualified to be appointed in a capital case under Criminal Rule 24 and is willing to accept such an appointment.

Section 2. Admission to Membership. Admission to membership shall be:

- (a) by application upon forms provided by the Council; and,
- (b) upon payment of annual dues, if any, as determined by the Council’s Board of Directors.

ARTICLE III
BOARD OF DIRECTORS AND OFFICERS

Section 1. Pursuant to Ind. Code § 33-40-4-3, there shall be a Board of Directors.

Section 2. The Board of Directors shall be composed of (11) members, ten (10) of whom shall be elected by the entire membership of the council. The eleventh member is the state public defender appointed under Ind. Code § 33-40-1-1.

Section 3. Regional Representation.

- (a) There shall be five (5) geographical regions from which a person may be elected.
- (b) The geographic regions shall be determined by the map of geographical regions attached herein and referenced as Exhibit ###.
- (c) Not more than two (2) members shall be elected from the same geographical region.
- (d) A candidate's geographic region shall be determined by the county wherein the candidate primarily provides indigent representation.

Section 3. Term. The term of each member of the Board of Directors shall be as follows:

- (a) Each elected member of the Board of Directors shall serve for a term of two (2) years.
- (b) No member of the Board of Director may serve more than three (3) consecutive terms as a member of the Board of Directors.
- (c) A member of the Board of Directors described in subsection (b) is eligible to serve on the Board of Directors after not serving as a member of the Board of Directors for at least two years.

Section 4. Officers. The officers of the Board of Directors shall be the Chair, Vice-Chair and Secretary.

Section 6. Duties. The Board of Directors shall have the following duties:

- (a) Appointment, support and monitoring the Council's executive director;
- (b) Clarify the mission of the organization;
- (c) Approve long term plans;
- (d) Ensure financial stability;
- (e) Assess board performance;
- (f) Oversees the administration and monitoring of grants; and,
- (g) Conduct regular meetings.

ARTICLE IV

ELIGIBILITY, NOMINATION AND ELECTION OF BOARD MEMBERS

Section 1. Annual Election. The Council shall hold an annual election of five members to serve on the Board of Directors. The election shall occur on the date of the Council's Annual Update Conference or another time as determined by the Board of Directors.

Section 2. Eligibility. Any member of the Council, as described in Article II, is eligible to be a candidate for the board. Any candidate is likewise eligible to vote for the board at the election or by absentee ballot in accordance with procedures set by the board.

Section 3. Board Recruitment Committee. The board may authorize the appointment of a committee for the purpose of recruiting and recommending candidates for the board.

Section 4. Nomination of Board Candidates. Nomination shall be as follows

- (a) By not later than 90 days before the Council's Annual Update Conference, the Council shall open nominations and make available any forms and processes for candidates to submit their intentions to be considered as a candidate.
- (b) By not later than 45 days before the Council's Annual Update Conference, any member described in Article II who is in good standing and wishes to be considered as a candidate must submit a notice in the manner or form prescribed by the Council.
- (c) The Council shall, not later than 45 days before the Council's Annual Update Conference, provide a platform to allow any member to vote electronically Conference and keep said platform open and accessible up to and during the Annual Update Conference
- (d) Any member described in Article II who is in good standing and present shall be entitled to vote during the times determined by the Council's Board of Directors.

ARTICLE V VACANCIES

Section 1. Vacancy of Chair. In the event of a vacancy in the office of Chair, the Vice-Chair shall automatically become Acting Chair until such time as the next annual election. Vacancy of the Vice-Chair shall be filled by appointment by the Chair with the consent of a majority of the members of the Board of Directors for the unexpired term of such office.

Section 2. Vacancies. Any other vacancy not occurring as a result of the events described in Section 1 shall be filled by the Chair with the consent of a majority of the existing members of the Board of Directors for the unexpired term of such office.

ARTICLE VI REGULAR AND SPECIAL MEETINGS

Section 1. Regular Meetings. The Board of Directors shall meet at least one time annually and at other times as specified in Section 2 of this Article.

Section 2. Special Meetings. (1) Special Meetings may be called by the Board Chair

and shall be called when:

- (a) the Chair determines that such a meeting should be called;
- (b) a majority of the board members vote to call such a meeting; or,
- (c) a written request to hold a special meeting is made by at least three members of the Board of Directors.

(2) if a written request is made under subsection (c) of this Section, the Executive Director shall poll the members of the Board of Directors to determine a mutually agreeable meeting date, time and location. A meeting under this subsection shall occur within 21 days of the written request.

Section 3. Quorum. A presence of a majority of the members of the Board of Directors shall constitute a quorum for the transaction of any business.

Section 4. Order of Business. The order of business of meetings of the board shall be as follows:

1. Roll call.
2. Review and approval of the minutes of the preceding meeting.
3. Reports of officers.
4. Reports of committees.
5. Report of Executive Director
6. Report of Assistant Executive Director
7. Old Business
8. New business.
9. Adjournment.

ARTICLE VII DUTIES OF OFFICERS AND TERMS

Section 1. Board Officers and Terms. Officers of the board shall be elected by the board at the first board meeting following the annual election. Officers serve for a term of one (1) year and may serve for an additional consecutive term. No officer may serve for more than two (2) terms, consecutively.

Section 2. Chair. The Chair shall preside at all meetings of the Board of Directors and shall have such other powers and shall perform such other duties as usually pertain to the office of a presiding officer. With the advice and approval of the Board of Directors, the Chair shall appoint all committee members and designate the Chairs thereof.

Section 3. Vice Chair. The Vice Chair shall perform all the duties of the Chair during the Chair's absence or disability and such other duties as the board of directors may prescribe.

Section 4. Secretary. The Secretary keeps or causes to be kept a true and complete record of the proceedings of all meetings, and such other duties as the board of directors may prescribe.

Section 7. Executive Director. The Board of Directors shall prescribe such powers and duties for the executive director as they may by written resolution deem necessary, which powers shall be in additions to those prescribed by law.

ARTICLE VIII. AMENDMENTS

Section 1. Amendments to By-Laws. These By-Laws may be amended in accordance with the following procedure:

- a) Within five business days of the date on which A copy of any proposed amendment to the By-Laws shall be provided electronically to any member described in Article II.
- b)

ARTICLE VIII GIDEON AND GAULT AWARDS

Section 1. Purpose of awards. The Gideon and Gault Awards were established by the Board of Directors of the Indiana Public Defender Council to annually recognize a lawyer who has demonstrated an outstanding degree of commitment, competency, and professionalism in representing adult and youth clients. The awards are named in honor of the U.S. Supreme Court's decisions in *In re Gault* and *Gideon v. Wainwright*, which established the right to counsel in adult criminal and juvenile delinquency cases.

Section 2. Who may nominate. Any member described in Article II who is in good standing and is not a member of the Board of Directors may nominate an attorney for the Gideon and/or Gault awards.

Section 3. Nomination form. The Council shall establish the form and process

Section 4. Nomination of Gideon/Gault Candidates. Nomination shall be as follows

- (a) By not later than 90 days before the Council's Annual Update Conference, the Council shall open nominations and make available any forms and processes for members to nominate a candidate.
- (b) By not later than 45 days before the Council's Annual Update Conference, any member described in Article II who is in good standing and wishes nominate a candidate must submit a notice in the manner or form prescribed by the Council.
- (c) By not later than 30 days before the Council's Annual Update Conference, the Board of Directors shall meet and choose the recipient of both the Gault and Gideon awards. The recipients shall be selected by majority vote of the Board of Directors.

Section 5. Eligibility to receive award. An employee or contractor of the Council is ineligible to be nominated for and receive either the Gault or Gideon award.

SECTION 3

3. Membership

3.1 Members

Under I.C. 33-40-4-2, membership of the Council consists of all public defenders, contractual pauper counsel and all attorneys regularly appointed to represent indigent individuals.

For purposes of determining membership in the Indiana Public Defender Council, “other court appointed attorneys regularly appointed to represent indigent individual” in IC 33-40-4-2 means any attorney who is appointed to represent indigent individual pursuant to a uniform system of periodic appointments or is on the list maintained by the Public Defender Commission of attorneys qualified to be appointed in a capital case under Criminal Rule 24 and is willing to accept such an appointment.