

## **IPDC BOARD MEMBER HANDBOOK**

- I. The Indiana Public Defender Council
  - A. Mission and Purpose
  - B. History
  - C. Staff Organizational Chart
  - D. Highlights of IPDC to Date
  - E. Strategic Plan(s)
  - D. Current Programs and/or Initiatives
- II. The IPDC Board
  - A. Role & Responsibilities of The Board
  - B. Bylaws
  - C. Current Board Members (Bio / Photo / Contact Info)
  - D. Board Committees
- II. Board Meetings
  - A. Schedule of Meetings
  - B. Board Retreat
  - C. Minutes of Past Meetings
  - D. Agenda for Next Board Meeting
  - E. Conduct of Board Meetings
- III. Fiscal and Budget Matters
  - A. IPDC Budget
  - B. Audits by State Board of Accounts

C. Recent Monthly Financials (3 months ? 1 month ?)

D. Fundraising

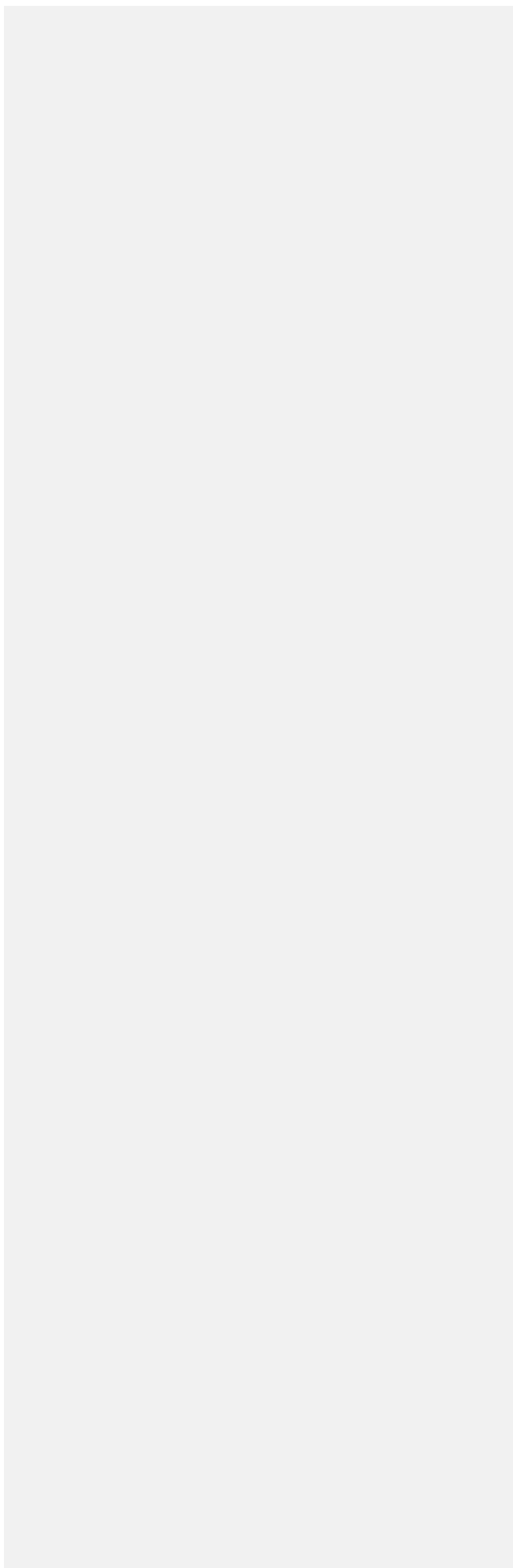
IV. Legal and Ethical Considerations

A. Conflict of Interest Policy and Advisement

B. Indiana Open Door Law

C. Executive Sessions

DRAFT



## I. The Indiana Public Defender Council

### A. Mission and Purpose

**Commented [AEK1]:** From draft bylaws

### B. History

The Council began as a grant-funded training project in the office of the Public Defender of Indiana in March 1976. The first grant from the Indiana Criminal Justice Planning Agency (ICJPA) awarded the Public Defender of Indiana \$38,000 of Law Enforcement Assistance Administration (LEAA) funds to do the following:

- (1) conduct three statewide seminars for public defenders.
- (2) publish a bi-weekly Criminal Law Digest.
- (3) prepare training manuals for the three seminars.
- (4) publish a bi-monthly newsletter.
- (5) conduct research for public defenders; and
- (6) publish a trial manual.

In 1977, the General Assembly created the Indiana Public Defender Council in I.C. 33-9-12 which was effective on August 17, 1977. The Council's enabling statute was patterned after the 1973 legislation which created the Indiana Prosecuting Attorneys Council. Under I.C. 33-9-12-3, the Public Defender of Indiana served as the Executive Director of the Council, which was housed in the office of the Public Defender of Indiana. In 1980, the General Assembly amended I.C. 33-9-12-3, changing the Public Defender of Indiana from the Executive Director to a statutory, non-elected board member and authorizing the Council's board of directors to hire an Executive Director. In 1980, the board hired the Council's training director, Larry A. Landis, as the Executive Director. Larry remained Executive Director until his retirement in 2018. Bernice Corley was hired by the board and became Executive Director in 2018.

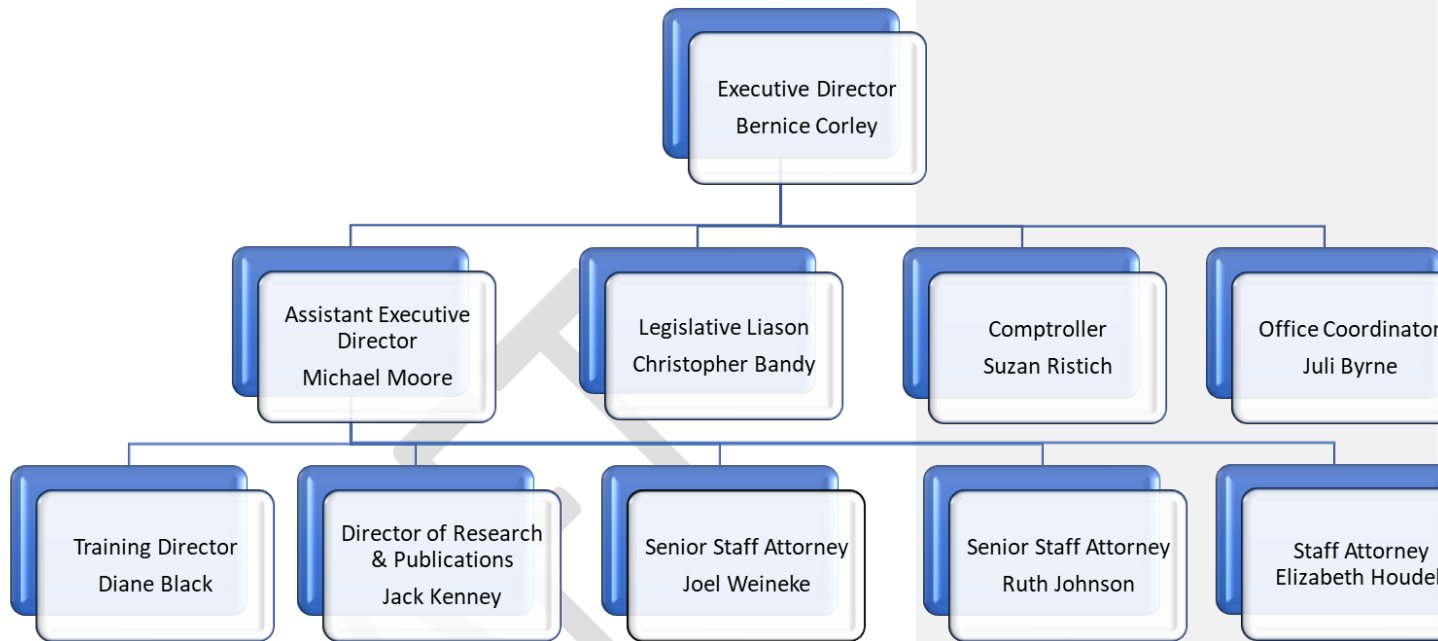
**Commented [AEK2R1]:** When approved, the mission statement from the draft bylaws will be added. That draft reads:

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.

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.

### C. Staff Organizational Chart



- D. Highlights of IPDC to Date
- E. Strategic Plan(s)
- D. Current Programs and/or Initiatives

## II. The IPDC Board

### A. Role & Responsibilities of The Board

The only statutory responsibilities for the board are that they are to direct the activities of the Council, I.C. 33-40-4-3, and that they may "...employ an executive director, staff, and clerical personnel to carry out the council's purposes." IC 33-40-4-4. The bylaws provide **that** the Board hires an Executive Director who hires and manages staff as needed. A current organizational chart has been provided.

Historically there has been tension between perceived micro-managing and the obligation for the Board to direct the activities and its responsibility to monitor and assure fiscal responsibility and the quality of services and activities. It is a delicate balance that has been often discussed and of which board members should be ever mindful. The Board's primary function is to represent the members of the council by identifying needs, setting priorities and giving guidance to the Executive Director.

Board members have always received all publications and manuals and attended training at no cost so that they can assess quality. The Board was very involved in developing the **Performance Guidelines, available to members in IPDC's online Publications and Materials.** Board members have participated in drafting and editing manuals and publications and presented at seminars upon request.

Expectations of Board Members are that they will participate in: case reviews to assist members in litigating their cases, brainstorming and mooting to assist members in preparing for oral argument, research and drafting of Amicus briefs. By participating in these activities Board Members build relationships, including mentoring relationships with members throughout the state. Board members become aware of regional and local issues throughout the state and the level of practice by members. Members benefit from the invaluable knowledge, skill, and support from Board Members.

### B. Bylaws

BY-LAWS AND PERSONNEL AND POLICY MANUAL

**Commented [AEK3]:** When bylaws are adopted, the section describing board duties will be added here. The current draft reads:

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.

**Commented [b4]:** Where are these found? Should we include either a link, OR say where they can be found?

**Commented [AEK5R4]:** Don't think we can link since members have to sign in to access. .

By-laws establishing policy and procedure for the board and board elections were established in 1978. In 1981 a Personnel and Policy Manual was created which replaced the by-laws and combined board policy and procedure with organizational information and personnel policy. The by-laws required member approval while the Manual did not. The Manual was last updated in 2016. The concept of by-laws returned in 2014 and a committee chaired by Gojko Kasich worked on drafts for two years. In late 2015 the board decided to continue with the Manual. By-laws returned in 2020 and were adopted in 2021.

[\[Link to approved Bylaws to be added here\]](#)

The Mission statement in the Manual ~~is was~~: “The mission of the Public Defender Council (Council) is to improve legal representation provided at public expense in state courts in Indiana.”. The Manual contained a management philosophy described as: “The management philosophy of the Council is premised upon participatory planning and decision making, delegation of authority and tasks, and accountability for performance and results.” The Core Organizational Values were described as: “The following are the ground rules critical for the Council's success.

1. To understand the mission of the Council and to maintain an active commitment to its accomplishment.
2. To recognize and appreciate that effective and zealous advocacy by the Council staff and members is vital to the protection and preservation of fundamental rights and freedoms of all persons.
3. To form and encourage partnerships with Council members and their clients characterized by a commitment to continuously improve our responsiveness to their needs.
4. To form and encourage partnerships with other persons, organizations and governmental agencies to continuously improve indigent defense services.
5. To provide excellent products and services consistent with fiscal accountability and the highest standards of ethical behavior.
6. To develop a high performance work culture by:
  - using the unique abilities and contributions of each individual and empowering everyone to perform to his/her fullest capabilities;
  - valuing creativity, initiative, teamwork, and accountability for results;
  - using honest, direct, and open communication, and

**Commented [AEK6]:** The policy manual will still be in effect, correct? So do we want to link to that as well?

acknowledging and working through conflicts while respecting personal boundaries;

- implementing policies and practices that promote inclusiveness and cultural diversity except where inconsistent with State Personnel policies; and
- recognizing that our work can take a serious emotional, physical, and spiritual toll, and encouraging and supporting each other in addressing our wellness needs in healthy ways.

Commented [AEK7]:

Formatted: Font: Not Bold, Font color: Auto, Not Highlight

C. Current Board Members [short bios to be added]



Mark Nicholson, Chair

[mark@marknicholsonlaw.net](mailto:mark@marknicholsonlaw.net)

317.667.0718

Indianapolis, IN



David Hennessy, Vice Chair

[hen@indylaw4all.com](mailto:hen@indylaw4all.com)

317.636.6160

Indianapolis, IN



Deana Martin, Secretary

[deana.martin@indy.gov](mailto:deana.martin@indy.gov)

317.327.4660

Indianapolis, IN



Kay Beehler

beehler924@gmail.com  
410.591.1859  
Terre Haute, IN



Robert Hill  
Robert.Hill@indy.gov  
317.327.7914  
Indianapolis, IN



Amy Karozos  
akarozos@pdo.in.gov  
317.232.2475  
Indianapolis, IN

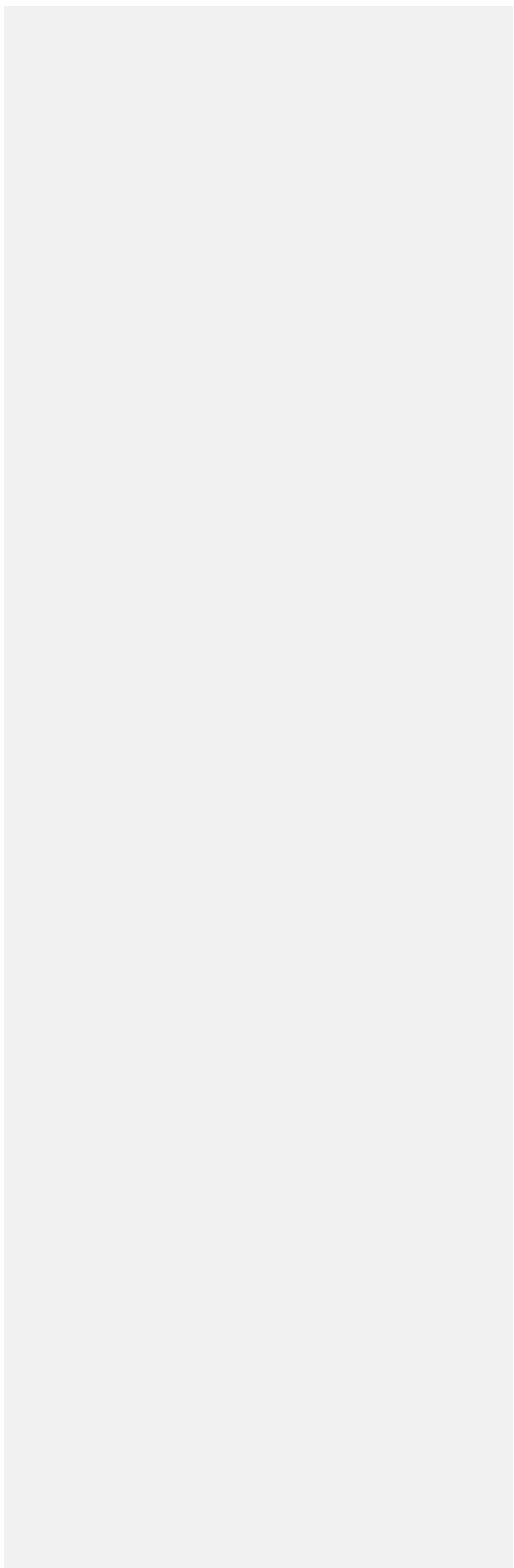


Joel Schumm  
JoelSchumm@aol.com  
317.278.4733  
Indianapolis, IN



Chris Shema  
cshema@shemalaw.com  
812.234.2959  
Terre Haute, IN

DRAFT







Ashley Spolarich  
aspolarich@tippecanoe.in.gov  
765.423.9214  
Lafayette, IN



Julia Stevens  
Julia.Stevens@indy.gov  
317.327.5988  
Indianapolis, IN



Jennifer Sturges  
jennifer.sturges.rgwr@gmail.com  
812.663.4441  
Greensburg, IN

D. Board Committees

i. Strategic Planning Committee

Purpose:

Members:

ii. Training Committee

Purpose:

Members:

iii. Policy and Liaison Committee

Purpose: (1) identify legislation and policy issues on which the Council should take a position; (2) make policy recommendations to board; (3) assist staff in maintaining liaison contact with local, state, and federal study commissions, organizations, and

agencies re: indigent defense; and (4) make recommendations to board re: legislative or policy changes in indigent defense services in Indiana.

Members: Amy Karozos, chair; David Hennessy, Kay Beehler, Joel Schumm

### III. Board Meetings

#### A. Schedule of Meetings

#### B. Board Retreat

Once a year the board gathers for a retreat working all day Saturday and part of Sunday if necessary. Traditionally the retreat has been held at a state park or resort type setting selected by the chairperson. **There is usually a dinner the Friday before to promote unity and camaraderie.** Families or significant others are welcome. The purpose **of the Retreat** is to assess the status of the Council's finances and fulfillment of its mission and to plan the training and other activities for the next year. It includes brainstorming to increase participation of members, ways to improve what is being done and new ways to fulfill the mission. The board sets priorities and provides guidance for the Executive Director and staff to implement them. As you might expect the retreat in 2020 was done remotely. It remains to be seen if there will be a return to tradition or if a new one has been born.

**Commented [b8]:** I just moved this sentence so it didn't sound like the Friday night dinner was for the purpose of assessing status of finances, etc. 😊

#### C. Minutes of Past Meetings

Minutes of past IPDC Board meetings can be accessed at:  
<https://www.in.gov/ipdc/board-and-staff/board-meeting/>

#### D. Agenda for Next Board Meeting

#### E. Conduct of Board Meetings

### III. Fiscal and Budget **Matters**

#### A. IPDC Budget

#### B. Audits by State Board of Accounts

#### C. Recent Monthly Financials (3 months ? 1 month ?)

#### D. Fundraising

**Commented [AEK9]:** Suzan will provide content along with the financial summary suggested by David .

## IV. Legal and Ethical Considerations

### A. Conflict of Interest Policy and Advisement

### B. Indiana Open Door Law

The Open Door Law, Indiana Code 5-14-1.5-1, states that government agencies must hold official meetings of a majority of their governing body, such as council or board meetings, publicly.

Agencies must give public notice of any public meeting or executive session at least 48 hours, not including weekends or legal holidays, in advance. The notice must include the date, time, and location of the meeting or session. The agency must post the notice on the outside of its main office or at the meeting location. It must send notices to any media that asked by January 1 of the current year to receive them.

**A notice for an executive session must state the specific part of the Open Door Law that allows it to be a private meeting.**

**Commented [b10]:** This is stated in the Executive Session section below.

Agencies must keep memoranda of each public meeting and make them available to for inspection and copying within a reasonable time after the meeting. Memoranda generally include:

Date, time, and place of the meeting  
Members present or absent  
General information on matters discussed or decided  
Record of votes taken, listed by individual if a roll call vote was taken  
Agencies must also make any minutes taken available for inspection and copying.

Detailed information on the Open Door Law, can be found in the Handbook on Indiana's Public Access Laws.

[https://www.in.gov/pac/files/PAC\\_Handbook\\_09\\_25\\_12.pdf](https://www.in.gov/pac/files/PAC_Handbook_09_25_12.pdf)

**IPDC posts notice of Board meetings online and at the public entrance to the office. ...[ on the website? ] [ in the office ?]**

**Commented [b11]:** Just a question: should we include this here??

### C. Executive Sessions

Executive sessions are closed to the public and generally fall into one of these categories:

- Discussion of collective bargaining, litigation, or security system strategies

- Session to receive information about and interview prospective employees
- Discussion of records classified as confidential by state or federal law
- Discussion of job performance or discipline of individual employees

When an agency holds an executive session, any vote on a motion, proposal, resolution, or ordinance must take place in a public meeting. A notice for an executive session must state the specific part of the Open Door Law that allows it to be a private meeting. The minutes and memoranda for executive sessions must identify the specific part of the Open Door Law that allowed it to be a private meeting. They must also state that no other matters were discussed during the session.

DRAFT

