

**INDIANA PUBLIC DEFENDER COMMISSION**

**March 18, 2020**

**2:00 PM**

**309 W. Washington, 5<sup>th</sup> Floor, Commission Conference Room  
Indianapolis, Indiana 46204**

**Members present:**

Mark W. Rutherford, Chairman  
Mr. Richard Bray  
Ms. Bernice Corley (by phone)  
Hon. Kelsey B. Hanlon (by phone)  
Mr. David J. Hensel (by phone)  
Rep. Ryan Lauer (by phone)  
Hon. Steven P. Meyer (by phone)  
Hon. Mary Ellen Diekhoff (by phone)  
Rep. Ryan Dvorak (by phone)  
Sen. Eric Koch (by phone)

**Staff present:**

Derrick Mason  
Andrew Cullen  
Andrew Falk  
Torrin Liddell (by phone)  
Jennifer Pinkston (by phone)

**Audience members:**

Ray Casanova (by phone)  
Mark Clark (by phone)

**Members absent:**

Sen. Gregory G. Taylor

Chairman Mark Rutherford called the meeting to order at 2:00 p.m. All present introduced themselves.

**1. Approval of Minutes of the December 18, 2019 Meeting.**

The Chairman inquired whether there were any changes to the Minutes of the December 18, 2019 Meeting. Hearing none, Mr. Bray moved to approve the Minutes. Judge Hanlon seconded the motion. The motion carried unanimously.

Mr. Mason noted that the Commission will continue posting the minutes early on the website to allow Commission members to review them prior to the next meeting, as well as for public information.

**2. Financial Status of Public Defense Fund**

Mr. Mason provided the current status of the Fund, which is sufficient to pay the 4Q2019 reimbursement requests.

### 3. Internal Budget Amendment

Mr. Mason noted that it is an unanswered question whether line item changes to the budget, which do not impact the budget as a whole, need to be approved by the Commission.

Nevertheless, he informed the Commission that changes to certain line items need to be adjusted due to rent and Indiana Office of Technology changes (as per the budget excerpts below). Mr. Mason further informed the Commission that it is still the intent to hire another attorney this fiscal year.

The Commission’s original FY20 budget was proposed and approved as below:

<b>Fiscal Year 2020 Projected Budget</b>			<b>% Total Budget</b>
Payroll	\$	605,747.47	
Travel	\$	20,000.00	
Interagency Charges	\$	12,000.00	
Rentals	\$	28,920.00	
Admin Ops/Supplies/Misc Charges	\$	15,000.00	
Contractual	\$	126,546.00	
<b>Total</b>		<b>\$ 808,213.47</b>	<b>2.67%</b>
<b>Annual Budget Remaining for Reimbursement (Excluding Reserve)</b>		<b>\$ 29,411,786.53</b>	<b>97.33%</b>

<b>FY2020 Amendment Requested</b>		<b>Change</b>	<b>% Total Budget</b>
Payroll	\$	605,747.47	\$ -
Travel	\$	20,000.00	\$ -
Interagency Charges (IOT, etc.)	\$	15,500.00	\$ 3,500.00
Rentals	\$	33,220.00	\$ 4,300.00
Admin Ops/Supplies/Misc.	\$	15,000.00	\$ -
Contractual	\$	126,546.00	\$ -
		<b>\$ 816,013.47</b>	<b>2.70%</b>
<b>Annual Budget Remaining for Reimbursement (Excluding Reserve)</b>		<b>\$ 29,403,986.53</b>	<b>97.30%</b>

Chairman Rutherford inquired whether there were any questions or concerns. There were none. Mr. Bray moved to approve the requested changes. Judge Diekhoff seconded the motion. The motion carried unanimously.

**4. Requests for 50% Reimbursement in Capital Cases**

Mr. Mason reported that there is only one request for capital reimbursement, from Marion County, in the amount of \$4,951.23. Staff recommended full reimbursement.

**INDIANA PUBLIC DEFENDER COMMISSION**

Reimbursement Requests in Capital Cases  
March 18, 2020

COUNTY	DEFENDANT	TOTAL
Marion	Brown	<b>\$4,951.23</b>
<b>TOTAL</b>		<b>\$4,951.23</b>

Mr. Bray moved to approve the reimbursement. Rep. Lauer seconded the motion. The motion carried unanimously.

**5. Status of County Compliance with Non-Capital Caseloads**

Mr. Mason noted that overall compliance has fallen from 87% in 3Q2019 to 85% in 4Q2019. Nevertheless, there are no significant issues, and he does not recommend that any 90-day letters be sent. He observed that Lawrence County has the most serious concerns but he believes that the Commission can wait to see if they return to full compliance.

**6. Requests for 40% Reimbursement in Non-Capital Cases**

Mr. Mason explained that the Commission did not reimburse Sullivan County for 3Q2019 due to desk audit concerns. Sullivan County has since modified their request and have changed their reporting procedures. The current request includes both third and fourth quarter. Staff recommended full reimbursement.

**INDIANA PUBLIC DEFENDER COMMISSION**

Fourth Quarter 2019 Requests for Reimbursements in Non-Capital Cases  
**3/18/2020**

COUNTY	Late Factor	2019 Period Covered	Total Expenditure	Adjustment For Non-Reimbrsbl	% of Adjstmt	Eligible Expenditure	40% Reimbursed
ADAMS	0.00	10/1-12/31	\$104,379.24	\$13,845.06	13%	\$90,534.18	\$36,213.67
ALLEN	0.00	10/1-12/31	\$1,143,676.33	\$79,600.47	7%	\$1,064,075.86	\$425,630.34
BENTON	0.00	10/1-12/31	\$20,906.41	\$6,968.80	33%	\$13,937.61	\$5,575.04
BLACKFORD	0.00	10/1-	\$52,298.88	\$13,244.05	25%	\$39,054.83	\$15,621.93

	0	12/31					
BROWN	0.0 0	10/1- 12/31	\$84,456.61	\$11,526.58	14%	\$72,930.03	\$29,172.01
CARROLL	0.0 0	10/1- 12/31	\$48,730.69	\$15,861.48	33%	\$32,869.21	\$13,147.68
CASS	0.0 0	10/1- 12/31	\$184,472.97	\$25,384.62	14%	\$159,088.35	\$63,635.34
CLARK	0.0 0	10/1- 12/31	\$353,925.78	\$4,492.76	1%	\$349,433.02	\$139,773.21
CLINTON	0.0 0	10/1- 12/31	\$109,991.87	\$17,705.44	16%	\$92,286.43	\$36,914.57
<b>CRAWFORD</b>	<b>0.0 0</b>	10/1- 12/31			<b>0%</b>		
DECATUR	0.0 0	10/1- 12/31	\$105,776.44	\$10,962.50	10%	\$94,813.94	\$37,925.57
DEKALB	0.0 0	10/1- 12/31	\$157,139.61	\$15,526.50	10%	\$141,613.11	\$56,645.24
DELAWARE	0.0 0	10/1- 12/31	\$401,874.84	\$14,943.37	4%	\$386,931.47	\$154,772.59
FAYETTE*	0.0 0	10/1- 12/31	\$109,950.43	\$10,194.70	9%	\$99,755.73	\$39,886.25
FLOYD	0.0 0	10/1- 12/31	\$175,049.88	\$9,088.30	5%	\$165,961.58	\$66,384.63
FOUNTAIN	0.0 0	10/1- 12/31	\$46,636.68	\$9,108.14	20%	\$37,528.54	\$15,011.42
FULTON	0.0 0	10/1- 12/31	\$99,271.23	\$38,247.36	39%	\$61,023.87	\$24,409.55
GRANT	0.0 0	10/1- 12/31	\$264,377.38	\$12,189.33	5%	\$252,188.05	\$100,875.22
GREENE	0.0 0	10/1- 12/31	\$114,980.47	\$16,062.74	14%	\$98,917.73	\$39,567.09
HANCOCK	0.0 0	10/1- 12/31	\$190,766.81	\$18,426.29	10%	\$172,340.52	\$68,936.21
HENDRICKS	0.0 0	10/1- 12/31	\$453,693.07	\$87,390.17	19%	\$366,302.90	\$146,521.16
<b>HENRY</b>	<b>0.0 0</b>	10/1- 12/31			<b>0%</b>		
HOWARD	0.0 0	10/1- 12/31	\$435,228.53	\$32,254.20	7%	\$402,974.33	\$161,189.73
JACKSON	0.0 0	10/1- 12/31	\$175,011.67	\$10,420.65	6%	\$164,591.02	\$65,836.41
JASPER	0.0 0	10/1- 12/31	\$125,532.31	\$32,168.94	26%	\$93,363.37	\$37,345.35
JAY	0.0 0	10/1- 12/31	\$114,011.56	\$11,471.39	10%	\$102,540.17	\$41,016.07
JEFFERSON	0.0 0	10/1- 12/31	\$152,934.78	\$20,675.00	14%	\$132,259.78	\$52,903.91
JENNINGS	0.0 0	10/1- 12/31	\$123,302.77	\$16,053.30	13%	\$107,249.47	\$42,899.79
KNOX	0.0 0	10/1- 12/31	\$215,528.39	\$36,673.98	17%	\$178,854.41	\$71,541.76

KOSCIUSKO**	0.0 0	10/1- 12/31	\$271,462.53	\$72,755.45	27%	\$198,707.08	\$77,524.08
LAGRANGE	0.0 0	10/1- 12/31	\$92,356.78	\$14,170.27	15%	\$78,186.51	\$31,274.60
LAKE	0.0 0	10/1- 12/31	\$1,150,825.33	\$12,543.06	1%	\$1,138,282.27	\$455,312.91
LAPORTE	0.0 0	10/1- 12/31	\$242,336.29	\$28,070.30	12%	\$214,265.99	\$85,706.40
LAWRENCE***	0.0 0	10/1- 12/31	\$254,698.95	\$49,970.20	20%	\$204,728.75	\$80,192.72
MADISON	0.0 0	10/1- 12/31	\$512,421.42	\$28,353.42	6%	\$484,068.00	\$193,627.20
MARION	0.0 0	10/1- 12/31	\$6,283,188.19	\$528,520.35	8%	\$5,754,667.84	\$2,301,867.14
MARTIN	0.0 0	10/1- 12/31	\$57,713.03	\$5,054.25	9%	\$52,658.78	\$21,063.51
MIAMI	0.0 0	10/1- 12/31	\$172,425.06	\$16,154.00	9%	\$156,271.06	\$62,508.42
MONROE	0.0 0	10/1- 12/31	\$567,769.14	\$85,406.36	15%	\$482,362.78	\$192,945.11
<b>MONTGOMERY</b>	<b>0.0 0</b>	10/1- 12/31			<b>0%</b>		
NOBLE	0.0 0	10/1- 12/31	\$217,302.03	\$58,631.26	27%	\$158,670.77	\$63,468.31
OHIO	0.0 0	10/1- 12/31	\$23,798.11	\$7,576.69	32%	\$16,221.42	\$6,488.57
ORANGE	0.0 0	10/1- 12/31	\$194,949.85	\$10,891.84	6%	\$184,058.01	\$73,623.20
OWEN	0.0 0	10/1- 12/31	\$67,200.59	\$13,829.68	21%	\$53,370.91	\$21,348.36
PARKE	0.0 0	10/1- 12/31	\$44,305.48	\$11,445.90	26%	\$32,859.58	\$13,143.83
PERRY	0.0 0	10/1- 12/31	\$67,743.05	\$7,627.18	11%	\$60,115.87	\$24,046.35
PIKE	0.0 0	10/1- 12/31	\$30,452.51	\$3,191.50	10%	\$27,261.01	\$10,904.40
PULASKI	0.0 0	10/1- 12/31	\$119,736.41	\$32,310.53	27%	\$87,425.88	\$34,970.35
RIPLEY	0.0 0	10/1- 12/31	\$96,242.63	\$10,461.54	11%	\$85,781.09	\$34,312.43
RUSH	0.0 0	10/1- 12/31	\$119,555.18	\$19,957.09	17%	\$99,598.09	\$39,839.24
SAINT JOSEPH	0.0 0	10/1- 12/31	\$672,108.44	\$73,374.40	11%	\$598,734.04	\$239,493.62
SCOTT	0.0 0	10/1- 12/31	\$169,846.04	\$16,736.45	10%	\$153,109.59	\$61,243.84
SHELBY	0.0 0	10/1- 12/31	\$177,029.93	\$28,355.73	16%	\$148,674.20	\$59,469.68
SPENCER	0.0 0	10/1- 12/31	\$35,589.58	\$2,067.10	6%	\$33,522.48	\$13,408.99
STEUBEN	0.0 0	10/1- 12/31	\$111,222.72	\$29,798.76	27%	\$81,423.96	\$32,569.58

SULLIVAN****	0.0 0	10/1- 12/31	\$76,172.01	\$19,642.59	26%	\$56,529.42	\$22,611.77
SWITZERLAND	0.0 0	10/1- 12/31	\$68,708.26	\$16,944.91	25%	\$51,763.35	\$20,705.34
TIPPECANOE	0.0 0	10/1- 12/31	\$1,062,843.84	\$204,827.11	19%	\$858,016.73	\$343,206.69
UNION	0.0 0	10/1- 12/31	\$9,636.50	\$1,000.00	10%	\$8,636.50	\$3,454.60
VANDEBURGH	0.0 0	10/1- 12/31	\$785,631.97	\$57,357.68	7%	\$728,274.29	\$291,309.72
VERMILLION	0.0 0	10/1- 12/31	\$65,176.64	\$11,170.65	17%	\$54,005.99	\$21,602.40
VIGO	0.0 0	10/1- 12/31	\$702,526.56	\$130,364.73	19%	\$572,161.83	\$228,864.73
WABASH	0.0 0	10/1- 12/31	\$89,994.98	\$11,774.52	13%	\$78,220.46	\$31,288.18
WARREN	0.0 0	10/1- 12/31	\$16,894.47	\$4,162.95	25%	\$12,731.52	\$5,092.61
WASHINGTON	0.0 0	10/1- 12/31	\$240,207.68	\$18,526.52	8%	\$221,681.16	\$88,672.46
<b>WELLS</b>	<b>0.0 0</b>	10/1- 12/31			<b>0%</b>		
<b>WHITE</b>	<b>0.0 0</b>	10/1- 12/31			<b>0%</b>		
<b>WHITLEY</b>	<b>0.0 0</b>	10/1- 12/31			<b>0%</b>		
<b>TOTAL</b>			<b>\$20,433,977.81</b>	<b>\$2,233,511.09</b>		<b>\$18,200,466.72</b>	<b>\$7,276,513.08</b>

\*\$16.04 withheld from Fayette due to 3Q overpayment \*\*\$1958.75 withheld from Kosciusko for overpayment \*\*\*\$1698.78 withheld from Lawrence 4Q due to corrections from 3Q \*\*\*\*Sullivan includes 3Q2019 deferred to 4Q due to audit

A board member asked whether Lawrence County asked for help with their compliance issues. Mr. Mason answered that they had not but that, after David Shircliff had completed his four-year term in December, the County had hired Bruce Andis as its new Chief Public Defender.

Ms. Corley moved to approve the reimbursement as recommended by the Commission staff. Mr. Bray seconded the motion. The motion carried unanimously.

## 7. Local Public Defender Board Appointments

Mr. Cullen informed the Commission that all the recommended appointments are consensus candidates.

The only issue, Mr. Cullen explained, was that at the Commission's December 2019 meeting, Senator Chris Garten had been appointed as the Commission's representative to the Scott County Public Defender Board. It was discovered after the

appointment that Sen. Garten, who originally lived in Scott County, had since moved out of the county. Indiana law requires that the Commission's appointment live within the county. Indiana law does not, however, require the county's judicial appointment to live within the county. To resolve the situation, it was recommended that the Commission allow Sen. Garten to be the county's judicial appointment, and appoint Greg Gibson as the Commission's appointment.

Judge Hanlon moved to appoint all of the recommended candidates as proposed by Commission staff, including Greg Gibson instead of Sen. Garten. Mr. Hensel seconded the motion. The motion carried unanimously.

## **8. Marion County Request: Misdemeanor Appeals & Supervisor Reimbursement**

### **1) Misdemeanor Appeals**

Chairman Rutherford stated that the Commission would address the two issues (misdemeanor appeals and misdemeanor supervision) separately.

Continuing from the December 2019 meeting is the request from Marion County to allow it to claim appeals of misdemeanors as reimbursable cases. The Commission's new reimbursement request forms allow, for the first time, the Commission to distinguish between expenses associated with appeals of felonies and with appeals of misdemeanors, which the Commission has debated on whether to reimburse previously. At the December meeting, Sen. Koch suggested that Commission staff discuss reimbursement of this case type with fiscal leaders in the House and Senate. The response from the House fiscal staff was that this issue should be discussed as part of the budget negotiations during the 2021 Legislative Session. The response from the Senate fiscal staff was that the preference of the Senate Appropriations Chair is that the Commission not reimburse for Misdemeanor Appeals.

The Commission staff therefore recommended to the Commission that misdemeanor appeals not be reimbursable.

The Commission discussed the topic and weighed arguments for and against reimbursement for misdemeanor appeals. Some members found the line to be clear: if it's an appeal of a misdemeanor, it's a misdemeanor, and should not be reimbursed. There was general agreement that a decision not to reimburse for misdemeanor appeals would strengthen the argument for misdemeanor reimbursement. Other members were concerned that it was inappropriate to cut off funding for something that Marion County and other counties had relied upon in their budgets.

Mr. Casanova reiterated Marion County's arguments in favor of misdemeanor reimbursement.

It was suggested that the Commission might delay implementation of any change making misdemeanor appeals non-reimbursable until January 2021 so as not to impact county budgets. Mr. Mason explained that such an approach has been done with other standard changes and it would give counties time to budget for non-reimbursable misdemeanor appeals as well as provide further evidence of the need for misdemeanor reimbursement.

Ms. Corley moved to continue the current practice of not inquiring from counties whether appeals are from misdemeanors or felonies through the end of 2020, thereby allowing counties to obtain reimbursement for misdemeanor appeals until January 1, 2021, after which appeals from misdemeanors will not be reimbursed. Judge Hanlon seconded the motion.

Judge Meyer stated that he would support the motion because counties have relied upon this practice for their budgets this year.

The Chairman called the roll. The following voted in favor of the motion:

Ms. Corley	Mr. Hensel
Mr. Bray	Judge Meyer
Judge Hanlon	Judge Diekhoff

The following voted against the motion:

Rep. Lauer  
Sen. Koch  
Rep. Dvorak

The Chairman abstained. The motion carried on a 6-3 vote, with one abstention.

## **2) Supervisors**

Mr. Mason further recalled that at the December 2019 meeting, Marion County asked the Commission to fully reimburse it for its supervisor expenses, including those supervising non-reimbursable case types. Mr. Mason explained that every county except Marion that provides legal supervision (such as a Chief Public Defender or other supervisor) currently accounts for their supervisory non-reimbursable expenses by either using the supervisor's non-reimbursable caseload or, if the supervisor has no caseload, by an apportionment of time spent supervising non-reimbursable cases.



Marion County's rules in place since 2009, however, allow 100% reimbursement for supervisors in any division. This would be true even if the supervisor out of compliance with caseload standards, is assigned to directly represent individuals charged with a misdemeanor, or even if the supervisor doesn't handle non-reimbursable cases but solely supervises misdemeanor attorneys.

To allow full reimbursement for supervisors who provide direct representation on misdemeanors and for supervisors with no caseload who supervise misdemeanor attorneys would fundamentally change the way every other county has historically accounted for their time spent handling and supervising non-reimbursable cases and increase the total amount the Commission reimburses each quarter. It would effectively allow any attorney a county classifies as a supervisor to become 100% reimbursable regardless of the non-reimbursable cases they handle or the type of work that they supervise.

Commission staff recommended that given the legislative responses about appeals of misdemeanors, it does not recommend making every county's supervisors who supervise attorneys fully reimbursable.

Mr. Casanova spoke and explained that Marion County promotes from within and that its supervisors are training attorneys who will move up to eventually become reimbursable. The supervisors are providing training and other resources that benefit the agency as a whole.

The Commission discussed the issue. Some members voiced their opinion that there was no basis for reimbursement, especially when it was possible the supervisors were not in compliance with caseload standards.

Mr. Bray moved to accept the Commission staff recommendation to not make an exception to reimburse Marion County for misdemeanor supervisor expenses. Judge Hanlon seconded the motion.

Chairman Rutherford called the roll. All members voted in support of the motion. The Chairman abstained. The motion carried with all votes in favor and with the Chair abstaining.

## **9. Other Matters**

Mr. Mason informed the Commission that due to coronavirus restrictions, all Commission staff will be working remotely. The main line will be monitored and calls returned. Everything else will continue as normal.

Judge Hanlon moves to adjourn. Ms. Corley seconded the motion. The motion carried unanimously.

**INDIANA PUBLIC DEFENDER COMMISSION**

**June 17, 2020**

**2:00 PM**

**309 W. Washington, 5<sup>th</sup> Floor, Commission Conference Room  
Indianapolis, Indiana 46204**

**Members in attendance:**

Mark W. Rutherford, Chair (in person)  
Mr. Richard Bray (in person)  
Ms. Bernice Corley (remote)  
Rep. Ryan Dvorak (remote)  
Hon. Kelsey B. Hanlon (remote)  
Mr. David J. Hensel (remote)  
Sen. Eric Koch (remote)  
Rep. Ryan Lauer (remote)  
Hon. Steven P. Meyer (remote)

**Members absent:**

Hon. Mary Ellen Diekhoff  
Sen. Gregory G. Taylor

**Staff in attendance:**

Derrick Mason (in person)  
Andrew Cullen (in person)  
Andrew Falk (remote)  
Torrin Liddell (remote)  
Jennifer Pinkston (remote)  
Jennifer Shircliff (remote)  
Paula Diaz (remote)

**Audience members (all remotely):**

Ray Casanova, PD  
Bruce Andis, PD  
Malia Brink, ABA  
Alicia Antonetti-Tricker, Crowe  
Stephen Hanlon, ABA  
Lewis Ostermeyer, House of  
Representatives  
Jim Abbs, PD  
Drew Sherman, Crowe  
Amy Karozos, State Public Defender

At two o'clock, Senior Staff Attorney Derrick Mason recognized that a quorum of the Board of Directors was present and called the roll of the Directors. Guests introduced themselves.

Members of the Board went into a remote breakout room for the scheduled Executive Session, then returned to the public call. The Chair Mark Rutherford called the public portion of the Board Meeting to order about 2:20 p.m.

### **1. Discussion of Purpose of Executive Session and Formal Action**

The Chair explained that the purpose of the Executive Session was to discuss the salaries of staff. Ms. Corley moved to adjust employee salaries as proposed in the submitted materials. Judge Hanlon seconded the motion.

The Chair called the roll to ascertain the Board members' votes.

- Sen. Koch voted yes but noted that with the economic uncertainty, the Commission may need to tighten its belts elsewhere.
- Rep. Dvorak voted yes.
- Rep. Lauer voted yes, but noted that like Sen. Koch, in a fluid environment and where agencies are being urged to cut costs, he would encourage the Commission to consider where other costs could be cut.
- Judge Hanlon voted yes.
- Judge Meyer voted yes, noting the same concerns as Sen. Koch and Rep. Lauer.
- Ms. Corley voted yes.
- Mr. Hensel voted yes.
- Mr. Bray voted yes, with the same concerns as expressed by the other Members.
- The Chair abstained.

The motion carried.

### **2. Approval of Minutes of the March 18, 2020 Meeting**

The Chairman inquired whether there were any changes to the Minutes of the March 18, 2020 Meeting. Hearing none, Judge Meyer moved to approve the Minutes. Mr. Bray seconded the motion. There were no objections. The motion carried.

### **3. Approval of FY 2021 Internal Budget & FY 2021 Budget Statement**

Mr. Mason presented a letter that Commission staff propose sending to the Legislature and fiscal agents *Governor and \_\_\_*. The letter discusses what savings the Commission is taking and where costs were cut and controlled. The Commission's main overhead increase is its latest staff person and assuming twenty-five percent of Paula Diaz's salary. Previously the Commission had a high cost for printing its quarterly newsletter, but the Commission is moving to send that electronically, cutting both printing and mailing expenses. Overhead is less than three percent.

Mr. Hensel moved to approve the budget. Ms. Corley seconded the motion. There was no discussion and no objections. The motion carried.

**The Budget Approved by the Commission for FY 2020 (Amended 3/20):**

FY2020 Amendment Requested		Change	% Total Budget
Payroll	\$ 605,747.47	\$ -	
Travel	\$ 20,000.00	\$ -	
Interagency Charges (IOT, etc.)	\$ 15,500.00	\$ 3,500.00	
Rentals	\$ 33,220.00	\$ 4,300.00	
Admin Ops/Supplies/Misc.	\$ 15,000.00	\$ -	
Contractual	\$ 126,546.00	\$ -	
	<b>\$ 816,013.47</b>		2.70%
Annual Budget Remaining for Reimbursement (Excluding Reserve)	\$ 29,403,986.53		97.30%

(cont'd next page)

**The Proposed Budget for FY 21:**

<b>FY2020-2021 Budget</b>		Budget Amount	
Payroll		\$773,459.76	
Travel		\$10,500.00	
Interagency Charges (IOT, etc.)		\$18,000.00	
Rentals		\$37,000.00	
Admin Ops/Supplies/Misc.		\$13,000.00	
Contractual		\$40,660.11	
Subtotal		<b>\$892,619.87</b>	2.95%
<b>Remaining for Reimbursements</b>		<b>\$29,327,380.13</b>	97.05%

Mr. Mason stated that the purpose of the letter is to show everyone how small the Commission's overhead is. The letter was inspired by a similar letter prepared by the Supreme Court. Mr. Mason requested that if any of the Board members had any objections to the letter, please inform Commission staff.

The Chair inquired of the Board members, and there were no objections.

**4. Approval of Chief and Chief Deputy Public Defender Salaries effective 1/1/21**

Mr. Mason informed the Board that the State Budget Agency has increased all judicial officers' and prosecutorial state-paid salaries by 3.3% effective July 1, 2021. The Commission requires parity for Chief and Chief Deputy PD's with the prosecutor salaries. Due to county budget cycles, the changes are usually made mandatory effective January 1 of the following year. The pertinent changes are as follows:

	Current	New (eff. 7/1/21)
Prosecutor (Full Time)	\$151,137	\$156,125
Prosecutor (Part Time .66)	\$99,750	\$103,043
Prosecutor (Part Time .6)	\$90,682	\$93,675
Chief Deputy (Full Time)	\$113,353	\$117,094
Chief Deputy (Part Time .66)	\$74,813	\$77,282
Chief Deputy (Part Time .6)	\$68,012	\$70,256

Mr. Mason stated that Commission staff recommend that the Board require Chief and Chief Deputy Public Defender salaries to match the State Budget Agency schedule, effective January 1, 2021.

Judge Meyer moved to require Chief and Chief Deputy Public Defender salaries to match the State Budget Agency schedule, effective January 1, 2021. Judge Hanlon seconded the motion. There were no objections, and the motion carried.

**5. Approval of Gibson County Comprehensive Plan**

Gibson County has submitted its Comprehensive Plan and is waiting for this Board's approval. The County has already advertised for a chief, who will be full time, and they have an office. The County will have contract attorneys with some conflict counsel. Mr. Mason stated that everything is up to date with the Commission's

comprehensive plan requirements, the County Ordinance has been enacted, and it has a Commission appointment.

Mr. Mason recommended that the Gibson County Comprehensive Plan be approved. The county would begin operating under the Plan, and qualify for reimbursement, starting July 1, 2020.

Mr. Bray moved to approve the Gibson County Comprehensive Plan. Sen. Koch seconded the motion. There were no objections. The motion carried and the Plan was approved.

## **6. Local Public Defender Board Appointments**

Mr. Mason informed the Board that there were three consensus candidates for local public defender board appointments in Blackford, Brown, and Spencer counties. There were no objections by individuals from the counties to their appointments.

Mr. Hensel moved to appoint the three individuals. Mr. Bray seconded the motion. There were no questions, debate, or objections. The motion carried.

## **7. Financial Status of Public Defense Fund**

Mr. Mason provided the current status of the Fund, which is sufficient to pay the 1Q2020 reimbursement requests. He noted that the Commission will need to submit the Commission's budget in September.

## **8. Requests for 50% Reimbursement in Capital Cases**

Mr. Mason told the Board that although there are death penalty cases pending, this quarter there were no capital case reimbursements.

## **9. Status of County Compliance with Non-Capital Caseloads**

Mr. Mason highlighted a few counties with compliance issues. Clark County's Chief Public Defender sent a letter to the Commission explaining the County's ongoing compliance issues: the County had two temporary judicial assignments, which led to errors in case assignments. The regular judges have returned and the Chief expects this will alleviate the over-assignments. The County has increased contracts and now has two CM exclusive attorneys. They hope to fully compliant by the end of 2Q2020.

One of the advantages of the new electronic forms is that Commission staff can now easily identify attorneys who are working with multiple counties. This quarter,

Decatur, Fayette, and Ripley have contracted with one attorney who is well above the allowed caseload. The counties are working to address the situation.

Lawrence has one attorney out of compliance and another attorney left. Because second quarter case numbers dropped, it is hoped they will return to compliance. Madison County has similar issues; they thought they had resolved their issues, but apparently they had not. Scott County has some issues, but they will fix theirs.

Mr. Mason does not recommend that any counties be denied reimbursement or that any ninety-day letters be sent at this time.

### 10. Requests for 40% Reimbursement in Non-Capital Cases

County	Period Covered	Total Expenditure	Non-reimbursable Adjustment	% Adjustment	Eligible Expenditure	40% Reimbursed
Adams	1/1/2020-3/31/2020	\$104,494.84	\$13,484.51	12.90%	\$91,010.33	\$36,404.13
Allen	1/1/2020-3/31/2020	\$1,387,442.10	\$92,800.87	6.69%	\$1,294,641.23	\$517,856.49
Benton	1/1/2020-3/31/2020	\$37,059.00	\$18,051.29	48.71%	\$19,007.71	\$7,603.08
Blackford	1/1/2020-3/31/2020	\$40,204.70	\$13,945.50	34.69%	\$26,259.20	\$10,503.68
Brown	1/1/2020-3/31/2020	\$60,786.59	\$18,440.95	30.34%	\$42,345.64	\$16,938.25
Carroll	1/1/2020-3/31/2020	\$64,404.50	\$19,100.33	29.66%	\$45,304.17	\$18,121.67
Cass	1/1/2020-3/31/2020	\$181,310.00	\$26,800.35	14.78%	\$154,509.65	\$61,803.86
Clark	1/1/2020-3/31/2020	\$360,026.58	\$17,462.87	4.85%	\$342,563.71	\$137,025.48
Clinton	1/1/2020-3/31/2020	\$124,472.15	\$24,916.23	20.02%	\$99,555.92	\$39,822.37
Decatur	1/1/2020-3/31/2020	\$111,258.33	\$15,267.61	13.72%	\$95,990.72	\$38,396.29
Dekalb	1/1/2020-3/31/2020	\$214,863.31	\$23,848.16	11.10%	\$191,015.15	\$76,406.06
Delaware	1/1/2020-3/31/2020	\$343,953.85	\$18,281.29	5.32%	\$325,672.56	\$130,269.02
Elkhart	1/1/2020-3/31/2020	\$786,047.20	\$95,300.32	12.12%	\$690,746.88	\$276,298.75

Fayette	1/1/2020-3/31/2020	\$96,711.43	\$10,382.06	10.74%	\$86,329.37	\$34,531.75
Floyd	1/1/2020-3/31/2020	\$184,535.64	\$8,615.51	4.67%	\$175,920.13	\$70,368.05
Fountain	1/1/2020-3/31/2020	\$25,284.08	\$5,391.53	21.32%	\$19,892.55	\$7,957.02
Fulton	1/1/2020-3/31/2020	\$86,122.62	\$19,542.90	22.69%	\$66,579.72	\$26,631.89
Grant	1/1/2020-3/31/2020	\$242,131.46	\$6,051.80	2.50%	\$236,079.66	\$94,431.86
Greene	1/1/2020-3/31/2020	\$135,707.95	\$20,871.19	15.38%	\$114,836.76	\$45,934.70
Hancock	1/1/2020-3/31/2020	\$123,610.91	\$13,502.32	10.92%	\$110,108.59	\$44,043.44
Hendricks	1/1/2020-3/31/2020	\$466,415.21	\$67,395.47	14.45%	\$399,019.74	\$159,607.90
Howard	1/1/2020-3/31/2020	\$522,246.40	\$45,030.41	8.62%	\$477,215.99	\$190,886.40
Jackson	1/1/2020-3/31/2020	\$225,908.78	\$13,165.19	5.83%	\$212,743.59	\$85,097.44
Jay	1/1/2020-3/31/2020	\$130,789.29	\$16,041.88	12.27%	\$114,747.41	\$45,898.96
Jasper	1/1/2020-3/31/2020					
Jefferson	1/1/2020-3/31/2020	\$159,911.66	\$19,848.01	12.41%	\$140,063.65	\$56,025.46
Jennings	1/1/2020-3/31/2020	\$120,167.34	\$14,594.12	12.14%	\$105,573.22	\$42,229.29
Knox	1/1/2020-3/31/2020	\$224,398.08	\$33,029.11	14.72%	\$191,368.97	\$76,547.59
Kosciusko	1/1/2020-3/31/2020	\$261,340.96	\$60,289.89	23.07%	\$201,051.07	\$80,420.43
LaGrange	1/1/2020-3/31/2020	\$42,427.98	\$5,527.22	13.03%	\$36,900.76	\$14,760.31
Lake	1/1/2020-3/31/2020	\$1,326,869.88	\$9,024.43	0.68%	\$1,317,845.45	\$527,138.18
LaPorte	1/1/2020-3/31/2020	\$276,039.55	\$31,516.88	11.42%	\$244,522.67	\$97,809.07
Lawrence	1/1/2020-3/31/2020	\$224,456.36	\$28,929.25	12.89%	\$195,527.11	\$78,210.85
Madison	1/1/2020-3/31/2020	\$464,176.78	\$19,658.95	4.24%	\$444,517.83	\$177,807.13
Marion	1/1/2020-3/31/2020	\$5,571,032.10	\$524,723.11	9.42%	\$5,046,308.99	\$2,018,523.60



Martin	1/1/2020-3/31/2020	\$69,461.55	\$16,929.81	24.37%	\$52,531.74	\$21,012.70
Miami	1/1/2020-3/31/2020	\$202,643.95	\$18,846.10	9.30%	\$183,797.85	\$73,519.14
Monroe	1/1/2020-3/31/2020	\$611,655.76	\$142,079.94	23.23%	\$469,575.82	\$187,830.33
Noble	1/1/2020-3/31/2020	\$259,739.10	\$51,482.12	19.82%	\$208,256.98	\$83,302.79
Ohio	1/1/2020-3/31/2020	\$13,564.04	\$1,451.13	10.70%	\$12,112.91	\$4,845.16
Orange	1/1/2020-3/31/2020	\$130,195.62	\$18,937.09	14.55%	\$111,258.53	\$44,503.41
Owen	1/1/2020-3/31/2020	\$89,776.28	\$13,820.50	15.39%	\$75,955.78	\$30,382.31
Parke	1/1/2020-3/31/2020	\$48,556.56	\$14,210.01	29.26%	\$34,346.55	\$13,738.62
Perry	1/1/2020-3/31/2020	\$64,409.54	\$8,205.01	12.74%	\$56,204.53	\$22,481.81
Pike	1/1/2020-3/31/2020	\$52,556.00	\$3,406.71	6.48%	\$49,149.29	\$19,659.72
Pulaski	1/1/2020-3/31/2020	\$109,205.38	\$19,378.96	17.75%	\$89,826.42	\$35,930.57
Ripley	1/1/2020-3/31/2020	\$50,624.97	\$14,514.35	28.67%	\$36,110.62	\$14,444.25
Rush	1/1/2020-3/31/2020	\$126,656.94	\$24,040.41	18.98%	\$102,616.53	\$41,046.61
Scott	1/1/2020-3/31/2020	\$123,853.68	\$8,778.08	7.09%	\$115,075.60	\$46,030.24
Shelby	1/1/2020-3/31/2020	\$171,229.47	\$24,150.94	14.10%	\$147,078.53	\$58,831.41
Spencer	1/1/2020-3/31/2020	\$154,087.30	\$13,315.59	8.64%	\$140,771.71	\$56,308.68
Steuben	1/1/2020-3/31/2020	\$111,143.62	\$31,254.96	28.12%	\$79,888.66	\$31,955.46
St Joseph	1/1/2020-3/31/2020	\$527,566.92	\$61,041.81	11.57%	\$466,525.11	\$186,610.05
Sullivan	1/1/2020-3/31/2020	\$43,626.80	\$10,695.12	24.52%	\$32,931.68	\$13,172.67
Switzerland*	1/1/2020-3/31/2020	\$75,201.83	\$13,849.62	18.42%	\$61,352.21	\$31,021.45
Tippecanoe	1/1/2020-3/31/2020	\$1,014,412.34	\$164,232.93	16.19%	\$850,179.41	\$340,071.77
Union	1/1/2020-3/31/2020	\$12,168.00	\$795.78	6.54%	\$11,372.22	\$4,548.89

Vanderburgh**	1/1/2020- 3/31/2020	\$893,435.30	\$59,426.92	6.65%	\$834,008.38	\$333,516.47
Vermillion	1/1/2020- 3/31/2020	\$63,586.23	\$7,691.75	12.10%	\$55,894.48	\$22,357.79
Vigo***	1/1/2020- 3/31/2020	\$703,093.31	\$120,366.60	17.12%	\$582,726.71	\$232,978.38
Wabash	1/1/2020- 3/31/2020	\$119,016.10	\$23,386.27	19.65%	\$95,629.83	\$38,251.93
Warren	1/1/2020- 3/31/2020	\$7,388.10	\$1,957.50	26.50%	\$5,430.60	\$2,172.24
Washington	1/1/2020- 3/31/2020	\$289,288.76	\$41,830.15	14.46%	\$247,458.61	\$98,983.44
<b>Total</b>		<b>\$20,864,751.06</b>	<b>\$2,300,907.67</b>		<b>\$18,563,843.39</b>	<b>\$7,431,818.74</b>

\*Switzerland includes add'l amount for amended 3Q2019 request (\$6480.57) \*\*Vanderburgh reduced by \$86.88 for 3Q2019 overpayment, \*\*\*Vigo reduced by \$112.30 for 3Q2019 overpayment

Mr. Mason informed the Commission that Jasper County was unable to fully complete their reimbursement request in time, but they should be able to complete it and next quarter's request such that they should be able to receive a double reimburse next time. A few other counties had small changes from their requests. He recommended full reimbursement of the remaining reimbursement requests.

Judge Hanlon moved to approve all the reimbursement requests; Judge Meyer seconded the motion. There were no comments or objections. The motion carried.

### **11. Finalized Overhead Study Report**

Mr. Mason reports that attorneys doing contract work receive about \$5.16 per hour. Commission staff will release the report, which will also be on the website.

### **12. Workload Study Presentation: ABA SCLAID/Crowe LLP**

The Chair welcomed Mr. Steven Hanlon, the project director for the project. Hanlon gave a brief introduction and Ms. Malia Brink provided an overview of the report.

At the conclusion of the report, Mr. Bray moved to receive the report. Mr. Hensel seconded the motion. The motion carried without objection.

### **13. Other Matters**

It was moved and seconded to adjourn. The motion carried without objection.

**INDIANA PUBLIC DEFENDER COMMISSION**

**September 23, 2020**

**2:00 PM**

**309 W. Washington, 5<sup>th</sup> Floor, Commission Conference Room  
Indianapolis, Indiana 46204**

**Members in attendance:**

Mark W. Rutherford, Chair (in person)  
Mr. Richard Bray (in person)  
Ms. Bernice Corley (remote)  
Hon. Mary Ellen Diekhoff (remote)  
Rep. Ryan Dvorak (remote)  
Mr. David J. Hensel (remote)  
Sen. Eric Koch (remote)  
Rep. Ryan Lauer (remote)  
Hon. Steven P. Meyer (remote)

Andrew Falk (remote)  
Torrin Liddell (remote)  
Jennifer Pinkston (remote)  
Jennifer Shircliff (remote)

**Audience members (all remotely):**

Jim Abbs, PD  
Bruce Andis, PD  
Ray Casanova, PD  
Mark Clark, PD  
Gretchen Etling, Vigo County Chief  
Public Defender  
Amy Karozos, State Public Defender  
Lisa Moody, Gibson County PD Office  
Lewis Ostermeyer, House of  
Representatives  
Cassie Russell, Warrick County

**Members absent:**

Sen. Gregory G. Taylor  
Hon. Kelsey B. Hanlon

**Staff in attendance:**

Derrick Mason (in person)  
Andrew Cullen (in person)

At two o'clock, Senior Staff Attorney Derrick Mason recognized that a quorum of the Board of Directors appeared to be present; the roll of the Directors was called, and a quorum was confirmed. Audience members introduced themselves.

**1. Approval of Minutes of the June 17, 2020 Meeting**

The Chair inquired whether there were any changes to the Minutes from the June 17, 2020 meeting. Mr. Bray moved to approve the Minutes. Ms. Corley seconded the motion. There were no objections. The motion carried.

## **2. Approval of Amended Kosciusko Comprehensive Plan**

Kosciusko County submitted an amended Comprehensive Plan. After a brief discussion, Mr. Bray moved to approve the amended Kosciusko Comprehensive Plan. Mr. Hensel seconded the motion. There were no objections. The motion carried unanimously.

## **3. Approval of Warrick County Comprehensive Plan**

Warrick County submitted its Comprehensive Plan and was waiting for the Board's approval. The County will have a chief public defender and contract attorneys. Mr. Mason stated that everything is up to date with the Commission's comprehensive plan requirements and that staff recommends approval of the plan. The County would join January 1, 2021.

Judge Meyer moved to approve the Warrick County Comprehensive Plan. Mr. Bray seconded the motion. There were no objections. The motion carried unanimously.

## **4. Election of Chair**

Mr. Rutherford's term as chair has expired. Mr. Hensel nominated Mr. Rutherford to be Chair for the next two years. Judge Diekhoff seconded the nomination. Mr. Rutherford accepted the nomination. Mr. Bray moved to close nominations. Judge Meyer seconded the motion. There were no objections. Mr. Rutherford was nominated and approved to be Chair for the next two years.

## **5. Legislative & Policy Update: Approval of Biennium Budget and Legislative Agenda**

Mr. Cullen discussed with the Commission a proposed agenda for the 2021 General Assembly, including three particular recommendations: (1) Approval for staff to prioritize the full Public Defense Fund Appropriation (an increase of \$2.9 million/year) as the top priority for the 2021 Legislative Session; (2) support any legislative efforts to provide for misdemeanor reimbursement; and (3) again authorize staff, with the approval of the Chair, to make interim legislative agenda decisions during session should the need or opportunity arise. It was noted that the Commission is a pass-through agency, and that cutting public defense funding

increases costs elsewhere. Without the \$2.9 million/year increase, the Commission will almost certainly have to prorate reimbursement requests.

Ms. Corley moved to approve Commission staff recommendations. Mr. Hensel seconded the motion. Sen. Koch and Rep. Lauer did not object but abstained. There were no other objections. The motion carried.

## **6. Local Public Defender Board Appointments**

Mr. Cullen informed the Board that there were two consensus candidates for local public defender board appointments in Decatur (William O. Smith) and Owen (Leah Taylor) counties. There were no objections by individuals from the counties to these appointments. Judge Meyer moved to appoint the two individuals. Mr. Bray seconded the motion. There were no questions, debate, or objections. The motion carried unanimously to appoint Mr. Smith and Ms. Taylor in Decatur and Owen Counties, respectively.

Mr. Cullen stated that Susan Corbin and Sarah Whiteman were both put forward as candidates in Orange County. Ms. Corley moved to nominate Ms. Corbin. Judge Meyer seconded the motion. There were no objections. The motion carried unanimously.

## **7. Financial Status of Public Defense Fund**

Mr. Mason provided the current status of the Fund, which is sufficient to pay the 2Q2020 reimbursement requests.

## **8. Requests for 50% Reimbursement in Capital Cases**

Mr. Mason stated that Marion County has requested \$6,137.50 in capital case reimbursement. Mr. Hensel moved to approve the capital case expenditures. Mr. Bray seconded the motion. There were no objections. The motion carried unanimously.

### **INDIANA PUBLIC DEFENDER COMMISSION**

#### **Reimbursement Requests in Capital Cases**

September 23, 2020

COUNTY	DEFENDANT	TOTAL
Marion	Brown	<b>\$6,137.50</b>

## 9. Status of County Compliance with Non-Capital Caseloads

Mr. Mason discussed the status of county compliance and noted a record level of caseload compliance, largely due to a plunge in case filings. Several counties are proactively working to address attorneys out of compliance due to working in multiple counties. Madison and Marion Counties are working to address other non-compliance issues. Mr. Mason does not recommend 90-day letters for any of them.

Mr. Mason does recommend a 90-day letter for Lawrence County, which has been out of compliance for six quarters. It has extreme pay parity issues and is down to two attorneys, one of whom is the chief public defender, with four vacancies. Ms. Corley moved to send a 90-day letter. Judge Diekhoff seconded the motion. There were no objections. The motion carried unanimously.

## 10. Requests for 40% Reimbursement in Non-Capital Cases

Mr. Mason recommended reimbursement as provided in the table below.

### INDIANA PUBLIC DEFENDER COMMISSION

Second Quarter 2020 Requests for Reimbursements in Non-Capital Cases

9/23/2020

County	Total Expenditure	Non-reimbursable Adjustment	% Adjustment	Eligible Expenditure	40% Reimbursed
Adams	\$109,183.67	\$13,346.60	12.22%	\$95,837.07	\$38,334.83
Allen*	\$1,112,662.98	\$80,060.01	7.20%	\$1,032,602.97	\$346,916.15
Benton	\$2,412.00	\$79.71	3.30%	\$2,332.29	\$932.91
Blackford	\$32,696.50	\$5,282.43	16.16%	\$27,414.07	\$10,965.63
Brown	\$63,196.17	\$10,134.66	16.04%	\$53,061.51	\$21,224.60
Carroll	\$41,981.10	\$13,000.53	30.97%	\$28,980.57	\$11,592.23
Cass	\$173,785.38	\$27,047.62	15.56%	\$146,737.76	\$58,695.10
Clark	\$340,069.41	\$15,861.28	4.66%	\$324,208.13	\$129,683.25
Clinton	\$99,261.17	\$20,397.02	20.55%	\$78,864.15	\$31,545.66
Decatur	\$101,296.23	\$18,093.15	17.86%	\$83,203.08	\$33,281.23
Dekalb**	\$186,234.31	\$17,843.25	9.58%	\$168,391.06	\$67,299.62
Delaware	\$386,018.52	\$1,477.44	0.38%	\$384,541.08	\$153,816.43
Elkhart	\$639,395.40	\$68,880.57	10.77%	\$570,514.83	\$228,205.93
Fayette	\$85,950.99	\$5,725.27	6.66%	\$80,225.72	\$32,090.29
Floyd	\$206,962.75	\$6,375.56	3.08%	\$200,587.19	\$80,234.88

Fountain	\$33,790.47	\$7,117.51	21.06%	\$26,672.96	\$10,669.19
Fulton	\$85,050.59	\$22,343.28	26.27%	\$62,707.31	\$25,082.92
Grant	\$267,662.84	\$14,933.97	5.58%	\$252,728.87	\$101,091.55
Greene	\$134,103.65	\$24,199.11	18.05%	\$109,904.54	\$43,961.81
Hancock	\$146,207.57	\$26,312.14	18.00%	\$119,895.43	\$47,958.17
Hendricks	\$451,773.34	\$72,514.67	16.05%	\$379,258.67	\$151,703.47
Howard	\$429,962.96	\$35,677.18	8.30%	\$394,285.78	\$157,714.31
Jackson	\$190,179.12	\$7,563.49	3.98%	\$182,615.63	\$73,046.25
Jasper***	\$171,635.98	\$42,507.65	24.77%	\$129,128.33	\$51,651.33
Jay	\$110,701.15	\$14,829.48	13.40%	\$95,871.67	\$38,348.67
Jefferson	\$183,484.75	\$35,571.97	19.39%	\$147,912.78	\$59,165.11
Jennings	\$127,455.47	\$13,126.90	10.30%	\$114,328.57	\$45,731.43
Knox	\$216,938.56	\$19,798.67	9.13%	\$197,139.89	\$78,855.96
Kosciusko	\$217,269.23	\$51,218.99	23.57%	\$166,050.24	\$66,420.10
LaGrange	\$77,776.55	\$10,964.39	14.10%	\$66,812.16	\$26,724.87
Lake	\$1,162,925.25	\$11,200.73	0.96%	\$1,151,724.52	\$460,689.81
LaPorte	\$272,080.37	\$23,095.29	8.49%	\$248,985.08	\$99,594.03
Lawrence	\$180,579.16	\$29,019.47	16.07%	\$151,559.69	\$60,623.87
Madison	\$535,095.91	\$9,383.83	1.75%	\$525,712.08	\$210,284.83
Marion	\$6,023,686.10	\$463,702.24	7.70%	\$5,559,983.86	\$2,223,993.54
Martin	\$72,216.53	\$6,486.04	8.98%	\$65,730.49	\$26,292.20
Miami	\$175,108.49	\$16,153.80	9.23%	\$158,954.69	\$63,581.88
Monroe	\$527,779.11	\$76,846.48	14.56%	\$450,932.63	\$180,373.05
Noble	\$237,473.21	\$52,208.86	21.99%	\$185,264.35	\$74,105.74
Ohio	\$26,069.00	\$2,500.76	9.59%	\$23,568.24	\$9,427.30
Orange	\$91,122.95	\$11,833.20	12.99%	\$79,289.75	\$31,715.90
Owen	\$64,588.84	\$9,886.03	15.31%	\$54,702.81	\$21,881.12
Parke	\$41,803.43	\$10,310.84	24.67%	\$31,492.59	\$12,597.04
Perry	\$54,097.38	\$5,050.00	9.34%	\$49,047.38	\$19,618.95
Pike	\$16,799.70	\$2,559.70	15.24%	\$14,240.00	\$5,696.00
Pulaski	\$107,483.10	\$15,907.26	14.80%	\$91,575.84	\$36,630.33
Ripley	\$46,121.82	\$5,910.81	12.82%	\$40,211.01	\$16,084.40
Rush	\$108,108.50	\$12,741.99	11.79%	\$95,366.51	\$38,146.60
Scott	\$138,397.46	\$10,825.19	7.82%	\$127,572.27	\$51,028.91
Shelby****	\$170,357.39	\$22,708.63	13.33%	\$147,648.76	\$64,398.65
Spencer	\$71,276.51	\$4,193.41	5.88%	\$67,083.10	\$26,833.24
Steuben*****	\$93,592.21	\$24,932.62	26.64%	\$68,659.59	\$27,448.15
StJoseph	\$645,885.58	\$72,589.70	11.24%	\$573,295.88	\$229,318.35
Sullivan	\$45,753.52	\$14,309.42	31.28%	\$31,444.10	\$12,577.64
Switzerland	\$58,810.59	\$12,673.04	21.55%	\$46,137.55	\$18,455.02
Tippecanoe	\$1,068,527.16	\$138,922.25	13.00%	\$929,604.91	\$371,841.96



Union	\$19,177.50	\$1,150.23	6.00%	\$18,027.27	\$7,210.91
Vanderburgh	\$703,622.26	\$60,392.26	8.58%	\$643,230.00	\$257,292.00
Vermillion	\$78,864.11	\$13,294.58	16.86%	\$65,569.53	\$26,227.81
Vigo	\$785,471.08	\$110,031.62	14.01%	\$675,439.46	\$270,175.78
Wabash	\$129,667.03	\$21,033.27	16.22%	\$108,633.76	\$43,453.51
Warren	\$9,955.10	\$1,251.90	12.58%	\$8,703.20	\$3,481.28
Washington	\$186,241.74	\$28,751.63	15.44%	\$157,490.11	\$62,996.04
<b>TOTAL</b>	<b>\$20,373,836.90</b>	<b>\$2,004,141.58</b>		<b>\$18,369,695.32</b>	<b>\$7,287,019.72</b>

\*Allen County includes an amendment to 1Q2020 (\$66,125.04)

\*\*DeKalb County reduced by \$56.80 due to 1Q audit findings

\*\*\*Jasper County includes 1Q2020 (\$22,015.51) and 2Q2020 (\$29,635.82)

\*\*\*\*Shelby County includes amendment submitted 1Q2020 (\$5339.14)

\*\*\*\*\*Steuben County reduced by \$15.68 due to 1Q desk audit findings

Mr. Hensel moved to reimburse as recommended by Commission staff. Ms. Corley seconds. There were no objections. The motion carried unanimously, and the reimbursements were authorized.

## 11. Update: Brown & Elkhart Counties

Mr. Mason noted that the Elkhart County Council declined to make changes to its budget necessary to fully fund the County Public Defender, but the County PD hopes the changes will be made effective January 1, 2021.

In Brown County, the billing practices of one county public defender are being investigated. It appears that the investigation may be bypassing the county public defender board and targeting an attorney who is striving to provide quality public defense. A special prosecutor has been appointed. Mr. Mason sent a letter requesting more information.

## 12. Jim Abbs, Chief PD Noble County: Adequate staffing & COVID caseloads

Mr. Abbs stated that this quarter has seen a dramatic rise in cases filed that may have an impact for the coming year. Mr. Abbs also asked the Commission to consider the adequate staffing number, which some chiefs think should be higher, while others think should be lower. At the least the Commission should think about it, he recommended.

### **13. Update: Caseload Study**

Mr. Mason noted that in keeping with the caseload study, Commission staff continue to research and follow up with caseload standards, including meeting with appellate practitioners to continue ascertaining appropriate implementation. Mr. Mason noted that perhaps the Level 6 exclusive category may need changes, and that generally any changes will have a fiscal impact.

### **14. Other Matters**

Mr. Bray moved to adjourn. Ms. Corley seconded the motion. There were no objections. The meeting was adjourned.

**INDIANA PUBLIC DEFENDER COMMISSION**

**December 16, 2020**

**2:00 PM**

**309 W. Washington, 5<sup>th</sup> Floor, Commission Conference Room  
Indianapolis, Indiana 46204**

**Members in attendance:**

Mark W. Rutherford, Chair (in person)  
Mr. Richard Bray (remote)  
Ms. Bernice Corley (remote)  
Hon. Mary Ellen Diekhoff (remote)  
Rep. Ryan Dvorak (remote)  
Hon. Kelsey B. Hanlon (remote)  
Mr. David J. Hensel (remote)  
Sen. Eric Koch (remote)  
Rep. Ryan Lauer (remote)  
Hon. Steven P. Meyer (remote)  
Sen. Gregory G. Taylor (remote)

**Members absent:**

None

**Staff in attendance:**

Derrick Mason (in person)  
Andrew Cullen (in person)  
Paula Diaz (in person)  
Andrew Falk (remote)  
Torrin Liddell (remote)  
Jennifer Pinkston (remote)  
Jennifer Shircliff (remote)

**Audience members (all remotely):**

Jim Abbs, Noble County Chief Public  
Defender and President, Chief PD  
Association  
Bruce Andis, Lawrence County Chief  
Public Defender  
Ray Casanova, Marion County Public  
Defender Agency  
Victoria Casanova, appellate attorney  
Mark Clark, Washington County Chief  
Public Defender  
Gretchen Etling, Vigo County Chief  
Public Defender  
Magistrate Julie Fessel Flanigan, Floyd  
County  
Janice Glotzbach, Floyd County Public  
Defender Office Administrator  
Jeremy Gooch, Hendricks County  
Chief Public Defender  
Judge Maria Granger, Floyd County  
Amy Karozos, State Public Defender  
Larry Landis  
Lisa Moody, Gibson County Chief  
Public Defender  
Lewis Ostermeyer, House of  
Representatives

At two o'clock, Chair Mark Rutherford called the meeting to order. Senior Staff Attorney Derrick Mason called the roll of the Board and determined that a quorum was present. Mr. Mason also introduced Commission staff. Audience members introduced themselves.

### **1. Approval of Minutes of the September 23, 2020 Meeting**

The Chair inquired whether there were any corrections or changes to the Minutes from the September 23, 2020 meeting. There were none. The minutes were approved.

### **2. Approval of Harrison County Comprehensive Plan**

Harrison County has been working to join the Commission for about five years and have finally been successful. Its budget was approved so it would likely submit a partial request for reimbursement to the Commission in March. The County will have a chief public defender and a deputy. Commission staff recommended approval. There were no questions or concerns. Ms. Corley moved to approve the Harrison County Comprehensive Plan. Judge Hanlon seconded the motion. There was not discussion and there were no objections. The plan was approved.

### **3. Legislative & Policy Update**

Mr. Cullen recalled that at the September 2020 meeting, the Commission approved staff's legislative agenda to prioritize the full Public Defense Fund Appropriation (an increase of \$2.9 million/year) as the top priority for the 2021 Legislative Session and to explain why a decrease or no increase would significantly impact the counties. Mr. Cullen advised the Commission that Commission Staff has met and followed up with staff from the State Budget Committee in an effort to be included in the Governor's proposed version of HB 1001 (the State Budget Bill). No commitments have been received.

Mr. Cullen further informed the Commission that Senator Jon Ford (R-Terre Haute) plans to file a bill to permit the Commission to reimburse for misdemeanor funding during the 2021 session. Sen. Ford has some hope, based on tentative commitments from key legislators, that it will make at least moderate progress in the General Assembly. The fiscal impact is expected to be \$6.5 million per year during the next biennium. Gretchen Etling added that because the State has received more revenue than expected, Sen. Ford is very optimistic. Mr. Cullen echoed that hope

based on the state revenue report just released, which projects a three-percent shortfall in FY2021 and a three-percent increase in FY2022. He also noted that the only recommendation of the Interim Committee on Courts and Criminal Code was an increase in the public defender fund, understanding its impact on the criminal justice system.

**4. Local Public Defender Board Appointments**

Mr. Cullen apprised the Board that there were seven consensus candidates for local public defender board appointments in the following counties:

<b>County:</b>	<b>Candidate:</b>
<b>Floyd</b>	Matthew Schad
<b>Hendricks</b>	Ryan Tanselle
<b>Harrison</b> (new board)	Maryland Austin (interim appointment confirmed)
<b>LaPorte</b>	Dale Brown
<b>Ripley</b>	Ginger Bradford
<b>Rush</b>	Kevin Snyder
<b>Washington</b>	Marsha Dailey

Mr. Cullen observed that Mr. Schad had received wide support, including two people who attended the meeting (remotely). Ms. Corley moved to consider all seven candidates at once. There was no objection. The Commission agreed to consider them together.

Judge Meyer moved to approve the seven candidates. Judge Diekhoff seconded the motion. There were no questions, concerns, or objections. The candidates were approved.

**5. Financial Status of Public Defense Fund**

Mr. Mason provided the status of the Fund, which is sufficient to pay the 3Q2020 reimbursement requests.

In response to a question, Mr. Mason stated that he does not expect the Supreme Court’s recently announced jury trial moratorium to have a significant impact on the Commission’s expenditures because a) most public defenders are contract or salaried, and thus will be paid the same, and b) although some public

defenders are paid hourly, they are a relatively small percentage and most defendants do not go to jury trial at all, so the impact will likely be very minimal.

## **6. Status of County Compliance:**

### **A. 90-Day Follow-Up: Lawrence County**

At the September 23, 2020 meeting, the Commission approved a ninety-day letter to Lawrence County due to three areas, including caseloads, the county PD Board's compliance with its obligations, and pay parity issues. Mr. Mason provided an update to the Commission on those issues. Lawrence County provided a letter stating its progress and requesting ninety additional days to reach compliance. The county is now caseload compliant due to an especially high volume of cases being sent out of the office to hourly attorneys. The county has filled one of its vacant attorney positions and the Chief PD reports optimism regarding two more hires by the end of the year. Where previously the PD Board was not meeting quarterly and possibly not fulfilling their statutory obligations, the PD Board has since met and indicated it is willing to fulfill its obligations and work toward solving the county's PD issues. Finally, there was a concern that the prosecutor's office receives salary supplements that the PD's office does not, thus resulting in pay disparity and likely contributing to the issues the PD's office has with obtaining and retaining its deputy attorneys.

Mr. Mason stated that given the progress the county has made, particularly regarding caseload compliance, and the challenge of figuring out how to match the prosecutor's pay, Commission staff recommend giving additional time. Mr. Andis reiterated Mr. Mason's position. He also stated that the county council president said that the pay parity issue is one that cannot be readily addressed and will require additional time to resolve. While the caseload issue has been ongoing, the pay parity issue is relatively recent.

Judge Hanlon moved to give the Lawrence County PD Board ninety additional days to come up with a plan. Mr. Hensel seconded the motion. Senator Taylor asked if this approach was consistent with the Commission's approach to other counties. Mr. Mason answered that the pay parity issue was discovered in July or August, and staff sent the 90-day letter in September. Judge Meyer noted that the Commission has worked with county councils once these issues come up, and that it is not uncommon for county councils to miss these types of budget issues. Sen. Koch observed that progress is being made and the parties are working together to resolve them in good faith. Sen. Taylor said he would support the motion but affirmed the pay parity issue

needs to be complied with. Judge Hanlon commented that this would be a good reason for the legislature to discuss and approve wage equity for prosecutors and public defenders.

The Chair asked if there were any objections to Judge Hanlon's motion, and there were none. The motion carried unanimously. (1:23:04)

## **B. Follow-Up: Brown & Elkhart Counties**

### Brown County

Mr. Mason discussed the situation in Brown County involving a criminal investigation of a public defender and the appointment of a special prosecutor. Mr. Mason informed the Commission that Commission staff has received no additional updates regarding whether the public defender will face charges related to his hourly billing practices. There is no further evidence available as to who made the complaint to the sheriff's office other than the possible inferences made in the letters provided at the last quarterly meeting. He noted the very stifling impact that this could have on public defenders in Indiana.

Commission staff recommended no action at this time. Ms. Corley recommended that if there is a billing question in the future, the county board should be the first to review the situation. Mr. Mason responded that the Brown County Public Defender Board does plan to address the situation further but are waiting to see how the investigation and potential prosecution develop. The Commission took no formal action.

### Elkhart County

Mr. Mason reminded the Commission that Elkhart County's first Chief Public Defender passed away and their new Chief Public Defender, Jeff Majerek, started in the 3Q2020. When Elkhart County joined the Commission, their first chief promised compliance by hiring additional staff and salary parity in the future. The approval of the county's comprehensive plan stated it was contingent upon payment of the Chief PD's salary no later than July 1, 2020.

Commission staff discovered that the initial Chief PD had not discussed all the staffing needs and salaries with everyone on the county council. Additional hiring has occurred and has been funded as needed thus far (although their attorneys are expected to be operating at or near the high end of their caseload capacity). The county has not yet agreed to any raise for the Chief PD. The prosecutor is arguing that if the public defender needs more attorneys, the prosecutor needs even more.

In a similar situation, Vanderburgh County was the last holdout to come into compliance with the Chief PD salary. Vanderburgh County was given time to come into compliance but received no reimbursement for the Chief PD’s reimbursement of salary and benefits. Elkhart County has already seen benefit from being a Commission member with social workers, support staff, and additional attorneys. Following the Vanderburgh example, Commission staff recommend no reimbursement for Jeff Majerek and give until the end of the fiscal year, through June 30, 2021, to come into compliance.

Ms. Corley moved to adopt Mr. Mason’s recommendation. Judge Hanlon seconded the motion. There was no discussion and there were no objections. The motion carried unanimously.

**C. Non-Capital Caseloads**

Mr. Mason reported that the counties are 89% compliant with caseload standards except for certain attorneys who have agreements with multiple counties. There were no questions or concerns from the Commission for Mr. Mason.

**7. Requests for 40% Reimbursement in Non-Capital Cases**

Mr. Mason recommended reimbursement as provided in the table below.

**INDIANA PUBLIC DEFENDER COMMISSION**  
 Third Quarter 2020 Requests for Reimbursements in Non-Capital Cases  
**12/16/2020**

County	Total Expenditure	Non-reimbursable Adjustment	% Adjustment	Eligible Expenditure	40% Reimbursed
Adams	\$98,134.19	\$16,000.52	16.30%	\$82,133.67	\$32,853.47
Allen	\$1,244,243.18	\$89,944.16	7.23%	\$1,154,299.02	\$461,719.61
Benton	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Blackford*	\$50,232.00	\$6,795.75	13.53%	\$43,436.25	\$15,448.25
Brown	\$94,345.75	\$25,785.48	27.33%	\$68,560.27	\$27,424.11
Carroll	\$46,929.05	\$16,606.13	35.39%	\$30,322.92	\$12,129.17
Cass	\$175,015.81	\$24,242.19	13.85%	\$150,773.62	\$60,309.45
Clark	\$372,604.07	\$10,888.37	2.92%	\$361,715.70	\$144,686.28
Clinton	\$82,611.24	\$18,879.38	22.85%	\$63,731.86	\$25,492.74
Decatur	\$95,698.03	\$27,935.38	29.19%	\$67,762.65	\$27,105.06



Dekalb	\$209,595.47	\$21,033.04	10.04%	\$188,562.43	\$75,424.97
Delaware	\$369,170.22	\$9,148.40	2.48%	\$360,021.82	\$144,008.73
Elkhart	\$744,161.89	\$128,813.92	17.31%	\$615,347.97	\$246,139.19
Fayette	\$114,273.85	\$13,111.43	11.47%	\$101,162.42	\$40,464.97
Floyd	\$213,141.93	\$10,356.14	4.86%	\$202,785.79	\$81,114.32
Fountain	\$32,519.47	\$7,441.26	22.88%	\$25,078.21	\$10,031.28
Fulton	\$74,310.08	\$19,441.08	26.16%	\$54,869.00	\$21,947.60
Gibson	\$231,244.46	\$23,356.39	10.10%	\$207,888.07	\$83,155.23
Grant	\$252,662.21	\$9,251.48	3.66%	\$243,410.73	\$97,364.29
Greene	\$157,254.83	\$20,217.76	12.86%	\$137,037.07	\$54,814.83
Hancock	\$98,958.26	\$16,298.97	16.47%	\$82,659.29	\$33,063.72
Hendricks	\$449,273.72	\$71,544.59	15.92%	\$377,729.13	\$151,091.65
Howard	\$487,082.84	\$41,527.42	8.53%	\$445,555.42	\$178,222.17
Jackson**	\$206,178.33	\$10,441.28	5.06%	\$195,737.05	\$75,194.83
Jasper	\$112,212.02	\$29,532.23	26.32%	\$82,679.79	\$33,071.92
Jay	\$122,772.42	\$16,936.54	13.80%	\$105,835.88	\$42,334.35
Jefferson	\$190,311.98	\$36,899.26	19.39%	\$153,412.72	\$61,365.09
Jennings	\$121,950.29	\$19,169.33	15.72%	\$102,780.96	\$41,112.39
Knox	\$219,933.24	\$38,382.34	17.45%	\$181,550.90	\$72,620.36
Kosciusko	\$287,288.78	\$85,093.46	29.62%	\$202,195.32	\$80,878.13
LaGrange	\$71,656.70	\$7,824.23	10.92%	\$63,832.47	\$25,532.99
Lake	\$1,349,364.45	\$11,047.23	0.82%	\$1,338,317.22	\$535,326.89
LaPorte	\$257,092.66	\$24,828.42	9.66%	\$232,264.24	\$92,905.70
Lawrence	\$223,868.20	\$22,634.68	10.11%	\$201,233.52	\$80,493.41
Madison	\$470,312.54	\$9,568.07	2.03%	\$460,744.47	\$184,297.79
Marion	\$5,410,123.00	\$111,427.37	2.06%	\$5,298,695.63	\$2,119,478.25
Martin	\$59,291.90	\$10,716.19	18.07%	\$48,575.71	\$19,430.28
Miami	\$198,170.29	\$18,846.10	9.51%	\$179,324.19	\$71,729.68
Monroe	\$621,986.10	\$134,329.70	21.60%	\$487,656.40	\$195,062.56
Noble	\$266,642.71	\$37,459.97	14.05%	\$229,182.74	\$91,673.09
Ohio	\$20,891.16	\$3,390.61	16.23%	\$17,500.55	\$7,000.22
Orange	\$121,559.82	\$18,635.13	15.33%	\$102,924.69	\$41,169.88
Owen	\$85,832.46	\$17,664.44	20.58%	\$68,168.02	\$27,267.21
Parke	\$45,085.86	\$18,827.28	41.76%	\$26,258.58	\$10,503.43
Perry	\$70,803.23	\$9,949.77	14.05%	\$60,853.46	\$24,341.39
Pike	\$37,101.89	\$1,077.06	2.90%	\$36,024.83	\$14,409.93
Pulaski	\$94,208.64	\$19,716.95	20.93%	\$74,491.69	\$29,796.68
Ripley	\$46,895.58	\$4,813.44	10.26%	\$42,082.14	\$16,832.86
Rush	\$102,858.90	\$17,606.54	17.12%	\$85,252.36	\$34,100.94
Scott	\$141,324.96	\$14,149.15	10.01%	\$127,175.81	\$50,870.32
Shelby	\$160,930.82	\$25,121.77	15.61%	\$135,809.05	\$54,323.62
Spencer	\$89,592.81	\$8,800.62	9.82%	\$80,792.19	\$32,316.88

Steuben	\$121,703.71	\$38,938.04	31.99%	\$82,765.67	\$33,106.27
St. Joseph	\$566,575.34	\$66,951.16	11.82%	\$499,624.18	\$199,849.67
Sullivan	\$94,137.55	\$24,186.52	25.69%	\$69,951.03	\$27,980.41
Switzerland	\$70,891.81	\$14,125.02	19.92%	\$56,766.79	\$22,706.72
Tippecanoe	\$1,013,787.53	\$151,730.39	14.97%	\$862,057.14	\$344,822.86
Union	\$14,206.50	\$2,040.75	14.36%	\$12,165.75	\$4,866.30
Vanderburgh	\$811,332.54	\$54,453.03	6.71%	\$756,879.51	\$302,751.80
Vermillion	\$61,069.77	\$14,706.07	24.08%	\$46,363.70	\$18,545.48
Vigo	\$718,767.39	\$127,776.00	17.78%	\$590,991.39	\$236,396.55
Wabash	\$94,816.17	\$16,319.38	17.21%	\$78,496.79	\$31,398.72
Warren	\$4,220.85	\$119.10	2.82%	\$4,101.75	\$1,640.70
Washington	\$168,270.52	\$22,987.79	13.66%	\$145,282.73	\$58,113.09
<b>Total</b>	<b>\$20,639,483.97</b>	<b>\$1,947,841.65</b>		<b>\$18,691,642.32</b>	<b>\$7,471,630.73</b>

\*Blackford has \$1926.25 withheld due to 2Q desk audit findings

\*\* Jackson has \$3,099.99 withheld due to 2Q desk audit findings

Mr. Mason noted that removing reimbursement for the Elkhart Chief would entail reimbursement of \$7,471,630.73

Judge Meyer moved to approve the reimbursement requests as recommended by Commission staff. Mr. Hensel seconded the motion. There were no objections. The motion carried unanimously, and the reimbursements were authorized.

## 8. Next Year's Quarterly Meeting Dates

Mr. Mason reminded the Commission that each December the Commission sets the following year's quarterly meeting dates, which are then posted on the Commission homepage. Commission staff proposed the following dates for 2021:

- 4Q20: March 19, 2021 (Friday)
- 1Q21: June 16, 2021
- 2Q21: September 22, 2021
- 3Q21: December 15, 2021

Rep. Lauer moved to approve these dates. Sen. Taylor seconded the motion. There were no objections. The motion carried unanimously.

## 9. Commission Staff Update

Mr. Mason provided the Commission with the following staff updates.

- Workload Study – Commission staff continues to work on possible changes to caseload standards. One of the first changes expected to be recommended is the elimination of the “Level 6 Felony Only” designation. Only a handful of counties use this system. Commission staff will reach out to impacted counties for comment on such a change.
- Federal funds for parental representation passed through DCS – After almost two years of effort, Commission staff expect the first reimbursement to occur this quarter from DCS to the public defense fund for public defense expenses the Commission reimburses relating to CHINS and TPR cases. Commission staff will update the Commission on the amounts received.
- New County Submissions – Warrick and Harrison County both expect to submit partial quarter reimbursement items for the fourth quarter of 2020 (at the March meeting) with both counties submitting full reimbursement requests at the June meeting. This will bring county participation to a record 66 counties.
- Annual Report – As always, the Commission’s annual report is being finalized. Commission members were requested to provide any corrections, alterations, or requests related to the report to staff as soon as possible. Sen. Koch commended all those involved with the preparation of the report, recognizing that it was very relevant and that the level of detail and professionalism was outstanding. Mr. Cullen noted that it was a team effort, but that Jennifer Pinkston did excellent work on the graphics and design.
- Greene County New Office – Greene County is the third county to develop a new public defense office since the Commission passed its guideline on reimbursing significant building-related expenses over a ten-year/40 quarter period. Their offices have been inspected pursuant to the guideline and reimbursement will begin at next quarter’s meeting.
- Lake County New Office – Lake County moved into their new office in 2019 but has had various county-based challenges in completing their finalized project budget. Lake County hopes to begin reimbursement for their build-out next quarter.
- The Commission’s quarterly newsletter – The newsletter is now fully electronic and has been redesigned. Commission members and the audience were exhorted to notify staff if they are not receiving the newsletter. The next newsletter should come out in January.

- Finally, Commission staff just learned about a county that has a managing public defender that should be paid as a Chief Public Defender. Commission staff is reviewing the comprehensive plans for counties that do not have chief public defenders but have managing public defenders or offices. Staff expect to have a report for the Commission at the March meeting.

#### **10. Other Matters**

Mr. Hensel moved to adjourn the meeting. Sen. Koch seconded the motion. There were no objections. The meeting was adjourned at 3:20 p.m.