

INDIANA PUBLIC DEFENDER COUNCIL
BYLAWS

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

Dated Adopted: 3/11/2021

These By-Laws are hereby unanimously adopted during a regular meeting of the Indiana Public Defender Council Board of Directors on the 11th day of March 2021.

ARTICLE I
MISSION, ORIGIN, STATUTE

Section 1 Mission Statement. The mission of the Indiana Public Defender Council is to improve legal representation provided at public expense in state courts in Indiana.

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. Participation by Non-Members. Non-members may participate in services upon:

- (a) meeting eligibility requirements as determined from time to time by the board of directors;
- (b) application on a form provided by the Council; and,
- (c) upon payment of fees, 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. County Representation.

- (a) No more than four (4) members from any one county may serve on the Board of Directors at the same time.
- (b) A candidate's "county" is the county wherein the candidate primarily provides indigent representation.
- (c) A candidate must indicate on a form provided by the Council the county wherein the candidate primarily provides indigent representation.

Section 4. 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) Effective March 11, 2021, no member of the Board of Director may serve more than three (3) consecutive terms as a member of the Board of Directors. However, any member of the Board of Directors serving as of March 11, 2021 may complete the remaining balance of that person's term.
- (c) After three consecutive terms, a member of the Board of Directors 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 5. 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) Hire, support and monitor the Council's executive director;
- (b) Clarify the mission of the organization;
- (c) Approve long term plans;
- (d) Ensure financial stability;
- (e) Assess Council's 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 Meeting 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 Meeting, 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 Meeting, 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 30 days before the Council's Annual Meeting, provide a platform on which members may vote electronically and said platform shall remain open and accessible up to the mid-day break at the Annual Meeting.
- (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 vote of a majority of the members of the Board of Directors for the unexpired term of such office. Nominations may be made by any member of the Board of Directors.

Section 2. Vacancies. Any other vacancy not occurring as a result of the events described in Section 1 shall be filled as outlined in Section 3 by vote of a majority of the existing members of the Board of Directors for the unexpired term of such office or until the next election date whichever occurs sooner.

Section 3. Eligibility for Vacant Term. A vacancy outlined in Section 2 shall be filled with a member who adds geographic and/or practice area diversity similar to the departed member. A board member who fills an existing vacancy shall serve the remainder of the term, which shall be one of the three terms outlined in Section 4 of Article III.

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 in any role may serve for a term of one (1) year in that role. No officer may serve for more than two (2) terms in the same role 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.

ARTICLE VIII. AMENDMENTS

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

- a. Any member may propose an amendment to the By-Laws.
- b. Any proposed amendment shall be submitted, in writing, to the members of Board of Directors within fourteen days before a scheduled meeting of the Board
- c. Any proposal shall be submitted to the By-Laws Committee for its review and recommendation to the Board.
- d. The by-laws may then be amended upon an affirmative vote of two-thirds of the Board of Directors.

ARTICLE IV 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 person who 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 Meeting, 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 Meeting, 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 Meeting, 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. Any board member, employee or contractor of the Council is ineligible to be nominated for and receive either the Gault or Gideon award.