



# **HENDRICKS COUNTY PUBLIC DEFENDER BOARD**

## **MINUTES OF THE APRIL 12, 2017 MEETING**

Hendricks County Government Center  
Commissioners' Meeting Room  
355 S. Washington Street  
Danville, IN 46122

### **CALL TO ORDER**

The Public Defender Board met at 9:00AM on Wednesday, April 12, 2017 in the Commissioners' Meeting Room at the Hendricks County Government Center, with the following in attendance:

David Coleman	Hendricks County Public Defender Board, President
David Lawson	Hendricks County Public Defender Board, Member
R. Todd McCormack	Hendricks County Public Defender Board, Member
Mila M. Larose	Hendricks County Administration & Public Affairs Assistant

### **DETERMINATION OF A QUORUM AND APPROVAL OF MINUTES**

President David Coleman opened the meeting with a quorum of three members in attendance and presented the minutes of the March 29, 2017 meeting of the Public Defender Board. Todd McCormack moved to approve the minutes of the March 29, 2017 meeting of the Public Defender Board. David Lawson seconded the motion and the motion was approved unanimously 3-0-0.

### **EXECUTIVE SESSION**

Prior to dismissing into the Executive Session, David Lawson presented information to the Board that they consider interviewing additional applicants, since one of the proposed candidates to be interviewed had withdrawn his application for Chief Public Defender. David Lawson wanted to present this motion now because the Board had not interviewed any of the candidates, and he stated he will bring the motion up again upon reconvening the general session of the Public Defender Board meeting. President David Coleman tabled David Lawson's motion, to discuss further in the Executive Session. President David Coleman dismissed the Public Defender Board into Executive Session in Meeting Room #2 at 9:09AM, to interview applicants for Chief Public Defender.

### **RECONVENE INTO GENERAL SESSION UPON CONCLUSION OF INTERVIEWS**

Upon completion of three interviews for Chief Public Defender, President David Coleman reconvened the Public Defender Board meeting into general session with a quorum of three members in attendance at 1:55PM on Thursday, April 13, 2017 in the Commissioners' Meeting Room at the Hendricks County Government Center.

President David Coleman stated there was a motion on the floor prior to dismissing into Executive Session and David Lawson stated he would like to renew the motion since one applicant had withdrawn prior to interviews. David Lawson moved the Board interview additional applicants for Chief Public Defender. Todd McCormack seconded the motion and the motion was approved unanimously 3-0-0. President David Coleman stated the Board would continue interviewing applicants and asked the Board how many additional applicants they should interview; David Lawson stated he'd like to interview two or three more applicants and he didn't see the need to interview all thirteen applicants that applied for the Chief Public Defender position. David Lawson moved to approve the Public Defender Board interview three more applicants for Chief Public Defender. Todd McCormack seconded the motion, but Judge Mark Smith interrupted the motion prior to approval. Judge Mark Smith stated the judges have been placed into a difficult situation because as the interview process has proceeded, there has been more negative feedback from the local public defenders coming back to the judges,

falling on their shoulders. Judge Mark Smith stated he's glad the Public Defender Board decided to open the interview process back up and thinks it will go a long way to sway some of the concerns expressed by the majority of people he has spoken to within the public defender system. Judge Mark Smith encouraged the Board to consider interviewing all applicants for the Chief Public Defender position due to the limited number of applications received. Judge Mark Smith further stated all people interview differently in person than what they appear on paper and in his opinion when you have interviews with people back to back, you get a good feel for them when you're asking them the same questions in person versus comparing them on paper.

Judge Mark Smith stated there has been a lot of frustration expressed by some of the public defenders about two people from the Hendricks County Prosecutor's Office getting interviewed when neither of them has ever represented a criminal defendant. Judge Mark Smith voiced he doesn't want to get muddied down with any of that because at the end of the day he's here to assure the Board from his perspective, and he's sure it's the same from Judge Stephenie LeMay-Luken and from Judge Karen Love, that no matter who the Board chooses they're there to support the person and to make sure this process goes the way they hoped. Judge Mark Smith stated it's important to not get off on the wrong foot with regards to the existing public defenders because at the end of the day they're going to have to be able to use them as resources to support this new plan.

Judge Stephenie LeMay-Luken agreed with Judge Mark Smith 100%, stating our current public defenders work very hard and there was frustration amongst the group of them because they weren't called for an interview. President David Coleman stated the Board never closed out the interview process and the Board made it clear in the meeting on March 29, 2017 it was the Board's intent to continue interviewing applicants until the Board felt they had found the right person to fill the Chief Public Defender position. Judge Stephenie LeMay-Luken stated she doesn't think the current public defenders were aware of that, and President David Coleman stated they should've been at the Public Defender Board meeting and they would've been aware. Judge Stephenie LeMay-Luken stated in all fairness the public defenders have court and can't always attend the meetings. David Lawson expressed the decision to continue interviews, but he is opposed to the Board interviewing all twelve applicants for the Chief Public Defender position because he feels some of the applicants are better qualified for the position on paper than others.

David Lawson wanted to make sure the three people the Board interviewed are aware of the fact the Board is interviewing more applicants, but he wants to make sure they understand the additional interviews does not mean they aren't being considered for the position. Judge Mark Smith told David Lawson he felt David Lawson was coming directly at him with his comment. David Lawson stated that was not the case, but rather part of the nature of the responsibility for filling this position to ensure the success of the Comprehensive Plan and he's not going to keep repeating himself. Judge Mark Smith told David Lawson he respects David Lawson and the Board and he will support the Board's decision whole-heartedly, but felt he needed to make the Board aware of the negative feedback the judges have received. Judge Mark Smith stated he trusts the Board and their decisions and he will live with the decision the Board makes. Judge Mark Smith stated he feels David Lawson made a closing argument himself for the Board to interview all twelve applicants, when David Lawson stated the Board wants to make sure they find the best possible applicant to fill the important position of Chief Public Defender and paper doesn't say everything. David Lawson stated he and Judge Mark Smith have different viewpoints about the paper and he's not going to continue to repeat himself.

Judge Karen Love stated she doesn't know for sure who interviewed for the position, but she wants to assure the Board and whoever their candidate is that she will support them because she wants this to be successful. Judge Karen Love trusts the Public Defender Board to make the right decision and wants the Board to take all of the time they need to make it, but she needs direction from the Board about contract continuations and how things are supposed to be paid or paid down. Judge Karen Love states they need some direction from the Board as to what items they will go to the Chief Public Defender for.

President David Coleman stated the Public Defender Board had thirteen total applicants for the Chief Public

Defender position; one applicant submitted their information late, approximately two or three days after the deadline, which resulted in them being eliminated. The Public Defender Board went through the remaining twelve applications and selected the four applicants they wanted to interview, one of the selected four applicants dropped out prior to their scheduled interview, leaving the Board three applicants to be interviewed. President David Coleman moved the Public Defender Board select three more applicants to interview for the Chief Public Defender position. Todd McCormack seconded the motion and the motion was approved unanimously 3-0-0. President David Coleman proposed the Public Defender Board schedule the additional three interviews for Thursday, April 20, 2017 at 9:00AM, if possible and asked Todd McCormack to contact the three applicants and attempt to schedule them for interviews at 9:00AM, 10:00AM, and 11:00AM on April 20, 2017. Todd McCormack stated he will contact them and get their interviews scheduled.

Todd McCormack advised Judge Karen Love the Board is aware of and has discussed funding issues and contracts and are trying to get someone in the Chief Public Defender position as quickly as possible for those reasons, ideally up and running as of July 1, 2017. Todd McCormack stated some of the issues they have encountered with applicants is the amount of time necessary to close out private practices or give the necessary notice to their employer. Judge Karen Love stated it's important the Board find the right person to fill the position as Chief Public Defender and the judges just need some direction from the Board on what to do during the gap of time. Todd McCormack stated as far as the big picture going forward and the general direction of the Board, the Board doesn't want to micromanage the Chief Public Defender in any way shape or form. Todd McCormack further stated his goal and role is to hire the best qualified person and the person is going to have to go out and meet the players, get a lot of feedback and information from them, and then decide the best way to go forward. The Comprehensive Plan was approved on April 6, 2017 with the caveat attached that it's likely to be amended once the Chief Public Defender is in place the person hired should have the ability to shape and control what the organization will look like going forward. Todd McCormack stated the Board will have input going forward, as well as the Hendricks County Council from a funding standpoint. He thinks all the players involved (i.e. Hendricks County Council, Hendricks County Commissioners, judges, and public defenders) should play a part in shaping it and work together to shape it. Todd McCormack stated there's a lot of knowledge and expertise out there and he's hoping the Chief Public Defender will take advantage of it and get the feedback from those people that are affected.

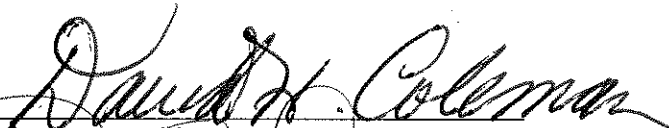
Judge Karen Love stated she wants to participate but she also believes in the independence of the person the Board chooses as the Chief Public Defender, so it's an unusual situation for her to be in and she wants to be respectful of the parameters and of the Board. Todd McCormack appreciated and respected the judge's decision to try not to influence the process, but the reality is the judges' deal with these people on a day to day basis and have better information than most of the members of the Public Defender Board, which makes their input and their information valuable. Todd McCormack stated as a Board member, even though he wasn't one of the judge's appointees, he wants to seek their information to help him in the decision making process. Todd McCormack stated he likes making decisions based on what he knows and not on what he does not know and the more information he has, the easier it is for him to make an informed decision. Todd McCormack noted, as Judge Mark Smith had previously stated, if this doesn't go right it's going to be difficult for himself and Catherine Haines to work towards other solutions. Todd noted if this does not work, it's going to affect everyone involved and it's going to affect services. He would rather everyone speak now and guaranteed he will take their input and what they want into consideration, noting that doesn't necessarily mean everyone will get what they want. Todd McCormack stated he knows what the Commissioners want, but it doesn't mean they're going to get what they want either and he has informed them of such. Judge Karen Love stated to keep in mind that in a good settlement everyone gets some of what they want but no one gets all of what that they want. Todd McCormack agreed and stated when neither side is happy you've probably done a good job.

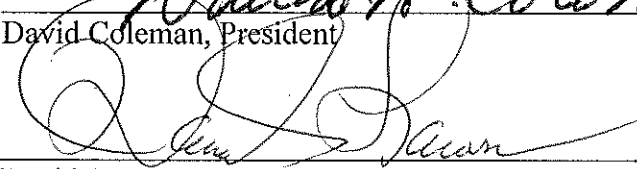
President David Coleman asked if there were any other comments or input. David Lawson stated he thinks it's important the Public Defender Board contact the three people they've already interviewed to update them with

what's been decided. Todd McCormack stated he will personally call the three applicants interviewed by the Board for the Chief Public Defender position, and update them.

Todd McCormack moved to adjourn the Public Defender Board meeting at 2:11PM on Thursday, April 13, 2017. David Lawson seconded the motion and the motion was approved unanimously 3-0-0.

The Board Members below attest by signature that only personnel issues regarding the hiring of the Chief Public Defender were discussed during the Executive Session.

  
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David Coleman, President

  
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David Lawson

  
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R. Todd McCormack