



STATE OF INDIANA

INDIANA PUBLIC DEFENDER COUNCIL

309 West Washington Street, Suite 401
Indianapolis, IN 46204-2725
Telephone: (317) 232-2490
Fax: (317) 232-5524

MEMORANDUM

TO: IPDC Board
FROM: Joel C. Wieneke
RE: Reconsideration of priorities which guide whether IPDC will seek to join as an Amicus
DATE: September 14, 2020, Board Retreat

The IPDC Amicus Curiae Policy adopted by the Board in March, 2020, contains a list of issues to be given priority, a list that was carried over from the prior Amicus Curiae Policy:

1. right to counsel for indigent persons;
2. right to adequate funds to participate and present a defense;
3. independence of indigent defense counsel;
4. interference with the attorney-client relationship;
5. issues affecting the reliability of the truth finding function, i.e., right of confrontation, burden of proof, etc.

At the meeting adopting this list, it was also determined that the priority list should be reevaluated at the Board Retreat. The above list is consistent with the goals of the IPDC, but is a much narrower view of the liaison role outlined for the Council in statute. Indiana Code § 33-40-4-5 (5) requires that the Council “maintain liaison contact with study commissions, organizations, and agencies of all branches of local, state, and federal government that *will benefit criminal defense as part of the fair administration of justice in Indiana.*”

Recommendation:

Adopt a sixth priority which advances the language of the Council’s enabling statute concerning the “fair administration of justice in Indiana.” In light of this language, IPDC has long undertaken a role with the Indiana General Assembly advancing a broad array of substantive and procedural justice issues. Likewise, it is appropriate for the Council to advance substantive and procedural constitutional law, criminal law, and juvenile law issues that impact a

large number of Hoosiers in the court system, and thereby advance the fair administration of justice in our state. The following is an example of language that could be used:

6. issues concerning the fair administration of justice in Indiana, including issues of constitutional law protecting individual liberties essential for freedom, criminal law, and juvenile law.