

Indiana Public Defender Council  
Meeting of Board of Directors - April 20, 1988

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by Chairman Gene Hollander at 7:40 p.m. on April 20, 1988 at the office of the IPDC in Indianapolis, Indiana. Present were Susan Carpenter, Linda Wagoner, Dan Weber, Gene Hollander, David Hennessy, Mark McNeely, Sheila Zwickey, and Sandy Bryant. Staff members in attendance were Larry Landis and Mary Sinnock.

II. APPROVAL OF MINUTES

Minutes from the Board meeting of February 26, 1988 had been mailed to all Directors prior to this meeting. Mark McNeely requested that the minutes be amended to reflect that he sent a letter to David Hennessy prior to the Feb. 26th meeting giving his proxy to vote in the Board officer election. Larry Landis explained that this was included in Secretary Dan Weber's notes from the meeting, but had been omitted in the minutes as submitted for approval. Mark's amendment was adopted by acclamation and the minutes of the February 26, 1988 Board meeting were unanimously approved.

Discussion was held on the procedure and responsibility for recording minutes of meetings of the Board of Directors. It is the consensus of the Board that an IPDC staff member be available at meetings to assist the Secretary in taking minutes if so desired by the Secretary. Committees are not required to record minutes of their proceedings since their findings and recommendations are recorded in the minutes of the full Board meetings when reports are made.

III. EXECUTIVE DIRECTOR'S REPORT

(Attached hereto is the Executive Director's Report dated April 1988 which is included as part of these minutes as Attachment A).

A. Alternative Sentencing Project (ASP).

Larry Landis reported on the volume and acceptance rate of case plans prepared by the Sentencing Alternative Project. Interviewing has begun for a Project Director. The ASP has been nominated for recognition by the Indiana Criminal Justice Institute as an Exemplary Project. In response to questions from Directors, Larry gave an overview of the funding situation of the ASP and projections for the next two to three years, including the need to secure state funding for the continuation of this project when grant funding is no longer available.

B. Board member representation at national programs.

Larry Landis provided information about a Defender Management Training Conference sponsored by NLADA which he will be attending in May. Several Directors expressed interest in sending Board members to national programs to represent the IPDC. Larry was requested to include funding in the 1989-91 biennium budget request for a Board member to attend at least one national meeting or training program per year.

#### IV. COMMITTEE REPORTS

A. Standards Committee.

Susan Carpenter (Chair) reported that the committee will review the NLADA Death Penalty representation standards. She requested that the Board decide which standards issues should be given priority by the committee. The Board identified three areas for consideration by the committee in reviewing and drafting proposed standards: determination of indigency; conflicts of interest; and right to expert assistance.

B. Malpractice Committee.

David Hennessy (Chair) reported that information has been collected and sample policies have been requested from three general carriers at this time. The policies and information will be reviewed by the committee and findings reported to the Directors at the next full Board meeting.

Mark McNeely raised the issue of proposing legislation which would grant immunity from civil actions to public defenders for representation provided under court appointment. The Board expressed interest in pursuing this issue and Mark McNeely agreed to draft a legislative proposal.

C. Payment Guidelines Committee.

Terry Richmond (Chair) was not present and no report was given for this committee. The purpose of the committee was discussed. Sheila Zwickey agreed to serve as co-chair for the committee and to pursue committee action and report at the next Board meeting.

D. Public Defender Legislation Committee.

Dan Weber (Chair) reported that the committee had met earlier on April 20th. IPDC member George Wilder had been selected as one of the three non-Board members of the committee. The committee has divided the state into geographical areas and assigned responsibility for support efforts in each area. Notice will be made in the Defender that the bill will be submitted in the 1989 General Assembly and that information is available through the IPDC. Strategies for enlisting support and obtaining passage of the bill were discussed.

E. Nominating Committee.

Susan Carpenter (Chair) reported that positions held by Hennessy, Keckley, McNeely, Wagoner and Toomey were up for election in 1988. The incumbents are assumed to be nominees for reelection unless they notify her otherwise. Notice will be run in the Defender informing members of the upcoming election and providing information for self-nominations and absentee ballots under the same policies previously established by the Board.

Following discussion, the following Resolution was proposed by Susan Carpenter:

"BE IT RESOLVED, that the Board hereby decides to permit voting by proxy in Board officer elections by Directors who are unable to be present at said elections."

The motion was seconded by Mark McNeely and passed by unanimous consent.

V. OLD BUSINESS

Mark McNeely asked Larry Landis for a report on the issue of telephone hook-up for Directors to Board meetings which they could not attend in person. Larry reported on the estimated expense of using a WATS line conference call connection. A speaker phone in the meeting room would be the most effective link, however, the IPDC does not have this equipment. No action was taken on this issue.

VI. NEW BUSINESS

A. Handouts.

Larry Landis directed attention to the following two documents included in the materials for this meeting which were provided for information purposes and required no action:

1. An outline of a presentation to the Monroe County Council re: a public defender salary increase.
2. The recently completed Office Personnel Policy Manual of the IPDC.

B. Public Education Campaign.

Larry requested the Board to authorize a public relations campaign to correct public misperception of the role, work and responsibilities of public defenders in the criminal justice system. The proposal is supported by the IPDC legal staff who perceive a need to address this issue with actions by the Council and its members. Susan Carpenter moved that the Board approve the use of staff time and resources to address the need for increased public awareness of the work of public defenders. The motion was seconded by Linda Wagoner and passed by unanimous consent. Mark McNeely suggested that these efforts should be coordinated with Indiana State Bar Association efforts.

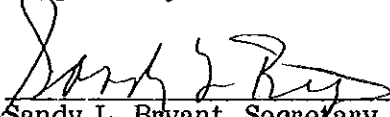
C. Board Retreat.

July 16, 1988 was confirmed as the date for the annual Board retreat and planning meeting in Indianapolis.

VII. ADJOURNMENT

Dan Weber moved for adjournment at approximately 9:20 p.m. on April 20, 1988. Dave Hennessy seconded and the motion passed unanimously.

Respectfully submitted:

  
Sandy L. Bryant, Secretary

Approved:

  
Eugene C. Hollander, Chairman

# EXECUTIVE DIRECTOR'S REPORT

APRIL 1988

## A. MANUALS

1. Sentencing Manual Update The Sentencing Manual published in 1984 has been revised by Monica Foster. 170 copies are being printed and will be available in May.
2. Trial Manual The publication date for Vol. 1 has been extended until June, 1988.
3. Evidence Manual A contract for \$2,500 with Henry Karlson to update the Evidence Manual was made in April. The update is due in February of 1989.
4. Juvenile Manual A contract for \$2,500 with J. Richard Kiefer to update the Juvenile Manual was made in April. The update is due by August 31, 1988.

## B. INDIANA DEFENDER

You may have noticed that the Indiana Defender has been slightly changed by revising the front cover and increasing the weight of the paper. In addition, we have been increasing the number of original staff articles. Subscription costs to non-members is \$15 per year.

## C. TRAINING PROGRAMS

A full day seminar on Criminal Defense Update is scheduled for July 8, 1988. The annual meeting will be held during the seminar.

## D. STAFF

Interviews are scheduled for the position of Project Director of the Alternative Sentencing Project. A decision will be made in early May.

Linda Spears will be taking a maternity leave for seven weeks starting the first week of July. Mary Sinnock will be filling in as administrative assistant.

## E. EXECUTIVE DIRECTOR ACTIVITIES

1. NLADA Defender Management Conference. From May 17-21, 1988 I will be in New Orleans helping NLADA conduct a defender management conference.
2. Vacation. I will be taking vacation leave from Saturday, May 28 to Sunday, June 19 to participate in a People to People Criminal Law Delegation tour to Europe and the Soviet Union.

ATTACHMENT A

**ALTERNATIVE SENTENCING PROJECT**  
**MONTHLY REPORT**

March 31, 1988

**MONTHLY**

COUNTY	# CASES TARGETED	# CASES REFERRED TO PROJECT	# CASES ACCEPTED BY PROJECT	# CASES REJECTED BY PROJECT ADMINISTRATIVE		CASES PRESENTED IN COURT		# CASES ACCEPTED IN FULL BY COURT		# CASES ACCEPTED IN SUBT. PART BY COURT		# CASES REJECTED		# CASES PENDING	
					FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases
MARION	4	9	9			4		4						9	
ST. JOSEPH	1.5	2	2											3	
MADISON	1													1	
ALLEN	1	1	1											1	
OTHER						1		1							

**ANNUAL CUMULATIVE: FY 87-88**

COUNTY	# CASES TARGETED	# CASES REFERRED TO PROJECT	# CASES ACCEPTED BY PROJECT	# CASES REJECTED BY PROJECT ADMINISTRATIVE		# CASES PRESENTED IN COURT		# CASES ACCEPTED IN FULL BY COURT		# CASES ACCEPTED IN SUBT. PART BY COURT		# CASES REJECTED		# CASES PENDING	
					FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases		FY 86 - 87 carryover cases
MARION	47	30	30	1		19	4	16	4			3		10	
ST. JOSEPH	17	20	18			10		5		3		2		8	
MADISON	10	2	2			1				1				1	
ALLEN	8	2	2			1				1				1	
OTHER	18	3	3			3		3							

Totals

100    57    55    1 / 0    34 / 4    24 / 4    4 / 0    5 / 0    20 /

# PUBLICATIONS INVENTORY

Date: 4/20/88

PUBLICATION	PRICE	EXTRAS	PRINTED	DISTRIBUTED	LOST*	INVENTORY
CASE BANK	\$150	Binders: 5	200	148 retired: 29	0	23
CLIENT SERVICES & INFORMATION DIRECTORY	\$4 members \$5 non-members	0	100	27	0	73
CRIM. CODE (1986)	\$2	0	210	210	0	0
DEATH PENALTY - VOL. 1 (1986)	\$175 non-members \$125 members	Binders: 8	150	130	0	30
DEATH PENALTY - VOL. 2 (1986)	see above	Binders: 8	150	130	0	30
DEATH PENALTY - VOL. 3 (1986)	see above	Binders: 15 Supp,#1: 5	150	130	0	30
DIRECTORY OF EXPERT WITNESSES (1987)	\$20	Binders: 23 Tabs: 12	300	86	0	214
EVIDENCE 1 (1980) EVIDENCE 2 (1984) Supplement (1987)	\$20	Binders: 8 Tabs: see attached	<u>300</u> 300	257 264 137	0 35 0	0 1 163
JURY INSTRUCTIONS (1986)	\$25	0	400	328	0	72
JUVENILE DELINQUENCY (1984) Update (1986) Update (1987)	free		517 467 467	453	0	64
MOTIONS (1982)	\$15	Binders: 2 Inserts: ___	600	495	0	103
SENTENCING 1 (1982) SENTENCING 2 (1984) SENTENCING 3 (1988)	\$20 with binder \$15 without binder	0 Binders: 170	<u>325</u> 170	193 215 0	0 83 0	0 35 AT PRINTER
SEARCH & SEIZURE (OLD BINDERS)	0	Binders: 22 (in basement)				
1½ BINDERS WITH POCKETS	0	Binders: 16				

\*These books may have been donated to libraries, board members, or authors without my knowledge.