

INDIANA PUBLIC DEFENDER COUNCIL
Board of Directors Meeting - June 29, 1981

MINUTES

The meeting of the Board of Directors of the Indiana Public Defender Council was held at the office of the Council in the State Office Building in Indianapolis, Indiana on June 29, 1981, and commenced at approximately 7:30 p.m.

1. Members Present were Tom Cone, David Keckley, Terry Richmond, Mark McNeely, Gene Hollander.
2. Staff Members Present were Larry Landis, Executive Director, and Mary Sinnock, Administrative Assistant. Also present was Albert Putsey, Council member from Pulaski County,
3. Approval of Minutes. Minutes of the preceding meeting of the Board of Directors on November 6, 1980 were submitted by Mary Sinnock. Gene Hollander was added to the Board members present at that meeting. Minutes were then approved as corrected.
4. Executive Director's Report.
Budget Report. Larry Landis reported that the 1981 legislature appropriated \$150,000 annually to the Council for its operating budget for fiscal years 1981-83. A budget summary of how this money will be used was submitted to the Board and is attached to these Minutes. He reported that the Council actually had little control over the amount awarded, since the legislature appeared to view the Council, Prosecuting Attorneys Council and Judicial Center as an 'all or nothing' package and did not solicit information on the specific future needs or programs of the individual agencies. Each agency's budget was cut by 15% in the Senate, although the Council fortunately escaped the additional 10% cut made in the House. After discussion on the limiting effects of the \$150,000 budget on future Council activity, Gene Hollander moved that the Board make a resolution that increased funding be a priority commitment for the next biennium. Mark McNeely seconded the motion and it was affirmed.

In response to this motion, Larry advised the Board that the same budgetary procedure could be anticipated for FY 1983-5, and suggested a committee be appointed to begin laying the groundwork as early as possible. It was suggested that funding efforts include contacting every state legislator, inviting them to seminars, setting up a system to track all contacts, devoting considerable time to appropriate legislative committee members, and establishing a plan for follow through during the General Assembly. It was recommended that a committee for this purpose be appointed at the next meeting of the Board of Directors.

Intern Program. Larry informed the Board that he and Kit Weyer had secured three law school intern positions for fall, 1981. The interns would each work four hours per week for the Council and four hours per week for a Marion County public defender. One position has been filled and applications are being accepted for the remaining two.

3. Unfinished Business. Mary Sinnock asked for clarification of the Board members' discussion at the last meeting on the subject of charging Directors for seminars and manuals. In light of the Council's fiscal situation, discussion was reopened on this issue. Tom Cone, Mark McNeely and Dave Keckley all commented that for more expensive programs like the Trial Ad Workshop, it would be unfair and a burden on the Council to not charge Board members. However, it was still felt that Directors should not be charged for regular seminars or manuals. Tom Cone suggested the following policy: Regular seminar registration fees and charges for publications are not mandatory for Board members. If members wish to contribute these costs, they are certainly free to do so. If, in the future, this policy becomes a financial burden on the Council, it should be reconsidered by the Board. The motion was seconded by Dave Keckley and affirmed.

4. New Business.

Programs and Publications. Larry asked the Board to consider appointing a committee to work with the Council staff in developing a program and publications schedule for the next two years. He mentioned that in 1979 such a committee was used to help decide the programs and publications the Council has undertaken in the past two years. Mary Sinnock distributed a draft of a survey (copy attached to these Minutes) which the Council plans to send to all members this summer requesting information on what programs and publications members would like to see offered in the future. The survey also requests evaluations of existing Council services and information about which program formats and scheduling arrangements are preferred by members. The results of this survey could be useful to a planning committee, if appointed. Board members were asked to review the survey and send their suggestions for changes or additions to Mary within 10 days. Tom Cone made a motion that a Programs and Publications Committee be appointed at the next meeting of the Directors. Dave Keckley seconded the motion and it was affirmed.

Communications. As a development of the above discussion it was suggested that the Council try some new efforts to widen our communication link with defenders and defense counsel in Indiana. Tom Cone suggested that a feature article about the Council be submitted to Res Gestae and that the criminal law section of that publication be used for announcements of seminars, etc. in the future. He suggested that Toni Ax be contacted at Res Gestae about this proposal.

Nominations Committee. Larry announced that the Board positions held by Gene Hollander, Terry Richmond, Linda Wagoner, Don Gibson and Gerald Thom were scheduled for election at the coming annual meeting August 21st. A discussion on the nominating procedures to be used for the election was held. It was decided that no changes would be made in the current requirements for service on the Board of Directors, that is, if an attorney is a member of the Council, he or she qualifies for the Board. Tom Cone appointed a nominating committee of himself, Dave Keckley and Mark McNeely. This committee will contact Directors affected by the coming election to see if they wish to run for reelection. The announcement previously used in the Defender to announce Board elections and solicit voluntary nominations should be used. Any responses to this notice will be sent to Tom Cone. The Nominating Committee will prepare a slate by August 1st.

Amendments to By-laws. A proposal to make certain "clean up" changes to the Council's by-laws was put forward by Larry Landis. A reprint of the by-laws showing the indicated changes was submitted to the Board and a copy is attached to these minutes. Each change was noted in the discussion. Mark McNeely made a motion to accept the changes as marked, it was seconded by Terry Richmond. Tom Cone suggested a resolution by the Board that the changes in the by-laws be submitted to the Council membership for their approval at the annual meeting August 21st.

5. Next Board Meeting. The next meeting was set for August 22, 1981 at the summer seminar in Nashville, IN. After discussion, Tom Cone proposed a meeting over breakfast at the Brown County Inn on Saturday morning, August 22nd.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Mary Sinnock

Board of Directors
 Indiana Public Defender Council
 June 29, 1981

PERSONNEL EXPENSES

Salaries

Larry Landis	\$34,000
Brent Westerfeld	22,185
Mary Sinnock	17,239
Lisa Snyder	12,070
Kit Keller	<u>12,255</u>

	\$97,749	\$ 97,749
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Fringe Benefits 16%		<u>15,560</u>
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TOTAL	\$113,309	\$113,309
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SEMINAR EXPENSES

Speakers	\$ 12,300
Equipment Rental	726
Binders and Videotapes	821
Printing (from conference account)	<u> </u>

TOTAL	13,847	13,847
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OPERATING EXPENSES

Library	\$ 3,900
Telephone	2,220
Postage and Mailing Service	2,640
Printing	1,750
Office Equipmt. Rental & Maint.	3,714
Supplies	2,040
Furniture and Equipment	<u>500</u>

TOTAL	\$16,764	16,764
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TRAVEL EXPENSES

Staff - In-state	\$ 860
Staff - Out-of-state	3,420
Board Travel	<u>1,800</u>

TOTAL	\$ 6,080	<u>6,080</u>
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\$150,000

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QUESTIONNAIRE SURVEY TO MEMBERS ON USE AND EVALUATION OF COUNCIL SERVICES

Present Council Services:

1. Indiana Defender
2. Training Programs
3. Research and Technical Assistance
4. Training Publications

WHAT DO WE WANT TO KNOW FROM MEMBERS?

Do they use Council services? Which ones? How often?

If not, why aren't they using services?

How can present services be improved?

Should any services be cut?

What are priorities for training programs - topics, format, etc.

What are priorities for training publications - topics?

What other services would they like to see provided by the Council?

How can we improve communications and information dissemination?

I. INDIANA DEFENDER

1. How often do you read the Indiana Defender?

_____ Regularly _____ Infrequently _____ Never

2. In the Case Review section would you prefer:

_____ continue full case summaries with editor's analysis, or

_____ cover more cases in shorter summaries of just the holdings?

3. Please suggest topics you would like to see covered in future articles:

II. TRAINING PUBLICATIONS

1. If you have the following publications from the Council, please evaluate their usefulness to your public defender work.

	<u>Useful</u>	<u>Marginal</u>	<u>Never Use</u>
Criminal Trial Manual (1978)	_____	_____	_____
Forensic Evidence (1979)	_____	_____	_____
Sentencing Handbook (1980)	_____	_____	_____
Evidence Handbook (1980)	_____	_____	_____

2. Please indicate your 1st, 2nd and 3rd preferences for future training publications. Please add suggested topics not listed.

_____ Revise Criminal Trial Manual

_____ Update Sentencing Handbook

_____ Update Evidence Handbook

_____ Search and Seizure

_____ Forms and Motions Manual

_____ Juvenile Law

_____ Appellate Practice Manual

Suggested Topics:

III. TRAINING PROGRAMS

1. Please indicate which Council training programs you have attended in the past three years:

- | | |
|--|---|
| <input type="checkbox"/> Trial Ad Workshop (Mar/May '81) | <input type="checkbox"/> Forensic Evidence (Nov. 1979) |
| <input type="checkbox"/> Evidence (November 1980) | <input type="checkbox"/> Juvenile Law (September 1979) |
| <input type="checkbox"/> Forensic Lab (September 1980) | <input type="checkbox"/> Sentencing & Legislation (Mar..) |
| <input type="checkbox"/> Insanity Defense (August 1980) | <input type="checkbox"/> Search & Seizure (Jan. 1979) |
| <input type="checkbox"/> Sentencing & Legislation (Mar. '80) | |

2. How do you feel Council training programs can be improved? _____

3. If you have never attended Council programs, what reasons have influenced you?

- | | |
|---|---|
| <input type="checkbox"/> not interested | <input type="checkbox"/> topics don't sound interesting or useful |
| <input type="checkbox"/> too busy | <input type="checkbox"/> format doesn't sound interesting |
| <input type="checkbox"/> inadequate publicity | <input type="checkbox"/> scheduling or locations too inconvenient |

other reasons: _____

4. Future topics: Please mark your 1st, 2nd, 3rd & 4th preference

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Pretrial Motions and Discovery | |
| <input type="checkbox"/> Search & Seizure | <input type="checkbox"/> Interviewing, Counseling & Negotiation | |
| <input type="checkbox"/> Juvenile Law | <input type="checkbox"/> Defending Sex Offense Cases | |
| <input type="checkbox"/> Death Penalty Defense | <input type="checkbox"/> Confessions and Interrogation | |
| <input type="checkbox"/> Forensic Evidence | Special Defenses: | |
| <input type="checkbox"/> Appellate Practice | <input type="checkbox"/> Intoxication | <input type="checkbox"/> Insanity |
| <input type="checkbox"/> Eyewitness Identification | <input type="checkbox"/> Self-defense | <input type="checkbox"/> Entrapment |

Workshop Programs:

- | | |
|--|--|
| <input type="checkbox"/> Trial Advocacy Workshop
(two 4-day sessions) | <input type="checkbox"/> Jury Selection (1 or 2 days) |
| <input type="checkbox"/> Opening Statements & Final Arguments
(1 or 2 days) | <input type="checkbox"/> Direct & Cross Examination
(1 or 2 days) |

Other topics: _____

5. Program Format: Please mark your 1st and 2nd preference

- | |
|---|
| <input type="checkbox"/> one topic covered per seminar |
| <input type="checkbox"/> several topics covered per seminar |

III. TRAINING PROGRAMS - continued

6. Teaching Format: Please mark your 1st, 2nd and 3rd preference

- lectures and discussion
- small participatory workshops
- panel discussions
- video tapes
- demonstrations

7. Scheduling:

Do you prefer 1-day programs? _____

If so, please circle your preferred weekday: M T W TH F SAT

Do you prefer 2-day weekend programs? _____

If so, please indicate your preference: Friday and Saturday
 Saturday and Sunday

IV. RESEARCH AND TECHNICAL ASSISTANCE

1. How often have you used the Council's research services? more than 5 times
 1 to 5 times
 never

2. If you have, please evaluate the quality of the research you received:
 Excellent Mediocre Incomplete/irrelevant Useless

3. How do you feel our research assistance services could be improved? _____

4. If you have never used our research services, please comment why. _____

5. Have you ever used the consulting & technical services of Council attorneys for

- jury selection in felony cases
- assistance in locating expert witnesses
- referrals to other Indiana attorneys who have handled similar cases and issues
- assistance in preparing pretrial motions and memoranda
- assistance in death penalty cases
- brainstorming

6. How do you feel our consulting and technical assistance services could be improved? _____

BY-LAWS
OF
INDIANA PUBLIC DEFENDER COUNCIL

ARTICLE I. NAME, MEMBERSHIP AND DUES

Section 1. Name. The name of this organization shall be Indiana Public Defender Council.

Section 2. Membership. Each Public Defender, Contractual Pauper Counsel and other court-appointed attorneys regularly appointed to represent indigent defendants in several judicial circuits in the State of Indiana shall, by virtue of their holding of said office and position, be members of this Council.

Section 3. Dues. The respective members of the Council shall become members by virtue of their office and position; as provided within Section 2 of this Article, and shall not be assessed any dues.

ARTICLE II. COUNCIL - PURPOSE, DUTIES AND NONPARTISANSHIP

Section 1. Purpose. The purpose of the Indiana Public Defender Council shall be to further the practice of criminal defense law in the most efficient and professional manner and to operate for the mutual benefit of all Public Defenders, Contractual Pauper Attorneys and other court-appointed attorneys regularly appointed to represent indigent defendants.

Section 2. Duties. The Council shall assist in the coordination of the duties of the attorneys engaged in the defense of indigents at public expense; prepare manuals of procedure; assist in the preparation of trial briefs, forms and instructions; conduct research and studies of interest or value to all such attorneys; and maintain liaison contact with study commissions and agencies of all branches of local, state and federal government that will benefit criminal defenses as part of the fair administration of justice in Indiana.

Section 3. Nonpartisanship. While it is recognized that the membership is composed of different political parties, this Council shall not in any way operate as a partisan political group.

ARTICLE III. COUNCIL DIRECTORS - DUTIES, VACANCIES, MEETINGS, QUORUM, ORGANIZATION, ORDER OF BUSINESS

Section 1. Directors. The governing body of this Council shall consist of a Board of Directors, composed of eleven (11) members; ten (10) of whom shall be elected by the entire membership of the Council. The Public Defender of Indiana shall be the Executive Director of the Council and also serve as a member of the Board of Directors. The Board of Directors shall elect a Chairman, Vice Chairman, and Secretary.

For purposes of organization, five (5) elected members of the presently constituted Board of Directors as chosen by the Board shall serve until the annual summer meeting of 1979, and the remaining five (5) elected members shall serve until the annual summer meeting of 1980, at which time five (5) Board positions will be subject to nominations. The Council, at the first election, shall elect five (5) members to serve for a period of two (2) years; thereafter, all elections of members to the Board of Directors shall be for a period of two (2) years or until the completion of the term of the retiring member so as to facilitate the purposes of this section. Nominations for positions on the Board of Directors shall be at large and not pursuant to any geographic division of the state. Members of the Board of Directors shall be elected by the entire membership of the Council. Said election shall be conducted at the annual summer meeting of the membership and the newly elected Directors shall assume the duties of their office immediately following said election.

Section 2. Duties of the Board of Directors. The Board of Directors shall have the management and control of the business of the Council. It shall have the authority to employ an Executive Director and staff a training director, staff and clerical personnel as necessary to carry out its purpose and to appoint committees.

Section 3. Vacancies. Any vacancies that shall occur in the Board of Directors shall be filled by the remaining Directors for the duration of the unexpired term of any such vacancy.

Section 4. Meetings. The Board of Directors shall meet at least once annually quarterly and at such other times as may from time to time be determined. The Chairman shall cause the Secretary to give due notice of the time and place of said meeting. The Chairman shall have the power to call a meeting of the Board of Directors by giving proper notice thereof. Other meetings of the Board of Directors may be held upon the call of three (3) or more members of the Board of Directors by giving written notice at least forty-eight (48) hours beforehand stating the time and place of said meeting.

Section 5. Quorum. At any meeting of the Board of Directors the presence of a majority of the members of the Board shall constitute a quorum for the transaction of any business.

Section 6. Organization. The Chairman, and in his absence the Vice Chairman, and in their absence, any Director chosen by the Directors present, shall call the meetings of the Board of Directors to order and shall act as chairman of such meetings. The Secretary of the Council shall act as Secretary of the Board of Directors but in the absence of the Secretary, the presiding officer may appoint any member to act as Secretary.

DELETE

Section 6. Order of Business. The order of business of meetings of the Board of Directors shall be as follows:

1. Roll Call.
2. Reading of the Minutes of the preceding meeting and action thereon.
3. Reports of Officers.
4. Reports of Committees.
5. Unfinished Business.
6. New Business.
7. Adjournment.

ARTICLE IV. COUNCIL OFFICERS - ELECTION, DUTIES, VACANCIES, CHAIRMAN, VICE CHAIRMAN, SECRETARY

Section 1. Officers. The officers of the Council shall consist of a Chairman, Vice Chairman and Secretary.

Section 2. Election of Officers. The officers of the Council shall be elected by the membership of the Board of Directors at the first organizational meeting following the annual summer meeting of the Council and shall serve for a term of one (1) year.

Section 3. Vacancies. Whenever any vacancies shall occur in any office for any reason, the same shall be filled by the Board of Directors for the remaining portion of the term created by such vacancy.

Section 4. Chairman. The Chairman shall preside at all meetings of the membership and directors, discharge all the duties which devolve upon a presiding officer and such other duties as the Board of Directors may prescribe.

Section 5. Vice Chairman. The Vice Chairman shall perform all the duties of the Chairman during his absence or disability and such other duties as the Board of Directors may prescribe.

Section 6. Secretary. The Secretary shall have custody and care of the records and minutes of the Council. He shall attend all meetings of the Council and the Board of Directors and shall keep or cause to be kept a true and complete record of the proceedings of such meetings. He shall serve notices of the Council. He shall keep a complete and accurate record of the membership.

Section 7. Executive Director. The Board of Directors shall prescribe such powers and duties for the Executive Director as they may by written resolution deem necessary, which powers shall be in addition to those prescribed by law.

DELETE { Section 8. Training Director. The Board of Directors may employ a Training Director and prescribe such powers and duties as they may by written resolution deem necessary.

ARTICLE V. MEETING OF MEMBERSHIP, QUORUM AND ORDER OF BUSINESS

→ Section 1. Meetings of the Membership. The membership of the Council shall meet semi-annually, ~~once in the summer and once in the winter~~ and at such other times and places as may be approved by the Board of Directors. Such meetings shall be called upon written notice to members at least ten (10) days prior to the opening of such meeting.

Section 2. Quorum. The members present at any meeting of the membership shall constitute a quorum for the transaction of business. Each member shall be entitled to one (1) vote and no proxy shall be allowed.

Section 3. Order of Business. The order of business so far as possible at all meetings shall be:

1. Call to order and proof of quorum.
2. Proof of notice of meeting.
3. Reading and action on any unapproved minutes.
4. Reports of Officers and Committees.
5. Election of Directors.
6. Unfinished Business.
7. New Business.
8. Adjournment.

ARTICLE VI. AMENDMENTS

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

The proposed change in said By-Laws shall be first by resolution of the Board of Directors and said resolution shall be given in writing to the membership of the Council at least forty-eight (48) hours preceding any meeting at which said proposed change shall be brought before the membership and a two-thirds (2/3) majority of the members present at such meeting shall be required for the passage of such amendment.

ARTICLE VII. PARLIAMENTARY PROCEDURE

Roberts Rules of Order shall govern any situation not covered by these By-Laws.